An Overview of Document and Record Retention

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Why do you need a good document retention policy?

- The requirements for document retention form a complicated web, comprised of more than 20 federal acts and regulations.
- Federal agencies will assess penalties if those acts are not followed.
- You can direct employees/managers to the policy rather than answer the same questions over and over.
In the event of a complaint...

- If a lawsuit or other kind of complaint is filed against you (including EEOC charges and DOL complaints), it is essential that all records that might be relevant to the matter be kept until the case/charge has reached a final disposition.

- Destroying evidence necessary to a case, even if it is in accordance with your retention policy, can have serious consequences at trial.
Background Information

The federal statutes and regulations that may apply to your company and the related penalties.

- What documents to keep
- How long to keep them
Age Discrimination in Employment Act (ADEA)

- Applies to employers with at least twenty (20) employees.
- Three (3) years:
  - Payroll or other records showing employees’ names, addresses, dates of birth, occupations, rates of pay, or weekly compensation.
    - Includes temporary employees
Age Discrimination in Employment Act (ADEA)

- One (1) year:
  - Applications, and other personnel records relating to promotion, demotion, transfer, selection for training, layoff, recall, or discharge;
  - Job advertisements and postings;
  - Copies of employee benefit plans;
  - Copies of any seniority or merit systems.
Age Discrimination in Employment Act (ADEA)

- When a lawsuit is filed under the ADEA:
  - All records relevant to the lawsuit must be kept until “final disposition” of the case.
Americans with Disabilities Act (ADA)

- Applies to employers with at least fifteen (15) employees.
- One (1) year:
  - Applications, and other personnel records relating to promotion, demotion, transfer, selection for training, layoff, recall, or discharge; and
  - Requests for reasonable accommodation (and all related documentation).
Americans with Disabilities Act (ADA)

- When a lawsuit is filed:
  - All records relevant to the lawsuit must be kept until “final disposition” of the case.
Civil Rights Act of 1964, Title VII

- Applies to employers with at least fifteen (15) employees.
- One (1) year:
  - Applications, and other personnel records relating to promotion, demotion, transfer, selection for training, layoff, recall, or discharge.
Consolidated Omnibus Budget Reconciliation (COBRA)

- COBRA requires employers to provide written notice to employees and their dependents of their option to continue health coverage following certain "qualifying events"
  - Termination or layoff
  - Reduction in working hours
  - Entitlement to Medicare
  - Death or divorce causing dependents to lose coverage under employer’s plan
Consolidated Omnibus Budget Reconciliation (COBRA)

Employers should keep:

◦ Copies of COBRA notices;
◦ Acknowledgements that the notices were received;
◦ Any documents relating to instances in which COBRA is not offered due to gross misconduct;
◦ Any other COBRA related correspondence
Consolidated Omnibus Budget Reconciliation (COBRA)

- COBRA does not specify a time period for retaining these records.
- However, because COBRA amends ERISA, it is generally recommended that employers match ERISA’s required six (6) year retention period for COBRA-related documents.
Davis-Bacon and Related Acts (DBRA)

- Applies to employers performing federally funded or assisted contracts in excess of $2,000 for the construction, alteration or repair of public buildings or works.
Davis-Bacon and Related Acts (DBRA)

- Employers must keep record of basic employee data for three (3) years from the end of the contract:
  - Name
  - Address
  - Social Security number
  - Gender
  - Date of Birth
  - Occupation and Job Classification
Davis-Bacon and Related Acts (DBRA)

- Three (3) years:
  - Compensation records, including:
    - Amounts and dates of actual payment;
    - Period of service covered;
    - Daily and weekly hours;
    - Straight time and overtime hours and pay;
    - Fringe benefits paid;
    - Deductions and additions
Walsh-Healy Public Contracts Act

- Also applies to federal contractors.
- Three (3) years:
  - Current work permits for minors;
  - Data on job-related injuries and illnesses, including logs with dates and summaries of accidents.
Employee Retirement Income Security Act (ERISA)

- Except for specific exemptions, ERISA’s reporting and disclosure requirements apply to all pension and welfare plans.
- Reports and disclosures include:
  - An updated summary description of the plan;
  - Annual reports;
  - Notice of reportable events such as plan amendments that may decrease benefits or a substantial decrease in the number of plan participants;
  - Plan termination
Employee Retirement Income Security Act (ERISA)

