

To: Administration & Finance Committee

Date: 06/26/2023

From: Kristina Martinez, Director of Recruitment & EE Development

Reviewed by: Ref

SUBJECT: Amendment to County Connection Records Retention Policy

Background:

The County Connection Board of Directors adopted a Records Retention Policy on September 19, 2002. The policy was subsequently amended on January 16, 2003 (Resolution No. 2003-011) and September 20, 2018 (Resolution No. 2019-06) to include additional records that were required to be retained.

Amendment to Records Retention Policy:

Staff has been in the process of evaluating the Records Retention Policy on a larger scale and working with legal counsel to identify any additions or modifications, based on current federal, state, and local laws and regulations. Thus, the amended policy contains the addition of record categories such as Federal Transit Administration (FTA) Civil Rights Programs, legal holds, emails, debt records, and reimbursements.

Summary of Changes:

The current Records Retention schedule is displayed in a list format. To provide for better organization of the records retention schedule, the amended policy proposes a table format, sorted in alphabetical order by record category. This has also allowed for descriptors to be incorporated, highlighting the types of documents to be retained and includes a legend for reference to the retention column.

The amended Records Retention Policy includes additional language and record categories within the retention schedule. For example, pages one and two of the policy now include information regarding legal holds and email retention, with the identification of designated staff.

The previous amendment to the Records Retention Policy in 2018 included Americans with Disabilities Act (ADA) records in response to an FTA Triennial Review. The proposed retention schedule also incorporates additional FTA Civil Rights Programs, including Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO), and Title VI. Each program is listed within the retention schedule in order of name, with a description of the types of program documents to be retained. The schedule also includes the Public Transportation Agency Safety Plan (PTASP), which County Connection now maintains as required by the FTA.

Minor modifications were made to category names and/or descriptions for organization and clarification of the schedule where needed. For example, the *Administration – Recorded Meetings* now includes video recordings of Board and Committee meetings as these continue to be held virtually as an option for participation by staff and members of the public. The retention period for all categories, both new or existing, was reviewed by legal counsel.

Financial Implications:

None.

Recommendation:

Staff recommends approval of the amendment to the County Connection Records Retention Policy.

Action Requested:

Staff requests that the A&F Committee forward this item to the Board for approval.

Attachments:

1. Current County Connection Records Retention Policy
2. Draft Amended County Connection Records Retention Policy

* Loss Runs	Current year end + 7 years
*Worker's Comp Claim Files Open/Closed medical & indemnity	5 years from injury date, or from date compensation was last provided, Whichever is latest (See Title 8, CCR § 15400.2)
Future medical claims Claim Logs	Permanent or 5 years after death 5 years from end of year covered
Duplicate Records:	Destroy any time
Board and Committee Meeting Minutes and Packets: Taped Proceedings of Boards/Committees	Retain Indefinitely Destroy after <u>written</u> Minutes approved
* Resolutions	Permanent
* Conflict of Interest Code	Current + 7 years
* Statement of Economic Interest (FPP Commission Form 700)	7 years from filing
Audit Reports and Budget Documents Transportation Development Act Claims * State Controller's Report	Permanent 5 years Permanent
Federal and State Reports (Section 5307, 5309, 5303 of The Federal Transit Act (PL 103-272)) Federal and State grant applications/contracts Quarterly financial and Progress Reports	3 years 3 years after closeout 3 years after closeout
Invitations for Bid (IFB), Request for Proposal (RFP) For services, rolling stock, etc For construction projects	4 years 5 years
Contracts and Agreements * For Capital Improvements	4 years after closeout Permanent
Grant deeds, easements, title insurance, Building plans, plat maps, etc.	Retain Indefinitely
Routine Video Monitoring:	1 year
Recordings of Telephone and Radio Communications	100 days
* Correspondence	3 years

*** Roster of Public Agency Filing**

Permanent

Asbestos Contaminated Records

Destroy immediately

If the amount of exposure is a health and safety threat to whoever is handling the records, by a vote of the Board, if it is determined that the cost of sterilizing the records exceed their value.

Records stored on Microfilm or Other Electronic Media

The original record from which the electronic file is derived may be destroyed immediately, if the electronic files are such that they cannot be altered, are accurately and fully reproduced on the electronic media, and are stored in accessible files.

Accident/Occurrence Reports:

2 years

In the event that the incident addressed in any accident/occurrence records are subject to claims or litigation involving CCCTA, they shall be preserved for five years following resolution of the claim or litigation.

