

Alabama Racing Commissions



Functional Analysis & Records Disposition Authority

Revision Approved by
The Local Government
Records Commission
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Table of Contents

FUNCTIONAL AND ORGANIZATIONAL ANALYSIS OF RACING COMMISSIONS..	2
Sources of Information.....	2
Historical Context.....	2
ANALYSIS OF RECORD-KEEPING SYSTEMS AND RECORDS APPRAISAL OF ALABAMA RACING COMMISSIONS	7
Agency Record-Keeping Systems	7
Records Appraisal.....	7
ALABAMA RACING COMMISSIONS RECORDS DISPOSITION AUTHORITY.....	11
Explanation of Records Requirements	11
Records Disposition Requirements	12
1. Promulgating Rules and Regulations	12
2. Licensing	13
3. Monitoring Race Track Operations	13
4. Conducting Hearings.....	14
5. Administering Internal Operations–Managing the Agency	14
6. Administering Internal Operations–Managing Finances	16
7. Administering Internal Operations–Managing Human Resources	20
8. Administering Internal Operations–Managing Properties, Facilities, and Resources.....	25
Requirement and Recommendations for Implementing the Racing Commission Records Disposition Authority.....	28

Functional and Organizational Analysis of Racing Commissions

Sources of Information

Birmingham Racing Commission

Greene County Racing Commission

Macon County Racing Commission

Mobile Racing Commission

Acts of Alabama, No. 83-575 (Macon County); No. 83-376 (Greene County); and No. 2431[1971] (Mobile), amended by Act No. 86-545

Code of Alabama 1975, Sections 11-65-1 through 11-65-47 (Birmingham)

Birmingham Racing Commission. Rules Regulating Pari-mutuel and Greyhound Racing Manual.

Mobile Racing Commission. Rules Regulating Pari-mutuel Greyhound Racing Manual.

Historical Context

Established by a legislative act in 1971, Mobile County's racing commission is by far the oldest in the state. Greyhound racing began in Mobile on August 6, 1973. In 1983, Greene and Macon Counties also established racing commissions. The Alabama Legislature enacted legislation in 1984 that permitted Jefferson County to hold a referendum on authorizing local horse and greyhound racing. Following a favorable election, the Birmingham Racing Commission was incorporated, pursuant to Act No. 84-131. Authorizing legislation for "Class 1 Municipalities" (Birmingham) was later codified in Title 11, Chapter 65 of the Code of Alabama 1975. Since the Birmingham Race Track abolished live horse racing in 1992, the tracks have run only dog races. Greene County's racing commission abolished live dog racing in 1998 and now conducts only simulcast racing.

Agency Organization

Alabama presently has four racing commissions, located in the City of Birmingham, Greene County, Macon County, and Mobile County. This RDA is a revision of the one approved for Birmingham's racing commission (the pilot project) in October 1999. Although the four racing commissions are organized differently and operate under unique local laws, their duties are substantially the same. Therefore, functions and subfunctions originally identified for Birmingham's commission generally also fit the other three. Differences will be noted where they do exist. Records treated in this RDA's analysis and disposition sections are common to all four commissions.

Birmingham and Macon County have similar methods of selecting their commissions. In Birmingham, the mayor, the county commission chairman, the county's representatives in the House and Senate, and the lieutenant governor each appoint one member. The commissioners serve four-year terms. Macon County's three commissioners, who serve six-year terms, are

likewise chosen by the county commission and the House and Senate representatives. In Greene County, the three commission members are appointed by its legislative delegation. Each member serves a term of three years. In Mobile County, the legislative delegation elects one member and the other two are chosen, respectively, by the Mobile County Foundation for Public Higher Education and by a majority vote of the county's municipalities. In all four cases, racing commissioners must be residents of the county for at least five years prior to appointment, as well as qualified electors. They must be bonded, and none may be a convicted felon or "an officer, director, or employee of any [race track] licensee" (Acts of Alabama, No. 83-575, p. 884).

Birmingham's racing commission elects a chairman and vice-chairman from its members and appoints as employees an executive secretary and a treasurer. Originally, the city's finance director filled the treasurer's position, but the chairman may now serve in this capacity (Code of Alabama 1975, Section 11-65-9). The chairman also presides over commission meetings and may call special meetings in addition to the two required per month. To address any business, the commission must have a quorum of three members present. If the chairman is temporarily absent or the chair is vacant, the vice-chairman performs those duties temporarily or succeeds as acting chairman until the vacancy is filled. The Birmingham Racing Commission's executive secretary serves as its administrative head, carrying out its duties, rules, and regulations as prescribed by law. Mobile County's commission also elects a chairman, vice-chairman, and secretary. The Macon and Greene County racing commissions elect no officers, but each appoints its county's treasurer as *ex officio* treasurer of the commission. The treasurers "collect all the license fees, taxes, and monies" their commissions receive, depositing or investing them as directed in their authorizing legislation. They also supervise and audit "the operation of the pari-mutuel racing pools" in their respective counties. Birmingham's and Mobile County's commissions employ certified public accountants to conduct this task.