- Employers must maintain any records used to develop ERISA-required descriptions, reports, and disclosures, as well as any information needed to certify that information for six (6) years.
  - Vouchers
  - Worksheets
  - Receipts
  - Resolutions
  - Participant elections and deferrals

- Records used to determine benefits that are or will become due for participants must be retained as long as the records remain relevant.
Employee Polygraph Protection Act

Three (3) years:

- Description of the reasons for administering a polygraph test;
- Polygraph test results.
Equal Pay Act (EPA)

- Three (3) years:
  - Payroll records including time cards and wage rates;
  - Additions to and deductions from wages paid;
  - Records explaining sex-based wage differentials.
Executive Order 11246

- Applies to federal contractors.
- Two (2) years:
  - Written affirmative action plans, including supporting documentation, analysis, raw data, employee tests, and related records
  - Applications and other personnel records that support employment decisions are considered “support data.”
Executive Order 11246

- Applies to federal contractors.
- Two (2) years:
  - Written affirmative action plans, including supporting documentation, analysis, raw data, employee tests, and related records;
  - Applications and other personnel records that support employment decisions are considered support data;
  - Documentation of good faith efforts.
Fair Labor Standards Act (FLSA)

• Three (3) years:
  ◦ Employee’s name, address, date of birth, gender, and occupation;
  ◦ Time of day/day of week for beginning of employee’s workweek;
  ◦ Rate of pay (hourly, daily, weekly, piece-rate, commission, etc.);
  ◦ Daily hours worked and total hours for each week;
  ◦ Total daily or weekly straight-time earnings (exclusive of overtime);
  ◦ Total additions to and deductions from wages for each pay period.
Fair Labor Standards Act (FLSA)

- Three (3) years:
  - Total wages per pay period;
  - Date of each payment of wages and the period covered by the payment;
  - For executive, administrative, and professional employees, or those employed in outside sales, employers must maintain records that reflect the basis on which wages are paid.
    - There must be sufficient detail to permit calculations of employee’s total remuneration, including fringe benefits.
Fair Labor Standards Act (FLSA)

- Although the retention requirement is generally 3 years for liability for general damages, the Statute of Limitations for civil monetary penalties for FLSA violations is 5 years. Therefore, it is recommended that FLSA records be retained for at least 5 years.
Family and Medical Leave Act (FMLA)

- Three (3) years:
  - Employee name, address, occupation, rate of pay, terms of compensation, daily and weekly hours worked per pay period, additions to and deductions from wages, and total compensation;
  - Dates of designated FMLA leave taken by eligible employees;
  - Hours of intermittent leave taken;
Family and Medical Leave Act (FMLA)

- Three (3) years:
  - Copies of employee notices;
  - Documents describing employee benefits;
  - Practices and policies regarding paid and unpaid leave;
  - Premium payments of employee benefits;
  - Records of any dispute regarding leave designation.
Federal Insurance Contribution Act (FICA) and Federal Unemployment Tax Act (FUTA)

- Four (4) years:
  - Basic employee information;
  - Compensation records, including:
    - Amounts and dates of actual payment;
    - Period of service covered;
    - Daily and weekly hours;
    - Straight time and overtime hours and pay;
    - Annuity and pension benefits;
    - Fringe benefits paid;
    - Tips;
    - Deductions and additions.
Federal Insurance Contribution Act (FICA) and Federal Unemployment Tax Act (FUTA)

- Four (4) years:
  - Tax records, including:
    - Amounts of wages subject to withholding;
    - Agreements with employee to withhold additional tax;
    - Actual taxes withheld and dates withheld;
    - Reason for any difference between total tax payments and actual tax payments;
    - Withholding forms (W-4, W4-E).
Immigration Reform and Control Act (IRCA)

- Three (3) years after the date of hire or one (1) year after the date of termination, whichever is later:
  - Employee Eligibility Verification Forms (INS form 1-9), signed by each newly-hired employee and the employer.
Five (5) years:

- Supplemental records of injuries and illnesses (OSHA Form 101);
- Logs and summaries for injuries and illnesses (OSHA Form 200);
- Specific records of injuries (OSHA Forms 300 and 300A);
- Basic information about injured or ill employees, including treating physician and indication of hospitalization or emergency room visits (OSHA Form 301);
- Annual summaries of injuries and illnesses;
Occupational Safety and Health Act (OSHA)

