

Massachusetts Statewide Records Retention Schedule

02-11

October 2013 Supplement



www.sec.state.ma.us/arc/arcrmu/rmuidx.htm

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About This Supplement

This supplement contains additions, modifications, and revisions as requested by several state agencies as approved by the Records Conservation Board. The Board would like to thank the Archivist of the Commonwealth and his staff for preparing the information contained below.

All state agencies covered by this schedule are strongly encouraged to review the sections that apply to its records and report requests for modification to:

The Records Conservation Board
220 Morrissey Boulevard
Boston MA 02125
(v) (617) 727-2816
(f) (617) 727-8249
rcb@sec.state.ma.us

To access the forms needed for submission to the Records Conservation Board please visit the website for the Records Management Unit at:

<http://www.sec.state.ma.us/arc/arcrmu/rmuidx.htm>
State Records Management Unit Web Site

The modifications in this Supplement supersede the portions of the amended records retention schedules contained in the Statewide Records Retention Schedule (02-11) which in all other respects remains current.

Any references in this book to the Massachusetts General Laws (MGL) or the Code of Massachusetts Regulations (CMR) refer to the current edition of each respective law or regulation. Please note that the laws and regulations in this book are not official copies of such law or regulation. Users should consult the official edition of each respective law or regulation for more information. A copy of the CMR may be obtained from the State Bookstore, located in the Massachusetts State House.

B Legal and Regulatory

B6 Attorney General

1 Attorney General Review Records

Documents the Attorney General's review of certain matters and the decisions whether or not to approve, oppose, or take any further action. Includes: Outside Legal Services contracts submitted to the Attorney General for approval, consisting of copies of contracts, substantive support materials, and related correspondence; Petitions for Reinstatement filed on behalf of disciplined attorneys sent by the Board of Bar Overseers, consisting of copies of petitions, substantive support materials, and related correspondence; Offers in Final Settlement of Taxes sent by the Department of Revenue, Taxpayer Service Division, consisting of copies of proposed agreements, substantive support materials, and related correspondence; Class Action Fairness Act (CAFA) notices sent by defendants who propose federal class action settlements, consisting of copies of settlement agreements, substantive support materials, and related correspondence.

Retention Period:

Retain 3 years.

Notes: The Comptroller's Office and agencies maintain the official contract files. The Board of Bar Overseers maintains the official attorney discipline files. The Department of Revenue maintains the official Tax Settlement files.

62C MGL 37A; 28 USC 1715.

2 Special Assistant Attorney General (SAAG) Records

Documents the appointment of non-AGO (private or agency) attorneys by the Attorney General to serve as Special Assistant Attorneys General.

Retention Period:

Retain 10 years from date appointment was vacated.

12 Attorney General Civil and Criminal Investigations Records

Documents the investigation of civil and criminal complaints submitted to the Attorney General. Includes complaints or requests for investigations, investigative notes and reports, substantive support materials, and related correspondence. Also includes confidential/proprietary records received in response to Civil Investigative Demands (CIDs) issued pursuant to statute, including e.g., G.L. c. 12, § 5N, G.L. c. 93, § 8, and G.L. c. 93A, § 6.

Retention Period:

(a) Investigations files: Retain 6 years after closure/final activity/final action.

Note: If investigation leads to civil or criminal litigation, these files should be integrated into the litigation files and retained under the appropriate B6-10 records series.

(b) Requests for which no investigation is undertaken: Retain 3 years.

(c) Records received in response to CIDs: Retain until administrative use ceases. Permission from RCB not required for destruction.

13 Consumer Complaint Records

Documents the review of consumer initiated complaints relating to business practices against businesses and entities dealing in goods or services, including merchants, insurance companies, health care providers, financial institutions, and their employees. Includes complaints, substantive support materials, and related correspondence.

Retention Period:

(a) Complaint files: Retain 6 years.

(b) Complaints for which no further action is taken: Retain 3 years.

18 Attorney General Victim/Community Services Records

Documents assistance programs at the Attorney General's Office such as Victim Compensation, Victim Witness Assistance, and community-based programs such as the Safe Neighborhood Initiative. Victim Compensation records include claim information such as crime-related medical bills, lost wages information, and police reports, related correspondence, and other substantive support materials. Victim Witness Assistance records include case notes, resource information, correspondence, and other substantive support materials related to victims and witnesses on Attorney General cases. Community-based program records include investigative and research materials, resource information, related correspondence, and other substantive support materials.