Agency Function and Subfunctions

The mandated function of Alabama racing commissions is to maintain the integrity of greyhound racing by upholding the State of Alabama's legislative requirements, as well as rules and regulations established by the commissions themselves. The Code of Alabama 1975, Section 11-65-10, mandates the Birmingham Racing Commission to supervise operation of the Birmingham Race Track, which is not a government agency. An association of track operators, known as the Association, is the entity licensed to conduct business at the track. Separate legislative acts empower Mobile and Macon County's racing commissions to supervise their tracks and pari-mutuel betting in their counties. Although some of the commissions' work is administrative (approving dates for live or simulcast races, accounting for the county's share of moneys generated at the tracks, reporting to county or municipal legislative bodies), most activities fall under the Regulation function defined for Alabama local government. In performing that function, the commissions may engage in the following subfunctions:

Promulgating Rules and Regulations. The commissions are responsible for adopting bylaws to regulate their own business affairs, as well as racing and wagering activities at the

tracks. The Birmingham Racing Commission meets each October to approve the dates for the two main classifications of greyhound racing: matinees (day-time races) and evening performances (night-time races). The race track's director submits proposed race dates to the commission for consideration. Greene, Macon, and Mobile County's commissions likewise meet annually and are charged with "promulgat[ing] uniform rules and regulations governing the holding, conducting, and operating of all race meetings and races held in the county" (Acts of Alabama, No. 83-575, p. 886). As befits their role as regulatory bodies, Alabama's racing commissions enforce the rules and regulations set forth in their authorizing legislation.

Licensing. Sections 11-65-18 through -20 of the Code of Alabama establish the procedure for obtaining licenses at the Birmingham Race Track. The Association is the entity licensed by the commission to operate the track. It is responsible for reporting stockholder and wagering information to the commission; allowing commission-sanctioned audits; making purses (prize money) available to kennel owners; ensuring that the track is safe and secure for employees, visitors, and other track personnel; and guarding against corruption. Although track personnel are not commission employees, anyone working at the track must be licensed by the commission. Each potential licensee submits an application to the track personnel office for approval by the track director. Once the track director approves an application, he sends it to the commission for review. The commission issues several types of licenses, e.g.: stewards/judges, chief veterinarians, evidence technicians, permit clerks, compliance monitors, and simulcast officials.

Similarly, in Mobile and Macon Counties, track personnel such as gatekeepers, starters, announcers, officials, dog owners, grooms, veterinarians, wagering machine attendants, and vendors of racing forms must all be licensed. The commissions convene each year "to consider and act upon all permits or licenses applied for" (Acts of Alabama, No. 86-545, p. 1086). All three commissions have the power to revoke licenses if they find violations of the rules and regulations.

Greene County's commission is not issuing licenses at this time, because the track is not conducting live dog racing. However, if the commission should re-open the track to provide this service, licenses may be issued.

Monitoring Race Track Operations. The Code of Alabama 1975, Section 11-65-10(10), authorizes the Birmingham Racing Commission to investigate and have free access to the office, track, facilities, records, books, or other place of business of all track operators. Investigations at the track may occur after allegations of misconduct by the Association, its employees, or track patrons. If a complaint is filed by a patron or staff member, it is forwarded to the racing inspector's office. The inspector may conduct an investigation to determine whether probable cause exists for the commission to take disciplinary action. Instances of alleged wrongdoing may include tampering with dogs, soliciting business on Association grounds, or making types of wagers not permitted under the commission's rules on pari-mutuel betting. The commission has an auditor, veterinarians, and track judges to ensure that track operations are run according to the guidelines in the Code. The legislative acts governing dog racing in Greene, Macon, and Mobile Counties also stipulate various categories of offenses that relate to racing, wagering, and other race track operations. Those counties' commissions employ similar procedures for monitoring

and investigating such offenses. (See Acts of Alabama, No. 83-575 [Macon County]; Nos. 2431[1971] and 86-545 [Mobile County].)

Conducting Hearings. Each of the commission's licensees has a duty to uphold its regulations. In Birmingham, suspected violations of greyhound racing rules are first reported to track judges. If the judges find an owner or employee guilty of a violation, they may impose any punishment deemed proper under the commission's rules, such as suspending the person for no more than 60 days or imposing a fine of up to \$1,000. Offenders who do not accept the judges' ruling may appeal to the commission for a hearing (see *Birmingham Racing Commission, Rules Regulating Pari-mutuel Greyhound Racing*, Section XIII). At the hearing, the complainant and other witnesses may be examined; then the commission decides whether relief or additional disciplinary action should be taken. The Mobile and Macon County Racing Commissions may, under their legislation, also revoke licenses, impose fines, and conduct hearings on violations of racing or wagering rules. Mobile's legislation cites its commission's "power to summon witnesses before its meetings . . . and to require testimony on any issue before it" (Acts of Alabama, No. 86-545, p. 1087). Macon County's notes that "any aggrieved person [accused of violating racing regulations] shall be entitled to a hearing before the Racing Commission" (Acts of Alabama, No. 83-575, p. 888).

Administering Internal Operations. A significant portion of racing commission department work includes general administrative, financial, and personnel activities performed to support the racing commission's programmatic areas. These activities include:

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; drafting, promoting, or tracking legislation; publicizing and providing information, managing records; and managing information systems technology.

Managing finances. Activities include budgeting (preparing and reviewing a budget package, submitting the budget package to the council, documenting amendments and performance of the budget, and reporting on established budget categories); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, accounting for expenditures, 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 include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, promoting, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and disciplining.

Managing properties, facilities, and resources. Activities include: 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 security for property owned by the agency; insuring property; and assigning, inspecting and maintaining agency property, including vehicles.

