

CHAPTER 10: Document Retention Policy

Policies

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10.1 Purpose and Objectives

The purpose of this Policy is to provide general guidelines for the identification, retention, storage, protection, and disposal of New York Common Pantry (“NYCP” or “Organization”) records consistent with legal and business requirements. Failure to comply with these record retention guidelines (“Guidelines”) can cause negative consequences, including excess storage costs and inability to locate records that are needed. In addition, adherence to these Guidelines will assist NYCP in complying with legal requirements and in responding to subpoenas and document demands. All employees are responsible for ensuring that accurate and complete records are identified, retained, stored, protected, and destroyed in accordance with these Guidelines.

10.2 Statement of Policy

It is NYCP’s policy to maintain complete, accurate, and high quality records. Records are to be retained for the period of their immediate use, unless longer retention is required for historical reference, contractual, legal or regulatory requirements, or for other purposes as set forth herein. Records that are no longer required, or have satisfied their required periods of retention, shall be destroyed in an appropriate manner. However, any and all records that may reasonably be used in or may reasonably be relevant to an actual, pending or reasonably anticipated official proceeding, legal

proceeding, investigation, lawsuit, inquiry or audit, including any appeal thereof (a “Legal Proceeding”) will be carefully preserved and maintained for the duration of the Legal Proceeding, in addition to any retention period set forth in this Policy.

10.3 Scope of Policy

This Policy applies to all Organization Records. An Organization Record is any documentary material found in hard copy, regardless of physical form, that is or was generated or received by NYCP, and with respect to electronic records and information, those that are generated or received in connection with the transaction of its business and retained for any period of time. A record that includes both business and personal information, such as an appointment calendar, is an Organization Record. Examples of Organization Records include (i) writings of any kind, including, for example, correspondence, reports, memoranda, notes, drafts, diaries, and calendars, and (ii) information kept in all media forms including, for example, paper, microfilm, microfiche, tapes, cartridges, diskettes, hard drives, and electronic records, such as e-mail and computer files.

10.4 Responsibility of Implementation

The Executive Director of NYCP shall designate an employee as the individual who has overall responsibility for implementing, monitoring, and administering this Policy (the “Staff Accountant”). The Staff Accountant is specifically responsible for:

- Ensuring that accurate and complete records are identified, retained, stored, labeled, protected, preserved, and disposed of in accordance with this Policy.
- Providing a copy of this Policy to all employees involved in the implementation and maintenance of this Policy and providing an opportunity to all such employees to ask questions about this Policy.
- Developing and maintaining a comprehensive inventory of all records and ensuring that all Organization Records are properly labeled, or, with respect to electronic records that cannot practically be labeled, properly identified, inventoried and stored.
- Ensuring that all records that may reasonably be used in or may reasonably be relevant to an actual, pending or reasonably anticipated Legal Proceeding are carefully preserved and maintained for the duration of the Legal Proceeding in addition to any applicable record retention period outlined in Appendices C and D.
- Identifying and safeguarding Permanent Records in accordance with Section 6.0 of this Policy.
- Restricting access to Organization Records that are deemed by the Staff Accountant or the Executive Director as sensitive or confidential on a need-to-

know basis and in accordance with applicable state and federal laws and regulations.

The Staff Accountant may designate to one or more employees the responsibilities under these record retention guidelines as necessary, advisable or appropriate. NYCP shall update these record retention guidelines from time to time as reasonably required.

10.5 Record Retention Periods

Record retention periods are set forth in Appendices C and D to this Policy.

All records will be retained for at least the minimum period required by grants, contracts, applicable state or federal law or regulation.

Any and all records that may reasonably be used in or may reasonably be relevant to an actual, pending or reasonably anticipated Legal Proceeding will be carefully preserved and maintained for the duration of the Legal Proceeding, in addition to any retention period set forth in this policy.

The retention periods set forth in Appendices C and D are listed in terms of calendar years in addition to the current calendar year. The retention period always expires December 31 of the last year of retention; e.g., if a record has a retention period of the current year plus three and the record is dated any month in 2004, the retention period ends December 31, 2007.

