

(Prior: Dept. of Personnel Admin)

(1) DEPARTMENT, BOARD OR COMMISSION California Department of Human Resources		(2) AGENCY BILLING CODE 31543	IMS CODE	(3) PAGE <u>1</u> OF <u>7</u> PAGES
(4) DIVISION / BRANCH / SECTION Legal Division		(5) ADDRESS 1515 'S' Street, North Building, Suite 400, Sacramento, CA 95811-7258		

CHECK THE APPROPRIATE BOX

- (6) New schedule of records that have never been scheduled. [Complete boxes (9)–(12)]
- (7) Revising a previous schedule. [Complete boxes (9)–(16)] (A new approval number will be assigned.)
- (8) Amending some pages of a previous schedule. [Complete boxes (13) - (16)] (The original approval number will remain in effect.)

NEW SCHEDULE INFORMATION (If applicable)	(9) SCHEDULE NUMBER 98-02	(10) SCHEDULE DATE March 13, 2014	(11) NUMBER OF PAGES 7	(12) CUBIC FEET (Total Schedule) 1,301
PREVIOUS SCHEDULE INFORMATION (If applicable)	(13) SCHEDULE NUMBER 98-02	(14) APPROVAL NUMBER 07-171	(15) APPROVAL DATE(S) July 2, 2007	(16) PAGE NUMBER(S) REVISED 1-4

(17) FUNCTIONAL STATEMENT
 California's Department of Human Resources provides HR leadership by developing proactive and innovative approaches to recruiting, developing, and retaining a qualified civil service workforce. The Legal Division provides professional, cost-effective legal services to CalHR staff and to client departments.

PART I – AGENCY STATEMENTS

As the program manager (or person authorized to sign for the program manager) directly responsible for the records listed on this records retention schedule, I certify that all records listed are necessary and that each retention period is correct. For revisions, all items on the previous schedule are included or accounted for on the recapitulation. Vital records identified by this schedule are protected. If protection is not currently provided but plans are underway, the details of such plans are shown in Column 48, Remarks.

(18) SIGNATURE - MANAGER RESPONSIBLE FOR THE RECORDS <i>Renee Whitehead</i>	(19) TITLE Legal Support Supervisor	NAME - (Printed or Typed) Renee Whitehead	(20) PHONE NUMBER (916) 323-3744	(21) DATE SIGNED
--	--	--	-------------------------------------	------------------

In accordance with Government Code 14755, approval of this Records Retention Schedule by the Department of General Services is hereby requested. Retention periods shown have been established in accordance with the criteria set forth by Section 1667 of the State Administrative Manual.

(22) SIGNATURE - RECORDS MANAGEMENT ANALYST <i>Linda Mayhew / Steve Iwata</i>	(23) CLASSIFICATION Assistant Chief Counsel B5D	(24) NAME - (Printed or Typed) Linda Mayhew / Steve Iwata	(25) PHONE NUMBER (916) 324-0512 324-9410	(26) DATE SIGNED 4-15-14
--	---	--	---	-----------------------------

PART II – DEPARTMENT OF GENERAL SERVICES APPROVAL (Per Government Code Section 14755)

(27) SIGNATURE - CalRIM CONSULTANT <i>Javier C. Sanchez</i>	NAME - (Printed or Typed) JAVIER C. SANCHEZ	(28) APPROVAL NUMBER 2014-129	(29) APPROVAL DATE 4/16/2014	(30) EXPIRATION DATE 4/16/2019
--	--	----------------------------------	---------------------------------	-----------------------------------

PART III – ARCHIVAL SELECTION (Per Government Code Section 14755)

THE ATTACHED RECORDS RETENTION SCHEDULE:

- (31) Contains no material subject to further review by the California State Archives
- (32) Contains material subject to archival review. Items stamped "NOTIFY ARCHIVES" may not be destroyed without clearance by the California State Archives. (Per Section 1671 of the State Administrative Manual.)