Analysis of Record-Keeping Systems and Records Appraisal of Alabama Racing Commissions

Agency Record-Keeping Systems

All four Alabama racing commissions operate hybrid record-keeping systems. Their records are created on computer and maintained primarily in paper format; however, Birmingham and Mobile County's commissions also back up records stored on their computer systems. Both the Birmingham and Macon County Racing Commissions store records they consider permanent with commercial records storage vendors. The Greene County Racing Commission's records are all maintained in office space.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by Alabama racing commissions: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal, and administrative requirements have been met. Records discussed below have been revised in this edition of the RDA.

Licensing Files (2.01). These records are submitted by commission license applicants to document that they have met all mandated requirements. Most licenses are annually renewed. This revision updates and standardizes RDA retention requirements for licensing files in accordance with other regulatory agency licensing files to five years. Because racing commissions do not receive notification upon termination of employment, the previous retention requirement of "5 years after termination of employment" was unworkable.

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

Promulgating Rules and Regulations

Commission Meeting/Hearing Minutes, Agendas, and Packets (1.01). Under the Code of Alabama and their authorizing legislation, racing commissions are charged with developing and implementing rules and regulations on greyhound racing and pari-mutuel wagering. These records are minutes documenting meetings and hearings held by the commission. They include agendas and packet materials reviewed by commission members prior to meetings. As primary source materials, these records are essential to document the evolution of commission policies and procedures and the fulfillment of mandated responsibilities toward race tracks under their jurisdiction.

Administrative Correspondence (1.04). These records include correspondence and related files of commission members, racetrack officials, or administrative staff regarding commission policies or procedures, as well as broad questions of administration. Administrative correspondence provides essential documentation of the implementation of commission policies and procedures.

Greyhound Rule Books (1.05). Greyhound rule books explain rules and regulations that authorize and permit greyhound racing by operators at the race tracks. They provide detailed information that defines and regulates greyhound racing and pari-mutuel betting, detail the obligations of everyone licensed at the track, and describe the kinds of services provided. Rule books provide essential documentation of racetrack operations and are the basis for regulatory decisions made by the commissions.

Licensing

Permanent records documenting this subfunction are found in Commission Meeting/Hearing Minutes as described under Promulgating Rules and Regulations.

Monitoring Race Track Operations

Permanent records documenting this subfunction are found in Commission Meeting/Hearing Minutes as described under Promulgating Rules and Regulations.

Conducting Hearings

Permanent records documenting this subfunction are found in Commission Meeting/Hearing Minutes as described under Promulgating Rules and Regulations..

Permanent Records List Alabama Racing Commissions

Promulgating Rules and Regulations:

1. Commission Meeting/Hearing Minutes, Agendas, and Packets
2. Administrative Correspondence
3. Greyhound Rule Books

Administering Internal Operations - Managing the Agency:

1. Historical and Publicity Files
2. Annual Reports
3. Websites and Social Media Sites—Annual snapshots

Administering Internal Operations - Managing Finances

1. Approved Annual Budgets
2. Annual Financial Reports
3. Audit Reports
4. General Ledgers—general ledgers and detailed year-end trial balances created prior to 1975
5. Grant Project Final Narrative Reports

Administering Internal Operations - Managing Human Resources

1. Employee Handbooks
2. Employee Newsletters

Administering Internal Operations - Managing Properties, Facilities, and Resources

1. Track or Facility Construction and Renovation Files (plans, specifications, and blueprints)

Alabama Racing Commissions Records Disposition Authority

This records disposition authority (RDA) is issued by the Local Government Records Commission under authority granted by the Code of Alabama 1975, Section 41-13-5 and 41-13-22 through -24. 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 Alabama racing commissions. The RDA lists records created and maintained by racing commissions in carrying out their mandated function and subfunctions. It establishes retention periods and disposition instructions for those records and provides the legal authority for racing commissions to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their office. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successors 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, Section 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, or records@archives.alabama.gov.

Explanation of Records Requirements

This RDA supersedes any previous records disposition schedules or RDAs governing the retention of racing commission records. Copies of superseded schedules, and RDAs are no longer valid and may not be used for records disposition.

This RDA establishes retention and disposition instructions for records of racing commissions. It does not require the creation of any record not normally created in the conduct of racing commission business, although the creation of certain records may be required by the racing commission's administrative procedures, work responsibilities, audit requirements, or legislative mandates. Individual racing commissions may not necessarily create all of the records listed below.

This RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.

Certain other 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 short-term, internal

purposes and 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 documentation of destruction include: (1) catalogs, trade journals, and other publications received that require no action and do not document activities; (2) stocks of blank stationery, blank forms, or other surplus printed materials that are not subject to audit and have become obsolete.

Any record created by the racing commission prior to 1900 shall be regarded as permanent.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of racing commissions and lists records created and/or maintained by racing commissions in carrying out those subfunctions. Individual racing commissions may submit requests to add or revise specific records disposition requirements to the Local Government Records Commission for consideration as its regular biannual meetings.

