

How long should we retain employee files?

Q. How long after employees have left should we retain their files? And if we shred the files, do we have to keep a record of employment date, termination date and any other information? — J.T, Ohio

A. How long employers should keep personnel files is more a function of state law than anything else. It largely depends on how long an employee has to bring a claim for which those records could be relevant. Some of these rules are governed by federal law and others by state law.

For an Ohio employer, for example, I suggest the following guidelines:

- Wage-and-hour records: Three years
- I-9 forms: Three years after hiring, or one year after separation (if later)
- Employee personnel, medical and other employment records: Six years after termination
- Tax and payroll records: Seven years
- Written employment contracts and other agreements: 15 years