

State Ethics Commission

Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
October 27, 2004**

Table of Contents

Functional and Organizational Analysis of the State Ethics Commission	
Sources of Information	1-1
Historical Context.	1-1
Agency Organization	1-1
Agency Function and Subfunctions	1-1
Promulgating Rules and Regulations	1-2
Collecting and Maintaining Required Disclosure Reports	1-2
Regulating Lobbyists	1-2
Issuing Advisory Opinions	1-2
Investigating Alleged Violations	1-3
Educating Government Employees	1-3
Providing Access to Records	1-3
Administering Internal Operations	1-3
Organizational Chart	1-5
Analysis of Record Keeping System and Records Appraisal of the State Ethics Commission	
Agency Record Keeping System	2-1
Records Appraisal	2-1
Temporary Records	2-1
Permanent Records	2-2
Permanent Records Lists	2-6
State Ethics Commission Records Disposition Authority	
Explanation of Records Requirements	3-1
Records Disposition Requirements	3-2
Promulgating Rules and Regulations	3-2
Collecting and Maintaining Required Disclosure Reports	3-2
Regulating Lobbyists	3-3
Issuing Advisory Opinions	3-3
Investigating Alleged Violations	3-4
Educating Government Employees	3-4
Providing Access to Records	3-4
Administering Internal Operations	3-4
Requirement and Recommendations for Implementing the Records Disposition Authority	3-10

Functional and Organizational Analysis of the State Ethics Commission

Sources of Information

Representatives of the State Ethics Commission

Code of Alabama 1975, Section 36-25-1 through 36-25-30

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 39

State Ethics Commission Audit Reports

State Ethics Commission Records Retention Schedules

State Ethics Commission website

James L. Sumner, Jr., “The Alabama Ethics Law: A Retrospective” (July 1999), The Alabama Lawyer

Historical Context

The State Ethics Commission was created in 1973 by Act No.1056 of the Alabama Legislature which has subsequently been amended by acts 75-130, 76-460, 79-697, 82-429, 86-321, 92-342, 95-194, and 97-651.

Agency Organization

The commission has five members appointed by the governor, lieutenant governor, and the speaker of the House of Representatives, with confirmation by the Senate. Any public official, candidate for a political position, registered lobbyist and his/her principal, or former employee of the commission is not eligible to be appointed as commission members. Members serve five-year staggered terms and may not be reappointed to succeed himself or herself. The commission elects a chairman and a vice-chairman. Commission members usually meet once a month. A quorum consists of three members. The commission appoints an executive director who serves at the pleasure of the commission. The commission also employs additional staff members through the state merit system. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function of the State Ethics Commission is to administer the state’s ethics law which was designed to protect government officials from conflicts of interest between private interests and public duties. It is one of the agencies responsible for performing the Regulatory function of

Alabama government. In performance of its mandated function, the State Ethics Commission may engage in the following subfunctions.

- **Promulgating Rules and Regulations.** The Code of Alabama 1975, Section 36-25-4, authorizes the commission to prescribe and publish rules and regulations for the administration and enforcement of the state's ethics law. This subfunction encompasses activities pertaining to the development of rules/regulations, a uniform reporting system, and other standards or requirements deemed necessary for the implementation of the state's ethics law.
- **Collecting and Maintaining Required Disclosure Reports.** The Code of Alabama 1975, Section 36-25-14, requires each elected/appointed public official at the state, county, or municipal level of government who earns an annual base salary of fifty thousand dollars (\$50,000) or more to file a statement of economic interests with the commission no later than April 30 of each year, and all candidates for elective offices to file at the time they become candidates as defined by the Code of Alabama, Section 17-11a-2. The Code of Alabama 1975, Section 36-25-10, mandates that any public official/employee, or members of their families, or a business with which the public official/employee is associated, or anyone who represents a client for a fee before any state, county, or municipal government entity, must file a notification form with the commission. The commission is also authorized by the Code of Alabama 1975, Section 36-25-16, to require notification about any state contract paid with public funds made between a state, county, or municipal government agency and a private business with which a state, county, or municipal government employee or members of his/her family is associated.
- **Regulating Lobbyists.** The Code of Alabama 1975, Section 36-25-18 requires all lobbyists to register with the commission by filing required forms and paying an annual fee of one hundred dollars (\$100). Government employees serving as lobbyists are exempted from the annual fee requirement. Additionally, every person registered as a lobbyist and every principal employing any lobbyist must prepare and submit to the commission a quarterly expenditure and activity report. When a person ceases to engage in lobbying activities, s/he must file a written statement with the commission notifying it of the termination of these activities.
- **Issuing Advisory Opinions.** The commission is authorized, under the Code of Alabama 1975, Section 36-25-4(9), to issue and publish advisory opinions, when requested, that address the requirements of the ethics law relative to the actions of government employees. Two types of advisory opinions are issued: formal advisory opinions are issued based on a real or hypothetical set of circumstances; informal opinions are only issued when the question asked deals with a matter of black-letter law (an informal term indicating the basic principles of law generally accepted by the courts and/or embodied in the statutes of a particular jurisdiction) or where the commission has previously addressed the matter with a formal opinion. Advisory opinions are adopted by a majority vote of commission members

