

Home Builders Licensure Board

Functional Analysis & Records Disposition Authority

**Revision
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State Records Commission
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Functional and Organizational Analysis of the Home Builders Licensure Board

Sources of Information

Representatives of Home Builders Licensure Board

Code of Alabama 1975, Sections 34-14A-1 through 34-14A-18

Code of Alabama 1975, Section 41-20-1 through 41-20-16 (Sunset Law)

Code of Alabama 1975, Section 41-22-1 through 41-22-27 (Administrative Procedures Act)

Alabama Administrative Code, Chapters 465-X-1 through 465-X-7

Alabama Government Manual (2010), page 508

Home Builders Licensure Board Audit Reports

Government Records Division, State Agency Files (1985-ongoing)

Historical Context

The legislature created the Home Builders Licensure Board in 1992. The profession was not regulated prior to the creation of the board.

Agency Organization

The board consists of nine members, with at least one member from each of the state's congressional districts. The governor, the lieutenant governor, and the speaker of the House of Representatives each appoint three members. Appointments are made from a list of three qualified individuals for each position provided by the governing body of the Home Builders Association of Alabama. Seven of the nine members must be residential home builders, with at least five years of building experience. One member must be a building inspector or building official of a city, county, or state entity. The final member must be a consumer in the general public not affiliated with a licensed home builder. Each member must be a citizen of the state and the membership of the board must be inclusive and reflect the diversity of the state. Initial appointees to the Board serve a term of one, two, or three years, determined by their appointing authorities. Subsequent appointments to the Board are for three year terms. All terms expire on December 31. Members of the board may be compensated in an amount not to exceed three hundred fifty (\$350) per day, not to exceed 15 days per year, for attending meetings of the board or its committees, and, in addition, may be reimbursed for such necessary travel expenses as are paid to state employees. The board elects annually from its members a chairman, vice chairman, and secretary/treasurer. Four members constitute a quorum. The board held an organizational meeting within thirty days of appointment, and meets thereafter at such time as the chair may designate, usually on the fourth Thursday of every month with the exception of July. A majority of the members of the board may call a special meeting. The board appoints an executive director and other staff members.

Agency Function and Subfunctions

The mandated function of the Home Builders Licensure Board is to screen and license applicants who engage in residential construction and remodeling in the state of Alabama, where the cost of the construction or remodeling exceeds \$10,000. The board is one of the agencies primarily involved in the carrying out the Regulatory function of Alabama government. In the performance of its mandated functions, the board may engage in the following subfunctions:

- **Promulgating.** Code of Alabama 1975, Section 34-14A-11, authorizes the board to promulgate rules and regulations necessary for the administration of the home builders licensure law as codified in Code of Alabama 1975, Title 34-14A. This subfunction encompasses activities pertaining to the establishment and promulgation of rules and regulations, including due process, licensure procedures, and other official policies needed by the board for carrying out its duties and responsibilities. The rule making powers of the board are subject to the Alabama Administrative Procedures Act as codified at Code of Alabama, Sections 41-22-1 through 41-22-27.
- **Licensing.** Code of Alabama 1975, Section 34-14A-5, requires all residential home builders to be licensed by the board annually unless otherwise exempted. Code of Alabama 1975, Section 34-14A-6, sets out six exemptions to licensure by the board. The board issues two types of licenses, a license without limitation and a license with limitation, which allows the license holder to perform only repair, improvement, or reimprovement construction activities that involve a single trade and that do not affect the structural integrity of the residence. Code of Alabama 1975, Section 34-14A-7, charges the board with examining new and renewal applicants for licensure. Qualifications for licensure include experience, ability, character, business-related financial condition, ability and willingness to serve the public and conserve the public health and safety, and any other pertinent information the board may require. Following the submission of an application and supporting documents, an applicant for a license without limitation is required to pass a written examination testing experience and ability, conducted by a third party under contract with the board. An applicant for a license with limitation is required to satisfy the experience and ability requirement as set forth in Alabama Administrative Code, 465-X-3.04 (4). No act for which an unlimited license is required may be performed under a limited license. A licensee may also keep his/her license in an inactive status. No act for which a license is required may be performed under an inactive license. A licensee whose license expires may reactivate the expired license within a three-year period without sitting for and passing the written examination testing experience and ability.
- **Compensating.** Code of Alabama 1975, Section 34-14A-15, authorizes the board to establish and maintain a special revenue fund, known as the Homeowners' Recovery Fund, to provide relief to aggrieved homeowners who sustain actual economic damages as the direct result of licensed home builders' conduct in violation of the board's enabling statute or administrative rules. The board may collect up to sixty dollars (\$60) annually for the fund from each licensee. The board deposits the recovery fund fees into the state treasury. The recovery fund is available only to homeowners. Payment for claims based on judgments or settlements against any licensee is limited to fifty thousand dollars (\$50,000)

in the aggregate. Payment to any single claimant is limited to twenty thousand dollars (\$20,000).

