

Recommended Indiana Hospital Records Retention and Disposition Schedule

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Administrative Records

Record	Recommended Retention	Explanation
Accident/Incident Reports (subject to civil/legal action)	10 years	See Legal Proceedings endnote 7
Annual Reports to Board	Permanent	See Corporate Records endnote 4
Appraisal Reports	Permanent	See Business/Accounting Records endnote 3
CPA/State Board of Accounts/Audit Reports	7 years	See Business/Accounting Records endnote 3
Daily Census	Permanent	See Industry Standard endnote 5
Communicable Disease Report to State and Local Departments of Health	3 years	See Industry Standard endnote 5
Constitution and Bylaws	Permanent	See Corporate Records endnote 4
Correspondence	5 years	See Industry Standard endnote 5
Death Records	Permanent	See Industry Standard endnote 5
Physician Files	Permanent	See Industry Standard endnote 5
Endowments, Trusts, Bequests	Permanent	See Duration endnote 6
Financial Reports	Permanent	See Industry Standard endnote 5
Expired Insurance Policies	10 years	See Legal Proceedings endnote 7
Environmental Liability, and Real Estate Title Insurance	Permanent	See Industry Standard, Duration, endnotes 5, 6
Licenses, Permits, Contracts	Permanent	See Duration endnote 6
Public Bid Materials	Permanent	See Industry Standard endnote 5
Alcohol and Narcotics Permits	Permanent	See Duration endnote 6
Hospital Policies and Procedures	Permanent	See Industry Standard endnote 5
Property Records (Deeds, Title, Leases, etc.)	Permanent	See Industry Standard endnote 5
Departmental Reports	5 years	See Industry Standard endnote 5
Admission and Services Statistics	Permanent	See Industry Standard endnote 5
Joint Commission, State Board of Health and other Inspection Reports	10 years	See Legal Proceedings endnote 5

Admitting Office Records

Record	Recommended Retention	Explanation
Admission and Discharge Logs	1 year plus current year	See Industry Standard endnote 5
Admission and Discharge Reports	1 year plus current year	See Industry Standard endnote 5
Patient Admission Records (Not Part of Medical Report)	1 year plus current year	See Industry Standard endnote 5

Business Office and Financial Records

Record	Recommended Retention	Explanation
Annual Audit Reports	7 yrs	Sarbanes Oxley § 802(a)(1) requires 5 year retention of securities audit records, however 17 C.F.R. § 210.2-06 requires retention for 7 years. Such information should include memoranda, correspondence, communications, other documents, and any records, including electronic records, that are used in connection with any audit or review of financial statements and that include any conclusions, opinions, analyses, or financial data related to the audit or review.
Annual Report of Operations	Permanent	See Industry Standard endnote 5
Budgets	5 years	See Industry Standard endnote 5
Cash Receipts	10 years	See Industry Standard endnote 5
Cashiers Tapes	7 years	See Business/Accounting Records endnote 3
Charge Tickets (To patients)	1 year plus current year	See Industry Standard endnote 5
Canceled Checks (All funds)	10 years	See Legal Proceedings, Business Accounting Records endnotes 7, 3
Vouchers	10 years	See Industry Standard endnote 5
Capital Expenditure Claim	Permanent	See Industry Standard

Voucher		endnote 5
Check Registers	10 years	See Legal Proceedings endnote 7
Credit and Collection Correspondence	5 years	See Industry Standard endnote 5
Current Insurance Policies	Permanent	See Duration endnote 6
Environmental Liability and Real Estate Title Insurance	Permanent	See Industry Standard, Duration, endnotes 5, 6
Bank Deposits	10 years	See Industry Standard endnote 5
Depreciation Records-Equipment	Permanent	See Business/Accounting Records endnote 3
Income Daily Summary	7 years	See Business/Accounting Records endnote 3
Journals-General	Permanent	See Industry Standard endnote 5
Ledgers-General	Permanent	See Industry Standard endnote 5
Ledger Cards-Patients	5 years	See Industry Standard endnote 5
Posting Audits	7 years	See Business/Accounting Records endnote 3
Medicare Cost Report and Working Papers	Permanent	See Industry Standard endnote 5
Medicare Records	5 years	42 C.F.R. § 482.24
Operating Fund Claim Vouchers	1 year plus current year	See Industry Standard endnote 5
Welfare Agency Record	7 years	See Medicaid Records endnote 9

