

RIVERSIDE TRANSIT AGENCY
1825 Third Street
Riverside, CA 92507

July 27, 2006

TO: BOARD OF DIRECTORS
THRU: Larry Rubio, Chief Executive Officer
FROM: Maricela Hernandez, Clerk of the Board
SUBJECT: Records' Retention and Destruction Policy

Summary:

The Board of Directors approved the current Records' Retention and Destruction Policy on November 18, 2004. Because the adopted policy did not specify a retention period for electronic media, staff and Agency General Counsel Smart reviewed and updated this policy accordingly.

To assist the Board in identifying the revisions, a summary of the updates is listed below:

- Page 2 – Added Item H, which was previously Item 6 on page 3. The words ***paper and electronic records of*** were added after the word destroy.
- Page 6 – Added Item L - ***The Agency shall retain electronic records related to administrative and legal matters including customer complaints, comments, and commendations for three years.***

Fiscal Impact:

None.

Committee Recommendation:

This item was discussed at the Board Budget and Administration Committee meeting of July 12th. The Committee members unanimously approved and recommended this item to the full Board of Directors for their consideration.

Recommendation:

Approve the revised Records' Retention and Destruction Policy as presented with an effective date of July 27, 2006.



RECORDS' RETENTION
AND
DESTRUCTION POLICY

Adopted by the Board of Directors

November 18, 2004

Revised July 27, 2006

**RIVERSIDE TRANSIT AGENCY
RECORDS' RETENTION AND DESTRUCTION POLICY**

I PURPOSE

The purpose of this policy is to provide guidelines to staff regarding the retention or disposal of Agency records; provide for the identification, maintenance, safeguarding, and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

The Board of Directors authorizes the chief executive officer to interpret and implement this policy and to cause to be destroyed any and all records, papers, and documents that meet the specifications of this section.

For the purposes of this policy, electronic records, including, but not limited to, e-mail, must be analyzed and retained in the same manner and to the same extent as paper records.

II GENERAL GUIDELINES

The following general guidelines apply to all Agency records:

- A. The Agency generally shall retain all documents in their original form for three years. The chief executive officer may authorize the destruction of any duplicate records, including duplicates less than three years old, if no longer needed.
- B. Except where a longer retention period is required hereunder, after three years, the Agency, with the chief executive officer's approval, may destroy any original document without the Agency retaining a record or copy of these documents.
- C. The Agency shall retain original administrative, legal, fiscal and/or historical records with continued value (e.g., records for long-term transactions, pending litigation and/or special projects) until all matters pertaining to such records are completely resolved or the time for appeal has expired.
- D. The Agency shall retain indefinitely original records, which are essential to:
 - 1. resume and/or continue operations;
 - 2. re-create the legal and financial status of the Agency in case of a disaster; or
 - 3. fulfill obligations to bondholders, customers and/or employees.

- E. The Agency shall retain video recording mediums, such as videotapes and films, recording an incident as documented by an Agency employee, for at least 90 days after the occurrence of the event recorded. After 90 days, the Agency may destroy the video medium if the Agency makes another record, such as written minutes or an audio tape recording, of the event, which is recorded in the video medium. The written record may be destroyed in accordance with this policy. The Agency shall not retain video recording mediums such as videotapes and films that do not record an incident as documented by an Agency employee.
- F. The Agency, with the chief executive officer's approval and written consent of Agency counsel, may destroy recordings of telephone and radio communications maintained by the Agency after 100 days.
- G. Except where this policy provides that an original document shall be retained, the Agency may retain records on microfilm or other media meeting the following requirements:
 - 1. The item must be photographed; microphotographed; reproduced by electronically recorded video images on magnetic surfaces; recorded on optical disk; reproduced on film or any other medium which does not permit additions, deletions, or changes to the original document in compliance with the minimum standards and/or guidelines as recommended by the American National Standards Institute or the Association for Information and Image Management for recording of permanent records or nonpermanent records, whichever applies; and
 - 2. The original must be accurately reproduced in all details; and
 - 3. The reproductions must be stored in conveniently accessible files, and provision must be made for preserving, examining and using the files.
- H.** The Agency may destroy ***paper and electronic records*** of rough drafts, notes, working papers (except audit), cards, listings, nonpermanent indices, and papers used for controlling work or transitory files at any time.

For the purposes of this policy, every reproduction shall be deemed to be an original record, and a transcript, exemplification, or certified copy of any reproduction shall be deemed to be a transcript, exemplification, or certified copy, as the case may be, of the original.

III SPECIFIC GUIDELINES

A. Accounting Records

1. The Agency shall retain original accounting records for five years. After that, the Agency may destroy original accounting records, except journals, ledgers and statements, if:
 - a. There is no continuing need for said record, i.e., long-term transactions, special projects pending litigation, etc.
 - b. There exists in a permanent file an audit report(s) covering the inclusive period of the record;
 - c. The audit report(s) meets the requirements of section 26909 of the California Government Code and other State and Federal laws; and
 - d. The audit(s) contains the expression of an unqualified opinion.
2. The Agency may destroy the original journals, ledgers and statements after five years if it retains a permanent photographic record.
3. The Agency may destroy the original billing register and final billing register after five years if it retains a permanent photographic record.
4. The Agency may destroy any original accounting record created for a specific event or action five years after said event has in all respects terminated.
5. The Agency may destroy any original source document that is detailed in a register, journal, ledger or statement five years from the end of the fiscal period to which it applies.
- ~~7~~6. The chief executive officer shall not authorize the destruction of any record subject to audit until he or she has determined that the audit has been performed.