The Staff Accountant, with the authorization of the Executive Director, may from time to time notify the Organization's staff in writing of changes with respect to retention guidelines. Such written notices shall be deemed to be incorporated into and a part of this Policy and shall supersede any retention guidelines set forth in this Policy to the extent provided in such written notices.

10.6 Permanent Records

Permanent records are those that must not be discarded or destroyed, and may generally be characterized as those documents essential to the survival of the Organization and recreation of its business in the event of a catastrophe. Permanent records include records that are listed as permanent records on Appendix C as well as those that: (1) are essential to continued operations; (2) are essential to the Organization's legal and financial status; (3) contain secret processes, formulas, or innovations which are not registered elsewhere or are otherwise related to trade secrets and other confidential matters; (4) are related to the Organization's ownership of assets that would otherwise would be difficult or impossible to establish; or (5) are retained pursuant to a final determination or legal judgment in a Legal Proceeding.

A copy of all Permanent Records shall be maintained at the Organization's main office or at such other location as determined by NYCP.

10.7 Records, Storage and Labeling

The Organization will maintain storage areas for records, including appropriate storage mechanisms for electronic records, for which the retention periods have not expired pursuant to this Policy. Records in storage containers should be labeled in sufficient detail to facilitate prompt and accurate content identification of the Organization Records, other than electronic records.

Confidential records shall be maintained in accordance with the Organization's confidentiality policy or, if no such policy exists, in a manner reasonably designed to protect their confidential nature.

10.8 Records Review and Disposal

The Staff Accountant will review the Records Inventory Charts (in a form substantially similar to Appendix A) at least once every two years to determine which records, in his or her sole business judgment, should be disposed of in accordance with the applicable retention periods. The Staff Accountant may rely solely on the records inventory chart in making decisions on disposal of records and is not obligated to search through records or boxes placed in storage or those that are stored in NYCP's offices. A recommendation for disposal of records must be approved by the Executive Director in accordance with Section 8.0 of this Policy.

Prior to disposal of any Organization Records, the Staff Accountant must consult the Executive Director to ensure that disposal of such record is not prohibited due to the fact that an Organization Record may reasonably be used in or may reasonably be relevant to an actual, pending or reasonably anticipated Legal Proceeding.

When making decisions concerning retention and disposal of records, the Organization shall first consider (a) the need for retention, including required retention periods set forth in Appendices C and D and the existence of an actual, pending or reasonably anticipated Legal Proceeding and then, with respect to records which do not need to be retained under clause (a) above, shall consider the following additional factors: (b) frequency of reference; (c) nature of reference; and (d) volume of files as compared to the need, frequency, and nature of reference. If a print document is disposed of in compliance with this Policy, the Staff Accountant must use reasonable efforts to ensure that all print and electronic versions and copies of the document are also disposed of.

Upon a termination of employment, the Staff Accountant will meet with the departing employee and request the return of all Organization Records in the departing employee's possession, including hard copy and electronic records. The Staff Accountant and, if the employee has another supervisor, the employee's supervisor will review, retain, and dispose of those records as appropriate in accordance with this Policy.

10.9 Electronic Records

The records management procedures and record retention periods set forth in this Policy also apply to electronic records, except for labeling, indexing and similar provisions which are impracticable to apply to electronic records. With respect to electronic records, the Organization shall develop a reasonable method of backing up and storing electronic records required to be retained for the requisite retention periods. Records generated and maintained in Organization information systems or equipment are to be periodically reviewed by the Staff Accountant or his or her designee or designees to ensure that the requirements set forth in this Policy are being met for electronic information systems.

10.10 Reporting Violations

Employees are encouraged to and should report any situation in which they reasonably believe another employee of the Organization may not be adhering to this Policy or any other situation in which they reasonably believe this Policy is not being observed. Such reports should be made to the Staff Accountant unless the report directly or indirectly involves the Staff Accountant, in which case the employee may report the situation to the Executive Director of the Organization or in a manner consistent with the Organization's Whistleblower Policy, if appropriate.

