

## **RECORDS RETENTION REQUIREMENTS IN OHIO**

Below is a list of documents relating to employment and the various statutes governing their retention. The longest applicable statutory requirements for each type of document have been listed. It should also be noted that the Statute of Limitations for unlawful discrimination under Ohio Revised Code 4112 is six years. For this reason, ***we would recommend retaining any documents related to an employee's termination for at least 6 years after termination.***

<b>RECORDS THAT MUST BE RETAINED</b>	<b>LONGEST STATUTORY RETENTION PERIOD</b>	<b>LAW REQUIRING RETENTION</b>
Job applications. Resumes. Other job inquiries sent to employer.	<b>One year after creation of the document or the hire/no hire decision, whichever is later. (Two years for large government contractors.)</b>	TITLE VII 29 C.F.R. §1602.1 <i>et seq.</i>  ADEA 29 C.F.R. §1627.3 <i>et seq.</i>  §503 of 1973 REHABILITATION ACT 41 C.F.R. §60-741.80  ADA 29 C.F.R. §1630.14(b)(1), 1602.14(a), 1602.28, and 1602.21(a)
Help wanted ads. Job opening notices, notices for opportunities for training, promotion, overtime, job opening notices sent to employment agencies or labor unions.	<b>One year after creation of the document or the personnel action, whichever is later. (Two years for large government contractors.)</b>	ADEA 29 C.F.R. §1627.3 <i>et seq.</i>  §503 of 1973 REHABILITATION ACT 41 C.F.R. §60-741.80  ADA 29 C.F.R. §1630.14(b)(1), 1602.14(a), 1602.28, and 1602.21(a)
Payroll records detailing all expenditures for payroll and the division of such expenditures into the various divisions and classifications of the employer's business.	<b>Five Years after the respective times of the transactions upon which the records are based.</b>	OHIO WORKERS' COMPENSATION LAW O.R.C. § 4123.24

<p>All other payroll records, including, but not limited to individual employee wage records; name, employee number, address, date of birth, sex, occupation, time and day work week begins, regular hourly rate, hours worked each day and total weekly hours; daily or weekly straight-time earnings, weekly overtime earnings; and deductions or additions to wages, wages paid each pay period, date of payment and period covered by payment, and retroactive wage payments under any government supervision.</p>	<p style="text-align: center;"><b>Three years from either date of termination or date of last entry, whichever is later.</b></p>	<p>OHIO MINIMUM WAGE AND RECORD-KEEPING LAW Ohio Const. Art. II, §34a; O.R.C. §§4111.14 &amp; 4109.11</p> <p>TITLE VII 29 C.F.R. § 1602.1 <i>et seq.</i></p> <p>FLSA 29 C.F.R. § 516.1 <i>et seq.</i></p> <p>ADEA 29 C.F.R. § 1627.3 <i>et seq.</i></p> <p>§503 of 1973 REHABILITATION ACT 41 C.F.R. § 60-741.80</p> <p>ADA 29 C.F.R. § 1630.14(b)(1), 1602.14(a), 1602.28, and 1602.21(a)</p>
<p>Federal Income Tax Withholding, Social Security, Medicare and FUTA Taxes.</p> <ul style="list-style-type: none"> <li>• Employee's name, address, occupation and social security number.</li> <li>• Date of each wage payment made to the employee (including tips).</li> <li>• Wages subject to withholding for Federal income tax, social security and medicare taxes, employee's Form W-4, employee's hire and termination dates.</li> <li>• Tip reporting records.</li> <li>• Any fringe benefits provided to the employee.</li> <li>• Copies of all Federal tax returns filed, Copy D of employee Form W-2, and Forms 940, 941, 943, and 1099-R.</li> </ul>	<p style="text-align: center;"><b>At least 4 years after the payment, deduction of taxes or due dates of returns.</b></p>	<p>Internal Revenue Service - Various</p>