Key # 35456

(33) SIGNATURE - CHIEF OF STATE ARCHIVES OR DESIGNATED REPRESENTATIVE <i>Sydney Bailey</i>	NAME - (Printed or Typed) Sydney Bailey	(34) DATE SIGNED 4/21/14
---	--	-----------------------------



RECORDS RETENTION SCHEDULE

STD. 73 (REV. 4/2013)

2014-129

(35) APPROVAL NUMBER

(36)

Page 2 of 7 Pages

ITEM #	CUBIC FEET*	CA. STATE ARCHIVES USE ONLY	TITLE AND DESCRIPTION OF RECORDS	MEDIA	VITAL	RETENTION				PRA & IPA	REMARKS
						OFFICE	DEPT.	SRC	TOTAL		
(37)	(38)	(39)	(40)	(41)	(42)	(43)	(44)	(45)	(46)	(47)	(48)
1	5		Personnel Files: Attendance Records, Including std. 672 (Copies - official records kept in Personnel Department.)	P		Active + 3				ACTIVE + 3	X & I Retention Required by: Chief Counsel. Exempt from Disclosure under Gov. Code § 6254(c) Destruction rule: confidential, witnessed destruction. Access to Data is subject to Civ. Code § 1798 et. Seq. Active = Until Employee separates
2	50		Chron Files (Duplicates of correspondence. Retained for information and convenience of CalHR legal employees.)	P		1*			1		*Secretaries maintain Chron files for one year. After a year, the appropriate attorney has discretion to maintain the Chron file in his office or destroy it. Retention required by: Chief Counsel. Destruction Rule: Information in Chrons is nonconfidential and recyclable.
3	181	NOTIFY ARCHIVES	Subject Files - Research files regarding CalHR-specific high priority legal issues and attorney analysis.	P & M		Perm & *			Perm.	X & I	*Attorneys may retain their own subject files indefinitely. Other subject files may be stored electronically indefinitely, Retention required by: Gov. Code § 14755, Chief Counsel. Destruction rule: Copies of legal authority are nonconfidential and recyclable. Attorney work product is confidential, witnessed destruction is required. Exempt from Disclosure: Attorney Work Product (Gov Code § 6254(p)).

RECORDS RETENTION SCHEDULE

STD. 73 (REV. 4/2013)

2014-129

(35) APPROVAL NUMBER

(36)

Page 3 of 7 Pages

ITEM #	CUBIC FEET*	CA. STATE ARCHIVES USE ONLY	TITLE AND DESCRIPTION OF RECORDS	MEDIA	VITAL	RETENTION				PRA & IPA	REMARKS
						OFFICE	DEPT.	SRC	TOTAL		
(37)	(38)	(39)	(40)	(41)	(42)	(43)	(44)	(45)	(46)	(47)	(48)
4			Format Files - Frequent use templates for departmental communications and filings.	M		Current			Current		Maintained electronically Retention required by: Chief Counsel. Destruction rule: Format files may be modified when appropriate, and no copy of the previous format need be maintained. Format files are nonconfidential and recyclable.
5	13	NOTIFY ARCHIVES	Legal Opinions - Opinions issued by the Legal Division at the behest of clients, departments, directors, or the governor concerning matters of CalHR's expertise.	M P		Perm.* 1		0 3	Perm.* 4	X & I	Retention required by: Gov. Code § 14755, Chief Counsel. *Save Legal opinions electronically as part of the file-closing checklist. Transfer to archives ONLY AFTER verifying electronic preservation. Destruction rule: Confidential witnessed destruction. Exempt from Disclosure: Attorney Work Product under Gov Code § 6254(p); Attorney-client privilege.
<u>Administrative Proceedings</u>											
6	4		Workers Comp Cases	P		Active + 1		2	<i>ACTIVE + 3</i>	X & I	Retention required by: Gov. Code § 14755 Destruction rule: Confidential witnessed destruction. Exempt from Disclosure: Attorney Work Product (Gov Code § 6254(p)); Attorney-client privilege. Active=until final adjudication or settlement disposing of case

RECORDS RETENTION SCHEDULE

STD. 73 (REV. 4/2013)

2014-129

(35) APPROVAL NUMBER

(36)

