

TOHONO O'ODHAM KI:KI ASSOCIATION

SECTION 1

Administration Policies & Procedures



- 1) *Code of Conduct* - Approved by the Tohono O'odham Ki:Ki Association Interim Board of Directors on December 27, 2011 by Resolution No. 12-07-11; Amended on November 22, 2013 by Resolution 11-01-13.
- 2) *Vehicle Use Policy* – Approved by the Tohono O'odham Ki:Ki Association Board of Directors on December 09, 2013 by Resolution No. 12-02-13;
- 3) *Information Technology Use Policy* - Approved by the Tohono O'odham Ki:Ki Association Board of Directors on December 09, 2013 by Resolution No. 12-02-13;
- 4) *Retention Policy* - Approved by the Tohono O'odham Ki:Ki Association Board of Directors on December 09, 2013 by Resolution No. 12-02-13;
- 5) **Chapters 5 – 8 - RESERVED**

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SECTION 1 – ADMINISTRATION POLICIES & PROCEDURES

CHAPTER 1 – CODE OF CONDUCT

1. Purpose.

The Tohono O’odham Ki:Ki Association ("TOKA") is organized under the laws of the Tohono O'odham Nation, a federally recognized Indian tribe (the "Nation"), and designated as the Tribally Designated Housing Entity ("TDHE") by the Nation pursuant to the Ordinance of the Tohono O'odham Legislative Council ("TOLC") Ordinance No. 98-03 duly enacted by TOLC on June 29, 1998, as amended by TOLC Resolution No. 02-089 and TOLC Resolution No. 02-110, and regulated by HUD program requirements set out in the Code of Federal Regulations, Title 2 Housing and Urban Development, Parts 200 and 24 CFR Part 1000.

The notation "Ref." following the Code of Conduct rules set forth herein refers to the HUD regulation, applicable law, statute or program requirement upon which each particular rule is based as specified in the Code of Federal Regulations or other appropriate law, regulation or authority, and the reader should refer to such provisions to supplement a particular rule. The provisions of 2 CFR §200.318, "General Procurement Standards", are controlling and in the event of any conflict in interpretation and applicable HUD regulations otherwise shall supersede any conflicting or inconsistent rule set forth in this Code of Conduct.

The purpose of this statement of Code of Conduct Policy is to: (i) provide for fair and equitable treatment of all persons or firms involved with the TOKA. To assure that supplies, services, and construction are procured competitively, ethically, efficiently and effectively at the most favorable price available to the TOKA; (ii) provide safeguards for maintaining a procurement system of quality and integrity; and (iii) assure that TOKA procurement and purchasing actions comply with applicable Federal, tribal or state laws and regulations.

Ref. 2 CFR § 200; 24 CFR §1000

2. General.

The TOKA shall: (i) adhere to the following Code of Conduct, and shall adhere to any applicable Federal, tribal or state laws and regulations; and (ii) comply with all applicable ICDBG and/or NAHASDA regulations. All TOKA employees and officers must conduct themselves accordingly and seek to avoid even the

appearance of improper behavior. This Code should also be provided and adhered to by the TOKA's agents and representatives.

Accordingly:

- A. All TOKA employees, officers and agents are responsible for:
 - 1) Understanding the legal and policy of this Code as it relates to and applies to their respective positions and responsibilities related thereto; and
 - 2) Reporting any suspected violations of law, this Code or TOKA policy to TOKA management, and
- B. Any TOKA employee who violates the standards set forth in this Code will be subject to disciplinary action, including but not limited to termination of employment. Furthermore, violations of this Code may also constitute violations of tribal code or law and may result in additional penalties to the violating employee, their supervisors and/or the TOKA.

3. Definitions.

- A. *Conflict of Interest* – A conflict of interest is defined as a conflict that exists when a person's private interests, financial or otherwise, interfere in any way or even appears to interfere with the interests of the TOKA.

A conflict situation can arise when an employee, officer or agent of TOKA takes actions or has interests that may make it difficult to perform his or her work objectively and effectively. Conflicts of interest may also arise when an employee, officer or agent of TOKA, or a member of his or her immediate family, has a direct or indirect, actual or potential, financial, investment interest or compensation arrangement in an entity with which the TOKA has a business transaction or arrangement. For purposes of this Code.

- B. *Compensation* – The term "compensation" includes direct and indirect remuneration as well as gifts or favors that are subject to Sections 7 and 8 of this Code.
- C. *Procurement* - The term "procurement" as used in this Code, includes both contracts and modifications (including change orders) awarded by or with TOKA for construction or other services, as well as the purchase, lease or rental of supplies and equipment.

4. Application.

- A. This Code of Conduct applies to (1) all contracts for the Procurement of supplies, services and construction entered into by the TOKA; and (2) every expenditure of funds by the TOKA for public purchasing, regardless of the source of funds, including contracts that do not involve an obligation of funds (such as concessions contracts). However, nothing in this Code shall prevent the TOKA from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law.

- B. When both Federal and non-Federal funds are used for a TOKA project, the work to be accomplished and Procurement of services, materials, supplies and/or equipment for such project with TOKA funds, shall be separately identified; and the funding agency's Indian preference regulations must be applied and adhered to by the vendor-recipient of such portion of Federal funds. If it is not possible to separate the funds, then the funding agency's Indian preference regulations shall be applied to the total project.

5. Conflict of Interest.

In the procurement of supplies, equipment, other property, construction and services by recipients and sub-recipients, the conflict of interest provisions outlined at 24 CFR § 1000.30, 32, 34, and 36 shall apply in all cases not otherwise governed by this Code.

A. No officer, employee, or agent of the TOKA shall participate directly or indirectly in the selection, award, administration of, or the performance of services under any contract if any such person involved has a conflict of interest, real or apparent. Such a conflict of interest would arise when:

- 1) A current officer, employee, or agent or

- 2) Any of his or her immediate family, partner or relatives (including grandfather, grandmother, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister); or

- 3) Any organization, firm or entity which currently employs, is negotiating to employ, or has any arrangement concerning prospective employment of any of the persons identified in Subsections 5. A.1. or 2. above within one (1) year after such person's employment by or service with TOKA,
- 4) Has a financial, personal or other direct or indirect interest in the business or contractor considered and selected for award.