<b>RECORDS THAT MUST BE RETAINED</b>	<b>LONGEST STATUTORY RETENTION PERIOD</b>	<b>LAW REQUIRING RETENTION</b>
<p>Employee wage records, including but not limited to time cards, wage rate tables used in computing straight-time and overtime, shift schedules, hours and days worked of individual employees.</p>	<p><b>Three years from date of termination.</b></p>	<p>OHIO MINIMUM WAGE AND RECORD-KEEPING LAW Ohio Const. Art. II, §34a; O.R.C. §§4111.14 &amp; 4109.11</p> <p>TITLE VII 29 C.F.R. §1602.1 <i>et seq.</i></p> <p>FLSA 29 C.F.R. §516.1 <i>et seq.</i></p> <p>ADA 29 C.F.R. §1630.14(b)(1), 1602.14(a), 1602.28, and 1602.21(a)</p>
<p>Child labor certificates and notices. Written records which shall state the name, address, and occupation of each minor employed, the number of hours worked by such minor on each day of the week, the hours of beginning and ending work, the hours of beginning and ending meal periods, and the amount of wages paid each pay period to each minor.</p> <p>Employers must keep on the premises a complete list of all minors employed at a particular establishment</p>	<p><b>Three years from date of termination.</b></p>	<p>OHIO MINIMUM WAGE AND RECORD-KEEPING LAW Ohio Const. Art. II, §34a; O.R.C. §§4111.14, 4109.11. and 4109.08</p> <p>FLSA 29 C.F.R. §516.1 <i>et seq.</i> 29 C.F.R. §570.5, 29 U.S.C. §211(c)</p>
<p>Employee personnel files (any records maintained in personnel file) such as those records relating to hiring (including interview notes), disciplinary notices, promotions, demotions, discharge, training, tests, physicals, transfer, layoff and recall, job evaluations, merit systems, seniority systems.</p>	<p><b>One year from creation of record or personnel action involved, whichever is later. (Two years for large government contractors.)</b></p> <p><b>It is recommended, however, that documents related to termination be retained for six years.</b></p>	<p>TITLE VII 29 C.F.R. §1602.1 <i>et seq.</i></p> <p>ADEA 29 C.F.R. §1627.3 <i>et seq.</i></p> <p>§503 of 1973 REHABILITATION ACT 41 C.F.R. §60-741.80</p> <p>ADA 29 C.F.R. §1630.14(b)(1), 1602.14(a), 1602.28, and 1602.21(a)</p>

<b>RECORDS THAT MUST BE RETAINED</b>	<b>LONGEST STATUTORY RETENTION PERIOD</b>	<b>LAW REQUIRING RETENTION</b>
Pension and Welfare Plan information, fringe benefits (including the Form 5500 annual report and the Form 5300 series and underlying information used to prepare such reports).	<b>Indefinite (at least nine years).</b>	ADEA 29 C.F.R. §1627.3 <i>et seq.</i>  ERISA 29 U.S.C. §1027
Union contracts, written agreements or memoranda summarizing terms of oral agreements/understandings, and individual employee contracts.	<b>Three years from last effective date.</b>	FLSA 29 C.F.R. §516.1 <i>et seq.</i>
Business records, including yearly total sales volume, total goods purchased.	<b>Three years.</b>	FLSA 29 C.F.R. §516.1 <i>et seq.</i>
Ordering, shipping, and billing records.	<b>Two years (from last date of entry).</b>	FLSA 29 C.F.R. §516.1 <i>et seq.</i>
Qualifications of apprenticeship applicants including test papers, interview records, and standards for same.	<b>At least two years or the duration of the apprenticeship, whichever is later.</b>	ADA 29 C.F.R. §1630.14(b)(1), 1602.14(a). 1602.28, and 1602.21(a)
Apprenticeship program and agreements and costs of same; selection for training or apprenticeship.	<b>At least three years from the last effective date of the program. (At least six years if the program qualifies as a welfare benefit plan.)</b>	TITLE VII 29 C.F.R. §1602.1 <i>et seq.</i> FLSA 29 C.F.R. §516.1 <i>et seq.</i>  ERISA 29 U.S.C. §1027
Requests for reasonable accommodations.	<b>One year from the creation of the particular document or execution of the applicable employment decision, whichever is later. (Two years for large government contractors.)</b>	§503 of 1973 REHABILITATION ACT 41 C.F.R. §60-741.80  ADA 29 C.F.R. §1630.14(b)(1), 1602.14(a). 1602.28, and 1602.21(a)
Special learner, handicapped or apprenticeship certificates.	<b>Three years from last effective date.</b>	FLSA 29 C.F.R. §516.1 <i>et seq.</i>
Compensation insurance or for occupational injury or disease.	<b>Five years from the end of the calendar year that relevant records cover.</b>	OSHA 29 C.F.R. §1904.33 <i>et seq.</i>

