

STATE ARCHIVES AND RECORDS COMMISSION
Minutes of the Quarterly Meeting
June 13, 2013
Department for Libraries and Archives

The State Archives and Records Commission met at 10:00 a.m., June 13, 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; William Jones, representing Citizens-at-Large; Tim Goff, representing Citizens-at-Large; Sheila Stuckey, representing regional colleges and universities; Louise Jones, representing the Kentucky Historical Society; and Charlann Hall Wombles, representing local governments.

Representatives present: Randy Justice, representing Joseph Meyer, Secretary, Education and Workforce Development Cabinet; Amye Bensenhaver, representing Jack Conway, Attorney General; Brian Lykins, representing Adam H. Edelen, Auditor of Public Accounts; Leslie Smith, representing Robert Sherman, Executive Director, Legislative Research Commission; Jennifer Frazier, representing John D. Minton, Jr., Chief Justice, Supreme Court; Glenna Goins, representing Jane C. Driskell, State Budget Director; and Janet Lile, representing Jim Fowler, Commissioner, Commonwealth Office of Technology.

Members not present or represented: None

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; Jim Stratton, Records Analyst; Mark Myers, Electronic Records Archivist; Beth Shields, Electronic Records Specialist; and Jackie Arnold, Local Records Regional Administrator.

Guests Present: Krista Hamilton, Department for Public Health; Alaina Myers, Dana Pitcock and Yvonne Richmond, Personnel Cabinet.

Onkst called for introductions by those present.

Goins noted that in the minutes of the previous Commission meeting, the State Budget Director should be listed as Jane C. Driskell. Lile made a motion to accept the minutes of the previous Commission meeting with that change, seconded by Schroeder. The vote by members and representatives present was unanimous.

RECORDS RETENTION SCHEDULES

Local Health Departments

Carlton was the Records Analyst working on this new schedule. **Additions to the Schedule:** Series L6634, Individual Personnel Files (Deceased); and Series L6635, Employment Eligibility Verification Form (I-9 Form). **Revisions to the Schedule:** Series L5214, Individual Personnel Files, from "Destroy 70 years from date first employed," to "Retain 60 years from first date of hire;" Series L2142, Adult Patient Home Health Medical Record, from "Destroy 5 years after last date of service," to "Retain 7 years after last date of service, then destroy;" Series L5158, Minor Patient Home Health Medical Record, from "Destroy 5 years after the patient reaches 18 years of age or 6 years after last date of service, whichever is greater," to "Retain 7 years after the patient reaches 18 years of age or 7 years from last date of service whichever is greater, then destroy;" and Series L2163, Rabies Vaccination Certificate from five (5) years to "Retain one year vaccination for 1 year, then destroy. Retain three year vaccination for 3 years, then destroy."

The present Local Health Department Records Retention Schedule was approved in 2001. This is a complete revision of the schedule and will have a new schedule date of June 13, 2013. There are two additions and four changes to the schedule. All other schedule series remain the same. The Department of Public Health of the Kentucky Cabinet for Health and Family Services is responsible for the Local Health Departments.

In response to a question by Goins, Carlton said that there is Federal guidance on the retention of I-9 forms and Series L6635 conforms to those guidelines.

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

Personnel Cabinet

Cundy was the Records Analyst working on this revised schedule. **Additions to the Schedule:** Series 06454, Off-Cycle Payroll Requests; Series 06455, IRS Form W-2c (Corrected Wage and Tax Statement); Series 06456, Manual Payroll Adjustment Forms File (SAS-27 and Request for Refunds on Payroll); and Series 06457, Appointing Authority Signature Authorization/Revocation File. **Revisions to the Schedule:** *Staff made administrative changes to four series that did not affect retention or disposition:* Series 00708, Payroll Requests; Series 03641, Employee Injury Incident File; Series 04522, Master Personnel Folder; and Series 06080, Payroll Reports.

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.

In response to a question by Goins, Richmond said that the seventy-year retention period for Series 06454, Off-Cycle Payroll Requests, Series 06455, IRS Form W-2c (Corrected Wage and Tax Statement), and Series 06456, Manual Payroll Adjustment Forms File (SAS-27 and Request for Refunds on Payroll) corresponded to the retention period for Series 04522, Master Personnel Folder. These records would provide proof of payroll action, if needed. In response to a question by Frazier, Cundy said that the current retention period for Series 04522 is seventy years from date of hire.

