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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 30 – QUASI STATE AGENCY RECORDS RETENTION SCHEDULES

PART 2 – QUASI PERSONNEL RECORDS (QU2)

2.1 Purpose, Authority, Severability, and Destruction

2.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

2.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

2.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

2.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

QU2 **Quasi Personnel Records**

For all series: If records are related to litigation, retain seven (7) years after final disposition or litigation or ten (10) years after case opens, whichever is later. In those cases, if the retention cited in the schedule exceeds this period, defer to the schedule.

QU2.1 **Personnel Files and Action Forms**

The Administrative Services Office utilizes various civil service forms in the process of hiring state employees. Quasi-state agencies that do not fall under the Department of Administration must assume this responsibility themselves. These completed forms are kept as a record of the history of each state employee (including interns). In the case of the Administrative Services Office, the most vital information on each employee found on the various forms (name, hiring date, gender, minority status, social security number, salary history, termination, and other vital information) is entered into a database. The records in the databases are microfilmed after five years. If quasi-state agencies do not follow a similar procedure, they must maintain these records by other means. The files may include, but are not limited to, applications, special contracts, emergency appointments, civil service lists, data compilations, records of physical examinations (when required), security clearance forms, resumes, promotion histories, transfer records, change in status forms, separation records, training and testing records, commendations, evaluations, performance reviews, letters of reprimand, probationary reports, job descriptions, termination records, and records of employees' military service. The military service records may include, but are not limited to, Veterans' Preference claims, Veterans' Preference applications, forms concerning status as veterans, copies of discharge papers, copies of any other proof of service, requests for military leave, and approval forms for military leave. The series also includes other personnel action forms and the following items: CS-2 (Request for eligibles); CS-3 (Personnel action form – turnaround processed to show personnel transactions); CS-5 (Termination form – form completed when employee terminates, showing date, vacation, and sick balances); RP 5 (Evaluation of qualifications form for candidates who are recommended and interviewed for employment); CS-73 (Probation and Parole Form – sent for a Bureau of Criminal Identification check); CS-205 (Form to request a new position); and CS-387 (Form relating to "drug free workplace" signed by some employees as required for their positions).

QU2.1A **Vital Information**

Retention: Retain eighty (80) years after termination of employee.

QU2.1B Employee Military Service Records

Retention: Retain thirty (30) years after termination, transfer, or separation.

QU2.1C All Other Records

Retention: Retain ten (10) years after termination, transfer, or separation.

QU2.2 Accrued Hours (Reports and Corrections)

The personnel authorities of quasi-state agencies maintain employees' time balances and make corrections to their time, notes exceptions, and maintains records of vacation and sick leave balances. The records may include, but are not limited to, accrued hour reports and corrections.

Retention: Retain seven (7) years.

QU2.3 Sick Bank Records

The personnel authorities of quasi-state agencies oversee the administration of sick banks for their employees. Sick banks allow state employees to donate sick time to a sick bank so that employees who need more sick time than they have accrued can utilize it. Employees who donate time to the sick bank are eligible to use it if they need it. The records may include, but are not limited to, affidavits to donate time, request forms to use this time, and minutes of meetings of sick bank committees that make decisions on these requests.

QU2.3A Sick Bank Committee Records

Retention: Retain seven (7) years.

QU2.3B All Other Records

Retention: Retain three (3) years after termination of employee.

QU2.4 Employment Eligibility Verification Records

Quasi-state agencies are required to obtain proof of eligibility for all employees hired after November 6, 1986 (the date the Immigration Reform and Control Act, Pub. L. No. 99-603, took effect). This act, passed by Congress, requires all employers to verify the employment eligibility and identity of all employees. The primary form associated with this documentation that is currently in use is the I-9 form that all employees must fill out to prove that they are United States citizens or

that they are authorized to work in the United States. Employers must verify these forms and then retain them. Employees must provide other personal documents to prove the validity of the statements on the form. Such documents may include, but are not limited to, driver's licenses, passports, social security cards, voter registration cards, and Native American tribal documents. The records in the series may include, but are not limited to, the I-9 form (or possibly a successor to it that could be used in the future) and any supporting documentation (originals or copies).

