

LAA Policy for a Drug-Free and Alcohol-Free Workplace

New Haven Legal Assistance Association, Inc. (LAA) recognizes that the use of illegal drugs and abuse of alcohol and prescription drugs can cause problems which have far-reaching negative effects on the health and productivity of its work force. As part of this concern, LAA's policy on alcohol and drugs is as follows:

- Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. No employee shall work or report to work while impaired by the use of alcohol or any other substance. It is LAA's intent and obligation to provide a drug-free, healthful, safe, and secure work environment.
- The unlawful use, possession, manufacture, distribution, or dispensation of a controlled substance on LAA's premises or while conducting business outside of the office is prohibited. Employees are also prohibited from consuming and possessing alcoholic beverages at work (with the exception of special events or ceremonies where approval has been granted by the Executive Director). Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- LAA recognizes alcohol dependency and drug dependency as illnesses and major health problems. LAA also recognizes alcohol abuse and drug abuse as potential health, safety and security problems. Employees needing help in dealing with such problems are encouraged to use our health insurance plans, as appropriate, to obtain confidential assistance and treatment. Reasonable accommodations will be made where mandated by the Americans with Disabilities Act.
- While participation in a substance abuse program is encouraged and may possibly be mandated, employees whose performance continues to be affected by alcohol or drug abuse will be subject to disciplinary action for failure to perform their job responsibilities.
- Employees must, as a condition of employment, abide by the terms of the above policy and report any convictions under a criminal drug statute for violations occurring on or off LAA premises while conducting LAA business. A report of a conviction must be made to the Executive Director within five (5) days after the conviction. (This requirement is mandated by the Drug-Free Workplace Act of 1988).

No Smoking Policy

Beginning December 1, 1990, no smoking will be allowed on the first and second floors of LAA's space at 426 State Street, New Haven, Connecticut.

Policy on the Use of Technology Resources

- **Ownership Of Program Equipment And Technology**

All computers, computer software, telephone systems, fax machines, copier machines, voice mail systems, e-mail systems, and Internet access systems within the LAA offices are the sole property of LAA. In order to assure that the primary use of these systems is the provision of legal services to the poor in compliance with program policies, program priorities, and program grant requirements, LAA has the right to monitor and control the use of all its property, equipment, and systems. No individual staff member has any proprietary or confidential interest in any materials stored or copied in any office files or systems, including voice mail and e-mail. Any material in any LAA system may be monitored and/or copied by the program management at any time. If material is to be purged, LAA will give notice to the employee involved.

- **Personal Use Of Program Equipment And Technology**

Employees are permitted reasonable personal use of program equipment and telephones provided that this usage is de minimis and: (a) this use occurs on that staff person's personal time; (b) the staff person reimburses the program for any direct costs associated with the use; (c) this use doesn't interfere or conflict with LAA's programmatic use of the property, equipment, or system. Use of LAA's equipment and technology that would reflect poorly on LAA is not acceptable under any circumstances.

- The use of authorization passwords by employees should not be construed as creating a private communication medium. All passwords must be divulged to management. The use of unauthorized or undisclosed passwords is strictly prohibited.

- The e-mail and/or Internet system should not be used to solicit outside business ventures or political, religious, or other personal causes by the employee.

- **Voice-mail And E-mail**

Staff are responsible for checking and responding to voice mail and e-mail messages regularly. In general, communications through either of these systems should be checked at least daily. If you're not going to receive e-mail or voice mail messages for longer than three days, you should leave a message to that effect on your voice or e-mail. Voice mail and e-mail communications should be acknowledged and responded to as any other written communication or phone message. Employees should not read other people's e-mail without their permission.

Approved by LAA Board
on November 15, 2001

Violence in the Workplace Prevention Policy

1. No employee shall bring into the office any weapon or dangerous instrument as defined herein.

No employee shall use, attempt to use, or threaten to use any such weapon or dangerous instrument in the office.

No employee shall cause or threaten to cause death or physical injury to any individual in the office.

