

Alabama Polygraph Examiners Board

Functional Analysis & Records Disposition Authority

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State Records Commission
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Functional and Organizational Analysis of the Alabama Polygraph Examiners Board

Sources of Information

Representatives of the Alabama Polygraph Examiners Board
Code of Alabama 1975, Sections 34-25-1 through 34-25-35
Code of Alabama 1975, Sections 41-20-1 through 41-20-16 (Sunset Law)
Code of Alabama 1975, Sections 41-22-1 through 41-22-27 (Administrative Procedures Act)
Alabama Administrative Code, Chapters 740-X-2-.01 through 740-X-2-.04; 740-X-3-.01 through 740-X-3-.16; 740-X-.01 through 740-X-4-.02; 740-X-5-.01 through 740-X-5-.04; and 740-X-6-.01 through 740-X-6-.05
Alabama Polygraph Examiners Board Audit Reports
Alabama Government Manual (2010), p. 545-546
Government Records Division, State Agency Files (1989-ongoing)

Historical Context

The Alabama Polygraph Examiners Board was created in 1971 by the Legislature (Acts 1971, No. 2056, p. 3307). The enabling act has been amended several times over the past 40 years or so.

Agency Organization

The Alabama Polygraph Examiners Board consists of five voting members appointed by the governor for staggered four-year terms. Board members must be professional polygraph examiners with at least four consecutive years of experience prior to appointment. Three board members must be representatives of governmental law enforcement agencies and two must be members of the commercial field. Two advisory consultants, one a qualified psychologist and one an attorney-at-law, are also appointed by the governor to assist the board members. The board elects a chairman from among its members, and meets at three-month intervals or as necessary. A majority vote is sufficient for passage of business. The board hires a part-time staff to handle its daily operation. The Department of Public Safety provides the board with office space and other administrative support at no cost to the board.

Agency Function and Subfunctions

The mandated function of the Alabama Polygraph Examiners Board is to enforce all provisions of the law regulating and licensing polygraph examiners. It is one of the agencies primarily involved in carrying out the regulatory function of Alabama government. In the performance of its mandated functions, the board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** The Code of Alabama 1975, Section 34-25-5, authorizes the board to issue regulations and forms for the administration and enforcement of

the law relating to polygraph examiners. This subfunction encompasses activities pertaining to the development of rules, regulations, and procedures for licensure.

- **Licensing.** The Code of Alabama 1975, Sections 34-25-20 to 34-25-36, authorizes the board to screen and examine applicants for licensure as polygraph examiners. The subfunction encompasses the screening of applicant's qualifications, conducting examinations, and issuing licenses to applicants who pass the examination for licensure as polygraph examiners in Alabama. All licenses are renewable each year upon the completion of required continuing education credits and payment of the renewal fee.

- **Investigating Complaints or Violations.** The board is authorized to conduct investigations, hearings, and proceedings concerning alleged violations of its rules and regulations. Upon receiving a complaint, the board may make a further investigation of the matters referred to in the complaint; request that all of the parties concerned appear at an informal hearing about the complaint; or begin proceedings to suspend or revoke a polygraph examiner's license as provided by law. The board is obligated, upon receipt of written or oral complaints, to investigate all consumer complaints concerning either licensed or unlicensed contractors. The board's special investigators investigate the complaint to determine if there is probable cause for disciplinary or enforcement proceedings. The board may enter into informal settlements with the violator or may take formal disciplinary actions, including a hearing if necessary. If a licensee has committed fraud or deceit in obtaining a license or has committed gross negligence, incompetence, or misconduct in the practice of general contracting, the board may then suspend or revoke the license and/or impose an administrative fine.

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

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; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities include budgeting (preparing and reviewing a budget package, submitting the budget package to the Finance Department; 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; assisting in the audit process; investing; and issuing bonds.

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; constructing buildings and facilities; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Record Appraisal of the Alabama Polygraph Examiners Board

Agency Record Keeping System

The Alabama Polygraph Examiners Board currently operates a record keeping system composed of paper only.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Polygraph Examiners Board: Temporary Records and Permanent Records.

