

**FRESNO COUNTY EMPLOYEES' RETIREMENT ASSOCIATION (FCERA)  
RECORDS RETENTION POLICY**

**I. PURPOSE**

- A. This policy is intended to promote compliance with laws that govern the retention and destruction of FCERA records. This policy establishes consistent guidelines and procedures for the retention and disposition of the records of FCERA in accordance with their administrative, legal, fiscal and historical value.
- B. The Board and all FCERA employees are required to comply with the policies and procedures set forth in this document.

**II. AUTHORITY**

- A. The County Employees Retirement Law of 1937 ("CERL") provides: "The board may establish efficient records management procedures, which may include, but need not be limited to, maintenance and, when determined by the board to be necessary, disposal of records in its jurisdiction." Govt. Code section 31537.
- B. Additionally, the California State Records Management Act (Government Code Section 14740) establishes procedures for maintaining and discarding public records, but does not apply to local government, county or city government agencies. To address this gap, the 1999 legislature added Section 12236 to the Government Code, which directs the Secretary of State to develop a Local Government Records Program to establish guidelines for local government record retention. FCERA has relied on these guidelines where applicable in developing this Records Retention Policy.

**III. DEFINITIONS**

- A. **Record** – means any writing containing information relating to the conduct of the public's business that is prepared, owned, or retained, regardless of the physical form or characteristics (§6252-6257). This means a record can be any paper or electronic documents, computer tape, film, e-mail and/or text message, or other form of documentation that records or transmits any type of writing relating to conduct of FCERA business. The information these records transmit or contain may be administrative, financial, medical, legal or personnel-related.
- B. **Official Record** – means any record that constitutes a lasting indication of a writing, event, or other information, and:
  - 1) Is prepared or received or required to be retained pursuant to State or Federal statute, regulation, or case law; or
  - 2) Is required to be retained by a records retention schedule adopted by the Board of Supervisors; or

- 3) Is necessary or convenient to the discharge of a public officer's duties and was retained for the purposes of preserving its informational content for future reference.
- C. **Writing** – means any handwriting, typewriting, printing, photo-stating, photographing, photocopying, transmitting by electronic mail, text message, or facsimile, other electronically-stored information, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored, created, or sent (§6252(g)).
- D. **Electronically-Stored Information** – means information stored on a computer or computer server or created using a computer (including “smart phones”), or any other electronic medium or device for electronic processing that requires a computer or other electronic medium or device to display or process the records. Electronically-stored information includes, but is not limited to:
- 1) Emails, text messages, instant messages, digital images, voicemail, photographs, sound recordings, compact disks, audiotapes, videotapes, spreadsheets, and other data or data compilations stored in any electronic medium from which information can be obtained.
  - 2) Information created through the use of, and contained in, social media applications.
- E. **Records Retention Schedule** – (Exhibit A) means the retention and destruction requirements for categories of records pertaining to FCERA. The Schedule specifies the length of time that records must be maintained before destructions. The Records Retention Schedule establishes the minimum statutory time periods for retention. Departmental practices, the investigation of complaints, the existence or likelihood of litigation or administrative enforcement actions, or other business needs may compel a longer retention period. If there is any doubt as to the need for a longer retention of a particular record, please consult with FCERA Administration.
- F. **Certified Permanent Record** – means the set of FCERA records that have been reproduced on a permanent medium, where the reproduction device does not permit additions, deletions, or changes in the document, and where the reproduced records are made conveniently accessible to persons wishing to inspect the same.

#### IV. POLICY

- A. This policy establishes retention period and record maintenance processes for all FCERA records, as set forth below.
- 1) The record retention schedule will be administratively reviewed and updated as necessary. Changes to the retention policy require Board action.

- 2) The minimum retention period of a record must be consistent with applicable laws, orders, rules or regulations. When no such criteria exist a reasonable retention period will be established based on FCERA's needs and the usefulness of the information.
- 3) Once records have fulfilled their administrative, fiscal, or legal function they will be disposed of as soon as practical in accordance with the Records Retention Schedule ("Retention Schedule", Exhibit A), unless they have enduring historical value.
- 4) Board action is not required for the destruction of documents or electronic records in accordance with the Records Retention Schedule.
- 5) Destruction of documents shall be achieved by shredding and recycling. Documents that are stored with the County of Fresno Records Management Department shall be destroyed by sending an Authorization for Disposal form available from CountyClerkRM@fresnocountyca.gov
- 6) Exceptions to the published retention policy may be made by the appropriate manager in consultation with the Retirement Administrator. Exceptions should weigh the need for retaining the record against the cost to store and retrieve the record.
- 7) Retained information must be stored in a manner designed to ensure its accessibility, integrity, confidentiality, authenticity, and legibility.
- 8) Preliminary drafts, notes, and interagency or intra-agency correspondence may be destroyed if they are no longer needed and there is no legal or policy requirement that they be retained.
- 9) Copies of original records may be maintained by FCERA employees in their own offices or elsewhere for convenient reference or other purposes. Such copies may be in the same or different format or medium as the original record. Copies of an original record should be kept no longer than the retention period set forth in the Records Retention Schedule and may be destroyed at any time prior to the expiration of the original record.
- 10) A copy of an original record can become a "new" record and become subject to the records retention policy when annotations of substantive nature are made to a duplicate record giving it added value as a separate record.
- 11) Imaged files or other electronic reproduction of records shall be deemed to be an original record. Corresponding original records shall be retained according to the retention schedule. Original records may be destroyed, upon a determination by the Retirement Administrator that:
  - a) The electronic records meet the criteria to establish the record as a Certified Permanent Record;

