



Federal Bar Association

Policy No.: 10-3: Record Retention

Approved By: Board of Directors

Date Approved: September 25, 2013

Date Effective: October 1, 2013

Policy:

It is the Federal Bar Association's (FBA) policy to maintain complete, accurate and high-quality records electronically or in local, damage-proof storage. Records are to be retained for the period of their immediate use, unless longer retention is required for historical reference, contractual, legal or regulatory requirements or for other purposes as may be set forth herein. Records that are no longer required, or have satisfied their required periods of retention, shall be destroyed.

No officer, director, employee, volunteer, or agent of FBA shall knowingly destroy a document with the intent to obstruct or influence the investigation or proper administration of any matter within the jurisdiction of any government department or agency or in relation to or contemplation of any such matter or case. In the event of a governmental audit, investigation, or pending litigation, record disposal may be suspended at the direction of the Executive Director or President. This policy covers all records and documents of FBA. FBA reserves the right to amend, alter and terminate this policy at any time and for any reason.

Employees are expected to utilize documentation practices as trained and are required to comply with the documentation standards outlined in this policy. Failure to do so could result in disciplinary action, up to and including termination of employment. Employees with questions about this policy should consult with management or seek legal advice.

Documents maintained solely in electronic format will be scanned and retained in highly organized electronic folders on the Association's network in accordance with this schedule. All records or directories will be password protected and will be physically stored on separate network servers from their original server, with access only provided to the appropriate employee(s). Daily backups will be performed and the records will be stored off site in a security warehouse that meets the Association's strictest security handling and safety practice requirements. The Association's management shall conduct spot checks and visits to ensure the appropriate backup and handling of the information.

The Executive Director of FBA (or his/her staff designee) shall be responsible for administering this policy. As part of this role, the Executive Director of FBA (or his/her staff designee) shall ensure that FBA documents and records retained by officers, directors, employees, volunteers, or agents are stored or destroyed in a manner consistent with this policy. Destruction of paper files and electronic media will be performed by an independent, outside service for shredding and disposal. Disposal of specific electronic files will be performed by outside service through the use of a scrubbing program. Disposal of records or electronic media into our general trash service is strictly prohibited.

Purpose:

The purpose of this policy statement is to allow the Federal Bar Association (hereinafter “FBA” or the Association”) to identify, retain, store, and dispose of the Associations’ records in an appropriate, legally sound, and orderly manner. Except as otherwise indicated, documents shall be retained for the number of years indicated in Part B.

Change Notice:

A. RECORD RETENTION GUIDELINES

INSTITUTIONAL AND LEGAL RECORDS

Articles of Incorporation	Permanent
Attorney Opinion Letters.....	Permanent
Bylaws	Permanent
Constitution	Permanent
Contracts and leases (expired).....	7 years
Contracts and leases still in effect	Permanent
Deeds and Titles	Permanent
Government Relations records	10 years
Journals/Newsletters.....	Permanent
Licenses	Permanent
Litigation/claims/administrative proceeding documents.....	Permanent
Minutes of Board of Director Meetings	Permanent
Minutes of National Council Meetings	Permanent
Policies	Permanent until superseded
Trademark registrations.....	Permanent

EMPLOYMENT RECORDS

Accident reports.....	10 years
Date of hire, rehire, or termination	Permanent
Employee Handbook	Permanent
Job Descriptions	Until Superseded plus 3 years
Job Announcements and Advertisements.....	Current year plus 2 years
EEOC reports	Permanent
Employee personnel records, includes resume, terms of employment, handbook acknowledgement, job description, evaluations, attendance records, disciplinary warnings, termination notice, promotion notices, garnishments and salary history (after termination).....	7 years
Employment applications/resumes.....	1 year
I-9 Forms	1 year after termination or three years after hire date (later of two)
Payroll records and summaries, including timesheets.....	7 years

CLAIMS FILES

Worker's compensation claims	7 years
Unemployment insurance/ compensation claims	7 years
Life, accident, and long-term disability claims	7 years
COBRA claims (and claims under any other group health plan that provides health coverage to terminated employees or employees who experience a "qualifying event")	7 years

Loss runs.....	6 years
Annual loss summaries.....	6 years
Releases and settlements	25 years

