

Alabama Board of Court Reporting

Functional Analysis & Records Disposition Authority

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

Sources of Information

Representatives of the Alabama Board of Court Reporting
Code of Alabama, 1975, Sections 34-8B-1 through 34-8BC-18
Code of Alabama 1975, Sections 41-22-1 through 41-22-27 (Administrative Procedures Act)
Alabama Administrative Code, 257-X-1 through 257-X-8

Historical Context

The Alabama Board of Court Reporting was established in 2006 (Act 2006-200). There was no state agency regulating the profession of court reporting before this board was established.

Agency Organization

The board consists of seven members as follows: four court reporters certified at a professional level by the National Court Reporters Association (NCRA) or the National Verbatim Reporters Association (NVRA), two members in good standing with the Alabama State Bar Association, one member in good standing with the Alabama Judicial Conference. Appointments are made by the governor, the lieutenant governor, the president pro tempore of the Senate, the speaker of the House of Representatives, and the chief justice of the Alabama Supreme Court respectively. At its first meeting each calendar year, the board elects a chair, vice chair, and a secretary from its membership. No members are allowed to serve more than two consecutive years in the same office. The board meets not less than twice annually and as frequently as deemed necessary by the chair or a majority of the members. Four members constitute a quorum. The board may employ an executive director, investigators, inspectors, attorneys, and any other staff members as needed to administer the Court Reporter Practice Act. The board currently contracts with the Leadership Alliance, LLC, office in Montgomery to handle its daily operations. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function for the Alabama Board of Court Reporting is to regulate the profession of court reporting in Alabama. The board is one of the agencies responsible for the Regulatory function of Alabama government. In the performance of its mandated function, the board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** In accordance with the Administrative Procedures Act (Code of Alabama 1975, Section 41-22-3), the board has the authority to prescribe rules and regulations for court reporters. The board also develops the appropriate

procedures or techniques for the implementation of its rules and regulations. This subfunction encompasses activities pertaining to the establishment and promulgation of rules, regulations, and procedures by the board for carrying out its duties and responsibilities.

- **Licensing.** The board is authorized, under the Code of Alabama, Section 34-8B-5, to grant, suspend, reinstate, and revoke licenses for court reporters. In accordance with the enabling legislation, any person who has been engaged in the practice of court reporting on June 1, 2006, may apply for licensure by grandfathering. In addition, any member in good standing of the Alabama Court Reporters Association licensed as a certified shorthand reporter on June 1, 2006, may also apply for licensure by credentials. After June 1, 2006, any person applying for licensure must be a graduate of an accredited high school, pass the required licensure examinations, and pay the licensure fees. Licensees are required to renew their licenses annually. The board may license a person who is licensed in another state through reciprocity agreements with other states or entities.

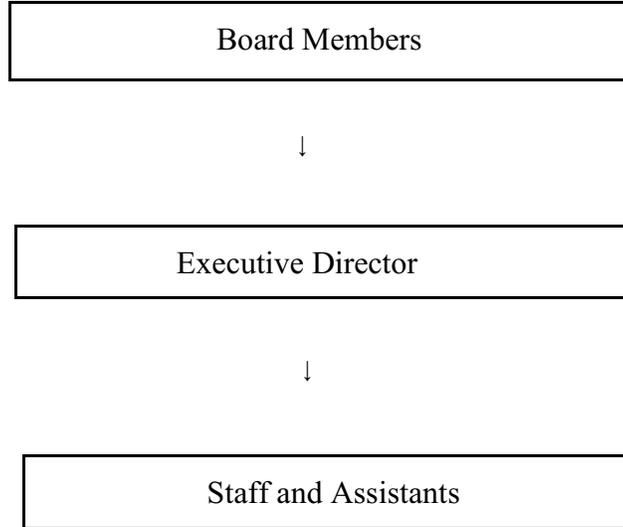
- **Enforcing.** In order to maintain a high standard of integrity in the practice of court reporting, the board is authorized to establish and implement procedures for the investigation of complaints against licensed court reporters and for the conduct of hearings in which complaints are heard. The board may fine, suspend, revoke, or otherwise discipline any court reporter upon proof that the person is guilty of violations. The licensee convicted of a violation by the board may appeal the decision of the board within 90 days, and further appeal is then available in the county circuit court in the jurisdiction of the residence of the licensee.

