

LOCAL 150
INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL-CIO
DOCUMENT RETENTION POLICY
(Effective March 1, 2018)

The official, corporate, and other records of the International Union of Operating Engineers, Local 150, AFL-CIO (hereafter “Local 150” or the “Union”) are important assets. Such records include essentially all records you produce as an employee, whether paper or electronic. A record may be as obvious as a memorandum, an e-mail, a contract or a case study, or something not as obvious, such as a computerized desk calendar, an appointment book or an expense record.

The law requires the Union to maintain certain types of records, usually for a specified period of time. Failure to retain those records for those minimum periods could subject you and the Union to penalties and fines, cause the loss of rights, obstruct justice, spoil potential evidence in a lawsuit, place the Union in contempt of court, or seriously disadvantage the Union in litigation.

Local 150 expects all employees to comply fully with any published records retention or destruction policies and schedules, provided that all employees should note the following general exception to any stated destruction schedule: If you believe, or the Union informs you, that Union records are relevant to litigation, or potential litigation (i.e., a dispute that could result in litigation), then you must preserve those records until the President-Business Manager determines the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records. If you believe that exception may apply, or have any question regarding the possible applicability of that exception, please contact the President-Business Manager.

From time to time the Union establishes retention or destruction policies or schedules for specific categories of records in order to ensure legal compliance, and also to accomplish other objectives, such as preserving intellectual property and cost management. Several categories of documents that bear special consideration are identified below. While minimum retention periods are suggested, the retention of the documents identified below and of documents not included in the identified categories should be determined primarily by the application of the general guidelines affecting document retention identified above, as well as any other pertinent factors. Such records include but are not limited to:

(a) Board and Board Committee Materials. Meeting minutes should be retained in perpetuity in the Union's minute book. A clean copy of all Board and Board Committee materials should be kept likewise in perpetuity.

(b) U.S. DOL Records. All records required to be kept by the U.S. Department of Labor that are related to Union elections must be kept for one (1) year following the ballot count. Other records, including but not limited to the Union's annual LM-2 filings and supporting documentation should be kept in perpetuity.

(c) Tax Records. Tax records include, but may not be limited to, documents concerning payroll, expenses, proof of deductions, business costs, accounting procedures, and other documents concerning the Union's revenues. Tax records should be retained for at least six years from the date of filing the applicable return.

(d) Employment Records/Personnel Records. State and federal statutes require the Union to keep certain recruitment, employment and personnel information. The Union should also keep personnel files that reflect performance reviews and any complaints brought against the Union or individual employees under applicable state and federal statutes. The Union should also keep all final memoranda and correspondence reflecting performance reviews and actions taken by or against personnel in the employee's personnel file. Employment and personnel records should be retained for six years.

(e) Press Releases/Public Filings. The Union should retain permanent copies of all press releases and publicly filed documents under the theory that the Union should have its own copy to test the accuracy of any document a member of the public can theoretically produce against that Union.

(f) Legal Files. Legal counsel should be consulted to determine the retention period of particular documents, but legal documents should generally be maintained for a period of ten years.

(g) Marketing and Sales Documents. The Union should keep final copies of marketing and sales documents for the same period of time it keeps other corporate files, generally three years. An exception to the three-year policy may be sales invoices, contracts, leases, licenses and other legal documentation. These documents should be kept for at least three years beyond the life of the agreement.

(h) Development/Intellectual Property and Trade Secrets. Development documents are often subject to intellectual property protection in their final form (e.g., patents and copyrights). The documents detailing the development process are often also of value to the Union and are protected as a trade secret where the Union:

- (i) derives independent economic value from the secrecy of the information; and
- (ii) the Union has taken affirmative steps to keep the information confidential.

The Union should keep all documents designated as containing trade secret information for at least the life of the trade secret.

(i) Contracts Final. Executed copies of all contracts entered into by the Union should be retained. The Union should retain copies of the final contracts for at least three years beyond the life of the agreement, and longer in the case of publicly filed contracts.

(j) Electronic Mail. E-mail that needs to be saved should be either:

- (i) printed in hard copy and kept in the appropriate file; or
- (ii) downloaded to a computer file and kept electronically or on disk as a separate file.

The retention period of printed or downloaded e-mail depends upon the subject matter of the e-mail, as covered elsewhere in this policy. E-mail that does not need to be saved should be retained for a period of ninety (90) days.

(k) Real Estate. All records relating to real property owned or leased by the Union and/or its related entities, including but not limited to sales documents, plats of survey, tax records, deeds, leases, environmental studies, government inspections, etc.

(l) Surveillance Tapes. Surveillance tapes, if any, should be copied from the Union's DVR system immediately after a complaint is made which may depict events related to the complaint, and preserved for two (2) years.

(m) Litigation. Federal law imposes upon individuals and organizations an obligation to preserve evidence it knows or reasonably should know is likely to be requested in reasonably foreseeable litigation. Toward that end, employees, officers, and/or auditors and trustees of Local 150 may receive what is known as a "litigation hold" letter directing them to preserve evidence when litigation is threatened or commenced. Any such letter must be complied with fully. Such records should then be retained until the litigation is concluded.

Failure to comply with this Document Retention Policy may result in punitive action against the employee, including suspension or termination. Questions about this policy should be referred to the President-Business Manager who is in charge of administering, enforcing and updating this policy.