- **Duration of Employment plus 30 years:**
  - Employee medical records and analyses pertaining to employees exposed to toxic substances or harmful physical agents;
Rehabilitation Act of 1973

- Applies to federal contractors.
- Two (2) years:
  - Requests for reasonable accommodation;
  - Results of physical exams;
  - Hiring records, including:
    - Job advertisements and postings, applications, resumes, tests, and interview notes;
  - Other records regarding job assignment, promotion, demotion, transfer, layoff, termination, rates of pay and other compensation, and selection for training or apprenticeship.
Rehabilitation Act of 1973

Two (2) years:

◦ Data on complaints of disability discrimination and actions taken;
◦ Affirmative Action Plans for employees with disabilities.
Vietnam Era Veterans’ Readjustment Assistance Act

- Applies to federal contractors.
- Two (2) years:
  - Employment records covered by the Rehabilitation Act of 1973;
  - Affirmative Action Plans for covered veterans;
  - A copy of the current VETS-100 report.
Personnel Records

• General recommendation: Four (4) years
  ◦ Applications, resumes, job advertisements and openings, training programs, etc.
  ◦ Documents related to hiring, firing, transferring/assignment, demotions, promotions, etc.
  ◦ Employment handbooks, employee evaluations, lists of job criteria, etc.
  ◦ Requests for reasonable accommodation, identification of minority and female applicants.
Personnel Records

- These records should be kept safe and accessible, preferably at the place of employment or an established central office.
- Where records are not maintained at the place of employment, they generally must be made available upon 72 hours’ notice.
Records of Employment Tests and Employment Opportunities

- General recommendation: Four (4) years
  - Records relating to job orders submitted to employment agencies or labor organizations;
  - Test papers and other documents related to employer-administered tests;
  - Interview notes, notices regarding job openings, promotions or opportunities for overtime work.
Online Application Records

• One (1) year:
  ◦ Copies of any expressions of interest received via the internet (online resumes, applicant contact regarding employment);

• If employer utilizes an internal resume database:
  ◦ Each resume added and the date added;
  ◦ Search criteria and date of database searches, and the position for which each search was made.
Online Application Records

- If employer utilizes an EXTERNAL resume database:
  - Search criteria and date of database searches, and the position for which each search was made.
  - Resumes of all job seekers who met the basic position qualifications.
Payroll Records

- Three (3) years after termination:
  - Records containing name, address, social security number, date of birth, date of hire, date of termination, gender, occupation, rate of pay, basis of payment, weekly earnings, etc.
  - Time cards and work schedules, wage rate tables, total hours worked on a daily and weekly basis.

- Generally, these records must be made available upon 72 hours’ notice.
Wage Differential

- Two (2) years:
  - Any records explaining any wage differential between sexes.
  - Substantiating documents.
General Business Records

- **Three (3) years:**
  - Records showing the dollar volume of sales or business and total volume of goods purchased or received.

- **Two (2) years:**
  - Records of customer orders or invoices, incoming or outgoing shipping or deliveries, customer billing, etc.
Records for minor employees

- Three (3) years after termination:
  - Certificates of age containing the minor employee’s name, address, date of birth, place of birth, signature and gender;
  - Employer’s name, address, and industry;
  - Name and address of minor’s parent or guardian.

- Certificates of age must be kept on file at the minor’s place of work, and originals must be returned upon termination.
Contracts and Agreements

Three (3) years:

- Any written records relating to employee benefit plans, collective bargaining agreements, seniority or merit systems, plans, trusts, individual employment contracts, written FLSA agreements, certificates authorizing payment of less than minimum wage.
Affirmative Action

- Two (2) years:
  - Applications for employment, including gender, race, and ethnicity.
  - Employee records including gender, race, and ethnicity.
  - Written affirmative action plans and supporting documentation, analysis, and data.
Affirmative Action

- One (1) year:
  - Internal complaints and termination information for individuals with disabilities and veterans, including all records concerning the actions and employer responses.