Page 4 of 7 Pages

ITEM #	CUBIC FEET*	CA. STATE ARCHIVES USE ONLY	TITLE AND DESCRIPTION OF RECORDS	MEDIA	VITAL	RETENTION				PRA & IPA	REMARKS
						OFFICE	DEPT.	SRC	TOTAL		
(37)	(38)	(39)	(40)	(41)	(42)	(43)	(44)	(45)	(46)	(47)	(48)
7	136		Arbitration Cases	P		Active + 1		2	<i>ACTIVE + 3</i>	X & I	Retention required by: Gov. Code § 14755 Destruction rule: Confidential witnessed destruction. Exempt from Disclosure: Attorney Work Product under Gov Code § 6254(p); Attorney-client privilege. Active=until final adjudication or settlement disposing of case
8	161		PERB Cases	P		Active + 1		2	<i>ACTIVE + 3</i>	X & I	Retention required by: Gov. Code § 14755 Destruction rule: Confidential witnessed destruction. Exempt from Disclosure: Attorney Work Product (Gov Code § 6254(p)); Attorney-client privilege. Active=until final adjudication or settlement disposing of case
9	51		Statutory Appeals Cases <i>HEARING OFFER LE</i>	P		Active + 1		2	<i>ACTIVE + 3</i>	X & I	Retention required by: Gov. Code § 14755 Destruction rule: Confidential witnessed destruction. Exempt from Disclosure: Attorney Work Product (Gov Code § 6254(p)); Attorney-client privilege. Active=until final adjudication or settlement disposing of case
10	212		Adverse Action Cases	P		Active + 1		2	<i>ACTIVE + 3</i>	X & I	Retention required by: Gov. Code § 14755 Destruction rule: Confidential witnessed destruction. Exempt from Disclosure: Gov Code § 6254(c); Attorney Work Product under Gov Code § 6254(p). Active= until appeal period exhausted

RECORDS RETENTION SCHEDULE

STD. 73 (REV. 4/2013)

2014-129

(35) APPROVAL NUMBER

(36)

Page 6 of 7 Pages

ITEM #	CUBIC FEET*	CA. STATE ARCHIVES USE ONLY	TITLE AND DESCRIPTION OF RECORDS	MEDIA	VITAL	RETENTION				PRA & IPA	REMARKS
						OFFICE	DEPT.	SRC	TOTAL		
(37)	(38)	(39)	(40)	(41)	(42)	(43)	(44)	(45)	(46)	(47)	(48)
			<u>Billing Documents</u>								
14	5		Contracts	M P		Perm. Current		0 3	Perm. 3		Copies - official records kept in Administrative Division. Retention Required by Gov. Code §14755, Chief Counsel. Destruction rule: Nonconfidential, waste paper, recyclable. Current= until expiration date of the agreement
15	8		OPEN CASES SHEETS Close Case sheets	M		Perm.			Perm		Retention Required by Gov. Code §14755, Chief Counsel. Destruction rule: Maintained electronically permanently
16	40		Case Expense Invoices	M		Perm.			Perm.		Retention Required by Gov. Code §14755, Chief Counsel. Destruction rule: Maintained electronically permanently
17	10		Legal Invoices (sent out monthly to each department billed)	M		Perm.			Perm		Retention Required by Gov. Code §14755, Chief Counsel. Destruction rule: Maintained electronically permanently.
			<u>Records Management</u>								
18			Std. 73, Records Retention Schedule	M P		Current			Current		Retain as current until superceded.*
19			Std. 71, Records Transfer List	M P		Current			Current		Retain as current until all records have been destroyed or transferred to the state archives.
20			Std. 76, State Records Center Reference Request	M P		ACTIVE			ACTIVE		Retain as ACTIVE until request for withdrawal or referrals completed.

* ALTHOUGH REVISIONS REQUIRED EVERY 5 YRS FROM DGS APPROVAL DATE, RRS THAT HAS NOT REVISSED REMAIN IN EFFECT BUT ARE CONSIDERED NON-CURRENT.

