

# Alabama Law Institute



## Functional Analysis & Records Disposition Authority

Approved by the  
State Records Commission  
October 26, 2016

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# **Functional and Organizational Analysis of the Alabama Law Institute**

## **Sources of Information**

Representatives of the Alabama Law Institute  
Code of Alabama 1975, Sections 29-8-1 through 29-8-8  
*Alabama Government Manual*, 13<sup>th</sup> Edition (2010)  
Website of the Alabama Law Institute, <http://ali.state.al.us/>

## **Historical Context**

Act 67-249 of the Alabama Legislature established the Alabama Law Institute (ALI) in 1967, but it did not begin operation until 1969. The Institute was originally administered by the Board of Commissioners of the Alabama State Bar. Act 2015-408 reassigned oversight of the ALI from the Bar Commission to the recently reconstituted Legislative Council.

## **Agency Organization**

The governing body within the ALI is the Institute Council, composed of ex officio and elected members. They include: one justice of the Supreme Court selected by the justices; one circuit court judge selected by the Association of Circuit Court Judges; the attorney general, or his or her designee; the governor's legal adviser, or his or her designee; the chairs of the Judiciary Committees of the Alabama House and Senate; the president of the Alabama State Bar; the secretary of the Alabama State Bar; the chair of the Junior Bar Section of the Alabama State Bar; the attorney members of the Legislative Council of Alabama together with the secretary of the Legislative Council; not less than three nor more than six attorney members appointed by the governor; the Code Commissioner; the speaker of the House, or his or her designee; the president pro tempore of the Senate, or his or her designee; two members who shall be elected from the members of the faculty of the University of Alabama Law School; two members elected from the members of the faculty of the Cumberland Law School of Samford University; two members elected from the members of the faculty of the Thomas Goode Jones School of Law at Faulkner University; and six practicing attorneys elected by the Institute Council from each congressional district.

The ex officio members shall hold their positions during their respective terms of office. All elected members of the Institute Council serve a four-year term. Elected members of the Institute Council shall be eligible for re-election. Vacancies in the elected membership shall be filled by the Institute Council. Members serve without compensation.

The Institute Council submits recommendations on director appointments to the Legislative Council. The Legislative Council has final appointment authority. Once appointed, the ALI

director has full authority for staffing and operations of the organization. His/her performance is reviewed annually by the Legislative Council.

Currently the ALI has two offices. The main office is located in the Law School Building at the University of Alabama in Tuscaloosa. A satellite office was established in Montgomery to support the ALI's work with members of the Alabama Legislature.

## **Agency Function and Subfunctions**

The Alabama Law Institute is one of the governing bodies charged with carrying out the Policy and Statute Research function of Alabama government. It is considered by the Legislative Council to be the official advisory law revision and law reform agency of the state. The Alabama Law Institute considers needed improvements in state law and makes recommendations regarding the improvements to the Legislature.

In the performance of its mandated functions, the agency may engage in the following subfunctions:

- **Promoting Laws and Regulations.** Under Section 29-8-4 of the Code of Alabama, the Institute shall: “consider needed improvements in both substantive and adjective law and to make recommendations concerning the same to the chairs and members of the House Judiciary Committee and the Senate Judiciary Committee; [research], examine, and study the law of Alabama and Alabama jurisprudence and statutes with a view of discovering defects and inequities and of recommending needed reforms; receive and consider suggestions from members of the Alabama Legislature and the public generally as to defects and anachronisms in the law; recommend such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of the state, both civil and criminal, into harmony with legal conditions and opinions; recommend the repeal of obsolete statutes and to suggest needed amendments, additions, and repeals; and advises the Code Commissioner on the performance of his or her duties.” The director of ALI also serves as a member of the Commission on Uniform State Laws.
- **Educating.** Under section 29-8-4(7) of the Code of Alabama, the Alabama Law Institute may organize and conduct meetings as needed within the state for the scholarly discussion of current problems in Alabama law, bringing together representatives of the Legislature, practicing attorneys, members of the bench and bar, and representatives of the law teaching profession and periodically conduct training and continuing education programs for public officials, including providing educational material. Section 29-8-4(9) also gives ALI responsibility for establishing and facilitating a legislative intern program in cooperation with the Legislative Council.
- **Reporting.** Section 29-8-4-7 of the Code of Alabama requires the Alabama Law Institute to submit annual reports to the Legislature through the president of the Institute

and, if it deems so advisable, accompany its reports with proposed bills to carry out any of its recommendations.

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

**Managing the Agency:** Activities involved in managing the agency may include internal office management activities such as corresponding and communicating; scheduling; meeting; creating policies and procedures; reporting; litigating; legislating (drafting, lobbying, tracking); publicizing and providing information; managing records; and managing information systems and technology.