- b) The device used to reproduce the record, paper, or document on the 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 imaged or reproduced records are used by FCERA in the ordinary conduct of its business in lieu of the paper records, and made as accessible for public reference as the paper records were;
  - d) A true copy of archival quality of the reproduction medium shall be kept in a safe and separate place for security purposes; and
  - e) No record shall be destroyed if any page of that record cannot be reproduced with full legibility.
- 12) Electronic communications, including e-mail, are considered transitory in nature, and are not customarily kept or retained by FCERA as the primary means for preserving information for future reference. E-mail may be periodically or routinely purged from the system without any necessary action by the sender or the recipient of the communication. Exception - If the content of an e-mail message is necessary for, or convenient to, the conduct of FCERA business and was made for the purpose of preserving its informational content, employees are required to store the e-mail in the relevant hard copy or electronic file, to be kept in accordance with the Records Retention Schedule.
- a) E-mail that is retained in electronic format should be saved as a PDF file.

## **B. RESPONSIBILITIES**

### **1) Work Units**

- a) Employees in each of FCERA's work units are directly responsible for the management of that unit's records, documents, files, data, and other information pertaining to FCERA's official business. To fulfill this responsibility, the managers of each work unit must:
  - i. Ensure that each person within the unit implements the Records Retention Policy.
  - ii. Conduct one or more records management days per year. This day should also be used to prepare and ship items to offsite storage.
  - iii. Dispose of all expired records, as required by the Records Retention Schedule.
  - iv. Work with the Records Manager to periodically update the Records Retention Schedule.

- v. Prevent the disposal of records or information following notification by FCERA Counsel that disposal must be suspended for litigation or other reasons.

2) Records Manager

- a) The Retirement Administrator designates the Communications Staff Analyst as the Records Manager, who is responsible for the following:
  - i. Assisting with the development, maintenance and periodic review of the records retention program. The program will consist of this Policy, the Records Retention Schedule and the records inventory.
  - ii. Coordinating the use of offsite storage facilities for the storage and retrieval of records.
  - iii. Maintaining a master inventory of records stored in off-site locations.

3) FCERA Counsel

- a) FCERA Counsel is responsible for the following:
  - i. Upon request, assisting with the development, maintenance and periodic review of the Records Retention Schedule.
  - ii. When engaged for actual or potential litigation (or other matters that may require FCERA to suspend its ordinary destruction of documents), advising departments and employees, as appropriate, to prevent destruction of all relevant records, including records that should have been destroyed previously in accordance with the Records Retention Schedule.
  - iii. Upon request, providing legal advice to all departments concerning all matters related to the legal aspects of the Records Retention Policy and Schedule.

## **V. PROCEDURES**

### **A. On-Site Storage**

- 1) For the on-site storage time period specified in the Retention Schedule, records should be retained under the control of the Records Manager.

### **B. Off-Site Storage**

- 1) For records to be stored off-site according to the record retention policy, the Records Manager should prepare them for off-site storage. The records should be inventoried, boxed and clearly labeled, including a final disposal date or “retain indefinitely” designation. The Records Manager will be responsible for coordinating delivery to the

off-site storage facility and will maintain a detailed and current inventory of all records stored off-site.

C. Retrieval from Off-Site Storage

- 1) To request a record from offsite storage, follow the procedures established for the particular storage location.

D. Destruction / Disposal of Off-Site Documents

- 1) The Records Manager will designate at least one day each year for the destruction and disposal of off-site records that have expired and will provide all managers with a comprehensive list of documents scheduled to be destroyed. Managers should review the list and provide notice to the Records Manager for any records whose retention date should be extended or made permanent. The notice should include a justification for the change and a new "dispose of" date or permanent retention designation.

E. Disposal of on-site Documents

- 1) At least once per year, each work unit must dispose of expired on-site records. The unit manager will coordinate the effort.

**VI. Policy Review**

- 1) The Board shall review this policy at least every three years.

**VII. Policy History**

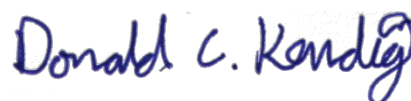
- 1) The Board of Retirement adopted this policy on July 14, 2010.
- 2) The Board of Retirement reviewed and modified this policy on December 21, 2016, June 19, 2019, and March 16, 2022.