Retention: Retain three (3) years after employee is hired or three (3) years after employee is terminated, whichever is later.

QU2.5 Classification Studies & Records

The personnel authorities of quasi-state agencies maintain records of desk audits for state employees who seek a change in job classification, regardless of whether the change is approved or not. The records may include, but are not limited to, classification questionnaires, desk audits, CS205's (requests for new positions), and reallocations.

Retention: Retain five (5) years after termination, transfer, or separation.

QU2.6 Job Specifications

The Personnel Division classifies state employees in specific job classifications that most resemble their positions. These classifications also take into account their functions, level of education, and experience. Quasi-state agencies keep these records themselves since they do not fall under the Department of Administration. The records may include, but are not limited to, job specifications and any accompanying documentation.

Retention: Retain five (5) years, until superseded, or until termination of last employee hired under description, whichever is later.

QU2.7 Classification – Public Hearing Files

The Personnel Division holds public hearings concerning personnel changes involving salaries, job descriptions, and content. Notices are posted to advertise these hearings, which are open to the public. Quasi-state agencies keep these records themselves since they do not fall under the Department of Administration. The records may include, but are not limited to, classification notices, pay plans, and all public hearing materials.

Retention: Retain ten (10) years.

QU2.8 Diversity – Vacancy Notices

The Diversity Office serves as the central repository for all state job vacancy notices. The office posts printed copies of the notices in the Department of Administration's posting room and electronic versions appear on the website of the Department of Labor and Training. The office retains these notices beyond the application period for reference purposes and because they are sometimes needed by union officials or members for grievances and/or arbitration hearings. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The records include vacancy notices and any relevant class specification documents or summaries that detail job requirements. The forms involved include, but are not limited to, the CS-376 form, any other forms subsequently created for the purpose, and any associated documentation.

Retention: Retain until resolution of all grievances (if any) and then until of no further administrative value, whichever is later.

QU2.9 Diversity – Applications for Employment

The Diversity Office receives applications for state employment along with supporting documentation and forwards them to the appropriate departments and agencies. In some cases, the staff of the office also writes a letter of referral/support. This is part of the office's efforts to identify and recruit individuals from protected classes who are underrepresented in the state's workforce. The Uniform Guidelines on Employee Selection Procedures (published in 1978) drive these efforts. This document is a Federal document that authorizes such targeted outreach. The Equal Employment Opportunity Commission also uses these guidelines in the enforcement of Title VII of the Civil Rights Act of 1964 (Pub. L. No. 88-352). Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The files may include, but are not limited to, resumes, applications for employment, typing certificates, letters of recommendation, and copies of licenses.

Retention: Retain five (5) years, or until individual is hired or is no longer seeking employment with the state of Rhode Island, whichever is longer.

QU2.10 Equal Employment Opportunity – Affirmative Action Plans/Programs

The Equal Employment Opportunity Office oversees the implementation of Affirmative Action plans and programs and monitors them. These

actions are required by Federal Law (29 C.F.R. § 1602.14). Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The files may include, but are not limited to, Affirmative Action plans, Affirmative Action policies, Civil Service (CS378-EEO) cards, semi-annual reports, monthly reports, investigation records, hearing records, and records concerning allegations of sexual harassment. (29 C.F.R. § 1602.14)

QU2.10A Plans, Policies, and Semi-Annual Reports

Retention: Permanent.

QU2.10B All Other Records

Retention: Retain three (3) years.

QU2.11 Employee Benefits – COBRA Records

The Consolidated Omnibus Budget Resolution Act (COBRA), Pub. L. No. 99-272 (enacted in 1986), allows employees who are losing their medical coverage to purchase the coverage from their former employers, at full cost, for eighteen months. The Employee Benefits Office administers that law for former state employees, maintaining a record of benefit payments and other transactions. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. This series includes all forms and records associated with that process including, but not limited to, Golden Vouchers, RI Sail Vouchers, and RIFAN vouchers (all of which document bill paying and direct remittance). (Pub. L. No. 99-272 (COBRA))

Retention: Retain seven (7) years.