Weapon means any firearm, including a BB gun, whether loaded or unloaded, any knife (excluding a small pen or pocket knife), including a switchblade or other knife having an automatic spring release device, a stiletto, any police baton or nightstick or any martial arts weapon or electronic defense weapon.

Dangerous instrument means any instrument, article or substance that, under the circumstances, is capable of causing death or serious physical injury.

Violation of the above reasonable work rules shall subject the employee to disciplinary action up to and including discharge.

2. This policy shall be prominently posted and all managers and supervisors must clearly communicate this policy to all employees.

3. All managers and supervisors are expected to enforce this policy fairly and uniformly.

4. Any employee who feels subjected to or witnesses violent, threatening, harassing, or intimidating behavior in the office shall immediately report the incident or statement to his or her supervisor or the Executive Director.

5. Any employee who believes that there is a serious threat to his or her safety or the safety of others that requires immediate attention shall notify proper law enforcement authorities and his or her supervisor or the Executive Director.

6. Any manager or supervisor receiving such a report shall immediately contact the Executive Director to evaluate, investigate and take appropriate action.

7. All parties must cooperate fully when questioned regarding violations of this policy.

8. All parties will be advised that any weapon or dangerous instrument at the office will be confiscated and that there is no reasonable expectation of privacy with respect to such items in the office.

Approved by LAA Board on 09/21/00

Document Retention and Destruction Policy

A. Introduction

Document management encompasses the creation, retention, maintenance, and destruction of documents. Careful attention to document management will aid in the efficient delivery of legal services and enable us to protect our clients and the New Haven Legal Assistance Association, Inc. ("LAA"). Maintaining documents that do not serve those purposes increases our costs of delivering services, without any corresponding benefit to our clients or to LAA.

The Sarbanes-Oxley Act addresses the destruction of litigation-related documents. The law makes it a crime to alter, cover up, falsify or destroy any document (or persuade any other person to do so) to prevent its use in an official proceeding, such as a federal investigation or bankruptcy proceeding. While documents may be destroyed in the ordinary course of business, document destruction is a process that must be monitored, justified, and carefully administered. In addition, the Federal Rules of Civil Procedure recently have been amended in recognition of caselaw that has imposed sanctions for the destruction of documents after litigation should have been "reasonably anticipated."

B. Policy

It is the Policy of LAA to create and preserve documents that will reflect accurately and clearly our rendering of legal services. To that end, LAA has adopted the procedures described below. They are necessarily general in nature. It is also the policy of LAA to comply with the letter and spirit of the Sarbanes-Oxley Act and the Federal Rules of Civil Procedure with respect to document destruction while providing for an orderly method for disposing of files and records that are no longer relevant or required.

C. Procedures

DESTRUCTION

1. Unless designated on the Retention Times list below, paper documents shall be shredded after three years. Electronically stored information is not subject to an auto-delete function as of the Effective Date of this Policy.

2. If an official investigation or litigation involving LAA is underway or reasonably anticipated, any document destruction must stop and the procedures for Litigation Holds set forth below must be followed.

3. Voice mail. Unless subject to a Litigation Hold, voice mail messages may be deleted routinely after the recipient responds to them. After those messages are manually deleted, they may be written over by the system.

4. E-mail. Unless subject to a Litigation Hold, e-mail messages may be deleted routinely after the recipient responds, except e-mail regarding a client's case, which must be retained for as long as the case file is retained. After these messages are manually deleted, they may be written over by the system. As of the Effective Date of this Policy, there is no auto-delete function for e-mail in individuals' in boxes. If an auto-delete function is added, it should only apply to e-mail that is one year old or older.

For all other documents, whether paper or electronic, the following Retention Time chart applies:

RETENTION TIMES

Case Files and Client Records

Open Client Files

Open Files. The client file for a matter will normally remain open so long as LAA continues to provide ongoing advice to the client in the matter. However, lawyers should periodically review open files to determine whether any portion of the file may be closed.

Electronic Documents. These are organized by client in LAA's Case Management Program, Legal Files. They should be retained in Legal Files for the life of the matter.