Financial Records

(See Generally Page C-29 of the Guidelines)

Accounts Payable/Receivable

Audit year +4

Bank Reconciliation

Audit year +5

Bank Statements

Audit year +5

Checks

Audit year +5

Budget Adjustments, journal entries

Audit year +2

Deposit Receipts

Audit year +4

Employee Time Sheets

Audit year +6

Investment Transactions

Permanent

Purchase Orders

Audit year +4

Salary Records

Termination +3

General Ledger

Permanent

Invoices

Audit Year +2

PERS Employee deduction reports

Termination +4

*Signature Authorizations

Audit year + 5

Legal Advertising

Current Year

Notices of Public Hearings, DBE program, RFPs, etc

plus 4

Vehicle Maintenance

Life of the vehicle

Insurance

Insurance Certificates

Permanent

Liability/Property Insurance Policies

Permanent

Worker's Compensation Policies

Permanent

*Endorsements

Permanent

*Memoranda of Coverage

Permanent

Human Resources

Benefit Plan Claims

Permanent

Denied Benefit Plan Enrollments	4 years after closure
Employee Handbooks	2 years after superceded
Hourly Employees	6 years after termination
Medical Leave	30 years after closure
Job_Applications	3 years after Recruitment closure
Administration	
Committee and Board Agendas	Current Year +2
Applications – Citizen Committees	
Selected	Termination +5
Not selected	Closed + 2
Americans with Disabilities Act (ADA)	
ADA Complaints	1 year
Summaries of ADA Complaints	5 years
Joint Powers Agreement	
	Permanent
Public Information	
Brochures, publications, newsletters, schedules	2 years after superceded
Fixed Assets	
Inventory	Audit year +4
Surplus Property Disposal	Audit year +4
Hazardous Materials	
(See Generally Page 4-4 of the Guidelines)	
Hazardous Waste Disposal	Closed + 10
Hazardous Materials Storage Permits	Closed +2
Training Materials	Superceded +2
MSDS	Superceded +2
Underground Storage Compliance	Permanent
Underground Storage Ops/Maintenance	Closed +2
*Training Records	
Safety	Current + 2 years
Non-Safety	Current +7 years

CENTRAL CONTRA COSTA TRANSIT AUTHORITY

Records Retention Policy

Adopted by the CCCTA Board of Directors September 19, 2002

Resolution No. 2003-003

Amended January 16, 2003 – Resolution No. 2003-011

Amended September 20, 2018 – Resolution No. 2019-06

Amended [REDACTED], 2023 - Resolution No. 2023-[REDACTED]

PURPOSE: The purpose of this policy is to provide guidelines consistent with state and Federal law concerning the retention of records, documents, correspondence, applications, reports, notes, tables, forms, and bids by the Central Contra Costa Transit Authority (CCCTA).

AUTHORITY: By adopting this policy, the Board of Directors of the CCCTA hereby grants to the General Manager, or their designee, the authority to retain and destroy all records as defined herein, unless retention/destruction authority for specific documents is delegated herein solely to the Board of Directors. Authority regarding retention periods for all types of documents referenced herein is from the California Government Code, Federal Regulations (FTA C 5010.1D), Local Government Records Management Guidelines prepared by the California Secretary of State (Guidelines) (February 2006), and assistance from CCCTA Legal Counsel.

The term “record” as used in this policy is defined as follows: any document, correspondence, notes, tables, budgets, reports, forms, applications, or other written or recorded information of any kind, including photographs, films and audio recordings, prepared, owned, used or retained by CCCTA.

This policy may be amended from time to time as laws and regulations change, and as documents, records, reports and other media not contained herein are added.

LEGAL HOLDS: Under certain circumstances, automated destruction of emails and destruction of other records in accordance with this policy may be suspended for certain individuals in the event that CCCTA Legal Counsel determines that a legal hold is necessary. Legal holds are most often implemented in the following circumstances:

1. a lawsuit filed by or against CCCTA;
2. threatened or anticipated litigation known to CCCTA;
3. government investigation conducted in connection with CCCTA;
4. protection or enforcement of CCCTA’s legal rights;
5. tax audits, assessments or other investigations.

CCCTA Legal Counsel will coordinate with the Director of Information Technology (“IT”) to suspend automatic deletion of email communications for affected CCCTA staff. CCCTA Legal Counsel will disseminate instructions to affected CCCTA personnel to inform them what email communications and other records must be retained. Although automatic email

deletion will be suspended, affected CCCTA staff must nevertheless take care not to manually delete email communications that are subject to the legal hold and must not destroy relevant email communications or other records until CCCTA Legal Counsel or the Director of IT has notified them in writing that the legal hold has been lifted. Every six months, CCCTA Legal Counsel will conduct a periodic review to determine the status of legal holds.

