



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** August 13, 2013

From: La Vonda M-Pearson, Town Clerk **Item No:** 6
Town Clerk's Office

Subject: **ADOPT RESOLUTION NUMBER 2013-30, A RESOLUTION AMENDING THE RECORDS RETENTION SCHEDULE FOR THE TOWN OF APPLE VALLEY, AUTHORIZING APPROPRIATE DOCUMENT DESTRUCTION AND RESCINDING RESOLUTION NUMBER 2010-53**

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

That the Town Council approve and adopt resolution Number 2013-30, amending the Records Retention Schedule for the Town of Apple Valley, authorizing appropriate destruction of records if consistent with the Records Retention Schedule and Rescinding Resolution Number 2010-53.

SUMMARY:

In conjunction with the Town's Records Management Program, the Town Council previously adopted Resolution Number 2010-53, which amending the records retention schedule for all Town departments. The Town Clerk's Office, with the assistance of the Town Attorney and department heads, have monitored this schedule and based on a thorough review of the current schedule have established a new retention schedule to include additional documents that are retained and or scanned by the Town. The resolution and revised retention schedule is attached for your review and consideration.

Unless records retention periods are provided by law or the records are required to be kept by statute, the Town Attorney will authorize destruction or disposition of records in accordance with the proposed schedule, subject to approval by each department head and written consent.

Government Code Section 34090 does not authorize the destruction of the following records:

- Records affecting the title to real property or liens;
- Court records;
- Records required to be kept by statute;
- Records less than two (2) years old;
- Minutes, ordinances, resolutions of the legislative body or a Town board or commission.

FISCAL IMPACT:

None.

RESOLUTION NO. 2013-30

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AMENDING THE RECORDS RETENTION SCHEDULE FOR THE TOWN OF APPLE VALLEY, AUTHORIZING APPROPRIATE DESTRUCTION OF RECORDS IF CONSISTENT WITH THE RECORDS RETENTION SCHEDULE AND RESCINDING RESOLUTION NUMBER 2010-53

WHEREAS, it is the Town's desire to destroy unneeded records where no law prohibits its destruction; and

WHEREAS, Section 34090 of the Government Code of the State of California provides a procedure whereby any Town record which has served its purpose and is no longer required may be destroyed as soon as practicable unless a government official or governing body of a public agency has requested it be preserved or if it is considered evidence in an on-going investigation or proceeding; and

WHEREAS, the Town has an approved Records Retention Schedule covering all records of the Town, which are necessary to be retained; and

WHEREAS, the Town Council has evaluated the current retention schedule and hereby determines that amendments be made regarding retention timelines and electronic documents; in the amended form of retention schedule attached hereto as "Exhibit A"; and

WHEREAS, the Town Council recognizes that this amended retention schedule represents a policy and guideline only; and that destruction of records should be authorized and permitted if in compliance with this adopted Records Retention Schedule which is hereby approved by the Town Council, and if approved in writing by the appropriate Department Head Department Manager or Town Manager with the written consent of the Town Attorney; and that formal approval action by the Town Council, when deemed appropriate, can be requested by the appropriate Department Head or Department Manager or Town Manager or Town Attorney.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AS FOLLOWS:

Section 1. That the Records Retention Schedule, attached hereto as "Exhibit A" and referencing records of all departments in the Town of Apple Valley, is hereby approved and adopted, and shall serve as the official guideline for retention and destruction of records unless amended or repealed.

Section 2. Destruction of records and other documents is hereby authorized if in compliance with the approved Records Retention Schedule, and if destruction is approved in writing by the appropriate Department Head or Department Manager or by the Town Manager and with the written consent of the Town Attorney; Provided that the appropriate Department Head or Department Manager or Town Manager or the Town Attorney can request further approval of destruction of certain records by the Town Council if deemed necessary.

Section 3. That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

APPROVED and **ADOPTED** this 13th day of August 2013, by the Town Council of the Town of Apple Valley.

Curt Emick, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

“EXHIBIT A”

By: Town Clerk's Office	Date: August 13, 2013	By: Town Council Resolution No. 2013-30	Date: 08/13/2013
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ADMINISTRATIVE SERVICES/PERSONNEL *Nikki Salas, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office)	Inactive (Records Ctr)	ARCHIVE	SCAN	DESTROY		
1	Classifications and Appointments	GC34090	2	P	X	X	X		
2	Policies and Procedures	GC34090	S+2	7		X	X		Includes Employee Handbooks and Employee Rights material.
3	Benefit Plan Claims	GC34091	2	P	X	X			Includes dependents and employee assistance
4	Employee Programs	GC34090 GC12946	CY	2		X	X		Includes recognitions
5	Employee Personnel Records	GC12946 GC6254(c)	T	10		X	X		Includes release authorization, certifications, reassignments, commendations, disciplinary actions, terminations, evaluations, pre-employment medicals, fingerprints. *NOT A PUBLIC RECORD*
6	Recruitment	29 CFR 1627.3	CL	3		X	X		Applications, resumes, alternate lists/logs, indices, ethnicity disclosures, examination materials, answer sheets, bulletins, etc.
7	Surveys & Studies	GC12946 GC34090 29 CFR 516.6	CY	2			X		Includes classification, wage rates
8	Training Records	GC6250 GC34090 GC12946	CY	7		X	X		Employee applications, volunteer program training, class training materials.
9	Retiree Health Savings (RHS)	GC34090 29 USC 1027 29 USC 1113	ADM	6		X	X		Retirement Medical Benefit

