

Alabama Board of Adjustment

**Functional Analysis
&
Records Disposition Authority**

**Presented to the
State Records Commission
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Functional and Organizational Analysis of the Alabama Board of Adjustment

Sources of Information

Representatives of the Alabama Board of Adjustment

Code of Alabama 1975, Sections 41-9-60 through 41-9-84 (Alabama Board of Adjustment Statutes)

Code of Alabama 1975, Sections 41-4-204 (Role of the Legal Division, Department of Finance)

Code of Alabama 1975, Sections 36-30-1 through 36-30-23 (Firefighters and Peace Officer Death Benefits)

Code of Alabama 1975, Sections 11-43-144 (Firefighters Occupational Disease Benefit)

Code of Alabama 1975, Sections 31-3-1 through 31-3-7 (Death Benefit for Alabama National Guard)

Rules of the Alabama Board of Adjustment (2012)

Alabama Board of Adjustment Website

Alabama Government Manual (2006), p. 27

Historical Context

The Alabama Board of Adjustment (hereafter referred to as the board) was established in 1935 by the Legislature (Acts 1935, No. 546).

Agency Organization

The board is composed of four (4) ex-officio members as follows: the Director of Finance, the State Treasurer, the Secretary of State, and the State Auditor. A quorum consists of three (3) members. The Attorney General is not a member of the board, but is required to attend meetings of the board to represent the board. The board elects a chairman by majority vote from its members. The Secretary of State serves as the secretary of the board. The Chief of the Legal Division of the Department of Finance is the legal advisor for the board and is designated as an agent of the board for service of legal process upon the board. The Legal Division of the Department of Finance provides clerical support for the board's operation.

Agency Function and Subfunctions

The Alabama Board of Adjustment was established to provide a method of payment by the State for injuries, property damage, or death, which the State has a legal or moral obligation to pay in those cases where legal action against the State is barred by the doctrine of sovereign immunity. The board is one of the agencies responsible for performing the Client Services function of Alabama government. In performance of its mandated function, the board may engage in the following sub-functions:

- **Processing Claims.** The board receives, hears, and considers the following claims: claims arising from overpayment to or underpayment from the State; claims where a legal or moral obligation against the State is claimed; claims for death or injury or damage to property by the State or its agencies, provided that such death, injury, or damage falls into the categories established by law; claims for personal injuries or death of any convict or to any of the public or police officers who are injured while attempting to recapture escaped convicts; claims of total disability of volunteer firefighters; and death claims of peace officers and firefighters killed in the performance of their duties. The board makes payments for injury/death of any school student killed or injured while being transported in a school bus and awards benefits to surviving spouses and dependents of certain law enforcement officers and firefighters killed in the line of duty.

In the performance of these duties, the board may not consider claims which the State Board of Compromise is authorized to hear, nor may it exercise jurisdiction to settle or adjust claims over which the courts have jurisdiction. Death claims must generally be presented within two years after the cause of action accrues. Claims for benefits by surviving spouses, dependents, adult non-dependent children, and beneficiaries of law enforcement officers and firefighters must be filed within one year from the date of death. Claims for relief in the matter of escheat to the State must be heard within ten years from the time of escheat. Other claims must be submitted within one year from the date when the cause of action accrues.

This subfunction encompasses activities relating to the receipt of the claim filed with the board, the determination by the board's staff of the eligibility of the claim, the conduct of board hearings and decisions (approval or dismissal) made on the claim, and the disposition of the claim.

- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support its programmatic areas including:

Managing the agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, tracking), publicizing and providing information, managing records, and managing information systems and technology.

Managing finances: Activities include budgeting (preparing and reviewing budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of

accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing human resources: Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and disciplining.

Managing properties, facilities, and resources: Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing security for property managed by the agency; insuring property; and assigning, inspecting and maintaining agency property.