1. Promulgating Rules and Regulations

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| 1.01 | Commission Meeting/Hearing Minutes, Agendas, and Packets. These records are minutes documenting meetings and hearings held by the commission. They include agendas and packet materials reviewed by commission members prior to meetings. | PERMANENT |
| 1.02 | Recordings of Commission Meetings. Audio or video recordings provide a verbatim account of discussion at racing commission meetings. They normally are used only as an aid to preparation of the minutes. | Retain until minutes are approved. |
| 1.03 | Commission Meeting Notices. These records are public notices of the time and place of racing commission meetings. | Retain 1 year. |

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| <p>1.04 Administrative Correspondence. These records include correspondence and related files of commission members, racetrack officials, or administrative staff regarding commission policies or procedures, as well as broad questions of administration.</p> | <p>PERMANENT</p> |
| <p>1.05 Greyhound Rule Books. These records explain rules and regulations that authorize and permit greyhound racing by operators at the race tracks. They provide detailed information that defines and regulates greyhound racing and pari-mutual betting, detail the obligations of everyone licensed at the track, and describe the kinds of services provided.</p> | <p>PERMANENT</p> |
| <p>1.06 Racing Date Files. These records document the dates of races to be held at the tracks, as approved by the commission.</p> | <p>Retain 1 year.</p> |

2. Licensing

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| <p>2.01 Licensing Files. These records are submitted by commission license applicants to document they have met all mandated requirements. Most licenses are annually renewed. Information in the files may include the license applicant's name, department, social security number, date and place of birth, physical description, background information, license number, and license code assigned by the commission.</p> | <p>Retain 5 years after the end of the fiscal year in which the records were created.</p> |
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3. Monitoring Race Track Operations

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| <p>3.01 Investigation Files. These files document the investigation of complaints conducted by authorized track or commission personnel. Information available may include the name of the complainant; the nature of the complaint; the name of alleged offenders; the location, date, and time of the incident; reports of any evidence collected, and results of the investigation.</p> | <p>Retain 12 years after case settlement and exhaustion of all appeals.</p> |
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| <p>3.02 Audited Race Results. These records document the results of races run and wagering on them. Information available may include: the name of the track and number of the race, type of race, listing of the names of dogs, time that wagers were placed on races, amounts wagered, results of races, and the amount of dollars paid.</p> <p><u>Note:</u> If these records become part of an investigation or hearing file, follow the disposition for investigation or hearing records.</p> | <p>Retain 5 years after the end of the fiscal year in which the records were created.</p> |
| <p>3.03 Veterinarian Reports. These records document physical examinations of greyhounds by duly licensed veterinarians. Information in them may include: the name of the veterinarian, the name of the owner, the name of the dog, the type of test conducted (urine, blood or other specimens), and any type of drug present or administered.</p> <p><u>Note:</u> If these records become part of an investigation or hearing file, follow the disposition for investigation or hearing records.</p> | <p>Retain 6 years.</p> |
| <p>3.04 Greyhound and Horse Breeding Development Files. These files document research on greyhound or horse breeding conducted by research institutions. They may be retained by racing commissions or race tracks for reference purposes.</p> | <p>Retain for useful life.</p> |

4. Conducting Hearings

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| <p>4.01 Hearing Case Files. These records document hearings on complaints and rulings made by the commission. Information available may include the name of the complainant, the nature of the complaint, and the names of suspects or witnesses. Track judges' rulings on race results, wagers, and photo finishes may also be found in these files.</p> | <p>Retain 6 years after commission's decision and settlement of all appeals.</p> |
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5. Administering Internal Operations—Managing the Agency

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| <p>5.01 Administrative Reference Files. These records include materials not created by the racing commission; they are collected and used only as reference sources of information.</p> | <p>Retain for useful life.</p> |
| <p>5.02 Annual Reports. Racing commissions may create annual narrative reports describing their activities during the calendar or fiscal year. Such reports provide summary documentation of functions, projects, and activities.</p> | <p>PERMANENT</p> |

5.03	Historical and Publicity Files. These records include news releases, newsletters, brochures, periodicals, photographs, videotapes, audiotapes, speeches, and public service announcements created by racing commissions.	PERMANENT
5.04	Routine Correspondence. This type of correspondence documents the daily conduct of the racing commission's affairs in its relations with local citizens and businesses, other governmental agencies, and the general public. It relates to everyday matters (such as answering inquiries, providing information, or performing mandated services) rather than to policy development or issues of long-term administrative impact.	Retain 3 years.
5.05	Legal Case Files. These records document lawsuits filed by or against the racing commission.	Retain 6 years after the case is closed.
5.06	Mailing Lists. These records include various standard lists of names and addresses used by racing commission personnel.	Retain for useful life.
5.07	Mail, Telephone, and Fax Machine Logs. These records are lists of mail, telephone and fax machine contacts and related data.	Retain for useful life.
5.08	Calendars. These records include desk calendars and other scheduling devices for racing commission personnel.	Retain 1 year.
5.09	Records Management Documentation	
	Records documenting implementation of the racing commission's approved RDA. These records include records management plans, records inventories, finding aids, and destruction notices.	Retain 2 years following audit.
	Copy of approved RDA. The RDA provides legal guidelines for the disposition of racing commission records. The racing commission should maintain a signed copy of the RDA and distribute copies to other agencies as needed.	Retain 2 years after the audit period in which the RDA was superseded.

Local government records deposit agreements. These records are formal agreements executed by the racing commission so that a local records repository (library, archives, or historical society) may accept physical custody of long-term records. They include inventories of records in the repository. (Note: Deposit agreements must be approved by the Local Government Records Commission. For information, contact ADAH.)

Retain 10 years after termination of the agreement.

5.10 Records request forms. A racing commission may ask visitors wishing to examine records to complete an identification form before providing access. Information in such forms may include visitor's name and contact information, date and time of request, records requested, reason for request, and staff comments.

Retain 2 years following audit or until any resulting litigation is concluded.