Cardiology Cardiac Rehabilitation Records

Record	Recommended Retention	Explanation
Echocardiograms (Consider as part of Medical Record)	8 1/2 years	See Medical Records endnote 1
Electrocardiograms (Not Part of Medical Record)	8 1/2 years	See Industry Standard endnote 5
Holter Monitor Strips (Not Part of Medical Record)	8 1/2 years	See Industry Standard endnote 5
Rehabilitation Reports (Not Part of Medical Record)	8 1/2 years	See Industry Standard endnote 5
Stress Tests (Not Part of Medical Record)	8 1/2 years	See Industry Standard endnote 5

Clinic Records		
Record	Recommended Retention	Explanation
Appointment Books	3 years	See Industry Standard endnote 5
Attendance Reports-Summary	Permanent	See Industry Standard endnote 5
Medical Records	8 1/2 years 10 years for Medicare Advantage patients	See Medical Records endnote 1
Patients Name Index	Permanent	See Industry Standard endnote 5
Social Service (Consider as Confidential Case Histories)	8 1/2 years	See Medical Records endnote 1
Welfare Agency Records	7 years	See Medicaid Records endnote 9

Dietary Records		
Record	Recommended Retention	Explanation
Food Costs	5 years	See Industry Standard endnote 5
Meal Counts	1 year plus current year	See Industry Standard endnote 5
Menus	2 years	See Industry Standard endnote 5
Meal Pattern Cards	2 years	See Industry Standard endnote 5
Diet Instruction Records	5 years	See Industry Standard endnote 5
Diabetic and Cardiac Class Records	5 years	See Industry Standard endnote 5

Engineering/Plant Operations Records		
Record	Recommended Retention	Explanation
Blue Prints	Permanent	See Industry Standard endnote 5
Equipment Operating Instructions	Until 12 years after purchase or after equipment is disposed of	I.C. § 34-20-3-1
Environmental Items Regarding Equipment	Permanent	See Industry Standard endnote 5
Equipment Records by Location	Permanent	See Industry Standard endnote 5
Equipment Records on Inspection and Maintenance	5 years	See Industry Standard endnote 5

Inspection Reports of Grounds and Buildings	5 years	See Industry Standard endnote 5
Maintenance Worklogs	1 year plus current year	See Industry Standard endnote 5
Purchase Orders	2 years	See Industry Standard endnote 5
Temperature Charts	2 years	See Industry Standard endnote 5
Watchman Clock Dials	2 years	See Industry Standard endnote 5
Work Orders	2 years	See Industry Standard endnote 5
Meeting Minutes-Safety Committee	5 years	See Industry Standard endnote 5

Laboratory, Therapy, and Radiology Records		
Record	Recommended Retention	Explanation
Appointment Books	3 years	See Blood Transfusion Records endnote 10
Blood Donor Histories	8 1/2 years	See Medical Records endnote 1
Blood Transfusions	Permanent	See Blood Transfusion Records endnote 10
Index to Patients' Records	Permanent	See Industry Standard Endnote 5
Occupational Medicine Records	Thirty (30) years after termination of employment	See Industry Standard endnote 5
Pathology Reports	10 years	See Blood Transfusion Records endnote 10
Pathology Slides	10 years	See Blood Transfusion Records endnote 10
Radioisotopes-Receipt, Transfer, Use, Storage, Delivery, Disposal and Reports of Over Exposure	5 years	42 C.F.R. § 482.53(d).
Register of Tests (Chronological)	5 years	See Industry Standard endnote 5
Request for Tests	1 year	See Industry Standard endnote 5
Test Results (Excluding Radiology Pathology)	2 years (if originals are in Medical Record)	See Industry Standard endnote 5
Therapy Treatment Records – Inpatients	8 1/2 years	See Medical Records endnote 1
Therapy Treatment Records – Outpatients	8 1/2 years	See Medical Records endnote 1
Tissue Specimens	10 years	See Blood Transfusion