KEY: T = Termination/Term
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S = Supersede

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“EXHIBIT A”

ANIMAL SERVICES *Laurie Lopez, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office)	Inactive (Records Ctr)	ARCHIVE	SCAN	DESTROY		
1	Noise Nuisance Complaint Forms	GC34090	1	1			X		
2	Bite Reports	GC34090	5	1			X		
3	Citation		5	1			X		
4	Notices of Violations	GC34090	5	1			X		
5	Courtesy Notice		5	1			X		
6	Officer Service Log		5	1			X		
7	Overtime Log		1	1			X		
8	Overtime Detail Report		5	1			X		
9	Investigation Report		2	1			X		
10	Administration Hearing File		5	1			X	Includes public hearing requests, warrants, case disposition, audio tape, photographs, findings and orders	
11	Animal Keeping Permit		20	1			X		
12	FFA Permit		2	1			X		
13	4-H Permit		2	1			X		
14	Daily Deposit Receipt (Bank Reconciliation)		5	AU			X	X	
15	Monthly Renewal Report		1	1			X		
16	Paid Billing Non-Recorded		5	1			X		
17	Accident Report		T	0			X		
18	Statistics year-end reports		5	P		X	X		
19	Adoption Agreements		3	1			X		
20	Euthanasia Log		2	1			X		
21	Controlled Substance Inventory Log		2	1			X		
22	Controlled Substance Use Log		2	1			X		
23	Shelter Statements		2	1			X		
24	Notice of Pendency		T-5	P	X	X		T=Paid, Recorded With the County.	
25	Volunteer hours/Work Release ID & Hours		2	1			X		
26	Animal Medical Records		2	1			X		
27	Awarded Grants	GC34090	5	5				Financial Records & Progress Reports	

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BUILDING & SAFETY *Patrick Carroll, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office) CL + 6 MOS	Inactive (Records Ctr) 0	ARCHIVE	SCAN	DESTROY		
1	Building Plans – Residential	H&S 19850 & 19851 GC34090					X		Residential Plans destroyed 6 months after final.
2	Building Plans – Commercial	H&S 19850 & 19851 GC34090	CL	Until Scanned	X		X		
3	Building Permits	GC34090	CL	Until Scanned	X		X		
4	Certificates of Occupancy	GC34090	CL	Until Scanned	X		X		
5	Response to Damage Assessments	GC34090	CL	Until Scanned	X		X		Assessment documentation for buildings tagged “damaged” following a natural disaster.

CODE ENFORCEMENT *Arliss Bowen, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office) CL+2	Inactive (Records Ctr) 2	ARCHIVE	SCAN	DESTROY		
1	Case Files	GC34090					X		Closed complaints, code citations, and nuisance abatements. Also, building & housing code violation records including inspections; public nuisance rubbish & weed abatement and citations.
2	Parking, PD & Administrative Citations	GC34090	CL+2	2			X		Police & Code Enforcement.
3	Liens & Releases	GC34090	2	P	X		X		Abatement licenses. P – Only if document is recorded
4	Collections		CL+2	2			X		Fees (Code Enforcement)
5	Awarded Grants	GC34090	5	5			X		Financial Records & Progress Reports

“EXHIBIT A”

ECONOMIC DEVELOPMENT <i>Mary Ann Worle, Records Coordinator</i>									
ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office) CL+2	Inactive (Records Ctr) P	ARCHIVE	SCAN	DESTROY		
1	Economic Development Administrative Files	GC34090			X			X	Reports, state or federally required documentation, demographics or other documents deemed vital.
2	Project Files	GC34090	CL	4		X			Retail Development Projects VVEDA Files (general or misc), Village Merchant Association
3	Proposals	GC34090 24 CFR 570.502 24 CFR 85.42	5	4			X		Response to industrial development leads, HDREDA files

EMERGENCY PREPAREDNESS <i>Joe Guarrera, Records Coordinator</i>									
ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office) CL	Inactive (Records Ctr) 3	ARCHIVE	SCAN	DESTROY		
1	FEMA Disaster Recovery Files	GC34090	CL	3			X	X	FEMA Documentation

ENGINEERING <i>Diana Szarzynski, Records Coordinator</i>									
ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office) 3	Inactive (Records Ctr) 1	ARCHIVE	SCAN	DESTROY		
1	Police/Traffic Accident Report/Switz	PC832.5 EVC1045 PC801	3	1				X	
2	Tract/Files/Bonds/Parcel	GC34090	CL	P	X	X		X	Soil Reports, Grading Certificates & Compaction