Closed Client Files

File Closing Procedures. Soon after the conclusion of legal work on a matter, the responsible lawyer shall close the client file pertaining to the matter. As part of that process, the responsible lawyer normally shall review the file, remove all nonbusiness records, such as personal messages, routine administrative messages, general communications, information-only copies of memoranda or attachments, superseded drafts, exact copies, and notes of a transient nature that have only short-term value, such as meeting notices, and then send the file to storage. Any documents and other physical property provided by the client should be returned to the client with an appropriate cover letter. Such a letter may advise the client to preserve the property for a period of time before destroying it (such as a period beyond the running of the statute of limitations or the time for appeal or the period during which a creditor of a dissolved corporation may make a claim against a dissolved corporation or its shareholders). When a case is closed, all electronic information may be deleted or may be put on a CD that is stored with the file.

Retention Period. Subject to the exceptions set forth below, LAA will retain client files for six years from the date the file is closed.

Matters Involving Minors. Legal files relating to matters involving minors should not be destroyed until **[three to five years, depending on state law]** after the youngest of the minors reaches the age of 18 years.

Criminal Matters. Legal files relating to criminal matters should not be destroyed during the life of a client or former client. After 20 years, if the responsible lawyer is able to locate the client, the responsible lawyer may return the file to the client in lieu of storing it at LAA.

Permanent Retention. Items that may have continuing relevance or intrinsic value that have not been returned to the client should be designated for permanent retention. These may include, for example:

- Money orders, travelers checks, and stocks and bonds
- Engagement and close-out letters;
- Releases, settlement agreements, and judgments;
- Original wills and trusts;
- Original notes, certificates, and agreements;
- Original deeds, titles, easements, and other evidence of interests in real property; and
- Any memoranda and letters regarding files that are destroyed.

Destruction of Client Files. At the end of the retention period for a particular file, the Records Department will notify the responsible lawyer that the file will be destroyed at the end of a 90-day period unless the lawyer objects and/or it is returned to the client before the scheduled destruction date. All retainer agreements will include this language: "LAA will return my papers to me at the end of my case if I ask for them. If I do not ask for my papers, LAA will keep my file for six years, after which it may dispose of my file."

If the client does or does not ask for the return of the file, the lawyer should prepare a memorandum confirming the client's direction or inaction and keep in the file a document destruction form attaching all relevant documentation with a copy to the Controller or Assistant Controller. When a file is destroyed, any CD or other hard copy record of electronic information also will be destroyed.

A record of destroyed files should be kept permanently.

Protection of Confidential Information. Normally, discarded materials from client files should not be placed in the trash, but should be destroyed by shredding or other suitable means of ensuring against breaches of confidentiality.

Rejected Cases and Cases Referred Out (Pro Bono Cases)

Paper records - 2 years; and

Electronic records - for life of electronic records.

Accounting Records

General journal - permanent
General ledger - permanent
Cash receipts book - 10 years
Cash disbursements book - 7 years
Bank statements and canceled checks - 7 years
Billings for services - 4 years
Employee travel and expense reports - 4 years
Expense bills (source documents) - 4 years
Petty cash records - 4 years
Financial statements - annual - permanent
Financial statements - monthly or quarterly - 7 years
Audit reports - permanent
Adopted budgets - permanent

Fixed Assets

Land and buildings - permanent
Equipment in use - keep on file
Equipment traded in on similar asset - keep on file
Equipment disposed of (no trade-in) - 7 years

Contracts

Leases - 7 years after termination
Grant agreements - 10 years
Restricted funds documentation (after use of funds) - 10 years tax
Federal tax returns and working papers - permanent
State tax returns and working papers - permanent
Payroll tax returns - 5 years
Withholding tax statements (W-2) - 7 years
Insurance policies - permanent

Corporate Organization Records

Corporate charter and certificate of incorporation - permanent
Minutes of Board of Directors meetings - permanent
Annual reports - permanent

Personnel Records

Individual employee records - 7 years after termination
Payroll book - permanent
Employee pension, benefit and insurance records - permanent
General correspondence - 5 years