B. It shall be a conflict of interest for any:

- 1) Person, firm or company; or
- 2) Partner, member or shareholder therein; or
- 3) Part owner of a firm or company; or
- 4) Officer, board member or agent of a firm or company,

Who has a pending lawsuit, claim, or other adversarial proceeding in any forum against the TOKA to submit an offer for or bid on a contract. An offer or bid on a contract from any such person, partner, part owner, board member, or agent of a firm or company shall be rejected.

C. No TOKA Board member and/or TOKA employee shall:

- 1) During his or her tenure as a member of the TOKA Board or term of TOKA employment, as the case may be; or
- 2) For a period of one (1) year thereafter,

have any financial interest, direct or indirect, in any TOKA procurement opportunity or in any entity, party or vendor who is awarded any TOKA procurement contract or in any proceeds thereof.

Ref. 2 CFR § 200.318 (c)(1); 24 CFR §1000.30

6. Waiver of Conflict of Interest.

A. The conflict of interest provision shall not apply in instances where a person who might otherwise be included under the conflict provisions of this Code is low-income and is selected for assistance in accordance with the TOKA's written policies for eligibility for assistance, provided there is no conflict under

applicable Tribal law. The TOKA shall make a public written disclosure of the nature of assistance to be provided and the specific basis for the selection of the person. The TOKA shall provide the appropriate funding agency a copy of such written disclosure before the assistance is provided to the person.

Ref. 24 CFR §1000.30(c)

- B. The TOKA Board of Directors reserves the right to consider and grant, in the best interests of TOKA, a waiver/exception from the application of the conflict of interest sections under this Code for TOKA employees, officers or directors only upon the written disclosure by such TOKA employee, officer or director of any conflict of interest and the request for such waiver/exception. Any such waiver/exception shall be effective only upon (1) the approval of (1) the TOKA Board of Directors by resolution and action by the Board, and (2) HUD granting an exception in accordance with 24 CFR §1000.32 and §1000.34¹. The TOKA shall make a public disclosure of any waiver of this Code, the assistance provided or contract involved and the specific basis for the selection of such TOKA employee, officer or director involved with the assistance provided or contract awarded by TOKA. The TOKA shall provide the appropriate funding agency a copy of the written disclosure and waiver request before the assistance or contract is provided to the person involved. If a waiver/exception is made, TOKA shall maintain all records related thereto for a period of at least 3 years after a waiver/exception is made.

Ref. 24 CFR §1000.30; §1000.32; §1000.34; and §1000.36

7. Gratuities, Kickbacks, and Use of Confidential Information.

TOKA Board members, officers, employees or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts, and shall not knowingly use confidential information for actual personal gain.

8. Gifts.

¹ Per 24 CFR §1000.32, HUD may make exceptions to the conflict of interest provisions set forth in 24 CFR [§1000.30\(b\)](#) on a case-by-case basis when it determines that such an exception would further the primary objective of [NAHASDA](#) and the effective and efficient implementation of the recipient's program, activity, or project. Per §1000.34, in determining whether or not to make an exception to the conflict of interest provisions, HUD must consider whether undue hardship will result, either to the recipient or to the person affected, when weighed against the public interest served by avoiding the prohibited conflict.

A TOKA Board member, officer, employee, or agent may accept a gift only if it is: 1) not from a contractor or subcontractor, 2) of nominal value, and 3) its acceptance does not result in a potential conflict of interest, real or apparent. For purposes of this policy, nominal shall be considered to be not worth more than \$20 per occurrence and not more than \$50 from a single source per year.

9. Prohibition Against Contingent Fees.

Contractors shall not retain a person to solicit or secure a TOKA contract for a commission, percentage, brokerage, or contingent fee, except for bona fide employees.

10. Disciplinary Actions.

It is the responsibility of all TOKA employees, officers, directors and agents of the TOKA to observe all TOKA policies, rules and regulations, including but not limited to this Code of Conduct. The following disciplinary actions shall apply to any violation of TOKA's policies, including but not limited to this Code of Conduct, any applicable laws and Federal regulations:

- A. *TOKA Board of Directors* – Disciplinary action for violation of this policy by a member of the TOKA Board of Directors shall be in accordance with the disciplinary procedures contained within the Bylaws of the TOKA Board of Directors.
- B. *TOKA Employee* – Disciplinary action for a violation of this policy by a current TOKA employee shall be in accordance with the TOKA's Human Resource Policy and Procedures, which is incorporated herein by reference and made part of this Code.
- C. *TOKA Contractor* – Disciplinary action for a violation of this Code by a current TOKA Contractor shall be:
 - 1) If a contract has not been awarded –
 - (i) Cancel the procurement;
 - (ii) Disqualify an offeror; or
 - (iii) Take any other appropriate actions in the interests of the TOKA.
 - 2) If a contract has been awarded –

- (i) Effect appropriate contractual remedies, including profit recapture, price or fee adjustment for conflict of interest, or, if the contract has been rescinded, recovery of the amount expended under the contract;
 - (ii) Void or rescind the contract with respect to which --
 - (A) The contractor or someone acting for the contractor has engaged in an act of:
 - (1) Exchanging the information covered by such subsections for anything of value; or
 - (2) Obtaining or giving anyone a competitive advantage in the award of a TOKA procurement contract; or
 - (B) TOKA has determined, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in collusion; or
 - (iii) Take any other appropriate actions in the best interests of the TOKA.
- 3) Review the actions of the contractor and make a determination for suspension, debarment or ineligibility to do business with the TOKA, in accordance with any applicable laws or Federal agency regulations in connection with future TOKA contracts with or of the contractor.

Ref. 2 CFR § 200.318 (c)(1); 24 CFR §1000.30; 3.104-3, Part 3
Federal Acquisition Regulations (FAR)

11. Method of Awareness.

All TOKA officers, employees, or agents will be provided a copy of this Code of Conduct and will be required to sign a statement (Appendix A) acknowledging that they have read this Code of Conduct and understand its provisions. The TOKA will require the written acknowledgment of receipt of this Code of Conduct by all officers, employees, and agents on an annual basis, which shall be enforced by the TOKA Human Resource Department and maintained within the TOKA Human Resource Department employee records.

