

Alabama Credit Union Administration

Functional Analysis & Records Disposition Authority

**Revision
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State Records Commission
April 28, 2010**

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Functional and Organizational Analysis of the Alabama Credit Union Administration

Sources of Information

Representatives of the Alabama Credit Union Administration
Code of Alabama 1975, Section 5-17-1 through 5-17-59
Code of Alabama 1975, Sections 41-20-1 through 41-20-6 (Sunset Law)
Code of Alabama 1975, Sections 41-22-1 through 41-22-27 (Administrative Procedures Act)
Alabama Administrative Code, Sections 340-X-1 through 340-X-6
Alabama Government Manual (2002), page 102
Alabama Credit Union Administration Audit Reports
Alabama Credit Union Administration website

Historical Context

Prior to 1985, the regulation and examination of credit unions in Alabama was a responsibility of the Department of Banking. In 1971, the Legislature created a Credit Union Board, and provided for it to operate under the aegis of the Department of Banking and in an advisory capacity on the regulation of credit unions in Alabama. In 1985, the Legislature removed all duties relating to credit union regulation from the Department of Banking, and placed them under a newly created Alabama Credit Union Administration. The Credit Union Board was reconstituted as an advisory and appeals body for the Alabama Credit Union Administration.

Agency Organization

The Alabama Credit Union Administration is directed by an administrator appointed by the governor with consent of the Senate. The administrator serves during the term of the governor, and may be removed from office by two-thirds vote of the Credit Union Board. The administrator employs assistants and employees as needed to carry out the duties of the administration.

The Credit Union Board consists of eight (8) members appointed by the governor with consent of the Senate. The administrator of the Alabama Credit Union Administration is an *ex officio* member and chairman of the board. Of the remaining seven (7) members, four (4) are appointed from a list of nominees submitted by the Alabama Credit Union Legislative Forum, and three (3) members are named from a list of nominees submitted by credit unions at large. Members are appointed to three-year staggered terms, and are subject to removal for failure to attend three regular meetings, conviction of a felony, failure to meet statutory requirements of members, or other failure to perform duties imposed by law.

Agency Function and Subfunctions

The mandated function of the Alabama Credit Union Administration is to administer state laws which regulate and otherwise relate to the operation of credit unions in Alabama. The Credit Union Board serves as an advisory body on matters relating to the Alabama Credit Union Administration and hears appeals from findings by the administration. The agency is one of the agencies responsible for performing the Regulatory function of Alabama government. In performance of its mandated function, the Alabama Credit Union Administration may engage in the following subfunctions.

- **Promulgating Rules and Interpreting Laws.** The Code of Alabama 1975, Section 5-17-46, authorizes that the administrator may, with the concurrence of a majority of the Credit Union Board, promulgate, amend, or repeal rules and regulations relating to the credit union laws over which the Alabama Credit Union Administration has jurisdiction. In addition, the administrator and/or the Attorney General may issue written interpretations of credit union laws and regulations. This subfunction encompasses activities pertaining to the adoption, amendment, or repeal of regulations or interpretations of laws.
- **Regulating Credit Union Operations.** In accordance with provisions of the Code of Alabama 1975, Section 5-17-1 through 5-17-59, the Alabama Credit Union Administration is authorized to review applications for permission to organize credit unions, approve the charters of newly organized credit unions, supervise the merger and liquidation of credit unions, collect and disperse operating fees imposed on the state-chartered credit unions, require quarterly reports from credit unions, examine books and records of credit unions, and issue cease or desist orders upon findings that laws have been violated.
- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency.

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; 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 Records Appraisal of the Alabama Credit Union Administration

Agency Record Keeping System

The Alabama Credit Union Administration currently operates a hybrid record keeping system composed of paper and electronic records.

