

# Alabama Athlete Agents Commission



## Functional Analysis & Records Disposition Authority

Presented to the  
State Records Commission  
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# Functional and Organizational Analysis of the Alabama Athlete Agents Commission

## Sources of Information

- Representatives of the Alabama Athlete Agents Commission
- Representatives of the Alabama Office of the Secretary of State
- Alabama Acts 87-628, 94-828, 2001-701, 2011-173, 2016-415, and 2019-504
- Code of Alabama 1975 § 8-26B-1 through § 8-26B-19, § 8-26B-30 through § 8-26B-31
- Alabama Administrative Code Chapters 142-X-1 through 142-1-2
- 15 U.S.C. § 7801-7807 (2004)
- Alabama Athlete Agents Commission Audit Report (2018)
- Alabama Government Manual (2018) pp. 213-214
- Alabama Office of the Secretary of State Agency Website
- McKenna, Kevin M. and Joseph DiGiuseppe. "Policing Sports Agents: The First Four Years." *University of Miami Entertainment & Sports Law Review* 8, no. 1/2 (1 July 1991): 1-69. [www.repository.law.miami.edu/cgi/viewcontent.cgi?article=1119&context=umeslr](http://www.repository.law.miami.edu/cgi/viewcontent.cgi?article=1119&context=umeslr).
- National Collegiate Athletic Association (NCAA). "Need for and Benefits of the Uniform Athlete Agents Act (UAAA)." Accessed February 14, 2020. [www.ncaa.org/enforcement/agents-and-amateurism/need-and-benefits-uniform-athlete-agents-act-uaaa](http://www.ncaa.org/enforcement/agents-and-amateurism/need-and-benefits-uniform-athlete-agents-act-uaaa).
- National Collegiate Athletic Association (NCAA). *2009-10 NCAA Division I Manual*. July 2009, [www.ncaapublications.com/productdownloads/D110.pdf](http://www.ncaapublications.com/productdownloads/D110.pdf).
- National Conference of Commissioners on Uniform State Laws. "Revised Uniform Athlete Agents Act (2015)." 7 October 2015. [www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=6a97db74-446e-e102-f517-0bd54fbb7ff4&forceDialog=0](http://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=6a97db74-446e-e102-f517-0bd54fbb7ff4&forceDialog=0)

## Historical Context

The Code of Alabama 1975 § 8-26B-2 defines an athlete agent as an individual who "... recruits or solicits a student athlete to enter into an agency contract or...procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete..." An athlete agent may work with athletes to connect with professional sports teams, procure offers, negotiate contracts, plan careers, and manage finances.

Article 12 of the National Collegiate Athletic Association (NCAA) bylaws prohibits collegiate athletes from being represented by an athlete agent until after the completion of the athlete's last intercollegiate game, including postseason games.<sup>1</sup> Collegiate athletes become ineligible for subsequent college-level competitions if they violate these rules.

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<sup>1</sup> National Collegiate Athletic Association (NCAA), *2009-10 NCAA Division I Manual*, July 2009, 69-70, [www.ncaapublications.com/productdownloads/D110.pdf](http://www.ncaapublications.com/productdownloads/D110.pdf).

In 1987, Alabama universities faced multiple NCAA violations involving contact between athlete agents and collegiate athletes. On December 16, 1987, an athlete agent signed seven college football players in Alabama to professional contracts before their collegiate eligibility had expired. That same year, two University of Alabama basketball players who had accepted money from athlete agents participated in the 1987 NCAA Men's Division I Basketball Tournament. The NCAA required the University of Alabama to forfeit over \$600,000 in tournament revenue due to the violations in athlete agent regulations.<sup>2</sup>

In response to these events, the Alabama Legislature passed Act 87-628 to establish the Alabama Athlete Agents Regulatory Commission. The Commission originally existed independently; however, Alabama Act 94-828 transferred the Alabama Athlete Agents Regulatory Commission's administrative functions to the Alabama Secretary of State and named the Secretary of State as a member of the commission.