- **Investigating Complaints or Violations.** In accordance with the Alabama Administrative Code, Chapter 465-X-5, the board may initiate investigations against a licensee, or residential homebuilder, either on its own motion or upon the written complaint of an original homeowner. An investigative committee, consisting of a board member, the board's executive director, and the board's attorney, investigates the complaint to determine whether there is probable cause for disciplinary or enforcement proceedings. The board may enter into informal settlements with the licensee or may take formal disciplinary actions, including a formal disciplinary hearing if necessary. If a licensee has committed fraud or deceit in obtaining a license or has committed gross negligence, incompetence, or misconduct in the practice of residential home building, the board may suspend or revoke the license and/or impose an administrative fine. In addition, the board may require the licensee to successfully complete builder education requirements and impose administrative fines for violations of the Act, and of the rules and regulations of the board.

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

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 a 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.

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 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 Home Builders Licensure Board

Agency Record Keeping System

The Home Builders Licensure Board currently operates a hybrid record keeping systems composed of paper-based record keeping and a computer system.

Paper-based Systems: Most of the board's records are created and maintained in paper form.

Computer Systems: The board maintains a licensing and complaint tracking system through the use of the core code and logical database structure of web-based software that are proprietary to GL Suite, Inc. (dba GL Solutions), Bend, Oregon. GL Solutions, the hosting service, installs and maintains the software on a server(s) on a GL Solutions' computer system and is responsible for backing up the following components: application and database servers, application operating system, and configuration databases. GL Solutions performs daily incremental backups with weekly full backups. Backup media is rotated off-site on a weekly basis. GL Solutions tests recovery operations on a regular basis.

The database is used to store all information required to manage the following business processes performed by the board:

1. **Licensing:** Processing all license applications, including the issuance of licenses and the denial and rejection of applications, and the enforcement of the statute against residential home builders who are not licensed as required.
2. **Compliance:** Enforcing compliance with the board's governing statute and administrative rules and regulations.
3. **Administration:** Processing of payments, fees, and fines paid by or to the board, including management of the Homeowners' Recovery Fund.
4. In addition to maintaining data, the GLS software is also used to generate correspondence that is stored within the system as Word documents. The software also provides for reports and queries that are created as PDF or MS Excel documents. These documents, as well as documents received from outside the system, are scanned and uploaded to the system to remain as part of the record.

The board maintains a website at www.hblb.alabama.gov.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Home Builders Licensure Board: Temporary Records and Permanent Records.

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

- **Home Builders Licensure Files.** This board is responsible for examining and licensing applicants as home builders. These files serve as evidence of the scope of a licensee's professional practice in this state, from initial licensing to final separation. A typical licensure file may contain a completed application form, credit report, evidence of a successful examination, correspondence, and renewal documents. Since a licensee who is holding an expired license may reactivate his/her license within a three-year period, the board must maintain expired licensure files for a minimum of three years. The board maintains licensure files with no disciplinary action for 6 years after the file has been closed.

- **Homeowners' Recovery Fund Claim Files – Paid.** The Recovery Fund cases are based upon civil suits rather than administrative complaints; therefore the Alabama Rules of Civil Procedure and the Code of Alabama govern claims against the Fund. Should the board determine to pursue execution on the judgments assigned to the Fund upon payment, said action must commence within 20 years. Retaining the files for 20 years also satisfies the statute of limitations on the filing of an appeal of the judgment or order to pay, of the filing of a civil suit against the Fund.

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

Promulgating Rules and Regulations:

- **Meeting Agendas, Minutes, and Packets.** The board generally meets every month except July. Meeting minutes are the core documentation of the board's policy making and program related functions. (RDA page 12) **(Bibliographic Title: Meeting Agendas, Minutes, and Packets)**

Licensing:

- **Rosters of Licensees.** Code of Alabama 1975, Section 34-14A-9, requires the board to prepare and publish annually a roster of all licensees that contains names of the board members; current home builders licensure law, as codified in the Code of Alabama 1975, Section 34-14A-1 et seq; the administrative rules and regulations promulgated by the board; various licensure forms; and the names of all individuals/corporations licensed by the board. Information contained in the roster includes the licensee's name, address, and license file number. The roster, which is available online, provides the best source of information on licensed residential home builders in this state. (RDA page 13) **(Bibliographic Title: Rosters of Licensees)**

- **Home Builders Licensure Files with Disciplinary Action.** The licensure files are used during the disciplinary action process to establish jurisdiction and provide a

licensure history of the licensee being disciplined. The board wishes to permanently retain the licensure files belonging to those licensees who have been disciplined by the board because the licensure files have the same permanent value as the disciplinary files.