APPENDIX A

NEW YORK COMMON PANTRY RECORDS INVENTORY CHART

Box #/File #	Contents	Location	Retention Period	Retention Expiration Date	Disposal Date	Notes

APPENDIX B

**NEW YORK COMMON PANTRY
RECORDS STORAGE LABEL**

<p>Box #/File # New York Common Pantry Contents</p> <hr/>
<p>Retention Period _____</p>
<p>Retention Expiration Date _____</p>

APPENDIX C

GENERAL NON-HUMAN RESOURCES RECORD RETENTION GUIDELINES

1. Notwithstanding the record retention periods listed below, any and all records that may reasonably be used in or may reasonably be relevant to an actual, pending or reasonably anticipated Legal Proceeding shall be retained for the duration of such Legal Proceeding.
2. All records will be retained for at least the minimum period required by any applicable grants, contracts, state or federal law or regulation, whichever is higher.
3. Default Rule: If document is not listed in any category above or below, retain for 6 years.
4. The retention periods set forth below are listed in terms of calendar years in addition to the current calendar year. The retention period always expires December 31 of the last year of retention; e.g., if a record has a retention period of the current year plus three and the record is dated any month in 2004, the retention period ends December 31, 2007. Also, time periods only begin at the termination/expiration of the document.

1 Year

Calendars

Chronological files

Correspondence (This guideline applies to general correspondence only; correspondence falling into a category for which a specific guideline exists is governed by that guideline.)

Diaries

Notepads

Telephone message books

E-mail messages for all staff other than senior staff and the staff accountant (This guideline applies to general e-mails only; e-mails falling into a category for which a specific guideline exists is governed by that guideline; any e-mails relevant to a certain department or a category of records to be retained hereunder shall be sent to the head of such department or to the personnel responsible for such records.)

2 Years

Budgets/forecasts

Building plans and specifications

Business plans

Inventories of real property and equipment

Maintenance and repair reports on equipment (2 years after final disposition)

3 Years

Press releases

Speeches

Email messages for senior staff and the staff accountant (This guideline applies to generate e-mails only; e-mails falling into a category for which a specific guideline exists is governed by that guideline; any e-mails relevant to a certain department or a category of records to be retained hereunder shall be sent to the head of such department or to the personnel responsible for such records.)

6 Years

Appraisals of real property and equipment

Contracts and any documents relating thereto (e.g., consulting or employment agreements, separation agreements, letter amendments, etc.)

Insurance/risk management documents

Purchasing documents

Tax records (or so long as the contents of the records may become material in the administration of any internal revenue laws)

7 Years

Invoices (later of 7 years or tax settlement)

Lease agreements

Partnership agreements

Finance and accounting documents (e.g., disbursement records, check register, canceled checks and drafts, bank statements, balance sheet analysis and supporting work papers, accounting policies and procedures, ledgers, annual/quarterly reports, petty cash records, etc.)

Internal audit reports

1099 Forms

FICA records (e.g., Social Security and Medicare records, etc.)

Unemployment tax records

W-4 Forms

10 Years

Tax returns (including schedules, work papers)

Tax rulings

Environmental audits, compliance, clean-up

Until Final Disposition, Including Any Appeals Thereof

All information relating to any charges brought before a federal, state, or local governmental agency Internal complaints Personnel records pertaining to a complaint, charge, compliance action, or enforcement action, Litigation documents (e.g., briefs, correspondence, discovery

materials, pleadings, notes and research, etc.)

Permanent

- Certificate of Incorporation (and all amendments)
- By-laws (and all amendments)
- Audit reports
- Copyright, patent and trademark registrations
- Closing documents for acquisitions, dispositions
- Due diligence for acquisitions
- Correspondence on legal and important matters
- Final legal judgments, settlement papers and releases
- IRS determination letters and all correspondence relating to exempt status of organization
- Minutes of meetings of the Board of Directors and Committees of the Board
- Mortgage and note agreements
- Purchase of business or entity
- Property deeds
- Maintenance and repair reports on real property, including architectural drawings relating to construction or renovation of building

APPENDIX D

HUMAN RESOURCES

RECORD RETENTION GUIDELINES

1. Notwithstanding the record retention periods listed below, any and all records that may reasonably be used in or may reasonably be relevant to an actual, pending or reasonably anticipated Legal Proceeding shall be retained for the duration of such Legal Proceeding.
2. All records will be retained for at least the minimum period required by any grants, contracts, applicable state or federal law or regulation.
3. Records of former employees will be stored alphabetically, by year of termination.