			Records endnote 10
	Roentgenograms	5 years	I.C. § 16-39-7-2(b) – (c)
	X-Rays	5 years	I.C. § 16-39-7-2(c)
	Mammograms (Original film and reports)	5 years (10 years if no additional films are taken)	I.C. § 16-39-7-3. See Medical Records endnote 1
	CAP Survey Reports (Lab)	Permanent	See Industry Standard endnote 5
	All Other Laboratory Records	8 1/2 years (Generally)	See Industry Standard endnote 5

Hospital Records

Record	Recommended Retention	Explanation
Annual Reports to Government Agencies	Permanent	See Industry Standard endnote 5
Birth Records	8 1/2 years	See Medical Records endnote 1
Death Records	8 1/2 years	See Medical Records endnote 1
Admission Lists	1 year plus current year	See Industry Standard endnote 5
Audits	5 years	See Industry Standard endnote 5
Census Sheets	Permanent	See Industry Standard endnote 5
Deceased Patients' Medical Records	8 1/2 years after last treatment date at the hospital	See Industry Standard endnote 5
Death Register	5 years	See Industry Standard endnote 5
Disease Index	5 years	See Industry Standard endnote 5
Physician Index	5 years	See Industry Standard endnote 5
Emergency Room Log	5 years	See 42 CFR 489.20(r)(1) (See also, Indiana State Department of Health Licensure Rules, 410 IAC 15, and EMTALA Interpretive Guidelines for more information on ER Logs).
Fetal Monitor Strips (Not in Medical Record)	8 1/2 years	See Industry Standard endnote 5
Inpatient Records other than medical records (See Medical Records below)	8 1/2 years	See Industry Standard endnote 5
OR/RR Logs	1 year plus current year	See Industry Standard endnote 5

Patient Index	Permanent	See Industry Standard endnote 5
Statistic Books	5 years	See Industry Standard endnote 5
Medical Records (Inpatient and Outpatient)	8 1/2 years 10 Years if a Medicare Advantage Plan patient	I.C. § 16-39-7-2(b)--minimum of 7 years and recommended 8 1/2 years. See endnote 1 for additional information on Medicare Advantage Patient records.
Minor's Records (including Birth Records)	8 1/2 years	See Medical Records endnote 1
Psychiatric Reports to State Department of Health	Permanent	See Industry Standard endnote 5
Ambulatory Surgical Outpatient Center Records	8 1/2 years	410 IAC § 15-2.5-3(g)--recommends 7 years but we recommend 8 1/2 years
HIPAA Documents	6 years	45 C.F.R. § 164.530(j)(2); see HIPAA Documents endnote 2

Medical Staff Records		
Record	Recommended Retention	Explanation
Bylaws , Rules, and Regulations	Permanent	See Industry Standard endnote 5
Credentialing File (meaning documents relevant to corrective actions or hearings in appellate review)	1. Files relating to breach of contract actions, 10 years. 2. Files relating to 42 U.S.C. § 1981 discrimination claims, 4 years. 3. Files relating to 42 U.S.C. § 1983 deprivation of rights claims, 2 years. 4. Files relating to federal anti-trust claims under the Sherman Act, 5 years.	1. I.C. § 34-11-2-11 2. 28 U.S.C. § 1658; <u>Jones v. R.R. Donnelley & Sons Co.</u> , 541 U.S. 369 (2004). 3. <u>Hardin v. Straub</u> , 490 U.S. 536, 542 (1989); I.C. § 34-11-2-4. 4. 18 U.S.C. § 3282.

