

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING A CONTINUOUS RECORDS RETENTION AND
DESTRUCTION SCHEDULE FOR THE HUMAN RESOURCES DEPARTMENT

WHEREAS, the County of Lake has an obligation to maintain County records as required by the applicable state and federal laws and regulations; and

WHEREAS, over time, these records require more and more storage space and many of the records have neither continuing nor historical significance; and

WHEREAS, the purpose of a records retention and destruction schedule is to implement an orderly and controlled means of maintaining and destroying records on a continuing basis; and

WHEREAS, Government Code section 26200 provides that the Board of Supervisors may authorize the destruction or disposition of any record, paper, or document which is more than two years old which was prepared or received in any manner other than pursuant to State statute or a county charter; and

WHEREAS, Government Code section 26200 further provides that the Board of Supervisors may, by a four-fifths vote, authorize the destruction of records prepared or received pursuant to state or federal statute where those records have been maintained for the required period of time and the Board has determined the retention of those records is no longer necessary or required for County purposes; and

WHEREAS, the Human Resources Department seeks permission to destroy those records, papers, and documents pursuant to the schedule provided in Exhibit "A" hereto if said records have no apparent historical significance and/or administrative value.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Supervisors hereby finds and declares the following:

1. The Board of Supervisors finds there is a need for an orderly and controlled plan for the retention and systematic destruction of certain records, papers, and documents in the C Human Resources Department, which are no longer needed or required for County purposes.
2. Human Resources Department is hereby granted continuing authorization to retain and destroy records, papers and documents in the possession of that office and described in the Records Retention and Destruction Schedule, which is attached hereto as Exhibit "A" and incorporated herein by reference.

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THIS RESOLUTION WAS PASSED AND ADOPTED by the Board of Supervisors of the County of Lake, State of California, at a regular meeting thereof on _____, 2022 by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

CHAIR, Board of Supervisors

ATTEST: Susan Parker
Clerk of the
Board of Supervisors

APPROVED AS TO FORM:

ANITA L. GRANT
County Counsel

By: _____

By: _____

**EXHIBIT A
COUNTY OF LAKE
HUMAN RESOURCES DEPARTMENT
RECORDS RETENTION AND DESTRUCTION SCHEDULE**

Overview Human Resources of Records Management

One of the purposes for records management is to ensure that information is available when it is needed. To do this efficiently and thoroughly, records must be identified, organized, maintained for the requisite number of years, and then documented when destroyed. Records management encompasses all the record-keeping requirements that allow an organization to establish and maintain control over information flow and administrative operations, seeking to control and manage records through the entirety of their life cycle, from creation to final disposition.

Understanding the importance of a good records management program is to establish policies and procedures for the efficient and economical management of the creation, utilization, maintenance, retention, preservation, and disposal of County Human Resources (HR) records, based on federal and state statutes governing records and, further, to ensure that a responsible program of records management is practiced within the HR, serving the best interest of the County.

HR shall establish and maintain an active, continuing program for the economical and efficient management of the HR records of our department. Such program shall, provide for:

1. Effective controls over the creation, maintenance, security, and use of County HR records.
2. The maintenance and security of records deemed appropriate for preservation.
3. Retention and disposal of records in accordance with the Human Resources Department Records Retention and Destruction Schedule approved by Resolution _____.

Destruction of County HR Documents

At least annually, HR will review all records in its custody. Records that have reached the end of their retention period are to be destroyed pursuant to this retention schedule. Electronic versions of those records must also be deleted at the same time.

Authority Reference Code

CCP	Code of Civil Procedure
CCR	Code of California Regulations
CFR	Code of Federal Regulations
CFRA	California Family Rights Act
DOT	Department of Transportation
GC / GOV	California Government Code
ADEA	Age Discrimination in Employment Act
EEOC	Equal Employment Opportunity Commission
ERISA	Employee Retirement Income Security Act
FMLA	Family Medical Leave Act
FLSA	Fair Labor Standards Act
FEHA	Fair Employment and Housing Act
GINA	Genetic Information Nondiscrimination Act
OSHA	Occupational Safety and Health Administration
NLRA	National Labor Relations Act