By 1991, twenty-three states had enacted similar legislation regulating athlete agents.<sup>3</sup> The Uniform Law Commission created the Uniform Athlete Agents Act (UAAA) in 2000 to serve as a model for subsequent state legislation. The UAAA facilitates reciprocal registration, whereby the registration of athlete agents in one state is honored in all other states which adopt the UAAA. Athlete agents register with a state authority – often the Secretary of State – and provide information that allows students and their families to better evaluate agent credentials.<sup>4</sup>

*\*\*Explanatory Note: The Uniform Law Commission is a national nonprofit association that drafts and promotes the enactment of uniform acts in the United States.*

The Alabama Legislature adopted the UAAA by passing Alabama Act 2001-701, which outlined procedures for issuance, renewal, and denial of athlete agents' certificates of registration and identified prohibited conduct. Act 2001-701 also renamed the Alabama Athlete Agents Regulatory Commission to the Alabama Athlete Agents Commission (AAAC).

The Legislature passed Alabama Act 2016-415 to revise the Alabama Athlete Agents Regulatory Act and bring it up to date with revisions to the UAAA.<sup>5</sup> The Act strengthened regulatory requirements for athlete agents and broadened the definition of who qualifies as an agent to include financial advisors and other service providers. Furthermore, the Act established interstate reciprocity for athlete agent registration as outlined in the revised UAAA.<sup>6</sup>

Alabama Act 2019-504 further amended the Alabama Athlete Agents Regulatory Act to allow certain registered athlete agents to pay some expenses of a student athlete or family prior to the signing of a contract.

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<sup>2</sup> Kevin M. McKenna and Joseph DiGiuseppe, "Policing Sports Agents: The First Four Years," *University of Miami Entertainment & Sports Law Review* 8, no. 1/2 (1 July 1991): 18, [www.repository.law.miami.edu/cgi/viewcontent.cgi?article=1119&context=umeslr](http://www.repository.law.miami.edu/cgi/viewcontent.cgi?article=1119&context=umeslr).

<sup>3</sup> McKenna and DiGiuseppe, "Policing Sports Agents," 24.

<sup>4</sup> National Conference of Commissioners on Uniform State Laws, "Revised Uniform Athlete Agents Act (2015)," 7 October 2015, [www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=6a97db74-446e-e102-f517-0bd54fbb7ff4&forceDialog=0](http://www.uniformlaws.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=6a97db74-446e-e102-f517-0bd54fbb7ff4&forceDialog=0).

<sup>5</sup> Code of Alabama 1975 Title 8 Chapter 26B.

<sup>6</sup> National Conference of Commissioners on Uniform State Laws, "Revised Uniform Athlete Agents Act (2015)."

As of October 2020, the day-to-day operations of the AAAC are administered by staff of the Alabama Secretary of State's Government Support Division.

## Agency Organization

The Alabama Athlete Agents Commission consists of nineteen members. The Secretary of State is an *ex officio* member. The Governor, the Lieutenant Governor, the Speaker of the Alabama House of Representatives, and the Alabama High School Athletic Association each appoint one member, for a total of four members. The remaining fourteen members are represented by the athletic director or their appointee from the following schools: Alabama A&M University, Alabama State University, Auburn University, Jacksonville State University, Miles College, Troy University, Tuskegee University, the University of Alabama, the University of Alabama in Huntsville, the University of Alabama at Birmingham, the University of Montevallo, the University of North Alabama, the University of South Alabama, and the University of West Alabama.<sup>7</sup>

Appointed members serve three-year terms and are eligible for reappointment. In the event of a vacancy, the appointing authority for the vacated position appoints a successor for the unexpired term. All members must be United States citizens and current residents of Alabama. Members are paid \$50 per day when actively engaged in Commission duties, as well as actual necessary expenses. The Governor may remove any appointed member from the Commission for neglect of duty or other just cause. The Commission meets at least quarterly, and the Commissioners annually elect a chairperson, vice chairperson, and secretary-treasurer from among the members.