Retention Period:

- (a) Grant or program summary information: Permanent.
- (b) Victim Compensation Files: Retain 50 years.
- (c) Victim Witness Files: Retain for the period of time of the associated litigation case.
- (d) All other records: Retain 3 years.

21 Notices/Reports Sent to the Attorney General

Documents the receipt of copies of notices or reports sent to the Attorney General as required by statute. Includes notices, reports, and other related information and correspondence. Examples: "OUI" notices consisting of inquiries made of defendants convicted of operating a motor vehicle under the influence of alcohol as to the establishment at which last served; "Going Out Of Business Sale" notices consisting of the inventories of goods on hand that have been filed with the cities/towns; notices consisting of complaints filed in and judgments entered by the courts under sections 9 or 11 of chapter 93A ("Unfair Business Practices"), and letters sent indicating an intention to sue under those sections; and State Lottery Commission reports consisting of total lottery revenues, prize disbursements, and other expenses.

Retention Period:

- (a) Notices/Reports: Retain 1 year.
- (b) All other records: Retain until administrative use ceases. Permission from RCB not required for destruction.

Notes: Copies of these notices or reports are also sent to various other state and municipal agencies and/or entities.

90 MGL 24J; 93 MGL 28A-E; 93A MGL 10; 10 MGL 24.

27 HomeCorps Initiative Records

Documents the Attorney General's implementation of the HomeCorps Initiative, which provides assistance to distressed Massachusetts homeowners/borrowers facing foreclosure. Includes: administrative and organizational materials; homeowner complaints, authorization forms, and financial and/or other documents provided by homeowners; financial and/or other documents provided by banks, mortgage servicers, and other agencies, persons, or entities; copies of notices filed with the Attorney General as required by statute, including G.L. c. 244, § 35B; Attorney General intake interview sheets, notes, memoranda, and correspondence; and other related paper and electronic records.

Retention Period:

- (a) Grant or program summary information: Permanent.
- (b) Homeowner Files: Retain 6 years after closure/final activity/final action.
- (c) Copies of notices to the Attorney General: Retain 6 years.
- (d) All other records: Retain until administrative use ceases. Permission from RCB not required for destruction.

B12 Office of the Inspector General (formerly Schedules 39/85, 62/90)

1 Ward Commission Investigative Files

Includes meeting notes, audiotapes, committee deliberations, transcripts, payroll records, cancelled checks, and payment vouchers.

Retention Period:

Permanent.

2 Confidential Legislative Files

Includes reviews and recommendations on legislative bills. Includes bills and correspondence.

Retention Period:

Retain 7 years from the end of the legislative session.

3 Confidential Investigative Case Files

Files include investigative notes, subpoenaed material, testimony, interview transcripts, status reports, memoranda and correspondence.

Retention Period:

Retain 10 years after case closed.

4 Confidential Management Case Files

Files include analyst's notes, reports, subpoenaed material, interview transcripts, memoranda and correspondence.

Retention Period:

10 years after case closed.

12A MGL 8.

C Facilities, Transportation, and Construction

C9 Department of Housing Community Development

3 Local Housing Authorities

- (a) Withdrawn and Ineligible Applications
- (b) Operating Budgets.
- (c) Certified Reports of Audits.

Retention Period:

Retain 3 years

C11 Motor Vehicles (formerly Series J5)

14 Boat; Recreation Vehicle; Snow Vehicle Operator; Accident Reports

Consists of Operator Accident Reports.

Retention Period:

- (a) Fatalities: Permanent.
- (b) All other reports: Retain 6 years.

15 Random Drug Testing for Motor Vehicle and Boat Operators

Random drug tests mandated for marine operators and CDL drivers.

Retention Period:

Retain until administrative use ceases. Permission from RCB not required for destruction.

D Fiscal

D2 Development and Review

7 Fiscal Systems Internal Control Records

Documents the internal monitoring and control of fiscal systems pursuant to G. L. c. 647. Includes background support documentation, evaluation review notes, policy and procedure documentation, and related correspondence.

Retention Period:

(a) Policy and procedure documentation and substantive correspondence: Retain for the life of the system.

(b) All other records: Retain 6 years.

See also record series "F5-4 Systems Documentation Records."

647 MGL (Acts of 1989); 7A MGL 9A.

F Information and Records Management

F4 Media/Format

3 Audio/Visual Tape or Digital Recordings

Consists of agency program data captured as sound or moving images. Includes intake or dispatch telephone call recordings, digital messaging system messages, security video tapes, hearing testimony tapes, investigators audio and video tapes, special projects videos, meeting minutes and proceedings recordings, or other digital renderings.

