



Labor Cabinet

(Includes the Office of Inspector General, Department of Workplace Standards and
Department of Workers' Claims)

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management 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 Labor 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 Labor Cabinet personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Labor Cabinet to destroy the records listed, after the appropriate retention periods have passed.

Labor 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 Labor 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 Labor 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 represents 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.

Labor Cabinet

In 1902, the position of Labor Inspector was created in the Bureau of Agriculture, Labor, and Statistics (Acts, ch. 24). In 1916, the Workmen's Compensation Board was created and functioned as an independent board that was not attached to any department. In 1924, the 1902 Act was repealed by statute and the Department of Labor was reorganized (Acts, ch.68). In 1932, the Kentucky Employment Service was established by statute as part of the department (Acts, ch. 31). The Department of Agriculture, Labor, and Statistics was established in 1934 to protect the interests of labor. The creation of the Department of Industrial Relations in 1936 brought together the Workman's Compensation Board, the Industrial Safety Board, and the Apprenticeship and Training Council under one agency (Governmental Reorganization Act, article XV). In 1940, legislation was enacted vesting additional functions in the department and the Kentucky Industrial Safety Board and the Apprenticeship Council were created (Acts, ch. 105). In 1948, the responsibilities of the Kentucky Employment Service and the Unemployment Compensation program were transferred to the newly created Department of Economic Security (Acts, ch. 164 and KRS 195.020 (a) and (b)). In 1960, the Prevailing Wage Board was established (Acts, ch. 56 and KRS 337.520) along with the reestablishment of the Board of Claims within the department (KRS 44.070). In 1962, the General Assembly changed the name of the Department of Industrial Relations to the Department of Labor to administer all functions of the state concerned with employee-employer relations. In 1962, the Department of Agriculture, Labor, and Statistics became the Department of Agriculture, and the Department of Labor was created to replace the Department of Industrial Relations. As a result of Executive Order 83-65, and its subsequent codification by the 1984 General Assembly, the Labor Cabinet was created.

As outlined in KRS 336.040, the functions and duties of the Labor Cabinet include insuring the safety of workers, administering the Worker's Compensation Board, promoting and enforcing laws relating to unfair practice, and investigating causes of accidental injuries and occupational causes.

RECORDS RETENTION SCHEDULE

Signature Page

Environmental & Public Protection
Agency Cabinet

April 1, 1976
Schedule Date

Office of the Inspector General
Unit

September 8, 2005
Change Date

September 8, 2005
Date Approved by Commission

APPROVALS

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

Dale Ladley
Agency Head

8 Sep 05
Date of Approval

Barbara A. Barnes
Agency Records Officer

8 Sep 05
Date of Approval

Michelle Pedding
State Archivist and Records Administrator
Director, Public Records Division

9-8-05
Date of Approval

[Signature]
Chairman, State Archives and Records Commission

9/08/05
Date of Approval

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

[Signature]
Records Analyst/Regional Administrator

9/8/05
Date of Approval

[Signature]
Appraisal Archivist

9/8/05
Date of Approval

[Signature]
State/Local Records Branch Manager

9/8/05
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

9/8/05
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Inspector General
 Criminal Investigation and Technical Support

Record Group
Number
1024G

Series	Records Title and Description	Function and Use
05419	Criminal Investigation Case File (V)	This series represents OIG-conducted in-depth investigations of criminal cases involving environmental abuse. Investigations typically begin with complaints originating within the cabinet or from the US Environmental Protection Association. There is no required time in which the office must begin an investigation once a complaint is received, though two days is traditionally the time between the receipt of a complaint and the beginning of an investigation. The average investigation lasts eight weeks. Most OIG criminal investigative cases will not become Legal Case Files within the cabinet's Office of Legal Services (OLS). If this occurs, OLS would assume control of the case. OIG's criminal investigative files are predominantly used by federal and state prosecutors in building criminal cases against individuals and companies in violation of federal and state environmental protection laws.
	Access Restrictions	KRS 61.878(1)(a) & (h) (Open cases only)
	Contents	Report of Investigation (ROI); case progress notes; evidentiary materials (cassette tapes; computer diskette; photographs; computer printouts; a/v tapes)
	Retention and Disposition	Retain in Agency twenty (20) years after investigation is closed and all appeals have been exhausted; destroy.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Inspector General
 Executive Support

