

Q&A

Legal Compliance



Courtesy of Meridian Benefits Consulting

Q

How long do I need to retain documents and records in case of litigation?

A

The length of time that is required to retain documents and records varies based on the type of document as well as state and federal law.

It is recommended that personnel records be retained for as long as an employee can bring action against an employer for an employment decision. However, if a claim is filed against an employer, the employer is then required to retain all relevant documents and records until final disposition of the matter, even if the original retention period has passed.

In addition, documents used to prepare reports required under the Employee Retirement Income Security Act (ERISA) must be retained for at least six years from the date of filing, though retaining for up to eight years is advised to accommodate late or extended filings. Review federal laws as well as specific state laws to determine how long a specific document or record should be kept.