

STATE ARCHIVES AND RECORDS COMMISSION
Minutes of the Quarterly Meeting
March 14, 2013
Department for Libraries and Archives

The State Archives and Records Commission met at 10:00 a.m., March 14, 2013, in the Board Room, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky.

Members present: Wayne Onkst, Chair; Terry Birdwhistell, representing the University of Kentucky; Dave Schroeder, representing the Kentucky Library Association; Richard Belding, representing Citizens-at-Large; Linda Potter, representing Citizens-at-Large; Leslie Smith, representing Robert Sherman, Executive Director, Legislative Research Commission; William Jones, representing Citizens-at-Large; and Tim Goff, representing Citizens-at-Large.

Representatives present: Randy Justice, representing Joseph Meyer, Secretary, Education and Workforce Development Cabinet; Amye Bensenhaver, representing Jack Conway, Attorney General; Greg Giesler, representing Adam H. Edelen, Auditor of Public Accounts; Jennifer Frazier, representing John D. Minton, Jr., Chief Justice, Supreme Court; Glenna Goins, representing Jane C. Driskell, State Budget Director; and Glenn Thomas, representing Steve Rucker, Commissioner, Commonwealth Office of Technology.

Members not present or represented: Sheila Stuckey, representing regional colleges and universities; Louise Jones, representing the Kentucky Historical Society; and Charlann Hall Wombles, representing local governments.

Public Records Division staff present: Barbara Teague, Director, Public Records Division; Jerry Carlton, Manager, Local Records Branch; Jim Cundy, Manager, State Records Branch; Glen McAninch, Manager, Technology Analysis and Support Branch; Pam Compton, Records Analyst; Mark Myers, Electronic Records Archivist.

Guests Present: Kathy Fowler and Krista Hamilton, Department for Public Health; Brad Popp, Cabinet for Health and Family Services; Alaina Myers, Dana Harvey and Jim Lambert, Personnel Cabinet; Larry Disney and Ravon Radmard, Board of Real Estate Appraisers; Margaret Hazlette and Nina Anglin, Board of Social Work.

Onkst called for introductions by those present.

Schroeder made a motion to accept the minutes of the previous Commission meeting, seconded by Giesler. The vote by members and representatives present was unanimous.

RECORDS RETENTION SCHEDULES

Court of Justice – Administrative Office of the Courts

Cundy was the Records Analyst working on these schedule deletions. **Deletions from the Schedule:** Series 03481, Juvenile Case Record; Series 03482, Tracking Card File; and Series 03486, Court Designation Workers' Designation Agreement Log.

The Administrative Office of the Courts (AOC) is the operational arm of Kentucky's Judicial Branch of government. The AOC supports court facilities and programs in all 120 counties, with its main campus in Frankfort. The AOC was established in 1976 as a result of the Judicial Article, which created Kentucky's unified court system and made the chief justice head of the state court system, also known as the Kentucky Court of Justice. The AOC carries out duties that are mandated by the Kentucky Constitution, including administering the Judicial Branch budget, building and maintaining court facilities, maintaining court statistics through a statewide case management database, administering personnel policies and payroll for court personnel, and providing educational programs for judges, circuit court clerks and support staff.

Frazier said that the Administrative Office of the Courts maintains its own Records Retention Schedule under the statutory purview of the Chief Justice, and would like these records series deleted from the schedule maintained by PRD.

Belding made a motion to approve these schedule deletions, seconded by Smith. The vote by members and representatives present was unanimous.