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ITEM	TITLE	CITATION	RETENTION	FINAL ACTION	VITAL	DESCRIPTION
3	Capital Improvement Project (CIP)	GC34090 CCP 337.15	CL 10	X	X	Reports, Site Plans & Maps, Hydrology Reports/Drainage Studies, Percolation Tests & Traffic Studies
4	Projects (Development – Commercial)	GC34090	CL P	X	X	Supporting documentation including bidders list, specifications, reports, plans, work orders, schedules, etc.
5	Mylar, Tract/Parcel Maps	GC34090	CL P	X	X	Soil Reports, Grading Certificates & Compaction Reports, Site Plans & Maps, Hydrology Reports/Drainage Studies, Percolation Tests & Traffic Studies
6	Encroachment Permits	GC34090	CL Until Scanned	X	X	NOTE: To be scanned under public works

FINANCE DEPARTMENT Tom Brown, Records Coordinator

ITEM	TITLE	CITATION	RETENTION	FINAL ACTION	VITAL	DESCRIPTION
1	Audit Reports and CAFR	GC34090	Active (In Office) P Inactive (Records Ctr.) P	ARCHIVE X SCAN DESTROY		Financial services, internal and/or external reports, and independent and/or analysis. NOTE: Finance Dept to provide copy to Town Clerk's Office.
2	Budget Adopted	GC34090	P	X		Annual operating budget approved by Legislative Body. Adjustments, journal entries, account transfers. NOTE: Finance Dept to provide copy to Town Clerk's Office.
3	State Controller Reports	GC34090	2		X	Annual Reports
4	General Ledger, Year-End (Paper & Electronic)	GC34090	2		X	Trial Balance, Revenue Reports & Expense Reports
5	Check Register, Year End	GC34090.7	2		X	List of checks issued.

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17	Business Licenses	GC34090	CL+1	2									Town Issued Business File
18	Liens	GC34090	5	5									Agenda reports & supporting documents & data to Assessor.
19	Awarded Grants	GC34090 24 CFR 570.502 24 CFR 85.42	5	5									Financial Records & Progress Reports

HOUSING <i>Mary Ann Worle, Records Coordinator</i>													
CL - HOME, DAP, RRLP, AFFORDABLE HOUSING PROJECTS = END OF LOAN COVENANT													
CL - CDBG APPLICATIONS / SUB-RECIPIENTS = END OF FUNDING YEAR													
ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION				
			Active (In Office)	Inactive (Records Ctr)	ARCHIVE	SCAN	DESTROY						
1	Aerial Photos	GC34090	3	P		X							
2	Awarded Grants	GC34090 24 CFR 570.502 24 CFR 85.42	5	5					X				Financial Records & Progress Reports.
3	General Subject Files	GC34090(d)	10	0					X				Internal Working Files, News Articles, Bus. Asst. Program Event Attendance
4	Contracts & Agreements	CCP 337	CL	P		X				X			Original agreements and backup material
5	Affordable Housing Projects		CL	4					X				Rental Housing Projects, Additional Affordable Housing projects that do not fall into the HOME, CDBG, NSP, or other category.
6	Redevelopment Project Areas		5	P		X							PA#2, VVEDA Plans, amendments, bonds or other legal documents
7	CDBG, HOME, RRLP & DAP, NSP Project Files – Administrative	GC34090 24 CFR	CL	P			X			X			Apple Valley & Victorville (Admin) project files funded

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ITEM	TITLE	CITATION	RETENTION	FINAL ACTION	VITAL	DESCRIPTION	
			Active (In Office)	ARCHIVE	SCAN	DESTROY	
8	CDBG, HOME Proposal Applicants Sub-recipients (Unfunded/Ineligible)	570.502 24 CFR 85.42	CL				through the HOME & CDBG Program (Electronic Version Permanent)
9	CDBG, HOME Applications – Funded	GC34090 24 CFR 570.502 24 CFR 85.42	10				Applications
10	DAP, NSP & RRLP Loan Application Funded Files	24 CFR 570.502 24 CFR 85.42	10	X			Applications
11	DAP, NSP & RRLP Loan Applications – Unfunded	GC34090	2	X			Applications

INFORMATION SYSTEMS Edward Vargas-Lara, Records Coordinator

ITEM	TITLE	CITATION	RETENTION	FINAL ACTION	VITAL	DESCRIPTION	
			Active (In Office)	ARCHIVE	SCAN	DESTROY	
1	Policies & Documentation	GC34090	S				Internet, World Wide Web
2	System Manuals	GC34090	S				
3	Warranties, Purchase Orders	GC34090 CCP 337	AU				
4	Configuration Maps & Plans	GC34090	CY				
5	Back Up Data	GC34090	CY+1				Annual & Monthly Backup

PARKS AND RECREATION Christina Rudsell, Records Coordinator

ITEM	TITLE	CITATION	RETENTION	FINAL ACTION	VITAL	DESCRIPTION	
			Active (In Office)	ARCHIVE	SCAN	DESTROY	
1	Landscape – Drawings and project plans	GC34090	CY				Does not include those usually filed with case or project.
2	Landscape – Development Standards	GC34090	CY	X			Landscape mediums, parkway landscape development, and public works construction.

