



ilta09

leading technology | optimizing value

Leading Technology | Optimizing Value

Winning the War on Retention

Galina Datskovsky, Ph.D., CRM

Amber Wolff

Rudy Moliere

Vicki Lee Clewes, JD

Disposition Battles

- What does it take to get started
- How do you get acceptance
- How do you continue to improve the program
- What about the new technological challenges

Getting Started

- Identifying records types and their governance requirements
 - Client records
 - Administrative Records
- Utilizing tools such as ARMA's Generally Accepted Recordkeeping Principles (GARP)
- Creating a retention schedule
 - Identifying requirements
 - Writing the policies
 - Getting buy-in
 - Training user community

Getting Started

- Actually carrying out a disposition
 - Destruction
 - Return to client
 - Attorney departure
 - Move to an archive/other permanent storage
- Getting rid of ROT (redundant, outdated and trivial information)

Gaining Acceptance

Training the user community

- **Making things simple**
 - Big buckets
 - Intuitive process/interface
 - Automation
- **Audits and surveys**
- **Rewards programs**
- **Tangible measurements**
 - Reduction of storage/clutter
 - Less time spent looking for stuff

Continuous Improvement

Audit process

- Changes in the process
- Changes in retention schedule
- Simplification of interface
- Continued automation
- Continue to measure

New Technologies

- Only introduce new technology within the framework of good governance
- Consider the challenges
 - Integrated mail box
 - Mobile devices
 - Blogs
 - Wikis
 - SharePoint
 - IM
 - Cloud computing
 - Social media

Lessons Learned from the Records Retention Project

Amber Woolf

formerly, **Estee Lauder Executive
Director Office Services**

currently, Consultant-Richard Hoffman &
Associates INC.

- Updated & created a modern version of The Records Management Policy for N.A. and Canada.
- Formed a Records committee to insure compliance, support and movement.
- Established revised Policy, Procedures, Retention Schedules , forms and off-site storage.
- Outside counsel reviewed and approved enhanced Records Management Policy. (RMP)
- Distributed RMP & Procedures Manual.

- Conducted records retention training classes for coordinators.
- Incorporated Records Management responsibilities into the HR Code Of Conduct.

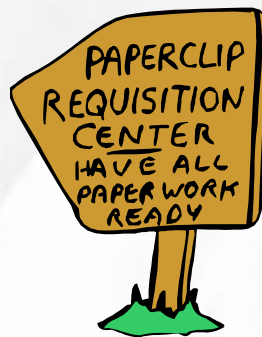
- **Company Announcement from the ELC President on importance of records to insure compliance.**
- **All employees familiarized themselves with Policy & Procedures available on the company intranet.**

- Reviewed Sedona principles for E-discovery.
- Implemented Symantec enterprise vault.
- ESI data-map documented.
- Mandate compliance through training, auditing and SOX.

- Revised destruction form/approvals needed from Tax, Legal and acting Records officer before carrying out the destruction/certificate on file.
- Periodically, Department “clean-up days” enforced and monitored. Records Team engaged and supported this initiative.
- All employees-Directors and above sign the HR Code Of Conduct annually.
- Enhanced, updated and added additional Record types, sections and timeframes-approval by Tax, Legal and Records.
- Implemented and trained users on HOLD policy.
- Product purchased through RFP process.

Winning The War on Retention : The Art of War

Rudy Moliere
Records Manager
Paul, Weiss, Rifkind,
Wharton & Garrison
LLP



The Art Of War

- Building an Army
- Waging War
- The Army on the March
- "Mission Accomplished!" Now comes the hard work
- The Attack by Fire/The Use of Spies

Building an Army

- Risk Management
- Technology
- Historical Perspective
- Operations



Waging War

- Committing to a process, schedule and goal
- Review of current policies/Application of current policies
- PR Offensive
- Addressing Administrative Records
- Identifying "Records" and "Source of Records"

The Army on the March

- Carving out a policy from scratch
 - Policy and Records Guidelines



"Mission Accomplished!"

- Now comes the hard work
 - Education and Buy-In
 - Tackling the "Beast"



The Attack by Fire/ The Use of Spies

– Your best weapon? Automation



Gilead Sciences, Inc. Life After Retention

Vicki Lee Clewes

Senior Manager, Commercial Legal Affairs

Gilead Sciences, Inc Life After Retention

**Retention Schedules implemented
in 2004**

**Based on Department and Record
Category**

**Over 35 Departments with
average of 30 – 50 Categories**

**Burdensome to administer, train
on, and stay in compliance with.**

Gilead Sciences, Inc. Life After Retention

- Make it EASY = Limit the number of decisions the Custodian must make.
- Fewer Categories, cross-over by Function
- Big Bucket Approach

Traditional Retention Schedules

HUMAN RESOURCES DEPARTMENT

| | |
|-------------------------------------|---------|
| Accident reports, injury claims | 7 years |
| Applications, changes, terminations | 3 years |
| Attendance records | 4 years |
| Correspondence | 6 years |
| Daily time reports | 5 years |

Human Resources Department

| | | | |
|--|--|---------------------------------------|-----------------------------------|
| I-9 Documents | Documents employees eligibility to work in the U.S. | TERM+30 | 8 CFR 274a.2(b)(2) |
| Immigration documents | Work visas, green card documents | HIRE+3 or TERM+1 - whichever is later | 8 CFR 274a.2(b)(2) |
| Individual Personnel Data Files - Benefit Files | Medical, Dental, Vision, 401k, ESPP, Life Insurance, and Flex Spending | TERM+30 | 29 CFR 1627.3 |
| Insurance Plan Billing Records | Documents each months premiums for each benefit plan. May include correspondence, invoices, etc. Durham. | CY+6 | 26 CFR 1.6001-1; 26 CFR 1.6038A-3 |
| Job Family Descriptors | Summarizes general duties and responsibilities of different levels within job families | SUP+1 | 29 CFR 1602.14; 29 CFR 1607.15 |
| Job Postings | Contains copies of advertisements used to recruit for an employment position. May include advertisement costs, run date for ad, etc. | CY+1 | 29 CFR 1602.14; 29 CFR 1627.3 |

Retention Rule with Record Examples

- **Function:** Accounting / Payroll
- **Rule Name:** Payroll
- **Rule Description:** Records related to individual employee salary and compensation, and payment of other financial obligations associated with payroll. Includes records of allocations and payments related to employee savings and life insurance plans elections, wage assignments, garnishment payments, and payroll taxes.
- **Legal Retention Period:** 6 years
- **Operational Retention Period:** 10 years
- **Final Retention Period:** 10 years
- **RECORD EXAMPLES:** Payroll registers, direct deposit records, benefit deduction reports, payroll journal entries, payroll ledger, garnishment payroll reports,

Big Bucket Retention Rule Advantages

- Sustainable, and because it is organized by functions, relatively static
- Consistent retention periods across the enterprise
- Media-neutral, facilitates application of retention to electronic records
- Easier to maintain and update
- Easier for the end user community to understand and use

How do I get there?

- Make sure your legal research is up to date
- Opportunity to talk with users
- Organize the current schedule
 - Use function/retention periods to create buckets
 - Choose retention based on longest period required (either legal or business based)
- Hire a consulting firm who specializes in developing functional retention schedules