- Records containing racial or ethnic identity should be kept separate from employee’s basic personnel records.
Medical and Leave-Related Records

- Medical records must be maintained in separate files and treated as confidential medical records.
Medical and Leave-Related Records

- Three (3) years
  - Medical certifications and information;
  - Type of leave, dates and hours taken;
  - Copies of notices given to or received from employee;
  - Practices and policies regarding leave;
  - Premium payments;
  - Records of leave-related disputes.
Immigration Records

- Three (3) years after the date of hire or One (1) year after termination, whichever is later:
  - I-9 form, signed by new employee and employer
- The I-9 form must be readily available upon request.
- I-9 forms should be kept separate from regular personnel documents for ease of access in the event of an audit and to insure against discrimination.
Employee Benefit Records

- General recommendation: Six (6) years
- Every employer must maintain records concerning employee benefits that are sufficient to determine the benefits due or which may become due
- Pension, insurance, seniority and merit systems should be kept for the duration of the plan and for at least one year after the plan’s termination.
OSHA Records

- **Five (5) years:**
  - OSHA Forms 101, 200, 300 and 300A, and 301.

- **Duration of employment, plus thirty (30) years:**
  - Certain employee medical records and exposure records
Disciplinary Records

- In the event of a charge, complaint, enforcement action, or compliance review, any related records should be maintained at least until the final disposition of the charge or action.
E-Discovery

“Discovery” is the term used for the initial phase of litigation where the parties in a dispute are required to provide evidence related to the case, including relevant documents and records.

In 2006, amendments to the US Federal Rules of Civil Procedure codified the requirement to provide electronic information and records, referred to as electronically stored information, as part of discovery.
These changes brought about the term E-Discovery, which refers to an employer’s duty to turn over all electronically stored information related to a case.

This information includes:

- Documents
- Spreadsheets
- Email
- Voicemail
- Electronically stored audio and video
E-Discovery

- Electronically stored information is favorable in discovery. This is because in addition to the actual data (words, numbers, etc.), electronically stored information also contains “metadata.”
- Metadata is essentially information about the actual data (time/date stamps, author and recipient information, file properties, etc.)
- In many cases, metadata can be very useful evidence. As such, evidence in electronic form is preferable to “hard copy” evidence.
- The Federal Rules of Civil Procedure recognized this in creating E-Discovery.
E-Discovery

- E-Discovery essentially has six stages:
  - **#1 Identification**
    - Potentially useful documents are identified for further analysis and review.
  - **#2 Preservation**
    - Potentially relevant data is placed under a legal hold, and may not be altered or destroyed.
  - **#3 Collection**
    - Data is transferred from the employer to legal counsel.
    - Counsel determines the relevance of the information and whether it is entitled to protection privileges.
E-Discovery essentially has six stages:

- **#4 Processing**
  - Files are converted from their native formats (Word documents, Excel spreadsheets, etc.) to a more static format (PDFs, etc.).
  - Files are redacted as needed and numbered for easier identification.

- **#5 Review**
  - Counsel makes a final assessment of relevance and privilege. It may be necessary for a judge to rule on either of these issues.

- **#6 Production**
  - Counsel turns over the documents to opposing counsel.
E-Discovery

- The sheer volume of information and records created and stored in electronic form can make compliance with E-Discovery very difficult...
- ...and the fact that information is typically stored in an unstructured manner on network drives, personal computers, tablets, smart phones, and PDAs can further complicate things.
The key to addressing E-Discovery is to be proactive in the management of information and records and to maintain control over the handling of potential discovery requests.

A good document retention policy is crucial in laying out these proactive measures and maintaining control.
Consequences of Poor Record Retention

- Violations of recordkeeping requirements can incur significant fines and even prison terms.
- Penalties range according to the specific violation.
- Penalties are often assessed on a per-incident or per-day basis.
  - For example, OSHA carries penalties of up to $70,000 per willful violation, with a minimum of $5,000 per violation.
- In the event of a legal proceeding, failing to maintain records can also result in evidentiary presumptions against the employer as a result of “spoliation of evidence.”
Recent Cases Involving Violations


- The Secretary of Labor brought an FLSA wage and hour action against an employer for failing to maintain records.
- The court found employer to have violated the FLSA’s record keeping provisions when they did not record employees weekly hours worked.
- This was found to constitute a per se, willful violation of the FLSA and, along with back pay, caused the employer to be liable for $277,734.
Recent Cases Involving Violations

AKM LLC dba Volks Constructors v. Secretary of Labor, 675 F.3d 752 (D.C. Cir. 2012)

- OSHA cited and fined employer $13,300 for not properly recording workplace injuries and for not properly maintaining its injury log. Employer appealed OSHA’s decision on the basis that the 6-month statute of limitations had run.
- OSHA argued that because employer continued to violate certain requirements, the statute of limitations was extended.
- The court held that while OSHA can cite an employer for loss or destruction of a record, it may do so within six months of a violation's occurrence with no extensions.
Recent Cases Involving Violations


◦ The EEOC brought action against an employer alleging that it violated the ADA by terminating an employee on the basis of her weight.

