

FDAC Employment Benefits Authority

Policy: Records Retention	Policy Number: TBD
<p>Purpose:</p> <p>The purpose of this policy is to: (1) provide guidelines to staff regarding the retention or disposal of public records of the Authority; (2) provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; (3) ensure prompt and accurate retrieval of records; and (4) ensure compliance with legal and regulatory requirements. This section also provides the Authority's intent as to document management, storage, and backup.</p> <p>The Authority's records management system is designed to apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of Authority records with the goal of ensuring that records are kept only as long as they have some administrative, fiscal, historic, or legal value to the Authority. Records of the Authority should not be retained "just in case" if they have no administrative, fiscal, historic, or legal utility to the Authority. When records of the Authority no longer fulfill the value for which they were created, they should be destroyed unless they also have some historic or research significance. If that is the case, the records should be preserved by an appropriate historical agency.</p>	

Section 1. Scope of Retention Policy

This policy shall apply to all public records of the Authority. "Public Records" are defined as any writing containing information relating to conduct of the public's business prepared, owned, used, or retained by the Authority in the course of its business, regardless of physical form or characteristics. Therefore, Public Records include any handwriting, typewriting, printing, facsimiles, photographs, photocopies, electronic mail, film, audio tape, and any other means of recording containing information including words, pictures, sounds, symbols, or combinations thereof. A listing of records deemed to be official by the Authority is contained in Appendix A—Categories of Authority Records and Record Retention Schedule.

Section 2. Authorization

The Executive Director is authorized by the Board of Directors to interpret and implement this policy, including but not limited to determining which Public Records should be included in each category of records under this policy; appraising the utility to the Authority of various categories of Public Records; identifying vital and/or confidential records; and establishing reasonable retention periods for various categories of Public Records.

Section 3. Records Retention Schedule Principles

Pursuant to the provisions of California Government Code Sections 60200 through 60203, California Government Code Section 61061(c), and the Local Government Records Management Guidelines prepared by the Secretary of State, the following principles will govern the retention, management and disposal of Public Records of the Authority.

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A. Inventory of Records

The Executive Director shall cause a records inventory of the Authority's records to be conducted. The inventory shall describe the type of records, volume of each type of records, where the records are kept, and how the records are used. The list of categories of records utilized by the Authority is attached hereto as Appendix A—Categories of Authority Records and Record Retention Schedule. The following information should be obtained during any inventory of Authority records:

1. Prepare a list of categories of records with each category consisting of a group of similar records kept together as a unit either because they deal with a particular subject (budget, claims, etc.) or result from the same activity (premium bills, claims reports, etc.) or have a special form (graphs, charts and spreadsheets, etc.);
2. Determine the period of years covered by each category of records;
3. Determine the activity level for each category of records in order to determine whether the records need to be stored in the office or at a remote location; and
4. Note the volume of records in each category. The list of categories of records utilized by the Authority is attached hereto as Appendix A—Categories of Authority Records and Record Retention Schedule.

B. Appraisal of Utility of Records

After completion of the records inventory, each category of records shall be appraised for their utility and value to the Authority. The records appraisal will:

1. identify vital records that are permanent and may not be destroyed or disposed of pursuant to law;
2. identify records with historic and/or research value;
3. identify records that can be destroyed immediately because they have no administrative, fiscal, historic or legal utility to the Authority; and
4. identify records that should be transferred to low-cost storage.

C. Establishment of Retention Period

Establish reasonable retention periods for each category of records based upon the immediate and future usefulness of each category of records to the Authority. Retention periods should be assigned to records based on the principle that records should be retained only as long as they serve the immediate administrative, fiscal, historic and/or legal purpose for which they were created, and that such categories of records should be disposed of when they no longer serve such purposes. The Records Retention Schedule listing the Categories of Authority Records and the

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retention periods assigned to each such Category of Authority Records is attached hereto as Appendix A—Categories of Authority Records and Record Retention Schedule.

D. Disposal of Records

The Executive Director shall ensure that records are disposed of as soon as possible after fulfilling their respective administrative, fiscal, historic or legal function in accordance with the retention period for each Category of Records specified in the Authority's Record Retention Schedule. Such disposition of records shall occur periodically at the discretion of the Executive Director. Disposition may include recycling or destroying unneeded records, or sending appropriate records of historical or research value to an archival facility.

The Authority's Record Retention Schedule, consisting of the Categories of Records and the retention periods assigned to each Category of Records, is attached hereto as Appendix A—Categories of Authority Records and Record Retention Schedule. The Records Retention Schedule shall be periodically evaluated by the Executive Director.

Section 4. Permanent Records

Pursuant to the provisions of Government Code Section 60201, the Authority may not destroy or dispose of any record that is any of the following:

- A. Any document relating to formation, change of organization, or reorganization of the Authority;
- B. An ordinance adopted by the Authority. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of five (5) years after it was repealed or became invalid or unenforceable;
- C. Minutes of any meeting of the Board of Directors of Authority;
- D. Any record relating to any pending claim or litigation, including any settlement, judgment, arbitration award or other disposition of litigation within the past two (2) years;
- E. Any record which is the subject of any pending Public Records Act request made pursuant to the California Public Records Act at Government Code Section 6250 et seq., until either: (1) request for production has been granted; or (2) two years have elapsed since the Authority provided written notice to the requester that his or her request has been denied;
- F. Any record relating to any pending construction that the Authority has not accepted, or as to which a stop notice claim legally may be presented;
- G. Any document relating to any non-discharged debt of the Authority;

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- H. Any document relating to the title for real property in which the Authority may have an interest, including but not limited to deeds, easements, right of entry agreements and leases;
- I. Any document relating to any non-discharged contract to which the Authority is a party;
- J. Any document that constitutes an unaccepted bid or proposal for the construction of installation of any building, structure or public work which is less than two years old;
- K. Any document which specifies the following:
 - 1. The amount of compensation paid to Authority employees, or members of the Board of Directors or independent contractors providing personal and professional services to the Authority;
 - 2. Relates to expense reimbursement to Authority employees or members of the Board of Directors, or to the use of Authority paid credit cards, or to any travel compensation mechanism utilized by the Authority;
 - 3. Notwithstanding the foregoing, Government Code § 60201 provides that any record described in Paragraphs K.1 and 2 above may be destroyed or disposed of no earlier than seven (7) years after the date of payment to which the record relates.