QU2.12 Employee Benefits – Vouchers

The Employee Benefits Office maintains data concerning benefit payments for state employees and other transactions. State employees receive numerous benefits including health insurance, dental insurance, vision care coverage, life insurance, and day care for dependents. Employees who leave have the option of buying into the health insurance provided by the Consolidated Omnibus Budget Reconciliation Act (Pub. L. No. 99-272 (COBRA)). This insurance plan allows employees with health benefits the right to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as job loss. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The records prior to 2006 include RISAIL vouchers, which were replaced by RIFANS vouchers that year. The files

also may include, but are not limited to, bill payment records and other types of vouchers. (Pub. L. No. 99-272 (COBRA))

Retention: Retain seven (7) years.

QU2.13 Employee Benefits - Contracts and Requests for Proposals

The Employee Benefits Office maintains copies of contracts for benefits for state employees and requests for proposals involving these benefits. The Purchasing Division holds the record copies. The contracts are negotiated between the state of Rhode Island and health vendors for medical, dental, vision, life insurance, and other coverage. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. These files may include, but are not limited to, copies of the contracts, copies of addendums to the contracts, copies of the requests, any associated correspondence, and copies of the bids submitted by the selected vendors.

Retention: Retain seven (7) years.

QU2.14 Health Care Benefits Records

Quasi-state agencies provide health care benefits to their employees. This coverage includes vision care, dental care, and life insurance, as well as general medical benefits. For all state employees, the Department of Administration negotiates contracts with health care providers, but individual agencies also maintain files on health care for their employees. The records may include, but are not limited to, enrollment forms, forms for added beneficiaries, forms for changes of beneficiaries, forms for changes in coverage, forms for change in status, and termination of coverage forms.

Retention: Retain seven (7) years after termination of enrollment.

QU2.15 Employee Services – Payroll Records

The Employee Services Office maintains records of employee hours and handles payment of salaries. The data on employee time sheets (submitted weekly) is entered into a database. Payroll is then printed up each week. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The records include, but are not limited to, attendance sheets, vacation records, payroll exception sheets, payroll weekly printouts, registers of accounts of employees, and analyses of the payroll.

Retention: Retain ten years (10) years or one (1) year after audit, whichever is sooner.

QU2.16 Employee Services – Savings Bond Authorization Records

The Employee Services Office oversees the state payroll savings bond program in which state employees have the option of participating. The office receives the authorization cards that employees submit to effect changes in bond registration and payroll deduction. Vouchers are also prepared and processed to generate monthly purchases of EE and I bonds, both of which are Federal government-backed savings bonds that employees may opt to purchase. EE bonds are low risk bonds that earn a fixed rate of return, letting one know what they are worth at all times. I bonds are also low risk but are a liquid savings product. Individuals participating in the savings bond program who leave it for various reasons (such as retirement or cancellation of bond deduction) receive refunds that are documented by refund vouchers. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The records concerning these savings bonds may include, but are not limited to, savings bond authorization cards, signature cards, savings bond refund vouchers, savings bond purchase vouchers and several types of computer-generated savings bond reports (such as 1042, 1030, and 1037 reports) that reflect the transactions.

Retention: Retain three (3) years.

QU2.17 Employee Services – Career Awards

The Employee Services Office recognizes state employees that reach service milestones (10 years, 15 years, etc.). These employees receive certificates and pens. The office generates monthly registers to ensure that employees receive these awards in a timely manner per Personnel Rules Section 7-15. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The files may include, but are not limited to, Civil Service Form CS-339a (monthly requests), CS-339b (requisition procedures), and monthly backup reports of candidates for the awards. These reports identify candidates by agency, department, and social security number.

Retention: Retain three (3) years after presentation of award.

