



# Out with the Old, In with the New

## A Primer on Records Retention

# Keeping Records

- Practical Need – all businesses keep records
- Maintain information that helps accomplish business purposes
- Place where put required information
- Required in many contexts
  - Payroll
  - Finance
  - Personnel
  - Student Records

# Keeping Records

- Who makes us keep records?
  - Federal government – grants, funding, federal law
  - State government – ALSDE, Legislature, DPE
  - Local Policy – student records, FERPA, accounting, personnel

# Federal Requirements

- Federal Government
  - Specific laws cover specific areas
  - Examples – IDEA, FERPA, FLSA, Immigration, Tax documents
  - Laws tell us what to keep and often how long to retain
  - Often recordkeeping and retention requirements are found in specific grants, funding legislation or administrative directives

# State Requirements

- Laws may have specific requirements
- Ala Code Section 41-13-21
- Local Government Records Commission
  - Over Records Disposition
- Functional Analysis and Records Disposition Authority (RDA)
  - Found at [archives.alabama.gov](http://archives.alabama.gov) under “Manage Records” menu item (go to Local Agencies/Retention Schedules and type “education” in search bar)

# Local Requirements

- Local policy may have specific requirements
- May also have procedures at the local level
- Have to follow your own policies and procedures!
- If you have deadlines, schedules in policy, think about narrowing down only to what you are required to have and use the RDA for the rest

# A Word About Personnel Files

- Most businesses maintain personnel files, even though they don't have to
- In Alabama, there is a law requiring personnel files for employees of boards of education
- Alabama Code §16-22-14 (1975)

# Establishment of File

“Each board shall establish and maintain a personnel file on each employee.”

Alabama Code §16-22-14(b)(1975)



# Maintenance of File

- Executive officer is responsible for supervising maintenance of file and for maintaining “updated, complete and accurate records.”
- Clear those tasks may be delegated, but ultimate responsibility is Superintendent’s

# What Goes in the File?

- Immigration materials
- Tax information
- Name/address
- Work performance materials may be placed in file

# Work Performance Records

- Statements, reports and comments
  - Work performance
  - Discipline
  - Suspension
  - Dismissal
- Have to be written and signed as to accuracy
- Information attached to the work performance materials

# Work Performance Records

- Materials pertaining to work performance provided to employee
- Also have to provide all materials that:
  - Tend to diminish employee's professional or work status
  - Reflect adversely on employee's record of performance or character

# Anonymous Materials

- Anonymous materials can go in the file under prescribed conditions:
  1. Must be transmitted to Superintendent
  2. Superintendent decides if investigation is needed
  3. Investigation
  4. Results reduced to writing
    - Signed by Superintendent or other responsible official
    - Dated
    - Attached to anonymous complaint
  5. Place results in file
- If no investigation within thirty days, complaint has to be destroyed

# Typical Contents of Personnel Files

(This is NOT in the Code)

- Application
- Insurance information
- Retirement and benefit information
- Transcripts
- Certificate information
- Leave requests
- Health information
- Pay information
- Evaluations
- Accolades
- Disciplinary matters
- Reprimands
- Responses to reprimands
- Personnel actions
- Photographs
- Memoranda/  
Reminders/  
Acknowledgments

# Use of Personnel Files

- Personnel files should not be a dumping ground for everything related to an employee
- Everything in them should have a business-related use
- Used to store information that is needed or will be used for board's purposes
- Ask the question – what do we really need?

# Employee Access to Records

- Employees have access
- Employee representatives have access
- Access to the whole file (“No document shall be withheld”)
- Can get copies of all documents in file
- Can “answer or object” in writing to material and the “answer or objection” will go in file



# Public Access to Files Confidential or Not?

“Public access to school personnel files is affirmed subject to the privacy rights rulings of the various federal and state courts.”

ALA. CODE §16-22-14 (1975)

# Personnel Records & Confidentiality Teachers

Attorney General Opinion No. 96-00003

## Must disclose

- Salary expenditure account information
- Race and gender
- Current assignment
- Rank and type of certificate
- Employment experience
- Salary
- Hire and tenure date
- Applications and disciplinary action
- Superintendent's recommendation for transfer or discipline after board action

# The RDA Rules

- RDA is comprehensive
  - Describes the types of records that are maintained, by category
  - Can add or revise with permission from the Local Government Records Commission
  - Describes the subtype of record followed by the retention/disposition period

# The RDA Rules

- Latest was adopted in October 2023
- Describes the types of records that are maintained, by category
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- Describes the subtype of record followed by the retention/disposition period