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3	Maintenance Operations	GC34090	CY	2					X				Includes work orders, inspection, repairs, cleaning, reports, and complaints.
4	Maps	GC34090	3	P		X							
5	Proposed Plans	GC34090	CY	3					X				Future plans, new sites, and expansions.
6	Accident Reports/Incident Reports	GC34090 CCP 337.15	CL	10					X				Patrons only. For Employee Accident Reports, see Risk Management.
7	Report Studies	GC34090	CY	3					X				Future sites, expansions.
8	Schedules, Class & Events	GC34090	CY	4					X				Enrollment, evaluations, attendance lists, flyers.
9	Liability Releases	GC34090	CY	4					X				Human Services Recreation Programs.
10	Park & Recreation Agendas	GC34090 GC34090.5	CL	2				X	X				
11	Park & Rec Minutes	GC34090(e)	2	P		X		X					Documents are to be imaged immediately. Paper records are to be maintained permanently by The Town.

PLANNING MaryAnn Worle, Records Coordinator

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office)	Inactive (Records Ctr)	ARCHIVE	SCAN	DESTROY		
1	Annexation Case Files	GC34090	CL+5	P	X			X	
2	Appeal File		CL+5	P	X				
3	Consistency Check		3	7					
4	Awarded Grants	GC34090 GC34090 24 CFR 570.502 24 CFR 85.42	5	CL+5			X	X	Financial Records & Progress Reports
5	Certificate of Compliance	GC34090	CL+5	Until Scanned			X	X	Affecting title to real property or liens on real property.
6	Conditional Use Permit	GC34090	CL+5	Until Scanned			X	X	
7	Condo Conversion	GC34090	CL+5	Until Scanned			X	X	Contains records regarding plans, design, construction,

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28	Planning Commission Resolutions	GC34090	CR+5	P	X	X	X	X	Vital records – originals must never be destroyed. Image immediately.
29	Pre-Application File	GC34090	CL+5	0			X		
30	Second Dwelling Units	GC34090	CL+5	0			X		
31	Sign Permits	GC34090	CL+5	2		X	X		
32	Sign Program Files	GC34090	CL+5	P	X				
33	Revised Site Plan Review	GC34090	CL+5	0		X	X		
34	Site Plan Review File	GC34090	CL+5	0		X	X		
35	Special Events Permits	GC34090	T+5	2			X		
36	Special Use Permits	GC34090	CL+5	2		X	X		
37	Specific Plan Files	GC34090	CL+5	P	X				
38	Surface Mining & Land Reclamation Permit File	GC34090	CL+5	2		X	X		
39	Temporary Sign Permits	GC34090	T+5	2			X		
40	Temporary Use Permits	GC34090	CL+5	2		X	X		
41	Tentative Parcel Maps Images	GC34090	CL+5	P	X	X			Can be destroyed once imaged *ELECTRONIC VERSION PERMANENT*
42	Tentative Parcel Map Files	GC34090	CL+5	P	X	X			TTM Supporting Documents
43	Tentative Tract Maps Images	GC34090	CL+5	Until Scanned		X	X		Can be destroyed once imaged *ELECTRONIC VERSION PERMANENT*
44	Tentative Tract Map File	GC34090	CL+5	P	X	X			TTM Supporting Documents
45	Trash Enclosure Files	GC34090	T+5	0			X		
46	Variance Files	GC34090	CL+5	2		X	X		
47	Zone Change Files	GC34090	CL+5	P	X	X			
48	Zoning Map	GC34090	CR	P	X	X			

PUBLIC INFORMATION Kathie Martin, Records Coordinator

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office)	Inactive (Records Ctr)	ARCHIVE	SCAN	DESTROY		
1	Liability Waivers	GC34090	CY	2		X	X		Clean up days, misc. events
2	Historic photos & memorabilia, Pre-incorporation	GC34090	2	P	X	X	X	X	AV Ranchos marketing material; old photos; newspaper clippings;

“EXHIBIT A”

3	Historic photos & memorabilia, Post-incorporation	GC34090	2	P	X	X			postcards; maps, etc. AV Ranchos marketing material; old photos; newspaper clippings; postcards; maps, etc.
4	Town Newsletter	GC34090	2	P	X				Includes Town (Citizen) Newsletter & Apple Core Newsletter
5	Bids – Successful	GC34090 CCP 337 & 337.1	2	2			X		
6	Bids – Unsuccessful	GC34090	2	0			X		
7	Event Reports	GC34090	CY+2	0			X		Vendor Lists evaluations, flyers, budgets, misc.
8	Surveys & Studies	GC34090	2	0			X		e.g. Citizen satisfactory surveys
9	Awarded Grants	GC34090	5	5			X	X	Financial Records & Progress Reports

PUBLIC SERVICES Tina Kubins, Records Coordinator

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office)	Inactive (Records Ctr)	ARCHIVE	SCAN	DESTROY		
1	Bids (Successful)	GC34090 CCP 337 & 337.1	2	2			X	X	
2	Bids (Unsuccessful)	GC34090	2	0				X	
3	Project Files/Maps/Conditions	GC34090	CL+3	2				X	
4	Assessment District Formation Files	GC34090	2	P	X	X			Original Documentation
5	Pump Station Log Sheets	GC34090	2	0			X	X	Includes Lift Stations
6	Employee Log Sheets	GC34090	4	0			X	X	Daily work logs.
7	Equipment Maintenance Records	GC34090	S	0				X	
8	Outside Sewer Area Verification w/ DIF	GC34090	2	0			X	X	
9	Outside Sewer Area Verifications – No DIF	GC34090	2	0				X	
10	Sewer Permits	GC34090	2	0			X	X	
11	Odor Complaints	GC34090	2	0				X	
12	Street Light Repair Requests	GC34090	2	0				X	