**Managing Finances:** Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package, 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 involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

**Managing Properties, Facilities, and Resources:** Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

# Analysis of Record-Keeping System and Records Appraisal of the Alabama Law Institute

## Agency Record Keeping System

The Alabama Law Institute operates a hybrid system composed of paper and electronic records.

**Paper-based System:** Most of the Institute's records are created and maintained in paper format. Committee final reports and some publications are presented in electronic format on their website <http://ali.state.al.us/>.

**Computer System:** The commission utilizes the standard MS Office suite to complete daily work tasks in a Windows 7 or 10 environment. The staff use SugarSync for cloud back-ups and file sharing between offices.

## Records Appraisal

The following is a discussion of the two categories of records created and/or maintained by the Alabama Law Institute: 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 temporary records created by the commission are discussed below.

- **Model City Ordinance Financial Records.** These records document the financial details of ALI's work helping local communities with ordinance development and include: contracts, bills, student hours, etc. Final ordinances recommendations are reflected in the local records held by the communities receiving support from ALI. The financial records should be retained for 1 year after audited.
- **Legislative Intern and Legislative Law Clerk Files.** These records document these two programs overseen by ALI. Overview information about the number of participants, schools represented, and program activities are available in the director's annual report so these records are retained for their useful life, 6 years following separation of the individual from the program.
- **New Legislator Training Files.** These records document the training support provided by ALI in training new legislators. The agency only provides a support role for this function and records have a limited value.

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

### **Promoting Laws and Regulations**

- **Alabama Law Institute Council Meeting Agendas, Minutes, and Packets.** At its meetings, the ALI Council determines research needs, statute review, and model law development processes for the ALI staff to oversee. The records provide core documentation of the Council's decisions and activities in fulfilling ALI's statutory mandate (**Bibliographic Title: Alabama Law Institute Council Meeting Files**)
- **Law Development Working Committees Files.** The ALI staff oversee various working committees established to provide uniform law context, draft legislation, and other materials for specific legislative topics. The main documentation of the work of these groups are the final reports submitted to ALI.

**Meeting Agendas, Minutes, and Packets.** (including final reports of committees) are permanent records that document the committees established and law research completed. (**Bibliographic Title: Alabama Law Institute Council Meeting Files**)

**Committee Working Papers.** Committee working papers sometimes may include several drafts of proposed legislative changes, research materials gathered for the working group to review, etc. Once the final report is sent to the director for the Legislature, the working files are no longer useful. ADAH staff recommend a retention period of 3 years after submission of the committee's final report.

### **Educating**

- **News/Press Releases.** These records document activities of the Institute and how the Institute sees its mission and obligations. (**Bibliographic Title: Publicity Files**)
- **Informational and Promotional Publications.** Institute staff and working groups may create promotional brochures and pamphlets, programs, specific code section publications, or final reports, other materials relating to any aspect of Alabama law development, passage, and implementation. These records provide primary documentation of the ALI staff and working group research and educational activities. (**Bibliographic Title: State Publications**)
- **Photographs, Photographic Prints/Slides/Negatives, Videotapes, Audiotape, Digital Video or Audio Files, CD-ROMS, Blu-ray discs and Scripts.** These records are filed according to subject. They document some of the agency's programs or events. Some of the records are routine, while others retain research value. Prior to being destroyed,

records should be reviewed for historical content by ALI staff. (**Bibliographic Title: Audiovisual Materials**)

## Reporting

- **Director's Annual Report to the Institute Council.** Each year the ALI director is required to submit an annual report to the president of the Institute Council, who, in turn, transmits it to the Legislative Council. The report provides an overview of the agency's activities for the past year and is valuable documentation of the agencies completion of its mandated functions. (**Bibliographic Title: Annual Report**)

## Administering Internal Operations—Managing the Agency

- **Administrative Policies and Procedures.** These records provide essential documentation of a variety of issues in the ALI's administration of its mandates. Information in the records may or may not be reflected in the minutes of Council meetings. Issues involved could include law revisions requested; educational activities; financial planning; personnel issues; and relations with the public and other governmental/funding agencies. (**Bibliographic Title: Administrative Policies and Procedures**)
- **Administrative Correspondence.** These records consist of policy-related correspondence and emails created by senior administrative staff. They reflect decisions or deliberations on policies and procedures related to the ALI and broader questions of administration. (**Bibliographic Title: Administrative Correspondence**)
- **Website and Social Media Site(s).** The Alabama Law Institute maintains a website at <http://ali.state.al.us/>. ADAH staff capture and preserve the agency's website and other social media sites via a service offered by the Internet Archive (Archive It). Any content behind password protected or login would not be captured by ADAH. Check with the ADAH website at [www.archiveit.org/organizations/62](http://www.archiveit.org/organizations/62) to ensure you agency 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 Services Division at 334-242-4452 to get them included. (**Bibliographic Title: Website and Social Media Sites**)



