



# WASHINGTON STATE RECORD RETENTION

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A resource to create a record retention policy for your organization.





## Washington State Record Retention

Qualified Federal Contractors have additional record retention guidelines. Please reach out to your legal counsel or an employment specialist.

The following table has been generalized by type of record, and the retention period selected is the longest of all records included in that type of record. For example, payroll records are stated to be retained for 4 years because, while timesheets only need to be kept for 2 years, paystubs must be retained for 4 years. Since those are usually stored in the same file, 4 years is used in the table below.

| Type of Record                                    | Retention Period                                          |
|---------------------------------------------------|-----------------------------------------------------------|
| Apprenticeship/Training Programs                  | 5 years                                                   |
| Benefit Plan Docs (ERISA covered)                 | 6 years after filing date and during duration of the plan |
| Collective Bargaining Agreements                  | 3 years                                                   |
| EEO-1 Reports                                     | Permanent                                                 |
| Employee Toxic/Harmful Substance Exposure Records | Termination + 30 years                                    |
| FMLA Records                                      | Termination + 3 years                                     |

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| Type of Record                                        | Retention Period                                                                                                                |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Form 5500                                             | 6 years                                                                                                                         |
| HR Policies                                           | Current + prior 3 years                                                                                                         |
| Immigration                                           | Upon termination, retain the form for three years after date of hire or one year after date of termination, whichever is later. |
| Medical Records                                       | Termination + 6 years                                                                                                           |
| Non-DOT Pre-employment Testing                        | Termination + 3 years                                                                                                           |
| Payroll and Tax Records including time and attendance | Termination + 4 years                                                                                                           |
| Payroll Journal and Tax Returns                       | Permanent                                                                                                                       |
| Personnel Records                                     | Termination + 3 years                                                                                                           |

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| Type of Record                      | Retention Period          |
|-------------------------------------|---------------------------|
| Recruitment and Hiring Related Docs | No-Hire Decision + 1 year |
| USERRA Leave Records                | Permanent                 |

\* During pending litigation, employers are advised to keep all records pertaining to the pending litigation until the issue has been resolved.

\*\* Other state and local ordinances may differ. Please check with your legal counsel or employment specialist for other state requirements.



## Washington State Record Retention

Knowing how long to keep items is just the first step. Using the guidelines from the previous pages, develop a records retention policy (see **addendum A**). This policy should create a schedule to periodically update the record retention schedule, outline the storage location and format, acknowledge who has access to the files, and secure destruction processes.

**The following files should all be kept separately from an employee's personnel file:**

- Medical information (sick leave notes, FMLA, pre-employment medical exams, workers compensation claim docs, fitness-for-duty certifications, and even health insurance enrollment forms and COBRA information all must be stored securely and confidentially)
- Credit information (the Fair Credit Reporting Act requires that credit information and personal financial data be stored confidentially)
- Immigration forms (Form I-9 and supporting docs should be stored separately for confidentiality and to facilitate inspection)
- Complaints and investigation documents (internal claims, government agency claims, and documents related to lawsuits)

**What if a business is closing? Do these documents still need to be retained?**

- Yes, the IRS, DOL, and other state/federal agencies require businesses to retain certain files after the closure or sale of a business.



# Record Retention Policy

## Purpose

The [insert responsible department] retains and destroys personnel records in accordance with [Company Name's] corporate policies on business records retention, as well as federal and state laws governing record retention. Below is an outline of the [insert responsible department] operating procedures for personnel record retention and destruction of documents when such retention periods have passed. If [Company Name's] retention procedure is not of sufficient duration for any state in which the company does business, this procedure will be superseded by state requirements.

The [insert responsible department] maintains both employee record information and government compliance reports. Both are subject to the following retention requirements and destruction procedures.

### Maintenance of Employee Records

## Maintenance of Employee Records

The following employee information records are maintained in segregated personnel files:

1. Pre-employment testing results and background check information.
2. I-9 forms.
3. Benefits plan and employee medical records.
4. Health and safety records.
5. General employee personnel records.



## ADDENDUM A

These files are stored [insert where and how the files are stored; e.g., physical files are stored using a double lock technique, using a locking file cabinet in an office with a locking door] and only accessible by [insert who can access].

Government compliance reports are maintained in reverse chronological sequence and filed separately from the above employee information records.

### **Destruction of Employee and Applicant Records**

All personnel records and confidential employee data maintained by the [insert responsible department] will be destroyed by [shredding/permanent deletion] after retention dates have passed.

Employment application materials submitted by applicants who were never employed are also to be destroyed according to the retention schedule.

[In the case of remote employees, employees are discouraged from printing out or creating hard copies of confidential records where possible. If hard copies must be printed, created, or kept, they should be stored in a locked cabinet, drawer or other secure location until they are no longer needed, or until the maximum retention period has ended. Remote employees must then destroy all confidential files by shredding them in a locked shredder on the [Company Name] premises, or otherwise rendering the documents unusable or unreadable.]



## ADDENDUM A

Personnel records include electronic as well as paper records. The [insert responsible department] will work with the IT department periodically, but no less than twice annually, to review and ensure that the [insert responsible department] electronic records relating to employee information and compliance reports are properly purged.

### **Litigation Hold**

When [Company Name] is involved in or anticipates that it may be involved in litigation, all documents relating to the litigation matter must be kept in order to preserve any potential evidence. If we fail to do so, [Company Name] can be sanctioned by the court for destroying evidence. A court has broad authority to impose these sanctions, which may include anything from unfavorable procedural rulings during a trial to payment of monetary damages.

In the event that the [Company Name] announces a litigation hold on any or all [Company Name] records as a result of pending or anticipated litigation, all records covered by such litigation hold **MUST NOT** be discarded, deleted or destroyed. Further, the IT department will suspend the automatic deletion of emails for all individuals covered by the litigation hold. Any questions about the litigation should be directed to [insert responsible person].

### **Record Types and Retention Periods**

[Insert a table or list of the files you have, where they're retained, and how long they're retained for]