

Department of Administration

Division of Legal Services

Records Retention Schedule Approved December 2009 & Amended February 2011

LGL Department of Administration – Division of Legal Services

LGL1.1 Labor Arbitration Cases

The Division of Legal Services represents executive branch agencies in union grievances that involve allegations of violations of the provisions of collective bargaining agreements. The records may include, but are not limited to, demands for arbitration, documents relating to arbitrator selection, the hearing officer's grievance file, correspondence regarding scheduling and other administrative matters, documents concerning pre-hearing discovery, case preparation material, notes from hearings, exhibits used as evidence for hearings, briefs submitted by labor, briefs submitted by management, and records of awards issued.

a) Landmark cases

Retention: Permanent.

b) All other cases

Retention: Retain fifty (50) years from date of closure.

LGL1.2 Bargaining Unit Certification Cases

The State Labor Relations Board (hereinafter Board) determines membership in collective bargaining units – which union represents which position and which bargaining units are appropriate to each case. The Division of Legal Services communicates with the Board in regard to the executive branch agencies it represents and maintains appropriate records for each case concerned. The records in this series may include, but are not limited to, petitions for representation of controversy concerning representation or clarification (accretion or exclusion), petitions concerning other bargaining unit certification matters, documentation supporting or opposing petitions, documents related to representation election, investigation reports issued by the Board, documents related to voluntary recognition, consent agreements, affidavits, correspondence regarding scheduling, correspondence regarding other administrative matters, motions, discovery, other pre-hearing documents, materials developed in hearing preparations, hearing transcripts, exhibits admitted into evidence during hearings, briefs, decisions of the Board, and orders of the Board.

a) Landmark cases

Retention: Permanent.

b) All other cases

Retention: Retain fifty (50) years from date of closure.

LGL1.3 Unfair Labor Practice Charges

The State Labor Relations Board hears cases involving “unfair labor practice” allegedly committed by the state as defined in the State Labor Relations Act. The Division of Legal Services represents certain executive branch agencies in those cases and maintains its records of the cases. The records in this series may include, but are not limited to, charges of unfair labor practice, correspondence regarding scheduling, correspondence regarding other administrative matters, documents related to informal conferences conducted by the Board, complaints issued by the Board, answers to those complaints, motions, discovery, other pre-

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hearing documents, materials developed during preparation for hearings, hearing transcripts, exhibits admitted into evidence during hearings, briefs, memoranda of law (submitted by labor and management), decisions by the Board, and orders of the Board.

a) Landmark cases

Retention: Permanent.

b) All other cases

Retention: Retain fifty (50) years from date of closure.

LGL1.4 Personnel Appeal Board Cases

Appeals of decisions involving state personnel are filed with the State Personnel Appeal Board (hereinafter Board). The Division of Legal Services represents certain executive branch agencies in those cases and maintains its records of the cases. The records in this series may include, but are not limited to, notices of appeal issued by the Board, documents from proceedings before the Administrator of Adjudication, correspondence regarding scheduling, correspondence regarding other administrative matters, motions, discovery, pre-hearing documents, materials developed during case preparation, hearing transcripts, exhibits admitted into evidence during hearings, briefs or other memoranda of law submitted by the employer and the appellant, decisions of the Board, and orders of the Board.

a) Landmark cases

Retention: Permanent.

b) All other cases

Retention: Retain fifty (50) years from date of closure.

LGL1.5 Employment Discrimination Cases

The Division of Legal Services represents some executive branch agencies in cases related to charges of employment discrimination and other similar matters such as retaliation and harassment. Such charges are filed with the Equal Employment Opportunity Commission. The records relating to these cases may include, but are not limited to, charges filed with the Commission, employer's position statements, correspondence with the Commission regarding the investigation, documents provided during the investigation, notes from pre-determination conferences, notes from investigative findings, notices of rights to sue, complaints issued by the Commission, employers' answers to complaints, motions, discovery, other pre-hearing documents, materials developed during case preparations, hearing transcripts, exhibits admitted into evidence during hearings, briefs submitted by the parties, decisions of the Commission, and orders of the Commission.

a) Landmark cases

Retention: Permanent.

b) All other cases

Retention: Retain fifty (50) years from date of closure.

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LGL1.6 Unemployment Compensation Cases

The Division of Legal Services represents some executive branch agencies in cases related to contested claims for unemployment benefits. The records related to these cases may include, but are not limited to, notices of the initial claims for unemployment benefits, notices of director's decisions, materials developed during case preparations, notices of appeals of director's decisions, notices of referee hearings, notes taken during hearings before referees, hearing transcripts (prepared only if appeal is taken to Board of Review), exhibits admitted into evidence during hearings before referees, decisions issued by referees, orders issued by referees, documents regarding appeals to the Board of Review, notes taken during hearings before the Board of Review, transcripts (prepared only if appeal taken to District Court) documents submitted to the Board of Review, decisions of the Board of Review, and orders of the Board of Review.

a) Landmark cases

Retention: Permanent.

b) All other cases

Retention: Retain fifty (50) years from date of closure.

LGL1.7 Litigation Cases

The Division of Legal Services represents some executive branch agencies in litigation of matters in state or Federal Court. This series documents those cases. The records may include, but are not limited to, pleadings, discovery documents, correspondence, internal memoranda, other communications, materials developed during case preparation, transcripts, exhibits admitted into evidence, briefs, decisions of the court, and orders of the court.

a) Landmark cases

Retention: Permanent.

b) Employment litigation cases (non-landmark)

Retention: Retain fifty (50) years from date of closure.

c) All other cases

Retention: Retain seven (7) years from date of closure.

