

Preemployment records must be maintained even when candidates are not hired

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How long should we retain recruitment records such as job applications and interview notes for candidates who aren't hired?

Generally speaking, all preemployment documents must be retained for three years following an employee's termination. Therefore, preemployment documents (e.g., job descriptions, applications/résumés, interview evaluations, and offer letters) must be kept for three years after the no-hire decision is made. If a candidate is hired and additional documentation results (e.g., Form I-9, background check, or new hire action form), the documents must likewise be maintained for three years, even if the candidate doesn't ultimately end up working for the company.

Some state laws may require longer record retention periods. For conflicting laws, always follow the longer retention policy. Keep in mind, the penalties for not retaining required records may be severe.

Arizona law doesn't specify a record retention requirement for preemployment records. Therefore, you must follow the three-year record retention requirement established by federal law. Arizona law, however, has longer record retention requirements for other documentation. For example, Arizona law requires you to maintain payroll records showing the hours worked for each day worked, wages paid, and earned sick time provided to all employees for a period of four years.

Other employment documents have special retention requirements. For example, the IRS rules suggest you maintain the Form W-4 for each employee for a minimum of four years after the date the last tax return was submitted using the information on the form.

You should keep in mind that the requisite retention period for various employment-related records established by state and federal statutes is a minimum. In some instances, employers must defend themselves against employment-related claims or litigation and are required to retain records beyond the statutory minimum period. If, however, an extended record retention isn't required to defend against an employment claim, best practices require retaining documents for the minimum period because some federal and state agencies assess penalties against employers when documents aren't completed correctly (e.g., Form I-9).

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