Compensating:

Permanent records providing summary documentation of this subfunction are found in the Meeting Minutes of the Board as described in the Promulgating Rules and Regulations subfunction.

Investigating Complaints or Violations:

- **Complaint and Violation Investigation Files with Probable Cause Finding.** Alabama Administrative Code 465-X-5 authorizes the board to investigate and determine, after investigation, whether a licensee or residential home builder violated the statute and/or one or more of the board's rules or regulations resulting in a formal disciplinary proceeding or an enforcement proceeding. These records have permanent value, providing a disciplinary and enforcement history of licensees and residential home builders, and the enforcement proceedings of the board.

Administering Internal Operations:

- **Fourth Quarter Performance Reports (Annual Reports).** In accordance with Code of Alabama, Section 34-14A-10, the board must submit to the governor annually a report of its transactions for the preceding year. Code of Alabama 1975, Section 41-19-11, mandates that each state agency submit a quarterly performance report (EBO Form No. 10) to the Department of Finance every quarter. In lieu of a separate annual report, the board submits its fourth quarter performance report to the governor. (RDA page 14) (**Bibliographic Title: Quarterly Performance Reports**)
- **Information and Promotional Publications.** These materials may consist of various publications, such as the board's newsletter and pamphlets, designed to promote and advertise services performed by the board for the public. (RDA 14) (**Bibliographic Title: State Publications**)
- **Website and Other Social Media Site(s).** The website of the board contains information on home builder related law, rules, and regulations; board members and staff; board meeting dates; new application packets; and a searchable database of current licensees. The website should be preserved as it serves as an important medium for communication with the public. Staff may also use other social media sites to promote agency goals. (RDA page 14) (**Bibliographic Title: Website and Other Social Media Sites**)
- **Print-ready license application forms.** These forms are the printer's proof of the license applications. It is the final format of the original, official application used to print the license applications. Changes are made to renewal applications annually, and

to new applications when necessary. The board requires the original print-ready forms as documentation of the exact form of each year's applications.

- **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.

Permanent Records List Homebuilders Licensure Board

Promulgating Rules and Regulations:

1. Meeting Agendas, Minutes, and Packets

Licensing:

1. Rosters of Licensees
2. Home Builders Licensure Files with Disciplinary Action*

Investigating Complaints or Violations:

1. Complaint and Violation Investigation Files with Probable Cause Finding*

Administering Internal Operations:

1. Fourth Quarter Performance Reports (Annual Reports)*
2. Informational and Promotional Publications
3. Website and other Social Media Site(s)
4. Print-ready license application forms*
5. Inventory List*

*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.)

Home Builders Licensure Board Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Services Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Home Builders Licensure Board. The RDA lists records created and maintained by the Home Builders Licensure Board in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Services Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA shall govern the disposition of all records, regardless of format, created by the agency from its creation to dissolution.
- This RDA supersedes any previous records disposition schedules and/or RDAs governing the retention of records of the Home Builders Licensure Board. Copies of superseded schedules or/and RDAs are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain other short-term records that do not materially document the work of an agency may be disposed of under this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; 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.

- Certain other record-like materials are not actually regarded as official records and may be disposed of under this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintain the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term internal purposes that may include, but are not limited to, telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Home Builders Licensure Board and lists the groups of records created and/or maintain by the board as a result of activities and transactions performed in carrying out these subfunctions. The board may submit requests to revise specific records disposition requirements to the States Records Commission for consideration at its regular meetings.

■ Promulgating Rules and Regulations:

MEETING AGENDAS, MINUTES, AND PACKETS OF THE BOARD

Disposition: PERMANENT RECORD.

Recording of Meetings

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

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

Disposition: Temporary Record. Retain 3 years.

Administrative Procedures Rule Filings

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

Register of Administrative Procedures Rule Filings
Disposition: Retain in office (Code of Alabama 1975, Section 41-22-6)

■ **Licensing:**

ROSTERS OF LICENSEES
Disposition: PERMANENT RECORD.

HOME BUILDERS LICENSURE FILES WITH DISCIPLINARY ACTION
Disposition: PERMANENT RECORD. Retain in office.

Home Builders Licensure Files with No Disciplinary Action
Disposition: Temporary Record. Retain 6 years after licensure file has been closed.

Home Builders Licensure Database
Disposition: Temporary Record. Retain for useful life.

