FMLA Recordkeeping Requirements



Employers are required to make, keep, and preserve records pertaining to their obligations under FMLA in accordance with the record-keeping requirements of the Fair Labor Standards Act (FLSA). The FMLA does not require that employers keep their records in any particular order or form, or revise their computerized payroll or personnel records systems to comply.

Employers must keep the records for no less than three years and make them available for inspection, copying, and transcription by Department of Labor representatives upon request. Records kept in computer form must be made available for transcription and copying. Covered employers who have eligible employees must maintain records that must disclose the following:

- Basic payroll and identifying information (including name, address, and occupation)
- Rate or basis of pay
- Terms of compensation
- Daily and weekly hours worked per pay period
- Additions to or deductions from wages
- Total compensation paid

In addition, covered employers who have eligible employees must also maintain records detailing:

- Dates of FMLA leave taken by FMLA eligible employees. Leave must be designated in records as FMLA leave, and may not include leave required under state law or an employer plan which is not also covered by FMLA.
- Hours of FMLA leave taken by FMLA eligible employees, if leave is taken in increments of less than one full day
- Copies of employee notices of leave furnished to the employer
- Copies of all written notices given to employees as required under FMLA
- Documents describing employee benefits or employer paid and unpaid leave policies and practices
- Premium payments of employee benefits
- Records of disputes between the employer and the employee regarding FMLA

Records and documents relating to medical certifications, re-certifications or medical histories of employees or employees' family members, created for purposes of FMLA, are required to be maintained as confidential medical records in separate files/records from the usual personnel files. If the Americans with Disabilities Act (ADA) applies, then these records must comply with the ADA confidentiality requirements. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary

accommodations. First aid and safety personnel may be informed, where appropriate, if the employee’s physical or medical condition might require emergency treatment. Government officials investigating compliance must be provided access to relevant information. FMLA related records and documents containing family medical history or genetic information as defined in Genetic Information Nondiscrimination Act (GINA) shall be maintained in accordance with the confidentiality requirements of GINA.