

Office of the President Pro Tempore of the Senate

**Functional Analysis
&
Records Disposition Authority**

**Revision
Presented to the
State Records Commission
October 24, 2007**

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Functional and Organizational Analysis of the Office of the President Pro Tempore of the Senate

Sources of Information

Representatives of the Office of the President Pro Tempore of the Senate
Constitutions of Alabama (1819, 1861, 1865, 1868, 1875, and 1901)
Code of Alabama 1975, 17-2-1 to 17-2-3; 29-1-1 to 29-1-25; 29-2-1 to 29-2-190; 29-3-1 to 29-3-16; 29-4-1 to 29-4-60
Alabama Law Institute, The Legislative Process: A Handbook for Alabama Legislators
Alabama Government Manual (2006), page 601
Office of the President Pro Tempore of the Senate Audit Reports

Historical Context

The Legislature of Alabama evolved from the territorial general assemblies of the Mississippi Territory (1798-1817) and the Alabama Territory (1817-1819) as first established by the terms of the Northwest Ordinance of 1787 which had governed the development of the earlier Ohio and Illinois territories. Upon the adoption of the Constitution of Alabama in 1819, the Senate assumed the duties and functions of the upper chamber of the Legislature. The Senate has 35 members elected from single-member districts. Under Alabama's Constitution, the lieutenant governor is designated as the ex officio president and presiding officer of the Senate. In addition, the Senate must elect one of its members as president pro tempore, to preside over its deliberations in the absence of the lieutenant governor. Pro Tempore is a Latin phrase which best translates to "for the time being" in English. As a result of a separate appropriation for the Office of the President Pro Tempore of the Senate from the General Fund made pursuant to Act Number 1999-441, the Office of the President Pro Tempore of the Senate is designated as a separate state agency in the State's Central Accounting System.

Agency Organization

In accordance with the Constitution of Alabama 1901, as amended, the president pro tempore of the Senate is elected by members of the Senate at the beginning of each organizational session for the ensuing four years and at such times as may be necessary. In addition to the president pro tempore, employees of this office consist of a chief of staff and a chief financial officer. The office may also enter into contracts for professional services with attorneys and other individuals. All staff members of this office are exempt employees as provided by the Code of Alabama, Section 36-26-10 (b), which states that the exempt service includes officers and employees of the Legislature.

Agency Function and Subfunctions

The Office of the President Pro Tempore of the Senate serves in the event of absence of the president of the Senate, as outlined in Article IV, Section 51, of the Constitution. It is one of the agencies responsible for performing the Policy and Statute Development function of Alabama government. In performance of their duties, the staff of the Office of the President Pro Tempore may engage in the following subfunctions.

- **Presiding, Appointing, and Corresponding.** Alabama's Constitution designates the lieutenant governor as ex officio president and presiding officer of the Senate. The president pro tempore is elected by members of the Senate to preside over the deliberations in the absence of the lieutenant governor. In the event of a vacancy in the Office of the governor, the Constitution prescribes the order of succession as the lieutenant governor, and then the president pro tempore. In addition, the president pro tempore may be involved in the appointment of various standing committees within the Senate. The president of the Senate assigns bills to committees with the concurrence of the president pro tempore. Staff members of this office also respond to various issues/concerns of constituents through correspondence.
- **Administering Internal Operations.** A significant portion of the office's work includes general administrative, financial, and personnel activities performed to support its programmatic areas.

Managing the Agency: Activities include internal office management work 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 state 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; 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; 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 Records Appraisal of the Office of the President Pro Tempore of the Senate

Agency Record Keeping System

The Office of the President Pro Tempore of the Senate currently operates a hybrid record keeping system composed of paper and electronic records.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Office of the President Pro Tempore of the Senate: 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 their fiscal, legal, and administrative requirements have been met. All of the temporary records created by the Office of the President Pro Tempore of the Senate are general and routine operational records with a short-term retention. They are covered under the subfunction of the Administering Internal Operations.