Personnel Cabinet

Cundy was the Records Analyst working on this revised schedule. **Addition to the Schedule:** Series 06444, Job Duties Desk Audit File. **Deletion from the Schedule:** Series 04341, Salary Review Forms File. **Revisions to the Schedule:** *Changes in retention:* Series 03641, Employee Injury Incident File, from "Retain in agency for eight (8) years, then destroy" to "Retain files for hazardous materials exposure claims in agency for twenty (20) years, then destroy. Retain all other files in agency for eight (8) years, then destroy;" Series 04342, Salary Survey, from "Retain for one (1) year, then destroy," to "Retain for two (2) years, then destroy;" Series 04420, Workers' Compensation Self-Insured Contract File, From "Purge/destroy the Stewardship Reports after three (3) years. Destroy contract file five (5) years after expiration, and audit," to "Purge/destroy the Stewardship Reports after five (5) years. Destroy contract file five (5) years after expiration, and audit;" Series 04425, Workers' Compensation Subrogation Case File, from "Retain until five (5) years after case closure, then destroy;" to "Retain until eight (8) years after case closure, then destroy;" Series 04430, Billing File, from "Retain for five (5) years Destroy after audit," to "Retain for ten (10) years Destroy after audit;" Series 04431, Refund File, from "Retain for five (5)

years, then destroy," to "Retain for ten (10) years, then destroy." *Staff also made administrative changes to six series that did not affect retention or disposition:* Series 03471, Position Description Questionnaire File; Series 04338, Unclassified Service Position File; Series 04339, Class History Summary File; Series 04340, Official Class Specification File; Series 04428, Enrollment for Group Term Life Insurance File; Series 04429, Proof of Death and Beneficiary Designation File

During the First Extraordinary Session of the 1956 Kentucky General Assembly, the Division of Personnel of the Department of Finance was abolished and the Department of Personnel was created. It was headed by a Commissioner appointed by the Governor. Chief among its responsibilities then, as now, was the certification of applicants for state jobs. Approximately four years later, a uniform Merit System for the Executive Department was created. On December 13, 1995, Executive Order 95-19 elevated the Department of Personnel to cabinet status and all powers and responsibilities of the Department of Personnel were transferred to the Personnel Cabinet. Upon expiration of the order, Executive Order 96-909 was issued on July 11, 1996, to create the Personnel Cabinet and this was confirmed by 1998 SB 139. Currently, the Personnel Cabinet is organized as follows: Office of the Secretary; Office of Administrative Services; Office of Legal Services; Office of Employee Relations; Office of Diversity and Equality; Office of Governmental Services; Center of Strategic Innovation; Ky Public Employees Deferred Compensation; Department of Human Resources Administration; and the Department of Employee Insurance.

This is a complete revision of this agency's retention schedule.

Current Schedule date: September 09, 2010

New Schedule date: March 14, 2013

Cundy said that the Advisory Committee had questioned the five-year retention period for Series 06444, Job Duties Desk Audit File. Bensenhaver said she was concerned about the disparity between the seventy-year retention requirement for Series 04522, Master Personnel File, and the relatively brief retention requirement proposed for Series 06444.

Jim Lambert, Manager of the Classification and Compensation Branch, said that the desk audit process helps Personnel Cabinet staff members learn more about specific positions. This information ultimately becomes part of the Position Description. Once the decision is made as to the proper classification of the position, as documented in the Position Description, the audit is no longer needed. In response to a question by Bensenhaver, Lambert said that, if there were a dispute, the audit would be maintained until it was resolved. In response to a question by Cundy, Lambert said that if a Position Description were changed after of a desk audit, that would be reflected in an employee's personnel file.

Smith made a motion to approve the revised schedule, seconded by Frazier. The vote by members and representatives present was unanimous.

Board of Real Estate Appraisers

Compton was the Records Analyst working this new schedule. **Additions to the Schedule:** Series 06417, Application File – Incomplete; Series 06418, Certification/License File; Series 06419, Temporary Appraisal Licenses and Certificates; Series 06420, Appraisal Management Company File; Series 06421, Investigations File; Series 06422, Disciplinary Action Log; Series 06423, Grievance File/Non-Disciplinary Action; Series 06425, Education Provider Files; Series 06426, Appraisal Management Company Applicants Register Listing.

The Kentucky Real Estate Appraisers Board is charged with protecting the public interest through regulation, examination and licensing of Kentucky real estate appraisers and the registration of Appraisal Management Companies pursuant to KRS Chapter 324A and 201 KAR Chapter 30. The Real Estate Appraisers Board approves and monitors pre-licensing and certification education, experience and testing, as well as approves and monitors continuing education for real estate appraisers. The Kentucky Real Estate Appraisers Board also investigates complaints against real estate appraisers and Appraisal Management Companies. The Board is funded solely through fees charged to obtain and renew a license to practice real property appraising and to register to do business as an Appraisal Management Company in Kentucky.