In response to Frazier, Cundy said that staff at the Personnel Cabinet would be looking at the discrepancy between the retention of local and state agency personnel files.

Belding made a motion to approve the schedule additions and revisions, seconded by Goins. 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:** From the Local Government General Records Retention Schedule: Series L6627, Periodic Audits (Daily, Monthly or Quarterly); Series L6628, Banking Record File; and Series L6629 Requisitions on Supplies – Operations and Maintenance Account. New Record Series: **Administration:** Series L6539 Surety Bonds and Officer/Employee Fidelity Bonds. **Federal Financial Assistance Programs:** Series L6630, Airport Improvement Program (AIP) Grant Files; Series L6631, Airport Improvement Program (AIP) Grant Agreements and Exhibits; and Series L6632, Passenger Facility Charge (PFC) Program Files. **Safety, Security and Compliance:** Series L6531, Ergonomic Evaluation File; Series L6532, Sampling and Testing Plan; Series L6533, Noise Exposure File; Series L6534, OSHA Training Records (Employees); Series L6547, OSHA Inspections and Investigations; Series L6548, Hazardous Materials Exposure File; and Series L6549, Environmental Research, Responses to Agencies and Consent Decrees.

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.

This is a new records retention schedule for this agency.

Proposed schedule date: June 13, 2013

Carlton said that many of the permanent records on this schedule did not have permanent value and Local Records Branch staff would be revisiting them with Airport Board staff.

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

Board of Landscape Architects

Compton was the Records Analyst working on this new schedule. **Additions to the Schedule:** Series 06449, Continuing Education Approval File; Series 06450, Complaints – Unsubstantiated; and Series 06451, Disciplinary Files. **Revisions to the Schedule:** Series 01364, Master Folders – Registered Landscape Architects, from “Transfer to State Archives for permanent retention one (1) year after death of registrant and when no longer useful,” to “Retain licensee’s initial application, a copy of applicant’s certificate from an accredited curriculum, test scores, and the two (2) most recent years of his/her renewal records for fifty (50) years from date of license termination, then destroy;” Series 01365, Incomplete or Denied Registration Application, from permanent to “Retain in Agency five (5) years from date of submission, then destroy;” Series 01366, Landscape Architect Log, from “Retain permanently in Agency,” to “Retain permanently in Agency and update as needed;” and Series 01367, Unacceptable/Failed Examinations, from “Retain cover sheet permanently in Agency. Destroy question and answer sheets five (5) years after date of examination,” to “Retain in Agency five (5) years after date of examination, then destroy.”

The Kentucky Board of Landscape Architects is an independent state agency whose purpose is to protect the public by administering and enforcing KRS Chapter 324A and the regulations governing the practice of Landscape Architecture in the Commonwealth of Kentucky. The Board is a separate and distinct entity from any professional

associations. The Board is a self-supporting agency and receives no general fund tax appropriation. It is funded entirely through fees assessed for licensing its professionals. Licensing of landscape architects protects the public health, safety and welfare of citizens who cannot be reasonably expected to know or recognize inadequate or defective landscape architectural design work. Landscape architects offer complex professional services which are not easily understood by the average consumer and which have lasting impacts on the land and its users. If work is improperly performed, there exists a very real threat of irreparable harm and poor design can lead to injury or death of users of the land and cause grave economic damages to the landowners.

This is a new records retention schedule for this agency.

Current schedule date: June 1, 1978

Proposed schedule date: June 13, 2013

In response to a question by Bensenhaver, Compton said the retention period of one year after completion for Series 06450, Complaints – Unsubstantiated, is the same as most other regulatory boards and commissions.

In response to a question by Goins, Compton said that the fifty-year retention period for Series 01364, Master Folders – Registered Landscape Architects, is necessary because the licensing procedure is so arduous and there are so few registered landscape architects.