Nursing Records

Record	Recommended Retention	Explanation
Applications – Non-employees	2 years	See Industry Standard endnote 5
Minutes of Meetings	2 years	See Industry Standard endnote 5
Peer Review Committee Minutes	5 years	See Industry Standard endnote 5
Patient Safety Committee Minutes	5 years	See Industry Standard endnote 5
Policies and Procedures	Permanent	See Industry Standard endnote 5
Continuing Education	Length of employment plus 3 years	See Industry Standard endnote 5

Miscellaneous Records		
Record	Recommended Retention	Explanation
Housekeeping Room Record	1 year plus current year	See Industry Standard endnote 5
Payroll and Time Records	See Personnel Below	

Pharmacy Records		
Record	Recommended Retention	Explanation
Controlled Substances – Inventory and Orders (Form 1451)	2 years	856 IAC § 1-28.1-12(g)
Narcotics Inventory	2 years	856 IAC § 1-28.1-12(g)
Narcotics Dispensed	2 years	856 IAC § 1-28.1-12(g); 2-4-1(c)
Prescriptions	2 years	I.C. § 25-26-13-25(a)
Methadone dispensed	2 years	856 IAC § 1-28.1-12(g)
Patient Profiles	6 years with ongoing purge	See Industry Standard endnote 5

Physical Therapy Records		
Record	Recommended Retention	Explanation
Medical Treatment Records	8 1/2 years	See Medical Records endnote 1
Patient's Name Index	Permanent	See Legal Proceedings endnote 7

Public Relations Records		
Record	Recommended Retention	Explanation
Historical Clippings	Permanent	See Industry Standard endnote 5
Contributor Records	Permanent	See Industry Standard endnote 5
Photographs-Institutional	Permanent	See Industry Standard endnote 5
Publications (House organs)	Permanent	See Industry Standard endnote 5

Purchasing and Receiving Records		
Record	Recommended Retention	Explanation
Packing Slips	3 months	See Industry Standard endnote 5
Purchase Orders	2 years plus current year	See Industry Standard endnote 5
Receiving Report	2 years	See Industry Standard endnote 5
Return Goods Credits/Memoranda	1 year plus current year	See Industry Standard endnote 5
Purchase Requisitions	2 years	See Industry Standard endnote 5

ENDNOTE EXPLANATIONS

1. Medical Records. Medical records must be retained for at least seven (7) years pursuant to I.C. 16-39-7-1(b). It is recommended that medical records be maintained for at least 8½ years due to the Indiana Medical Malpractice Act statute of limitations, which allows minors under the age of six, allegedly suffering from the consequences of malpractice, to bring an action until they reach the age of eight. See I.C. 34-18-7-1(b); Ledbetter v. Hunter, 842 N.E.2d 810, 815 (Ind. 2006)(concluding that "the plaintiff has failed to overcome the presumption of constitutionality that must be afforded the Medical Malpractice Act limitation period for minors"). Medical records can be reduced to microfilm at any time pursuant to 410 IAC 15-1.5-4(c)(4) and I.C. 16-39-7-1(b). The 8½ year recommendation would also cover the five (5) year requirement CMS imposes as a condition of participation. 42 C.F.R. § 482.24(b)(1).

With respect to x-rays, I.C. 16-39-7-2(c) requires hospitals to maintain a patient's x-ray film (or the minifications/microfilms) for a minimum of five (5) years. At the time an x-ray is taken (not a mammogram) the hospital must do one of the following:

- (a) Inform the patient in writing that the x-ray will be kept on file for at least five (5) years and that if the patient would like a copy of the x-ray, the hospital will provide the patient with same at its actual costs; or
- (b) Post a notice conspicuously in the examination area informing the patients that x-ray films will be kept on file for at least five (5) years and that upon request during that period, the hospital will provide the patient with a copy of the film at its actual costs.

