

RECORDS RETENTION GUIDELINES FOR THE CALIFORNIA ENERGY COMMISSION



GUIDELINES

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CALIFORNIA ENERGY COMMISSION

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INTRODUCTION

The purpose of this document is to provide guidelines to Commissioners, advisers, the various divisions and offices of the Energy Commission, and its staff and contractors regarding the length of time official documents will be retained by the Energy Commission.

ADMINISTRATIVE INTERVENTION

Documents compiled for proceedings of other state or federal agencies with which the California Energy Commission is involved are kept by the Commission for two years after the proceedings are closed. After two years, the documents are transferred to the State Records Center where they are held for 10 years, then destroyed. These records include proceedings before the California Public Utilities Commission, The U.S. Department of Energy, the Federal Energy Regulatory Commission, the California Victim Compensation and Government Claims Board, and other matters of administrative intervention.

SITING PROCEEDINGS

All docketed documents and materials compiled for siting proceedings of the California Energy Commission are kept indefinitely after the proceedings are closed. The documents are retained to determine if they may be useful in the event of a lawsuit or questions about a project or proceeding. A second copy of the documents is transferred to the State Archives where they are held indefinitely.

RULEMAKING PROCEEDINGS

All docketed documents and materials compiled for rulemaking proceedings of the California Energy Commission are kept indefinitely after the proceedings are closed. The documents are retained in the event of a lawsuit or questions about a rulemaking proceeding. A second copy of the documents is transferred to the State Archives where they are held indefinitely pursuant to Government Code Section 11347.3, Subdivisions (e) and (f). Rulemaking files may not be destroyed.

LITIGATION

All lawsuit files involving the California Energy Commission, including, but not limited to, those involving Bonneville Power Administration, Department of Energy Appliance Standards, Federal Energy Regulatory Commission, and power plant developers, are retained in the Chief Counsel's office until the proceedings, including appeals, are closed. After three years, the files are archived with the State Records Center, where they are retained for an additional 15 years.

PUBLIC RECORDS ACT

All documents provided by the California Energy Commission in response to a Public Records Act request (pursuant to Gov. Code § 6250 et. seq.) are retained in the Chief Counsel's Office for five years after the matter is concluded. After five years, the documents are transferred to the State Records Center, where they are held for 15 years, then destroyed.

INTEGRATED ENERGY POLICY REPORTS, ELECTRICITY REPORTS, AND BIENNIAL REPORTS

Electricity Reports, Biennial Reports, and Integrated Energy Policy Reports (IEPR), are kept at the Energy Commission indefinitely. A second copy of the documents is transferred to the State Archives and stored indefinitely.

OTHER POLICY AND LEGISLATIVE REPORTS

Other policy and legislative reports published by the Energy Commission in accordance with a legislative directive are retained for six years after the proceedings are closed. After six years, the documents are transferred to the State Archives, where they are held indefinitely.

ADMINISTRATIVE DOCUMENTS

Documents and working files related to Budgets and Contracts, Chrons, Services Records, confidential or general correspondence and other miscellaneous administrative materials are retained for three years after the matters are closed. After three years, the documents are transferred to the State Records Center, where they are held for 15 years, then destroyed.

PERSONNEL FILES AND ADVERSE ACTIONS

Due to their highly confidential nature, most personnel records are maintained only while the document remains active and are then destroyed on the premises without ever being sent to the State Records Center or Archives. Personnel administrative files including budgets, hiring policies, and procedures, as well as Career Executive Assignments, are retained for four years then destroyed. Standard Form 607 (Change in Established Position) is retained for five years before being transferred to the State Records Center for five years then destroyed. Correspondence is retained for three years and Classification Chrons are retained for two years; then these files are destroyed. Time reports are retained for four years and then transferred to the State Records Center, where they are held for four years before being destroyed. The Personnel Office retains Standard Forms 664 "Certification of Eligibles" for three

years then transfers them to the State Records Center, where they are held for three years, then destroyed.

An employee's official personnel file is retained for five years after the employee separates from the California Energy Commission, unless the employee goes to another state agency. In that case, the personnel file will go to the employee's new state agency, and the Energy Commission would not retain a copy of the personnel file. Adverse actions are retained according to the Memorandum of Understanding (M.O.U.) of the employee's bargaining unit. In any case, adverse actions must be purged from all employees' files three years after the effective date of the action or sooner by agreement between the employee and management. Grievance files are retained for three years then destroyed.