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

Real Estate Commission

Compton was the Records Analyst working on this new schedule. **Additions to the Schedule:** Series 06445, Complaints File - Non-Disciplinary Action; Series 06446, Complaints File - Disciplinary Action; Series 06447, Unlicensed Brokerage Files; Series 06448, Property Promotional Activities Outside Kentucky File. **Revisions to the Schedule:** *Closed Series:* Series 05925, Cease and Desist Orders. *Changes in retention:* Series 02156, Hearing Transcripts (Post June 1983), from "Place in License Folder (Series 02154) after case closure and all appeals have been exhausted," to "Retain in Agency and transfer to License File, Series 02154, after case closure and all appeals have been exhausted and no disciplinary action is required. If an Order is issued requiring disciplinary action, the transcript will be transferred to Complaints File – Disciplinary Action, Series 06446;" Series 03051, Recording of Hearing, from "Destroy after transcript (Series 02156) is prepared or if no action is taken against licensee and no transcript is required of the hearing, destroy one (1) years from date of hearing," to "Destroy recording one (1) year from date of hearing if no further action is taken. In event legal action is pursued, the recording/transcript is transferred to Complaints File –

Disciplinary Action, Series 06446, and/or License File, Series 02154." *Administrative changes were made to the following Series without changing retention or disposition:* Series 02154, License File; Series 02155, Suspended/Revoked Licensee Master File; Series 02158, List of Examinees; Series 02159, Examination Pass/Fail List; Series 03050, Hearing Transcripts – Pre-1983; Series 03282, Errors and Omissions Insurance List; Series 04713, Continuing Education Provider Files; Series 04714, Continuing Education Record File; Series 04715, Time-Share Property Registration File; Series 05001, Applicant Records (Felony) – Approved; and Series 05002 Applicant Records (Felony) – Denied.

Created in 1942, the Real Estate Commission is charged with the responsibility of protecting the public interest through regulation, examination and licensing of Kentucky real estate brokers and sales associates pursuant to Kentucky Revised Statutes Chapter 324. The Commission is self-supporting and receives no general fund tax appropriation. It is funded through fees assessed for licensing its professionals.

This is a new records retention schedule for this agency.

Current schedule date: December 10, 2009

Proposed schedule date: June 13, 2013

In response to a question by Bensenhaver, Compton said that the retention of five years after dismissal for Series 06445, Complaints File - Non-Disciplinary Action, would allow the Commission to determine if there is a pattern of behavior on the part of a licensee. In response to a question by Goins, she said that "dismissal" meant dismissal of the case rather than of the licensee. Bensenhaver suggested changing the title of the Series to "Complaints File – Unsubstantiated."

In response to a question by Goins on Series 04714, Continuing Education Record File, Compton said that there is a record of only the most recent continuing education in the master file of each licensee.

Bensenhaver made a motion to approve the revised schedule, with a change in title to Series 06445, from "Complaints File – Non-Disciplinary Action" to "Complaints File – Unsubstantiated," seconded by Lykins. The vote by members and representatives present was unanimous.

Justice and Public Safety Cabinet – Department of Corrections

Compton was the Records Analyst working this new schedule. **Revision to the Schedule:** Series 03436, Inmate Grievance File, from "Retain in Agency; destroy after December 31 of the following year after filing," to "Retain in Agency three (3) years after resolution; then destroy."

The Department of Corrections (DOC) is governed by KRS Chapters 196 and 197. DOC is responsible for managing the daily operations of the state correctional institutions, private prisons, and a variety of community based services; providing secure, humane incarceration for felony offenders; supervising probation and parole; and offering an opportunity for offenders to acquire skills that facilitate non-criminal behavior. The Department of Corrections consists of the following Divisions: **Office of General Counsel** – provides legal advice and representation of all civil lawsuits involving the Department of Corrections; **Division of Personnel Services** – provides human resources administration; **Division of Administrative Services** – provides administrative support in areas of budgeting, accounting, purchasing, facilities management, inventory, research, planning, central offender records and personnel management; **Division of Probation and Parole** - provides investigative services to the courts and Parole Board, rehabilitation services to offenders, and assistance in employment and home placement. Various duties include court appearances and testimony, reports to the releasing authorities, home visits, drug and alcohol testing, transportation of prisoners, referral of offenders to appropriate resources, and monitoring payment of fees, restitution and community service work. The Division of Probation and Parole is also responsible for the administration of the Interstate Compact which transfers cases between states, the placement office which assists incarcerated offenders with proper home placements, and the processing of Civil Rights Restoration requests submitted by ex-offenders; **Division for Local Facilities** – responsible for jail inspections, jail standards review and enforcement regulations, technical assistance to local governments, approval of construction plans, and the community residential program; **Department of Correctional Industries** – responsible for operating all correctional industry programs, providing inmates with a realistic work experience and teaching marketable skills, which will improve their chances for securing gainful employment upon release, thus reducing recidivism and lowering the Commonwealth's resource commitment for maintaining the prison system; **Office of Victim Services** – responsible for assisting victims and survivors throughout the duration of the offender's incarceration and supervision; provide essential, victim-related services including: explanation of inmate release dates and release type, restitution information, awareness training for criminal justice and other victim service professionals, referrals, and victims' rights services.