Applicants seeking to register as athlete agents submit their applications to the Secretary of State in a form prescribed by the Secretary of State. The Secretary of State "...cooperate[s] with national organizations concerned with athlete agent issues and agencies in other states which register athlete agents to develop a common registration form and...exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies."<sup>8</sup> The Secretary of State also keeps records of the Commission's proceedings, and the agency deposits moneys collected from registration fees into the Alabama Athlete Agents Fund in the State Treasury.<sup>9</sup>

The Alabama Secretary of State is empowered to employ such personnel and arrange for such assistance, services, and supplies as may be required for the performance of Commission duties. As of October 2020, the duties of the Commission are carried out by staff of the Secretary of State's Government Support, Executive, and Finance Divisions.

## Agency Function and Subfunctions

The mandated function of the Alabama Athlete Agents Commission is to "promulgate... rules and standards of conduct for athlete agents appropriate for the protection of the residents of the

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<sup>7</sup> Code of Alabama 1975 § 8-26B-30.

<sup>8</sup> Code of Alabama 1975 § 8-26B-5.

<sup>9</sup> Code of Alabama 1975 § 8-26B-31.

state.”<sup>10</sup> The Secretary of State assists the Athlete Agents Commission in the registration of athlete agents. As such, the Commission is one of the agencies responsible for performing the Regulatory function of Alabama government as described in the “Functional Analysis of Alabama Government.”

In the performance of its mandated function, the Commission may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** The Code of Alabama 1975 § 8-26B-30 empowers the Alabama Athlete Agents Commission to “promulgate and...amend rules and standards of conduct for athlete agents appropriate for the protection of the residents of the state.” The Commission creates regulatory standards for the registration and conduct of athlete agents operating in the state of Alabama.
- **Registering.** According to the Code of Alabama 1975 Title 8 Chapter 26B, the Secretary of State acts on behalf of the Alabama Athlete Agents Commission to register athlete agents in Alabama. Applicants for registration submit materials to the Secretary of State for consideration, including, but not limited to, the following information: name, date of birth, place of birth, business address, work telephone number, mobile telephone number, email address, website, and social media account details. Applicants provide information on their own education, formal training, and practical experience. They also provide the names of student athletes for whom they have acted as athlete agents within the last five years.<sup>11</sup>

The Alabama Athlete Agents Commission reviews applications at its quarterly meetings. The Secretary of State issues certificates of registration upon the Commission’s approval of each application. Pursuant to the Code of Alabama 1975 § 8-26B-6, the Secretary of State may refuse to issue a certificate of registration to an individual whom the Secretary determines “has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent.” The Secretary of State will consider whether the applicant has engaged in criminal activity, made false representations, or been professionally sanctioned as an athlete agent in any state. The recentness, nature, and context of any such conduct will be considered alongside other relevant conduct of the applicant.<sup>12</sup>

Pursuant to the Code of Alabama 1975 § 8-26B-5, the Secretary of State may issue certifications of registration to applicants who are already registered as athlete agents in other states, provided that the application and registration requirements of the other state are substantially similar to or more restrictive than those in Alabama and that the registration has not been revoked or suspended in any state.

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<sup>10</sup> Code of Alabama 1975 § 8-26B-30.

<sup>11</sup> Code of Alabama 1975 § 8-26B-5.

<sup>12</sup> Code of Alabama 1975 § 8-26B-6.

The Secretary of State may assess a civil penalty against an athlete agent for engaging in prohibited conduct, not to exceed fifty thousand dollars (\$50,000).<sup>13</sup> Athlete agents found to have engaged in prohibited conduct may be referred to the Office of the Attorney General for possible prosecution.

Athlete agent certificates of registration are valid for two years, at which point they may be renewed for another two years.

- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency including:

**Managing the Agency:** Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, tracking), publicizing and providing information, managing records, and managing information systems and technology.