This is a new Records Retention Schedule for this agency.

Schedule Date: March 14, 2013

Compton presented the revised schedule.

Birdwhistell made a motion to approve the revised schedule, seconded by Belding. The vote by members and representatives present was unanimous.

Board of Social Work

Compton was the Records Analyst working on this schedule revision. **Additions to the Schedule:** Series 06435, Disciplinary Action File; Series 06436, Temporary Permit File; Series 06437, Dismissed Grievance/Complaint File; Series 06438, Continuing Education Provider Application File; Series 06439, Licensee Renewal File; Series 06440, Incomplete and Withdrawn Applications File; **Deletion from the Schedule:** Series 00507, Exam Score File. **Revisions to the Schedule:** *Changes in retention:* Series 00504, Licensee File, from permanent to “Retain in Agency ten (10) years after expiration of license, then destroy;” Series 00505, Licensee Log from permanent to “Retain in Agency permanently and update as needed;” Series 00508, Denied Applicant

File, from "Retain in Agency and destroy sixty (60) days after denial or unsuccessful application," to "Retain in Agency ten (10) years after date of denial of issuance or submission of application, then destroy."

The Board of Social Work was created in 1974 and examines and licenses all eligible candidates for entry into the profession of Social Work. It recommends appropriate changes in the law to assure fairness and equality. The Board conducts formal hearings when necessary and prosecutes by due process any violators of KRS 335.010 to 335.170.

This is a new records retention schedule for this agency.

Current schedule date: September 1, 1983

Proposed schedule date: March 14, 2013

Teague said that the Advisory Committee had discussed the possibility of creating a model records retention schedule for regulatory boards and commission, but PRD staff feels it is important to be able to work with the boards individually to tailor schedules to the needs of each agency.

Birdwhistell asked whether ten years is too long to maintain Series 06437, Dismissed Grievance/Complaint File Compton said that the ten-year retention was requested by the Board members because of the importance attached to complaints against social workers. The information could be used to establish a pattern of complaints on the part of a licensee. Bensenhaver said the files also have value because they allow the public to scrutinize the way in which a public agency addresses actions of its licensees.

Onkst suggested that Compton discuss the ten-year retention with the Board members and report back with a revised retention period if necessary.

Belding made a motion to approve this revised schedule, seconded by Schroeder. The vote by members and representatives present was unanimous.

Cabinet for Health and Family Services – Department for Public Health – Division for Maternal and Child Health

Compton was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Series 06431, Patient Blood Level Laboratory Reports; Series 06433, Maternal Mortality File; and Series 06434, Fetal and Infant Mortality Review Grants File.

The Department for Public Health, within the Cabinet for Health and Family Services, is the sole organizational unit of Kentucky's state government responsible for developing and operating all public health programs and activities for the citizens of Kentucky. These activities include health service programs for the prevention, detection, care, and

treatment of physical disability, illness and disease. The Department contains seven divisions: Administrative and Financial Management; Epidemiology and Health Planning; Laboratory Services; Maternal and Child Health; Prevention and Quality Improvement; Public Health Protection and Safety; and Women's Health. There are twenty-five (25) branches and numerous programs under the Department. The Department is authorized under KRS 194A.030. It is headed by a Commissioner for Public Health, who is appointed by the Cabinet Secretary with the approval of the Governor. The Commissioner for Public Health is a duly licensed physician who by experience and training in administration and management is qualified to perform the duties of this office. The Commissioner advises the head of each major organizational unit. The commissioner also serves as Chief Medical Officer of the Commonwealth.

Compton presented these schedule additions.

Smith made a motion to approve these schedule additions, seconded by Birdwhistell. The vote by members and representatives present was unanimous.