**TOKA CODE OF CONDUCT
ACKNOWLEDGEMENT FORM**

Print Name: _____

As part of TOKA's ongoing compliance with its NAHASDA IHBG/ICDBG Program Guidelines, applicable rules and regulations and TOKA's Policies & Procedures, as amended, your signature on this acknowledgement form declares that you have received a current copy TOKA's Code of Conduct, and this form will remain on record within your employee file for one (1) year, and must be renewed annually.

Receipt of Code of Conduct

I have received and read a copy of the TOKA's Code of Conduct Policy, which expressly provides for TOKA Employee Conflict of Interest provisions.

I further acknowledge that any violation of this policy shall subject me to disciplinary action in accordance with TOKA's Human Resources Policy & Procedures, as amended.

Employee Signature

Date

CHAPTER 2 - VEHICLE USE POLICY

1. **Policy Statement:**

Vehicles driven on TOKA business shall be operated in a safe manner, in compliance with applicable rules and regulations. Only properly qualified and authorized persons may drive on TOKA business. TOKA Vehicles may only be used for official, authorized purposes; personal use is prohibited. Drivers who fail to adhere to vehicle policies and procedures may have their driving privileges suspended, and are subject to disciplinary action up to and including termination.

2. **Purpose:**

The purpose of this policy is to establish TOKA policy for driving on official TOKA business, and to define the procedures in place to minimize the potential for accidents and losses. Vehicle operation represents a significant source of potential loss exposure for the TOKA. Accidents can result in losses arising from injuries to employees or others, and property damage to TOKA vehicles and private property.

3. **Applicability:**

This policy is applicable to operation of any vehicle on TOKA business by any authorized driver. This includes TOKA owned vehicles, personal vehicles, rental vehicles, leased vehicles, and/or vehicles on loan to the TOKA for official business. This policy is also applicable to any person that is authorized to drive on TOKA business, including staff or volunteers.

4. **Responsibilities:**

Administrators, managers, and supervisors are responsible for ensuring that only properly qualified and authorized individuals are allowed to drive vehicles in support of TOKA programs and activities under their direction and control.

5. **Driver Qualifications:**

All drivers for the TOKA must meet the minimum qualifications as outlined below.

A. ***Minimum Age and Experience Requirements:***

The following minimum age and experience requirements apply to all individuals (employees, and volunteers) authorized to drive any vehicle on TOKA business:

- 1) Drivers of standard vehicles (sedans, pickups, SUV's, etc, that do not require special licensing) must be at least **18** years of age, *and* have been licensed for a minimum of two (2) years prior to driving on TOKA business.
- 2) Drivers who require a Commercial Driver's License (CDL) (Class A, B, or C per Arizona statutes) to perform their job duties for the TOKA must be at least **21** years of age *and* have been licensed for a minimum of three (3) years prior to driving in a CDL capacity on TOKA business. CDL drivers must comply with applicable requirements for medical certification and drug testing.

B. *Driver Licensing Requirements:*

TOKA employees who drive on the job must have a valid Arizona Driver's License, of the classification appropriate to the type of vehicle being driven (typically Class D operator). Individuals with non-Arizona driver's licenses must obtain an Arizona Driver's License prior to driving on TOKA business.

C. *Motor Vehicle Record Review:*

- 1) The TOKA is required to review the Motor Vehicle Record (MVR) of employees to evaluate their licensing status and citation history.
- 2) The standard MVR review includes the most recent 39 month period from the date of request. Citations more than 39 months in the past are not included in the review.
- 3) MVR review is initially conducted for new hires as part of the TOKA's background screening process. MVR review is also performed after any vehicle accident involving a TOKA driver.
- 4) All MVR reviews required for hiring decisions are conducted by Human Resources. Human Resources reviews the MVR and advises of the applicant's status as acceptable, conditional, or unacceptable, so this information can be incorporated into the hiring decision.
- 5) MVR review information is considered a personnel record, and is therefore not subject to public records inspection or release unless required by subpoena, court order, or law.

D. *Motor Vehicle Record Point System:*

Each driver's Motor Vehicle Record (MVR) is evaluated using the point system outlined below:

- 1) For purposes of this Policy, a **Moving Violation** is any citation issued for which the Arizona Motor Vehicle Division assigns points to the driver's record, except those listed below as Serious

Violations. Examples include speeding, traffic control violations, failure to yield, etc.

- 2) A Serious Violation includes any **conviction** for Driving Under the Influence (DUI), Extreme DUI, Reckless Driving, Racing on Highways, Aggressive Driving, Leaving the Scene of an Accident, or any other citation which is assessed 8 or more points by the Arizona Motor Vehicle Division.

Moving Violation = 3 points
Serious Violation = 6 points

ACCEPTABLE 3 or fewer points	CONDITIONAL 6 – 9 points	UNACCEPTABLE 10 or more points
No more than one moving violation in the last 39 months Example: 1 speeding ticket = 3 points = Acceptable MVR	More than one, but not more than three moving violations in the last 39 months OR one serious violation in the last 39 months. Example: 2 speeding tickets = 6 points or 3 speeding tickets = 9 points or 1 DUI = 6 points Any of these situations = Conditional MVR	Four or more moving violations in the last 39 months OR one serious violation and two moving violations in the last 39 months OR two or more serious violations in the last 39 months. Example: 4 speeding tickets = 12 points or 1 DUI (6 points) + 2 speeding tickets (6 points) = 12 points Either situation = Unacceptable MVR

E. Requirements for Conditional or Unacceptable MVR Status:

- 1) The following management actions are required for TOKA drivers who have a **Conditional** motor vehicle record:
 - a) The driver’s supervisor must obtain written authorization from their Department Head to allow the driver to continue driving on TOKA business while their MVR is in conditional status;
 - b) Conditional MVR drivers must complete defensive driving instruction;
 - c) Failure to maintain an acceptable or conditional driving record may result in the driver’s supervisor taking action up to and including suspension or revocation of TOKA driving privileges and/or termination of employment.

- 2) The following management actions are required for TOKA drivers who have an **Unacceptable** motor vehicle record:
 - a) The driver must be advised in writing by either the supervisor or Department Head that the driver is prohibited from driving any vehicle on TOKA business until the driver’s status has returned to either conditional or acceptable status.

