

RECORDS RETENTION POLICY - LEGISLATIVE COUNCIL

INTRODUCTION

North Dakota Century Code (NDCC) Section 54-46-07 declares all records made or received by state officials in the course of their public duties to be property of the state and, as such, prohibits their destruction or disposal except as provided by law. In addition to maintaining records of the Legislative Council office, the Legislative Council is the custodial agent that ensures the proper storage and safe-keeping of legislative supplies and equipment under NDCC Section 54-35-11.

CLASSIFICATION OF LEGISLATIVE COUNCIL RECORDS

The various records in the possession of or maintained by the Legislative Council can be classified in a manner similar to that used by the state records manager. The records may be classified as having administrative, fiscal, legal, or historical value. After the value of a record has been appraised, the appropriate Legislative Council employee may determine the proper retention period for the record.

RETENTION POLICY

A record having only administrative value should be retained as long as the record is useful for the purpose of the Legislative Council. However, the record may require retention if the record also has fiscal, legal, or historical value. A preliminary draft and a working paper need not be retained and are subject to final disposition at the end of the day the draft or paper was made.

A record having fiscal value is a record that relates to the financial transactions of the Legislative Council. If a record having fiscal value has exhausted its administrative value, the record may require further retention to document expenditures for audit

purposes. A record having fiscal value should not be disposed until it is no longer necessary for the financial transactions of the Legislative Council and for audit purposes.

A record having legal value is a record that contains evidence of legally enforceable rights or obligations of the state, such as a lease, a contract, and a legal opinion. A record having legal value should be retained as long as the right or obligation is enforceable, including the applicable period of any statute of limitation. A record having legal value may also hold historical value.

A record having historical value is a record that has continuing value regarding significant events, documents the history and development of the Legislative Council, or protects the rights of the state or its citizens. Because of the unique function of the Legislative Council in preparing legislation and acting as the custodial agent for the Legislative Assembly, many of the records of the Legislative Council may be classified as records holding historical value. These records should be maintained by the Legislative Council or transferred to the state archives or other appropriate officer for archiving.

The Records Management Division of the Office of Management and Budget has established a recommended retention schedule for personnel records. In maintaining personnel records, the appropriate employee of the Legislative Council should retain those records in accordance with the schedule contained in this policy.

The director of the Legislative Council may establish guidelines to facilitate the proper management of this policy and may make the final determination of the value of a record in the possession of the Legislative Council and the proper retention period of the record.

Type of Record	Period of Retention
Applications/resumes (employed)	6 years after termination
Status/change of status forms	6 years after superseded
Job descriptions	6 years after superseded
Employee evaluations	6 years after action
Retirement correspondence	6 years after action
Insurance enrollment notices	6 years after action
Position information questionnaires (PIQs)	6 years after superseded
Leave reports	3 years
Request for leave records	3 years
Timecards	3 years
Payroll records	4 years
Job announcements	1 year
Applications/resumes (not hired)	3 years
Medical records related to or required by employer	30 years after termination

NOTE: North Dakota Century Code Section 28-01-22.1 provides a general statute of limitations for

claims against the state or against its officials or employees--three years after the claim for relief has

accrued (when it is discovered or might have been discovered in the exercise of reasonable diligence).

Under NDCC Section 44-04-17.5, preliminary drafts and working papers are considered "records."