**Managing Finances:** Activities include budgeting (preparing and reviewing budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

**Managing Human Resources:** Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; investigating and disciplining.

**Managing Properties, Facilities, and Resources:** Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing security for property managed by the agency; insuring property; and assigning, inspecting and maintaining agency property.

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<sup>13</sup> Code of Alabama 1975 § 8-26B-14.

# Records Appraisal of the Alabama Athlete Agents Commission

The following is a discussion of the two major categories of records created and/or maintained by the Commission: Temporary Records and Permanent Records.

## Temporary Records

Temporary records should be held for what is considered their active life and be disposed of once all fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the Commission are discussed below:

- **Athlete Agent Registration Database.** The Commission is responsible for registering athlete agents. A typical registration file may contain a completed application form, examination reports, internship/experience verification materials, copies of diplomas and transcripts, evidence of continuing education, and correspondence. Registrant files are assigned a unique identifier within the database to ensure that they are clearly differentiated from other records. Athlete agent certificates of registration are valid for two years, at which point they may be renewed for another two years. To ensure the availability of this file during the professional career of the registrant, the recommended retention for the file is twenty-five years after the end of the fiscal year in which the registrant becomes inactive.
- **Register of Administrative Rules.** According to the Code of Alabama 1975 § 41-22-6 through § 41-22-7, agencies must compile and maintain “an official register of regulations which shall be compiled, indexed, published in loose-leaf form, and kept up to date...” This “official register of regulations” is known as “The Alabama Athlete Agents Commission Code” and must be made available upon request to all persons. The register must be updated on an ongoing basis; as such, it is to be retained until superseded.
- **Administrative Rule Change Working Files.** The Code of Alabama 1975 Title 41 Chapter 22, known as the Alabama Administrative Procedure Act, details the steps which an agency must follow when updating its administrative rules. Working files are produced in the course of the proposal, adoption, amendment, and/or repeal of administrative rules. Records in this series may include, but are not limited to, the following: received public comments, economic impact statements, and business impact analyses. Working files should be retained for one year after adoption, amendment, repeal, or rejection of an administrative rule to facilitate review by staff when considering similar rules.

## Permanent Records

The Archives Division has appraised the following records as permanent.



## Promulgating Rules and Regulations

- **Meeting Agendas, Minutes, and Packets of the Commission.** The Code of Alabama 1975 § 8-26B-30 charges the Secretary of State to keep records of the proceedings of the Commission. Information contained in meeting minutes, agendas, and packets may include, but is not limited to, discussion of personnel, agency updates, and legislative updates. The minutes may also include the approval, denial, suspension, ratification, and revocation of applications for registration, and disciplinary action taken against registrants. Agendas include topics to be discussed during the meeting. These meeting files are necessary to document the actions of the Commission and its members. **(Bibliographic Title: Meeting Files)**
- **Quarterly Reports to the Commission.** Pursuant to the Code of Alabama 1975 § 8-26B-30, the Secretary of State provides a quarterly report to the Commission detailing “all athlete agents registered during the quarter, any suspension or revocation of registered athlete agents during the quarter, and any other disciplinary action taken against an athlete agent.” These reports are appended to the Commission’s meeting packet and become permanent as a result. **(Bibliographic Title: Meeting Files)**

## Registering

- **Annual Rosters of Registrants.** The Code of Alabama 1975 § 8-26B-30(h) requires the Commission to prepare and annually publish a roster of all registered athlete agents. This roster contains the alphabetized names of all persons registered as athlete agents in the state. Information contained in the roster includes the registrants’ names, phone numbers, addresses, permit numbers, and effective dates of registration. The roster, which is available online, provides the best source of information on registered athlete agents in the state. **(Bibliographic Title: Registers and Rosters)**