Retention Period:

- (a) Security and surveillance tapes: Retain until administrative use ceases. Permission from RCB not required for destruction.
- (b) Dispatch, digital messaging, program intake tapes: Retain 1 year.
- (c) Hearing and testimony tapes: Retain 3 years.
- (d) Investigation tapes: Retain 6 years after case closed; Retain selected noteworthy cases for review by the Archives
- (e) Committee proceedings or minutes: Retain tapes 1 year and until transcribed on suitable medium for permanent retention.
- (f) Press conferences or ceremonies: Retain until administrative use ceases. Permission from RCB not required for destruction.
- (g) Special projects or events recordings: Retain until administrative use ceases. Permission from RCB not required for destruction.
- (h) Work tapes used to facilitate work in progress for the convenience of the person working on the case or project: Retain until administrative use ceases. Permission from RCB not required for destruction.
- (i) Moving image films: Review by the Archives after administrative use ceases. Permission from RCB not required for destruction subsequent to review by Archives.

See also record series "J4-4 Dispatch and Communications Recordings."

4 MGL 7(26).

F5 System Infrastructure

4 Systems Documentation Records

Consists of documentation for all aspects of systems hardware, software, and systems use. Includes flow charts, layouts, schematics, network diagrams, data structure trees, database field definitions and parameters, content gathering instructions, business rules, policy and procedures, workflow, and processes.

Retention Period:

Retain for the life of the system or while related machine readable records exist unless another system can read the records.

G Secretary of State

G1 Election Candidates

3 State Primary and Election Nominations

Certificates of nomination, nomination papers, objections thereto and withdrawals, when filed, shall under proper regulations, be opened to public inspection, and the State Secretary and the city and town clerks shall preserve the same in the offices for one year. Documents nomination of persons.

- (a) Form E-1 State Primary Nomination Papers (formerly Schedule 23/75 #1)
- (b) Form E-16 State election Nomination Papers (formerly Schedule 23/75 #2)
- (c) Form E2C State Committee Nomination Papers (formerly Schedule 15/77 #2)
- (d) Form E2B Ward and Town Committee Nomination Papers (formerly Schedule 15/77 #3)

Retention Period:

Retain 1 year from date of filing.

53 MGL 16.

G3 Election Voting

12 Receipts for Nomination Papers (formerly Schedule 52/89 #1)

Elections Division's copy of receipts provided to candidates when he or she submits nomination papers.

Retention Period:

Retain until applicable election results are certified.

13 Initiative Petitions for Public Policy Questions (formerly Schedule 04/85 #3)

These constitute instructions to a member of the General Court from his or her constituency, and do not go to the House Clerk, as they affect only one representational district.

Retention Period:

Retain until applicable election results are certified.

14 Initiative Petition Signature Sheets (formerly Schedule 24/88 #3)

Signature sheets for petitions that qualified for consideration by the legislature.

Retention period:

Retain until the close of the legislative year. Elections Division may transfer to the House Clerk after qualification.

15 Non-Qualifying Initiative Petition Signature Sheets (formerly Schedule 24/88 #4)

Signature sheets for petition that did not qualify for consideration.

Retention Period:

Retain until applicable election results are certified.

H Education

H3 Academic Program

8 Name Change Authorizations

Documents legal name changes of students.

Retention Period:

Retain 3 years from date of graduation or last attendance.

9 Withdrawal Forms

Documents withdrawal from academic program.

Retention Period:

Retain 3 years after student withdraws from academic program.

H4 Course and Curriculum

4 Curriculum Change Authorizations

Documents changes to academic majors.

Retention Period:

Retain 3 years from date of graduation or last attendance.

5 Change of Course Forms (Add/Drop Forms)

Documents late admissions to courses and withdrawals.

Retention Period:

Retain 1 year after submitted.

6 Registration Forms

Documents registration for courses.

Retention Period:

Retain 1 year after submitted.

H9 Student Services

5 Residence Hall Records

Documents residence halls: occupancy/license agreements for rooms; room inventories and work orders.

Retention Period:

Retain 3 years unless pending litigation.

J Public Safety

J7 Corrections/Inmate

2 Inmate Booking Records

Documents the official booking and registration of an individual inmate. Includes booking sheets, fingerprint cards, and photographs.

Retention Period:

(a) Fingerprint cards and photographs: Permanent.