- b) A current MVR review must be conducted by Human Resources prior to re-instatement of driving privileges.
- 3) The following management actions are required for *job applicants* who have either *Conditional* or *Unacceptable* MVR:
 - a) Human resources will evaluate the MVR of job applicant as part of regular pre-hire background screening, and will advise hiring department's of a job applicant's MVR status.
 - b) The hiring department is responsible for evaluating the essential functions of the job and determining whether to proceed with the hiring of the applicant.
 - c) If an applicant is hired with either a conditional or unacceptable MVR, then the requirements outlined in the above paragraphs 5(E)(1)&(2) are immediately applicable upon hiring.

6. Driver Responsibilities:

All persons driving on TOKA business are required to comply with the following provisions:

- A. Drive with courtesy and exercise reasonable caution to prevent collisions or other losses.
- B. Have a valid driver's license in possession at all times.
- C. Have TOKA vehicle for authorized, official purposes only.
- D. Operate vehicles in accordance with all applicable TOKA policies and follow all applicable traffic laws.
- E. Drive vehicles at lawful speeds that are appropriate to road, loading, and hazard conditions.
- F. Assume responsibility for any fine or citation received while driving on TOKA business.
- G. Not transport unauthorized passengers or permit any unauthorized persons to drive the vehicle.
- H. Not operate a vehicle unless all occupants are wearing seatbelts.
- I. Not drive under the influence of alcohol or drugs, including medications if they can cause impairment.
- J. Turn the vehicle off, remove the keys, and lock the vehicle when it is left unattended.
- K. Inspect the vehicle for obvious safety concerns prior to use, report any defects to the appropriate authority, and not operate a vehicle that has deficient that make it unsafe to drive.
- L. Immediately report all accidents or traffic citations that arise while driving on TOKA business to a supervisor.
- M. Participate in driver training as specified by the TOKA.

N. Failure to comply with these provisions may result in suspension or revocation of TOKA driving privileges, and/or disciplinary action up to and including termination of employment.

7. Passengers.

Only persons with an authorized purpose may be passengers in a TOKA vehicle. Examples include employees in the course and scope of employment, residents/volunteers participating in an official TOKA activity, and clients or participants in an official TOKA program or activity.

8. Safety Belt Use.

USE OF SAFETY BELTS IS MANDATORY for the driver and all vehicle occupants anytime the vehicle is in motion. Drivers are expected to enforce this requirement, and may not place a vehicle in motion unless all passengers are buckled up. The number of passengers in any vehicle may not exceed the number of available safety belts. Passenger travel in pickup truck beds is prohibited.

9. General Prohibitions:

- A. Consumption or transportation of alcohol by drivers and passengers is prohibited in a TOKA vehicle.
- B. Smoking is prohibited in TOKA vehicles.
- C. Transportation of hazardous materials in TOKA vehicles is only authorized for drivers who have completed training on DOT hazardous materials transportation, OSHA requirements, and spill response. Transportation of placardable quantities may require a Commercial Driver's License (CDL) with hazardous materials endorsement if the material is being transported in commerce as defined in DOT regulations.

10. Accident Reporting:

All accidents involving a TOKA vehicle, while on TOKA business not involving a TOKA vehicle or associated with a TOKA activity must be reported to Human Resources and to the driver's supervisor or a TOKA management official. The reporting requirements and timelines apply:

- A. Property damage to ***TOKA Vehicle Only*** (including windshield):
 - 1) For minor damage to TOKA vehicles a police report is not required, but is recommended to support insurance claims with TOKA's

insurance carrier. Report the accident to Tohono O’odham Police Department or other police agency if occurrence is off-Nation.

- 2) For damage estimated at \$1,000, or more, or for loss associated with vandalism or theft, notify Tohono O’odham Police Department or other applicable police agency and request response and report.

B. Property Damage to *third party vehicles or property*, including commercial rentals and privately owned vehicles (no injuries):

- 1) All accidents that may give rise to a liability claim or involve any injury need to be documented by a police report. Notify Tohono O’odham Police Department or applicable police agency and request response and report.
- 2) Notify Human Resources at (520) 383-2202 *no later than the following business day*.
- 3) Submit to drug and alcohol testing by Human Resources.
- 4) For commercial rental vehicles, notify the rental agency as soon as possible in accordance with the rental contract.

C. Vehicle accidents with *injuries*:

- 1) Call 9-1-1 for emergency police and medical assistance.
- 2) Remain at the scene of the accident and render aid within your capabilities.
- 3) Contact Human Resources at (520) 383-2202 immediately if possible.
- 4) Submit to drug and alcohol testing by Human Resources.
- 5) For injuries to TOKA employees, complete and submit an Incident/Property Damage Report Form. (Appendix A)

11. TOKA Vehicle Inspection and Maintenance:

- A. Primary responsibility for annual vehicle safety inspection and maintaining a central record of inspections is assigned the TOKA Warehouse Manager.
- B. Each department is responsible for ensuring that TOKA vehicles under their inventory control are properly inspected and maintained in accordance with TOKA requirements. TOKA departments are responsible for all costs of operation, including inspections, maintenance, repairs, and allocated insurance premiums.
- C. Maintenance - The TOKA Mechanic shall be responsible for the maintenance and repair of TOKA-owned vehicles and shall be responsible for the following:

- 1) Ensuring vehicles are properly maintained and required maintenance schedules are met and that vehicles are properly equipped for safe operation on the road;
- 2) Ensuring that vehicles have first aid kits, functional spare tire and accompanying equipment;

12. Vehicle Insurance:

- A. Drivers operating TOKA-owned or rented vehicles within the course and scope of employment and/or authorization are insured for liability that may arise from their actions under this policy. *There is no insurance coverage for unauthorized or personal use of a TOKA owned or rented vehicle, and the driver is responsible for all damages.*
- B. Drivers operating personal vehicles on TOKA business assume all liability for damage or loss. *There is no TOKA insurance coverage for physical damage to personal vehicles used on TOKA business (including deductibles).*
- C. Human Resources is responsible for maintaining current proof of insurance in each TOKA vehicle.

13. TOKA Vehicle Registration, Markings, Parking

- A. Titles for all vehicles owned by the TOKA are held by the Human Resources Department.
- B. Human Resources is responsible for ensuring all vehicles owned by the TOKA have copies of vehicle registration contained within them.
- C. Vehicles owned or leased by the TOKA for more than six months must be marked with official TOKA decals and license plates.
- D. TOKA vehicles shall be parked in an area designated by Human Resources for TOKA vehicles.

