



Risk Management Solutions



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Records Retention: A Legal Requirement

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If you have an employee who was in a municipal vehicle while on duty and involved in an accident as a result of the brakes failing that causes his/her demise, can you show records of the maintenance history of the vehicle involved? If so, you have taken an important step in defending both yourself and your employer from a likely lawsuit.

Under the Code of Alabama 1975, Section 41-13-23, “no county, municipal, or other local government official, shall cause any ... record to be destroyed or otherwise disposed of without first obtaining the approval of the local government records commission.” The Municipal Records Disposition Authority (RDA) is issued by the Local Government Records Commission under authority granted in the Code of Alabama. The RDA lists records created and maintained by towns and cities in carrying out their mandated function and sub-functions. It establishes retention periods and disposition instructions for those records and provides the legal authority for municipalities to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their office. These records must be protected from “mutilation, loss, or destruction,” so that they may be transferred to an official’s successor and made available to members of the public. Most department heads who oversee Human Resources, Finance, Engineering, Planning and the City Clerk’s Office attend regular specialized training; therefore, those records will not be addressed in this article. However, if there are concerns that are not covered here, please refer to www.archives.alabama.gov/officials/rdas/local/mun where you will find a complete list of all records and the retention requirements for each.

There are many records that must be kept permanently. These records include municipal incorporation records, administrative correspondence, records of municipal boards, commissions and authorities, proclamations, citizen petitions, aerial photographs, annual water quality reports, senior citizen program records, maintenance of incarceration facilities, websites and social media sites and any and all records created by the municipality prior to 1900.

There are many records that are currently not being maintained according to the Alabama Code. Often times, employees are promoted through the ranks and information isn’t passed along for a number of reasons and so the newly appointed department head is never made aware of records retention requirements. One example is maintaining vehicle and equipment maintenance files to include work orders, repair records and related financial records of these items owned or maintained by the municipality. **These records are required to be maintained for two years following the applicable audit year.** Also, facilities/buildings inspection records documenting the routine safety and maintenance inspection of municipal buildings, facilities and such potentially dangerous items as furnaces, elevators, electronic doors, etc. are required to be retained for **five years**. Security records, including staff and visitor logs, are required to be kept for **three years**.



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In order to add a level of protection for your municipality, I encourage you to distribute the complete RDA requirements to all department heads and make them fully aware of the sections that are specifically pertinent to them.

Records are often stored on-site in office space or storage vaults with occasional off-site backup of microfilmed or computerized records. Most towns and cities lack the environment, space and financial resources needed for optimum preservation of their public records. Over time, inactive records can overwhelm active files and records storage space. Fortunately, the RDA can prevent this paper explosion and increase available computer memory by permitting the destruction of outdated temporary records. Destroying eligible records at regular intervals is an important component of an effective records management program. **However, following the authorized procedure for records destruction is not merely good records management; it is also a requirement under Alabama law.** Section 41-13-23 of the Code of Alabama states:

No county, municipal, or other local government official shall cause any county, municipal, or other local government record to be destroyed or otherwise disposed of without first obtaining the approval of the Local Government Records Commission.

You have all of these records stacked, piled, stashed and taking every bit of your available storage space and then some. Now what? The municipality should designate a records officer who will be responsible for:

- ensuring the regular implementation of this RDA
- maintaining records in compliance with standards
- coordinating the destruction of disposable records.

The records officer is generally the person who requests approval for records destruction. If there is no records officer, the “authorizing official,” such as the mayor or municipal clerk, may also make the written request. You may submit your destruction request electronically at www.archives.alabama.gov/officials/dnform.pdf. It should be submitted at least 10 days prior to your planned destruction date.

Destruction of records should occur agency-wide on a regular basis such as after the successful completion of an audit, at the end of an administration or at the end of a fiscal year. Options include shredding, landfilling, burning and recycling. Landfilled records should be boxed and loaded carefully so that nothing is lost during transport. Sometimes, items are boxed and placed into a building where the Fire Department is conducting a controlled burn for training purposes.

Training of your department heads and their assistants will ensure continuity in records retention and hopefully protect you and your municipality from some forms of litigation. ■

It's Time for Workers Comp Payroll Audits

It is time for the annual payroll audits for 2015. Some MWCF members will be subject to an independent audit from Overland Solutions, and those members will be contacted to set up an appointment. Members who are not subject to the independent audit, will be receiving an Audit Request Form in the mail. Please fill in this form according to the instructions provided and return as soon as possible to our underwriters at Millennium Risk Managers.

All audit information is due by March 31, 2016. If you have not received a request by 1/31/16 or have any questions, please call Carla Thienpont at Millennium Risk Managers 1-888-736-0210.