present and are effective until overruled/alterd by the commission or by a court of competent jurisdiction.

- **Investigating Alleged Violations.** The Code of Alabama 1975, Section 36-25-4 (c), authorizes the commission to investigate written complaints of alleged violations of ethics statutes. The commission may not respond to anonymous complaints and has no subpoena power or enforcement authority. After investigation, the commission may issue decisions of either probable cause or close due to insufficient evidence or the case may be handled administratively for a minor violation. Probable cause decisions are then referred to the attorney general or to appropriate district attorneys for further action.
- **Educating Government Employees.** The Code of Alabama 1975, Section 36-25-4 (10), requires the commission to “initiate and continue where practicable.... programs for the purpose of educating candidates, officials, employees, and citizens of Alabama on matters of ethics in government service.” Staff members of the commission routinely conduct educational programs on Alabama Ethics Law for state, county, or municipal government employees as well as civic or professional organizations. In addition, the commission may prepare and distribute newsletters or other informational publications to inform and update government employees on rulings and activities of the commission.
- **Providing Access to Records.** The Code of Alabama 1975, Section 36-25-4 (5), mandates the commission to “make reports and statements filed with the commission available during regular business hours to public inquiry subject to such regulations as the commission may prescribe.” In order to provide access to these reports and statements, the commission requires identification by name, occupation, address, and telephone number of each person requesting information.
- **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.

State Ethics Commission

Commission Membership

J. Harold Sorrells
Chairman
Opp

Raymond L. Bell, Jr., Esq.
Vice-Chairman
Mobile

Linda L. Green
Huntsville

Nancy Edwards Eldridge
Andalusia

John H. Cooper, Esq.
Birmingham

Commission Staff

Director
James L. Sumner, Jr.
334.242.2806

Legal Division
Hugh R. Evans, III
General Counsel
334.242.2873

Administrative Division
Marie P. Malinowski
Chief
334.242.2883

Investigative Division
Charles A. Aldridge
Chief
334.242.2804

Advisory Opinions
Theresa A. Davis
Legal Research Assistant
334.242.3747

Finance/Human Resource
Loren Hoercher
334.242.2857

Lobbyist/Principal Information
334.242.2997

Analysis of Record Keeping System and Records Appraisal of the State Ethics Commission

Agency Record Keeping System

The State Ethics Commission currently operates a hybrid record keeping system composed of paper and electronic records.