Cabinet for Health and Family Services – Department for Public Health – Public Health Protection and Safety Division

Compton was the Records Analyst working on these schedule addition, deletions and revisions. **Addition to the Schedule:** Series 06432, Unpasteurized Goat Milk File. **Deletions from the Schedule:** Series 1108, Producer Dairy Farm and Milk Hauler Inspection Reports; and Series 1109, Milk Pasteurization Plant Inspection Report; Series 1110, Milk for Manufacturing Plant Inspection Report; Series 1111, Laboratory Analysis Report; Series 1112, Permit Application for Non-Fee Paying Establishments; Series 1113, Sample Collector's Certification Report; Series 1114, Official Notices, Hearing Proceedings, Court Actions; **Revisions to the Schedule:** Series 06424, Milk Manufacturing Plant File, from permanent to "Retain in Agency five (5) years after expiration of permit, then destroy; Series 06427, Dairy Farms File, from permanent to "Retain in Agency five (5) years expiration of permit, then destroy;" Series 06428, Milk Producer and Hauler Permit File, from "Destroy when no longer useful" to "Retain in Agency ten (10) years from date of last activity, then destroy; Series 06429, Milk Product Labels, from "Destroy when obsolete" to "Retain in Agency ten (10) years after last date of activity, then destroy;" and Series 06430, Food Program Evaluations, from "Retain in Agency five (5) years, then destroy" to "Retain in Agency five (5) years from date of inspection, then destroy."

The Department for Public Health, within the Cabinet for Health and Family Services, is the sole organizational unit of Kentucky's state government responsible for developing and operating all public health programs and activities for the citizens of Kentucky. These activities include health service programs for the prevention, detection, care, and treatment of physical disability, illness and disease. The Department contains seven

divisions: Administrative and Financial Management; Epidemiology and Health Planning; Laboratory Services; Maternal and Child Health; Prevention and Quality Improvement; Public Health Protection and Safety; and Women's Health. There are twenty-five (25) branches and numerous programs under the Department. The Department is authorized under KRS 194A.030. It is headed by a Commissioner for Public Health, who is appointed by the Cabinet Secretary with the approval of the Governor. The Commissioner for Public Health is a duly licensed physician who by experience and training in administration and management is qualified to perform the duties of this office. The Commissioner advises the head of each major organizational unit. The Commissioner also serves as Chief Medical Officer of the Commonwealth. The Public Health Protection and Safety Division includes the Milk Safety Branch and the Food Safety Branch.

In response to a question by Frazier, Fowler said that there is no reapplication process for milk manufacturing plants, which are permitted for as long as they are in business.

Belding made a motion to approve the schedule addition, deletions and revisions, seconded by Smith. The vote by members and representatives present was unanimous.

Kenton County Airport Board – Cincinnati/Northern Kentucky International Airport

Carlton was the Records Analyst working on this new schedule. **Additions to the Schedule:** Finance Department: L6550 thru L6567; Secretary/Treasurer: L6568; Chief Executive Officer: L6569; Contract Administration: L6570 thru L6572; Procurement: L6573 thru L6574 and L6609 thru L6611; Human Resources: L6575 thru L6576; Organizational Development: L6577; Commercial & Business Development: L6578; Safety, Security and Compliance: L6579 thru L6590; Airport Rescue/Fire Fighting: L6602 thru L6603; Fleet Maintenance: L6604 thru L6605; and Risk Management: L6606 thru L6608.

Cincinnati/Northern Kentucky International Airport, sometimes called the Greater Cincinnati Airport is located in Boone County, Kentucky, United States and serves the Greater Cincinnati metropolitan area. It was established in 1942 as a training facility for the military. It became a commercial airport in 1947 and has grown since then. Despite being located in Boone County, the airport operations are governed by the neighboring Kenton County Airport Board. Because it is governed by this board it is considered a local government agency. The airport's revenue does not come from taxes but from fees collected by those using the airport. The airport's code, CVG, comes from the nearest major city at the time of its opening, Covington, Kentucky. Cincinnati/Northern Kentucky International Airport covers an area of 8,000 acres.

The following record series are listed on the Local Government General Records Retention Schedule. The airport administration has requested that each of these to be placed on the Airport retention schedule with increased retention periods.

