

Record-Keeping Policy - Record Maintenance, Retention, and Destruction

Purpose

The Joint Committee's Fiscal division retains and destroys personnel records in accordance with its policies on business records retention, as well as federal and state laws governing record retention. Below is an outline of the Fiscal division's operating procedures for personnel record retention and destruction of documents when such retention periods have passed.

The Fiscal division maintains both employee information and government compliance reports. Both are subject to the following procedures.

Maintenance of Employee Records

The following employee records are maintained in segregated personnel or other files:

- 1) General employee personnel records
- 2) Employee medical records/Background check results
- 4) Performance records
- 4) I-9 forms (Paper I-9 forms kept together).

Under no circumstance should information be removed from a personnel file during that individual's employment, except as provided in written reprimand section of the Joint Committee's Employee Policies and Procedures Handbook.

Record Retention for Personnel Files

The following information shall be **retained in perpetuity** for all Joint Committee and House of Delegates employees:

- Employer (House of Delegates or Joint Committee)
- Position
- Date of Birth
- Social Security Number
- Final Salary
- Date of Hire
- Date of Separation
- All retirement related records (Correspondence from and to CPRB, etc.)
- Military leave records
- EEO-1 Reports

Record Retention for Employment Applications

All employment applications from applicants not hired must be maintained for **two years** following the closing date of the position.

Destruction of Personnel Records

All paper and electronic personnel records maintained by the Fiscal division shall, with the exclusion of the records to be kept in perpetuity, be destroyed **10 years** following the employee's separation date. When a personnel record must be discarded or destroyed, it shall be marked as confidential and given to the appropriate personnel to be destroyed in accordance with the record destruction policies. Hardcopy records may be shredded using the shredder on the premises. In the case of employees working remotely, employees are discouraged from printing out or creating hard copies of confidential records where possible.

Personnel records include electronic as well as paper records. The Fiscal division will work with the IT department periodically, but no less than annually, to review and ensure that the personnel records are properly purged.

Litigation Hold

When the Joint Committee or House is involved in or anticipates that it may be involved in litigation, the Legislative Services Division will issue a litigation hold. This means that all documents relating to the litigation matter must be kept in order to preserve any potential evidence. If we fail to do so, the Joint Committee or House can be sanctioned by the court for destroying evidence. A court has broad authority to impose these sanctions, which may include anything from unfavorable procedural rulings during a trial to payment of monetary damages.

In the event that the Legislative Services Division announces a litigation hold on any or all records as a result of pending or anticipated litigation, all records covered by such litigation hold **MUST NOT** be discarded, deleted, or destroyed. Further, the IT department will suspend the automatic deletion of emails for all individuals covered by the litigation hold. Any about the litigation should be directed to the Legislative Services Division.