PENSION DOCUMENTS AND CORRESPONDING EMPLOYEE DATA

Pension plans, amendments, and summary plan descriptions	Permanent
Pension plan determination letters issued by taxing authorities	Permanent
Individual employee records including:	
• Employee service;	
• Eligibility for pension (name, address, social security number, period of employment, pay type-hourly or salaried, hours worked, and any breaks in service);	
• Authorizations to pay;	
• Other related forms	Permanent
Report of pension(s), plans, and forms filed with the Department of Labor or the Internal Revenue Service (including Form 5500)	Permanent
Memoranda, notices, and letters provided to pension plan participant (s)	Permanent

INSURANCE RECORDS

Insurance policies, amendments, endorsements, and related correspondence	Permanent
Certificates of insurance issued or received	Permanent
Audits or adjustments	2 years after final adjustment
Summary plans and reports on group insurance and benefit plans	6 years after filing of IRS Form 5500

FINANCIAL/ACCOUNTING RECORDS

Accounts payable ledgers and schedules.....	7 years
Accounts receivable ledgers and schedules.....	7 years
Audit reports of accountants.....	Permanent
Bank reconciliations	7 years
Bank deposit records	7 years
Bank statements.....	7 years
Budget	7 years
Capital stock and bond records.....	Permanent
Cash books	Permanent
Charts of accounts	Permanent
Checks (canceled, but see exception below)	7 years
Checks (canceled for important payments, i.e., taxes, purchases of property, special contracts, etc. Checks should be filed with the papers pertaining to the underlying transaction.)	Permanent
Depreciation schedules.....	Permanent
Dues notices	7 years
Expense reports	7 years
Electronic fund transfer documents.....	7 years
Financial statements (end-of-year)	Permanent
General and private ledgers (and end-of-year trial balances).....	Permanent
Invoices to members and customers.....	7 years

Invoices from vendors	7 years
IRS Determination.....	Permanent
Membership applications.....	7 years
Petty cash vouchers	7 years
Purchase orders	7 years
Sales records.....	7 years
Sponsorships.....	7 years
Tax returns and worksheets; revenue agents' reports and other documents relating to determination of income tax liability	Permanent
Voucher register and schedules	7 years
Vouchers for payments to vendors, employees, etc. (Includes: allowances and reimbursement of employees, officers, etc., for travel expenses.).....	7 years

ADMINISTRATIVE RECORDS

Awards applications	7 years
Award winners	Permanent
CLE applications and approvals.....	7 years
Conference Agendas.....	7 years
Course Materials.....	7 years
Course Materials (electronic)	Permanent
Election records/ballots	3 years
Internal reports	7 years
Registration lists	7 years
Marketing Flyers, brochures and plans.....	7 years
Membership reports.....	Permanent
Press releases	Permanent
Recruitment/Retention plans and promotional pieces	7 years
Strategic or long range plans	Permanent until superseded

PROPERTY RECORDS

Inventories of products, materials and supplies.....	7 years
Maintenance	10 years
Property appraisals by outside appraisers.....	Permanent
Property records, including: costs, depreciation reserves, end of year trials balances, depreciation schedules, blueprints and plans.....	Permanent

E-MAIL AND OTHER CORRESPONDENCE

E-mail and any files attached thereto (unless other provisions of this policy apply)	90 days
Routine correspondence (no acknowledgment or follow-up required)	1 year
Interdepartmental or other association correspondence where another copy of same correspondence kept in originating department's file.....	1 year
General inquiries and replies which complete a cycle of correspondence and have no value after possible reference from correspondent within a reasonable time	1 year
Correspondence requesting specific action which has no further value after changes are made or action has been taken	1 year
Correspondence pertaining to inconsequential subject matters or which definitely close correspondence and no further reference is necessary	1 year
Chronological correspondence files	1 year

Letters relating to the establishment of credit/credit turn-downs	5 year
Letters constituting all or part of a contract or that are important in clarification of certain points or a contract	For life of principal document that it supports
Letters denying liability of the association	For life of principal document that it supports
Other letters that association might need to produce in court to disprove liability or enforce association's rights	For life of principal document that it supports

DIGITAL STORAGE MEDIA AND OTHER ELECTRONIC INFORMATION

Employee hard drives and storage media.....	6 years plus current Year after separation of employment
Network hard drives	2 years from cessation of use; 5 years if programs contained thereon are no longer used
Storage media used for routine backups of network information.....	1 month
Web site (archive version and current version).....	3 years
Web site user records (i.e.,login tracking information).....	1 year
Source code (copyrighted, patented or protectabel trade secrets)	Life of the copyright, patent, trade secret, or 5 years
Voicemail records (stored electronically).....	90 days
Blogs (archive versions and current version)	3 years
Databases.....	2 years from cessation of use; 5 years if program is no longer used