Analysis of Record Keeping System and Records Appraisal of the Alabama Board of Adjustment

Agency Record Keeping System

The board currently operates a hybrid record keeping system composed of paper and electronic records. Lotus Notes Case Management System was utilized in the past to process, track, and maintain claim related data. The board started to implement the Prolaw System, an integrated financial management system, in 2009 to manage the claim activities. Staff currently scans claim case data into the system and considers the paper copy as the record copy.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by this agency: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the department are discussed below:

- **Claim Case Files.** The board was created to determine and provide a method of payment by the state or any of its agencies to persons for injuries to person or property or for death occasioned by the state or any of its agencies. In addition, the board is designated as the awarding authority for benefits payable to: (1) the families of peace officers and firefighters who are killed in the line of duty; (2) the families of volunteer firefighters who die or are disabled due to an occupational disease; and (3) the families of members of the Alabama National Guard who are killed while quelling a riot, rout, or civil disturbance. This series consists of completed claim forms, claim supporting documents (invoices, insurance documents, mileage records, and other proof of the claim), agency answers to claims, photos and audio/video materials, correspondence, memoranda, payment decree and/or orders, copies of payment checks, and other related records. These records should be kept for three (3) years after the end of the fiscal year in which the final order on an original claim or a supplemental claim was entered for reference and audit purposes.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Processing Claims

- **Meeting Agendas, Minutes, and Packets of the Alabama Board of Adjustment.** Upon the call of the board's chairperson or its attorney, the board shall meet in Voting Session

to render final decisions on claims presented during regular or special hearing sessions, on issues of jurisdiction or other matters requiring a decision of the board and to approve or ratify the entry of consent orders. Voting Sessions may be held at the call of anytime and place designated by the board's chairperson or its attorney. The meeting agendas, minutes, and board packets serve collectively as the core documentation of the major functions of the board with regard to its decision making processes and should be preserved permanently. (RDA page 3-2) **(Bibliographic Title: Alabama Board of Adjustment Meeting Agendas, Minutes, and Packets)**

- **Claim Hearing Dockets.** Once a claim is received by the board, staff will prepare two (2) separate dockets. One docket will schedule contested claims and the other for claims to which the claimant and respondent are in agreement as to a proposed solution. All contested claims which are properly filed are automatically scheduled for a hearing before the board members. The board may conduct two types of claim hearings: (1) Regular Hearings – may be called by the board's chairperson, by a majority of the board membership, or the board's attorney. Regular hearing sessions must be held in Montgomery and may continue from day to day until the business of each session is finished; (2) Special Hearings – may be held at other places and times upon call of the board's chairperson or its attorney. A final decision on the claim is not made at the time of the hearing. A voting session of the board will decide the outcome of the claim. This series contains official hearing dockets and handwritten notes made by the hearing clerk at the hearing sessions. These records are the only documentation of what happened at the hearings and should be preserved permanently. (RDA page 3-2) **(Bibliographic Title: Claim Hearing Dockets)**

- **Rules of the Board/Claim Procedural Handbooks.** This is a handbook that contains information on the board's organization, administration, and procedures for claims. Since the board is an agency of the Legislature and the is exempt from the Alabama Administrative Procedures Act, this handbook should be preserved as a permanent record. (RDA page 3-2) **(Bibliographic Title: State Publications)**

Administering Internal Operations

- **Website.** The agency maintains a website at www.bdadj.alabama.gov. Information on the website includes the board's function, membership, board's rules and statutes, various forms and instructions, calendar of events, vendor information, and contact data. The website should be preserved as it serves as an important medium for communication with the public.(RDA page 3-10) **(Bibliographic Title: Website)**

- **Inventory Lists.** The Code of Alabama 1975, Section 36-16-8[1] requires that “. . . All [state agency] property managers shall keep at all times in their files a copy of all inventories submitted to the Property Inventory Control Division, and the copies shall be subject to examination by any and all state auditors or employees of the Department of Examiners of Public Accounts.” These files need to be maintained in the agency's office.

Permanent Records List Alabama Board of Adjustment

Processing Claims:

1. Meeting Agendas, Minutes, and Packets of the Alabama Board of Adjustment
2. Claim Hearing Dockets
3. Rules of the Board/Claim Procedural Handbooks

Administering Internal Operations:

1. Website
2. Inventory Lists*

*indicates records that ADAH anticipates will remain in the care and custody of the creating agency. ADAH staff is available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

Alabama Board of Adjustment Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama Board of Adjustment. The RDA lists records created and maintained by the Alabama Board of Adjustment in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the department to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Alabama Board of Adjustment's records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- This RDA shall govern the disposition of all records, regardless of format, created by the agency from its creation to dissolution. Please contact the staff of the Department of Archives and History before destroying any records created before 1940.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.