This is a new records retention schedule for this agency.

Proposed schedule date: March 14, 2013

In response to a question by Rogers, Carlton said that the Federal Aviation Administration does mandate retention periods for certain types of records kept by the Board. The Committee reviewed those at its December 6, 2012 meeting.

In response to a question by Birdwhistell regarding retention periods that are increased from those on the Local Government General Schedule, Carlton said that most of the increases are not significant, though some are permanent. He will revisit the increases with the Airport Board staff members.

In response to a question by Belding, Carlton said that this will not serve as a basis for a model airport schedule. Airports can use the Local Government General Schedule as necessary.

Goins said that the retention period for Series L6562, Meter Reading Book/Log/Register, simply read "Destroy." Carlton said it should be retained for seven years.

Schroeder made a motion to approve this new schedule, seconded by Goins. The vote by members and representatives present was unanimous.

Education and Workforce Development Cabinet – Environmental Education Council

Compton said that PRD staff had been training a new Records Officer for the Council. Shields had completed a System Description and a revised retention schedule is forthcoming.

Tourism, Arts and Heritage Cabinet – Kentucky Historical Society

Cundy was the Records Analyst working on this schedule addition. **Addition to the Schedule:** Series 06443, Kentucky History Award Nomination File.

The Kentucky Historical Society was created by the General Assembly in 1880. Pursuant to KRS 171.311-171.395 and, as set forth in its charter, the goal of the Kentucky Historical Society is to collect, maintain, and preserve authentic records, information, facts and relics connected with the history of the Commonwealth and to promote a wider appreciation of American heritage. The Society is governed by an Executive

Committee, whose members are elected by its general membership. The Society was reorganized by Executive Order 91-518, effective June 16, 1991 and confirmed by HB 139 during the 1992 Session of the General Assembly. The Collections and Preservation Division and the Resource Development Division were abolished. In 1994, the Society Services Division was replaced by the Oral History and Educational Research Division. The Society has four divisions: Research and Publications, Administration, Museum, and Oral History and Educational Research. The divisions are headed by a director appointed by the Executive Committee of the Kentucky Historical Society. KHS operates the Old State Capitol, the Kentucky Military History Museum and its headquarters, the Thomas D. Clark Center for Kentucky History. Since 1999, the thirty-million-dollar Center has welcomed more than one million visitors.

Cundy presented the Schedule addition. Any questions about the rationale behind winners come up immediately, which makes the two-year retention period sufficient.

Belding made a motion to approve the schedule addition, seconded by Frazier. The vote by members and representatives present was unanimous.

Justice and Public Safety Cabinet – Department of Juvenile Justice

Compton was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Series 06441, Investigative Report File; and Series 06442, Youth Account File.

The Kentucky Department of Juvenile Justice (KY DJJ) was established in 1996 with the passage of HB 117 by Kentucky's General Assembly. The Kentucky Department of Juvenile Justice is in the Justice and Public Safety Cabinet and is responsible for prevention programs for at-risk youth, court intake, pre-trial detention, residential placement/treatment services, probation, community aftercare/reintegration programs and youth awaiting adult placement or court. KY DJJ operates and contracts for the services of a variety of programs to both meet the treatment needs of delinquent youth and to protect the public, including community supervision programs, day treatment programs, group homes, residential treatment programs and private child care programs. The Department seeks to serve youth in the least restrictive, appropriate placement possible.

Compton presented the Schedule additions.

Belding made a motion to approve the schedule additions, seconded by Smith. The vote by members and representatives present was unanimous.

General Schedule for State Agencies – Miscellaneous Records Section (49:30)

Cundy was the Records Analyst working on this schedule addition. **Addition to the Schedule:** Series M0055, Agency-Conducted Training Files.

A General Schedule is a class of records retention schedule that governs the retention and disposition of specified records common to several or all public agencies. The General Schedule for State Agencies covers records for State Agencies.

