

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 15 GENERAL RECORDS RETENTION AND DISPOSITION SCHEDULES (GRRDS)
PART 7 GRRDS, GENERAL PERSONNEL RECORDS (INTERPRETIVE)

1.15.7.1 ISSUING AGENCY: [New Mexico Commission of Public Records] State Records Center and Archives
[8/8/96; 1.15.7.1 NMAC - Rn, 1 NMAC 3.2.90.1, 10/01/2000]

1.15.7.2 SCOPE: (For use by Counties, Municipalities, Universities and Public Schools)
[8/8/96; 1.15.7.2 NMAC - Rn, 1 NMAC 3.2.90.2, 10/01/2000]

1.15.7.3 STATUTORY AUTHORITY: Section 14-3-4 NMSA 1978, it shall be the duty of the commission to adopt and publish rules to carry out the purposes of the Public Records Act. Section 14-3-6 NMSA 1978, the administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[8/8/96; 1.15.7.3 NMAC - Rn, 1 NMAC 3.2.90.3, 10/01/2000; A, 12/31/2012]

1.15.7.4 DURATION: permanent
[8/8/96; 1.15.7.4 NMAC - Rn, 1 NMAC 3.2.90.4, 10/01/2000]

1.15.7.5 EFFECTIVE DATE: July 30, 1997
[1.15.7.5 NMAC - Rn, 1 NMAC 3.2.90.31, 10/01/2000]

1.15.7.6 OBJECTIVE: To establish a records retention schedule for the orderly management, retention, disposition and preservation of records necessary for carrying out the Public Records Act pursuant to Section 14-3-6 NMSA 1978.
[8/8/96; 1.15.7.6 NMAC - Rn, 1 NMAC 3.2.90.6, 10/01/2000; A, 12/31/2012]

1.15.7.7 DEFINITIONS:

- A. "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
- B. "Agency"** means any institution or other organization of local government in New Mexico.
- C. "Archives"** means the permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico. The term also refers to the organizational unit of the SRCA storing these records.
- D. "Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
- E. "Commission"** means the state commission of public records (Section 14-3-2 NMSA 1978).
- F. "Disposition"** means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).
- G. "Microphotography"** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission.
- H. "Non-record"** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- I. "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed.
- J. "Public record"** means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of

the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).

K. "Records custodian" means the statutory head of the agency using or maintaining the records or the custodian's designee.

L. "Record destruction" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

M. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

N. "Records retention and disposition schedule" means rules adopted by the commission pursuant to Section 14-3-4 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

O. "Retention" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes. [8/8/96; 5/19/97; 1.15.7.7 NMAC - Rn, 1 NMAC 3.2.90.7, 10/01/2000; A, 12/31/2012]

1.15.7.8 ABBREVIATIONS AND ACRONYMS:

A. "CFR" stands for code of federal regulations.

B. "EDRRDS" stands for education records retention and disposition schedules.

C. "ERRDS" stands for executive records retention and disposition schedules.

D. "GRRDS" stands for general records retention and disposition schedules.

E. "JRRDS" stands for judicial records retention and disposition schedules.

F. "LRRDS" stands for legislative records retention and disposition schedules.

G. "LGRRDS" stands for local government records retention and disposition schedules.

H. "SRCA" stands for state records center and archives.

I. "SSN" stands for social security number.

J. "USC" stands for United States code.

[8/8/96; 5/19/97; 1.15.7.8 NMAC - Rn, 1 NMAC 3.2.90.8, 10/01/2000; A, 12/31/2012]

1.15.7.9 INSTRUCTIONS:

A. Records retention and disposition schedules identify the types of records maintained by local government and educational institutions and specify a period of time which records must be retained. A retention period may be stated in terms of months or years and is sometimes expressed as contingent upon the occurrence of an event. There are several types of records retention and disposition schedules promulgated by the commission for local government and educational institutions. General schedules list records common to all local government and educational institutions and local government and educational schedules list records specific for that entity. Each record series will be represented in the format listed below.