Computer System: The agency's central office has utilized three (3) desk top computers and one (1) laptop to assist staff members in processing daily work. Computers are installed with Microsoft and/or QuickBooks software. Examiners of the agency use laptops to perform examinations of credit unions across the state. These laptops, along with printers and external CD-ROM drives, are provided by the National Credit Union Administration (NCUA) for use by the agency staff. The agency can also communicate with NCUA, its examiners, and office staff members through an e-mail system owned and operated by NCUA.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama Credit Union Administration: 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. Some of the temporary records created by the Alabama Credit Union Administration are discussed below:

- **Credit Union Certificate of Approval Files.** In accordance with Code of Alabama, Section 5-17-2, any seven (7) residents of the state may apply to the Alabama Credit Union Administration (ACUA) for permission to organize a credit union. Applicants must create a certificate of organization to indicate (1) the name and location of the proposed credit union; (2) the names and addresses of the subscribers to the certificate and the number of shares subscribed by each; and (3) the par value of the shares of the credit union, which should not exceed \$25.00 each. They also need to prepare and adopt bylaws for the general governance of the credit union. Both documents are forwarded to ACUA for review and approval. If approved, ACUA will issue a certificate of approval to applicants. Applicants then file all documents with their local probate judge. Upon filing, the probate judge will return these records to ACUA. This series consists of certificates of organization, bylaws, and certificates of approval. The agency maintains them for reference for 25 years after the credit union closes, liquidated, or merged into another state charter or federal charter credit union..

- **Field of Membership (FOM) Files for Credit Unions.** Any credit union may apply to include employee or association groups in its field of membership provided that the Alabama Credit Union Administration ascertains that the number of employees or association members is within the regulation, and the group is located in a well-defined area near the credit union's main office or branch. This series is created/maintained to document the application and approval process of a credit union's field of membership expansion. Files are maintained for reference purpose.

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

Promulgating Rules and Interpreting Laws

- **Meeting Agendas, Minutes, and Packets.** This series contains information on proposed and executed proceedings of the Credit Union Board. In addition to minutes, this series also includes meeting agendas and other supporting or reference documents. These records should be preserved as the core documentation of the board. (RDA pg.3-2) (**Bibliographic Title: Meeting Minutes**)
- **Rules and Regulations.** Code of Alabama 1975, Section 5-17-46, authorizes that the administrator may, with the concurrence of a majority of the Credit Union Board, promulgate, amend, or repeal rules and regulations relating to the credit union laws over which the Alabama Credit Union Administration has jurisdiction. This series consists of rules and regulations promulgated by the agency for the administration of the law relating to credit unions. (RDA pg.3-2) (**Bibliographic Title: Rules and Regulations**)

Regulating Credit Union Operations

- **Agency Staff Reports of Audit/Examination of Credit Unions.** The agency's examiners audit and examine on an annual basis all state-chartered credit unions to determine a credit union's financial condition, ability to fulfill its obligations, and compliance with the law. The examinations serve as a check on the accuracy of the credit union's quarterly reports. Documents may include correspondence, examination overview and findings, loan exceptions, response to findings, and documents of resolution. These audit/examination reports have historical value in that they document a major function of this agency and provide information on the operations of credit unions across the state.

Administering Internal Operations

- **Annual Reports.** In accordance with Code of Alabama 1975, Section 5-17-48, the administrator is obligated to make an annual report to the governor on the activities of the Alabama Credit Union Administration and other related information as the governor may request. Information contained in the annual report includes membership of the Credit Union Board, agency personnel, consolidated balance sheet, statements of financial condition,

statements of operations, and related graphs. (RDA pg. 3-4) (**Bibliographic Title: State Publications**)

- **Website.** The agency has a website at: www.acua.alabama.gov. Information on the website includes the organizational structure of the agency and the advisory board, laws and regulations relating to credit union operations, forms, and directory of credit unions in Alabama. The website should be preserved as it serves as an important medium for communication with the public. (RDA pg. 3-4) (**Bibliographic Title: Website**)

- **Inventory Lists.** The Code of Alabama 1975, Section 36-16-8[1] requires that “. . . All [state agency] property managers shall keep at all times in their files a copy of all inventories submitted to the Property Inventory Control Division, and the copies shall be subject to examination by any and all state auditors or employees of the Department of Examiners of Public Accounts.” These files need to be maintained in the agency’s office. (RDA pg. 3-8)

Permanent Records List

Alabama Credit Union Administration

Promulgating Rules and Interpreting Laws

1. Meeting Agendas, Minutes, and Packets
2. Rules and Regulations

Regulating Credit Union Operations

1. Agency Staff Reports of Audit/Examination of Credit Unions

Administering Internal Operations

1. Annual Reports
2. Website
3. Inventory 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.

Alabama Credit Union Administration 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 Credit Union Administration. The RDA lists records created and maintained by the Alabama Credit Union Administration 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 Alabama Credit Union Administration's records. 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 short-term records that do not materially document the work of an agency may be disposed of under this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the

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

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama Credit Union Administration 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 Interpreting Laws

MEETING AGENDAS, MINUTES, AND PACKETS
Disposition: PERMANENT RECORD.