The commission maintains several servers to provide various functions for its staff members. One server running Access is used for the database for activities mainly associated with the statements of economic interests. Another server is running Microsoft Windows NT for the commission's imaging system. Implemented in 1999, the imaging system is utilized in the scanning of statements of economic interests. The Information Services Division, Department of Finance, also maintains a server running the Lotus Notes for the commission's databases for lobbyists, case files, and advisory opinions. All servers are backed up daily and backup tapes are stored in a fireproof cabinet onsite.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the State Ethics Commission: 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 State Ethics Commission are discussed below:

- **Statements of Economic Interests.** These statements are filed annually by all elected officials; certain appointed officials; and certain public employees at the state, county, or municipal level of government to document their private and public financial interests. All candidates for elected positions must also complete and file the same statements with the commission. Code of Alabama, Section 36-25-4 (6), mandates the commission to "preserve such reports and statements for a period consistent with the statute of limitations as contained in this chapter." A 4-year retention would fulfill the federal/state statute of limitations and the commission's reference needs. Statements of Economic Interests Filed by elected state officials, state agency heads, and appointed state officials are recommended for permanent retention as they supplement other permanent records, such as administrative correspondence, in the documentation of state government operations.
- **Monthly Digests of Advisory Opinions.** These are typed digests of advisory opinions distributed by the commission on a monthly basis to the governor, attorney general, cabinet members, examiners of public accounts, agency heads, League of Municipalities,

Association of County Commissions, and others. The commission maintains this series for useful life as permanent documentation is available in the Advisory Opinion Files, Digests of Advisory Opinions, and Advisory Opinion Working Files.

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

Promulgating Rules and Regulations

- **Meeting Agendas, Minutes, and Packets.** This series contains information on proposed and executed proceedings of the commission. 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 commission's operations. (RDA pg.3-2) **(Bibliographic Title: Meeting Minutes)**
- **Register of Administrative Procedures Rule Filings.** Code of Alabama 1975, Section 41-22-6, mandates that each state agency should keep a permanent register of its rules and/or regulations promulgated, whether the original or a revision, and open them to public inspection. (RDA pg. 3-2)

Collecting and Maintaining Required Disclosure Reports

- **Statements of Economic Interests Filed by State Elected / Appointed Officials, and Agency Heads.** See appraisal statement listed under Statements of Economic Interests Filed by All Other Government Employees (RDA pg.3-2) **(Bibliographic Title: Statements of Economic Interests)**

Regulating Lobbyists

- **Lobbyists Registration, Termination, and Reporting Files.** In accordance with the Alabama Ethics Law, all lobbyists and principals must register with the commission every year, file quarterly reports, and notify the commission when lobbying activities have been terminated. This series may include, but is not limited to: Lobbyist Registration Statements, Principal's Statements for Lobbyist Registration, Quarterly Statements of Lobbying Activities, Statements of Termination of Lobbying Activities, and Registered Lobbyist Lists. Since the legislature ceased to register lobbyists several years ago, information on professional lobbyists can only be found in this series maintained by the commission. Collectively, these records provide a complete documentation on the life-cycle, from registration to termination, of lobbying activities. (RDA pg.3-3) **(Bibliographic Title: Lobbyists Registration, Termination, and Reporting Files)**

Issuing Advisory Opinions

- **Advisory Opinion Files.** These records are created to document requests by individuals or agencies for an advisory opinion on the requirements of the state's ethics law, based on a real or hypothetical set of circumstances. This series, consisting of original copies of advisory opinions signed by the commission chairman, has archival value in providing evidence of the ways in which the state ethics law were interpreted and of legal ground for actions by government employees. (RDA pg. 3-3)(**Bibliographic Title: Advisory Opinions and Supporting Files**)
- **Digests of Advisory Opinions.** This series contains bound volumes of advisory opinions published by the commission on a yearly basis (discontinued after 2003 due to budget restraints). Each volume is divided into summary digest of advisory opinions, complete text of questions and advisory opinions, and index to advisory opinions by subject titles. Although information is somewhat duplicated in the Advisory Opinion Files, these volumes may be used as a ready reference and should be preserved permanently. (RDA pg. 3-3)(**Bibliographic Title: State Publications**)
- **Advisory Opinion Working Files.** This series is created by the commission staff to track the processing of advisory opinion requests and the development of advisory opinions. Included are correspondence, memos documenting communication with certain individuals or institutions, draft advisory opinions, proofreading slips, and copies of approved advisory opinions. The commission maintains this series permanently in its office as supporting documentation to its advisory opinions. (RDA pg. 3-3)