Indiana Code §16-39-7-3 governs the maintenance of mammogram films. Original mammograms are to be maintained for at least five (5) years, or, if no additional mammograms have been performed, for ten (10) years after the date the original mammogram films were taken. Upon request by or on behalf of a patient, the hospital shall permanently or temporarily transfer a patient's original mammogram films and copies of any reports to a medical institution, a physician or other healthcare provider of the patient, or to the patient. The fee for such transfer may not exceed the hospital's actual cost in providing the films and reports.

At the time a mammogram is taken, the hospital shall inform the patient in writing of the length of time that the patient's original mammogram films will be maintained (five (5) or ten (10) years) and the procedure for obtaining the original mammogram films and copies. Under this section, hospitals are no longer required to give patients thirty (30) days notice in order to claim their mammogram films.

For Medicare Managed Care patients (Medicare patients who are covered under a Medicare Advantage Plan), Section 100.4 of the Medicare Managed Care Manual [<http://www.cms.hhs.gov/manuals/downloads/mc86c11.pdf>] requires that "records" be maintained for ten (10) years. While not exactly clear, it is assumed that this would include medical records.

2. HIPAA Documents. The Health Insurance Portability and Accountability Act (Public Law 104-191), effective April 14, 2003, requires a retention period for documents created in accordance with the documentation requirements under HIPAA. 45 C.F.R. § 164.530(j)(2). The retention period is six (6) years from the date of document creation or the date the document was last in effect, whichever is later. Id. These documents specifically include accountings of disclosures, amendments to medical records and responses thereto, and requests for accountings of disclosures. Such documents may also include policies and procedures with respect to protected health information, written communications, and other documented actions, activities, or designations required under HIPAA.
3. Business and Accounting Records. Generally, all business and accounting records should be retained for at least seven (7) years due to requirements found in Internal Revenue Service Code and Regulations. A general requirement is that records must be retained for so long as the contents thereof may become material in the administration of any Internal Revenue Service Code provision. Thus, some records may indeed be material for tax purposes so long as the business is in existence. Other records should be kept for as long as the IRS may bring an action against an organization, which is a seven (7) year period of limitations under 26 U.S.C. § 6501(e) (2008). For example, the IRS has increased the amount and detail of documents exempt organizations must disclose under the new Form 990, which requires disclosure of financial information, compensation information, governing documents, conflict of interest policies,

auditing information and policies, among others. These records and information whose disclosure the new Form 990 requires should be kept for at least the seven (7) year period of limitations. However, the IRS will have no time limitation for bringing a claim where the taxpayer has willfully attempted to evade taxation in any manner or has failed to file a return. Please note, some business and accounting records should be kept longer than seven (7) years, depending on their use. For example, if a hospital is taking deductions for the depreciation of equipment, it should keep records of those depreciations as long as it depreciates the equipment and then long enough afterwards in case the IRS brings suit. While the Indiana State Board of Accounting recommends that county and city hospitals should permanently keep certain records for auditing purposes, it again is recommended that hospitals determine the purposes for keeping certain records to determine if the seven (7) year recommendation would otherwise suffice. See Indiana State Board of Accounts, County and City Hospitals Manual, Chapter 1, *Records Retention* and Chapter 3, *Preservation and Destruction of Records*.

