

Medical records for past employees: Should we retain them? If so, how long?

Q. Is there any reason to keep old medical files on past employees? Usually the info in the medical files is whether they've had a TB test, typical paperwork on physicals, or return-to-work information after pregnancies or injuries. — Carol, Wyoming

A. Each state has different rules on record-keeping, and each state typically has a variety of laws that allow a former employee to pursue a legal action against an employer after the employment terminates.

Employers typically gear their record-retention policies to those types of rules so they have certain documents if they need them. In general, most employers retain personnel records of former employees for two to seven years after the employment has ended, unless there is some other ongoing work relationship with the person. One important exception: workplace health and safety records relating to occupational safety and health (i.e., OSHA compliance) must be kept for 30 years after the employee has left your employment.

You don't say how you come to have those medical records, but to the extent they may relate to OSHA-recordable injuries or workplace health monitoring, you may need to arrange to keep them for a very long time.