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13	Victor Valley Waste Reclamation Authority (VWVRA)	GC34090		2	1				X		Flow studies/monitoring, fee increases, misc. memos
14	Payment Routing Sheets	GC34090		2	0				X		
15	Month-end Reports to Burrtec	GC34090		2	0				X		
16	Awarded Grants	GC34090		5	5				X		Financial Records & Progress Reports

RISK MANAGEMENT *Nikki Salas, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office)	Inactive (Records Ctr.)	ARCHIVE	SCAN	DESTROY		
1	Claims against the Town	GC34090	CL	2				X	Paid/Denied
2	Potential Claims	GC34090	CY+1	2	X	X		X	Documentation suggesting the threat of litigation.
3	Reports	GC34090	CL	P	X	X		X	CJPIA Reports older than two years-Underwriting Reports, Workers Compensation Retrospective Deposit Reports Reports/Studies
4	Risk Management Reports	GC34090 29 CFR 1904.44	CL	5-Fed 2-State				X	Work-related injury claims including denied claims; claim files, reports, etc.
5	Workers Compensation	8 CCR 10102 8 CCR 1540.2	CL	5-Fed 2-State				X	Personnel related
6	Insurance Documentation	8 CCR 10102 8 CCR 15400.2	S	2		X		X	Accreditation, MOU, Agreements and Agendas.
7	Insurance – Joint Powers Agreement	GC34090	CY	2		X		X	Liability, performance bonds, employee bonds, property, Insurance Certificates filed separately from contracts, includes insurance filed by licenses
8	Insurance Certificates, Town	GC34090	S	2				X	May include liability, property, Certificates of Participation, deferred, and use of facilities.
9	Insurance, Liability/Property	GC34090	S	2		X		X	

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10	Insurance, Risk Management Reports	29 CFR 1904.44, GC34090	CL	5-Fed 2-State					X			Federal OSHA Forms; Loss Analysis Report; Safety Reports; Safety Inspections; Actuarial Studies
11	Loss Run Reports	GC34090	CY+1	P		X						Carl Warren & Associates Reports older than one year. Risk Management administration
12	Accidents/Damage to Town Property	GC34090 CCP 337.15	CY+1	2					X			
13	Accident/Illness Reports (Employee)	GC6254(c) 8 CCR 3204(d)(1)(A) (B)	T	30					X			For Employee Medical Records & Employee Exposure Records regarding exposure to toxic substances or harmful physical agents, including Material Safety Data Sheets (MSDS). Does not include: health insurance claims; first aid records of one-time treatments for minor injuries; records of employees who worked less than one year if records are given to employee upon termination. *NOT A PUBLIC RECORD
14	Subpoenas	GC34090	CL	2		X						
15	Insurance – Alliant Records	GC34090	CY	2					X			Special Events, Nomination, & Instructor. Also, AED, Fire Extinguishers, First Aide, Vehicle & Facilities.

TOWN CLERK Debra Thomas, Records Coordinator

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office)	Inactive (Records Ctr)	ARCHIVE	SCAN	DESTROY		
1	Agenda Packets	GC34090 GC34090.5	2	0		X	X	X	
2	Agreements/Contracts	GC34090 CCP 337	T	4		X	X	X	Original contracts and back-up agreements and back-up material.

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3	Boards/Committees/Commissions Applications (Unsuccessful)	GC34090		2	0				X			
4	Boards/Committees/Commissions Applications (Successful)	GC34090		T	5				X			
5	Deeds	GC34090		2	P		X	X				File with recorded documents; originals may NOT be destroyed.
6	Town Attorney Opinions	GC34090		S+2	0			X				Confidential – Not for public disclosure (Attorney-Client privilege).
7	Minutes	GC34090(e)		2	P		X	X				Documents are to be imaged immediately. Paper records are to be maintained permanently by the Town Clerk's office.
8	Resolutions	GC34090(e)		2	P		X	X				Vital records – originals may NEVER be destroyed. Image immediately.
9	Ordinances	GC34090(e)		2	P		X	X				Vital records – originals may NEVER be destroyed. Image immediately.
10	Audio Recordings of Council/Commission Meetings	GC54953.5		30 days	0				X			
11	Insurance Certificates	GC34090		S	2				X			Liability, performance bonds, employee bonds, property; Insurance certificates filed separately from contracts, includes insurance filed by licenses.
12	Records Requests	GC34090		CL	2				X			Requests from the public to inspect or copy public documents.
13	Legal Notices	GC34090		2	0				X			
14	Legal Notices – Ordinances	GC34090		3	P		X	X				Vital Record – originals may NEVER be destroyed. Image immediately.
15	Protest Forms	GC50115		1	I							
16	Historical Documents	GC34090		2	P		X	X				LAFCO Annexation Resolutions, Corrected Certificate of Completion for Incorporation of Town, etc.
17	Recorded Documents	GC34090		CY	P		X	X				Incorporating Road Dedications, Notices of Completion and