(1) **Program** - describes the function of the records

(2) **Maintenance system** - describes how an agency files (organizes) records

(3) **Description** - describes the purpose and content of a record

(4) **Retention** - defines the length of time records must be kept before they are eligible for destruction or archival preservation.

B. For records of a general administrative nature, refer to the GRRDS, General Administrative (For Use By Local Government and Educational Institutions), 1.15.3 NMAC.

C. For records of a financial nature, refer to the GRRDS, General Financial (Interpretive), 1.15.5 NMAC.

D. For records of a personnel nature, refer to the GRRDS, General Personnel (Interpretive), 1.15.7 NMAC.

E. For records of a medical nature, refer to the GRRDS, General Medical, 1.15.8 NMAC.

F. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

G. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are included in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

H. Confidentiality is denoted for files likely to contain confidential materials or information; however files without a confidentiality note may contain confidential or privileged information. Failure to include a

confidentiality note in the description of a record series does not waive confidentiality. Refer questions concerning the confidentiality of a file to legal counsel for the agency.

I. Access to confidential documents, information or files shall be only by authorization of the agency records custodian (Section 14-2-8 NMSA 1978), or by the office of the attorney general or by court order, unless otherwise provided by law. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

J. Records may be photographed, microfilmed, digitized or converted to computer output microfilm provided a microphotography plan has been approved by the state records administrator (Section 14-3-17 NMSA 1978). Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction as evidence in all courts or administrative agencies (Section 14-1-6 NMSA 1978).

K. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

L. Email is a transmission medium for content that may or may not be a public record. Email messages that contain information sent or received by an agency in connection with the transaction of official state business or in pursuance of law are public records and are subject to retention requirements established in records retention and disposition schedules. Email messages are required to be categorized, filed and retained on the basis of content (1.13.4 NMAC, Records Management Requirements for Electronic Messaging). The content of email messages may vary considerably; therefore, each email shall be evaluated to determine if it meets the definition of a public record as defined in the Public Records Act. Non-records or transitory emails that do not provide evidence of official agency policies or business transactions may be deleted.

M. Non-scheduled public records created by an agency in pursuance of law or in connection with the transaction of public business shall have a retention period of permanent until such time the non-scheduled record has been scheduled and a retention period adhering to operational, legal, fiscal, historical or other purposes is established.

[1.15.7.9 NMAC - Rn & A; 1.15.7.8 NMAC, 12/31/2012]

1.15.7.10 - 100 [RESERVED]

1.15.7.101 PERSONNEL FOLDERS:

A. Program: personnel files
B. Maintenance system: alphabetical by employee
C. Description: can include but are not limited to personnel action requests. Salary adjustment notices. Employee payroll information sheets, performance evaluations, correspondence (includes disciplinary actions, commendations, recommendation, etc.). General (includes applications, job descriptions, test grades, certificates, resumes, transcripts, disclaimers, etc.)

D. Retention:

- (1) **other department copies:** three years after employee terminated or retired
- (2) **personnel department copy:** 55 years after employee terminated or retires

[7/30/97; 1.15.7.101 NMAC - Rn, 1 NMAC 3.2.90.31.P101, 10/01/2000]

1.15.7.102 REJECTED APPLICATIONS:

- A. Program:** personnel files
B. Maintenance system: [RESERVED]
C. Description: [RESERVED]
D. Retention: three years after rejected

[7/30/97; 1.15.7.102 NMAC - Rn, 1 NMAC 3.2.90.31.P102, 10/01/2000]

1.15.7.103 BACKGROUND INVESTIGATION RECORD:

A. Program: personnel files
B. Maintenance system: [RESERVED]
C. Description: can include but are not limited to application, authorization, investigation, final report, etc

D. Retention:

- (1) **hired employees:** three years after employee terminated or rehired
- (2) **individual not hired:** three years after investigation

[7/30/97; 1.15.7.103 NMAC - Rn, 1 NMAC 3.2.90.31.P103, 10/01/2000]

1.15.7.104 PERSONNEL EVALUATIONS:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** [RESERVED]
- D. Retention:** three years after issued