## Administering Internal Operations

- **Policies and Procedures.** These records document the internal procedures and policies of the agency, as opposed to the policies governing the public or other government entities. **(Bibliographic Title: Policies and Procedures)**
- **Certified Copies of the Administrative Rules.** The Alabama Administrative Code is a compilation of the rules of all state agencies covered by the Alabama Administrative Procedure Act. Each agency covered by the Act may propose and adopt revisions to its administrative rules. According to the Code of Alabama 1975 § 41-22-6, “each agency shall have an officer designated as its secretary and shall file in the office of the secretary of the agency a certified copy of each rule adopted [by the agency].” **(Bibliographic Title: Not Applicable) (Maintained by the Alabama Athlete Agents Commission)**
- **Administrative Files that Document Policy, Process, and Procedure.** These records include official correspondence of the agency and document actions and positions of the agency, but do not include correspondence dealing with routine matters. These records

include, but are not limited to, correspondence with state officials, legal/advisory correspondence, subject files, and other correspondence (**Bibliographical Title: Administrative Files**)

- **Annual and Other Periodic Reports.** These records include reports created by the agency that document its critical activities. Some agencies must submit an annual report to the Governor and/or the Legislature by statute. The frequency of report publications may vary (annual, biannual, quarterly, etc.). Interim reports that contain the same substantive information as a corresponding annual or other periodic report need not be retained permanently. Where no agency annual report exists, or where the agency annual report does not adequately document activities of the agency, then division annual reports should be retained. (**Bibliographic Title: State Publications**)
- **Special Reports.** These records include reports created by the agency pertaining to a specific topic or subject area. Special reports may be prepared on an irregular schedule. Interim reports that contain the same substantive information as a corresponding special report need not be retained permanently. (**Bibliographic Title: State Publications**)
- **Informational and Promotional Materials.** These records are created to build public awareness about a variety of issues and department related activities. The publications help document the activities of the Alabama Athlete Agents Commission and how the Commission views these activities. (**Bibliographic Title: Publicity Files**)
- **Commission Member Files – Biographical and Historical Information.** These records include biographical description and other historical data related to the Commission members. These records provide important documentation of the Commission's composition. (**Bibliographic Title: Commission Member Biographical Files**)
- **Website and Social Media Site(s).** The Commission has a website at [www.sos.alabama.gov/administrative-services/athlete-agents](http://www.sos.alabama.gov/administrative-services/athlete-agents). Information on the website includes application materials, rosters of registered athlete agents, and meeting minutes of the Commission. ADAH staff capture and preserves the agency's website and other social media sites via a service offered by the Internet Archive [Archive-It]. Any content behind password protected or login would not be captured by ADAH. Check with the ADAH website at [www.archiveit.org/organizations/62](http://www.archiveit.org/organizations/62) to ensure your agency and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not being captured by the service, please contact the Archives Division at 334-242-4452 to get them included. (**Bibliographic Title: Website and Social Media Site[s]**)

## **Permanent Records List Alabama Athlete Agents Commission**

### **Promulgating Rules and Regulations**

1. Meeting Agendas, Minutes, and Packets of the Commission
2. Quarterly Reports to the Commission

### **Registering**

1. Annual Rosters of Registrants

### **Administering Internal Operations**

1. Policies and Procedures
2. Certified Copies of the Administrative Rules\*
3. Administrative Files that Document Policy, Process, and Procedure
4. Annual and Other Periodic Reports
5. Special Reports
6. Informational and Promotional Materials
7. Commission Member Files – Biographical and Historical Information
8. Website and Social Media Site(s)

\*indicates records that the Alabama Athlete Agents Commission determined should be retained permanently and that ADAH anticipates will remain in the care and custody of the creating agency. All other permanent records are to be transmitted to the ADAH once they are no longer in active use by the Alabama Athlete Agents Commission.

## **Alabama Athlete Agents Commission Records Disposition Authority**

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and 41-13-20 through 21. It was compiled by the Archives Division, Alabama Department of Archives and History (ADAH), which serves as the Commission's staff, in cooperation with representatives of the Agency. The RDA lists records created and maintained by the Agency in carrying out their mandated functions and activities. It identifies records which must be maintained permanently and ultimately transferred to the ADAH; establishes retention periods for temporary records; and provides the legal authority for the Agency to implement destruction of eligible records.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and may be made available to members of the public. Records also must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the agency records manager or ADAH Archives Division at (334) 242-4452.