Record Group
Number
1024G

Series	Records Title and Description	Function and Use
05420	Executive Support Case File (V)	This series represents OIG-conducted in-depth personnel or process investigations. Investigations typically originate with complaints from within the cabinet. There is no required time in which the office must begin an investigation once a complaint is received, though two days is traditionally the time between the receipt of a complaint and the beginning of an investigation. The average investigation lasts eight weeks. The cabinet's Office of Legal Services (OLS) reviews all investigative reports. If a case is substantiated it may require a response from management, i.e. a letter of reprimand, a suspension, dismissal. These actions would result in documentation being placed in the subject's personnel folder. In unsubstantiated cases, it is rare to see anything go to a personnel folder. Occasionally the subject of the investigation is placed on administrative leave while the investigation takes place. This paperwork would be in the person's personnel folder. Any administrative leave paperwork would be pulled from a personnel file if the case is unsubstantiated. These case files are predominantly used by EPPC's secretary, directors and commissioners to make personnel, policy and procedural decisions affecting the cabinet.
	Access Restrictions	KRS 61.878(1)(a) & (h) (Open cases only)
	Contents	Report of Investigation (ROI); case progress notes; evidentiary materials (cassette tapes; computer diskette; photographs; computer printouts; a/v tapes)
	Retention and Disposition	Retain in Agency five (5) years after investigation is closed and all appeals have been exhausted; destroy.

RECORDS RETENTION SCHEDULE

Signature Page

Labor Cabinet
Agency

December 1997
Schedule Date

Department of Workers' Claims
Unit

Change Date

Dec. 11, 1997
Date Approved by Commission

APPROVALS

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

[Signature]
Agency Head

12/2/97
Date of Approval

[Signature]
Agency Records Officer

12-1-97
Date of Approval

[Signature]
State Archivist and Records Administrator
Director, Public Records Division

11-25-97
Date of Approval

[Signature]
Chairman, Archives and Records Commission

12/11/97
Date of Approval

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

[Signature]
Records Analyst/Regional Administrator

11/25/97
Date of Approval

[Signature]
Appraisal Archivist

11/25/97
Date of Approval

[Signature]
State/Local Records Branch Manager

11/25/97
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

12-11-97
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workers' Claims, Department of

Record Group
Number
1610

Series	Records Title and Description	Function and Use
01847	Investigative Report File	This series documents an investigator's findings in determining whether an employer has workers' compensation coverage, as required in KRS 342.340. Investigative reports reflecting employers who are in violation of KRS 342.340 are forwarded to the Department's Office of General Counsel for legal action. Employers can be cited for the period without coverage, restrained from doing business until coverage is obtained and proof is shown, or both, as specified in KRS 342.990 (8).
	Access Restrictions	KRS 61.878 (1)(h)
	Contents	Series contains: date of investigation; investigator's name; claimant's name and social security number; business name and address; Federal employee identification number; number of employees; business structure; employee name; address and social security number; state identification number; workers' compensation insurance information; and notary public certification.
	Retention and Disposition	Retain for one (1) year.
03022	Coal Mining Employer's Primary Insurance File	This series documents that individual employers engaged in the mining of coal have obtained primary workers' compensation insurance coverage, as required in KRS 342.340. In order to be licensed by the Department of Mines and Minerals to operate, the employer must provide proof of coverage to the Department of Workers' Claims. Primary coverage is provided through an established insurance carrier, rather than the employer electing to participate in a group self-insurance association, or providing coverage at his own risk. The Department monitors such coverage to ensure that it is current and sufficient to meet future liability demands. The Department must notify the Department of Mines and Minerals of cancelation coverage, when applicable. If cancelation occurs, the employer must obtain other coverage to be able to continue operations. Information from this series is entered into the Workers' Claims and Insurance database, E0004.
	Access Restrictions	None
	Contents	Series contains: coverage notice; notice of policy change or cancelation; reinstatement notice; coverage endorsements and daily reports; and related correspondence
	Retention and Disposition	Retain for thirty (30) years.
03027	Coal Company Partnership Agreement File	This series documents that companies who wish to mine coal and who have no employees other than the partners have submitted a partnership agreement to the Department of Workers' Claims. In order to receive a license to operate from the Department of Mines and Minerals, the company must enter into a partnership agreement, as required in KRS 342.012. Partnership agreements must be on file with the Department, before the license to mine coal can be issued. A partnership agreement means there are no employees and the company is not required to obtain workers' compensation coverage. The partners listed in the agreement, in effect, relinquish any future claim, in the event of an injury or occupational disease. Information from this series is input into the Department's Tab Laser Optic Filing (Imaging) System, E0004, for quick reference and tracking purposes only.
	Access Restrictions	None
	Contents	Series contains: cover letter from the department; partnership agreement listing names of individual partners; social security numbers of partners; addresses of partners; name of partnership; terms of partnership agreement; powers of managing partner; type of business; notary seal
	Retention and Disposition	Retain for ten (10) years.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
Workers' Claims, Department of
Case Files