[7/30/97; 1.15.7.104 NMAC - Rn, 1 NMAC 3.2.90.31.P104, 10/01/2000]

1.15.7.105 LEAVE RECORDS:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** can include but are not limited to application for leave, leave balance sheets, etc.
- D. Retention:** until audit report released for year in which records created

[7/30/97; 1.15.7.105 NMAC - Rn, 1 NMAC 3.2.90.31.P105, 10/01/2000]

1.15.7.106 RETIREMENT RECORDS:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** can include but are not limited to application, certification, changes, refunds, financial ledger, correspondence, etc.
- D. Retention:**

- (1) **personnel department copy:** three years after employee terminated or rehired
- (2) **retirement association or board copy:**
 - (a) **inactive employees:** 70 years after employee's date of birth
 - (b) **deceased retirees:** six years after deceased

[7/30/97; 1.15.7.106 NMAC - Rn, 1 NMAC 3.2.90.31.P106, 10/01/2000]

1.15.7.107 INSURANCE RECORDS:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** deduction authorization, request for change, waiver and copies of claims, correspondence, etc
- D. Retention:**

(1) **deduction authorization, request for change, waiver:** three years after employee terminated or retired or three years after termination of agreement

- (2) **copies of claims, correspondence, etc.:** until purpose is served

[7/30/97; 1.15.7.107 NMAC - Rn, 1 NMAC 3.2.90.31.P107, 10/01/2000]

1.15.7.108 MISCELLANEOUS DEDUCTION RECORDS:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** can include but are not limited to records relative to credit union, savings bonds, prepaid legal services, united way, garnishment, etc.
- D. Retention:** three years after final deduction

[7/30/97; 1.15.7.108 NMAC - Rn, 1 NMAC 3.2.90.31.P108, 10/01/2000]

1.15.7.109 REQUEST FOR CERTIFICATE OF ELIGIBLES:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** shows department name, proposed hire date, title position, name of interviewer, kind of certificate, number of vacancies, authorization signatures, etc
- D. Retention:** three years after issued

[7/30/97; 1.15.7.109 NMAC - Rn, 1 NMAC 3.2.90.31.P109, 10/01/2000]

1.15.7.110 CERTIFICATE OF ELIGIBLES:

- A. Program:** personnel files
- B. Maintenance system:** lists applicants in order of score
- C. Description:** shows name and address, social security number, veteran's preference and residence points, phone number(s), department comment codes
- D. Retention:** three years after issued
[7/30/97; 1.15.7.110 NMAC - Rn, 1 NMAC 3.2.90.31.P110, 10/01/2000]

1.15.7.111 PROMOTIONAL AND TRANSFER OPPORTUNITY NOTICES (INTERNAL):

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** can show position title, range, salary, location, supervisor, qualifications, deadline, etc.
- D. Retention:** three years after issued
[7/30/97; 1.15.7.111 NMAC - Rn, 1 NMAC 3.2.90.31.P111, 10/01/2000]

1.15.7.112 EMPLOYEE NUMBER LOGS:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** can show number, name, date hired, etc.
- D. Retention:** until purpose is served
[7/30/97; 1.15.7.112 NMAC - Rn, 1 NMAC 3.2.90.31.P112, 10/01/2000]

1.15.7.113 EMPLOYEE LISTING (PERSONNEL ROSTER):

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** can list name, number, position, location, hire date, salary, etc.
- D. Retention:**
 - (1) **other department:** until new listing is issued
 - (2) **personnel department:**
 - (a) **bi-weekly:** until new listing is issued
 - (b) **quarterly:** five years after issued
[7/30/97; 1.15.7.113 NMAC - Rn, 1 NMAC 3.2.90.31.P113, 10/01/2000]

1.15.7.114 CONTROL LOGS:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** include logs for controlling each step of personnel actions from initiation through completion of action
- D. Retention:** until all actions are completed
[7/30/97; 1.15.7.114 NMAC - Rn, 1 NMAC 3.2.90.31.P114, 10/01/2000]