### **Explanation of Records Requirements**

The RDA shall govern the disposition of all records, regardless of format, created by the agency from creation to dissolution. Please contact the staff of the Department of Archives and History before destroying any records created prior to 1940.

This RDA supersedes any previous records disposition schedules or RDAs governing the retention of the records created by the Agency. Copies of superseded schedules are no longer valid and may not be used for records disposition.

The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.

Certain other record-like materials are not actually regarded as official records and may be disposed of under this RDA. Such materials include (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document agency activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes, may include, but are not limited to, telephone call-back messages, drafts of ordinary documents not needed for their evidential value,

copies of material sent for information purposes but not needed by the receiving office for future business, and internal communications about social activities; (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff. They may be disposed of without documentation of destruction.

## **Records Disposition Requirements**

This section of the RDA is arranged by subfunctions of the Agency and lists the groups of records created and/or maintained as a result of activities and transactions performed in carrying out these subfunctions. The Agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular biannual meetings.

### **Promulgating Rules and Regulations**

#### **MEETING AGENDAS, MINUTES, AND PACKETS OF THE COMMISSION**

Disposition: PERMANENT RECORD.

#### **QUARTERLY REPORTS TO THE COMMISSION**

Disposition: PERMANENT RECORD.

#### **Requests for Information**

Disposition: Temporary Record. Retain 1 year.

### **Registering**

#### **Athlete Agent Registration Database**

Disposition: Temporary Record. Retain registration files for 25 years after the end of the fiscal year in which the registration expires, and other data entry fields until superseded.

#### **ANNUAL ROSTERS OF REGISTRANTS**

Disposition: PERMANENT RECORD.

#### **Applications for Athlete Agent Registration Renewal**

- a. Applications for Athlete Agent Registration Renewal (Inactive)  
Disposition: Temporary Record. Retain for 25 years after the end of the fiscal year in which the registration expires.
- b. Applications for Athlete Agent Registration Renewal (Deceased)  
Disposition: Temporary Record. Retain 2 years after verification of death.

#### **Applications Not Resulting in Athlete Agent Registration**

Disposition: Temporary Record. Retain 5 years.

## **Administering Internal Operations: Managing the Agency**

### **POLICIES AND PROCEDURES**

Disposition: PERMANENT RECORD.

### **CERTIFIED COPIES OF ADMINISTRATIVE RULES**

Disposition: PERMANENT RECORD. Retain in office.

### **Register of Administrative Rules**

Disposition: Temporary Record. Retain until superseded.

### **Administrative Rule Change Working Files**

Disposition: Temporary Record. Retain 1 year after adoption, amendment, repeal, or rejection of the rule.

### **ADMINISTRATIVE FILES THAT DOCUMENT POLICY, PROCESS, AND PROCEDURE**

Disposition: PERMANENT RECORD.

### **ANNUAL AND OTHER PERIODIC REPORTS**

Disposition: PERMANENT RECORD.

### **SPECIAL REPORTS**

Disposition: PERMANENT RECORD.

### **INFORMATIONAL AND PROMOTIONAL MATERIALS**

Disposition: PERMANENT RECORD.

### **Commission Member Files**

a. **BIOGRAPHICAL AND HISTORICAL INFORMATION**

Disposition: PERMANENT RECORD.

b. **Commission Appointment Letters**

Disposition: Temporary Record. Retain the length of the commission term.

c. **Other Files about Commission Members**

Disposition: Temporary Record. Retain for useful life.

### **Routine Correspondence**

Disposition: Temporary Record. Retain 3 years.

### **Administrative Reference Files**

Disposition: Temporary Record. Retain for useful life.

**Internal Procedures**

Disposition: Temporary Record. Retain until superseded.