4. Corporate Records. Most corporate records should be maintained permanently inasmuch as there is no particular reason why an entity would want to dispose of such records. This would include records such as minutes of all board meetings, bylaws, articles of incorporation and similar documents.
5. Industry Standard. There are no specific statutes or regulations (except as noted below) which speak directly to the retention requirements for this type of record. Thus, any of the logs, copies of tests results, etc. may be kept according to hospital policies and guidelines established for an individual institution or in accordance with what Hall Render has determined as being the industry standard in past years.
6. Duration. It is necessary to keep some documents, such as licenses, permits, etc., for at least the duration of their validity because of their essential nature to the operation or well-being of a facility. After such documents expire, or their time of use is no longer valid, the Industry Standard will govern their retention period.
7. Legal Proceedings. Any records that are directly or even indirectly involved in litigation, claims, negotiations, etc. should, at an absolute minimum be maintained until the issues involved are fully resolved. It is recommended that these records be kept indefinitely and certainly any settlement papers should be kept permanently. Some records should also be retained, at the minimum, until the statute of limitations runs where after, in certain instances, a claimant cannot bring an action against a hospital. The statute of limitations for general personal injuries, etc., is two (2) years. See I.C. § 34-11-2-4. However, it may be longer in other situations. Please consult Hall Render or other legal counsel for further guidance on these issues.
8. Medicare Records. Pursuant to the Medicare Claims Processing Manual (CMS Pub. 100-4), Chapter 1, §§110 - 110.3, Medicare cost report materials must be maintained for five (5) years after the month the cost report is filed with the Intermediary. This includes original invoices, canceled checks, the Hospital copies and materials used in preparing the cost report, other similar cost reports, schedules, related worksheets, contracts and records dealing with outside sources of medical supplies, services for related organization. It is suggested that hospitals retain their Medicare cost reports and working papers permanently. Also, if providers subcontract services that would cost more than \$10,000 over a twelve (12) month period, then they must include a clause in the subcontract that until the expiration of four (4) years after the furnishing of such services pursuant to such subcontract, the provider must make available the subcontract, books, documents and records of such organization that are necessary to verify the nature and extent of its costs. 42 C.F.R. § 402.302. It should be noted that the Medicare Claims

Processing Manual does not explicitly state that it is necessary to keep these records permanently. It only states that a provider should keep records relating to the submission of a cost report to an Intermediary for five (5) years after a submission. The manual does not indicate any rationale for keeping records beyond that time period.

9. Medicaid Records. Pursuant to 405 I.A.C. 1-5-3, financial records pertaining to Medicaid must be maintained for a period of not less than three (3) years after the date of submission of financial reports to the State Department of Health. Providers, in compliance with 405 I.A.C. 1-5-1, must maintain for a period of seven (7) years from the date Medicaid Services are provided medical and other records as are necessary to fully disclose and document the extent of the services provided to individuals receiving assistance under the Indiana Medicaid program.

10. Blood Transfusion Records. CLIA regulations require that blood transfusion records be retained for ten (10) years. 21 C.F.R. § 606.160(d). If there is no expiration date on blood or a blood component, their records should be retained indefinitely. Nonetheless, if such records are kept as part of the medical record, they should be retained for 8½ years pursuant to our medical records retention guideline (See Endnote 1). However, we recommend keeping blood transfusion records permanently due to the potential for the spread of infectious/communicable disease, the discovery of which could occur outside the retention period.

PERSONNEL RECORD RETENTION REQUIREMENTS

Employers must ensure that their record keeping practices adhere to all of the numerous statutes and regulations dictating what types of records must be retained and the corresponding periods of retention. Below is a listing of record retention requirements of specific interest to those dealing in human resources. The chart considers the records involved, the period of retention, and the statutory foundation for these requirements.