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

Polygraph Examiner Licensure Files. The board is responsible for examining and licensing applicants as polygraph examiners. These files serve as evidence of the scope of a licensee's professional practice in this state. A typical licensure file documents the licensee's professional career in Alabama and may contain a completed licensure application form, examination records, renewal documents, and continuing education evidence. To ensure the availability of this series for possible reference, the recommended retention for the file is 15 years after the end of the fiscal year in which the license becomes inactive or 5 years after the death of the licensee.

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

■ Promulgating Rules and Regulations:

Meeting Agendas, Minutes, and Packets of the Board. In accordance with the Code of Alabama, Section 34-25-4 (c), the board is obligated to "meet at three-month intervals, or at any other time as necessary." This series contains meeting agendas, minutes, and other supporting or reference documents. These records are the best source of information about the functions of the board and the creation of its policy. (RDA page 8) **(Bibliographic Title: Meeting Agendas, Minutes, and Packets)**

■ Administering Internal Operations:

Website. The board has a website at www.polygraph.alabama.gov. Information on the website includes board rules and regulations; application for licensure procedures; pictures of equipment; annual renewal forms; various forms; schools recognized by the board for continuing education; and upcoming events. The website should be preserved as it serves as an important medium for communication with the public. (RDA pages 8) **(Bibliographic Title: Website)**

Permanent Records List

Alabama Polygraph Examiners Board

Promulgating Rules and Regulations:

1. Meeting Agendas, Minutes, and Packets of the Board

Administering Internal Operations:

1. Website and Social Media Site(s)

Alabama Polygraph Examiners Board 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 Polygraph Examiners Board. The RDA lists records created and maintained by the Alabama Polygraph Examiners Board 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 agency 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 and/or RDAs governing the retention of the Alabama Polygraph Examiners Board. Copies of superseded schedules or/and RDAs are no longer valid and should be discarded.
- This RDA shall govern the disposition of all records, regardless of format, created by the agency from its creation to dissolution.
- 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.
- 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; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationary, 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 agency 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 Polygraph Examiners Board and lists the groups of records created and/or maintain 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 States Records Commission for consideration at its regular meetings.

■ Promulgating Rules and Regulations

MEETING AGENDAS, MINUTES, AND PACKETS OF THE BOARD

Disposition: PERMANENT RECORD.

■ Licensing:

Polygraph Examiner Licensure Files

Disposition: Temporary Record. Retain 15 years after the end of the fiscal year in which the license becomes inactive or 5 years after the death of the licensee.

■ Investigating Complaints or Violations:

Complaint Files

Disposition: Temporary Record. Retain 15 years after the matter is resolved.

Investigation Files

Retention: Temporary Record. Retain 15 years after the investigation is completed.

Hearing Files

Disposition: Temporary Record. Retain 15 years after the hearing is completed.

■ Administering Internal Operations

Managing the Agency

WEBSITE

Disposition: PERMANENT RECORD.

(ADAH staff captures and preserves the agency's website and/or 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 get them included.)

Board Member Appointment Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the term expires.

Routine Correspondence

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 RDA (copies of transmittals forms to Archives or State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

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

Copies of Approved RDA

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

Managing Finances:

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

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

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received

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

Records of original entry such as journals, registers, and ledgers; and records of funds deposited outside the state treasury

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

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

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

Records documenting contracts for services or personal property

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

Managing Human Resources:

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

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

Managing Properties, Facilities, and Resources:

Semiannual Inventory Lists

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

Insurance Policies/Risk Management Records

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

Requirements and Recommendations for Implementing the Records Disposition Authority

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 the records of the Alabama Polygraph Examiners Board (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 (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Record 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; (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 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 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 23, 2013.

Steve Murray
Chairman, State Records Commission

Date

Receipt acknowledged:

Joan Beck
Administrative Secretary
Alabama Polygraph Examiners Board

Date