Appendix A CATEGORIES OF AUTHORITY RECORDS AND RECORDS RETENTION SCHEDULE

Categories of Authority Records and Records Retention Schedule

Type of Record	Years	Remarks
<u>Correspondence</u>		
Chronological Correspondence	2	
General Correspondence to the Public	3	
Reports Received from Third Parties	3	
Public Records Act Requests	2	
<u>Financial</u>		
Claims and Claims Reports	Active+4	Active until claim closed plus 4 years
Monthly Claims Management Logs	Active+4	Active until claim closed plus 4 years
Expense Reports	2	Or until audited, whichever is first
Budgets	2	Or until audited, whichever is first
Bills/Accounting Reports	2	Or until audited, whichever is first
Revenue Reports	2	Or until audited, whichever is first
Budget Change Proposals	2	Or until audited, whichever is first
Audits	P	Permanent
Invoices from Vendors	2	Or until audited, whichever is first
Fees/Receipts	2	Or until audited, whichever is first
Checks/Ledgers/Registers/Deposit Forms	2	Or until audited, whichever is first
Accounts Payable	2	Or until audited, whichever is first
Financial Statements including Balance Sheet, Statement of Income and Expenditures, Comparison of Revenues and Expenses to Budget	2	Or until audited, whichever is first
Schedule of Investments	2	Or until audited, whichever is first
Insurance Policies	Active+4	Active until claim closed plus 4 years
Capital Asset Records	2	Or until audited, whichever is first
Depreciation Schedules	2	Or until audited, whichever is first
Federal Grants or Loans	Active+7	Active until claim paid plus 7 years
Cost Recovery–State Grants and Loans	Active+4	Active until claim paid plus 4 years
Other Grants	Active+2	Active until end of grant year
Contracts for Professional Services	Active+7	Government Code Section 60201
Construction Contracts	Active+4	Active period ceases on completion and acceptance of construction
Purchase Orders	Active+4	Active period ends upon payment and Authority receipt of goods and/or services

Authority Employee and Board Member Travel Expenses	Active+7	Period of activity ceases upon date of payment
<u>Equipment/Supplies/Space</u>		
Inventory	Active	Active until revised
Service Orders/Authorizations	Active+2	Active until service performed and payment made
Vendor Information	Active	Active until revised
Inspection Reports	Active	Active until revised
Equipment Maintenance	Active +4	Active until maintenance complete and paid for
Hardware/Software Documentation	Active	Active until revised or superseded
<u>Personnel</u>		
Job Descriptions	Active	Active until revised
Employee/Consultant Records	Active+1	Active until employee leaves/terminates; confidential destruction
Employee Attendance	Active+1	Active until employee leaves/terminates; confidential destruction
Employee Training	3	
Employee Applications	2	
Employee Interview Documents	2	
Affirmative Action Policies	Active	Active until revised
Performance Evaluations	Active+1	Active until employee leaves/terminates; confidential destruction
Employee Overtime Logs	2	
Employee Grievances and Complaints	Active+2	Active until grievance process completed
Reports of Occupational Injuries and Illnesses including Employee Claim, Doctor's First Report and Log	Active+5	
Payroll Records	Active+2	
Employee Benefit Information	Active+2	
Accident Reports	Active+2	
Pre-Employment and Fitness for Duty Medical Examination Report	Active+2	
<u>Participants</u>		
Claim Files of Participants for Medical Insurance Claims	Active+7	Period of activity ceases upon final resolution of claim
Participant's Personal Health Information	Active+7	Active until claim file is closed and Personal Health Information no longer required; confidential destruction
<u>Policy/Procedure/Organization</u>		
Policies (All)	Active	Active until revised
Procedures (All)	Active	Active until revised
Compliance Requirements	Active	Active until revised
Organization Charts	Active	Active until revised

Mission Statements	Active	Active until revised
Agendas	3	
Minutes of Meetings	P	Permanent
Resolution of the Board of Directors	P	Permanent
Staff Reports	3	
Studies	2	
Feasibility Analyses	5	
Request for Proposals and Responses Thereto	3	
Reports re Activities of Committees and/or Conference Attendance	3	
Minutes of Public Hearings	P	Permanent
Authority Strategic Plans and Goals	Active	Active until revised or superseded
<u>Records Management</u>		
Records Retention Schedule	Active	Active until revised
Records Destruction Authorization	4	
Forms File	Active+1	Active until revised/rescinded/superseded
<u>Legislation/Regulations/Legal</u>		
Bill Analysis	3	
Research Information	3	
Proposed Legislation/Regulations	3	
Legal Opinions	Active+4	Active until issues resolved
Litigation	Active+2	Active until litigation complete
Reports from Legislative Advocate	3	
<u>Public Relations</u>		
Newspaper/Web Articles re Authority	2	
Press Releases	2	

“Active” retention is for records that remain “active”, or of administrative, fiscal, historic or legal utility to the Authority, until some event occurs which renders such records of no further utility to the Authority. After such an event occurs such records are disposed of pursuant to the Authority’s Records Retention Policy.