RULES AND REGULATIONS
Disposition: PERMANENT RECORD.

Interpretation of Laws
Disposition: Temporary Record. Retain for useful life.

Opinions of Attorney General
Disposition: Temporary Record. Retain for useful life.

■ Regulating Credit Union Operations

AGENCY STAFF REPORTS OF AUDIT/EXAMINATION OF CREDIT UNIONS
Disposition: PERMANENT RECORD.

Credit Union Certificate of Approval Files
Disposition: Temporary Record. Retain 25 years after the end of the year in which the credit union was closed, liquidated or merged into another state charter or federal charter credit union.

Administrative Action Against Credit Union Files

Disposition: Temporary Record. Retain 25 years after satisfaction of any resolution of the cause.

Fields of Membership (FOM) for Credit Union Files

Disposition: Temporary Record. Retain 25 years after the end of the year in which the credit union was closed, liquidated or merged into another state charter or federal charter credit union.

Credit Union Insurance Policy Files Provided by Private Insurance Companies (American Share Insurance, Inc. etc.)

Disposition: Temporary Record. Retain 1 year after the end of the fiscal year in which the credit union was closed.

Agency Staff Field Audit/Examination Working Files

Disposition: Temporary Record. Retain 5 years after the end of the fiscal year in which the records were created.

Quarterly Reports Filed by Credit Unions (National Credit Union Administration Form 5300's)

Disposition: Temporary Record. Retain 1 year after the end of the ~~fiscal~~ calendar year in which the records were created.

Credit Union Merger/Liquidation Files

Disposition: Temporary Record. Retain 10 years after the end of the fiscal year in which the records were created.

National Association of State Credit Union Supervisors Accreditation Files

Disposition: Temporary Record. Retain ~~5~~ 2 years after the end of the fiscal year in which the records were created.

Alabama Credit Union Administration and National Credit Union Administration Joint Exam Agreement

Disposition: Temporary Record. Retain until modified or superseded.

■ **Administering Internal Operations**

Managing the Agency:

ANNUAL REPORTS

Disposition: PERMANENT RECORD.

WEBSITE

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

Legal Case Files

Disposition: Temporary Record. Retain 25 years after the final settlement.

Credit Union Board Appointment Letters

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 the end of the fiscal year in which the records were created.

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 exists in the agency and all permanent records have been migrated to a new system.

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

Disposition: Temporary Record. Retain 3 years.

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.

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: 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.

Managing Human Resources:

Records documenting job recruitment

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

Position Classification Files

Disposition: Temporary Record. Retain 4 years after position is reclassified.

Records documenting job description

Disposition: Temporary Record. Retain until superseded.

Certification/Personnel Transaction Files

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

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

- a. Records documenting work history of employees
Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.
- b. Records, located within divisions/offices, which document an employee's work history
Disposition: Temporary Record. Retain 1 year 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 employees' daily and weekly work schedules

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

Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)

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

Records documenting sick leave donations

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

Records documenting final leave status

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

Records documenting verification of accuracy of State Personnel Department records

Disposition: Temporary Record. Retain for useful life.

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.

Records documenting the State Employee Injury Compensation Trust Fund (SEICTF) Claims

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

Employee Administrative Hearing Files

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

Managing Properties, Facilities, and Resources:

INVENTORY LISTS

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

Letters of Transmittal

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

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

Disposition: Temporary Record. Retain 3 years after 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.

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 Alabama Credit Union Administration (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 April 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.
- 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 April 28, 2010.

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

Date

Receipt acknowledged:

T. Glenn Latham, Administrator
Alabama Credit Union Administration

Date