**Legislative Files (drafts of proposed agency-sponsored legislation, tracking files and records)**

Disposition: Temporary Record. Retain for useful life.

**Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or State Records Center, evidence of obsolete records destroyed, and annual reports to State Records Commission)**

Disposition: Temporary Record. Retain 10 years.

**Signed Copies of Approved RDA**

Disposition: Temporary Record. Retain until superseded.

**Computer Systems Documentation (Hardware/Software Specifications and Warranties)**

Disposition: Temporary Record. Retain documentation of former system 1 year after audit for the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

**WEBSITE AND SOCIAL MEDIA SITE(S)**

Disposition: PERMANENT RECORD.

*Note: ADAH staff capture and preserve the agency's website and other social media sites via a service offered by the Internet Archive [Archive It]. Any content behind password protected or login would not be captured by ADAH. Check with the ADAH website at [www.archiveit.org/organizations/62](http://www.archiveit.org/organizations/62) to ensure your agency and social media site(s) are captured and preserved. If your agency's website and social media site(s) are not captured by the service, please contact the Archives Division at 334-242-4452 to get them included.*

**Administering Internal Operations: Managing Finances****Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products (includes AST-1 and AST-1A)**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records of original entry or routine accounting transactions, such as journals, registers, and ledgers, and records of funds deposited outside the state treasury**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Purchase and Repair Order Documents**

Disposition: Temporary Record. Retain for life of warranty.

**Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records documenting contracts for services or personal property**

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

**Records documenting the bid process (including requests for proposals and unsuccessful responses)**

Disposition: Temporary Record. Retain for 10 years after the award of the contract.

**Agency Audit Reports**

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

**Records documenting the application for, award of, receipt and disbursement of, and reporting of expenditure of federal funds received through grants and federal funds**

Disposition: Temporary Record. Retain 6 years after submission of final expenditure report.

**Records documenting the unsuccessful application for grants and federal funds**

Disposition: Temporary Record. Retain 1 year.

**Administering Internal Operations: Managing Human Resources**

**Job Recruitment Materials**

Disposition: Temporary Record. Retain 1 year.

**Application Materials**

Disposition: Temporary Record. Retain 1 year.

**Position Classification Questionnaire**

Disposition: Temporary Record. Retain 4 years after reclassification of the position.



**Records documenting payroll (e.g. pre-payroll reports, payroll check registers)**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm.

**Records documenting payroll deduction authorizations**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting payroll deductions for tax purposes (including Form 941)**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Personnel File - Records documenting an employee's work history - generally maintained as a case file**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting employees' daily and weekly work schedules**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records documenting employee hours worked, leave earned, and leave taken**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records Documenting Leave Donations**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Records of Final Leave Status**

Disposition: Temporary Record. Retain record of individual employees' cumulative leave 6 years after separation of employee from the agency.

**Employee Flexible Benefits Plan Files (Applications and Correspondence)**

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

**Records documenting the State Employee Injury Compensation Trust Fund (SEICTF) Claims**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting Equal Employment Opportunity Commission (EEOC) Charges of Discrimination**

Disposition: Temporary Record. Retain 6 years after final dispensation.

**Equal Employment Opportunity Commission Case Files**

Disposition: Temporary Record. Retain 3 years.

**Employee Administrative Hearing Files**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records Documenting Employee Grievances (Internal Complaints)**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting complaints against the agency and its employees from outside the agency (made by members of the public, officials, or supervisees, etc.)**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records (maintained separately from employee personnel file), documenting employee disciplinary proceedings and appeals of formal reprimands, demotions, transfers, or terminations resulting from a grievance or complaint**

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Records documenting the administration of the unemployment compensation program**

Disposition: Temporary Record. Retain 6 years after conclusion of eligibility.

**Employee Flexible Benefits Plan Files (Applications and Correspondence)**

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

**Administering Internal Operations: Managing Properties, Facilities, and Resources**

**Semiannual Inventory Lists**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the State Auditor or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later. (Code of Alabama 1975 § 36-16-8[1])

**Agency Copies of Transfer of State Property Forms (SD-1)**

Disposition: Temporary Record. Retain 1 year after property audit.