QU2.18 Employee Services – Suggestions Program Awards

The Division of Personnel's Rules and Regulations provide for awards for employees who "propose procedures or ideas which are adopted and which will result in eliminating or reducing state expenditures or improving operations, provided such proposals are placed in effect" or "by their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in the operations of state

government.” The Division’s Suggestions Program handles these awards, which are monetary. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The records may include, but are not limited to, suggestion forms submitted by employees, suggestion evaluations, and any associated correspondence or memoranda.

Retention: Retain three (3) years.

QU2.19 Exam Materials

The Examinations Office administers civil service exams. The office analyzes and scores Education and Experience (E & E) worksheets, applications, and answer sheets in order to develop civil service lists. The office also provides the necessary information to render certification of employment, which is crosschecked with the certification unit when minority status is involved. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The records may include, but are not limited to, civil service applications, E & E answer sheets, worksheets, appeals of results, and job availability listings.

Retention: Retain six (6) years.

QU2.20 Exam Booklets

The Examinations Office develops examination booklets for use in the testing of candidates for state employment. Examiners and department specialists review the booklets for specifications to make sure they are accurate and up to date. When they are not, questions are changed. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The files may include, but are not limited to, exam booklets, exam histories, computer printouts of results, and key copies of answer sheets.

Retention: Retain until superseded (retain one (1) copy permanently).

QU2.21 Exam Lists

The Examinations Office ranks candidates for state employment based on their scores on civil service exams. Lists are prepared with these rankings in mind to evaluate candidates for state jobs per R.I. Gen. Laws §§ 36-4-20 and 36-4-22. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The records include, but are not limited to, lists of candidates with notations indicating acceptance or rejection, item

analyses, room lists, Education and Experience (E & E) worksheets, and answer keys. (R.I. Gen. Laws §§ 36-4-20 and 36-4-22)

QU2.21A Lists for Open Competitive Positions

Retention: Retain ten (10) years.

QU2.21B Lists for Promotions

Retention: Retain ten (10) years.

QU2.22 Employee Training – Incentive Credit Files

The Training Office oversees incentive credit training for state employees and maintains the records for each employee and each course throughout the state. The training is provided for per R.I. Gen Laws §§ 36-4-44, 36-4-14, 36-4-16.3, and 36-4-14.1, and Personnel Rules (Sec. 4.08). Some of the courses are offered by colleges and universities, some by the Division of Personnel, and some by agencies. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The files may include, but are not limited to, requests for lists of incentive credit training courses, incentive employee course files, requests to take courses, course approvals, course denials, attendance sheets, grading criteria, letters of completion, copies of exams, information on instructors, records of instructor payments, and credit approval records. (R.I. Gen Laws §§ 36-4-44, 36-4-14, 36-4-16.3, and 36-4-14.1, Personnel Rules (Sec. 4.08))

QU2.22A Descriptive Information on the Courses Taught

Retention: Permanent.

QU2.22B All Other Records

Retention: Retain thirty (30) years.

QU2.23 Employee Training – Non-Incentive Credit Course Files

The Office of Training and Development operates non-incentive credit training courses and maintains the records of the courses and the state employees that take them per R.I. Gen. Laws § 36-4-44. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The files may include, but are not limited to, course outlines, evaluations, rosters, and sign-in sheets. (R.I. Gen. Laws § 36-4-44)

Retention: Retain five (5) years.

QU2.24 Employee Training Records

The Training Office maintains records of the incentive courses each state employee takes during his or her tenure as a state employee. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. Each file may include, but is not limited to, the employee's name, personal information, the identification number for each course taken, the name of each course, and the amount of credit received. The Training Office maintained these records in paper format until 1988 and since then have been maintained in a database. Quasi-state agencies may vary in how they maintain them.

Retention: Retain three (3) years beyond termination of employee.

