

# New Jersey Broadcasters Association

## Document Retention and Destruction Policy

This Document Retention and Destruction Policy of the New Jersey Broadcasters Association (“NJBA”) identifies the record retention responsibilities of staff, contractors, volunteers, members of the Board of Directors, and outsiders for maintaining and documenting the storage and destruction of the NJBA’s documents and other records, both in hard copy and electronic media (“documents”).

Purposes of the Policy include (a) retention and maintenance of documents necessary for the proper functioning of the organization as well as to comply with applicable legal requirements; (b) destruction of documents which no longer need to be retained; and (c) guidance for the Board of Directors, officers, staff, and other constituencies with respect to their responsibilities concerning document retention and destruction.

This policy is intended to supplement but not replace any state and federal laws governing documentation retention applicable to the NJBA. Notwithstanding the foregoing, the organization reserves the right to revise or revoke this Policy at any time.

### 1. **Administration**

**1.1 Responsibilities of the Administrator.** The NJBA’s Executive Director shall be the administrator (“Administrator”) in charge of the administration of this Policy. The Administrator’s responsibilities shall include supervising and coordinating the retention and destruction of documents pursuant to this Policy and particularly the Document Retention Schedule included below. The Administrator shall also be responsible for documenting the actions taken to maintain and/or destroy organization documents and retaining such documentation. The Administrator may also modify the Document Retention Schedule from time to time as necessary to comply with law and/or to include additional or revised document categories as may be appropriate to reflect organizational policies or procedures. The Administrator is also authorized to periodically review this Policy and Policy compliance with legal counsel and report to the board of Directors as to compliance.

**1.2 Responsibilities of the Constituencies.** This policy also relates to the responsibilities of board members, staff, volunteers, and outsiders with respect to maintaining and documenting the storage and destruction of the NJBA’s documents. Any organizational staff shall be familiar with this Policy, shall act in accordance therewith, and shall assist the Administrator, as requested, in implementing it. The responsibility of volunteers shall be to produce specifically identified documents upon request of management, if the volunteer still retains such documents. In that regard, after each project in which a volunteer has been involved, or each term which the volunteer has served, it shall be the responsibility of the Administrator to confirm whatever types of documents the volunteer retained and to request any such documents which the Administrator feels will be necessary for retention by the organization. Outsiders may include vendors or other service providers. Depending upon the sensitivity of the documents involved with particular outsider relationships, the Administrator shall share this Policy with the outsider, requesting compliance.

2. **Suspension of Document Destruction; Compliance.** The organization becomes subject to a duty to preserve (or halt the destruction of) documents once litigation, an audit, or a

government investigation is reasonably anticipated. If the Administrator becomes aware that litigation, a governmental audit or a governmental investigation has been instituted, or is reasonably anticipated, or contemplated, he/she shall immediately order a halt to all document destruction under this Policy, communicating the order to all affected constituencies in writing. The Administrator may thereafter amend or rescind the order only after conferring with legal counsel. If any board member or staff member becomes aware that litigation, governmental audit, or a governmental investigation has been instated, or is reasonably anticipated or contemplated, with respect to the organization, and they are not sure whether the Administrator is aware of it, they shall immediately make the Administrator aware of it.

3. **Electronic Documents; Document Integrity.** Documents in electronic format shall be maintained just as hard copy or paper documents are, in accordance with the Document Retention Schedule. The Administrator shall attempt to establish standards for document integrity, including guidelines for handling electronic files, backup procedures, archiving of documents, and regular checkups of the reliability of the system; provided, that such standards shall only be implemented to the extent that they are reasonably attainable considering the resources and other priorities of the NJBA.
4. **Privacy.** It shall be the responsibility of the Administrator, after consultation with counsel, to determine how privacy laws will apply to the organization's documents from and with respect to employees and other constituencies; to establish reasonable procedures for compliance with such privacy laws; and to allow for their audit and review on a regular basis.
5. **Emergency Planning.** Documents shall be stored in a safe and accessible manner. Documents which are necessary for the continued operation of the organization in the case of an emergency shall be regularly duplicated or backed up and maintained in an off-site location. The Administrator shall develop reasonable procedures for document retention in the case of an emergency.
6. **Document Retention Schedule.**

6.1 Retain permanently:

*Governance records* – Articles of Incorporation, Charter and amendments, Bylaws, other organizational documents, NJBA Annual Meeting minutes, minutes of Board of Directors meetings, and official policies adopted by the Board.

*Tax records* – Filed state and federal tax returns/reports and supporting records, tax exemption determination letter and related correspondence, files related to tax audits.

*Intellectual property records* – Copyright and trademark registrations and samples of protected works.

*Financial records* – Audited financial statements and related documents, attorney contingent liability letters.

*Membership lists* – annual list of members in good standing in various categories set forth in the Bylaws.

6.2. Retain for ten years:

*Government relations records* – State and federal lobbying and political contribution reports and supporting records.

6.3. Retain for seven years:

*Employee/employment records* – Employee names, addresses, social security numbers, dates of birth, INS Form I-9s, resume/application materials, job descriptions, dates of hire and termination/separation, evaluations, compensation information, promotions, transfers, disciplinary matters, time/payroll records, leave/comp time/FMLA, engagement and discharge correspondence, documentation of basis for independent contractor status (retain for all current employees and independent contractors and for three years after departure of each individual).

*Lease, insurance, and contract/license records* – Software license agreements; vendor, hotel, and service agreements; independent contractor agreements; employment agreements; consultant agreements; and all other agreements (retain during the term of the agreement and for seven years after the termination, expiration or non-renewal of each agreement).

*All other electronic records, documents and files* – Correspondence files, past budgets, bank statements, publications, employee manuals/policies and procedures, survey information.

6.4. Retain for three years:

*NCSA/PEP affidavits and summaries* – Copies of all station affidavits related to any Non-Commercial Sustaining Announcement/Public Education Program campaigns as well as summaries with estimated values of those campaigns.

7. **Exceptions.** Exceptions to these rules and terms for retention may be granted only by the Organization's chief staff executive or Chairman of the Board.