◦ Employer had failed to maintain contemporaneous notes relating to management’s conversations regarding the employee’s performance.

◦ The court found that the notes were either lost or destroyed in a bad faith violation of employer’s duty to retain the documents.

◦ The case was remanded, but employer was ordered to pay attorneys’ fees and costs on top of potential penalties.
Recent Cases Involving Violations


- Employee brought a wage and hour action under the FLSA against employer. Employer was found liable, but because it had not maintained accurate payroll records, there was a question as to the amount to be awarded.
- The court ruled that if an employer fails to create and maintain legally required records, the court may award approximate damages to the employee.
- Employer was ordered to pay $6,306 in unpaid overtime, another $6,306 in liquidated damages, and $51,279 in attorneys’ fees and costs.

- Unsuccessful job applicant sued employer under Title VII alleging unlawful discrimination and retaliation. Employer destroyed a series of notes relating to the interviews prior to the applicant’s suit.

- The court permitted “reasonable inferences” in favor of the applicant supported by evidence of the interview notes’ destruction. However, other evidence precluded an outright inference of unlawful discrimination.
Recent Cases Involving Violations


- EEOC brought a hiring discrimination claim against employer for violation of Title VII. Employer failed to retain applicants' resume, but claimed that it was only required to retain the applicants’ application forms. Additionally, employer deleted numerous emails regarding the applicant’s interview.

- The court took note that while the words “resume” and “email” are not listed as a requirement under Title VII, potential employers are required to preserve “other records having to do with hiring.”

- The court found that the destroyed documents fell into the “other records” category.
Recent Cases Involving Violations


- Employee sued employer under the FLSA for back pay and wrongful termination. Employer had not kept adequate employment records.
- The court listed four elements generally needed in order to be successful on an FLSA claim and noted that it is generally the employee’s duty to prove them.
- The court went on to hold however, that where an employer fails to keep adequate payroll records, the burden of proof shifts from the employee to the employer.
- In that case, an employee must only prove that he has performed work for which he was improperly compensated in order to be awarded damages.
Recent Cases Involving Violations


- Employees sued employer under the FLSA for compensation. Employer had not kept adequate time and wage records on the employees.
- The court ruled that when an employer fails to maintain payroll records, the employee has carried out his burden if he can prove the amount and extent of the work.
- Importantly, the court noted that the employee’s burden can be satisfied “by relying on recollection alone.”
Recent Cases Involving Violations


- The Secretary of Labor brought an action alleging that an employer committed willful violations of the FLSA by, among other things, failing to maintain accurate records.
- The court held that it is solely the employer’s responsibility to maintain records, and that they may not estimate employees hours worked.
- The fact that employer had a retention and recording policy in place was of no consequence when all evidence pointed to the fact that the policy was not followed.
- Importantly, the court noted the FLSA’s strong presumption in favor of using liquidated damages to double the penalty against violating employers.
- Accordingly, the court ordered employer to pay $68,272 for back pay, and $68,272 in liquidated damages.
Recent Cases Involving Violations

Harris v. SMI Bldg. Servs. LLC, C12-0399-JCC, (W.D. Wash. Mar. 11, 2013)

- The Secretary of Labor brought an action alleging that an employer committed willful violations of the FLSA by, among other things, failing to maintain accurate records.
- The court noted that an employer who violates the FLSA “shall be liable to the ... employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional equal amount as liquidated damages.”
- The court further explained that courts do however, have discretion to award no liquidated damages, or an amount less than the maximum double damages if the employer shows that it acted in good faith.
Sample Document Retention Policy

The next few slides are some excerpts from an actual document retention policy.

They provide a good example of what an ideal policy should look like.
INTRODUCTION

The corporate records of XXXXXXXXX and its affiliated organizations (hereafter the “Agency”) are important assets. Corporate records include essentially all records you produce as an employee, whether paper or electronic. A record may be as obvious as a memorandum, an e-mail, a contract or a case study, or something not as obvious, such as a computerized desk calendar, an appointment book or an expense record.