- Certain other short-term records that do not materially document the work of an agency may be disposed of under this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; and (2) transitory records, which are temporary records created for internal purposes that may include, but are not limited to, telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities. They may be disposed of without documentation of destruction. Other items that may be disposed of without destruction documentation include: (1) catalogs, trade journals, and other publications received that require no action and do not document government activities; and (2) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama Board of Adjustment and lists the groups of records created and/or maintained by the board as a result of activities and transactions performed in carrying out these subfunctions. The board may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

Processing Claims

MEETING AGENDAS, MINUTES, AND PACKETS OF THE ALABAMA BOARD OF ADJUSTMENT

Disposition: PERMANENT RECORD.

Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

CLAIM HEARING DOCKETS

Disposition: PERMANENT RECORD.

RULES OF THE BOARD/CLAIM PROCEDURAL HANDBOOKS

Disposition: PERMANENT RECORD. Retain and send three (3) copies to the Archives upon publication or update.

Claim Case Files (Personal Injury)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the final order for the most recent claim on supplemental claim was entered.

Claim Case Files (All Other Claims)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the final order was entered.

Claim Processing Database

Disposition: Temporary Record. Retain until obsolete.

Administering Internal Operations

Managing the Agency:

WEBSITE

Disposition: PERMANENT RECORD.

(ADAH staff captures and preserve the agency's website and other social media sites via a service offered by the Internet Archive [Archive-It]. Check the ADAH section of the Archive-It website at www.archive-it.org/organizations/62 to ensure your agency's website and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not captured by the service, please contact the Government Records Division at 334-242-4452 to them included.)

Legal Case Files

Disposition: Temporary Record. Retain: 3 years after the end of the fiscal year in which the nonappealable order was created.

Routine Correspondence and Memoranda

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the RDA is superseded.

System documentation (hardware/software manuals and diskettes, warranties)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Managing Finances:

Records documenting budget requests, status of funds, and operation plans

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting requisitioning, purchasing and invoicing of goods and services, and authorizing payments

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records of accounting transactions such as journals, registers, and ledgers; records of funds deposited inside/outside the state treasury

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Contractual records established for the purpose of services or property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Agency Audit Reports

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting the bid process, including requests for proposals and unsuccessful responses

Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.

Managing Human Resources:

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deductions for tax purposes

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting employee hours worked, leave earned and leave taken

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of employee final leave status

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting an employee's work history - generally maintained as a case file

Disposition: Temporary Record. Retain 6 years after separation of an employee from the agency.

Equal Employment Opportunity Complaint Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Managing Properties, Facilities, and Resources:

INVENTORY LISTS

Disposition: Permanent Record. Retain in Office. (Code of Alabama 1975, Section 36-16-8[1]).

Letters of Transmittal

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Agency Copies of Transfer of State Property

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Property Inventory Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Records documenting the use, maintenance, ownership, insurance, and disposition of equipment owned by the agency

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the equipment is removed from the property inventory.

Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)

Under the Code of Alabama 1975, Section 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Alabama Board of Adjustment (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submits an annual Records Disposition Authority Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in October of each year. In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis--for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.

- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency maintains records solely in electronic format, it should employ an electronic records management system that is capable of tying retention and disposition instructions to records in the system and of purging temporary records when their retention periods expire. The agency is committed to funding any system upgrades and migration strategies necessary to ensure its records' preservation and accessibility for the periods legally required.

- Electronic mail contain permanent, temporary, or transitory record information. Although e-mail records can be printed out, filed, and retained according to the RDA's requirements, the division should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.

- The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this records disposition authority on October 24, 2012.

 Steve Murray, Chairman
 State Records Commission

 Date

Receipt acknowledged

 Young Boozer, Chair
 Alabama Board of Adjustment

 Date