TYPE OF RECORD	RETENTION PERIOD
EMPLOYMENT	
Personnel files (includes resumes, applications, employment agreements, records concerning promotions, demotions, transfers, and layoffs, compensation information, training records, employment tests, performance evaluations, disciplinary records, and unemployment records)	3 years after the year in which the termination occurred
Applications and resumes of unsuccessful applicants and interview notes	3 years
Confidential medical files (includes information concerning FMLA leave, ADA issues, and drug testing)	3 years after termination
I-9 Forms and supporting documentation	3 years from date of hire or 1 year after termination, whichever is later

TYPE OF RECORD	RETENTION PERIOD
Records and reports relating to employee injuries and illnesses received during the course of employment, including the employee name, occupation, date, place and time of injury, and a description of how the accident occurred	Permanent record
Employee investigation files	3 years after termination
PAYROLL	
Payroll records (includes daily and weekly hours worked, pay rates, total daily and weekly wages, weekly overtime, deductions, date of payment, employment agreements, time cards, wage rate tables, work schedules, etc.)	Current year and the preceding 3 years
Employee Benefits	
Employee benefit plans	6 years after plan expires
Summary plan descriptions	6 years after plan expires
Medical enrollment forms	6 years after termination (6 years if new form signed each year)
Beneficiary forms	6 years after termination (6 years if new form signed each year)
Employee group insurance data	6 years
Group life and health claims	6 years
401(k) plan document	6 years after plan expires
401(k) enrollment forms	6 years after termination (6 years if new form signed each year)
401(k) claims	6 years
401(k) quarterly reports	6 years
Annual reports and supporting documents (includes Forms 5500, etc.)	6 years
Reports of plan termination	6 years

TYPE OF RECORD	RETENTION PERIOD
Incentive compensation records	6 years
COBRA records (includes COBRA notifications and proof of mailing, COBRA election forms, claims forms, and letters rejecting COBRA coverage, and postmarked envelopes)	6 years
Health & Safety	
OSHA 200, 101, 300, 300-A, 301 and annual summary of occupational injuries and illnesses	5 years following the end of the year to which the injuries/illnesses relate
Safety meeting/training reports	Permanent Record
MISCELLANEOUS	
New hire reporting forms	3 years
EEO-1 Reports	Permanent record
Employee handbook	Permanent record
Miscellaneous employment policies	Permanent record
Position descriptions	As long as position exists and 3 years after position eliminated
Training records (separate from employee personnel files)	Permanent record
Employee suggestions	3 years
Job advertisements and search firm information	3 years
LM-10 Reports and others required by the Labor-Management Reporting and Disclosure Act (if applicable)	5 years after filing of report
Written affirmative action plan and supporting documentation (if applicable)	Current year and preceding year
VETS-100 Report (if applicable)	2 years

TYPE OF RECORD	RETENTION PERIOD
All records relating to polygraph test requested, including pre-test statement of employee rights (if applicable)	3 years from date test conducted or date test requested if not conducted

POLICY ACKNOWLEDGMENT FORM

PERSONNEL FILE COPY [or EMPLOYEE COPY]

I acknowledge that I have received a copy of the most recent edition of the New York Common Pantry (“NYCP”) Document Retention Policy. I understand that this edition of the policy supersedes all previous descriptions of the NYCP’s retention policy.

I understand that the policy describes important information about NYCP, and I agree to read the entire policy. I agree to abide by all the procedures contained in the policy. If I have any questions about the policies, I will consult with the Staff Accountant.

Our policies and procedures are regularly reviewed and may be modified or supplemented without notice; we will do our best to keep you posted of any changes. However, NYCP does not intend by this policy to create any contractual obligations, express or implied, on the part of the staff, or NYCP. NYCP retains the sole right to interpret the policy provisions.

Employee’s Signature

Date

Employee’s Name (typed or printed)