

## Document Retention and Destruction Policy

ISSUE DATE	November 24, 2008
REVISION HISTORY	New
REFERENCES	Sarbanes Oxley Act of 2002
DEPENDENCIES	Federal and State laws and regulations
FORMS	

### OBJECTIVE

The Sarbanes Oxley (SOX) Act became law in July 2002 and introduced major changes to the regulation of corporate governance and financial practices. The SOX Act is primarily legally binding on publicly-traded companies but parts of it are legally binding on unlisted and not-for-profit organizations.

Nonprofit organizations should have a written, mandatory document retention and periodic destruction policy. This policy should eliminate accidental or innocent destruction of paper and electronic documents. In addition, it is important for administrative personnel and contracted service providers to know the length of time records should be retained to be in compliance.

### POLICY

#### General

FloridaWork's staff, volunteers, interns, members of the Board of Directors, and contracted service providers are required to honor this policy. In general:

1. Paper or electronic documents indicated under the terms for retention below will be transferred and maintained by the Human Resources, Legal or Administrative staffs/departments or their equivalents;
2. All other paper documents may be destroyed after three (3) years;
3. All other electronic documents may be deleted from all individual computers, data bases, networks, and back-up storage after one (1) year;
4. Members of the FloridaWorks Board may, but are not individually required to, retain documents distributed by Board staff and/or the Board's contracted service providers to the members.
5. **No paper or electronic documents will be destroyed or deleted if pertinent to any ongoing or anticipated government investigation or proceeding or private litigation.** Specifically, it is illegal to destroy or alter any document to prevent its use in an official proceeding (i.e. federal investigation or bankruptcy proceedings).

“Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under

Title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.” Nothing in this portion (of the SOX Act) shall be deemed to diminish or relieve any person of any other duty or obligation imposed by Federal or State law or regulation to maintain, or refrain from destroying, any document.

## Reporting Responsibility

It is the responsibility of all Staff to report violations or suspected violations in accordance with this Document Destruction Policy.

## Document Retention – Minimum Requirements

Type of Document	Minimum Requirement
Accounts payable ledgers and schedules	7 years
Audit reports	Permanently
Bank Reconciliations	2 years
Bank statements	3 years
Checks (for important payments and purchases)	Permanently
Contracts, mortgages, notes and leases (expired)	7 years
Contracts (still in effect)	Permanently
Correspondence (general)	2 years
Correspondence (legal and important matters)	Permanently
Correspondence (with customers and vendors)	2 years
Deeds, mortgages, and bills of sale	Permanently
Depreciation Schedules	Permanently
Duplicate deposit slips	2 years
Employment applications	3 years
Expense Analyses/expense distribution schedules	7 years
Year End Financial Statements	Permanently
Insurance Policies (expired)	3 years
Insurance records, current accident reports, claims, policies, etc.	Permanently
Internal audit reports	3 years
Inventories of products, materials, and supplies	7 years
Invoices (to customers, from vendors)	7 years
Minute books, bylaws and charter	Permanently
Patents and related Papers	Permanently
Payroll records and summaries	7 years
Personnel files (terminated employees)	7 years
Retirement and pension records	Permanently
Tax returns and worksheets	Permanently
Timesheets	7 years
Trademark registrations and copyrights	Permanently
Withholding tax statements	7 years

## Reporting Violations

FloridaWorks embraces an open door policy and suggests that Staff share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, a supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with anyone in management or leadership whom you are comfortable in approaching. Supervisors and managers are required to report suspected violations to FloridaWorks' Executive Director, who has specific and exclusive responsibility to investigate all reported violations. If you are not satisfied or are uncomfortable with following FloridaWorks open door policy, individuals may contact the Executive Director directly.

## Compliance Officer

The FloridaWorks Executive Director is responsible for investigating and resolving all reported complaints and allegations concerning violations and, at his/her discretion, shall advise the Board Chair and/or the Chair of the Committee with oversight responsibility of the subject matter of a complaint and allegation. The Executive Director has direct access to the Board Chair and the respective Committee of the Board and is required to report to the Board and the Committee at least annually on compliance activity.

## Accounting and Auditing Matters

The relevant Committees of the Board shall address all reported concerns or complaints regarding allegations and violations of this policy. The Executive Director shall immediately notify the relevant Committee of any such allegation or violation and work with the Committee until the matter is resolved.

## Acting in Good Faith

Anyone filing a complaint concerning a violation or allegation must be acting in good faith and have reasonable grounds for believing a violation has occurred. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

## Confidentiality

Violations or allegations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or allegations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

## Handling of Reported Violations

The Executive Director will notify the sender and acknowledge receipt of the reported violation or allegation within five (5) business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

## Exceptions

Exceptions to these rules and terms for retention may be granted only by majority vote of the FloridaWork's Executive Committee and/or the full Board.

(Portions) Copyright 2004, National Council of Nonprofit Associations, [www.ncna.org](http://www.ncna.org)

(Portions) Copyright 2008, Jerald A. Jacobs, Pillsbury Winthrop Shaw Pittman, LLP