Investigating Alleged Violations

- **Investigation Case Files.** These records are created to document investigations made as a result of a document filed with the commission, in response to a complaint filed by an individual with respect to alleged violation of any part of the ethics law, or as a result of alleged failures to file any document required by law. Types of records may include complaints, working files of investigation, minutes of hearings, and correspondence. Information available in these records may include names and addresses, natures of allegations/violations, detailed investigation reports, actions taken by the commission including referral of the case to the office of the attorney general or other law enforcement authorities. This series documents one of the primary functions of the commission. Since the case files are considered confidential and restricted under the Code of Alabama 1975, Section 12-16-214 to 216, the commission preserves the case files permanently in its office. (RDA pg. 3-4)

Educating Government Employees

- **Informational and Educational Publications.** This series consists of various publications issued and distributed by the commission to educate and inform government employees and

the public about different aspects of the Alabama Ethics Law and activities of the commission. The publications may include reprinted articles, newsletters, video presentations, brochures, or other related materials. (RDA pg. 3-4) (**Bibliographic Title: State Publications**)

- **Annual State Ethics Commission Seminar Analyses.** This series is composed of printed booklets to recap statistical data about educational seminars conducted by the commission staff. Information includes recap of monthly, quarterly, and year-to-date educational seminars and attendance numbers, comparison of data of previous years to current year, educational seminars listed in chronological sequence with attendance figures, and educational seminars listed in alphabetical and chronological sequence by speakers. Due to budget restraints, the commission currently maintains this series in its database. (RDA pg. 3-4) (**Bibliographic Title: State Publications**)

Providing Access to Records

- Permanent records providing summary documentation of this subfunction are found in the commission's annual reports as described in the Administering Internal Operations subfunction.

Administering Internal Operations.

- **Files of the Commission Director.** Included in these files are administrative correspondence, memoranda, programmatic records, information on speaking engagements, and other related documents. They are useful in documenting the administration of the commission. (RDA pg. 3-4) (**Bibliographic Title: Administrative Files**)
- **Annual Reports.** In accordance with Code of Alabama 1975, Section 36-25-3 (c), the commission publishes an annual report for the governor and the legislature. Information contained in the annual report includes biographical data of commissioners, brief description of the commission's mandates, significant events of the previous year, commission meeting highlights, digest of advisory opinions issued by the commission, expenditures, and charts containing statistical data. In addition to paper copies, the annual report is also available on the commission's website. (RDA pg. 3-4) (**Bibliographic Title: State Publications**)
- **Website.** The board has a website at: www.ethics.alalinc.net. Information on the website includes the Alabama Ethics Law, all text-searchable advisory opinions issued by the commission since 1995, blank commission required forms, guidelines for completing these forms, current annual report, directory of commission members and staff, and registered lobbyist list. The website should be preserved as it serves as an important medium for communication with the public. (RDA pg. 3-4) (**Bibliographic Title: Website**)
- **Legal Case Files.** This series consists of legal case files created by the commission's general

counsel containing materials relating to specific legal activities. A typical file may include briefs, memoranda, correspondence, reports, notes, copies of laws and regulations, and other legal documents. The commission preserves the legal case files permanently for documentation. (RDA pg. 3-4)

- **Original bid records maintained in the purchasing office of the agency for contracts over \$7500.** Code of Alabama 1975, Section 41-16-24 requires that “all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of the permanent file or records and shall be open to public inspection.” These files need to be maintained in the agency’s office. (RDA pg. 3-6)

- **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 State Ethics Commission

Promulgating Rules and Regulations

1. Meeting Agendas, Minutes, and Packets
2. Register of Administrative Procedures Rule Filings*

Collecting and Maintaining Required Disclosure Reports

1. Statements of Economic Interests Filed by State Elected / Appointed Officials, and Agency Heads

Regulating Lobbyists

1. Lobbyists Registration, Termination, and Reporting Files

Issuing Advisory Opinions

1. Advisory Opinion Files
2. Digests of Advisory Opinions
3. Advisory Opinion Working Files*

Investigating Alleged Violations

1. Investigation Case Files*

Educating Government Employees

1. Informational and Promotional Publications
2. Annual State Ethics Commission Seminar Analyses

Administering Internal Operations

1. Files of the Commission Director
2. Annual Reports
3. Website
4. Legal Case files*
5. Original bid records maintained in the purchasing office of the agency for contracts over \$7500*
6. 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.