- **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 involved in managing finances may include the following: budgeting (preparing and reviewing the 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.

Alabama Board of Court Reporting



Analysis of Record-Keeping System and Records Appraisal of the Alabama Board of Court Reporting

Agency Record-Keeping System

The Alabama Board of Court Reporting 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 Alabama Board of Court Reporting: 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.

- **Licensure Files.** Included in these records are documents relating to the application, screening, and licesnsure of applicants. The recommended retention for these records is five (5) years after the license has become inactive in case the ex-licensees decide to renew their licenses.

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

Promulgating Rules and Regulations:

- **Meeting Agendas, Minutes, and Packets.** This series documents decisions and actions including the approval or denial of licenses. These records provide important documentation of the board's actions that may not be found elsewhere. (RDA page 3-2) (**Bibliographic Title: Meeting Minutes**)

Licensing:

- **Roster of Licensees.** The board maintains a roster of licenses on its database. This roster contains a list of licensees, addresses, license numbers, license issue dates, and license expiration dates. The roster provides key documentation of licensed court reporters, thus a copy should be printed out annually for permanent retention. (RDA page 3-2)(**Bibliographic Title: Roster of Licensees**)

Administering Internal Operations:

- **Publications.** This series contains various publications by the board. They may include, but

are not limited to, rules and regulations, newsletters, and other related materials. (RDA page 3-3)(**Bibliographic Title: State Publications**)

- **Website.** The agency maintains a website at www.abcr.alabama.gov. Information on the website includes the court reporting law, the board's rules, forms, calendar of events, roster, and board staff members. The website should be preserved as it serves as an important medium for communication with the public.(RDA page 3-3) (**Bibliographic Title: Website**)

Permanent Records List

Alabama Board of Court Reporting

Promulgating Rules and Regulations

1. Meeting Agendas, Minutes, and Packets

Licensing

1. Roster of Licensees

Administering Internal Operations

1. Publications
2. Website

Alabama Board of Court Reporting 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 Court Reporting. The RDA lists records created and maintained by the Alabama Board of Court Reporting in carrying out its mandated functions and subfunctions. It establishes retention periods and disposition instructions for those records and provides the legal authority for the Alabama Board of Court Reporting 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 Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Personnel Department. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records 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 records and records-related materials need not be retained as records under the disposition requirements in 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, 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 agency social activities. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama Board of Court Reporting 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.

■ **Promulgating Rules and Regulations**

MEETING AGENDAS, MINUTES, AND PACKETS

Disposition: PERMANENT RECORD.

Recordings of Meetings

Disposition: Temporary Record. Retain until the official minutes are adopted and signed.

Register of Administrative Rules

Disposition: Retain in Office (Code of Alabama 1975, Section 41-22-6).

Board Appointment Files

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

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

Disposition: Temporary Record. Retain 3 years.

■ **Licensing.**

ROSTER OF LICENSEES

Disposition: PERMANENT RECORD.

Licensure Files

Disposition: Temporary Record. Retain 5 years after license has become inactive.

Renewal Files

Disposition: Temporary Record. Retain 5 years after the record has been created.

Licensure Database

Disposition: Temporary Record. Retain until superseded or obsolete.

■ **Enforcing**

Investigation and Disciplinary Files

Disposition: Temporary Record. Retain 5 years after license has become inactive.

■ **Administering Internal Operations**

Managing the Agency:

PUBLICATIONS

Disposition: PERMANENT RECORD.

WEBSITE

Disposition: PERMANENT RECORD. PRESERVE A COMPLETE COPY OF WEBSITE ANNUALLY OR AS OFTEN AS SIGNIFICANT CHANGES ARE MADE.

Routine Correspondence

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

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 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.

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

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 cancelled checks

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.

Contractual records established for the purpose of services or personal property

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

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

- a. Original bid records maintained in the purchasing office of the agency for contracts over \$7500

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

- b. Duplicate copies of bid (where originals are maintained by the Finance Department - Division of Purchasing)

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

Agency Audit Reports

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

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 Court Reporting (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 July 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 July 22, 2009.

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

Date

Receipt acknowledged

Paula Scout McCaleb, Executive Director
Alabama Board of Court Reporting

Date