14. TOKA Employee Commuter Vehicles:

The Tohono O’odham Ki:Ki Association (“TOKA”) may provide the use of a TOKA-owned vehicle for employee transportation to and from the office. A vehicle designated as a commuter vehicle must be comprised of a vehicle transporting two (2) or more TOKA employees that reside in similar vicinity and travel more than 30 miles from the TOKA office. This privilege is provided as an optional benefit by the TOKA Administration and can be revoked at any time with or without notice. The following conditions apply:

- A. The vehicle must be kept clean and maintained as contained in this policy.
- B. Employees utilizing this service may be charged a Transportation charge in an amount agreed upon by TOKA and the Employee for the Employee's use of the vehicle to cover maintenance costs of the commuter vehicle. The cost shall be deducted by payroll deduction. The Employee is solely responsible for all commuter vehicle fuel costs.
- C. Employees who are responsible for overnight and weekend storage of the commuter vehicle may **NOT** utilize the vehicle for personal use or transportation of any Non-TOKA employee under any circumstance.

15. Receipt of the TOKA Vehicle Use Policy & Procedures:

The Tohono O'odham Ki:Ki Association ("TOKA") shall maintain a written acknowledgement of receipt by a TOKA employee who is duly authorized to operate a TOKA-owned vehicle.

- A. Acknowledgement Form:
 - 1) All TOKA employees shall sign an Acknowledgement of Receipt of Vehicle Use Policy form as described in (*Appendix A*) which shall set forth the employee's written receipt of the TOKA Vehicle Use Policy.
 - 2) The executed Acknowledgement Form will be maintained by Human Resources in the TOKA Employee's personnel record.

(TOKA LETTERHEAD)

APPENDIX A

**TOKA VEHICLE USE POLICY
ACKNOWLEDGEMENT FORM**

Print Name: _____

As part of TOKA's ongoing compliance with its TOKA Vehicle Use Policies & Procedures, as amended, your signature on this acknowledgement form declares that you have received a current copy TOKA's Vehicle Use Policy, and this form will remain on record within your employee file for one (1) year, and must be renewed annually.

Receipt of Vehicle Use Policy

I have received and read a copy of the TOKA's Vehicle Use Policy.

I further acknowledge that any violation of this policy shall subject me to disciplinary action in accordance with TOKA's Human Resources Policy & Procedures, as amended.

Employee Signature

Date

CHAPTER 3 – INFORMATION TECHNOLOGY USE POLICY

1. Policy Statement:

The TOKA Information Technology Use Policy is intended to provide guidance for employees utilizing the Tohono O'odham Ki:Ki Association (“**TOKA**”) Information Technology resources.

2. Policy:

This Policy is to be read and acknowledged (*Appendix A*) by all TOKA employees accessing and utilizing information technology resources owned, leased, or operated by the TOKA. All TOKA employees must sign an acknowledgement prior to being issued a user account or access to any TOKA system. A signature on the acknowledgement indicates the Employee understands and agrees to abide by this policy and the procedures herein related to information technology usage, networks and social network sites. The written acknowledgment will be maintained within the Employee’s Human Resources file. Every Employee, regardless of job or status, must comply with this policy. Employees who violate this and other information security will be subject to disciplinary action, up to and including termination from employment; and may be subject to civil and criminal proceedings.

TOKA respects all computer software copyrights and adheres to the terms of all software licenses to which TOKA is a party. TOKA will take all steps necessary to prohibit users from duplicating any licensed software or related documentation for use either on TOKA premises or elsewhere unless TOKA is expressly authorized to do so by agreement with the licensor. Unauthorized duplication of software may subject users and/or TOKA to both civil and criminal penalties under the United States Copyright Act. TOKA will not permit any employee to use software in any manner inconsistent with the applicable license agreement, including giving or receiving software from clients, contractors, and others.

3. Definitions:

A. *TOKA IT Resources* – Means the computer network infrastructure utilized by the TOKA, which may include, but not be limited to the following: computers, servers, printers, copiers, software, internet connectivity, cellular access, electronic mail, etc.

4. Internet Usage:

The following shall apply for the access and use of Internet connectivity for TOKA-related business.

- A. TOKA IT Resources may not be used to access, transmit, store or conduct any activity that could be considered inappropriate for general public viewing or general viewing in the workplace, or allow excessive personal internet use during work hours.
- B. TOKA Employees are prohibited from utilizing TOKA IT Resources for personal financial gain. (*e.g.*, operation of an Internet-based business)
- C. TOKA Employees may not use the Internet to obtain, access, or transmit materials or software that are copyrighted, without the express permission of the copyright holder. (*e.g.*, pirated software)
- D. TOKA employees are responsible for the content of, and their activities conducted while utilizing the Internet. Including any activity conducted while another employee/individual is utilizing their password and assigned computer or device.
- E. Employees shall not engage in conduct reasonably likely to compromise any system security device or security program within the TOKA IT Resources.
- F. The TOKA Management may authorize audit an employee's usage of the Internet, and any misuse or abuse is subject to disciplinary action in accordance with the TOKA's Human Resources Policy & Procedure, which is incorporated herein by reference and made part of this policy.

5. E-Mail and Instant Messaging Usage:

The following shall apply for the access and use of E-mail and Instant Messaging Service for TOKA-related business.

- A. E-mail and Instant Messaging services may not be used to access, transmit, store or conduct any activity that could be considered inappropriate for general public viewing or general viewing in the workplace, or allow excessive personal use during work hours.
- B. E-mail and Instant Messaging services may not be utilized to disclose or transmit information that is considered confidential, or that is proprietary to the TOKA.
- C. Employees shall not engage in conduct reasonably likely to compromise any system security device or security program within the TOKA IT Resources.
- D. Employees may not utilize E-mail or Instant Messaging services assigned to other employees to attempt to disguise the identity of the

sender, or to represent another employee. Employees are responsible for conduct occurring from the disclosure of passwords to other employees or individuals.

- E. The TOKA Management may authorize audit an employee's usage of E-mail or Instant Messaging Services, and any misuse or abuse is subject to disciplinary action in accordance with the TOKA's Human Resources Policy & Procedure, which is incorporated herein by reference and made part of this policy.

6. Personal Device Usage:

The following shall apply for the access and use of an employee's personal device for TOKA-related business.