Record Group
Number
1610

Series	Records Title and Description	Function and Use
03023	Exhibit File	This series documents any item exhibited or produced during a trial or hearing by the Workers' Compensation Board, as proof of facts and made part of the Claim or Agreement File - Series 01642. Items may be used to support or disprove a claim for workers' compensation.
	Access Restrictions	None
	Contents	Series may contain: x-rays; photographs; video tapes; metal objects; clothing.
	Retention and Disposition	Original custodian will have sixty (60) days after file is closed to reclaim exhibits. Unclaimed exhibits may be destroyed or retained using criteria established by the State Archivist.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workers' Claims, Department of
 Claims Processing and Appeals

Record Group
Number
1610

Records Title	Function and Use
Series and Description	Function and Use
01642 Claim or Agreement File (V)	This series officially documents a worker's compensation claim or agreement from the First Report of Injury or Illness to the final disposition by a Workers' Compensation Board administrative law judge. It is created when an application for adjustment of claim injury report is filed with the Department, as required in KRS 342.185. The claim injury report must be filed within two years of the date of the injury or illness, or within two years following the termination of voluntary payments by the employer. All decisions rendered by administrative law judges are appealable first to the Workers' Compensation Board, then to the Court of Appeals and the Supreme Court. It also documents agreements entered into by the employer and employee based on the first report of injury or illness. All such agreements must be approved by an administrative law judge and are in lieu of filing a formal claim.
Access Restrictions	KRS 61.878(1)(a) Personal Information
Contents	Series may contain: claim application; medical information; insurance information; notice of hearing; transcripts; motions; depositions; briefs; formal opinion; award amount and order; petition for reconsideration; notice of appeal; cross-appeal; receipt notices; certification of record; court of appeals decision; motion for review by Supreme Court; petition for rehearing; lump sum payment information; agreements; first report of injury or illness
Retention and Disposition	Destroy seventy-five (75) years after final disposition of claim or agreement.
01655 First Report of Injury or Illness File	This series documents the employer's report to the Department of all work-related injuries, fatal or non-fatal, received by employees in the course of their employment, for which no claim for compensation was filed. The employer, pursuant to KRS 342.038, is required to file a first report of injury with the Department within one week after the occurrence, or knowledge of the occurrence, if the injury caused the employee's absence from work of more than one day. First reports of injury or illness which result in the initiation of a claim against the employer are filed in the employee's Claim or Agreement File (Series 01642). Workers' Compensation claims must be filed within two years of the date of notice of the accident, or last receipt of Temporary Total Disability benefits.
Access Restrictions	KRS 61.878(1)(a) Personal Information
Contents	Series contains: employer's name; address; employee's name and address; treating physician; type and date of injury; name of emergency facility; date of work stop; names; dates of birth and relationship of persons actually dependent on injured employee; whether returned to work; report of payment; report of termination; change of rate; or resumption of payments. Note: EDI records do not contain treating physician, name of emergency facility, or names, dates of birth and relationships of persons dependent on employee
Retention and Disposition	Retain for ten (10) years.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workers' Claims, Department of
 Coverage and Compliance