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18	Legal Opinions	GC34090	CL	0	X	X			Deeds. Vital Record – originals may NEVER be destroyed. Image immediately.
19	Case Records – (High Profile)	GC6254	CO	P					Misc. Correspondence, Memorandums, etc. that come from Legal Council’s office. Significant cases which have importance/or set legal precedence. Includes logs, complaints, police reports, court orders, motions, notes, briefs
20	Case Records	42 USC s1983	CO	7					Includes logs, complaints, police reports, court orders, motions notes, briefs, closing statements

TOWN CLERK – ELECTION MATERIALS *Debra Thomas, Records Coordinator*

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office)	Inactive (Records Ctr)	ARCHIVE	SCAN	DESTROY		
1	Rosters and Indices	EC17300	S (After subsequent election)	5	X	X	X		
2	Initiative/Referendum/Recall	EC17200 & 17400 GC6253.5 EC17400 GC34458-60	8 Mos	0			X		Includes documents resulting in an election, retention is from election certification.
3	Nomination Papers (Successful)	EC17100	T	4			X		*NOT A PUBLIC RECORD All nomination documents and signatures in lieu of filing petitions.
4	Nomination Papers (Unsuccessful)	GC81009(b)	T	5			X		From office that they were seeking
5	Elections not managed by the County	EC17300	2	5			X		Tally sheets, Assisted Voting Lists, Index, Challenge List,

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6	Ballots from Elections not Managed by the County	EC17302 EC17306	6 mos w/ no Contest or question	0					X		and Absentee Envelopes. Ballots

TOWN CLERK – FPPC Debra Thomas, Records Coordinator

ITEM	TITLE	CITATION	RETENTION		FINAL ACTION			VITAL	DESCRIPTION
			Active (In Office)	Inactive (Records Ctr)	ARCHIVE	SCAN	DESTROY		
1	Statements of Economic Interest – Office Holder – Form 700s	GC81009(f)	T	4		X	X		Copies of original statements of elected officials forwarded to Fair Political Practices Commission. NOTE: Can be scanned after 2 years.
2	Statements of Economic Interest – Designated Employee – Form 700s	GC81009(e), (g)	T	7		X	X		Original statements of designated employees. NOTE: Can be scanned after 2 years
3	Campaign Statements (Successful) Forms 460	GC81009(b), (g)	T	P	X	X	X	X	Original statements of elected candidates and committees supporting elected candidates for Mayor, Town Council. NOTE: Can be scanned after 2 years
4	Campaign Statements (Unsuccessful) Forms 460	GC81009(b), (g)	CL	5		X	X		Original statements of candidates and supporting committees for candidates not elected for Mayor, Town Council. NOTE: Can be scanned after 2 years

**“EXHIBIT A”
ELECTRONIC MAIL USAGE AND RECORDS RETENTION**

This section deals strictly with Electronic Mail as related to the Records Retention Schedule. Email messages are usually temporary communications, which are non-vital and should be discarded on a routine basis. However, depending on the content of the e-mail, it may be considered public record. Employees have the same responsibilities for e-mail messages as they do for any other public record, and must distinguish between records and non-record information. The information created or transmitted on any Town computer resource may be subject to public disclosure under the California Public Records Act or in connection with litigation.

Definition of Electronic Public Records

The definition of electronic public records includes any writing containing information relating to the conduct of the public’s business prepared, owned, used or retained by the Town. Excluded from the definition of electronic public records are preliminary drafts, notes, or interagency or intra-agency memorandums that are not retained by the Town in the ordinary course of business. It is strongly recommended that e-mails that are personal correspondence, interdepartmental and/or intradepartmental be routinely deleted.

Retention of Electronic Mail

Electronic Mail generates correspondence and other documentation, which may be recognized as official Town of Apple Valley records that need to be protected/retained in accordance with the California Public Records Act and as evidence in connection with litigation. The e-mail system is intended as medium of communication. Although there will be circumstances where electronic mail will be kept on the system, the system should not be used as an on-going practice for storage or maintenance of documentation.

Electronic Mail messages sent and received, including any attachments that are considered Town records are to be stored in computer files or printed as a hard copy and filed in accordance with the departments Record Retention Policy. In most cases, the sender of the e-mail should be the person responsible for storing or printing and filing the message accordingly. If a hard copy of the information is printed and filed, there is no need to retain the electronic copy of the document.

Please note that it is the responsibility of the employee and their department head to determine if an electronic mail document is an official Town record that should be retained as part of the Records Retention Policy. Again, employees are encouraged to delete documents that are not required to be kept by law or whose preservation is not necessary for the conduct of Town business.

Periodically, the Town Clerk’s Office receives requests for inspection or production of documents pursuant to the California Public Records Act, as well as demands by subpoena or court order for the production of evidence in connection with litigation. In the event of such a request, the applicable Department Head shall require all employees to make available relevant e-mail files. It will be the responsibility of the department to provide a hard copy of the electronic files to the Town Clerk’s Office with the request.

Official Electronic File documents must be kept for the minimum retention period identified in the Town of Apple Valley Records Retention Schedule, which is two (2) years. Such records may not be destroyed except after approval of the Town Attorney and the Town Council in accordance with the Government Code.