Compton said the schedule revision is on advice of a Department of Corrections attorney.

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

Lexington/Fayette Urban-County Government

Carlton was the Records Analyst working on these schedule additions. **Additions to the Schedule:** General Services/Parks and Recreation: Series L6612, Program

Volunteer Records Check; and Series L6613, Program Registration File. Office of Internal Audit: Series L6614, Final Audit Report; Series L6615, Complaint Case File; and Series L6616, Audit Work Papers. Common Records: Series L6633, Building Security Check Records.

Lexington/Fayette Urban County Government (LFUCG) was formed by the merger of the City of Lexington and Fayette County. The merged government officially chartered January 1, 1974 after a referendum was approved by the citizens of both governments. A government - wide records retention schedule was approved by the Archives and Records Commission on September 9, 2004. There have been numerous additions and changes to the schedule since that time.

Carlton presented the schedule additions.

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

Louisville/Jefferson County Metro Government – Metro Animal Services

Arnold was the Records Analyst working on these schedule additions. **Additions to the Schedule:** Series L6617, Felony Investigation Case Files; Series L6618, Controlled Substance Log; Series L6619, Material Safety Data Sheets; Series L6620, Use of Force Form/File; Series L6621, Incident/Accident/Complaint Reports; Series L6622, Animal Wellness/Medical File; Series L6623, Investigations other than Felony Case Files; Series L6624, Order to Expunge; and Series L6625, Waivers and Agreements File. **Deletions from Schedule:** *The following records series are being deleted as the records are no longer created and the retention has been met, or the agency no longer has responsibility for creating and retaining the records:* Series L5777, Pet Cremation Services Form; and Series L5780, Animal Trap Log. *The following records series are being deleted as the records are covered by other series on the agency records schedule:* Series L5785, Stray Turn-in Card; Series L5787, Quarantine Card/Log; Series L5789, Stray Animal I.D. Tag Information Card/Log; Series L5791, Dispatch Log; and Series L5792, Dispatcher's Run Card. **Revisions to the Schedule:** Series L5782, Lost/Found Report, from three (3) years to thirty (30) days.

Metro Animal Services (LMAS) employs Animal Control Officers who investigate over 27,000 complaints in an average year that range from bite cases to severe inhumane treatment. Besides enforcing the Louisville Metro Animal Care and Control Ordinance, LMAS has an animal care staff that includes a veterinary staff, adoption coordinators and a community engagement team. The animal care staff spends countless hours caring for the animals at our two facilities and searching for loving, forever homes through adoption, foster or rescue programs. Metro Animal Services provides the following core services: Animal Care and Sheltering; Field Services, Enforcement, and

Rescue; Community Engagement; Animal Adoption and Placement; and Administration and Licensing.

Carlton said that, at the request of the Advisory Committee, the description of L6617, Felony Investigation Case Files, and Series L6623, Investigations other than Felony Case Files, had been changed to better reflect the nature of the records. In response to a question by Carlton, Bensenhaver said that KRS 61.878(1)(h) would be an appropriate access restriction for these records.

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

Public School District

Carlton was the Records Analyst working on these schedule additions and revisions. **Additions to the Schedule:** Administration: Series L6636, Internal Policies and Procedures (Manuals or Memorandums); and Series L6637, Staff Agreement Forms (Sign off for policies and procedures). Payroll: Series L6638, Leave Affidavit. **Revisions to the Schedule:** Facilities/Security: Series L6463, Facilities Surveillance Video/Audio Recordings, from "Retain 10 days then destroy. If there is an incident being investigated, retain until investigation and legal activity is complete, then destroy," to "Retain Master Copy 10 days. Destroy if there is no recording that includes, or allegedly includes, injury to students or school employees. Retain Master Copy 1 month for those recordings that include, or allegedly include, injury to students or school employees, then destroy. NOTE: The Master Copy shall not be edited, altered or any portion destroyed. If there is an incident being investigated, retain until investigation and legal activity is complete, then destroy." Transportation: Series L6456, School Bus Surveillance Video/Audio Recordings, from "Retain 10 days then destroy. If there is an incident being investigated, retain until investigation and legal activity is complete, then destroy," to "Retain Master Copy 10 days. Destroy if there is no recording that includes, or allegedly includes, injury to students or school employees. Retain Master Copy 1 month for those recordings that include, or allegedly include, injury to students or school employees, then destroy. NOTE: The Master Copy shall not be edited, altered or any portion destroyed. If there is an incident being investigated, retain until investigation and legal activity is complete, then destroy."