Basic Payroll and Personnel Records and Information		
Record	Recommended Retention	Explanation
<p>Payroll Records Includes:</p> <p>a. Basic payroll records which includes name, home address, date of birth if under 19, sex and occupation, start of work week (time and day), daily and weekly hours of work, total daily or weekly straight time earnings, total overtime compensation for the workweek, total additions to or deductions from wages paid, total wages each pay period, basis of payment (e.g. "\$/month" or "\$/an hour"), and date of payment and the pay period covered by payment.</p> <p>b. For each non-exempt employee under FLSA, include regular hourly rate of pay for any week in which overtime occurs. And records of additions to or deductions from payroll.</p>	<p>a. 3 years: Basic payroll records (See also personnel records below) and certificates and notices of Wage-Hour Administrator.</p> <p>b. 2 years: Wage rate tables, work time schedules, job evaluations, merit and seniority systems, records of deductions or additions to pay.</p>	<p>Fair Labor Standards Act (29 C.F.R. §§ 516.5-516.6); Family Medical Leave Act (29 C.F.R. § 825.500); Age Discrimination in Employment Act (29 C.F.R. § 1627.3).</p> <p>b. 29 C.F.R. § 516.6.</p>
<p>Employment Eligibility Verification Includes: Employment Eligibility Verification Form (INS Form I-9).</p>	<p>3 years after date of hire (commences on the date of execution of the I-9) or 1 year after date employee is terminated, whichever is later.</p>	<p>Immigration Reform and Control Act of 1986 (8 U.S.C. § 1324a; 8 C.F.R. § 274a.2(c)(2)).</p>

Employee History Records and Information

Record	Recommended Retention	Explanation
<p>Personnel or Employment Records Includes: Any employment record made or kept, including applications and records having to do with hiring, promotion, demotion, transfer, layoff, or termination, replies to job advertisements (including records of failure to hire), test papers in connection with aptitude tests, physical examination results, job orders submitted to employment agencies or unions, and selection for training or apprenticeship.</p>	<p>1 year from date of making record or taking personnel action (i.e. termination), whichever is later.</p>	<p>Title VII of Civil Rights Act and Americans with Disabilities Act (See 29 C.F.R. § 1602.14); Age Discrimination in Employment Act (See 29 C.F.R. § 1627.3).</p>
<p>Employee Health Records Includes: Any employee health record included but not limited to: (1) the results of medical examinations and tests; (2) any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and (3) any employee medical complaints relating to workplace exposure.</p> <p>Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.</p>	<p>30 years after termination of employment</p>	<p>620 IAC § 1-1-16 and 29 C.F.R. § 1910.1020(d)(1)(i).</p>

	<p>Employee Workplace Exposure Records Includes: Records which contain information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to: (1) the results of medical examinations and tests;</p>	30 years after termination of employment.	620 IAC § 1-1-16 and 29 C.F.R. § 1910.1020(d)(1)(ii).
	<p>(2) any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and (3) any employee medical complaints relating to workplace exposure. These records include both individual medical records and general research or statistical studies based on information collected from medical records.</p>		(2) 29 C.F.R. § 1910.1020(d)(1)(ii)
	<p>Personnel Records Related to EEOC Charge Includes: Personnel records relevant to bias charge or action by EEOC or Attorney General against employer, including, for example, records relating to charging party and to all other employees holding similar positions, application or test papers completed by unsuccessful applicants and by all other applicants applying for same position.</p>	Until final disposition of charge or action.	Title VII of Civil Rights Act (29 C.F.R. § 1602.21(b)).

	<p>FMLA Records Includes: Dates FMLA leave is taken; hours FMLA leave is taken if taken in less than full day increments; copies of employee notices including general and specific notices given to employees as required under FMLA; documents describing benefits or employer policies/practices regarding the taking of unpaid or paid leave; premium payments of employee benefits; records of any dispute regarding designation of FMLA leave; and records or documents regarding medical certifications, recertifications, or medical histories (must be kept in separate files and treated as confidential).</p>	3 years	Family Medical Leave Act (29 C.F.R. § 825.500(b)).
	<p>Employment Information Report Includes: Form EEO-1 for those employers with 100 or more employees.</p>	Copy of most recent report filed for each reporting unit must always be retained at each such unit or company or divisional headquarters.	Title VII of Civil Rights Act (29 C.F.R. § 1602.7).
	<p>Apprenticeship Reports Includes: a. Those required to file apprenticeship reports shall maintain a (1) chronological list of names and addresses of all applicants, dates of application, sex, minority group identification, or (2) file of written applications containing same information. b. Any other record made solely for completing EEO-2 or similar reports.</p>	<p>a. 2 years from date of application, or, if an annual report is required by the Commission, 2 years or period of successful applicant's apprenticeship, whichever is longer. A copy of the most recent apprenticeship report should be maintained at all times b. EEO-2 records or supporting records must be kept 1 year from date of report.</p>	Title VII of Civil Rights Act (29 C.F.R. § 1602.15 and § 1602.21).