5.11 Computer Systems Documentation. These files include hardware and software manuals, diskettes, metadata lists, and warranties.
Disposition: Retain former system documentation 2 years after the audit period in which the former hardware and software no longer exist anywhere in the agency and all permanent records have been migrated to the new system.

5.12 Websites and Social Media Sites. Racing commissions develop web and social media sites for responding to public inquiries and providing information on racing commission affairs.

PERMANENT
Preserve a complete copy of the web or social media site annually, or as often as significant changes are made.

6. Administering Internal Operations—Managing Finances

6.01 Budgeting Records. These records document preparing a budget request package and reporting the status of funds, requesting amendments of allotments, and reporting program performance.

Departmental budget estimates and requests. These records contain information submitted by racing commissions during budget preparation.

Retain 2 years following audit.

<p>Approved annual budgets. These records are the final racing commission budgets and are often maintained by the governing authority of the racing commission when one exists.</p>	<p>PERMANENT If copy of budget is included with minutes, retain additional copies for useful life.</p>
<p>Records documenting budget performance during the budget cycle (budgeted and actual revenue reports, investment reports, expenditure reports, encumbrance reports, etc.)</p>	<p>Retain 2 years following audit.</p>
<p>Annual financial reports. At the end of the fiscal year, a summary statement of racing commission finances may be included in governing authority minutes and published in the local newspaper.</p>	<p>PERMANENT If a copy of the report is included with the minutes, retain additional copies for useful life.</p>
<p>6.02 Audit Reports. These records document the racing commission’s overall financial condition, and the findings of its independent auditor during each audit period. If official audit report is maintained by another department under its governing authority, audit reports maintained by the racing commission may be considered duplicative.</p>	<p>PERMANENT</p>
<p>6.03 Accounting Records</p>	
<p>Routine accounting records. These are records of original entry or other routine accounting transactions, including journals, registers, ledgers, receipts, invoices for services, bank statements, deposit slips, canceled checks, and other supporting documentation.</p>	<p>Retain 2 years following audit.</p>
<p><u>Recommendation:</u> returned checks, or other records documenting the racing commission’s efforts to collect unpaid fees or service charges may need to be retained until collection, even if that period exceeds the state retention.</p>	
<p><u>Note:</u> Disposition for grant-related accounting records is provided under grants.</p>	
<p>6.04 General Ledgers and detailed year end trial balances. These are records of final entry for all financial transactions collecting revenue (taxing and licensing), purchasing, investing, administering state and federal funds, and general accounting.</p>	
<p>Records created prior to 1975</p>	<p>PERMANENT</p>

Records created in or after 1975	Retain 10 years after the end of the fiscal year in which the record was created.
<p>6.05 Purchasing Records. These records document the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products.</p> <p><u>Note:</u> Disposition for grant-related purchasing records is provided under grant records.</p>	Retain 2 years following audit.
<p>6.06 Contracts, Leases, Franchises, and Agreements. These records document the negotiation, fulfillment, and termination of all contracts, leases, franchises, and agreements entered into by the racing commission, including final contracts that are subject to the bid process.</p>	Retain 10 years after expiration of the contract (Code of Alabama 1975, Section 6-2-33).
<p>6.07 Records of Formal Bids. These records document the bid process, which is subject to the requirements of Title 41, Section 16 of the Code of Alabama.</p>	
<p>a. Records documenting bids on products or services obtained by the municipality. These records include racing commission requests for bid proposals, successful and unsuccessful bids by product or service vendors, and related correspondence.</p>	Retain 7 years after the date bids were opened (Code of Alabama 1975, Section 41-16-54(e)).
<p>b. Lists of eligible bidders. Racing commissions may compile lists of persons or businesses who have filed requests to be notified of bids on projects, products, or services required by the municipality. Requests from bidders to be included on the list may be treated as routine correspondence.</p>	Retain 3 years after last contact with listed vendors.

	<p>c. Correspondence with vendors slated for removal from the list of eligible bidders. Under Section 41-16-54(a) of the Code of Alabama, any listed bidder who fails to respond after receiving three solicitations for bids may be stricken from the eligible list. This correspondence documents the racing commission's efforts to warn unresponsive vendors that they will be dropped from the list unless they ask to remain eligible. It includes forms or letters sent out by the municipality and any responses from the vendors.</p>	<p>Retain 2 years after the audit period in which the bidder is removed from the list.</p>
<p>6.08</p>	<p>Verification of Employees' Legal Immigration Status. These records document enforcement of Section 9 of Act 2011-535 of the Alabama legislature, commonly known as the Immigration Act. They consist of affidavits and/or E-Verify Memoranda of Understanding (MOUs) stipulating that active or prospective vendors do not knowingly employ illegal immigrants.</p>	<p>Retain 3 years after last contract with vendor.</p>
<p>6.09</p>	<p>Grant Project Files. These records document the racing commission's application for and conduct of grant projects funded by local, state, federal, or private sources. Disposition is as follows:</p>	
	<p>Financial reports, interim narrative reports, and correspondence. These records include financial reports, interim narrative reports, background materials, and other non-financial supporting documentation for grants awarded. Also included are records relating to unsuccessful grant applications.</p>	<p>Retain 6 years after submission of final financial report or denial of application.</p>
	<p>Subsidiary financial records. These records include accounting or purchasing records and any other subsidiary financial documentation of federal grants, excluding financial reports. (See federal Rule 1354.)</p>	<p>Retain 3 years after submission of final financial report.</p>
	<p>Final narrative report. Final narrative reports are submitted according to the requirements of the funding agency. They summarize the goals of the grant, how the money was used, and what was accomplished.</p>	<p>PERMANENT</p>
<p>6.10</p>	<p>Investment Reports. These records provide summary documentation of the racing commission's financial investments.</p>	<p>Retain 2 years following audit.</p>
<p>6.11</p>	<p>Travel Records. These records document requests by racing commission personnel for authorization to travel on official business, and related materials such as travel reimbursement, forms and itineraries.</p>	<p>Retain 2 years following audit.</p>