State Ethics Commission 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 State Ethics Commission. The RDA lists records created and maintained by the State Ethics Commission 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 State Ethics Commission. 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 records and record-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 required 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. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the State Ethics Commission 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 PROCEDURES RULE FILINGS

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

Administrative Procedures Rule Filings

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

Administrative Procedures Rule Hearing Files

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

■ Collecting and Maintaining Required Disclosure Reports

STATEMENTS OF ECONOMIC INTERESTS FILED BY STATE ELECTED / APPOINTED OFFICIALS, AND AGENCY HEADS
Disposition: PERMANENT RECORD.

Statements of Economic Interests

Disposition: Temporary Record. Retain 4 years after the end of the year in which the records were created.

Notifications of Contracts with the State or Any of Its Agencies

Disposition: Temporary Record. Retain 3 years.

Notifications of Representation for a Fee

Disposition: Temporary Record. Retain 3 years.

Lists of People to Receive and File Statements of Economic Interests (the list is submitted yearly by each state, county, and municipal government entity)

Disposition: Temporary Record. Retain 3 years.

■ **Regulating Lobbyists**

LOBBYISTS REGISTRATION, TERMINATION, AND REPORTING FILES
(LOBBYIST REGISTRATION STATEMENTS, PRINCIPAL'S STATEMENTS FOR LOBBYIST REGISTRATION, QUARTERLY STATEMENTS OF LOBBYING ACTIVITIES, AND STATEMENTS OF TERMINATION OF LOBBYING ACTIVITIES, AND REGISTERED LOBBYIST LISTS)

Disposition: PERMANENT RECORD.

■ **Issuing Advisory Opinions**

ADVISORY OPINION FILES

Disposition: PERMANENT RECORD.

DIGESTS OF ADVISORY OPINIONS

Disposition: PERMANENT RECORD.

ADVISORY OPINION WORKING FILES

Disposition: PERMANENT RECORD.

Monthly Digests of Advisory Opinions

Disposition: Temporary Record. Retain for useful life.

■ **Investigating Alleged Violations**

INVESTIGATION CASE FILES

Disposition: PERMANENT RECORD.

■ **Educating Government Employees**

INFORMATIONAL AND PROMOTIONAL PUBLICATIONS

Disposition: PERMANENT RECORD.

ANNUAL STATE ETHICS COMMISSION SEMINAR ANALYSES

Disposition: PERMANENT RECORD.

Educational Seminar Working Files

Disposition: Temporary Record. Retain 3 years.

■ **Providing Access to Records**

Completed Request Forms for Access to Commission Records

Disposition: Temporary Record. Retain 3 years.

■ **Administering Internal Operations**

Managing the Agency:

FILES OF THE COMMISSION DIRECTOR

Disposition: PERMANENT RECORD.

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: PERMANENT RECORD.

Commission 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.

Program Databases

Disposition: Temporary Record. Retain until 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.

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 for 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: PERMANENT RECORD. Retain in Office. (Code of Alabama 1975, Section 41-16-24).
- b. Duplicate copies of bid (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 records were created.

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.

Computer Equipment Inventory Records

Disposition: Temporary Record. Retain until disposition of equipment.

Electronic Equipment Repair Logs

Disposition: Temporary Record. Retain for useful life.

Service Requests

Disposition: Temporary Record. Retain until work is completed.

Incident/Accident Reports

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

Facility/Building Security Records

Disposition: Temporary Record. Retain for useful life.

Fire Extinguisher and Alarm Maintenance / Inspection Records

Disposition: Temporary Record. Retain 2 years.

Fire / Safety Inspection Results

Disposition: Temporary Record. Retain until superseded.

Records documenting the use, maintenance, ownership, insurance, and disposition of vehicles owned by the agency

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

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 State Ethics Commission (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 27, 2004 .

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

Date

Receipt acknowledged:

James L. Sumner, Jr., Director
State Ethics Commission

Date