Dept.	Location	Records Description	Retention Period	Authority Reference
HR	HR Office/ Electronic HR Drive	Agreements & Contracts: (Correspondence, Project Administration, Project Schedules,	Completion + 7 years	Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Statewide guidelines propose termination + 5 years; CCP §337, GC §34090
HR	HR Office/ Electronic HR Drive	Agreements & Contracts: Unsuccessful bids, unsuccessful proposals or responses to RFPs Request for Proposals and/or RFQs Request for qualifications that don't result in a contract	2 Years	The RFP / RFQ and the successful proposal becomes part of the agreement or contract GC §34090
HR	HR Office/ Electronic HR Drive	Correspondence Administrative, Chronological, General Files, Letters, Memorandums, Reading File, Working Files, etc.	2 Years	GC §34090
HR	HR Office/ Electronic HR Drive	Copies or duplicates of any record – Non Record	Copies When No Longer Required	GC §34090.7
HR	Electronic HR Drive	Records Destruction Lists / Certificates of Records Destruction	Perm	GC§34090
HR	Electronic HR Drive	Records Retention Schedules / Amendments to Records Retention Schedules	Perm	GC §34090
HR	HR Office/ Electronic HR Drive	Request for Public Records	2 Years	GC §34090
HR	Electronic HR Drive	1095-C, 1094-C Employer- Provided Health Insurance Offer and Coverage & Transmittal Form	5 years	Keep copies of information returns you filed with the IRS or have the ability to reconstruct the data for at least 3 years, from the due date of the returns"; GC §34090
HR	HR Office/ Electronic HR Drive	Grievances and Informal Complaints (Employees)	3 Years after close	State requires 2 years after action is taken; GC §§12946, 12960, 34090
HR	Electronic HR Drive	Grievances Formal Labor Grievances	3 Years after close	State requires 2 years after action is taken; GC §§12946, 12960, 34090

Dept.	Location	Records Description	Retention Period	Authority Reference
HR	Electronic HR Drive	Training (Non Safety) Attendance Rosters, Outlines and Materials; Copy of training cert should be kept in Employee file	3 Years	Calif. EEOC / FLSA / ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State requires 3 years for personnel actions; 8 CCR §3203 29 CFR 1602.31, LC §6429(c); GC §§12946, 12960, 34090, 53235.2(b); 53237.2(b)
HR	HR Office Electronic HR Drive	Applications Volunteer Successful Background clearance	Inactive + 4 Years	Courts treat volunteers as employees EEOC/FLSA/ADEA (Age) EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; 29 CFR 1602.31 & 1627.3(b)(1)(i)&(ii), GC §§12946, 12960, 34090
HR	HR Office	Applications & Volunteer Unsuccessful or Pending Applicants	Term +4 Years	Courts treat volunteers as employees EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; 29 CFR 1602.31 & 1627.3(b)(1)(i)&(ii), GC §§12946, 12960, 34090
HR	HR Office Electronic HR Drive	HR Audits	Close + 7 Years	GC §34090
HR	HR Office Electronic HR Drive	Medical Benefit Plan Documents (CalPERS, Medical Optical, Dental, etc.)	Duration of the Contract + 2	EEOC / ADEA (Age) requires 1 year after benefit plan termination; 29 CFR 1627.3(b)(2); 29 USC 1027; GC §§12946, 12960, 34090
HR	HR Office Electronic HR Drive	CalPERS Benefit Administration Includes contract amendment, actuarial reports, service annual employee listing	6 years	6 years for retirement benefits; State Law requires 2 years after action; 29 CFR 1627.3(b)(2); 29 USC 1027; GC §§12946, 12960, 3409
HR	HR Office Electronic HR Drive	Classification / Reorganization Studies classifications	When No Longer needed + 3 years	Bureau of National Affairs recommends 2 years Wage rate tables are 1 or 2 years; State requires 2 years; 29 CFR 516.6, 29 CFR 1602.14, GC §§12946, 12960, 4090
HR	HR Office Electronic HR Drive	Classification Specifications / Job Descriptions	3 years	GOV 12946; GOV34090; 29 CFR 516.6(2); 29 CFR 1602; 29 CFR 1607 EEOC / FLSA / ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 - 3 years

Dept.	Location	Records Description	Retention Period	Authority Reference
HR	Electronic HR Drive County Counsel	Department of Fair Employment & Housing (DFEH or EEOC) Claims	Final Disposition + 3 years	State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after "fully and finally disposed"; 2 CCR 11013(c); GC §§12946, 12960,34090
HR	HR Office Electronic HR Drive	Investigations, Complaints, Harassment Complaints	Close + 3 years	Title VII, FEHA, ADEA, ADA, GINA, NLRA, FLSA
HR/ CC	County Counsel Electronic HR Drive	Discrimination Complaint	Final Disposition + 3 years	Title VII, FEHA, ADEA, ADA, GINA, NLRA, FLSA
HR/ CC	Not HR Record	Unlawful Employment Practices, Claims, Investigations and Legal Proceedings Records	Final Disposition + 3 years	Title VII, FEHA, ADEA, ADA, GINA, NLRA, FLSA
HR	HR Office Electronic HR Drive	Drug & Alcohol Test Results (All - Positives and Negatives)	5 years	D.O.T. Requires 5 years for positive tests, refusals, annual summaries, etc, 1 year for negative tests; EEOC / FLSA / ADEA (Age) requires 3 years physical examinations; State Law requires 2 years; 29 CFR 1627.3(b)(1)(v), GC §§12946, 12960, 34090; 49 CFR 655.71 et seq.; 49 CFR 382.401 et seq. 49 CFR 653.71
HR	HR Office Electronic HR Drive	EEO-4 Reports and records required to generate EEO-4 report Self-Identification Form	3 years	Required for 1 year from termination or 3 years from hiring, whichever is later; EEOC / FLSA / ADEA (Age) requires 3 years for "any other forms of employment inquiry"; State Law requires 2 -3 years; 8 CFR 274a.2; 29 CFR 1627.3(b)(1); GC §§12946, 12960, 34090
HR	HR Office	CalPERS Actuarial reports, service credit reports, annual employee listing,etc.	6 years	6 years for retirement benefits; State Law requires 2 years after action; 29 CFR 1627.3(b)(2); 29 USC 1027; GC §§12946, 12960, 3409