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GOVERNMENT CODE SECTIONS

6250 In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

12946 It shall be an unlawful practice for employers, labor organizations, and employment agencies subject to the provisions of this part to fail to maintain and preserve any and all applications, personnel, membership, or employment referral records and files for a minimum period of two years after the records and files are initially created or received, or for employers to fail to retain personnel files of applicants or terminated employees for a minimum period of two years after the date of the employment action taken. For the purposes of this section, the State Personnel Board is exempt from the two-year retention requirement and shall instead; maintain the records and files for a period of one year. Upon notice that a verified complaint against it has been filed under this part, any such employer, labor organization, or employment agency shall maintain and preserve any and all records and files until the complaint is fully and finally disposed of and all appeals or related proceedings terminated. The commission shall adopt suitable rules, regulations, and standards to carry out the purposes of this section.

34090 Unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the city attorney the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required.

This section does not authorize the destruction of:

- (a) Records affecting the title to real property or liens thereon.
- (b) Court records.
- (c) Records required to be kept by statute.
- (d) Records less than two years old.
- (e) The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

This section shall not be construed as limiting or qualifying in any manner the authority provided in Section 34090.5 for the destruction of records, documents, instruments, books and papers in accordance with the procedure therein prescribed.

34090.5. Notwithstanding the provisions of Section 34090, the city officer having custody of public records, documents, instruments, books, and papers, may, without the approval of the legislative body or the written consent of the city attorney, cause to be destroyed any or all of the records, documents, instruments, books, and papers, if all of the following conditions are complied with:

- (a) The record, paper, or document is photographed, micro photographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or any other medium that is a trusted system and that does not permit additions, deletions, or changes to the original document, or reproduced on film, optical disk, or any other medium in compliance with Section 12168.7 for recording of permanent records or nonpermanent records.

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(b) The device used to reproduce the record, paper, or document on film, optical disk, or any other medium is one which accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document images.

(c) The photographs, microphotographs, or other reproductions on film, optical disk, or any other medium are made as accessible for public reference as the original records were.

(d) A true copy of archival quality of the film, optical disk, or any other medium reproductions shall be kept in a safe and separate place for security purposes. However, no page of any record, paper, or document shall be destroyed if any page cannot be reproduced on film with full legibility. Every irreproducible page shall be permanently preserved in a manner that will afford easy reference. For the purposes of this section, 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.

34090.6 (a) Notwithstanding the provisions of Section 34090, the head of a department of a city, county, or city and county, public safety communications center, or the head of a special district, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department or the special district. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.

(b) For purposes of this section, "recordings of telephone and radio communications" means the routine daily taping and recording of telephone communications to and from a city, county, city and county, or special district, department, and all radio communications relating to the operations of the departments or special districts.

(c) For purposes of this section, "routine video monitoring" means videotaping by a video or electronic imaging system designed to record the regular and ongoing operations of the departments or districts described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security taping systems.

34090.7. Notwithstanding the provisions of Section 34090, the legislative body of a city or county may prescribe a procedure whereby duplicates of city or county records less than two years old may be destroyed if they are no longer required. For purposes of this section, video recording media, such as videotapes and films, and including recordings of "routine video monitoring" pursuant to Section 34090.6, shall be considered duplicate records if the city or county keeps another record, such as written minutes or an audiotape recording, of the event that is recorded in the video medium. However, a video recording medium shall not be destroyed or erased pursuant to this section for a period of at least 90 days after occurrence of the event recorded thereon.

54953.5 (a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the local agency.

81009 (a) Statements of organization, registration statements, and original campaign statements of persons holding elective state office, candidates for any such office, committees supporting any such officeholder or candidate, and committees supporting or opposing statewide measures, shall be retained by filing officers indefinitely.

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- (b) Original campaign statements of mayors, city council members, county supervisors, candidates for any of these offices, and committees supporting any officeholder or candidate shall be retained indefinitely, except that original campaign statements of candidates not elected to these offices and of committees supporting candidates not elected to these offices shall be retained by filing officers for a period of not less than five years.
 - (c) Original campaign statements of all other persons shall be retained by filing officers for a period of not less than seven years.
 - (d) Original statements of economic interests of persons holding statewide elective office shall be retained by filing officers indefinitely.
 - (e) Original reports and statements not specified above in this section shall be retained by filing officers for a period of not less than seven years.
 - (f) Copies of reports or statements shall be retained by the officer with whom they are filed for a period of not less than four years, provided, however, that a filing officer is not required to retain more than one copy of a report or statement.
 - (g) After an original report or statement or a copy has been on file for at least two years, the officer with whom it is filed may comply with this section by retaining a copy on microfilm or other space-saving materials available for public inspection instead of the original report or statement or copy.

CALIFORNIA VEHICLE CODE

- 9900.** No transfer of the title or any interest in or to an undocumented vessel numbered under this code shall pass, and any attempted transfer shall not be effective, until the parties thereto have paid any delinquent property taxes with respect to that vessel and fulfilled either of the following requirements:
- (a) The transferor has made proper endorsement and delivery of the certificate of ownership to the transferee as provided in this code and the transferee has delivered to the department or has placed the certificates in the United States mail addressed to the department when and as required under this code with the proper transfer fee and thereby makes application for a new certificate of ownership and a new certificate of number.
 - (b) The transferor has delivered to the department or has placed in the United States mail addressed to the department the appropriate documents for the transfer of ownership of the vessel pursuant to the sale or transfer except as otherwise provided.