The law requires the Agency to maintain certain types of corporate records, usually for a specified period of time. Failure to retain those records for those minimum periods could subject you and the Agency to penalties and fines, cause the loss of rights, obstruct justice, spoil potential evidence in a lawsuit, place the Agency in contempt of court, or seriously disadvantage the Agency in litigation.

The Agency expects all employees to comply with any published records retention or destruction policies and schedules, provided that all employees should note the following general exception to any stated destruction schedule: If you believe, or the Agency informs you, that Agency records are relevant to litigation, or potential litigation (i.e., a dispute that could result in litigation), then you must preserve those records until our attorney determines the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records. If you believe that exception may apply, or have any question regarding the possible applicability of that exception, please contact XXXXXXXX.
Sample Document Retention Policy

METHOD AND PRACTICE

When preparing records for storage, employees should be mindful of these policies. As a matter of practicality, similar records should be stored together. For example, accounting ledgers are better stored with bank records than client files. After items are boxed, at least one end of the box should be labeled with a brief description of its contents and a destruction date. The destruction date should extend to the longest holding period required of any document contained in the box.

PURPOSE

In accordance with industry standards and general regulatory best practices, this policy provides for the systematic review, retention and destruction of records received or created by The Agency in connection with the transaction of organization business. This policy covers all records and documents, regardless of physical form, contains guidelines for how long certain documents should be kept and how records should be destroyed. The policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate The Agency’s operations by promoting efficiency and freeing up valuable storage space.

1. DOCUMENT RETENTION

The Agency follows the document retention procedures outlined below. Documents that are not listed, but are substantially similar to those listed in the schedule, will be retained for the appropriate length of time. The Agency will not necessarily consider it to be a violation of Policy if documents are retained for a longer period than specified below.
Sample Document Retention Policy

2. RECORDS RETENTION SCHEDULES

2.4 Payroll and Employment Tax Records

Payroll Registers ................................................................. Permanent
State Unemployment Tax Records ........................................ 7 years
Earnings Records ............................................................... Permanent
Garnishment Records .......................................................... 7 years
Payroll Tax returns ............................................................. Permanent
W-2 Statements ....................................................................... Permanent

2.5 Employee Records

Personnel Records ................................................................. Permanent
Employment Applications
  For non-interviewed applicants .............................................. 30 days
  For interviewed/not hired applicants ...................................... 1 year
  For hired applicants .......................................................... Permanent

I-9 Forms .................................................................................. 3 years after termination
Time Cards or Time Sheets ...................................................... 2 years

2.6 Legal, Insurance and Safety Records

Insurance Policies .................................................................... Upon expiration - 5 years
Leases .................................................................................... Upon expiration - 4 years
OSHA Documents ................................................................. 5 years
Contracts ................................................................................ Upon expiration - 7 years
3. ELECTRONIC DOCUMENTS AND RECORDS

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the above schedule will be maintained for the appropriate amount of time. If a user has sufficient reason to keep an email message, the message should be printed in hard copy and kept in the appropriate file or moved to an “archive” computer file folder. However, emails over one year old should be archived.

Beginning in 2010, a third party source has been engaged to maintain searchable email electronic archives for a period of 7 years.

4. EMERGENCY PLANNING

The Agency’s records will be stored in a safe, secure and accessible manner. Electronic documents and financial files that are essential to keeping The Agency operating in an emergency will be duplicated or backed up and maintained off site.
5. DOCUMENT DESTRUCTION

The Agency’s Operating Officers are responsible for the ongoing process of identifying its records, which have met the required retention period and overseeing their destruction. Destruction of financial and personnel-related documents will be accomplished by shredding.

The Agency typically will use an outside service company for destruction of our documents. When boxes are taken to this service provider, one person should ensure that the vendor provides a certificate of destruction, which may also be the service invoice. This Certificate should be returned to the CFO or Bookkeeper for filing.

Document destruction will be suspended immediately, upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.

6. COMPLIANCE

Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against The Agency and its employees and possible disciplinary action against responsible individuals. The Operating Officers will periodically review these procedures with legal counsel or the organization’s certified public accountant to ensure that they are in compliance with new or revised regulations.
Thank you for your time. Any questions?

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