<b>RECORDS THAT MUST BE RETAINED</b>	<b>LONGEST STATUTORY RETENTION PERIOD</b>	<b>LAW REQUIRING RETENTION</b>
Physical exam results and information regarding an individual's medical condition and history.	<b>One year from date of personnel action to which record relates. (Physical exam records must be kept for two years for large government contractors.)</b>	ADEA 29 C.F.R. §1627.3 <i>et seq.</i>  §503 of 1973 REHABILITATION ACT 41 C.F.R. §60-741.80  ADA 29 C.F.R. §1630.14(b)(1), 1602.14(a), 1602.28, and 1602.21(a)
First aid records of job injuries causing lost time from work.	<b>Five years from the end of the calendar year.</b>	OSHA 29 C.F.R. §1904.33 <i>et seq.</i>
OSHA 300 Log, OSHA privacy case list, OSHA annual summary, and OSHA 301 incident report.	<b>Five years from end of calendar year that relevant records cover.</b>	OSHA 29 C.F.R. §1904.33 <i>et seq.</i>
Previous OSHA Forms 101 and 200 (updating is not required).	<b>Five years from end of calendar year that relevant records cover (updating not required).</b>	OSHA 29 C.F.R. §1904.44
All documentation relating to any finding or award with respect to disability, compensation, dependency, or benefits as part of a workers' compensation claim (Ohio).	<b>Five Years from date of last Worker's Compensation payment.</b>	OHIO WORKERS' COMPENSATION LAW O.R.C. § 4123.52
FMLA Records Records relating to compliance with FMLA's general requirements for leave including, but not limited to, dates and hours of FMLA leave taken, employer notices, descriptions of employee leave benefits and policies, premium payments, and disputes.	<b>Three years from either date of termination or date of last entry, whichever is later.</b>	FMLA 29 U.S.C. §2654; 29 C.F.R. § 825.500
EEO-1, EEO-2 Forms.	<b>Two years.</b>	TITLE VII 29 C.F.R. §1602.1 <i>et seq.</i>  ADA 29 C.F.R. §1630.14(b)(1), 1602.14(a), 1602.28, and 1602.21(a)
INS Form I-9, Employment Eligibility Verification (may be retained in original or electronically stored format).	<b>Three years from date of hire or one year after termination, whichever is later.</b>	IMMIGRATION AND NATIONALITY ACT 8 U.S.C. §1101 <i>et seq.</i> and 8 C.F.R. §274a.2
Employment tests, results and validations.	<b>One year from date of personnel action. (Two years for large government contractors.)</b>	ADEA 29 C.F.R. §1627.3 <i>et seq.</i>  §503 of 1973 REHABILITATION ACT 41 C.F.R. §60-741.80
Personnel records relevant to charge or lawsuit for discrimination (including personnel	<b>Until final disposition of charge or lawsuit.</b>	TITLE VII 29 C.F.R. §602.1 <i>et seq.</i>

records of employees in similar positions and job applications/resumes for similar positions).		§503 of 1973 REHABILITATION ACT 41 C.F.R. §60-741.80
<b>RECORDS THAT MUST BE RETAINED</b>	<b>LONGEST STATUTORY RETENTION PERIOD</b>	<b>LAW REQUIRING RETENTION</b>
Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater, including but not limited to employer's copy of the alcohol test form, including the results of the test; employer's copy of the controlled substances test chain of custody and control form; documents sent by the medical review officer to the employer; documents related to the refusal of any driver to submit to an alcohol or controlled substances test; and documents presented by a driver to dispute the result of an alcohol or controlled substances test.	<b>Five years.</b>	FEDERAL MOTOR CARRIER SAFETY ACT 49 C.F.R. § 382.401
Records of driver verified positive controlled substances test results.	<b>Five years.</b>	FEDERAL MOTOR CARRIER SAFETY ACT 49 C.F.R. § 382.401
Documentation of refusals to take required alcohol and/or controlled substances test (consent and release form for alcohol/drug screening).	<b>Five years.</b>	FEDERAL MOTOR CARRIER SAFETY ACT 49 C.F.R. § 382.401
Calibration documentation.	<b>Five years.</b>	FEDERAL MOTOR CARRIER SAFETY ACT 49 C.F.R. § 382.401
Driver's evaluation and referrals, including but not limited to records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance; and records concerning a driver's compliance with recommendations of the substance abuse professional.	<b>Five years.</b>	FEDERAL MOTOR CARRIER SAFETY ACT 49 C.F.R. § 382.401
A copy of each annual calendar year summary required by DOT regulations 49 CFR § 382.403.	<b>Five years.</b>	FEDERAL MOTOR CARRIER SAFETY ACT 49 C.F.R. § 382.401
Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) and training, including but not limited to collection log books, if used; documents relating to the random selection process; calibration documentation for evidential breath testing devices; documentation of breath alcohol technician training; documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests; documents generated in connection with decisions on post-accident tests; documents verifying	<b>Two years.</b>	FEDERAL MOTOR CARRIER SAFETY ACT 49 C.F.R. § 382.401