- A. Usage of personal-owned devices (*e.g.*, laptop computers, tablets, cellular telephones) connected to the TOKA's IT resources is prohibited without authorization.
- B. Employees that require access to TOKA IT Resources for personal-owned devices during work hours for TOKA-related business must obtain written consent from their supervisor utilizing the authorization form (*Appendix B*).
- C. Employees that obtain authorization to utilize TOKA IT Resources may not utilize the access provided to them to download, or secure information with intent to convert proprietary or confidential materials, information, and software for personal use or gain.
- D. Employees shall not engage in conduct reasonably likely to compromise any system security device or security program within the TOKA IT Resources.
- E. The TOKA Management may authorize the audit of an employee's usage of personally owned devices, and any misuse or abuse is subject to disciplinary action in accordance with the TOKA's Human Resources Policy & Procedure which is incorporated herein by reference and made part of this policy.

7. Password Requirements:

To maintain security for TOKA IT Resources, employees are required to maintain password secured protection for computer, e-mail, and Internet based, or software based programs that are assigned to an employee for TOKA-related business. The following standards shall apply for creating and maintaining passwords:

- A. TOKA Employees may not disclose their passwords to anyone; and, the employee shall accept responsibility for unauthorized access to TOKA IT Resources in the event their password is disclosed to other individuals.
- B. Recommended password sequences should be difficult to guess. Users should utilize easily remembered passwords that are difficult for unauthorized individuals to guess. The following standards are highly recommended:
 - 1) String several words together (called a passphrase);
 - 2) Shift a word up, down, left or right one row on the keyboard;
 - 3) Use special characters and numbers to replace letters or words (*e.g.*, “5” or “\$” for an “s”; “@” for “at,” etc.)

8. Software Usage:

The following shall apply for the access and use of computer software for TOKA-related business.

- A. TOKA Employees are only authorized to use licensed software provided by the computer manufacturer or installed by the TOKA for work-related purposes.
- B. TOKA Employees may not install software that is not authorized by TOKA Management for use on TOKA IT Resources. TOKA accepts no responsibility for software licensing violations that an Employee may incur relative to using software that has not been authorized by TOKA or the client (whichever is applicable).
- C. TOKA Employees must request approval to install software that has not been previously installed on their assigned computer and it must be for a TOKA-business related purpose.
- D. TOKA Employees that are assigned devices that are capable of installing software applications (*e.g.*, iTunes, Music, Applications, etc.) are permitted to the extent that such applications do not impair or take away the primary intent for the device to be used for TOKA-business related purposes. TOKA Employees are responsible for all costs for personal use applications and any costs billed to TOKA for applications not work-related shall be charged to the employee.
- E. TOKA Employees may not operate any software programs that could impede Internet speed, or slow server operations. (*e.g.*, Online Music Streaming, Video Streaming)

9. Privacy Expectations; Consent to Monitoring and Monitoring Tools:

- A. Any TOKA Employee's use of TOKA IT Resources, including e-mail, is made pursuant to the understanding that such use may not be secure, is not private, is not anonymous and may be subject to disclosure. TOKA Employees do not have a right to, nor shall they have an expectation of, privacy while using TOKA IT Resources, including but not limited to use of the Internet through TOKA gateways and using e-mail. To the extent that TOKA employees wish that their private activities remain private, they shall avoid making Personal Use of TOKA IT Resources.
- B. By use of TOKA IT Resources, TOKA Employees consent to the disclosure to the TOKA Management of the contents of any file or information maintained or passed through TOKA IT Resources. By use of TOKA IT Resources, TOKA employees consent to monitoring and recording of such use.
- C. TOKA IT may access any electronic communications and employ monitoring tools, with written authorization by the Executive Director or designee, to detect improper use. Electronic communications may be disclosed within the to TOKA Management (*e.g.*, with Executive Director and Department Director approval, technical staff may employ monitoring tools in order to maximize the use of TOKA IT Resources, which may include the detection of inappropriate use).
- D. Any disciplinary action taken pursuant to this Policy shall be in accordance with the TOKA's Human Resources Policy & Procedure, which is incorporated herein by reference and made part of this policy.

10. TOKA Social Networking Usage:

This section of the Policy applies to the utilization of outside social networking services intended to benefit the TOKA and further its services to the public.

- A. Use of a TOKA social networking services shall be in compliance with all TOKA Policies & Procedures, including but not limited to TOKA's Code of Conduct. Social networking services may include, but not be limited to accounts created through services such as: Facebook, Twitter, LinkedIn, or the TOKA webpage.
- B. TOKA social networking services established on behalf of the TOKA require the written authorization of the Executive Director or designee, prior to its creation. The TOKA's IT staff or designee will maintain the

management of the social networking account. Passwords created for TOKA social networking are property of the TOKA and shall not be altered or changed without authorization.

- C. TOKA social networking accounts established shall not reference, provide an image of, or cite the TOKA's clients, employees, representatives, or any other individual without their express written consent. All such references must adhere to the TOKA Confidential Information Policy. The TOKA shall provide a release form to provide the TOKA with consent to utilize an individual's image, name or statement within a social networking account. (*Appendix C*)
- D. TOKA Employees posting TOKA information or personal information on a TOKA social networking account without authority, including information that is at odds with TOKA Policies, is prohibited. This includes any use that could create the perception that the communication was made in one's official capacity as a TOKA Employee, unless appropriate approval has been obtained.

(TOKA LETTERHEAD)

APPENDIX A

**TOKA INFORMATION TECHNOLOGY USE POLICY
ACKNOWLEDGEMENT FORM**

Print Name: _____

As part of TOKA's ongoing compliance with its TOKA Information Technology Use Policies & Procedures, as amended, your signature on this acknowledgement form declares that you have received a current copy TOKA's Information Technology Use Policy, and this form will remain on record within your employee file for one (1) year, and must be renewed annually.

Receipt of Information Technology Use Policy

I have received and read a copy of the TOKA's Information Technology Use Policy.

I further acknowledge that any violation of this policy shall subject me to disciplinary action in accordance with TOKA's Human Resources Policy & Procedures, as amended.

Employee Signature

Date

CHAPTER 4 – RECORD RETENTION POLICY

1. Purpose:

The purpose of this Policy is to ensure that necessary records and documents of TOKA are adequately protected and maintained and to ensure that records that are no longer needed by TOKA or are of no value are discarded at the proper time. This Policy is also for the purpose of aiding employees of TOKA in understanding their obligations in retaining electronic documents - including e-mail, Web files, text files, sound and movie files, PDF documents, and all Microsoft Office or other formatted files.

