

RECORDS RETENTION

Definitions

For the purposes of implementing this policy and complying with NDCC 15.1-07-25.2:

- *Final action* is the month, day, and year of the last action completed by the District to fulfill obligations to an individual or entity under the applicable program, policy, regulation, or law.
- *After separation* is the month, day, and year that an employee separated from employment with the District.
- *Board minutes* are defined as minutes taken at any school board meeting where a quorum of the school board was present.
- *Closed record* is defined in NDCC 44-04-17.1 (2).
- *Exempt record* is defined in NDCC 44-04-17.1 (5).
- *Payroll record* is defined as documents containing the following:
 - a. Time and day of week when employee's workweek begins
 - b. Hours worked each day
 - c. Total hours worked each workweek
 - d. Basis on which employee's wages are paid (e.g., "\$9 per hour," "\$440 a week," "piecework")
 - e. Regular hourly pay rate
 - f. Total daily or weekly straight-time earnings
 - g. Total overtime earnings for the workweek
 - h. All additions to or deductions from the employee's wages
 - i. Total wages paid each pay period
 - j. Date of payment and the pay period covered by the payment
- *Record* is defined in NDCC 44-04-17.1(16).

Development of a District Records Retention Schedule

The Business Manager or designee shall develop a records retention schedule that complies with all applicable record retention deadlines in state and federal law. The schedule should contain retention deadlines, record destruction methods, and list a record administrator for each record.

Role of Record Administrator

Record administrators listed on the records retention schedule shall be responsible for properly retaining all records under their jurisdiction, implementing records holds when necessary, and ensuring that records are properly destroyed in accordance with destruction methods listed on the retention schedule.

Records Hold

A records hold should be placed on documents (including electronic documents such as email) when there is a need to retain a document for purposes such as, but not limited to, complying with an open records request or to prepare for foreseeable litigation (litigation hold).

Below are indicators that a records hold is required:

1. A formal complaint, subpoena, or notification of a lawsuit is received

RECOMMENDED

Descriptor Code: ABCD

2. Litigation is threatened
3. A regulatory or governmental body (e.g., OCR, Department of Justice, Department of Labor) begins an investigation
4. An attorney requests facts or documents related to an incident or dispute.
5. An injury occurs
6. An open records request is made
7. An employee or student/parent requests access to their records

The Business Manager shall determine the duration of records hold. S/he shall consult the district’s attorney for retention recommendations on items retained under a litigation hold.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- ABCD-E1, ND School District Records Retention Schedule
- ABCD-E2, Resolution for Record Destruction
- DE, Staff Code of Conduct

End of Yellowstone Policy ABCD Adopted: 2/20/2023