Loss Control Services

The Loss Control Division has 11 dedicated staff members and offers a variety of services. Four loss control representatives are assigned to different regions throughout the state (see map). We are continuously adding to our website and refining our services, including:

- On-site Risk Management with follow-up reports and recommendations
- Specialized law enforcement risk control
- Annual state-wide loss control seminars
- Loss analysis and trending
- *Risk Management Solutions*, free quarterly newsletter
- Employment Practices Law Hotline
- Proactive Driver Training (SkidCar)
- Firearms Training System (FATS)
- Safety DVD library
- Comprehensive loss control website
- Online training
- Fire extinguisher training

www.losscontrol.org

MWCF Adds Senior Loss Time Adjustor to Staff



Senior Loss Time Adjustor Diane Ryan joined the MWCF staff in September. Diane has worked in the insurance industry since 1968, when she was hired by W.J. Perryman & Co. She began handling workers' compensation claims in 1971 and has worked for Home Insurance, Chubb Group, Alternative Insurance Resources, York Risk Services and now MWCF. Over the course of her career, she has handled work comp claims from AL, MS, GA, FL, LA and TN as well as property, general liability and auto BI claims. She has attended new claim meetings with underwriters to field claims questions for possible new accounts and has given multiple work comp presentations to new accounts. In addition, she has worked with Loss Control to pin point problems with existing clients in an effort to control escalating loss ratios. Diane's favorite pastimes are working in her yard, reading and spending time with family and friends. ■

Defining Moment

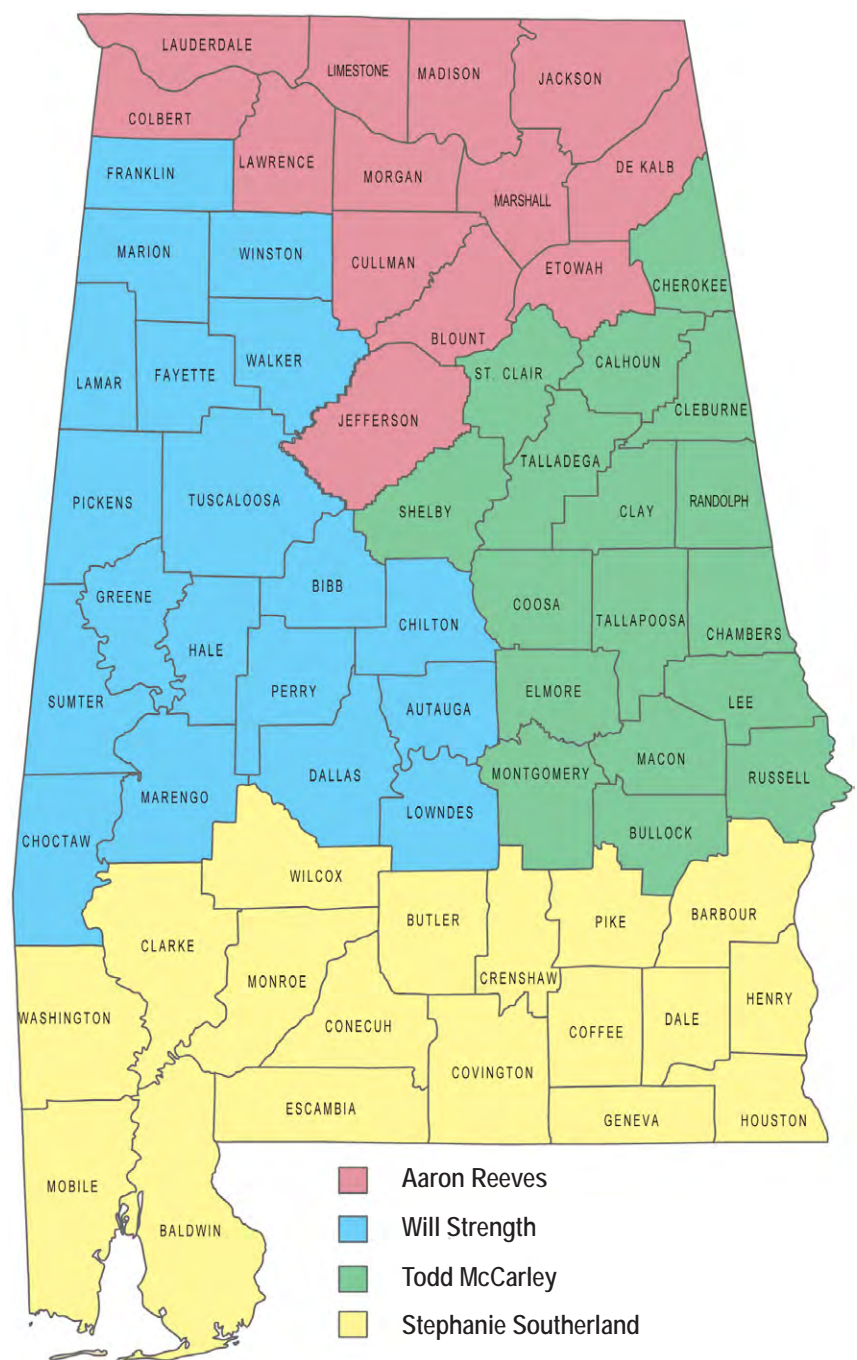
What is a Safety Coordinator?