This retention schedule was completely revised in 2012 and is used in the 174 school districts throughout the Commonwealth. It is an attempt to list all records created or received by the district's central office, school board, school administration, school based decision making councils and grades K thru 12.

Carlton said that most of the wording of the retention periods for Series L6463, Facilities Surveillance Video/Audio Recordings, and Series L6456, School Bus Surveillance Video/Audio Recordings is taken directly from KRS 160.705. In response to

a question by Lykins, Myers said that the master copy of the recordings represented by these Records Series should be kept in an unaltered format for the length of the retention period.

In response to a question by Goins on Series L6636, Internal Policies and Procedures (Manuals or Memorandums), Carlton said that one copy of each version of policies and procedures should be kept as they are updated.

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

Finance and Administration Cabinet – Department of Revenue

Compton was the Records Analyst working on this schedule deletion. **Deletion from the Schedule:** Series 04673, Vehicle and Boat Tax Rolls.

The Department of Revenue is organized as a unit of the Finance and Administration Cabinet and the duties and functions are stated in KRS Chapters 131 through 144. The Department of Revenue is responsible for exercising all administrative functions of the state in relation to the state revenue and tax laws, the equalization of tax assessments, the assessment of public utilities and public service corporations for taxes, the assessment of franchises, the supervision of tax collections, and the enforcement of revenue and tax laws, either directly or through supervision of tax administration activity in other departments to which the Department may commit administration of certain taxes. The Department of Revenue is the primary revenue collection agency for state government. The Department is made up of the Office of the Commissioner, Division of Legislative Services, Office of Processing and Enforcement, Office of the Taxpayer Ombudsman, Office of Property Valuation, Office of Miscellaneous Taxes, Office of Sales and Excise Taxes, Office of Income Taxation, and Office of Field Operations.

Compton presented this schedule deletion.

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

State University Model

Cundy was the Records Analyst working on these schedule additions and deletion. **Additions to the Schedule:** A. General Records: Series U0134, Investigation Records; Series U0136, Friends Organization Records; I. Athletics Records: Series U0918, Athlete Eligibility Records; Series U0919, Athletics and University Compliance Records; Series U0920, Game Official Evaluation Forms; Series U0921, Game Statistics Records; Series U0922, Individual Athlete Competition Records; and Series U0923, Student Athlete

Advising File. **Deletions from the Schedule:** Series U0500, Friends of the Library Records.

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.

Goins asked about the retention period of Series U0136, Friends Organization Records, which reads, in part, "Retain permanently in creating unit or transfer to the University Archives for permanent retention when no longer needed administratively." Cundy said the records would be retained permanently in either the creating unit or the University Archives.

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

The next item was **other business**.

Teague welcomed Jim Stratton, the new Records Analyst in the State Records Branch.

Teague said ground had been broken on the site of the new State Records Center. Commission members could follow the progress of Records Center construction on PRD's Facebook account and on a page on KDLA's website (<http://kdl.ky.gov/records/recmgmtservices/Pages/newstaterecordcenter.aspx>).

Teague said Carlton had distributed a summary of Local Records Grants awarded this fiscal year. Carlton said that a large number of grants had been given for salary support. This is to allow backfile conversion of older records to digital images. Money had also been given to several counties to transfer information originally recorded on aperture cards to microfilm and digital images.

Teague said that Commission members had received copies of "The Importance of State Archives," a publication produced by the Council of State Archivists.

Onkst said that it had been announced that the Education and Workforce Development Cabinet Secretary, Joseph U. Meyer, would be retiring effective June 30, and thanked him for his support.

There being no further business, Onkst adjourned the meeting at 11:10.