	Affirmative Action Programs Includes: All documents related to affirmative action programs including required utilization analysis and utilization evaluation for supply and service contractors and subcontractors.	Maintain all documents for the life of the program and a minimum of 1 year following the completion of the program.	Executive Order 11246 , 41 C.F.R. § 60-1.12
	Employee Benefit Plans Includes: Employee Benefits Plans, written seniority or merit rating systems and related documents.	Maintain during period of plan or system plus 1 year.	Employment Act (29 C.F.R. § 1627.3(b)(2).

OSHA Records		
Record	Recommended Retention	Explanation
OSHA Records Includes: Form 101 (Workers Comp. Board First Report of Injury); Form 200, Log and Summary of Occupational Injuries and Illnesses; OSHA 300 log; privacy case list, 301 incident forms; annual summary.	5 years	Occupational Safety and Health Act § 9. (29 C.F.R. § 1904.44 and 1904.33).
OSHA Exposure Monitoring Includes: All health records of employees who are exposed to toxic or other designated hazardous products (e.g. bloodborne pathogens) and other related exposure monitoring records.	30 years from date of exposure	Occupational Safety and Health Act (29 C.F.R. § 1904). (29 C.F.R. § 1910.1020(d)(1)(ii)).

ERISA Records

Record	Recommended Retention	Explanation
<p>ERISA Report filings Includes: Documents and reports of matters subject to the ERISA reporting and disclosure requirements including, annual reports, SARs, SPDs, and SMMs.</p>	<p>6 Years from date of filing the reports or documents or 6 years after the reports or documents would have been filed if not for an exemption or simplified reporting requirement.</p>	<p>Employee Retirement Income Security Act § 107. (29 U.S.C. § 1027).</p>
<p>ERISA Supporting Documents Includes: Documents which support ERISA reports with enough detail to allow verification and clarification including, vouchers, worksheets, receipts, and applicable resolutions.</p>	<p>6 Years from date of filing the reports or documents or 6 years after the reports or documents would have been filed if not for an exemption or simplified reporting requirement.</p>	<p>Employee Retirement Income Security Act § 107. (29 U.S.C. § 1027).</p>

UNION/EMPLOYMENT CONTRACTS AND WALSH-HEALEY PUBLIC CONTRACTS

Record	Recommended Retention	Explanation
<p>Union Related Records Includes: Documents that verify payments to union representatives and labor consultants as well as other related documents.</p>	<p>5 Years</p>	<p>Labor-Management Reporting and Disclosure Act § 10 (29 U.S.C. § 436).</p>
<p>Union Contract/Employment Includes: Collective bargaining agreements or individual employee contracts.</p>	<p>3 Years following termination of contract.</p>	<p>Fair Labor Standards Act (29 C.F.R. § 516.5).</p>

	<p>Walsh-Healey Public Contracts</p> <p>Includes:</p> <ol style="list-style-type: none"> 1. Injury frequency rate data, record of each worker's sex, plus identifying number of contract on which each person worked. 2. The OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms. 	<ol style="list-style-type: none"> 1. 3 years 2. 5 years following the end of the calendar year that these records cover. 	<p>Walsh-Healey Public Contract Act (29 C.F.R. § 1904.33).</p>
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502983v8/TCL 3/4/08
502983v9/LGH 2/23/11