7. Administering Internal Operations—Managing Human Resources

- 7.01 Employee Handbooks.** These records provide guidance to new employees about personnel rules and other policies and procedures. **PERMANENT**
- 7.02 Employee Newsletters.** These records are internal newsletters created for government employees to communicate personnel policies, news of important events, and information on individual employees. **PERMANENT**
- 7.03 Job Classification and Pay Plans.** These records document the various job classifications used by the racing commissions. They include the qualifications, duties, and pay range for each position. The required retention depends on whether the racing commission has a separate personnel department:
- Personnel department copy (or file held by individual departments if there is no personnel department)** **PERMANENT**
- Copies held by other departments (duplicate file)** Retain 4 years after position is reclassified.
- 7.04 Examination Records.** These records document the development of and administration of examinations for employment in positions.
- Examination history files.** These files document the development of employment examinations. They include questionnaires, comparison studies, final copies of examinations, and job announcements. Retain 1 year after examination is no longer in use.
- Examination administrative files.** These records document the administration of examinations to applicants for positions. They include rating forms, answer sheets, and lists of applicants. Retain 3 years.
- 7.05 Typing tests.** These records document typing tests given to potential job applicants before accepting their applications for employment. They may include printouts showing the tests taken, with errors; summaries of results; demonstration forms used by the staff; and sign-in sheets. Retain 1 year.
- 7.06 Certification Records.** These records document the process of employee certification. They pertain to individuals deemed qualified for positions after submitting an application and taking an employment examination.
- Employment registers.** These records are lists of individuals declared qualified for certain positions. They include the job classification, names of eligible applicants, and their ranking on the list. Retain 1 year after superseded.

	Employee certification files. These records document the certification process with individual job applicants. They include questionnaires, training and experience records, grades, notifications, and returned postcards and letters.	Retain 3 years.
7.07	Job Recruitment Materials. These records document efforts by the racing commission to advertise positions and attract qualified personnel.	Retain 2 years following audit.
7.08	Employment Applications. These records document applications by individuals for employment in municipal positions.	
	Successful applications	Retain in employee personnel file.
	Unsuccessful applications (received in response to specific job announcements)	Retain 3 years.
	Supplemental data forms. Information on these forms includes the job applicant’s name, Social Security number, date of birth, race, gender, and recruitment source. The form may be separated and filed separately from other information on the employment application.	Retain 6 years after employee separation or 3 years after an unsuccessful application.
7.09	I-9 forms. These federal forms are used to verify that persons seeking employment are eligible to work in the United States. Disposition of the employing agency’s copy is provided by 8 CFR 274a.2.	Retain 3 years after employment or 1 year after termination, whichever is longer.
7.10	Equal Employment Opportunity Commission Files. These records document allegations regarding non-compliance with hiring regulations established by the federal Equal Employment Opportunity Commission. <u>Note:</u> “Whenever a charge of discrimination has been filed, or an action brought by the Attorney General–[retain] until final disposition of the charge or action” (29 CFR 1602.31, 1602.20).	Retain 3 years.
7.11	Employee Personnel Files. These records document each racing commission’s employee’s work history; they are generally maintained as case files. A file may include information on an employee’s training, performance evaluations, disciplinary actions, promotions and demotions, awards, leave, and salary.	Retain 6 years after separation of employee.

7.12	Employee Work Schedules. These records document the daily and weekly work schedules of all employees.	Retain 2 years following audit.
7.13	Annual Reports of Promotions and New Hires. These records summarize overall personnel activity and turnover during the year. They may also include reports of employee retirements, resignations, and terminations.	PERMANENT
7.14	Leave and Attendance Records. These records document the attendance and leave status of personnel, both generally and for individual employees.	
	Individual employee leave and attendance records (including time sheets). These are records documenting hours worked, leave earned, and leave taken by individual employees.	Retain 2 years following audit.
7.15	Employee cumulative leave/attendance records. These records document the final leave status (cumulative leave) of individual employees.	Retain 6 years after separation of employee.
	Employee sick leave donation records. These records document the donation of sick leave to their colleagues by employees.	Retain 2 years following audit.
7.16	Payroll Records. These records document racing commission payrolls, as well as pay status and payroll deductions for individual employees. Disposition is as follows:	
	Annual payroll earnings reports/records documenting payroll deductions for tax purposes (wage and tax statements). These are summaries of employees' earnings during a fiscal year, including all deductions and federal Form 941.	Retain 50 years after the end of the tax year in which the records were created.
	Records documenting racing commission payrolls. These records include pre-payroll reports, payroll check registers, payroll action forms, payroll/overtime certification reports, etc.	Retain 2 years following audit.
	Records documenting payroll deduction authorizations. These records document payroll deductions for taxes (including W-4 forms), retirement and insurance contributions, and all other deductions withheld from the pay of individual employees.	Retain 6 years after separation of employee.
	Records documenting payroll deductions. These records document taxes (including W-2 forms), retirement contributions, and all other deductions withheld from the pay of individual employees.	Retain 2 years following audit.