B. Long-Term Debt Records

1. With the chief executive officer's approval, the Agency may destroy the original records of proceedings for the authorization of long term debt, bonds, warrants, loans, etc. after issuance or execution, if it retains a permanent photographic record.

2. The Agency may photograph and destroy the original records of the terms and conditions of bonds, warrants and other long-term agreements after final payment, if it retains a permanent photographic record.
3. The Agency may destroy paid bonds, warrant certificates, and interest coupons after six months if detailed payment records are retained for ten years.

C. Minutes of the Board of Directors Meetings

1. The Agency may destroy the original minutes with the chief executive officer's approval if it retains a permanent photographic record. Original documents will be electronically scanned and retained indefinitely.
2. The Agency may destroy the original resolutions and ordinances adopted by the Agency with the chief executive officer's approval if it retains a permanent photographic record. Original documents will be electronically scanned and retained indefinitely.

D. Statements and Reports Filed Pursuant to the Political Reform Act

1. Filing officers shall retain original statements and reports for seven years.
2. Filing officers shall retain copies of statements or reports for four years. The officer does not have to keep more than one copy of a statement or report.

E. Contracts

1. The Agency shall retain original contracts for four years after the end of the contracts.
2. The Agency shall retain contracts with any person or entity who develops real property or furnishes the design, specifications, surveying, planning, supervision, testing, or observation of construction or improvement to real property for ten years after the completion of the construction or improvement.

F. Property Records

The Agency shall retain original property records, such as title documents, indefinitely, or until the property is transferred or otherwise no longer owned by the Agency.

G. Payroll and Personnel Records ^{1/}

1. The Agency shall retain personnel files for five years after an individual's employment terminates.
2. The Agency need not retain health insurance claims maintained separately from the Agency's medical program and its records, first aid records for one-time treatment and subsequent observation of minor injuries, or medical records of employees who have worked less than a year if the Agency provides the employee with the records upon termination of employment.
3. The Agency may destroy fidelity bonds and garnishments five years after they expire.
4. The Agency shall retain payroll records containing the name, address, date of birth, sex, job classification, hours worked, and regular and overtime wages for each employee for three years.
5. The Agency shall retain basic time and earning cards or sheets on which are entered daily starting and stopping time of individual employees for two years.
6. The Agency shall retain employment applications and employment referral records and files for two years after such records or files are created.
7. The Agency shall retain records regarding the race, sex, and national origin of each applicant and for the job for which such applicant applied for two years from the date of the making of the record or the date of the personnel action involved, whichever occurs later. The Agency may either retain the original documents used to identify applicants, or keep statistical summaries of the collected information.
8. The Agency shall retain any records pertaining to any payments, loans, promises or agreements by the Agency to any labor organization or representative of a labor organization for five years.

H. Exposure/Safety Records and Material Safety Data Sheets (MSDS)

1. The Agency shall retain employee exposure records and exposure assessment records for at least thirty years. The Agency may destroy the original records after two years and retain a permanent photographic record for the remaining retention period.
2. The Agency may destroy background data to workplace monitoring after one year provided a summary of relevant data is retained for thirty years. The summary must contain the sampling results, the

collection methodology (sampling plan), a description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the results. The Agency may destroy the original summary after two years and retain a permanent photographic record for the remaining retention period.

3. The Agency may destroy the material safety data sheet (MSDS) for a hazardous substance after the Agency stops using the hazardous substance provided it keeps a record of the substance (chemical name if known) and when and where it was used for thirty years. The Agency may destroy the original record after two years and retain a permanent photographic record for the remaining retention period.

I. Construction and Engineering Records

1. The Agency may destroy original construction records, such as bids, correspondence, and change orders, after seven years unless the records pertain to a project which includes a guarantee or grant in which event they shall be retained for the life of the guarantee or grant plus seven years. The Agency shall retain as-built plans for any public facility or works as long as the facility exists.
2. The Agency may destroy unaccepted bids or proposals for public works after two years.

J. Hazardous Materials Records

The Agency shall retain all documentation regarding the disposal and treatment of hazardous substances, including hazardous waste manifests indefinitely. The Agency may destroy the original documentation after two years provided it retains a permanent photographic record.

K. Grants' Documents

The Agency shall retain all documents pertaining to grants for a minimum of three years after the grants have been closed.

L. ***Electronic Records***

The Agency shall retain electronic records related to administrative and legal matters including customer complaints, comments, and commendations for three years.

¹ Payroll and personnel records include, but are not limited to, the following: accident reports, injury claims and settlements; medical histories; injury frequency charts; applications, changes and terminations of employees; insurance records of employees; time cards; job descriptions; performance or rating documents; earning records and summaries; and retirements.