QU2.25 Job Training Program Record

Quasi-state agencies in Rhode Island maintain records of employees trained in government-funded job training programs who end up working for them. In 1973, the Federal government passed the Comprehensive Employment and Training Act (CETA) (Pub. L. No. 93-203) in order to train workers and give them jobs in public service for a year or perhaps two years. The program focused on those from low-income backgrounds and those who had been unemployed for a significant amount of time. The intent was to provide the workers with marketable skills so they could move on to unsubsidized jobs after their time in the program was over. In 1982, this act was replaced by the Job Training Partnership Act (Pub. L. No. 97-300) and in 1998, the latter was replaced by the Workforce Investment Act (Pub. L. No. 105-220). This version of the act involved the private sector to a greater extent than the earlier versions had, but all of these programs and other similar ones involve government work at all levels. The records may include, but are not limited to, personnel files on the employees, participant counseling records, and copies of records of the programs involved. (Pub. L. No. 93-203 (CETA))

Retention: Retain seven (7) years after end of program.

Note: The records of employees trained through these programs are transferred to the employees' personnel files (QU2.1 (Personnel Files and Action Forms)).

QU2.26 State Workers' Compensation – Claim Files

The State Workers' Compensation Unit handles claims for state employees who are injured on the job or who suffer impaired health as a result of their work. Workers must prove their injuries through medical documentation. The unit handles this documentation and pays

associated bills for proven claims. Quasi-state agencies maintain these records for themselves since they do not fall under the Department of Administration. The files may include, but are not limited to, regulatory forms (initial reports of claims), legal documents (pretrial orders, decrees of the court), medical documentation, attorney work products, depositions, investigative reports, attorney notes, and physical therapy records.

QU2.26A Investigative Reports, Attorney Notes, and Physical Therapy Records

Retention: Retain until of no further administrative value, but at least seven (7) years from the date of incident or major impairment.

QU2.26B All Other Records

Retention: Retain thirty (30) years.

QU2.27 Sexual Harassment Policies

Quasi-state agencies must establish sexual harassment policies and encourage (but do not require) employees and supervisors to undergo training sessions on the subject per Exec. Order 05-01 and R.I. Gen. Laws § 28-51-2 (which make the same requirements of any and all employers in the state of Rhode Island that employ fifty or more people). Policies must include procedures for reporting instances of sexual harassment, establish the responsibilities of supervisors, and interacting with those accused of acts that constitute sexual harassment. They must also include a description and examples of sexual harassment and a statement of the range of consequences for employees who are found to have committed sexual harassment. The records in this series may include, but are not limited to, the policies and any associated documentation. (Exec. Order 05-01 and R.I. Gen. Laws § 28-51-2)

Retention: Permanent.

QU2.28 Sexual Harassment Allegation Files

Quasi-state agencies must investigate sexual harassment claims filed by, and against, agency personnel per Exec. Order 05-01 and R.I. Gen. Laws § 28-51-2 (which make the same requirements of any and all employers in the state of Rhode Island that employ fifty or more people). This series documents those claims and the actions taken as a result of them. The records may include, but are not limited to, written reports of harassment by complainants, documentation of steps taken by supervisors, notes on interviews with witnesses, notes on interviews with alleged harassers, records of resolution of cases, and records of any

personnel actions taken as a result (including termination, if it occurs). (Exec. Order No. 05-01 and R.I. Gen. Laws § 28-51-2)

Retention: Retain seven (7) years if no litigation results before that time.

See Also: If complaint results in litigation, see GRS2.1 (Case Files).

QU2.29 Incident and Accident Reports Involving Employees

Quasi-state agencies maintain records of any incidents or accidents that involve employees on state or municipal property (whether owned or leased) or while they are on the job, whether they result in injuries or not. The records may include, but are not limited to, accident reports, notifications of emergency personnel, and records of investigations. If visitors and other non-employees are involved, they may also contain copies of any security logs related to the accident.

Retention: Retain seven (7) years.

See Also: For record copies of any items pertaining to accidents involving non-employees, see GRS3.7 (Safety & Security Records – Incident Reports and Accident Reports). If accident results in employee injury or health impairment, see QU2.30 (Employee Injury and Health Impairment Files).

QU2.30 Employee Injury and Health Impairment Records

Quasi-state agencies maintain records of on-the-job injuries suffered by employees or any impairment to employee health that result from work. The records may include, but are not limited to, accident reports, notifications of emergency personnel, copies of medical documentation of injuries or health impairments, records of investigations, and copies of Workers' Compensation documents.