No records may be destroyed—even if to do so would otherwise be compliant with this policy, if they reasonably relate to ongoing or reasonably anticipated litigation, audits, or investigation, regardless of whether CCCTA Legal Counsel has issued a formal legal hold. All questions regarding whether records or writings should be retained for legal or litigation purposes should be directed to CCCTA Legal Counsel. Prompt reporting is critical in order for CCCTA to take appropriate steps to impose a legal hold, to suspend destruction of relevant records (including pertinent emails), and to ensure CCCTA’s compliance with a legal obligation to preserve potential evidence.

EMAIL RECORD RETENTION REQUIREMENTS: Email communications in "Deleted Items" and all other folders (including "Inbox" and "Sent Items") are managed by CCCTA IT staff through an automated process.

Email Category	Retention Period	Method of Destruction
Emails in "Deleted Items" folder	Destroyed 45 days after the email enters the "Deleted Items" folder	Automated destruction by the IT Department
Emails in all other folders, including "Inbox" and "Sent Items"	Destroyed 5 years after the receipt or sending of the email	Automated destruction by the IT Department

The Records Retention Schedule lists the time period that CCCTA records remain active and when, if ever, they are to be disposed of in the normal course of business. Records covered within the Retention Schedule must be retained for the minimum retention period as specified in the table below. CCCTA recommends the disposition of records at the end of their minimum retention period for the efficient and effective management of local resources unless otherwise required for CCCTA operations. CCCTA reserves the right to retain records longer than the recommended minimum retention period. The Director of Recruitment & Employee Development, in consultation with the General Manager and CCCTA Legal Counsel, is authorized to amend this Retention Schedule periodically to reflect updates to CCCTA's inventory of records, and in a manner that is consistent with the Secretary of State Guidelines and applicable laws.

All Records must be retained for a minimum of two years, unless otherwise provided for in this Policy.

LEGEND				
A: Audit Year	CY: Current Year	P: Permanent	CL: Closed/Completion	T: Termination

<u>Record Categories</u>	<u>Descriptor</u>	<u>Retention</u>
ADA – ADA Complaints		CY + 1 year
ADA – Summaries of ADA Complaints		CY + 5 years
Administration – Agendas	Includes agendas for Board and Committees' meetings.	CY + 2 years
Administration – Meeting Minutes and Packets	Includes meeting minutes and packets for Board and Committees' meetings.	P
Administration – Recorded Meetings	Includes recordings (e.g., recording device, video recording, etc.) for Board and Committees' meetings.	Destroyed after written Minutes are approved
Accident/Occurrence Reports		CY + 2 years
Accident/Occurrence Reports – Subject to Claims/Litigation	If the incident in any accident/occurrence reports are subject to a claim or litigation involving CCCTA, the records shall be preserved for five years following resolution of the claim or litigation.	CL + 5 years
Applications for Citizen Committees – Selected		T + 5 years
Applications for Citizen Committees – Not Selected		CL + 2 years
Asbestos Contaminated Records	If the amount of exposure is a health and safety threat to whoever is handling the records, by a vote of the Board, if it is determined that the cost of sterilizing the records exceed their value.	Destroy immediately
Brochures, Publications, Newsletters, Schedules		CL + 2 years

Claims and Records – Claims Audits		CY + 5 years
Claims and Records – Claims Filed with Third Party Administrator		CL + 5 years
Claims and Records – Relevant to Litigation	All records constituting a government tort claim against CCCTA, litigation records in which CCCTA is or was a party, or records containing evidence relevant to such claim or litigation matter. This assumes that the claim or pending litigation is known prior to the end of the regular retention period for the document in question (see GC § 25105.5 and Guidelines p. C-24).	CL + 5 years
Conflict of Interest Code		CY + 7 years
Contracts and Agreements – For Capital Improvements		P
Contracts and Agreements – For Goods and Services		CL + 4 years
Correspondence		CY + 3 years
DBE – Applicant Files	Application forms and supplemental documents, including but not limited to birth certificates, passports, driver licenses, state identifications, , tribal cards, applicant(s) tax returns, personal financial statements, business documents, business licenses or permits, business tax returns, all affiliated business documents and agency notes, correspondences, and reports.	CL + 3 years
DBE – Program Documents	DBE program policy and documents, CUCP Memorandum of Agreement (MOA).	CL + 3 years
DBE – Contract Files (Federal)	DBE evaluation reports, contractor payment reports; all data, documents, reports, records, contracts, and supporting materials relating to a project as the Federal Government may require during the course of the project and for three years thereafter.	CL + 3 years
DBE – DOT Reports (FTA and FHWA Reports, Goal Setting Methodologies)		CL + 3 years
Duplicate Records	Duplicate records may be destroyed, if no longer needed, at any time, so long as the original record is maintained for two years or a longer duration as required by this Policy.	Destroy at any time
EEO Complaints	Original record of EEO complaints, interview records, videos, memos, police reports, and all other supporting documents related to the complaints.	CL + 3 years