RECORDS RETENTION SCHEDULE

STD. 73 (REV. 4/2013)

2014-129

(35) APPROVAL NUMBER

(36)

Page 7 of 7 Pages

ITEM #	CUBIC FEET*	CA. STATE ARCHIVES USE ONLY	TITLE AND DESCRIPTION OF RECORDS	MEDIA	VITAL	RETENTION				PRA & IPA	REMARKS
						OFFICE	DEPT.	SRC	TOTAL		
(37)	(38)	(39)	(40)	(41)	(42)	(43)	(44)	(45)	(46)	(47)	(48)
21			Authorization for the Destruction of Records	P		4			4		Retain for two years from date of authorization of destruction. Then wait two additional years or until audited, whichever comes first (maximum four years)
22			<p>Electronic mail:</p> <p>1. E-mail containing official records are retained pursuant to CalHR records retention schedules for the same period of time as the record series that most closely matches the subject matter contained within the e-mail message.</p> <p>2. Non-record e-mails are ones created primarily for informal communication as opposed to the perpetuation or formalization of knowledge.</p>	M		1.* 2. Active	*	*	1.* 2. Active		<p>*E-mail containing official records are subject to CalHR records retention schedules for the same period of time as the record series that most closely matches the subject matter contained within the e-mail message.</p> <p>Destroy non-record e-mail communications when they have served their purpose.</p>

MEMORANDUM

DATE: April 21, 2014

TO: Renee Whitehead, Legal Support Supervisor
Steve Iwata, Business Services Officer

FROM:  Sydney Bailey, State Records Appraisal Program

SUBJECT: Electronic Records (Dept. of Human Resources-Legal Division, Schedule #98-02, Approval #2014-129)

The Appraisal Program at the California State Archives has reviewed your retention schedule and flagged materials to be sent to the Archives at the end of their retention period. Because you have electronic records on your schedule, we want you to be aware of best practices that will help you and the Archives maintain and use these particular records over time.

Digitization and Best Practices

When you embark on a digitization program, your scanning methods should comply with best practices to ensure that the e-records you are creating will have a long and useful lifespan. We recommend keeping up-to-date with guidance provided by the Association for Information and Image Management (AIIM) and the American National Standards Institute (ANSI). However, the State Archives can also provide additional assistance. Good rules of thumb for digitization include the following: Text Master Files scanned at 400-600 ppi, 8-bit (grayscale) or 24-bit (color); Photo/Negative Master Files scanned at 4000-8000 lpi (because size of original varies it's better to use lines per inch), 8-bit (grayscale) or 24-bit (color); and Drawings Master Files scanned at 400-600 ppi, 8-bit (grayscale) or 24-bit (color). The file formats and types you choose will have a big impact on whether you can read your e-records later. PDF/A is a recommended storage format for many of your records.

What to do with the Paper Records

Do remember that, if your plans include discarding paper records after scanning them, there are a few things you should be aware of:

- If those series have been flagged by the Archives, those paper records should be transferred to the Archives using the Records Transfer List, STD71.
- Your e-records, whether created through scanning or "born-digital," should reside in a trusted system. A trusted system, per Government Code §12168.7, is "a combination of techniques, policies, and procedures for which there is no plausible scenario in which a document retrieved from or reproduced by the system could differ substantially from the document that is originally stored."

Document What You Do

Document your business practices and ensure that your trusted system policies are in place, including the following:

- How information will be scanned, indexed, and verified.
- How the system will be secured from unauthorized access.
- How documents will be secured from unauthorized modification or alternation.
- How authorized modification of documents will be managed, including audit trail information and the ability to retrieve any previous document version required to be maintained.
- How notes and annotations (if any) will be stored and managed, if they are a part of the record.
- How these policies and procedures will be followed.
- How the system will adhere to the approved records retention schedule.

Keeping Electronic Records Long-Term or Permanently

If you are planning to keep electronic records permanently, beyond a trusted system, you will need a preservation plan which will include methods for migration or conversion over time. E-records are like temperamental two-year-olds: they can't be trusted on their own. While your IT department should definitely be involved, records management must continue to be an active function for e-records. Consider amending your schedule to reflect when inactive electronic records flagged for the Archives should be transferred. A discussion with Archives staff and note in the remarks section of the schedule can document that the records have permanent value. In the interim it may be advisable to send electronic records, perhaps annually, to the State Archives to ensure their long-term access.

State Archives Appraisal Program and Electronic Records Program staff would be happy to meet with you to discuss transfer and other related issues. We look forward to working with you to solve the technological and practical problems that electronic records carry with them.

Sydney Bailey
State Records Appraisal Program
916/653-6734

Andrew Hyslop
State Records Appraisal Program
916/651-1368

Rebecca L. Wendt
Electronic Records Program
916/651-8420