

Construction Contractors Board
Records Retention Schedule 2006-0006
Effective Date: September, 2006
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Organizational Placement:

Schedule #: 2006 -0006

Agency: Construction Contractors Board

Program Description:

The Construction Contractors Board is primarily responsible for safeguarding the security and property of the citizens of Oregon by preventing and resolving construction contracting problems, and by ensuring contractors' compliance with the laws of other agencies. The Board administers the Oregon Contractors Law (ORS chapter 701) that provides for licensing of all residential and commercial construction businesses, investigation and adjudication of claims or complaints filed against licensees, and assessment of civil penalties against contractors who are not licensed or licensees who violate the law. The nine-member board is appointed by the Governor and consists of six contractors and three public members.

The board sets policy for, and operates through, the Construction Contractors Board agency. The Board meets monthly in Salem and subcommittees meet as needed. Subcommittees and advisory committees include Appeals Committee, Home Inspectors Advisory Committee (HIAC), Training and Education Advisory Committee (TEACH), and Technology Advisory Committee (CCBits).

Program Records:

001 Construction Contractors Board Minutes 1971 - [ongoing] 1 c.f.

- (a) Retain minutes and agendas permanently, transfer to State Archives after 25 years
- (b) Retain board packets (agendas, previous meeting minutes, staff reports, stakeholder information, correspondence, rule hearing information, and related documentation) 10 years, destroy
- (c) Retain audiotapes 1 year, destroy

State Agency General Records Retention Schedule Records:

Administrative Records - OAR 166-300-0015

Administrative Records include but are not limited to:

Calendar and Scheduling Records

Correspondence

Boards and Commission Records – OAR 166-350-010

Boards and Commission Records include but are not limited to:

Board and Commission Member Records

Board and Commission Member Personnel Records

Databases:

None

Organizational Placement:

Schedule #: 2006 -0006

Agency: Construction Contractors Board

Division: Administration

Program Description:

Administration provides leadership and oversight of all Construction Contractors Board agency activities. The agency Administrator directs the operation of the agency and serves as policy advisor to the Board, Governor, and the Legislative Assembly on construction industry issues.

In addition, Administration provides staff support to the Construction Contractors Board and executive staff meetings. Administration staff performs agency Administrative Rule functions and legislative tracking. It also tracks correspondence and monitors assignments to agency staff.

Program Records:

002 Quarterly Statistical Reports

Retain 25 years, destroy

State Agency General Records Retention Schedule Records:

Administrative Records – OAR 166-300-0015

Administrative Records include but are not limited to:

Administrative Rule Preparation Records

Attorney General Opinions

Correspondence Records

Legislative Tracking Records

Litigation Records

Staff Meeting Records

Financial Records – OAR 166-300-0025

Financial Records include but are not limited to:

Audit Reports

Information and Records Management Records – OAR 166-300-0030

Information and Records Mananegment Records include but are not limited to:

Forms Development Records

Databases:

Chronos

Hydra

Questys

Organizational Placement:

Schedule #: 2006 -0006

Agency: Construction Contractors Board

Section: Licensing

Unit: Customer Service

Program Description:

The Licensing Section and Customer Service Unit licenses construction contractors. Section staff receive and process license and renewal applications and maintain licensed contractor records. In addition staff correspond with contractors, the public, and other agencies about the program and provide history information on licensed contractors to consumers and other contractors. License fees received are processed in the agency's cashiering database and monies are recorded in the Statewide Financial Management Application (SFMA).

The Customer Service Unit provides direct customer assistance and information about contractor law, agency programs, and construction related topics. Customer assistance and information is provided by telephone and correspondence to contractors, owners, suppliers, and the public.