# Categories of Documents

- Policy Related Documents
- CNP
- Transportation
- Student Attendance
- Student Discipline, Health
- Student Academic Related Documents (Handbooks, textbooks info, grades, lesson plans, Special Education, Gifted, ELL, Library, etc.)
- Student Activity Records (Athletic, extracurricular, field trip, parent permission, etc.)
- Internal Policies and Procedures, Accreditation Documents, Board Records, Legal Files, Computer Systems
- Financial Documents
- HR Documents
- Property and Construction/Maintenance Records

This list is NOT exhaustive – see RDA

# Retention of Financial Records

- Approved Annual Budgets (Final) – Permanent
- Budgets – Earlier versions (even if approved) but not final – 2 Years following audit
- School/Department budget estimates - 2 years following audit
- Budget Performance Reports - 2 years following audit
- Audits – Permanent
- Routine accounting records - 2 years following audit
- General Ledgers and EOY Trial balances –
  - Before 1975- -Permanent
  - After 1975 – 10 Years after FY of creation
- Local school general ledgers and trial balances
  - If identical to that submitted to BOE – 2 years
  - If not identical, 10 years after FY of creation

# Retention of Financial Records

- Purchasing Records - 2 Years following audit
- Bid Document – 7 Years after bid opening
- Eligible Bidder Lists – 3 Years after last contact with bidder
- Correspondence with Vendors to be removed from Bidder List – 2 years after audit period when vendor removed
- Contracts, Leases, Franchised, Agreements – 10 Years after termination/expiration
- Debt Issuance Records – 2 Years after audit period when final payment made
- Grant Projects -
  - Financial reports, narrative, correspondence – 6 years after final report or denial
  - Subsidiary financial records – 3 years after final report
  - Final Narrative Reports – Permanent

# Retention of Financial Records

- Travel Records - 2 Years following audit
- Tax Returns (1099s, unemployment, federal, state local – entity level) – 2 Years following audit
- Personnel (could relate to finance)
  - LEAPS/SLEAPS– 2 Years following audit
  - Pay plans/Position classifications – 4 years after classification
  - Applications and Suppl. Forms – 3 years if not hired
  - EEOC Files – 3 years
  - Personnel Files – 6 years after separation
  - Contract Employees – 3 years of not hired; 6 years after separation if hired
  - Payroll records for contract employees – 2 years after audit



# Retention of Financial Records

- Personnel (continued)
  - Handbooks and Newsletters – Permanent
  - Payroll Records
    - Annual Payroll Earnings Reports – 50 years
    - Payroll period reports (check registers, overtime reports, etc.) – Longer of 4 years or 1 year after audit
    - Payroll deduction records – 6 years after separation
    - Payroll deduction related reports (W2s, other withholdings) – Longer of 4 years or 1 year after audit
  - Employee Benefit Plan Files – 6 years after termination of participation in program
  - Work Schedule Records – 2 years after audit
  - Leave and Attendance records
    - Individual employee records – 2 years following audit
    - Cumulative Reports – 10 years after separation

# Retention of Financial Records

- Personnel (continued)
  - Leave Donation Records – 2 Years following audit
  - FMLA Records – 2 Years following audit
  - ACA Records – 3 Years after submission
  - Unemployment Records - 2 Years following audit
  - OJI Records – 6 Years after incident and final settlement
  - Permanent
- Annual Inventory Records – 2 Years following audit
- Construction Project Files – Permanent (for final)
- Real Property Files (Deeds etc) – 2 years audit period of disposition
- Lease/Rental Records – 10 years after FY of termination/expiration
- Insurance Policies 0 10 years afte FY of termination
- Insurance Claims – 2 years after audit period of settlement
- Vendor Proof of Insurance – 6 years

# Retention of Financial Records

- Security Records – 3 years
- Facilities Inspection Files – 5 years
- Work Orders – 1 year
- Vehicle Ownership Files - 2 years after disposition
- Vehicle Maintenance Files – 2 years following audit

# The Legal Fine Print

- Read through the RDA and use it!
- In the event of litigation or a “litigation hold”, don’t throw pertinent documents away regardless of the routine schedule
- Legal case files need to be retained for at least 6 years after file is closed - if something might come up again, hold onto them for longer
- Routine correspondence – RDA says 3 years
- You can’t destroy anything created before 1900
- If an act, rules, term and condition or other more specific document has rules that are more “restrictive” than the RDA , use the longer (“more restrictive”) period

# A Word About the FLSA Recordkeeping Requirements

- The FLSA requires that certain records be kept
  1. Name & Social Security Number
  2. Address and Zip Code
  3. Birth date
  4. Gender and job title
  5. Time and day when work week begins
  6. Hours worked each day
  7. Hours worked each week
  8. Basis for wage payment
  9. Regular hourly pay
  10. Total earnings – straight time for day or week
  11. Total overtime – week
  12. Additions/ Deductions from wages
  13. All wages in pay period
  14. Date of wage payments



QUESTIONS . . . ?