Documents related to industrial injuries are generally retained for no more than three years.

ECAA REVENUE BOND DOCUMENTS

The Energy Conservation Assistance Account (ECAA) revenue bond requires the California Energy Commission to maintain documents of "all dealings and transactions in relation to 2005A Program Loans until the end of the sixth year after any 2005A Bond is Outstanding." The 2003A Bond is silent as to records retention, but it is reasonable to apply the same retention criteria from the 2005A Bond. Records derived from the 2003A Bond will be retained until 2020. Currently, unless the final bond is prepaid, 2005A Bond documents must be retained until 2025, which is six years after 2019, the scheduled final year of the bond payment schedule.

LOANS

All documents and accounting records for loans funded by ECAA revenue bonds proceeds should conform to the retention schedule contained in the ECAA Revenue Bond Agreement. All documents and accounting records for loans pledged to secure the ECAA Revenue Bond Agreement (which may not necessarily be funded by ECAA bonds) would also be governed by the ECAA Revenue Bond Agreement.

ACCOUNTING DOCUMENTS

The Accounting Services Division/Accounting Office retains documents pertaining to contracts, grants and loans for three years following the end of the fiscal year in which the encumbrance is liquidated. Then they are sent to the State Records Center and (with the exception of all Energy Technologies Advancement Program (ETAP), Energy Technologies Advancement Program (TETAP), and Public Interest Energy Research (PIER) electric and natural gas awards) either destroyed after four years or after an audit, whichever is sooner. Accounting records for all ETAP, TETAP, and PIER electric and natural gas awards shall be retained for at least 20 years and, at that time, reviewed by the Office of the Chief Counsel to determine if

there are reasons to maintain the records to support intellectual property claims or royalties. After a determination that the documents are of no further value to the commission, they are sent to the State Records Center and destroyed after four years.

GRANTS THAT CONTAIN NO INTELLECTUAL PROPERTY PROVISIONS

Documents relating to federal grants are retained until either the end of the grant term or the liquidation of the appropriation, whichever is later. California Energy Commission grant documents are retained until the end of the grant term and then transferred to the State Records Center, where they are held for three years, then destroyed.

GRANTS WITH INTELLECTUAL PROPERTY PROVISIONS

Liquidated Grants that were awarded by the California Energy Commission that include intellectual property royalties provisions should be reviewed by the Office of the Chief Counsel to determine if there are reasons to maintain the records to support intellectual property rights or royalties. If so, the grants should be archived for at least 25 years. Should the Chief Counsel determine that the documents are of no future value to the Commission, they may be sent to the State Records Center and destroyed after three years as if they were grants without intellectual property provisions.

PVEA ACCOUNT

Documents relating to grants funded by the Petroleum Violation Escrow Account (PVEA) are retained on premises until the PVEA funds are fully exhausted, after which they are transferred to the State Records Center where they are held for three years, then destroyed. To date, PVEA funds have never been exhausted.

CONTRACTS THAT CONTAIN NO INTELLECTUAL PROPERTY PROVISIONS

Extinguished contracts that were awarded by the California Energy Commission and that contain no intellectual property provisions are retained in the Contracts Office for six months, after which they are transferred to the State Records Center where they are held for four years, then destroyed.

CONTRACTS WITH INTELLECTUAL PROPERTY PROVISIONS

Extinguished contracts that were awarded by the California Energy Commission that include intellectual property royalties should be reviewed by the Office of the Chief Counsel to determine if there are reasons to maintain the records to support intellectual property rights or royalties. If so, the contracts should be retained in the Contracts Office for six months and then archived for at least 25 years. Should the Chief Counsel determine that the documents are of no future value to the

Commission, they may be sent to the State Records Center and destroyed after four years as if they were contracts without intellectual property provisions.

SOLICITATIONS

Solicitations such as Requests for Proposals (RFP), Invitations to Bid (IFB), Program Opportunity Notices (PON), Notices of Auction (NOA), and Requests for Qualifications (RFQ), are retained in the Contracts Office until either the subject contract is awarded or until that fiscal year ends, whichever is later. After that, solicitation documents are transferred to the State Records Center, where they are held for seven years, then destroyed.