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

Presiding, Appointing, and Corresponding.

- **Administrative Files of the President Pro Tempore.** This series consists of subject and correspondence files which document the function of the president pro tempore. Typical records may include correspondence, memoranda, reports, speeches, committee assignments, press releases, newspaper clippings, and other related materials. This series needs to be maintained permanently to serve as evidence of the administrative activities of the president pro tempore. (RDA pg. 3-2) **(Bibliographic Title: Administrative Files)**
- **Constituent Correspondence Files.** This series contains correspondence received by the office from constituents and responses sent by the president pro tempore. These files provide documentation of dominant citizen issues and should be preserved. (RDA pg. 3-2) **(Bibliographic Title: Constituent Correspondence Files)**

Administering Internal Operations

- **Property Lists.** This series consists of annual lists of non-consumable personal property in the custody of the office. Although the office is exempt from the provision of the Code of Alabama, Section 36-16-8 (1), these lists need to be maintained in the agency's office permanently as documentation of the property owned by the Senate.

Permanent Records List

Office of the President Pro Tempore of the Senate

Presiding, Appointing, and Corresponding

1. Administrative Files of the President Pro Tempore
2. Constituent Correspondence Files

Administering Internal Operations

1. Property Lists*

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

Office of the President Pro Tempore of the Senate 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 Office of the President Pro Tempore of the Senate. The RDA lists records created and maintained by the Office of the President Pro Tempore of the Senate 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 governing the retention of the Office of the President Pro Tempore of the Senate. Copies of superseded schedules are no longer valid and may not be used for records disposition.
- This 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.
- 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 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 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; (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 Office of the President Pro Tempore of the Senate and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

** denotes agency vital records, defined as records required to carry on its essential operations, to protect its legal and financial interests, and to assist in its recovery during a period of emergency or natural disaster.

■ **Presiding and Appointing**

ADMINISTRATIVE FILES OF THE PRESIDENT PRO TEMPORE OF THE SENATE
Disposition: PERMANENT RECORD.

CONSTITUENT CORRESPONDENCE FILES
Disposition: PERMANENT RECORD.

■ **Administering Internal Operations**

Managing the Agency:

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after the 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 transmittal forms to Archives or State Records Center, destruction notices or other evidence of obsolete records destroyed, annual reports to State Records Commission)

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

Copy of RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA was 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 exist in the agency and all permanent records have been 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 the 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**

Disposition: Temporary Record. Retain 3 years after the 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, including bank statements, deposit slips, and canceled checks**

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

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

Disposition: Temporary Record. Retain 3 years after the 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 contract. (Code of Alabama, Section 6-2-34).

Agency Audit Reports

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

Managing Human Resources:

Records documenting application for employment

Disposition: Temporary Record. Retain 1 year after request.

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.

Records documenting payroll (e.g. pre-payroll report, 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 6 years after separation of the employee from the agency.

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 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 complaints.

State Employees Injury Compensation Trust Fund Files**

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

Worker Compensation Injury and Settlement Reports

Disposition: Temporary Record. Retain 12 years after the end of the fiscal year in which the transaction occurred. (Code of Alabama 1975, Section 25-5-4).

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

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

Employee Administrative Hearing Files**

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

Managing Properties, Facilities, and Resources:

PROPERTY LISTS**

Disposition: PERMANENT RECORD. Retain in Office.

Property Inventory Cards and/or Computer 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 ownership, use, maintenance, insurance, and disposition of vehicles and equipment

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

Records documenting the lease or rental of office or warehouse

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

Insurance Policies / Risk Management Records

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

Requirement 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 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 Office of the President Pro Tempore of the Senate (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submit an annual Records Disposition Authority (RDA) 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 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.

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, 2007.

Edwin C. Bridges, Chairman, by Tracey Berezansky
State Records Commission

Date

Receipt acknowledged:

Hinton Mitchem
President Pro Tempore of the Senate _____

Date