1.15.7.115 ACTION REMINDER LISTING, MONTHLY PRINTOUT:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** shows personnel actions due to occur during the upcoming month
- D. Retention:** until new listing is issued
[7/30/97; 1.15.7.115 NMAC - Rn, 1 NMAC 3.2.90.31.P115, 10/01/2000]

1.15.7.116 JOB SPECIFICATION:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** shows job title, definition, supervision and guidelines, examples of work performed, distinguishing characteristics, minimum qualifications, working conditions
- D. Retention:**

- (1) **other department:** once new specification is issued
 - (2) **personnel department:** 10 years after job specification is replaced
- [7/30/97; 1.15.7.116 NMAC - Rn, 1 NMAC 3.2.90.31.P116, 10/01/2000]

1.15.7.117 JOB DESCRIPTION QUESTIONNAIRE:

- A. Program:** personnel files
 - B. Maintenance system:** [RESERVED]
 - C. Description:** shows department, position, number, current and proposed classification, name of incumbent and supervisor, personnel department signature, description of work performed, etc.
 - D. Retention:**
 - (1) **other department:** until new listing is issued
 - (2) **personnel department:** 10 years after replaced
- [7/30/97; 1.15.7.117 NMAC - Rn, 1 NMAC 3.2.90.31.P117, 10/01/2000]

1.15.7.118 TABLE OF ORGANIZATIONAL LISTING (TOOL'S) MONTHLY PRINTOUT:

- A. Program:** personnel files
 - B. Maintenance system:** [RESERVED]
 - C. Description:** shows index of organizational units
 - D. Retention:**
 - (1) **other department:** until new listing is issued
 - (2) **personnel department:**
 - (a) **monthly:** until new listing is issued
 - (b) **quarterly:** permanent
- [7/30/97; 1.15.7.118 NMAC - Rn, 1 NMAC 3.2.90.31.P118, 10/01/2000]

1.15.7.119 CLASSIFICATION STUDY FILES:

- A. Program:** personnel files
 - B. Maintenance system:** [RESERVED]
 - C. Description:** special studies for proposed classifications; can include but are not limited to job description, task statements, methodology, description of study, salary surveys, relative correspondence, etc.
 - D. Retention:**
 - (1) **other department:** three years after created
 - (2) **personnel department:** 10 years after study is superseded
- [7/30/97; 1.15.7.119 NMAC - Rn, 1 NMAC 3.2.90.31.P119, 10/01/2000]

1.15.7.120 EMPLOYEE ELIGIBILITY VERIFICATION, (FORM I-9) FILES:

- A. Program:** personnel files
 - B. Maintenance system:** chronological by year, then numerical by identification number
 - C. Description:** records documenting the employer's determination, verification and re-verification of eligibility that an employee is authorized to work in the United States. File may include *form I-9* (i.e., employee name, address, date of birth, social security number, attestation of citizenship, etc.), copy of social security card, copy of employment authorization with photo, copy of driver's license, copy of birth certificate, copy of U.S. citizenship identification card, etc.
 - D. Retention:** three years from date of hire or one year from date of separation of employment, whichever is later (8 CFR 274A.2)
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to, 5 USC, Section 552a (i.e., social security number).
- [7/30/97; 1.15.7.120 NMAC - Rn, 1 NMAC 3.2.90.31.P120, 10/01/2000; A, 12/31/2012]

1.15.7.121 POSITION CHANGE REQUEST:

- A. Program:** personnel files
- B. Maintenance system:** [RESERVED]
- C. Description:** shows type and identification of proposed change, department identification, approved or disapproved signature of personnel office and finance department
- D. Retention:**
 - (1) **approved request:**

- (a) **finance department copy:** five years after close of fiscal year in which created
- (b) **key punch copy:** until key punched and verified
- (c) **other department:** three years after issued
- (d) **personnel office:** see item 1.15.7.117 NMAC
- (2) **disapproved request:**
 - (a) **other department:** three years after issued
 - (b) **second copy (if disapproved by personnel office):** three years after issued
 - (c) **third (canary) personnel office copy:** until action is completed

[7/30/97; 1.15.7.121 NMAC - Rn, 1 NMAC 3.2.90.31.P121, 10/01/2000]