COMMISSION ORDERS, DECISIONS, RESOLUTIONS, TRANSCRIPTS

Any official action by the California Energy Commission and its committees such as orders, decisions, resolutions, and hearing transcripts are kept at the Energy Commission indefinitely. A second copy of the documents is transferred to the State Archives and stored indefinitely.

LIQUID NATURAL GAS (LNG) LICENSING RECOMMENDATIONS

Documents used to support California Energy Commission recommendations to the Governor regarding LNG terminals shall be retained for five years, after which they are transferred to the State Records Center where they are held for two years, then destroyed.

E-MAIL

Under the current e-mail system at the California Energy Commission, all e-mails are retained for 90 days from their "creation date," after which they are deleted from the "Inbox" and "Sent Items Folder."

LEGAL RECORDS TYPE AND DESCRIPTION	RETAINED BY THE CALIFORNIA ENERGY COMMISSION	LEGAL RECORDS RETAINED BY THE STATE RECORDS CENTER
Administrative Intervention	2 Years	10 Years
Siting/Rulemaking Proceedings	1 Copy Indefinitely	A Second Copy Preserved In State Archives Indefinitely
Litigation	3 Years	15 Years
Public Records Act Requests	5 Years	15 Years
IEPR, Electricity Reports and Biennial Reports	1 Copy Indefinitely	A Second Copy Preserved In State Archives Indefinitely
Other Policy and Legislative Reports	6 Years	Indefinitely at Archives
Administrative Files	3 Years	15 Years
Personnel Records (Administrative, Budgets, Miscellaneous Employee Programs, Hiring Plans, Procedures, and CEA Assignments)	4 Years	
Personnel Records (Correspondence, Personnel Action Requests (STD 680A), Certification of Eligibles (STD 644), Documents Relating To Industrial Accidents)	3 Years	
Personnel Records (Classification Chrons)	2 Years	
Personnel Records (Time Reports CEC-35)	4 Years	4 Years
Personnel Records (Change in Established Position [STD 607])	5 Years	5 Years
Personnel Records (Request for Personnel Action)	3 Years	2 Years
Personnel Records (Adverse Actions and Grievances)	According To M.O.U. Of Relevant Bargaining Unit / Purged After 3 Years Or	

	Sooner If Agreed To By Employee And Management	
ECAA Revenue Bond 2003A Documents	Until 2020	
ECAA Revenue Bond 2005A Documents	Until 2025	
Loans	If Funded By ECAA Revenue Bonds Than Treat As An ECAA Revenue Bond Document – Otherwise, Treat As A Standard Contract	
Accounting Documents except <u>ETAP, TETAP, and PIER electric and natural gas awards</u>	3 Years After The Encumbrance Is Liquidated Or Contract Extinguished	4 Years
Accounting Documents relating to <u>ETAP, TETAP, and PIER electric and natural gas awards</u>	20 Years, Then Reviewed By Chief Counsel To Determine Any Intellectual Property Claims	4 Years
Grants Not Containing Intellectual Property Provisions	Until Either The End Of The Grant Term Or The Liquidation Of The Appropriation, Whichever Is Later	3 Years
Grants with Intellectual Property Provisions	Until Either The End Of The Grant Term Or The Liquidation Of The Appropriation, Whichever Is Later; Then Reviewed By Chief Counsel To Determine Any Intellectual Property Claims	25 Years
PVEA	Until PVEA Funds Are Fully Exhausted	3 Years
Contracts Not Containing Intellectual Property Provisions	6 Months After The Contract Is Extinguished	4 Years
Contracts with Intellectual Property Provisions	6 Months After The Contract Is Extinguished, Then Reviewed By Chief Counsel To Determine	25 Years

	Any Intellectual Property Claims	
Solicitations	Until Either The Subject Contract Is Awarded Or Until That Fiscal Year Ends, Whichever Is Later.	7 Years
Commission Orders, Decisions, Resolutions and Transcripts	1 Copy Indefinitely	A second copy preserved in State Archives indefinitely
LNG Licensing	5 Years	2 Years