Program Records:

003 Construction Contractor Licensing Records

(a) Retain 50 years after last activity, destroy

(b) Retain pending licensing records 3 years after final notification, destroy

004 Customer Service Survey Records

(a) Retain source data until entered and verified, destroy

(b) Retain final survey 1 year, destroy

005 Construction Contractor Licensee History Records Certification Reports

Retain 2 years, destroy

006 Construction Contractor Licensing Statistical Registers

(a) Retain Renewal Notices Printed reports 2 years, destroy

(b) Retain all other records 1 year, destroy

State Agency General Records Retention Schedule Records:

Administrative Records – OAR 166-300-0015

Administrative Records include but are not limited to:

Correspondence Records

Policy Development and Planning Records

Databases:

Chronos

Hydra

Questys

Organizational Placement:

Schedule #: 2006 -0006

Agency: Construction Contractors Board

Section: Dispute Resolution

Program Description:

The Dispute Resolution Section resolves contract disputes between contractors and people who contract with them including property owners, material and equipment suppliers, employees, and other contractors. The section is authorized to use settlement conferences and arbitration to resolve construction disputes between any parties who agree to submit to mandatory arbitration by the Construction Contractors Board. The section is also authorized to resolve claims against a contractor's bond. In contrast to the Enforcement Section's focus on law enforcement, the section focuses on disputes between contractors, and the people who deal with them, and whether a contractor should pay a person monetary damages arising from a breach of contract.

A claims examiner determines if the agency has jurisdiction over the claim, then a field investigator may visit the job site and try to help the parties agree to a settlement that resolves the claim. If the parties don't agree to settle, the investigator may recommend a resolution, which may include a recommendation that the contractor repair the work. The contractor is given an opportunity to comply with the settlement or to do the repairs. If the contractor fails to do this the claims examiner asks the claimant to obtain bids to do the repair work. The examiner may issue an order proposing that the contractor pay an amount of money to the claimant or that the claim be dismissed.

If either party objects to the order they may request a hearing. The case then moves to the Office of Administrative Hearings in the Employment Department. In cases where the parties agree to it, the Administration Law Judge holds a settlement conference. An Administrative Law Judge may hold an administrative hearing on a claim or arbitrate it. If a claim is arbitrated, the arbitration award may only be appealed on very limited grounds. If the claim is heard in an administrative hearing, the Administrative Law Judge's order may be reviewed by the Construction Contractors Board's Appeal Committee and may be appealed to the Court of Appeals.

If a final order or arbitration award is issued, requiring a contractor to pay money to a claimant, the contractor is given 30 days to pay. If the contractor fails to pay the claimant, contractor's bonding company will be asked to pay the claim up to the value of the bond. If any portion of the order or award remains unpaid by the contractor or the bonding company, the contractor's license is suspended until the full amount of the order or award is paid. Claims are closed when all issues are resolved or when a claimant fails to pursue the claim.

In addition, staff corresponds with contractors, the public, and other agencies about the program and contractors.

Program Records:

007 Construction Contractor Claim History Request Records

Retain 1 month, destroy

008 Construction Contractor Claim Records

(a) Retain claim records with unpaid orders 50 years, destroy

(b) Retain all other records 50 years after claim closed, destroy

009 Returned Mail Records

(a) Retain certified returned mail 2 years, destroy

(b) Retain first class returned mail 1 year, destroy

State Agency General Records Retention Schedule Records:

Administrative Records – OAR 166-300-0015

Administrative Records include but are not limited to:

Correspondence

Policy Development and Planning Records

Postal Records

Databases:

Chronos

Hydra

Hearings Statistics

Questys

Organizational Placement:

Schedule #: 2006 -0006

Agency: Construction Contractors Board

Section: Enforcement

Program Description:

The Enforcement Section investigates and prosecutes violations of laws as they apply to construction contractors while providing an equitable business climate for contractors. The section acts on complaints filed with the agency, referrals from law enforcement and regulatory agencies, and upon information obtained while monitoring the construction industry. The Enforcement Section has broad investigatory powers, including authority to subpoena documents and testimony. It may take administrative, civil, or criminal action against persons or entities that violate Oregon Contractor Licensing Laws (ORS 701). It can also suspend or revoke a license to work as a contractor in Oregon. In the case of serious law violations, the agency will seek civil action by filing with the Attorney General. In contrast with the Claims Resolution Section's focus on various types of disputes and complaints against licensed contractors the Enforcement Section's focus is on law enforcement.

Violations of law include such things as working or advertising as a contractor while unlicensed, failure to provide consumer notices, violation of rules governing independent contractors, and criminal conduct. The section uses field investigators throughout the state. Special investigators work in conjunction with the Department of Justice Financial Fraud Section and law enforcement agencies to investigate and prosecute serious civil and criminal violations.