ELECTIONS CODE

- 17100.** (a) All nomination documents and signatures in lieu of filing fee petitions filed in accordance with this code shall be held by the officer with whom they are filed during the term of office for which they are filed and for four years after the expiration of the term.
- (b) Thereafter, the documents and petitions shall be destroyed as soon as practicable unless they either are in evidence in some action or proceeding then pending or unless the elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the documents and petitions be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the placement of a candidate's name on the ballot, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).
- 17200.** (a) Elections officials required by law to receive or file in their offices any initiative or referendum petition shall preserve the petition until eight months after the certification of the results of the election for which the petition qualified or, if the measure, for any reason, is not submitted to the voters, eight months after the final examination of the petition by the elections official.

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(b) Thereafter, the petition shall be destroyed as soon as practicable unless it is in evidence in some action or proceeding then pending or unless the elections official has received a written request from the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, a grand jury, or the governing body of a county, city and county, or district, including a school district, that the petition be preserved for use in a pending or ongoing investigation into election irregularities, the subject of which relates to the petition's qualification or disqualification for placement on the ballot, or in a pending or ongoing investigation into a violation of the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

(c) Public access to any such petition shall be restricted in accordance with Section 6253.5 of the Government Code.

(d) This section shall apply to the following petitions:

- (1) Statewide initiative and referendum petitions.
- (2) County initiative and referendum petitions.
- (3) Municipal initiative and referendum petitions.
- (4) Municipal city charter amendment petitions.
- (5) District initiative and referendum petitions.

17300. (a) The elections official shall preserve all rosters of voters or combined rosters and indexes as provided for in Section 14109, if applicable, until five years after the date of the election, after which they may be destroyed by that official.

(b) In lieu of preserving the original roster of voters, the elections official may, by filming or other suitable method, record the original roster of voters and destroy the roster following the next subsequent general election.

1993 FAMILY MEDICAL LEAVE ACT (FMLA)

(a) FMLA provides that covered employers shall make, keep, and preserve records pertaining to their obligations under the Act in accordance with the recordkeeping requirements of section 11(c) of the Fair Labor Standards Act (FLSA) and in accordance with these regulations. FMLA also restricts the authority of the Department of Labor to require any employer or plan, fund or program to submit books or records more than once during any 12-month period unless the Department has reasonable cause to believe a violation of the FMLA exists or the DOL is investigating a complaint. These regulations establish no requirement for the submission of any records unless specifically requested by a Departmental official.

(b) Form of records. No particular order or form of records is required. These regulations establish no requirement that any employer revise its computerized payroll or personnel records systems to comply. However, employers must keep the records specified by these regulations for no less than three years and make them available for inspection, copying, and transcription by representatives of the Department of Labor upon request. The records may be maintained and preserved on microfilm or other basic source document of an automated data processing memory provided that adequate projection or viewing equipment is available, that the reproductions are clear and identifiable by date or pay period, and that extensions or transcriptions of the information required herein can be and are made available upon request. Records kept in computer form must be made available for transcription or copying.

(c) Items required. Covered employers who have eligible employees must maintain records that must disclose the following:

(1) Basic payroll and identifying employee data, including name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid.

(2) Dates FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or an employer plan which is not also covered by FMLA.

(3) If FMLA leave is taken by eligible employees in increments of less than one full day, the hours of the leave.

(4) Copies of employee notices of leave furnished to the employer under FMLA, if in writing, and copies of all general and specific written notices given to employees as required under FMLA and these regulations (see Sec. 825.301(b)). Copies may be maintained in employee personnel files.

(5) Any documents (including written and electronic records) describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves.

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- (6) Premium payments of employee benefits.
- (7) Records of any dispute between the employer and an eligible employee regarding designation of leave as FMLA leave, including any written statement from the employer or employee of the reasons for the designation and for the disagreement.
- (d) Covered employers with no eligible employees must maintain the records set forth in paragraph (c) (1) above.
- (e) Covered employers in a joint employment situation (see Sec. 825.106) must keep all the records required by paragraph (c) of this section with respect to any primary employees, and must keep the records required by paragraph (c)(1) with respect to any secondary employees.
- (f) If FMLA-eligible employees are not subject to FLSA's recordkeeping regulations for purposes of minimum wage or overtime compliance (i.e., not covered by or exempt from FLSA), an employer need not keep a record of actual hours worked (as otherwise required under FLSA, 29 CFR 516.2(a)(7)), provided that:
 - (1) eligibility for FMLA leave is presumed for any employee who has been employed for at least 12 months; and
 - (2) with respect to employees who take FMLA leave intermittently or on a reduced leave schedule, the employer and employee agree on the employee's normal schedule or average hours worked each week and reduce their agreement to a written record maintained in accordance with paragraph (b) of this section.
- (g) Records and documents relating to medical certifications, recertification or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files, and if ADA is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements (see 29 CFR Sec. 1630.14(c) (1)), except that:
 - (1) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;
 - (2) First aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and
 - (3) Government officials investigating compliance with FMLA (or other pertinent law) shall be provided relevant information upon request.

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