LGL1.8 Appeals to Administrator of Adjudication

The Division of Legal Services represents some executive branch agencies in appeals of the decisions or actions of the State Personnel Administrator. This series documents those cases. The records may include, but are not limited to, notices of appeals, documents related to the decision or action under appeal, materials developed during case prosecution, pleadings and memoranda of law submitted to the Adjudicator, exhibits admitted into evidence during the hearing, notes of hearing before the Adjudicator, decisions of the Adjudicator of Administration, and orders of the Adjudicator of Administration.

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a) Landmark cases

Retention: Permanent.

b) All other cases

Retention: Retain fifty (50) years from date of closure.

LGL1.9 Grievance Files

The Division of Legal Services represents some executive branch agencies in cases of grievances filed by unions. The grievances stem from allegations of violations of the provisions of collective bargaining agreements. This series documents those cases. The records may include, but are not limited to, grievances, hearing notices, exhibits submitted during hearings, hearing officers' notes, copies of arbitration awards referenced in decisions, and hearing officers' decisions.

a) Landmark cases

Retention: Permanent.

b) All other cases

Retention: Retain fifty (50) years from date of closure.

LGL1.10 Labor Contract Negotiation Files

The Division of Legal Services participates in contract negotiations with labor unions on behalf of executive branch agencies. This series documents those negotiations. The records may include, but are not limited to, copies of expired contracts, contract proposals (from both sides), notes from negotiating sessions, tentative agreements, and copies of revised contracts.

a) Final contracts

Retention: Retain record copy permanently.

b) All other records

Retention: Retain fifty (50) years from date of closure.

LGL1.11 Legal Research Files (Obsolete, see LGL1.12)

LGL1.12 Day-to-Day Legal Support Files

The Division of Legal Services assists the agencies in dealing with other specific incidents, issues, or problems that require legal counseling not covered by other categories in this records retention schedule. This series documents those incidents. The records may include, but are not limited to, documents related to initial requests for assistance, research, reference materials, correspondence, documents compiled during development of the issue, drafts, and final products.

a) Labor support files

Retention: Retain ten (10) years from date of closure of final pertinent incident, issue or problem.

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b) All other files

Retention: Retain seven (7) years from date of closure of final pertinent incident, issue or problem.

LGL1.13 Reference Library Records

For reference purposes, the Division of Legal Services maintains copies of various items pertaining to cases it was involved in. The records may include, but are not limited to, copies of decisions rendered by courts, administrative agencies, or arbitrators in state employment matters, copies of briefs submitted by parties involved, copies of collective bargaining agreements between the state and unions that represent state employees, and copies of certifications and amended certifications issued by the State Labor Relations Board regarding membership in established bargaining units.

a) Records of labor-related cases

Retention: Retain fifty (50) years from date of closure.

b) Records of all other cases

Retention: Retain seven(7) years from date of closure.

LGL2.1 Purchasing, Real Estate, and Transaction Records

The Division of Legal Services counsels client agencies on legal matters relating to purchases, real estate transactions, and other transactions. This series documents that counseling and the resulting actions. The records consist of transactional documents that may include, but are not limited to, draft contracts, memoranda, deeds, leases, land conveyance documents, policies, and advisory opinions.

a) Records of real estate transactions

Retention: Retain thirty (30) years from date of closure.

b) Records of long-term technology (IT) asset

Retention: Retain ten (10) years from date of closure.

c) Records of all other matters

Retention: Retain seven (7) years from date of closure.

Note: Record copies of all land records are held by municipal government. Record copies of contracts are held by the Department of Transportation or the Department of Administration – Purchasing Division, depending on the type of contract.

LGL2.2 Litigation Records (Obsolete, see LGL1.7)

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LGL3.1 Hearing Records

The Division of Legal Services handles administrative hearings within the Department of Administration and on behalf of other agencies. This series documents those hearings. Administrative adjudication hearing records may involve desk audits, exam results, and exam rejections. The records may include, but are not limited to, appeal notices, tapes of hearings, transcripts, and decisions.

a) Final decisions

Retention: Permanent.

b) All other records

Retention: Retain ten (10) years from date of closure.

LGL4.1 Public Records Requests and Responses

The Department of Administration receives requests for access to public records and responds or refers them to the appropriate agency for response. Citizens have the right to access to these records as per RIGL § 38-2-3 unless the controlling entity can legally deny access as per RIGL § 38-2-7. Those whose requests are denied may submit administrative appeals. Any complaints about how requests are handled may also be taken to the Attorney General. The Division of Legal Services acts on behalf of the agencies in these cases. The records may include, but are not limited to, requests for public records, responses to requests, administrative appeals filed by requesters, complaints, and decisions by the Attorney General's office in response to complaints.

a) Labor-related requests

Retention: Retain three (3) years after resolution.

b) All other requests

Retention: Retain three (3) years after resolution.

LGL5.1 Certificates of Records Destruction

Certification of Records Destructions forms (PRA 003) signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable records retention schedules. RIGL §38-1-10, §38-3-6(j), and §42-8.1.10

Retention: Permanent.