# **Permanent Records List**

## **Alabama Law Institute**

### **Promoting Laws and Regulations**

1. Alabama Law Institute Council Meeting Agendas, Minutes, and Packets
2. Alabama Law Development Working Committees' Meeting Agendas, Minutes, and Packets

### **Educating**

1. News/Press Releases
2. Informational and Promotional Publications
3. Photographs, Photographic Prints/Slides/Negatives, Videotapes, Audiotape, Digital Video or Audio Files, CD-ROMS, Blue-ray discs and Scripts

### **Reporting**

1. Director's Annual Report to the Institute Council

### **Administering Internal Operations—Managing the Agency**

1. Administrative Policies and Procedures
2. Administrative Correspondence
3. Website and Social Media Site(s)

## **Alabama Law Institute Records Disposition Authority**

This Records Disposition Authority (RDA) is issued by the State Records Commission (SRC) 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 Services Division, Alabama Department of Archives and History (ADAH), which serves as the SRC's staff, in cooperation with representatives of the Alabama Law Institute. The RDA lists records created and maintained by the Institute 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 Institute 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 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 Services Division at (334) 242-4452.

### **Explanation of Records Requirements**

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 prior to 1940.

This RDA supersedes any previous records disposition schedules governing the retention of the Alabama Law Institute'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 sub-functions to which the records belong.

Certain other record-like materials are not actually regarded as official records and 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 maintain the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term 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; and (5) honorary

materials, plaques, awards, presentations, certificates, and gifts received or maintained by the office staff. They may be disposed of without documentation of destruction.

## **Records Disposition Requirements**

This section of the RDA is arranged by subfunctions of the Alabama Law Institute and lists the groups of records created and/or maintained by the Institute in carrying out those subfunctions. The Institute may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular biannual meetings.

### **Promoting Laws and Regulations**

#### **INSTITUTE COUNCIL MEETING MINUTES, AGENDAS, AND PACKETS**

Disposition: PERMANENT RECORD.

#### **LAW DEVELOPMENT WORKING COMMITTEE FILES**

- a. LAW DEVELOPMENT WORKING COMMITTEE MEETING MINUTES, AGENDAS, AND PACKETS  
Disposition: PERMANENT RECORD
- b. Committee Working Papers  
Disposition: Temporary Record. Retain 3 years after created.

#### **Institute Council Appointment Files**

Disposition: Temporary Record. Retain 5 years after the term is expired.

#### **Model City Ordinance Financial Records.**

Disposition: Temporary Record. Retain 1 year after audit.

### **Educating**

#### **NEWS/PRESS RELEASES**

Disposition: PERMANENT RECORD.

#### **INFORMATIONAL AND PROMOTIONAL PUBLICATIONS**

Disposition: PERMANENT RECORD.

#### **PHOTOGRAPHS, PHOTOGRAPHIC PRINTS/SLIDES/NEGATIVES, VIDEOTAPES, AUDIOTAPES, DIGITAL VIDEO AND AUDIO FILES, CD-ROMS, BLUERAY DISCS AND SCRIPTS**

- a. HISTORIC DOCUMENTATION  
Disposition: PERMANENT RECORD.

b. Routine Documentation

Disposition: Temporary Record. Retain for useful life.

**New Legislator and Public Officials Training Files**

Disposition: Temporary Record. Retain for 1 year after training session.

**Reporting**

**DIRECTOR'S ANNUAL REPORT TO THE INSTITUTE COUNCIL**

Disposition: PERMANENT RECORD

**Administering Internal Operations: Managing the Agency**

**ADMINISTRATIVE POLICIES AND PROCEDURES (Staff Handbook)**

Disposition: PERMANENT RECORD.

**ADMINISTRATIVE CORRESPONDENCE (Documenting the formal activities of staff and the agency)**

Disposition: PERMANENT RECORD.

**Routine Correspondence**

Disposition: Temporary Record. Retain 3 years.

**Administrative Reference Files**

Disposition: Temporary Record. Retain for useful life.

**Legislative Tracking Files**

Disposition: Temporary Record. Retain for useful life.

**Telephone Logs, Mailing Lists, Appointment Calendars**

Disposition: Temporary Record. Retain for 1 year.

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

Disposition: Temporary Record. Retain 1 year following audit.

**Copies of approved RDA**

Disposition: Temporary Record. Retain 1 year after audit in the fiscal year in which the RDA is superseded.

**Computer systems documentation (hardware/software manuals and diskettes, warranties, records of access/authorities, file naming conventions.)**

Disposition: Temporary Record. Retain documentation of former system 1 year after audit for the fiscal year in which the former hardware and software no longer exists anywhere in the Institute and all permanent records have been migrated into a new system.