Record Group
Number
1610

Series	Records Title and Description	Function and Use
01637	Employer's Primary Workers' Compensation Insurance File	This series provides the Workers' Compensation Board with proof that employers who are not self-insured or who are not participating in a group self-insurance organization have secured primary workers' compensation coverage from an insurance carrier, as required in KRS 342.340 (2). The insurance obtained must cover the entire liability of the employer for compensation to every one of his employees, regardless of their status. All information received is verified by the Section to ensure compliance with Board requirements. Basic information regarding the employer and the type of insurance secured is input into the Workers' Claims and Insurance Database (E0004). It also documents cancelation or termination of such coverage.
	Access Restrictions	None
	Contents	Series contains: coverage notice; notice of policy change or termination; reinstatement notice; coverage endorsements; daily reports; related correspondence.
	Retention and Disposition	Retain for thirty (30) years.
01640	Self-Insured Employer's Financial File	This series documents the financial condition of individual employers who elect to provide workers' compensation coverage at their own risk, rather than obtaining coverage through an established insurance company. Such employers are required to make application to the Department by submitting financial data to support their ability to provide the coverage. If the Department does not believe the employer has the financial capacity to provide the coverage, alternative coverage through an established company will have to be obtained. As a way of demonstrating their ability to provide coverage, employers must post a minimum bond in the amount of \$150,000. In the event of a claim, the employer must post proof of coverage and surety for the life of the claim. Information from this series is entered into the Workers' Claims and Insurance database, series E0004.
	Access Restrictions	None
	Contents	Series contains: Employer's application for permission to carry own risk without insurance; past liability bond; financial analyst reports; continuous liability bond; excess insurance letter of credit; guarantee agreement; escrow contract; certificate of compliance with Workers' Compensation Act.
	Retention and Disposition	Retain for thirty (30) years.
04082	Group Self-Insurance Application File	This series documents that an employer meets the necessary financial requirements to participate in a group self-insurance association, previously approved by the Workers' Compensation Board, to provide security against liability of his workers. The application submitted to the Department by the employer acts as the proof of coverage. Self-insurance associations are made up of employers who have pooled their funds to provide workers' compensation insurance. Currently, there are 19 such self-insurance groups with over 8,000 members. Initially, the employer wishing to join an already established group must obtain approval to participate from that group's Board of Directors. It also documents cancelation of coverage, if applicable. Information from the series is input into the Workers' Claims and Insurance database.
	Access Restrictions	None
	Contents	Series contains: application; correspondence; notice of cancelation; and employer financial information
	Retention and Disposition	Retain for thirty (30) years.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workers' Claims, Department of
 General Counsel

