

RESOLUTION NO. 2020-149

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
UPDATING THE RECORDS RETENTION SCHEDULE FOR ALL RECORDS
MAINTAINED BY THE HUMAN RESOURCES DIVISION**

WHEREAS, the Human Resources Division is charged with the custody and safekeeping of records related to all functions of Human Resources for the City including but not limited to confidential personnel and medical files, recruitments, compensation, benefits, workers' compensation, staff development; performance management; and labor relations for the City; and

WHEREAS, the responsible maintenance of the City's records includes adopting a policy for the retention and disposition of records; and


WHEREAS, development of a record retention schedule is necessary in order to maintain consistency with current business activities, laws and technology.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby

- 1) Adopts the Records Retention Schedule for all records maintained by the Human Resources Division, attached hereto and incorporated herein as Exhibit A; and
- 2) Authorizes the City Manager or designee to employ technological methods to provide for the storage and recovery of records as provided by law and as specified in the attached Exhibit A.

BE IT FURTHER RESOLVED by the City Council of the City of Elk Grove that this Resolution replaces and supersedes all prior resolutions containing any Records Retention Schedule for the City's Human Resources Division.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 24th day of June 2020



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

CITY OF ELK GROVE - RECORDS RETENTION SCHEDULE

HUMAN RESOURCES DIVISION

Adopted by Resolution No. 2020 -

RECORD TITLE/SUBTITLE AND DESCRIPTION	HARD COPY RETENTION	ELECTRONIC RETENTION	STATUTORY REFERENCE
Background Files - Active Employee	Through Employment + 3 yrs	Upon Separation + 6 yrs.	CA GC §34090; CA GC §12946
Background Files - Withdrawn/Unsuccessful Candidates	Through Recruitment + 3yrs	Through Recruitment + 5 yrs.	CA GC §34090; CA GC 12946; 29 CFR 1627.3
Recruitment Files & Eligibility Lists	Through Recruitment + 3 yrs	Through Recruitment + 5 yrs.	CA GC §34090; CA GC §12946; 29 CFR 1627.3
Classification & Compensation Surveys	Until Superseded +2 yrs.	Until Superseded + 4 yrs	CA GC §34090; CA GC §12946
Deferred Compensation Plan	While Plan is Active and Effective	Plan Termination + 9 yrs.	29 USC §1027; 29 USC §1113; 29 CFR 1627.3; CA GC §34090; CA GC §12946
Department of Fair Employment & Housing (DFEH or EEOC) - Claims that are resolved administratively	Creation of Record + 4 yrs	Creation of Record + 4 yrs	CA GC §34090; CA GC §12946
DMV Pull Program (reports relating to the Department of Motor Vehicles)	Hard Copy Not Retained	Upon Separation + 6 yrs.	29 CFR 1627.3; CA GC §34090; CA GC §12946
EE Benefit Records (Health, Dental, Pension, Vision)	Through Employment	Upon Separation + 9 yrs.	29 USC §1027; 29 USC §1113; 29CFR 1627.3; 29 CFR 1602.31; CA GC §34090; CA GC §12946
EE Discipline Grievance Records	Through Employment	Upon Separation+ 5 years	CA GC §34090; CA GC §12946
EE Medical Records/Medical Leave	Through Employment	Separation of Employment + 9 yrs.	29 USC §1027; 29 USC §1113; 29 CFR 1627.3; 29 CFR 1602.31; CA GC §34090; CA GC §12946
EE Medical Records/Hazardous materials and chemical exposure records	Through Employment	Separation of Employment + 30 yrs.	29 USC §1027; 29 USC §1113; 29CFR 1627.3; 29 CFR 1602.31; CA GC §34090; CFR 1910.1020(d); CA GC §12946; 8 CCR 3204(d)
Other EE Personnel Records	Through Employment	Separation of Employment + 6 yrs.	29 USC §1027; 29 USC §1113; 29 CFR 1627.3; 29 CFR 1602.31; CA GC §34090; CA GC §12946
EEO-4 Reports	Hard Copy Not Retained	Creation of record + 4 yrs	29 CFR 1602.30; CA GC §34090; CA GC §12946
City of Elk Grove Rules and Regulations	While Active and Effective	When Superseded + 6 yrs.	CA GC §34090; CA GC §12946

EXHIBIT A

I-9 Employment Eligibility-Verification Form	Active Employment	Separation of Employment + 6 yrs. ((not less than 6 yrs by law)	29 USC §1027; 29 USC §1113; 29CFR 1627.3; 29 CFR 1602.31; CA GC §34090; CA GC §12946
Labor Agreements & Memorandum of Understandings Negotiation records	Effective Date of Agreement + 5 years	Effective Date of Agreement + 5 yrs	CA GC §34090; CA GC §12946; 29 CFR 516.5(b)
Live Scan Fingerprint Clearance Log	Through Employment	Separation of Employment + 5 yrs.	CA GC §34090; CA GC §12946; 29 CFR 1627.3
Vendor Contracts/Records	Effective Date of Contract + 5 years	Effective Date of Contract + 5 years	CA GC §34090
Workers Compensation Records	Hard copies are not retained. Files are retained electronically.	All claim files shall be kept and maintained for a period of five years from the date of injury or five years from the date on which the last provision of compensation benefits occurred, whichever is later. Claim files with awards for future benefits shall not be destroyed, but two years after the date of the last provision of workers' compensation benefits, the claim files may be converted to an inactive status, but only if there is no reasonable expectation that future benefits will be claimed or provided.	29 USC §1027; 29 USC §1113; 29 CFR 1627.3; 29 CFR 1602.31; CA GC §34090; CA GC §12946; 8 CCR §15400.2; 8 CCR §10102
Records not otherwise listed above.	Creation of record + 3 yrs	Creation of record + 3 yrs	CA GC § 34090(d)

*Nothing herein shall preclude the Human Resources Division from retaining records longer than required

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2020-149**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

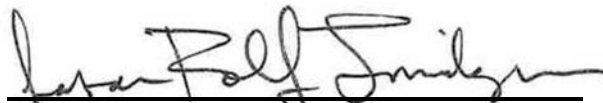
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 24, 2020 by the following vote:

AYES: COUNCILMEMBERS: *Ly, Detrick, Hume, Suen*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *Nguyen*



***Jason Lindgren, City Clerk
City of Elk Grove, California***