1.15.7.122 LIST OF APPROVED CLASS SPECIFICATIONS (CLASSIFICATION AND COMPENSATION PLAN):

- A. **Program:** personnel files
- B. **Maintenance system:** [RESERVED]
- C. **Description:** shows specification number, range, abbreviated title, full title
- D. **Retention:**
 - (1) **other department:** until new list is issued
 - (2) **personnel office:** 10 years after replaced

[7/30/97; 1.15.7.122 NMAC - Rn, 1 NMAC 3.2.90.31.P122, 10/01/2000]

1.15.7.123 NOTICE OF CHANGE OF CLASS SPECIFICATION:

- A. **Program:** personnel files
- B. **Maintenance system:** [RESERVED]
- C. **Description:** shows manifest number, effective date, present class title and specification number, nature of action, etc.
- D. **Retention:**

- (1) **other department:** until new list is issued
- (2) **personnel office:** 10 years after replaced

[7/30/97; 1.15.7.123 NMAC - Rn, 1 NMAC 3.2.90.31.P123, 10/01/2000]

1.15.7.124 PERSONNEL OFFICE MEMORANDUMS:

- A. **Program:** personnel files
- B. **Maintenance system:** [RESERVED]
- C. **Description:** [RESERVED]
- D. **Retention:**
 - (1) **other department:** until rescinded
 - (2) **personnel office:** permanent

[7/30/97; 1.15.7.124 NMAC - Rn, 1 NMAC 3.2.90.31.P124, 10/01/2000]

1.15.7.125 EQUAL EMPLOYMENT OPPORTUNITY AFFIRMATIVE ACTION PLANS, ANNUAL:

- A. **Program:** personnel files
- B. **Maintenance system:** [RESERVED]
- C. **Description:** required annual by state and federal law, these are department assessments of internal employment practices with specific policies and procedures designed to eliminate the effects of institutional discrimination.

- D. **Retention:** three years after issued

[7/30/97; 1.15.7.125 NMAC - Rn, 1 NMAC 3.2.90.31.P125, 10/01/2000]

1.15.7.126 AGENCY EEO STATISTICS, ANNUAL PRINTOUTS:

- A. **Program:** personnel files
- B. **Maintenance system:** [RESERVED]
- C. **Description:** reports provided by the personnel office (or department generated) for use in preparing affirmative action plans. They include but are not limited to minority actions report, minority groups report, EEO profile of employee job categories.

- D. **Retention:**

- (1) **other department:** until affirmative action plan (item no. 1.15.7.125) has been issued

(2) **personnel office:** permanent
[7/30/97; 1.15.7.126 NMAC - Rn, 1 NMAC 3.2.90.31.P126, 10/01/2000]

1.15.7.127 GRIEVANCE AND COMPLAINT FILES:

- A. **Program:** personnel files
 - B. **Maintenance system:** [RESERVED]
 - C. **Description:** can contain but are not limited to complaint and grievance, correspondence, summary of hearing, exhibits, committee, decisions, transcripts, resolutions, depositions, etc.
 - D. **Retention:** one year after closed
- [7/30/97; 1.15.7.127 NMAC - Rn, 1 NMAC 3.2.90.31.P127, 10/01/2000]

1.15.7.128 EDUCATION AND TRAINING FILES:

- A. **Program:** personnel files
 - B. **Maintenance system:** [RESERVED]
 - C. **Description:** can contain but are not limited to material relative to education of training, test booklets, answer sheets, lists of attending employees, course brochures, synopsis, copies of contracts, relative correspondence, etc.
 - D. **Retention:** three years after course conducted
- [7/30/97; 1.15.7.128 NMAC - Rn, 1 NMAC 3.2.90.31.P128, 10/01/2000]

History of 1.15.7 NMAC:

Pre-NMAC History: The material in the part was derived from that previously filed with the State Records Center under:

- SRC Rule 81-4 Records Retention and Disposition Schedule for the General Personnel Records, 8/31/81.
- SRC Rule 94-17 Records Retention and Disposition Schedule for the General Personnel Records, 6/30/97.