Record Group
Number
1610

Series	Records Title and Description	Function and Use
04739	Citation Files	This series documents the issuance of citations to employers who have violated the requirements of KRS Chapter 342, by failing to provide workers' compensation insurance. Under the terms of KRS 342.990, the Commissioner can seek civil and criminal penalties against an employer, if sufficient evidence exists to determine that a violation has occurred. The cited party has fifteen days to notify the Commission that the citation will be contested. If the party fails to adhere to this time period, the citation is deemed final. Challenged citations are heard by an administrative law judge (ALJ) as soon as practicable. The ALJ's ruling is issued within 60 days of the hearing. The cited party may appeal the decision of the ALJ to the Franklin Circuit Court.
	Access Restrictions	None
	Contents	Series contains: citations; pleadings; orders; investigative reports; copies of claim files
	Retention and Disposition	Destroy three (3) years after final disposition.
04740	Utilization Review and Medical Bill Audit Plan File	This series documents the adoption and certification of plans by insurance carriers, self-insured group employers, and individual self-insured employers which assure compliance with the medical fee provisions specified in KRS 342.035. The requirement ensures that medical charges are fair, current and reasonable for similar treatment of injured persons in the same community for like services, where treatment is paid for by general health insurers. In addition, KRS 342.035 requires the Commissioner to promulgate administrative regulations governing medical provider utilization activities by the groups specified above. The utilization review and medical bill audit regulation became effective September 19, 1995, and requires all insurance carriers, self-insured groups, and individual self-insured employers to implement a utilization review and medical bill audit program and to submit a written description of the program to the Commissioner for his approval.
	Access Restrictions	None
	Contents	Series contains: identification in each plan of key personnel; medical reviewers; sample forms and letters; demonstrate utilization review certification to Cabinet for Health Services; describe internal grievance procedures; and describe the utilization review and medical bill audit services. File will also contain the name of vendor clients, if the plan is submitted by a vendor
	Retention and Disposition	Destroy two (2) years after plan is no longer valid.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
Workers' Claims, Department of
Office of the Secretary

Record Group
Number
1610

Series	Records Title and Description	Function and Use
04738	Twenty-Four Hour Coverage Pilot Project Files	This series documents the pilot project which provides for integrated management of an employer's worker compensation and group health insurance claims, with twenty-four hour coverage. The projects must be approved by both the Commissioner, Department of Workers' Claims and the Commissioner, Department of Insurance. Under the terms of KRS 342.352, the integrated management of claims does not affect any benefits, rights, or coverage established pursuant to a workers' compensation insurance policy. The program, if successful, could serve as a tentative model for future experiments. Applications to participate were to be accepted through September 30, 1996. Modifications and additions to applications can occur throughout the period of participation. The series' primary value is in providing information with which to assess the success and future of the program.
	Access Restrictions	None
	Contents	Series contains: application to participate; specific products being used; evaluations; and statistical data
	Retention and Disposition	Retain for four (4) years.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workers' Claims, Department of
 Ombudsman

Record Group
Number
1610

Series	Records Title and Description	Function and Use
04741	Request for Assistance File	This series documents the requests for assistance received by the Ombudsman Program, which was established pursuant to KRS 342.329. The program serves as an information source for employees, employers, medical, vocational and rehabilitation personnel, carriers and self-insurers, along with responding to inquiries and complaints about the Workers' Compensation Program. The series documents the purpose of the call and provides information to the Ombudsman to assist the caller. Information from the series is used for statistical documentation and to specify the nature of the calls received and the assistance provided to resolve the complaint or issue. Information from the series is helpful in evaluating the program and its continued success.
	Access Restrictions	None
	Contents	Series contains: Name of caller; category of request for assistance; subject matter; and disposition, where applicable
	Retention and Disposition	Retain for six (6) months.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
Workers' Claims, Department of
Records and Data Processing

Record Group
Number
1610

Series	Records Title and Description	Function and Use
01643	Case Locator Index Card File	Closed Series: This series acted as an index to the Claim and Agreement File (Series 01642) covering injuries occurring prior to July 1, 1972. Cases for the period 1920-1972 are frequently accessed to substantiate Social Security and Black Lung claims. The index for Claim and Agreement Files after 1972 is in both automated and microform (Series 01662) formats.
	Access Restrictions	None
	Contents	Series contains: date of injury; social security number; employer's name and case file number
	Retention and Disposition	Destroy when corresponding Claim and Agreement File (01642) is destroyed.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workers' Claims, Department of
 Rehabilitation

Record Group
Number
1610

Series	Records Title and Description	Function and Use
04119	Rehabilitation Report Case File	This series was created to monitor the Worker's Compensation Rehabilitation Program as it applies to each injured worker, from initial report on catastrophic injury or lost time review referral to final report and documentation of expenditures for medical rehabilitation services. It is used by the Department to ensure that rehabilitation services are being administered in a timely manner within the specified time frames. All rehabilitation costs are paid by the employer or his insurance carrier. The insurance carrier or employer is legally responsible for fulfilling the terms of rehabilitation plans.
	Access Restrictions	None
	Contents	Series contains: initial report on catastrophic injury case; other injury case-lost time review and referral form; case reassignment; rehabilitation plan and rehabilitation plan amendment; progress report; final report; summary of evaluation costs at qualified rehabilitation facility
	Retention and Disposition	Destroy one (1) year after case closure.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workers' Claims, Department of
 Research and Statistics