2. Definitions:

- A. *Executive Director* – (“Administrator”) is the officer in charge of TOKA.
- B. *Litigation* – The act of bringing or contesting a legal action in court.
- C. *Litigation Hold* – A stipulation that would require a company to preserve all data that may relate to a legal action.

3. Administration:

Appendix 1 is a Record Retention Schedule that is approved as the initial maintenance, retention and disposal schedule for physical records of TOKA and the retention and disposal of electronic documents. The Executive Director is the officer in charge of the administration of this Policy and the implementation of processes and procedures to ensure that the Record Retention Schedule is followed.

The Administrator is authorized to:

- A. Make modifications to the Record Retention Schedule to ensure that it is in compliance with tribal, state and federal laws and regulations; and
- B. Annually review the record retention and disposal program; and monitor compliance with this Policy;
- C. Record disposal shall be suspended upon the direction of the Administrator in the event of a governmental audit, investigation, or pending litigation.
- D. Each TOKA employee shall maintain, protect, retain and dispose of all records as required by this Policy.

- 1) No variations are permitted unless approved through the amendment process described in Section 9.
- 2) If an employee is in doubt about a particular record, the employee is required to contact the Administrator.
- 3) All levels of TOKA management are responsible for ensuring that persons under their supervision and control comply with this Policy.

4. Applicability:

This Policy applies to all physical records generated in the course of TOKA's operations, including both original documents and reproductions. It also applies to the electronic documents described above.

5. Record Retention Procedures:

A. Types of TOKA Records:

There are generally two types of TOKA records, formal and informal. Only one (1) copy of a particular record should be considered the official, and therefore, formal record.

- 1) Formal records are the official copies of records that are deemed to have future reference value to TOKA. Formal records include, but are not limited to:
 - a) Correspondence and internal memoranda,
 - b) Maintenance Work Orders,
 - c) Residential files,
 - d) Purchase Orders,
 - e) Check Requisitions,
- 2) Informal records have no future reference value to TOKA and typically exist for the convenience of individual employees responsible for managing them. Informal records include all other records, such as:
 - a) Convenience or working copies of formal records,
 - b) Interim drafts,
 - c) Telephone message slips,
 - d) To-do lists,
 - e) Personal reminder notes,
 - f) Publications generated outside of TOKA,
 - g) Blank forms, and

- h) Other items that are normally discarded in the ordinary course of TOKA business.

Correspondence and internal memoranda, which are formal records, should be retained for the same period as the document to which they pertain or support. For example,

B. Establishing the Retention Period:

- 1) The attached Schedule A sets forth the required retention periods for many TOKA records. Formal records must be retained for the periods specified regardless of media type in which they are stored. If a Formal record does not have a specified retention period, it should be retained for the remainder of the current FISCAL year, plus three (3) years.
- 2) A letter pertaining to a particular contract would be retained as long as the contract and three (3) following the termination of the contract. Records which support a particular project must be kept with the project and take on the retention period of that particular project file. Correspondence and internal memoranda, which are Informal records, must be disposed of as soon as they are no longer needed.

C. Computer & Electronic Records:

This Policy applies to records on computers and other electronic media, such as e-mail, word processing files, spreadsheets, Internet materials and reports or other outputs from other software systems. In the same way, it applies to hard copy records. Electronic records that serve as the Formal record of an item must comply with the same record retention procedures and periods as hard copy records.

The records retention procedures herein also apply to electronic records maintained by employees working remotely. Such employees must insure that electronic records are properly maintained on TOKA's systems in accordance with this Policy, and that no TOKA documents or records are maintained on non-TOKA computers or information system.

Unless otherwise provided in the Schedule, the Formal copy of records may be stored in a secure electronic form instead of hard copy. A record on any media that is about to become obsolete should be converted to hard copy or other electronic format for the remainder of any specified retention period. If conversion is not feasible, the obsolete media should be kept throughout the designated retention period, and a method to convert the records to a usable format should be designated in case the

records are needed. Also, if conversion from electronic format to hard copy may cause a loss of information, the electronic format should be retained.

6. Processing of Records:

Records are to be processed and disposed of promptly following expiration of the retention period, unless determined by the Administrator that the retention period must be suspended for legal, tax or auditing requirements. Except for any Litigation Hold (defined below), suspension of any specified retention period, must be approved by the Administrator.

The TOKA Department Managers shall be responsible for assuring the appropriate disposition of records under this Policy. The method of disposition should be consistent with the type of record being destroyed. Confidential records should be disposed of in a way that prevents them from being accessible to others (such as shredding or incineration in an authorized facility). Electronic records may be obliterated, erased or overwritten in accordance with the procedures of TOKA's Information Technology Department. If disposition of the records is to be accomplished by an outside contractor, such disposition should be observed by TOKA Department Managers, or an authorized person thereby, or certified by the contractor. Always check to see if a litigation hold is in effect before disposing of any documents.

7. Periodic Record Review:

The Administrator shall undertake a review of its records, whether in storage or on-site, annually. The review must be completed within sixty (60) days of the end of TOKA's fiscal year. The purpose is to ensure that each TOKA Department initiates a process by which all records no longer needed for TOKA business purposes, no longer required to be retained in accordance with the Schedule and not then subject to a Litigation Hold are identified and appropriately disposed. During such review, the Administrator shall insure that each TOKA Department has disposed of all records designated for disposition in accordance with this Policy.

8. Litigation Hold & Hold Procedure:

If any TOKA employee becomes aware of a potential, threatened or commenced claim or litigation against TOKA or any governmental investigation or regulatory action against or involving TOKA Litigation, the Administrator or appropriate Legal Counsel will issue a formal notification to the TOKA Department Manager a Litigation Hold directing the immediate suspension of the processing of all records, including both Formal and Informal Records, related to the pending or threatened Litigation. If an

employee has questions as to whether a Litigation Hold may apply with respect to certain records, the employee should contact the Administrator and/or appropriate Legal Counsel.