EEO Program	Completed EEO programs; notices to public, complaints, investigations, lawsuits, evidence of board approval, EEO policies and procedures, employee demographics, and all other supporting documents related to the EEO Program.	CL + 3 years
Federal and State Reports – Federal and State Grant Applications/Contracts	Sections 5303, 5307, and 5309 of the Federal Transit Act (PL 103-272).	Grant closeout + 3 years
Federal and State Reports – Quarterly Financial and Progress Reports		CL + 3 years
Financial Records – Accounts Payable/Receivable		A + 4 years
Financial Records – Bank Reconciliation, Bank Statements, Checks		A + 5 years
Financial Records – Budget Adjustments and Journal Entries		A + 5 years
Financial Records – Debt Records (Debt, Bonds, Warrants, and Loans)	Includes records of proceedings for the authorization of and the terms and conditions of debts, bonds, warrants, loans, or the original records of the terms and conditions	CL + 10 years
Financial Records – Debt Records (Paid Bonds, Warrant Certificates, and Interest Coupons)		CY + 10 years
Financial Records – Deposit Receipts		A + 4 years
Financial Records – Employee Time Sheets		A + 6 years
Financial Records – General Ledger		P
Financial Records – Investment Transactions		P
Financial Records – Invoices		A + 2 years
Financial Records – PERS Employee Deduction Reports		T + 4 years
Financial Records – Purchase Orders		A + 4 years
Financial Records – Reimbursements	Reimbursements of \$100 or more (GC § 53065.5)	CY + 2 years

Financial Records – Salary Records		T + 3 years
Financial Records – Signature Authorizations		A + 5 years
Fixed Assets Records	Includes inventory and surplus property disposal	A + 4 years
Hazardous Materials – Hazardous Waste Disposal		CL + 10 years
Hazardous Materials – Hazardous Materials Storage Permits		CL + 2 years
Hazardous Materials – Training Materials		CL + 2 years
Hazardous Materials – MSDS		CL + 2 years
Hazardous Materials – Underground Storage Compliance		P
Hazardous Materials – Underground Storage Ops/Maintenance		CL + 2 years
Human Resources – Benefit Plan Claims		P
Human Resources – Denied Benefit Plan Enrollments		CL + 4 years
Human Resources – Employee Handbooks		CY + 2 years
Human Resources – Employee Records		CL/T + 1 years
Human Resources – Hourly Employees		T + 6 years
Human Resources – Job Applications		CL + 3 years
Human Resources – Medical Leave		CY + 30 years
Human Resources – Workers’ Compensation Claim Files	Open/closed medical and indemnity (see Title 8, CCR § 15400.2)	5 years from injury date or from date compensation

	<p>Future medical claims</p> <p>Claim logs</p>	<p>was last provided, whichever is later</p> <p>P or 5 years after death</p> <p>CY + 5 years</p>
Insurance	Includes insurance certificates, liability/property insurance policies, workers' compensation policies, endorsements, and memoranda of coverage	P
Insurance – Loss Runs		CY + 7 years
Joint Powers Agreement		P
Notices of Public Hearings		CY + 4 years
Operations – Agency Safety Plan	Includes documents that set forth CCCTA's Public Transportation Agency Safety Plan (ASP), including documents related to implementing a Safety Management System (SMS) and results from SMS processes and activities, and documents included in whole, or by reference, that describe the programs, policies, and procedures that CCCTA uses to carry out its ASP (49 CFR § 673.31).	CY + 3 years
Property Records	Includes grant deeds, easements, title insurance, building plans, plat maps, etc.	P
Records Stored on Microfilm or Other Electronic Media	The original record from which the electronic file is derived may be destroyed immediately, if the electronic files are such that they cannot be altered, are accurately and fully reproduced on the electronic media, and are stored in accessible files.	Destroyed immediately if conditions are met
Reports – Audit and Compliance Review	Reports issued by independent auditors and internal audit reports submitted to the Board of Directors, Federal, State and other entities for compliance with various requirements related to external and internal audits, such as annual external audit, annual Single Audit Act audit, FTA Triennial Audit, MTC annual and triennial performance reviews, annual NTD reports and the State Controller's Report.	P
Resolutions		P
RFQs, RFPs, IFBs, Proposals, and Bids – For Services, Rolling Stock, etc.		CL + 4 years
RFQs, RFPs, IFBs, Proposals, and Bids – For Construction Projects		CL + 2 years