### **WEBSITE AND SOCIAL MEDIA SITE(S)**

Disposition: PERMANENT RECORD.

(ADAH staff captures and preserves the agency's website and other social media sites via a service offered by the Internet Archive [Archive It]. Check with ADAH website at [www.archive-it.org/organizations/62](http://www.archive-it.org/organizations/62) to ensure your agency 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 Services Division at 334-242-4452 to get them included.)

### **Administering Internal Operations: Managing Finances**

**Records documenting the preparation of a budget package and reporting on the status of funds, requesting amendments of allotments, and reporting program performance.**

Disposition: Temporary Record. Retain 1 year after audit.

**Records documenting the requisitioning and purchasing of supplies and equipment, receiving and invoicing for goods, and authorizing payment for products.**

Disposition: Temporary Record. Retain 1 year after audit.

**Records of original entry or routine accounting transactions such as journals, registers, and ledgers; and records of funds deposited outside the state treasury, including bank statements, deposit slips, and canceled checks.**

Disposition: Temporary Record. Retain 1 year after audit.

**Records documenting requests for authorization from supervisors to travel on official business either within or outside the state, and other related materials, such as travel reimbursement forms and itineraries.**

Disposition: Temporary Record. Retain 1 year after audit.

### **[Examiners] Audit Reports**

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

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

- a. Sealed Bids over \$15,000

Disposition: Temporary Record. Retain 7 years after end of the fiscal year in which the bids were opened. (Code of Alabama 1975, Section 41-16-24)

b. Other Bids:

Disposition: Temporary Record. Retain for 10 years after the award of the contract.

**Contractual records established for the purpose of services or personal property**

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

**Administering Internal Operations: Managing Human Resources**

**Position Classification Records**

Disposition: Temporary Record. Retain 4 years after reclassification of the position.

**Application Materials**

Disposition: Temporary Record. Retain 1 year.

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

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

**Records documenting payroll deduction authorizations**

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

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

Disposition: Temporary Record. Retain 1 year after audit

**Records documenting payroll deductions for tax purposes (including Form 941)**

Disposition: Temporary Record. Retain 1 year after audit.

**Records documenting employee hours worked, leave earned, and leave taken**

Disposition: Temporary Record. Retain 1 year after audit.

**Records documenting final leave status**

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

**Records documenting Equal Employment Opportunity (Code of Federal Regulations, Title 29)**

a. Compliance Records

Disposition: Temporary Record. Retain 3 years after the close of the program year.

b. Complaint Records

Disposition: Temporary Record. Retain 3 years from the date of resolution of the complaint.

**Employee Flexible Benefits Plan Files (applications and correspondence)**

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

**Legislative Intern and Legislative Law Clerk Files**

Disposition: Temporary Record. Retain for 6 years following separation of the individual from the program.

**Administering Internal Operations: Managing Properties, Facilities, and Resources**

**Disaster Planning/Recovery Documentation (disaster plan, lists of vital records and equipment, locations of back-up record copies and emergency supplies, contact numbers for emergency assistance agencies, names and telephone numbers of disaster recovery team members, and disaster response and recovery procedures)**

Disposition: Temporary Record. Retain until superseded. Duplicate the current plan and disperse off-site copies among disaster recovery team members.

**Agency Copies of Transfer of State Property Forms (SD-1)**

Disposition: Temporary Record. Retain 1 year after audit.

**Property Inventory Affidavits**

Disposition: Temporary Record. Retain 1 year after audit.

**Receipts of Responsibility for Property**

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

**Incident/Accident Report**

Disposition: Temporary Record. Retain 2 years following incident/accident.

# **Requirement and Recommendations for Implementing the Records Disposition Authority**

## **Requirement**

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 obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of records of the Alabama Law Institute as stipulated in this document.

One condition of this authorization is that the commission submit an annual Records Disposition Authority (RDA) Implementation Report on its records management activities, including documentation of records destruction, to the State Record Commission.

## **Recommendations**

In addition, the Alabama Law Institute should make every effort to establish and maintain a quality record-keeping program through the following activities:

The agency should designate a staff member in a managerial position as its records liaison/records manager responsible for: ensuring the development of quality record-keeping systems that meet the commission’s business and legal needs, 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 commission’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 Open Meetings Act, audit requirements, or any legal notice or subpoena.

The commission 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 chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.

Electronic mail contains permanent, temporary, or transitory record information. Although e-mail records can be printed out, filed, and retained according to the RDA’s requirements, the



commission should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving and accessing messages having long-term value.

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

The State Records Commission approved this records disposition authority on October 26, 2016.

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Steve Murray, Chairman  
State Records Commission

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Date

By signing below, the agency acknowledges receipt of the retention periods and requirements established by the records disposition authority.

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Othni Lathram, Director  
Alabama Law Institute

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Date