The Administrator, in conjunction with appropriate Legal Counsel, will determine which TOKA employees likely have relevant or responsive information; such individuals are the Key Players. Once the Key Players have been identified, the Administrator, in conjunction with appropriate Legal Counsel, will issue a formal, written notification of a litigation hold in the form of a Litigation Hold Notice. The Litigation Hold Notice must describe the scope of the hold, must be delivered to the Key Players, and must direct the immediate suspension of the disposal of all records related to the Litigation. If electronically stored information, which may be implicated in the Litigation, appropriate steps must be taken to preserve that information.

The Administrator shall reissue the Litigation Hold Notice as needed if potentially relevant records may be created after the date of the initial issuance. The timing of reissuance will depend on the facts of the situation. The Administrator will issue a formal notification when the Litigation Hold is no longer in effect. Additionally, the Administrator, and/or appropriate delegate or Legal Counsel will interview Key Players in person or by phone to determine the universe of records that exist with respect to the Litigation. Key Players will be instructed to consider Records that would be relevant to the Litigation so that such records could be retrieved as needed. Consideration should be given to the mirroring of hard drives and other technical preservation of electronically-stored information.

Once a Litigation Hold has been implemented, significant time may pass between implementation and any challenge to the scope of preservation. The Administrator and/or appropriate delegate or Legal Counsel will document the steps taken to implement the Litigation Hold and the basis for any decisions made on preservation of electronically-stored information. The Administrator and/or appropriate delegate or Legal Counsel should keep a written log of (i) Key Players in each Litigation Hold; (ii) steps taken by each Key Player to preserve information; and (iii) the date on which each step was taken.

Employees who destroy records with knowledge that they are related to Litigation or are the subject of a Litigation Hold Notice will be immediately suspended pending an inquiry by the Administrator, may be terminated, and may be subject to civil and criminal penalties.

An employee becoming aware of pending or threatened Litigation should not wait for a Litigation Hold, but should suspend processing of potentially relevant records until a determination is made as to whether a Litigation Hold

will be issued. A Litigation Hold supersedes any previously or subsequently established schedules for the processing of relevant records. When a Litigation Hold is in effect, all relevant records must be preserved until legal counsel has determined such records are no longer needed. If you believe that the exception may apply, please contact the Administrator.

When a Litigation Hold is in effect, employees must continue to comply with this Policy, with respect to any record unrelated to the Litigation.

9. Amendment of This Policy or the Schedule:

This Policy and the Schedule may not be amended, except by the Administrator. If any TOKA employee feels that a procedure or a record retention period governing his or her records should be changed, or feels that a new procedure should be added to this Policy or the Schedule, he or she should discuss the same with the Administrator.

APPENDIX 1

TOKA RECORD RETENTION SCHEDULE

No.	Record Series	TOKA Retention Period	Remarks
1	Audit Reports	Perm	After fiscal year received
2	Ledgers and journals (except general ledger annual summary)	5	After fiscal year prepared
3	General ledger annual summary or annual financial statement	Perm	
4	Banking records including deposits, reconciliations, statements, checks or warrant registers	5	After fiscal year prepared or received
5	Checks/warrants (canceled, voided)	3	After fiscal year returned or voided
6	Tenant Billing and Collection files	3	After termination of lease
7	Capital equipment inventories after full depreciation	3	After fiscal year prepared
8	Capital equipment disposal authority see above	3	After fiscal year prepared
9	Capital equipment amortization/depreciation records	5	After fiscal year prepared
10	Cash transaction records including deposits, receipts, fund transfers, etc.	3	After fiscal year prepared
11	Documentation for federal grants	3	After fiscal year of final expenditure report submitted. Refer to specific requirements of funding agency
12	Documentation for state grants in aid (not including federal pass-through funds)	3	After fiscal year of final expenditure

13	Expense accounting records including claims, demands, vouchers, vendor invoices, receiving reports, and other supporting documents:		
a.	Capital expense exceeding \$10,000 for land buildings and improvements; \$5,000 for vehicles, furniture and equipment	5	After disposal of asset
b.	All others (include vehicle logs, repair orders)	3	After fiscal year prepared
c.	Vehicle Authorization forms	1	After fiscal year prepared
14	Revenue records	3	After fiscal year prepared
15	Payroll registers (gross & net)	5	After fiscal year prepared
16	Payroll - employee status change	5	After fiscal year prepared
17	Payroll - employee time and leave records (official copies)	5	After fiscal year prepared
18	Payroll deduction records	5	After fiscal year prepared
19	Payroll - employee benefits files including group insurance	6	After termination of employment
20	Payroll - W-2 records of remuneration paid to employees	5	After the date due of such tax for the return period
21	Payroll - undeliverable W-2 withholding statements (all copies)	5	After the date due of such tax for the return period
22	Payroll - garnishment orders	5	After expired or canceled
23	Budget files including approved and appropriated budgets, fund requests and supporting documents (office copies)	3	After fiscal year prepared

24	Financial detail and summary reports including computer generated weekly, monthly, quarterly reports, etc.	3	After fiscal year prepared
25	Annual financial detail and summary reports	3	After fiscal year prepared
26	Tenant files	3	After termination of lease/contract
a.	Tenant files after conveyance: including all personal information (i.e. Social security numbers, financial info, etc.)	5	After fiscal year of conveyance
b.	Conveyance Documents	Perm	
27	Maintenance work order files	3	After fiscal year prepared
28	Purchase Orders	3	After fiscal year prepared
29	Workman's Compensation Claims	Perm	
30	Terminated Personnel files	5	After termination of employment
31	Terminated Personnel files in Litigation or Grievance	5	5 years after settlement
32	Travel and Training files	5	After fiscal year prepared
33	Contracts	3	After completion of contract term
34	Legal Cases: tenant cases, contract disputes, etc.	5	5 years after settlement
35	Board of Director Resolutions	Perm	
36	Board of Director's Minutes	Perm	

37	Environmental Assessments	Perm	
38	Environmental Reviews	3	After completion of project
39	As Built (blue prints, floor plans, legal descriptions, plots, etc.)	Perm	
40	Project files	3	After completion of project, after 3 years, scan all items and save on CD
41	Phone, mail, fax logs	1	After fiscal year prepared
42	Recruitment files (applications, interview questions, job announcements, etc.)	2	After fiscal year prepared
43	I-9s	3	After termination of employment

CHAPTER 5 – RESERVED

CHAPTER 6 – RESERVED

CHAPTER 7 – RESERVED

CHAPTER 8 – RESERVED