The definition of a Safety Coordinator can vary greatly depending on the industry. AMIC/MWCF's Loss Control Division considers the term Safety Coordinator as it relates to Alabama's municipal governments. As most of you are aware, we request each municipal agency name a Safety Coordinator to be the contact person for our Loss Control Representatives. Once that is established, the loss control rep for each territory will contact the designated Safety Coordinator for that account and schedule an in-person meeting every 12 to 18 months to conduct a Loss Control Survey/Audit.

For our purposes, the Safety Coordinator is the person who administers a city-wide Safety and Loss Prevention Program with the goals of minimizing the city's exposure to all types of losses and improving the work environment as it relates to the health and safety of all city employees. The major responsibilities of this position include:

1. Identifying and analyzing risks and hazards to which the City, its employees, and/or the general public may be exposed.
2. Advising and reporting to department heads, City Manager, Mayor and City Council on methods of avoiding or handling risk.
3. Determining the most effective methods for handling each risk and establishing or recommending procedures for implementing a comprehensive loss control program.
4. Closely monitoring and evaluating losses, providing verbal and written information to departments and assisting departments in loss reduction efforts.
5. Drafting written risk management policies and directing the development of safety procedures.
6. Meeting every 12 to 18 months with the AMIC/MWCF Loss Control Representative assigned to their account to conduct a loss control survey, review current loss run reports, tour city property to determine the potential for future losses and working with the Loss Control Representative to develop a comprehensive Loss Prevention Program for the City.

For more information on these responsibilities, contact your Loss Control Representative (see map to the right). Contact information for each rep is listed on our comprehensive website at www.losscontrol.org as well as a great deal of additional loss prevention information.



Loss Control Reps and Territories

2016 SkidCar Schedule

Through an advanced, computer-controlled driver training vehicle known as the SkidCar System, trainees learn how to react quickly and safely to a range of hazardous driving conditions. Training is conducted throughout the state at a minimal cost. Visit www.losscontrol.org for more information.

February 9-19	Montgomery	July 19-22	Demopolis
March 15-25	Ozark	August 16-19	Huntsville
April 19-29	Phenix City	September 13-16	Muscle Shoals
May 23-27	Eufaula	October 11-21	Pelham
June 14-24	OPEN	November 10-23	Orange Beach
July 12-15	Thomasville	December 6-16	Montgomery



Register and pay ONLINE
www.losscontrol.org!



Loss Control Division

P.O. Box 1270 • 535 Adams Avenue • Montgomery, AL • 36102

CHANGE SERVICE REQUESTED

Presorted Std.
U.S. POSTAGE
PAID
Montgomery, AL
PERMIT NO. 340

Winter Safety DVDs

- 5.058-DVD - Driving Safely in Winter Conditions
- 5.061-DVD - Road Rage: Highway Havoc
- 5.062-DVD - A DUI Story...What If?
- 5.063-DVD - Defensive Driving for Government Employees
- 5.067-DVD - Distracted Driving (Focus on Texting and Driving)
- 5.068-DVD - Defensive Driving: 15-Passenger Vans
- 7.044-DVD - Space Heaters
- 7.109-DVD - Working Safely in Cold Weather
- 7.129-DVD - The Buried Truth Uncovered with Eric Giguere
- 7.130-DVD - Drowsy Driving: It's Your Wake Up Call
- 7.133-DVD - The Top Five Things You Need to Know About the Flu
- 7.148-DVD - Blink! A Practical Approach to Workplace Stretching
- 7.149-DVD - A Better Way to Lift (with Michael Melnik)
- 8.013-DVD - An Introduction to the Globally Harmonized System (GHS)
- 10.010-DVD - Office Ergonomics: It's Your Move

Video/DVD requests to: Rachel Wagner at: 334-262-2566;
rachelw@alalm.org; or FAX at 334-263-0200.

Need Help Filing Work Comp Claims?

For step-by-step instructions, visit:

www.almwcf.org

Employment Practices Law Hotline

1-800-864-5324

Through a toll-free Employment Practices Law Hotline, members can be in direct contact with an attorney specializing in employment-related issues. When faced with a potential employment situation, the hotline provides a no-cost, 30-minute consultation.

www.losscontrol.org