(b) All other records: Retain until administrative use ceases. Permission from RCB not required for destruction.

Note: Substantive booking information becomes incorporated into the "Inmate Institutional Case File (JZ-5)."

127 MGL 23, 28.

5 Inmate Institutional Case File

Documents the history of individual inmates within a given facility. Folders subcategories include legal classification, institutional programming, community programming, health, and parole.

Retention Period:

(a) State prison records, including Bridgewater State Hospital and MA Treatment Center civil commitments: Retain 25 years after final release.

(b) House of Correction records: Retain 25 years after release

(c) Detainee records: Retain 3 years after release.

127 MGL 135.

(d) Civil Commitments pursuant to G.L. c. 123, §35: Retain 5 years after release.

6 Inmate Central Case File

Provides a secondary record of individual inmates as retained by the Central Records Office of the Department of Corrections.

Retention Period:

Retain 25 years.

Note: The "Inmate Institutional Case File (JZ-5)" is the primary inmate file.

7 Inmate Medical Records

Documents inmate medical histories while incarcerated. Includes initial screening, medical background materials, doctor or clinic visit documentation, prescriptions, dental records and x-rays, special diets, and related information.

Retention Period:

Retain twenty (20) years from close of file.

111 MGL 70; 127 MGL 17; 105 CMR 205; 103 CMR 918.06, 932.07.

8 Inmate Program Records

Documents institutional programs for inmates such as the Correctional Recovery Academy (CRA) and other substance abuse and recidivism reduction programs, the sex offender program, and the education program. Includes program administration materials, program volunteer files, inmate program acceptances, background materials, progress notes and plans, evaluations, attendance rosters, course completions, and related correspondence.

Retention Period:

(a) Program routine administration records including program volunteer files: Retain 3 years.

(b) Inmate GED scores: Permanent.

(c) All other records: Retain 5 years after inmate final release.

27 MGL.

9 Inmate Earned Good-Time Rosters (129-D)

Documents support for inmate good-time determinations.

Retention Period:

Retain seven (7) years from creation of document.

10 Inmate Industrial and Institutional Work Records

Documents inmate participation in work for programs. Includes acceptance documentation, job assignments, work status reports, hours, and related correspondence.

Retention Period:

Retain until administrative use ceases.

127 MGL 51.

12 Inmate Parole Records

Documents the release on parole of an inmate from the institution. Includes Parole Board decisions and discussions, release documentation, and related correspondence.

Retention Period:

Retain 25 years after release.

Rationale: This change is being proposed to mirror the proposed change in retention period for inmate records. There is no apparent reason to retain such records permanently.

17 Inmate Disciplinary Records

Documents infractions of rules and regulations leading to official disciplinary charges being presented to inmates. Includes notices to appear before Disciplinary Board or Committee, findings, appeals, summary of evidence.

Retention Period:

(a) Retain 10 years when filed separately from "Inmate Institutional Case File (J8-5)."

(b) Hearing tapes: Retain 3 years.

19 Inmate Investigation Records

Documents investigations of inmates for misconduct or illegal activities. Includes incident or shift reports, dictatapes and other media, investigation notes and reports, and related correspondence.

Retention Period:

Retain 10 years.

20 Inmate Visitor Records

Documents requests to visit inmates. Includes request to visit inmate forms, visitor background information, inmate visitor cards and related correspondence.

Retention Period:

(a) Request to visit inmate forms: Retain 3 years.

(b) Barred visitor case files: Retain 7 years.

(c) Inmate visitor cards (itemizing all visits per inmate): Retain 25 years, if not in "Inmate Institutional Case File (J7-5)."

(d) Detainee visitor records: Retain 3 years, if not merged with institutional file.

126MGL16.

21 Inmate Grievance Logs and Records

Documents inmate written complaints filed by an inmate in accordance with 103 CMR 491.00. Includes grievance logs, grievances, resolution documents, and related correspondence.

Retention Period:

Retain 7 years.

Notes: 1. Secondary copies with support materials are maintained by the Institutional Grievance Coordinator. Primary copies are filed in the "Inmate Institutional Case Files (J7-5)." 2. The grievance log tracks all formal grievances filed at the institution.

103 CMR 491.00

22 Inmate Institutional Correspondence

Documents correspondence to and from inmates.

Retention Period:

Retain 7 years.

24 Inmate Marriage Records

The background information and forms used to process requests relating to the marriage of an individual who is incarcerated.