See Also: If injury or health impairment results in litigation, see GRS2.1 (Case Files).

QU2.30A Accidents or Incidents Exposing Employee to Toxic or Harmful Substances

Retention: Retain thirty (30) years or until all litigation is resolved, whichever is later.

QU2.30B All Other Accident or Incident Files

Retention: Retain seven (7) years or until all litigation is resolved, whichever is later.

QU2.31 Employee Medical Records (Non-Work Related)

Some government jobs at quasi-state agencies require periodic physical examinations (usually annually). State and local government agencies maintain records of these examinations. The files may include, but are not limited to, confirmation of physical exams and any accompanying medical documentation.

Retention: Retain ten (10) years after termination, employee transfer, or separation.

QU2.32 Internship Records

Quasi-state agencies sometimes use interns (students or otherwise) to perform some of their functions, particularly during summer months. These records document internship programs and those who participate. The files may include, but are not limited to, descriptions of internship programs, applications for internships, copies of any student records associated with applicants (including transcripts), reports to interns' instructors, summaries of assignments, and evaluations.

Note: If an intern is hired as a paid staff member later, transfer internship records to QU2.1 (Personnel Files and Action Forms).

QU2.32A Descriptions of Internship Programs

Retention: Retain seven (7) years after superseded.

QU2.32B Unsuccessful Applications for Internships

Retention: Retain three (3) years.

QU2.32C Successful Applications and Documentation of Internships Served

Retention: Retain seven (7) years.

QU2.33 Family Medical Leave Act Files

Quasi-state agencies observe the legal ramifications of the Family Medical Leave Act of 1993 (29 C.F.R. Part 825). This law allows employees to take unpaid leave for medical issues involving immediate family members. The files may include, but are not limited to, applications for leave, written statements concerning the medical

condition of the family member in question, communications from doctors, and any other associated correspondence. (29 C.F.R. § 825.500)

Retention: Retain three (3) years. (29 CFR § 825.500)

Note: These records are subject to the same confidentiality laws as any other medical records.

QU2.34 Position Control Records

Quasi-state agencies maintain records concerning the positions held by their employees within the agency. These records document structures over time. The files may include, but are not limited to, records of personnel actions (concerning positions, not particular employees), information on the status of positions (whether permanent, temporary fulltime, part time, temporary part time), and evaluations of positions (not of individual employees in the position) and their role and utility within the agency.

Retention: Permanent.

QU2.35 Unemployment Compensation Claim Files

Employees who are laid off from jobs with quasi-state agencies may seek unemployment compensation. These agencies maintain records of this compensation. The files may include, but are not limited to, applications for unemployment compensation, rulings in these cases, and any associated correspondence.

Retention: Retain seven (7) years or until all litigation (if any) has been resolved, whichever is later.

QU2.36 Drug Testing Records

All employees of quasi-state agencies whose jobs involve driving are subject to provisions in the Code of Federal Regulations involving alcohol and drug testing. The same is true of employees who operate other vehicles such as boats or construction equipment. Employees who test positive may face disciplinary action. The records in the series may include, but are not limited to, alcohol test results, drug test results, documentation of refusals to take drug and alcohol tests, reports by substance abuse professionals (SAP), records of maintenance of evidentiary breath testing (EBT) instruments, and records of drug and alcohol tests obtained from previous employers. (49 C.F.R. § 40.333)

QU2.36A Positive Drug Test Results, Alcohol Tests Registering 0.02 or Higher, Documentation of

Refusals to Take Tests, SAP Reports, Follow-Up Test Results

Retention: Retain five (5) years. (49 CFR § 40.333)

QU2.36B Information Obtained from Previous Employers

Retention: Retain three (3) years. (49 CFR § 40.333)

QU2.36C EBT Instrument Maintenance Records

Retention: Retain two (2) years. (49 CFR § 40.333)

QU2.36D Negative Drug Test Results, Alcohol Tests Registering Below 0.02

Retention: Retain one (1) year. (49 CFR § 40.333)