

RECORDS RETENTION POLICY - LEGISLATIVE ASSEMBLY

INTRODUCTION

North Dakota Century Code (NDCC) Section 54-46-07 declares all records made or received by state officials in the course of their public duties to be property of the state and, as such, prohibits their destruction or disposal except as provided by law. Section 54-35-11 authorizes the Legislative Council to make all necessary arrangements to facilitate the proper operation of the Legislative Assembly. The Legislative Council is also to act as the custodial agency to ensure the proper storage and safekeeping of legislative supplies and equipment.

CLASSIFICATION OF LEGISLATIVE ASSEMBLY RECORDS

The records maintained by the Legislative Assembly can be classified as either records relating to introduction and consideration of legislative proposals, correspondence received by legislators and legislative employees, miscellaneous information provided to legislators and legislative employees by the Legislative Council staff, and records relating to personnel administration.

RETENTION POLICY

The appropriate legislative officer or employee shall transfer records relating to introduction and consideration of legislative proposals, e.g., records created during consideration of bills, resolutions, legislative rules, and legislative procedures, to the Legislative Council upon completion of those records or adjournment of the Legislative Assembly. Preliminary drafts and working papers need not be transferred to the Legislative Council and are subject to final disposition at the end of the day these drafts or papers were prepared.

A legislator or employee who receives correspondence or other miscellaneous information provided to the Legislative Assembly, legislators, or legislative employees shall retain the record as long as the record has any administrative value or usefulness. A record that has no administrative value is subject to final disposition. If the record has historical value, the record must be transferred to the Legislative Council upon adjournment of the Legislative Assembly or retained in the Legislative Assembly area of the State Capitol.

If a record of historical value is of a nature that requires special preservation, the appropriate legislative officer or employee shall consult with the state records manager for advice regarding appropriate preservation or archiving of the record.

The appropriate legislative officer or employee who maintains records relating to personnel administration, e.g., employment applications and payroll records, either must transfer those records to the Legislative Council upon completion of those records or upon adjournment of the Legislative Assembly, whichever is later, or may retain those records in the Legislative Assembly area of the State Capitol. Records retained by any legislative officer or employee must be retained in accordance with the following schedule, and at the end of the period of retention are subject to final disposition because of no further administrative, legal, or fiscal value:

Type of Record	Period of Retention
Application/resumes (employed)	6 years after termination
Status/change of status forms	6 years after superseded
Job descriptions	6 years after superseded
Employee evaluations	6 years after action
Retirement correspondence	6 years after action
Insurance enrollment notices	6 years after action
Position information questionnaires (PIQs)	6 years after superseded
Leave reports	3 years
Request for leave records	3 years
Time cards	3 years
Payroll records	4 years
Job announcements	1 year
Applications/resumes (not hired)	3 years
Medical records related to or required by employer	30 years after termination

NOTE: This record retention schedule is the schedule recommended by the State Records Management Division of the Office of Management and Budget. North Dakota Century Code Section

28-01-22.1 provides a general statute of limitations for claims against the state or against its officials or employees--three years after the claim for relief has accrued (when it is discovered or

might have been discovered in the exercise of reasonable diligence). Under Section 44-04-17.5, preliminary drafts and working papers are considered "records."