Retention Period:

Retain: Until administrative use ceases.

J8 Corrections Institutional**18 Executive Correspondence/Subject Files**

Includes Commissioner's Office and other division heads, and superintendents' office memos, letters, reports, and other materials filed by subject.

Retention Period:

Retain 7 years

K Health and Human Services

K4 Laboratory

4 Health Laboratory Tests, Clinical

Documents biological and medical tests performed as part of patient care.

Retention Period:

Retain 5 years.

K6 Patient

19 Occurrence Incidence Reports

Documents adverse incidents related to risk management including but not limited to accidents and injuries, suicide gestures and attempts, self-injurious behavior, emergency transfers to a medical facility, psychiatric or medical emergencies, patient falls, patient to patient or patient to staff assaults, medication errors, choking incidents, patient elopement, smoking, property damage and approved room searches.

Retention Period:

- (a) Reportable events subject to litigation: retain pending litigation or 30 years, whichever is longer.
- (b) All other reports, 3 years.

K9 Public Health

6 Food and Drug License and Permits Records

Documents the process to grant and monitor licenses and permits to individuals and business handling food and drugs. Includes permit applications, inspection reports, labels, corrective action plans, interstate shellfish forms, and related correspondence.

Retention Period:

- (a) Retain original application 20 years from approval date.
- (b) Licenses subject to litigation, such as enforcement cases, adjudicatory hearings or reinstatement: 6 years after last action.
- (c) All other records retain while current or until renewed.

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 533.000: FISH AND FISHERY PRODUCTS

L Revenue and Taxation

L5 Tax Collection

8 Tax Collection Case Files

Documents the Commissioner's attempts to collect unpaid taxes due to non-filing or other circumstance as allowed for in 62C MGL 46 and other statutes. Includes taxpayer notifications, levy and seizure documentation, payment agreements, financial worksheets, staff case worker supplemental files, and related correspondence.

Retention Period:

(a) Tax lien documentation: Retain 10 years after date of assessment or 6 years after final action: whichever period is longer.

(b) All other records: Retain 6 years from declaration of uncollectible, payment, or other final settlement.

(c) Discard hard copy after the documents captured onto Discover Tax System (D-Tax).

62C MGL 65; House Bill 4744.

11 Tax Liability Settlement Agreement Records

Documents agreements between the Commissioner and taxpayers to settle unpaid tax cases. Lists of settlement are included in the commissioner's annual report. Includes offers and final settlements, background support materials, attorney general reviews, and related correspondence.

Retention Period:

Retain 6 years from final settlement, or 20 years, whichever period is shorter.

62C MGL 37A.

L12 Insurance

11 Health Insurance Policy Forms, Rates, and Statistical Filings

Documents the process to approve and/or accredit health insurance plans and any subsequent filings as required by statute for insurance companies, nonprofit hospital and medical services corporations, dental service corporations, fraternal organizations, and optometric service corporations offering managed care plans. Includes policy forms, applications, rates, statutory, regulatory, and statistical filings support materials, and related correspondence.

Retention Period:

(a) Approved policy forms, applications, rate, statutory and regulatory filings. Includes Health Insurance Responsibility Disclosure (HIRD) Form: Retain 6 years.

(b) Rate and statutory, regulatory, and statistical filings reporting: Retain 3 years.

(c) Disapproved or inactive policy form; rate; statutory, regulatory, and statistical filings and reporting, and support materials: Retain 3 years.

(d) Individual long-term care insurance form and rate filings: Retain 50 years.

Note: Carry forward any materials from previous applications as deemed necessary.

L13 Treasurer

23 Veterans Bonus Program Records

The documents the program established to grant bonuses to qualified veterans for military service. Includes applications, support documentation, and fiscal payment reconciliation records, and related correspondence.

Retention Period:

(a) Summary Records: Permanent.

(b) Denied applicants: Retain 3 years.

(c) All other records: Retain 7 years after application process ends.

Note: Official bonus record held permanently by the Adjutant General's office of Military Affairs.

L14 Retirement and Benefits

3 Beneficiary Verification Forms

State Board of Retirement Benefit Verification Form, issued no less frequently than once every two years to all benefit recipients pursuant to 840 CMR 15.01. The Benefit Verification Form documents the eligibility of retired members or their named beneficiaries to continue receiving a retirement allowance or survivor's allowance. In the Benefit Verification Form, the benefit recipient is required to attest to his/her name address, certification that he/she is currently living, etc.

Retention Period:

Retain 5 years.