When violations are discovered, civil penalties and/or other sanctions are levied. If a hearing is requested, it is adjudicated through the Office of Administrative Hearings in the Employment Department. An Administrative Law Judge determines whether there is sufficient evidence to warrant imposition of the proposed penalty. Decisions made by the Office of Administrative Hearings may be appealed to the Construction Contractors Board and the Court of Appeals.

Collections of fines are performed by the Enforcement Section and the Department of Revenue and private collection agencies in accordance with Legislative Fiscal Office procedures and continue until paid. Fees received are processed in the agency's cashing database and recorded in the Statewide Financial Management Application (SFMA).

Program Records:

010 Collection Activity Reports

Retain 5 years, destroy

011 Construction Contractor Enforcement Records

Retain 5 years after closed, destroy

State Agency General Records Retention Schedule Records:

Administrative Records – OAR 166-300-0015

Administrative Records include but are not limited to:

Correspondence Records

Policy Development and Planning Records

Databases:

Chronos

Hydra

Questys

Organizational Placement:

Schedule #: 2006 -0006

Agency: Construction Contractors Board

Section: Education

Program Description:

The Education Section exists to educate construction contractors and the public about contractor law, agency programs, and construction related topics. The section produces and disseminates educational and informational pamphlets, brochures, press releases, newsletters, and other materials for the construction industry and the public. It represents the agency at various public events such as trade shows.

The section approves private sector training and testing vendors and monitors contractor education programs. It works with private sector training vendors to offer training programs and to ensure that vendors offer approved courses to contractors to satisfy their educational requirements. A Training Education Advisory Committee (TEACh) made up of members representing the construction industry and education makes recommendations to the Contractors Board about the program, educational curriculum, courses, and rules.

Program Records:

012 Construction Contractors Board Newsletter Records 1979 - [ongoing]

Retain one copy permanently, transfer to State Archives after 5 years

013 Construction Contractor Education Provider Records

Retain 6 years after agreement expired or terminated, destroy

014 Oregon Construction Contractor Reference Manual

(a) Retain final manual 20 years after revised or superseded, destroy

(b) Retain preparation material 3 years after final manual produced, destroy

015 Training and Education Advisory Committee (TEACh) Minutes

(a) Retain audiotapes 6 months, destroy

(b) Retain all other records 5 years, destroy

State Agency General Records Retention Schedule Records:

Administrative Records – OAR 166-300-0015

Administrative Records include but are not limited to:

Contracts and Agreement

Correspondence

Mailing Lists

Policy Development and Planning Records

Press Releases

Databases:

Chronos

Education

Organizational Placement:

Schedule #: 2006 -0006

Agency: Construction Contractors Board

Program: Home Inspectors Certification

Program Description:

The Home Inspectors Certification Program exists to protect consumers by testing and certifying home inspectors. Home Inspectors are certified to inspect homes for the purpose of evaluating their condition. Home inspectors are not certified to perform building code or lead-based paint inspections.

Program staff receive applications and fees for certification tests from licensed contractors and administer the tests through local DMV offices. If an applicant passes the test and pays another fee, they are certified to perform home inspections. Certified inspectors must take continuing education and renew their certification every two years. Fees received are processed in the agency's cashing database and monies are recorded in the Statewide Financial Management Application (SFMA).

Staff also review applications from public and private vendors and approve providers to offer continuing education courses. In addition, program staff coordinate the activities of the Home Inspectors Advisory Committee (HIAC) made up of members representing the home inspection industry, consumers, and the Construction Contractors Board makes recommendations to the agency about the program, educational courses, tests, and rules.

Program Records:

016 Home Inspector Advisory Committee (HIAC) Minutes

- (a) Retain audiotapes 6 months, destroy
- (b) Retain all other records 5 years, destroy

017 Home Inspector Certification Records

- (a) Retain test material until applicant certified, destroy
- (b) Retain all other records 3 years after last activity, destroy

018 Home Inspector Certification Test Questions

Retain questions until deleted or replaced, destroy

019 Home Inspector Continuing Education Provider Records

Retain 1 year after approval terminated, destroy

State Agency General Records Retention Schedule Records:

Administrative Records – OAR 166-300-0015

Administrative Records include but are not limited to:

Correspondence
Mailing Lists

Databases:

Chronos
Hydra
Questys

Organizational Placement:

Schedule #: 2006 -0006

Agency: Construction Contractors Board

Section: Administrative Services

Program Description:

The Administrative Services Section coordinates accounting, budget, cashiering, mail, payroll, personnel, purchasing, records management, and safety and risk management functions for the agency.