Cundy said that the series had been tabled by the Commission at its December 13, 2012 meeting and had been reviewed and further revised by the Advisory Committee on the General Schedule for State Agencies and personnel from other state agencies. In response to agency concerns, the definition of the series had been clarified as much as possible and the retention period had been reduced from the previous five years to two years. While the Archives and Records Management Advisory Committee recommended a five-year retention period, the two-year retention is Cundy's recommendation.

Justice said that agency counsels are generally comfortable with the series and the retention period as presented.

In response to a question by Bensenhaver, Teague said that, because the series encompasses only agency-to-agency training, training from agencies to the general public would need to be scheduled.

Frazier asked whether a record of training would be found in an employee's personnel file. Teague said that the Personnel Cabinet and the agency are supposed to maintain a record of employees' training. Frazier said that legal issues had arisen in which it had been necessary to produce records documenting employee training. Onkst noted that training is part of employees' personnel evaluations.

In response to a question by Bensenhaver, Carlton said that general training materials are not scheduled for local agencies.

In response to a question by Justice, Cundy said that legislatively-mandated training conducted by agencies should appear on their respective agency-specific schedules.

Bensenhaver said that she felt the two-year retention period is not adequate. Teague said that the retention period was two years after any major modifications, rather than a flat two years. The agency would have the general content of the training around for as long as it would be conducted.

Frazier said that the Court of Justice retains one copy permanently and destroys other copies after two years. This documents the development of training over time and

individuals' responses to that training. She did not think two years would be an adequate retention period.

Belding made a motion to approve the schedule addition, seconded by Birdwhistell. The vote by members and representatives present was Belding, Birdwhistell, Giesler, Goff, Goins, Jones, Justice, Onkst, Potter, Schroeder, Smith and Thomas for; Bensenhaver and Frazier against.

State University Model

Cundy was the Records Analyst working on these schedule revisions and deletion. **Revisions to the Schedule:** *Changes in retention:* D. Student Records: Series U0406, Applications for Admission or Readmission File, from "Destroy records of students who enroll five years after graduation or last date of attendance. Destroy records of students who do not enroll one year after application term," to "Destroy records of students who enroll five (5) years after graduation or last date of attendance. Destroy incomplete applications and records of students who do not enroll one (1) year after application term." I. Athletic Records: Series U0911, Recruiting Records, from "Destroy after six years or end of eligibility, whichever is longer," to "Destroy after six (6) years or end of eligibility whichever is longer. Destroy records of athletes who do not enroll one (1) year after application term." **Deletion from the Schedule:** Series U2112, Maintenance Contracts Files.

The State University Model Records Retention Schedule covers records that are common among Kentucky's public university campuses and its Community and Technical College System. This is part of the ongoing effort to revise the State University Model Records Retention Schedule.

Cundy summarized the schedule revisions and deletion.

Frazier made a motion to approve the schedule revisions and deletion, seconded by Giesler. The vote by members and representatives present was unanimous.

The next item was **other business**. Onkst recognized Teague, who said that the contractor had broken ground this week on a new State Records Center facility. Construction of the facility should be completed before the end of 2013. PRD is looking into purchasing records tracking software as part of the moving process.

Teague said that KDLA had contracted with Tessella, Inc., to use Preservica, a digital preservation software and service. This will allow PRD staff to maintain permanent records in a cloud-based service, as well as an access copy in the e-Archives. Birdwhistell asked if this were a statewide system or if it only housed records held by PRD. Teague said it would only hold records maintained by PRD that have been accessioned into the e-Archives. At this point, the focus is mainly on records such as

publications and minutes. Migration of information is written into the contract with the company. The software is designed to create an Archival Information Package that is relatively standardized and can be exported from the system to any local servers.

Carlton said that in January the Local Records Branch had given out twenty-six grants totaling \$589,585. Grants were given to county clerks, cities and school districts for projects such as microfilming and digitizing records; equipment purchase and ordinance codification. Belding pointed out that the Local Records grants had been essential in helping agencies address changes in technology.

Onkst said that PRD will be filling the vacant Resource Management Analyst I position in the State Records Branch.

There being no further business, Onkst adjourned the meeting at 11:20.