Employee “Cafeteria Plan” (Flexible Benefits) Records. These records document salary-reduction type plans authorized by the U.S. Internal Revenue Service, Section 125.

General information about the plan

Retain until superseded.

Employee applications, correspondence, enrollment cards and files

Retain 6 years after termination of the plan.

7.17 Employee Insurance Program Enrollment and Claims Files. These files document the racing commission’s efforts to assist employees and their dependents to enroll in health/life insurance programs, in accordance with established guidelines.

General information on the program

Retain until superseded

Employee applications, correspondence, and enrollment cards and files

Retain 4 years after program termination or employee separation.

Employee claims files

Retain 2 years after the audit period in which the claim was filed.

7.18 “Drug-Free Workplace” Records. These records document the racing commission’s substance abuse policies and programs, as well as drug and alcohol testing of racing commission employees. Under the federal Americans With Disabilities Act, such medical-related records may not be included in Employee Personnel Files.

Drug/alcohol abuse policy and procedures documentation

Retain 4 years after policy is superseded.

Positive employee drug or alcohol test results, documentation of employee refusals to take tests, documentation of employee referrals and treatment in substance abuse programs, copies of municipality’s annual MIS reports submitted to FTA

Retain 5 years

Records related to the collection process and employee training

Retain 2 years

Negative employee drug or alcohol test results

Retain 1 year.

7.19	Workmen’s Compensation Insurance Claim Files. These files document all claims pertaining to work-related injuries or diseases made by racing commission employees. (See Code of Alabama 1975, Section 25-5-4.)	Retain 12 years and after the end of the fiscal year in which the transaction occurred.
7.20	Unemployment Compensation Files. These files provide documentation related to employee claims for unemployment compensation.	Retain 2 years following audit.
7.21	Employee Assistance Program Files. These are administrative records documenting the referral of employees to various assistance programs and subsequent services provided.	Retain 2 years following audit.
7.22	Family Medical Leave Act (FMLA) Records. These records document administration of the federal Family Medical Leave program, including leave taken, premium payments, employer notices, and correspondence.	Retain 2 years following audit.
7.23	Training Records. These records document the racing commission’s provision of in-service training and professional development for its employees. They do not include materials obtained from outside sources. Disposition is as follows: Training standards, policies, procedures, and publications. These records document the racing commission’s overall standards, policies, and procedures in providing specialized training to its employees. They may include general policy statements or guidelines, training manuals, or related publications. <u>Note:</u> Permanent retention applies to the file copy. Duplicates may be destroyed when no longer needed.	PERMANENT
	Training administrative files. These records document the process of conducting training for employees. They may include individual lesson plans, audiovisual presentations or materials, lists of attendees at workshops or training sessions, sign-in sheets, unpublished handouts, and appraisals of training completed by participants.	Retain for useful life.
7.24	Reports of Racing Commission Employees Required to File Statements of Economic Interest. These records include reports to the Alabama Ethics Commission, and related transmittal letters, copies of statements, and correspondence, pertaining to the filing of Statements of Economic Interest by employees.	Retain 4 years.

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| 7.25 | Federal Form 1099. This form is used to report various kinds of income, other than salary, that must be reported for federal tax purposes. It may be issued by the municipality to contract workers, or other temporary workers, who provide services but are not on the regular payroll. | Retain 2 years following audit. |
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8. Administering Internal Operations—Managing Properties, Facilities, and Resources

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| 8.01 | Building Construction and Renovation Files. These files document the design, construction, repair, and renovation of racing commission buildings. Included may be building specifications and floor plans, plans of proposed work, lists of materials, correspondence, memoranda, reports, blueprints, site plans, elevation details, and financial records. Disposition is as follows:

Plans, specifications, and blueprints of racing commission buildings of significant historical interest (e.g., local archives)
<u>Disposition:</u> PERMANENT. Retain in office for life of building; agency may then offer for transfer to a local library, archives, or historical society under the terms of a local government records deposit agreement.

All other records (financial records; plans, specifications, and blueprints for buildings lacking significant historical interest) | Retain for life of building. |
| 8.02 | Records of rented buildings or facilities | Retain during use of building or facility and transfer to new occupant. |

Fixed Assets Records. Records below document the racing commission’s ownership of assets (such as land, buildings, and equipment) that are purchased for long-term use and are not likely to be quickly converted into cash. They may include:

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| 8.03 | Annual Inventory Records. These records document all personal property, equipment, or capital outlay on an annual basis. | Retain 2 years following audit. |
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8.04	Appraisals of Real Property Acquired for Municipal Use. These records document appraisals of private or real property that are performed prior to the racing commission acquiring the land for public use (for example, constructing streets, bridges, public parks, and parking lots or garages).	Retain 10 years.
8.05	Deeds to Racing commission Real Property. These are copies of records that document the ownership of real property. Deeds are held permanently by the county probate office. <u>Disposition:</u> Retain until property is sold. Verify that the county probate office holds the original deed prior to destruction.	
8.06	Vehicle and Equipment Ownership Files. These records document the ownership and maintenance of all vehicles and other equipment owned or maintained by the racing commission. They may include titles, bills of sale, and related correspondence.	Retain 2 years following the audit period in which equipment or vehicle is removed from inventory.
8.07	Vehicle and Equipment Maintenance Files (work orders, repair records, and related financial records)	Retain 2 years following audit.
8.08	Facilities/Buildings Inspection Records. These records document the routine safety and maintenance inspection of municipal buildings, facilities, and such potentially dangerous items as furnaces, elevators, electronic doors, etc.	Retain 5 years.
8.09	Facilities/buildings maintenance work orders. These records document routine maintenance activities in municipal buildings or other facilities.	Retain 1 year.
8.10	Insurance Policies and Claims	
	Insurance policies. These policies document all insurance policies carried by the racing commission on its equipment or property.	Retain 10 years after the end of the fiscal year in which the policy was terminated.
	Insurance claims involving the racing commission. These records document insurance claims filed by the racing commission after loss of or damage to property or equipment. Claims do not involve personal accident or injury.	Retain 2 years after the audit period in which the claim was settled.