**Property Inventory Cards and/or Computer Files**

Disposition: Temporary Record. Retain 1 year after property audit.

**Property Inventory Affidavits**

Disposition: Temporary Record. Retain 1 year after property audit.

**Receipts of Responsibility for Property**

Disposition: Temporary Record. Retain until return of item to property manager.

**Records documenting the use, maintenance, ownership, insurance, and disposition of vehicles owned by the agency**

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the vehicle was removed from the property inventory.

**Real Property Renting/Leasing records**

Disposition: Temporary Record. Retain 6 years after the termination of lease or rental agreement or until agency is audited and audit report is released, whichever is longer.

**Facilities/Building Security Records (including visitor logs)**

Disposition: Temporary Record. Retain 1 year.

**Motor Pool Vehicle Use Records**

Disposition: Temporary Record. Retain 1 year after compliance or financial audit by the Examiners of Public Accounts or an equivalent auditing firm or one year after the end of the fiscal year the audit covers, whichever is later.

**Insurance Policies/Risk Management Records**

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

**Building Maintenance Work Orders**

Disposition: Temporary Record. Retain 1 year.

**Records Documenting Vehicle Use/Mileage**

Disposition: Temporary Record. Retain 1 year.

# **Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)**

## **Requirement**

Under the Code of Alabama 1975, § 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Agency as stipulated in this document.

One condition of this authorization is that the Agency submit an annual Records Disposition Authority (RDA) Implementation Report on its activities, including documentation of records destruction, to the State Records Commission.

Unless otherwise stipulated in this document, the Agency must transmit all permanent records which are no longer in active use to the ADAH.

## **Recommendations**

In addition, the Agency should make every effort to establish and maintain a quality record-keeping program by conducting the following activities:

The Agency should designate a staff member in a managerial position as its records liaison/records manager, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.

Permanent records in the Agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation. ADAH archivists are available to work with Agency staff in determining the best location and storage conditions for permanent records.

Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis—for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the Open Meetings Act, audit requirements, or any legal notice or subpoena.

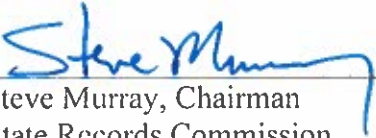
The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records

solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.

Electronic mail contains permanent, temporary, or transitory record information. Although e-mail records can be printed out, filed, and retained according to the RDA's requirements, the office should preferably employ an electronic records management system capable of sorting e-mail into folders and archiving messages having long-term value.

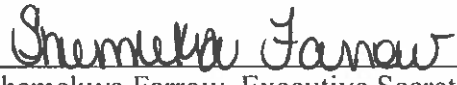
The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the Agency and inspect records destruction documentation. Agency records managers and/or the ADAH archivists are available to instruct the staff in RDA implementation and otherwise assist the Agency in implementing its records management program.

The State Records Commission adopted this records disposition authority on October 28, 2020.

  
\_\_\_\_\_  
Steve Murray, Chairman  
State Records Commission

10/28/2020  
Date

By signing below, the agency acknowledges receipt of the retention periods and requirements established by the records disposition authority.

  
\_\_\_\_\_  
Shemekwa Farrow, Executive Secretary  
Alabama Athlete Agents Commission

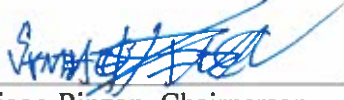
11-2-2020  
Date

  
\_\_\_\_\_  
The Honorable John H. Merrill  
Alabama Secretary of State

11/5/20  
Date

## Addendum

By signing below, the agency acknowledges receipt of the retention periods and requirements established by the records disposition authority.



\_\_\_\_\_  
Santiago Pinzon, Chairperson  
Alabama Athlete Agents Commission

1/12/21

\_\_\_\_\_  
Date