Dept.	Location	Records Description	Retention Period	Authority Reference
HR	HR Office Electronic HR Drive Current + 1 year HR Offsite Storage 2-7 years	Personnel Files - Employee (Manilla) Application / Resume Report of Appointments Offers of employment Performance evaluations Counseling memos & PIP's Commendations Discipline letters/memos Reinstatement documents Signed County policy forms Emergency Contact Training Records	Separation + 7 years	29 CFR 1602.31, 29 CFR, 1620.33(b) Ethics Training 5 years; OSHA records 7 years; EEOC / FLSA /ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years for personnel actions; 8 CCR §3203 et seq., GC §§12946, 12960, 34090, 53235.2(b); 53237.2(b)
HR	HR Office Electronic HR Drive	Confidential / Private (red) Background report Conviction questionnaire PEQ- Prospective Medical History Post Information Medical enrollment & changes Benefit Summary Beneficiary Designations Opt Out Stipend Life Insurance CalPERS Information Member Reciprocal Self Certification OBRA Form Child Support Notices COBRA	Separation +7 years	29 CFR 1602.31, 29 CFR, 1620.33(b), ERISA
HR	HR Office Electronic HR Drive	Personnel Files - Confidential Medical File (green) ADA / accommodations Non-industrial disability FMLA requests Leave requests Medical History Questionnaire Pre-employment Medical Clearance Doctor's notes COVID Testing Respiratory Fit Tests Hearing Tests	Separation +7 years	FMLA 1993 29 CFR 1602.20; 29 CFR 1602.32 FEHA/CFRA FMLA 4 years
HR	HR Office	I-9s	Separation +3 years	Immigration Reform/ Control Act 1986 Pub. L 99-603
HR	COBRA TPA	COBRA Notices	Term+6 Years	COBRA 1990; 29 U.S.C. 1027

Dept.	Location	Records Description	Retention Period	Authority Reference
HR	HR Office Electronic HR Drive 2 Years HR 3+ Years Offsite Storage	Retirement Benefits Folder CalPERS information from red folder if enrolled in retirement benefits Industrial Disability Retirement (IDR) Retirement benefit elections and changes	Withdrawal or death from retirement benefits + 6 Years	ERISA- 6 years after participant's complete withdrawal from the plan.
HR	NeoGov & Electronic HR Drive	Recruitment and Testing File (NeoGov) Applications Recruiting correspondence Interview schedules Job Brochures Testing Scantrons Interview notes Rating Sheets Eligibility lists	4 Years	EEOC / FLSA / ADEA (Age) requires 3 years; State Law requires 4 years; 29 CFR 1627.3(b)(1), 29 CFR 1602.14 et seq. 2 CCR 11013(c); GC §§12946, 12960, 34090
HR	TPA / HR Office Electronic HR Drive	Unemployment Insurance Records and Reports - Contains records of payments or denial of unemployment claims.	6 Years	Unemployment Insurance Code sec. 1085 22 CCR sec. 1085-2
HR	Electronic HR Drive	Policies & Procedures, Departmental - Retain while current	5 Years after changing	GC34090(d)
HR	Electronic HR Drive	COVID-19 Reporting Records, emails, policy	3 Years	Labor Code sec. 6409.6
CAO /HR	CAO/HR Office Electronic Drive	Labor Relations Files / Labor Agreements MOU's Files Kept by County Administrators Office Negotiation Notes, Correspondence, Interpretation of MOU Provisions, Documentation, etc.	Perm	Department preference; EEOC / FLSA / ADEA (Age) requires 3 years; State Law requires 2 - 3 years; 29 CFR 1672.3(b)(i), 29 CFR 1602.14 et seq., 8 CCR §11040.7(7)(c); GC §§12946, 12960 34090
CAO /HR	CAO Office / Electronic HR Drive	Compensation Surveys & Studies		Bureau of National Affairs recommends 2 years for all supplementary Personnel records; Wage rate tables are 1 or 2 years; State requires 2 years; 29 CFR 516.6(2), 29 CFR 1602.14, GC §§12946, 12960, 34090