8.11	Depreciation Schedules. These records document the expected depreciation, and consequent decline in value, of racing commission fixed assets over time.	Retain 2 years after the audit period in which fixed asset is removed from inventory.
8.12	Receipts of Responsibility for Property. These records document the temporary use or possession of municipal property by employees.	Retain until return of item to property manager.
8.13	Facilities/Buildings Security Records. These records document the racing commission’s efforts to provide security to members of the public using its buildings and facilities, as well as to monitor the admission of visitors to these areas. They may include visitors’ logs or sign-in sheets, alarm system logs, recordings of security monitoring or response, and any other records documenting security staff’s response to alarms or emergencies.	
	Security monitoring or response recordings, alarm system and warning siren logs	Retain 30 days, or until final disposition of any criminal cases, litigation, or other incidents for which recordings provide evidence.
	All other records	Retain 3 years.
8.14	Motor Pool Use Records. These records document the use of vehicles in the motor pool by employees.	Retain 2 years following audit.
8.15	Parking Records. These records document the use of racing commission parking facilities by employees or visitors. They may include parking permits, cards, and applications for these items.	Retain 2 years following audit.
8.16	Long-Distance Telephone Logs. These records document use of the racing commission’s long-distance telephone systems by employees during business hours.	Retain 2 years following audit.

Requirement and Recommendations for Implementing the Racing Commission Records Disposition Authority

Requirement

Under the Code of Alabama 1975, Section 41-13-23, “no county, municipal, or other local government official, shall cause any . . . record to be destroyed or otherwise disposed of without first obtaining the approval of the Local Government Records Commission.” This RDA constitutes authorization by the Local Government Records Commission to dispose of records as stipulated, with the condition that the responsible official must submit a Local Government Services Destruction Notice to the ADAH Government Services Division to document the destruction. The ADAH, which serves as the commission’s staff, retains local records destruction documentation as a permanent record. (For more information, see the ADAH procedural leaflet *Records Destruction Procedures for Alabama Local Governments*.)

Recommendations

In addition to authorizing a procedure for legally destroying temporary racing commission records, the Local Government Records Commission urges the racing commission to establish a quality record-keeping program that will meet its legal and public service needs. Such a program should include the following activities:

The racing commission should designate a records officer who will be responsible for: ensuring the regular implementation of this RDA, maintaining records in compliance with national and state standards, and coordinating the destruction of disposable records.

Permanent records in the racing commission’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation. In addition to records appraised as permanent in the RDA, the Local Government Records Commission has directed that any record created prior to 1900 shall be regarded as permanent.

Destruction of temporary records, as authorized in the 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. When records series are combined, the combined record should be maintained for the longest retention period applicable to the original series that were combined.

The racing commission 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 municipality chooses to maintain a record solely in electronic format, it should employ an electronic records management system that is capable of tying retention and disposition instructions to records in the system and of purging temporary records when their retention period expires. The racing commission is committed to funding any

system upgrades and migration strategies necessary to ensure the record's preservation and accessibility for the period legally required.

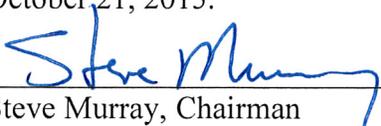
Microforms of permanent records should conform to quality standards set by the American National Standards Institute (ANSI) and the Association for Image and Information Management (AIIM). Under the Code of Alabama 1975, Sections 41-13-40 through -44, microfilm of public records, "when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record. . . ." No microfilmed record may be legally destroyed "until the microfilm copy has been processed and checked with the original for accuracy." Government Services Division staff may examine agency microfilm for compliance prior to destruction of the original records.

Electronic mail may 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 municipality should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.

The racing commission should notify the ADAH Government Services Division if a new records officer is appointed or if other significant changes occur in records storage conditions or records management procedures. It may also contact the division to request revision of this RDA. Normally, RDA revisions will be submitted to the Local Government Records Commission every two years. ADAH Government Services Division staff will notify racing commissions of any records commission-approved changes in record-keeping requirements that apply to racing commissions on a statewide basis.

Staff of the Local Government Records Commission may examine the condition of permanent records in the racing commission's custody and inspect records destruction documentation. Government Services Division archivists are available to instruct racing commission staff in RDA implementation or otherwise assist the racing commission in implementing its records management program.

The Local Government Records Commission adopted this Records Disposition Authority on October 21, 2015.



Steve Murray, Chairman
Local Government Records Commission

10/21/15

Date:

By signing below, the agency acknowledges receipt of the retention periods and requirements established by the records disposition authority.

Chair, Racing Commission

Date:

of _____