Section staff prepare invoices and related documentation for payment by the Department of Administrative Services (DAS) Shared Client Services Unit for central accounting services. The budget function includes coordination of the agency's budget preparation and monitoring ongoing expenditures and receipts. Cashiering includes receiving and processing monies received by cash, check, credit card [mail and fax], and in person for contractor licenses and renewals, home inspector testing and certifications, civil penalties, and various other fees and accounts receivable.

The payroll function involves coordination of payroll processing for the agency. Payroll services including employee time-keeping, payroll deduction and withholding, and payroll records are provided by DAS Oregon State Payroll System (OSPS). The personnel function includes recruitment and selection, performance evaluation, affirmative action, employee grievances, personnel records, and updating the DAS Personnel and Position Database (PPDB). DAS Human Resource Services Division provides some support in recruiting and other miscellaneous personnel functions.

In addition, the section receives, sorts, and distributes incoming mail to agency staff. It also mails out forms and information requested by contractors and the public. Purchasing includes ordering, receiving, inventorying, and issuing equipment, furniture, and supplies. Records management activities include coordination of records retention and destruction, inactive records storage, imaging documents, and coordination with the State Archives Division to develop and maintain the agency records retention schedule and related matters. Safety and risk management involves coordination of the agency Safety Committee and processing accident reports and liability claims.

Program Records:

None

State Agency General Records Retention Schedule Records:

Administrative Records – OAR 166-300-0015

Administrative Records include but are not limited to:

Calendar and Scheduling Records
Contracts and Agreements
Correspondence
Policy Development and Planning Records
Postal Records
Public Records Disclosure Request Records
Signature Authorizations

Facilities/Property Records – Oar 166-300-0020

Facility/Property Records include but are not limited to:

Asset Inventory Reports
Damaged/Stolen Property Records
Equipment Maintenance Records
Equipment/Property Disposition Records

Financial Records – OAR 166-300-0025

Financial Records include but are not limited to:

Accounts Payable Reports
Accounts Receivable Reports
Audit Reports
Budget Preparation Records
Credit Card Records
Invoices
Purchasing Records
Receipts

Information and Records Management Records – OAR 166-300-0030

Information and Records Management Records include but are not limited to:

Records Management Records

Payroll Records – OAR 166-300-0035

Payroll Records include but are not limited to:

Employee Time Records
Family Medical Leave Records
Leave Applications

Personnel Records – OAR 166-300-0040

Personnel Records include but are not limited to:

Affirmative Action Records
Employee Medical Records
Employee Personnel Records
Equal Employment Opportunity Complaint Records
Recruitment and Selection Records
Work Schedules and Assignment Records

Risk Management Records – OAR 166-300-0045

Risk Management Records include but are not limited to:

Incident Reports
Safety Program Records
State Accident Insurance Fund (SAIF) Claim Records
Vehicle Accident Records

Databases:

Chronos

Hydra

Midas

Questys

Organizational Placement:

Schedule #: 2006 -0006

Agency: Construction Contractors Board

Section: Information Systems

Program Description:

The Information Systems Section provides information automation and management services to all sections of the Construction Contractors Board agency. It operates and maintains the agency computer systems including hardware and software. The section administers databases that contain contractor licensing, claims, enforcement, and hearings information. The also section maintains an imaging system that is used by various agency programs to scan documents related to board meetings, accounting, purchasing, contractor licensing, claims, enforcement, hearings, and related activities. In addition, staff provide public access to agency data through an interaction web site, state Broadband and dial-up access, and CDROM database sales.

Program Records:

020 Information Technology Plans

Retain 5 years after superseded or obsolete, destroy

State Agency General Records Retention Schedule Records:

Administrative Records – OAR 166-300-0015

Administrative Records include but are not limited to:

Correspondence

Information and Records Management Records – OAR 166-300-0030

Information and Records Management Records include but are not limited to:

Computer System Maintenance Records

Computer System Program Documentation

Information System Planning and Development Records

Software Management Records

Telecommunications System Management Records

User Support Records

Risk Management Records – OAR 166-300-0045

Emergency Response Plans and Procedures

Databases:

Hydra