**VIII. Secretary's Certificate**

I, Donald Kendig, the duly appointed Secretary of the Fresno County Employees' Retirement Association, hereby certify the adoption of this Policy.

March 16, 2022

**Date of Action:**



**By: Retirement Administrator**

## FCERA RECORDS RETENTION SCHEDULE

### Notes

- 1) This retention schedule replaces other retention schedules that were in effect in the past. Thus, it is possible that some records that this retention schedule places on a permanent retention period were destroyed under prior policies that did not provide for permanent retention. As one example, in years past audio recordings were recycled when they were recorded on tape.
  
- 2) Each broad category of records is in bold and all caps. The descriptions of specific types of records, which appear underneath those broad categories, are non-exhaustive examples. Other records fitting within a broad category are subject to the retention period for that broad category.
  
- 3) The “Comments” section of each category below explains what is meant by the word “active” in each the retention period. Records will be deemed “inactive” only if that determination can be made with certainty. In cases of ambiguity, FCERA will consider a record to be “active.”

<b>Record Category</b>	<b>Retention Period</b>	<b>Comments</b>
<b>BOARD FILES</b> Meeting Agendas  Meeting Minutes  Agenda Backup Materials  Audio Recordings of Meetings  Policies  Resolutions  Election Materials	Permanent	Notwithstanding this item, returned ballots in elections may be destroyed six months after the election.  Audio Recordings of Meetings will be provided or transcribed upon request.
<b>AUDIT REPORTS</b>	Permanent	
<b>DOCUMENTS TO SUPPORT AUDIT REPORTS</b>  Correspondence with auditor  Information exchanged with the auditor	7 years after audit	

<p><b>PLAN SPONSORS</b> Agreements Correspondence Resolutions Contribution Reports Records regarding benefit levels, early retirement, etc.</p>	<p>Permanent</p>	<p>E-mail communications between FCERA representatives and representatives of the plan sponsors that are deemed important for the administration of the system should be printed out to hard copy or otherwise preserved in FCERA’s permanent records relating to the plan sponsor.</p>
<p><b>ACTUARY REPORTS</b></p>	<p>Permanent</p>	
<p><b>ACTUARY WORK PAPERS</b> Correspondence with actuary Information exchanged with actuary</p>	<p>7 years after report or other project</p>	<p>E-mails between FCERA representatives and the actuary that are deemed important for the administration of the system should be printed out to hard copy or otherwise preserved in accordance with this 7-year retention schedule.</p>
<p><b>INVESTMENT AND REAL ESTATE DOCUMENTATION</b> Capital Call letters Wire Transfers Annual Portfolio Reviews Annual Financial Reports Correspondence Investment RFPs and Responses Documentation of investment activity</p>	<p>Active, plus 7 years</p>	<p>E-mails between FCERA representatives and investment consultants or investment managers that are deemed important for the administration of the system should be printed out to hard copy or otherwise preserved in accordance with this 7-year retention schedule.</p> <p>“Active” means that FCERA has funds in, or responsibilities relating to, the investment.</p> <p><b>EXCEPTION:</b> <i>Quarterly</i> portfolio reviews and financial reports may be destroyed four years after receipt, and without regard to whether the investment is “active,” but only if there are also annual reports relating to that particular investment.</p>



<b>INVESTMENT AND REAL ESTATE CONTRACTS</b>	Active, plus 10 years.	“Active” means that FCERA has funds in, or responsibilities relating to, the investment.
<b>DISABILITY FILES</b> Medical Records  Administrative Records	7 years after the <u>later</u> of (a) disposition of the application, or (b) the member turns age 55	This item refers to any records that are not otherwise kept in the member’s file. Disability records in the member’s file are subject to the rules relating to member files.
<b>MEMBER/BENEFICIARY FILES</b>	10 years after <u>last</u> beneficiary’s death	This item applies to all records relating to a member and all of his or her beneficiaries.
<b>HUMAN RESOURCES</b>	Active, plus 4 years after termination of employment.	Many records relating to FCERA employees are transferred to the County when employment terminates. This item refers to records in FCERA’s possession.
<b>LEGAL</b> Legal advice in any form  Litigation files	Permanent	E-mails containing specific legal advice should be printed out to hard copy or otherwise retained in FCERA’s permanent files. General e-mails not containing legal advice may be deleted like other e-mails.
<b>TAX REPORTING</b>	10 years	
<b>FACILITIES OPERATIONS</b> Accounts payable and receivable  Contracts with vendors  Correspondence with vendors	Active, plus 4 years	“Active” means that FCERA still has some connection to the subject matter of the record (e.g., records relating to the FCERA building are “active” as long as FCERA owns or occupies the building).
<b>FINANCIAL TRANSACTION RECORDS</b>	7 years	Records reflecting the financial transactions of FCERA that do not fit any other description in this Retention Schedule.
<b>GENERAL CORRESPONDENCE</b>	4 years	Correspondence of FCERA that does not fit any other description in this Retention Schedule