<p>existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing; and each annual calendar year summary as required by DOT regulations (49 CFR § 382.403).</p>		
<p style="text-align: center;"><b>RECORDS THAT MUST BE RETAINED</b></p>	<p style="text-align: center;"><b>LONGEST STATUTORY RETENTION PERIOD</b></p>	<p style="text-align: center;"><b>LAW REQUIRING RETENTION</b></p>
<p>Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers, including materials on alcohol misuse and controlled substance use awareness, including a copy of the employer's policy on alcohol misuse and controlled substance use; documentation of compliance with the requirements of § 382.601, including the driver's signed receipt of education materials; documentation of training provided to supervisors for the purpose of qualifying the supervisors to make the determination concerning the need for alcohol and/or controlled substances based on reasonable suspicions; documentation of training for breath alcohol technicians as required by 49 C.F.R. § 40.213 (a); and certification that any training conducted under this part complies with the requirements for such training.</p>	<p style="text-align: center;"><b>At least two years from technician or other person's cessation of duties requiring training.</b></p>	<p>FEDERAL MOTOR CARRIER SAFETY ACT 49 C.F.R. § 382.401</p>
<p>Records related to the administration of the alcohol and controlled substances testing programs, including agreements with collection site facilities, laboratories, breath alcohol technicians, screening tests technicians, medical review officers, consortia, and third party service providers; names and positions of officials and their role in the employer's alcohol and controlled substances testing program(s); semi-annual laboratory statistical summaries or urinalysis required by 49 C.F.R. § 40.11(a); the employer's alcohol and controlled substances testing policy and procedures.</p>	<p style="text-align: center;"><b>Five years.</b></p>	<p>FEDERAL MOTOR CARRIER SAFETY ACT 49 C.F.R. § 382.401</p>

<b>RECORDS THAT MUST BE RETAINED</b>	<b>LONGEST STATUTORY RETENTION PERIOD</b>	<b>LAW REQUIRING RETENTION</b>
<p>Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02, including but not limited to employer's copy of the alcohol test form, including the results of the test; employer's copy of the controlled substances test chain of custody and control form; documents sent by the medical review officer to the employer; documents related to the refusal of any driver to submit to an alcohol or controlled substances test; and documents presented by a driver to dispute the result of an alcohol or controlled substances test. Agreements with collection site facilities, laboratories, medical review officers, substance abuse professionals and consortia; materials on alcohol misuse and controlled substance use awareness, including a copy of the employer's policy on alcohol misuse and controlled substance use; documentation of compliance with the requirements of § 382.601, including the driver's signed receipt of education materials; documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion; certification that any training conducted under this part complies with the requirements for such training, names and positions of officials and their role in the employer's alcohol and controlled substances testing program(s); monthly laboratory statistical summaries of urinalysis required by 49 CFR § 40.29(g)(6); and the copy of the Substance Abuse Policy and Procedure and supplement.</p>	<p><b>One year.</b></p>	<p>FEDERAL MOTOR CARRIER SAFETY ACT 49 C.F.R. § 382.401</p>

**NOTES:**

OSHA also requires that records relating to its Hazardous Communication regulations, including training and medical exams, be maintained for the duration of employment, plus 30 years.

The Rehabilitation Act of 1973 requires that "Where the contractor has received notice that a complaint of discrimination has been filed, that a compliance evaluation has been initiated, or that an enforcement action has been commenced the contractor must preserve all personnel records relevant to the complaint, compliance evaluation or action until final disposition of the complaint, compliance evaluation or action. The term 'personnel records relevant to the complaint, compliance evaluation or action' will include, for example, personnel or employment records relating to the aggrieved person and to all other employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the aggrieved person applied and was rejected." The Rehabilitation Act of 1973 applied only to records made or kept on or after August 29, 1996. 41 C.F.R. 60-741.80(a), (c).

There are no retention requirements under the Fair Credit Reporting Act (FCRA). However, the statute of limitations for a FCRA lawsuit is five years. For this reason, we recommend retaining consumer reports and related information for five years. Consumer information (a consumer report or information derived from a consumer report), which identifies an individual, must be properly disposed of with reasonable measures taken to protect against unauthorized access to or use of the information in connection with its disposal.