



Education and Workforce Development Cabinet

(Includes Office of Legal and Legislative Services and Office of
Budget and Administration)

Records Retention Schedule

Prepared by the State Records Branch
Public Records Division

Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Education and Workforce Development Cabinet. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Education and Workforce Development Cabinet personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Education and Workforce Development Cabinet to destroy the records listed, after the appropriate retention periods have passed.

Education and Workforce Development Cabinet personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for the Education and Workforce Development Cabinet.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

This retention schedule covers the content of records created by the Education and Workforce Development Cabinet, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represent that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

Education and Workforce Development Cabinet

The Education and the Arts Cabinet, established by an executive order in 1973, was reorganized and renamed the Education and Humanities Cabinet in 1982, was renamed the Education, Arts, and Humanities Cabinet in 1994, was renamed the Education Cabinet during the Fletcher Administration and was renamed once again in 2008, to the Education and Workforce Development Cabinet.

The Kentucky Education and Workforce Development Cabinet is made up of eight agencies. The cabinet's purpose is to help all Kentuckians excel, not just in academics, but also in life. Cabinet agencies promote lifelong learning through school, work and other training opportunities.

RECORDS RETENTION SCHEDULE

Signature Page

Education and Workforce Development Cabinet
Agency

December 8, 2011
Schedule Date

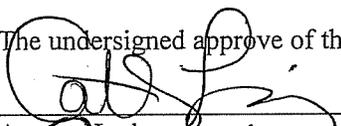
Office of Communication
Unit

March 10, 2016
Change Date

March 10, 2016
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:


Agency Head

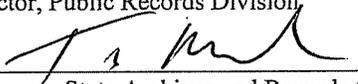
12/1/15
Date of Approval


Agency Records Officer

12/1/15
Date of Approval

State Archivist and Records Administrator
Director, Public Records Division

Date of Approval

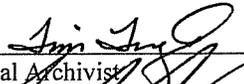

Chairman, State Archives and Records Commission

2/10/16
Date of Approval

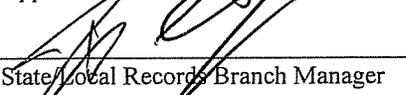
The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Joseph Isaac
Records Analyst/Regional Administrator

December 1, 2015
Date of Approval


Appraisal Archivist

3/10/2016
Date of Approval


State/Local Records Branch Manager

3/10/16
Date of Approval

The determination as set forth meets with my approval.

Nelissa Seelt for
Auditor of Public Accounts

3/10/16
Date of Approval

Mike
Hammann

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Education and Workforce Development Cabinet
Budget and Administration, Office of
Human Resources, Division of

Record Group
Number
0902

Series	Records Title and Description	Function and Use
04228	<p>Technical Education Personnel Files (Chapter 151B) (V)</p> <p>Access Restrictions</p> <p>Contents</p>	<p>This series documents the employment history/personnel files for certain full-time and part-time unclassified employees, certified and equivalent staff, including administrative, teaching and supervisory staff in the Office of Career and Technical Education central office and state-operated vocational facilities as prescribed by KRS 151B.035 and KRS151B.045. These employees are granted the rights and benefits as all other employees covered by KRS 18A.190. This series verifies dates of employment, salary levels, sick and annual leave time accrual and other official personnel actions.</p> <p>KRS 61.878 (1)(a) Personal information.</p> <p>Series may contain: Application; Personnel Actions (P-1's); Resume; Insurance forms; Retirement forms; Salary placement forms; Personnel performance evaluations; Teaching Certificate; Letter(s) of Reprimand; Exempt/Non-exempt form; Health/Life Insurance forms; Qualifying Classification; Position Description; Teacher/Kentucky Retirement System information; Service Record; Workman's Compensation Injury Records; Withholding statement; Education Authorization; Payroll Deduction Authorization; Test Scores; Military records; Correspondence.</p>
	Retention and Disposition	Retain for seventy (70) years, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Education and Workforce Development Cabinet
Communication, Office of

Record Group
Number
0902

Series	Records Title and Description	Function and Use
06654	Education-At-Work Scholarship Application File	CLOSED SERIES: This series documents the administration of the application and award process for the Education-at-Work Scholarship, originally the Education Pays Scholarship, by the Education and Workforce Development Cabinet. Eligible applicants were individuals who were enrolled in postsecondary educational institutions and had utilized employment and training programs offered by the cabinet in the two prior years. Services were from one of the following agencies: Kentucky Adult Education, Office of Vocational Rehabilitation, Office of Employment and Training, Office of Career and Technical Education, and Office for the Blind. Examples of services in these agencies included, but were not limited to Workforce Investment Act services and training, unemployment insurance, vocational rehabilitation, dislocated workers program, area technology centers, and adult learning centers. Program began initially with the Cabinet for Workforce Development, then the Kentucky Education Cabinet. The Program was discontinued after the spring of 2007.
	Access Restrictions	61.878(1)(a) - regarding personal information; 20 U.S.C. §1232(g) ; KRS 160.700 et. seq. - Regarding Family Education Rights and Privacy Act
	Contents	Series may contain: Application, SSN, address, date of birth, contact phone number, character references, academic transcripts, postsecondary education program verification, and assigned essay; scholarship judging sheet, newsletter, letters of award, and information on award reception.
	Retention and Disposition	Retain applications in agency for eight (8) years after all matters pertaining to the award, including audit exceptions, are resolved in accordance with applicable federal and state laws, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Education and Workforce Development Cabinet
Legal and Legislative Services, Office of

Record Group
Number
0902

Series	Records Title and Description	Function and Use
06202	Litigation Files	This series documents an attorney's working file of a case. The Office initiates court actions or appeals on behalf of the Cabinet. A party also may commence a civil action or administrative appeal against the Cabinet or an employee.
	Access Restrictions	KRS 61.878(1)(a)(h)(i)(j)(k)(l); KRE 503 - Personal information, work product, etc.
	Contents	Series may contain: Pleadings, correspondence, briefs, court orders or judgments, interview notes, administrative documents and investigations, hearing transcripts, settlement agreements, exhibits, agency records, evidence, discovery, research, attorney work product.
	Retention and Disposition	Retain for ten (10) years after all litigation has ended and case is closed, then destroy.
06203	Subpoena Files	This series documents an attorney's working file resulting from a subpoena duces tecum or subpoena. A party may serve a subpoena or subpoena duces tecum upon the Cabinet seeking to obtain testimony and/or public records in a case or appeal not involving the Cabinet.
	Access Restrictions	KRS 61.878(1)(a)(h)(i)(j)(k)(l); KRE 503 - Personal information, work product, etc.
	Contents	Series may contain: Pleadings, correspondence, court orders or judgments and Cabinet records associated with the order.
	Retention and Disposition	Retain for three (3) years after all Cabinet involvement has ended, then destroy.