Unused Licensure Cards
Disposition: Temporary Record. Retain for useful life. If the licensure cards are destroyed before the audit, the agency must maintain a listing of the numbers of all unused licensure cards that were destroyed. Destruction of licensure cards is accomplished in accordance with the regulations of the Department of Examiners of Public Accounts.

■ **Compensating:**

Homeowners Recovery Fund Claim Files – Paid
Disposition: Temporary Record. Retain 20 years after the file has been closed.

Homeowners Recovery Fund Claim Files – Unpaid
Disposition: Temporary Record. Retain 6 years after the file has been closed.

■ **Investigating Complaints and Violations:**

COMPLAINT AND VIOLATION INVESTIGATION FILES WITH PROBABLE CAUSE FINDING
Disposition: PERMANENT RECORD. Retain in Office.

Complaint and Violation Investigation Files with No Probable Cause Finding
Disposition: Temporary Record.

Consumer Complaint files
Retain 6 years after the file has been closed.

Unlicensed Builder files
Retain 7 years after the file has been closed.

Subpoena Files

Disposition: Temporary Record. Retain 6 years after the file has been closed.

■ **Administering Internal Operations:**

Managing the Agency

FOURTH QUARTER PERFORMANCE REPORTS (ANNUAL REPORTS)

Disposition: PERMANENT RECORD.

INFORMATIONAL AND PROMOTIONAL PUBLICATIONS

Disposition: PERMANENT RECORD.

WEBSITE AND OTHER SOCIAL MEDIA SITES

Disposition: PERMANENT RECORD.

(ADAH staff captures and preserves the agency's website and other social media sites via a service offered by the Internet Archive [Archive-It]. Check the ADAH section of the Archive-It website at www.archive-it.org/organizations/62 to ensure your agency's website and other social media site(s) are captured and preserved. If your agency's website and social media site(s) are not captured by the service, please contact the Government Services Division at 334-242-4452.)

Routine Correspondence

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

Administrative Reference Files (materials not created by the agency, collected and used only as reference sources of information)

Disposition: Temporary Record. Retain for useful life.

Fax Logs

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

Mail or Parcel Service Pickup/Delivery Receipts

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

PRINT-READY LICENSE APPLICATION FORMS

Disposition: PERMANENT RECORD Retain in office.

Duplicate Copies of License Application Forms

Disposition: Temporary Record. Retain for useful life.

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

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

Copy of RDA

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

System Documentation (hardware/software manuals and diskettes, warranties)

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

Managing Finances:

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

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

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

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

Records of original entry such as journals, registers, and ledgers; and records of funds deposited outside the state treasury; including bank statements, deposit slips, and canceled checks

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

Audit Reports produced by the Examiners of Public Accounts

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

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

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

Records documenting contracts for services or personal property

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

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

Original bid records maintained in the purchasing office of the agency for contracts over \$15,000

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

Duplicate copies of bid (originals are maintained by the Division of Purchasing, Department of Finance)

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

Managing Human Resources:

Job Recruitment Materials

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

Application Materials

Disposition: Temporary Record. Retain 1 year.

Position Classification Records

Disposition: Temporary Record. Retain 4 years after reclassification of the position.

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)

Disposition: Temporary Record. Retain 3 years after 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 (including Form 941)

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 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 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 of final leave status (cumulative leave)

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

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

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

Section/Division Personnel Files

Disposition: Temporary Record. Retain until separation of an employee from the agency.

Records documenting the employee appeal to the Personnel Board of formal reprimands, personnel suits, demotions, transfers, or terminations

Disposition: Temporary Record. Retain 5 years following decision of Personnel Board.

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

Disposition: Temporary Record. General information -- Retain until superseded.

Other (applications, correspondence) -- Retain 6 years after termination of participation in program.

State Employee Injury Compensation Trust Fund Files

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

Employee Administrative Hearings Files

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

Property Inventory Cards and/or Computer Files

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

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Real Property Leasing/Renting Records

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

Facilities/Building Security Records (including visitor logs)

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

Vehicle and Equipment Maintenance Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the property is sold or replaced.

Requirements and Recommendations for Implementing the Records Disposition Authority

Under the Code of Alabama 1975, Section 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Home Builders Licensure Board (hereafter referred to as the agency) as stipulated in the document.

One condition of this authorization is that the agency submits an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Record Commission in 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 the permanent records held on alternative storage media (such as microfilms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should

be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.

- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- Electronic mail contain permanent, temporary, or transitory record information, Although e-mail records can be printed out, filed, and retained according to the RDA's requirements, the division should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.
- The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this records disposition authority on October 23, 2013.

Steve Murray, by Tracey Berezansky
Chairman, State Records Commission

Date

Receipt acknowledged:

J.R. Carden, Jr.
Executive Director, Home Builders Licensure Board

Date