Record Group
Number
1610

Series	Records Title and Description	Function and Use
04742	Certified Managed Health Care Plan File	This series documents the certification by the Department of workers' compensation managed health care system plans submitted by employers, as required in 803 KAR 25:110 and KRS 342.020. The function of a managed care plan is to assure that quality medical care will be delivered to injured employees at a reasonable cost to expedite the employee's recovery and return to work. A managed health care system is a network that utilizes gatekeeper physicians (to make referrals for specialized care), performs utilization review, and does medical bill audits.
	Access Restrictions	None
	Contents	Series contains: aspects of Plan - must identify key personnel; demonstrate financial stability; identify health care providers; contain sample medical contracts; demonstrate certification to provide utilization review; describe internal grievance procedures; and contain information supplied to employers and employees which shows how to access the system
	Retention and Disposition	Destroy two (2) years after plan is no longer valid.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workers' Claims, Department of
 Security and Compliance

Record Group
Number
1610

Series	Records Title and Description	Function and Use
01652	Employee's Written Notice of Rejection/Request To Rescind	This series documents the voluntary rejection by an employee of the otherwise automatic workers' compensation coverage to which he is entitled to under KRS Chapter 342. The employer must file the notice of rejection, or rescission of the rejection if applicable, with the Department for it to be considered in effect, as required in KRS 342.395. It aids the Department in determining the validity of a claim filed against an employer. For reference and tracking purposes, information from the series is entered into the Rejection database - E0004.
	Access Restrictions	None
	Contents	Series contains: name and address of employer; date signed by employee; employee name; address and social security number; and notary public certification
	Retention and Disposition	Retain for twenty-one (21) years.
04084	Coal Mining Employer's Group Self-Insurance File	Closed Series: This series documented that an employer engaged in the mining of coal had elected to participate in a self-insured group association. Before a company could be licensed by the Department of Mines and Minerals to mine coal, it must have submitted proof of workers' compensation insurance coverage to the Department. The Department was responsible for notifying the Department of Mines and Minerals of proof of insurance and cancelations, if applicable. Information from this series was input into the Workers' Claims and Insurance database for monitoring and tracking purposes. Kentucky coal producers stopped writing new coverage effective October 1991 and the Miner's Self-insured Fund stopped covering claims as of January 1993, due to the South East Coal Company bankruptcy.
	Access Restrictions	None
	Contents	Series contains: applications; correspondence; cancelations; coverage endorsements; request for workers' compensation certificate; proof of insurance
	Retention and Disposition	Destroy thirty (30) years after complete liquidation of each fund.
04086	Self-Insured Employer's Audit File	This series documents the Department's financial monitoring of individual employers who are providing compensation coverage at their own risk. It also documents that surety amounts for outstanding and future liabilities have been properly executed. As part of its monitoring activities, the Department annually reviews the employer's loss experience report, which lists all open prior claims, as well as annual audits of the company. All claims in payment status or litigation are also reviewed and appraised by the Department to ensure that employers are in compliance with requirements of the Workers' Compensation Act. Information from this series is input into the Workers' Claims and Insurance Database - E0004.
	Access Restrictions	None
	Contents	Series contains: loss experience report; surety and claim summary report; claim value worksheets; proof of ability to pay
	Retention and Disposition	Destroy three (3) years after employer's most recent audit.
04743	Fraud Lead Case Files	This series documents allegations of fraud within the workers' compensation system and provides for an evaluation of the information received. Fraud lead files support civil citations and fines and referrals to prosecutors for criminal action, or referrals to other agencies for further investigation. Under the terms of KRS 342.990, the Commissioner is authorized to issue citations for violations or refer matters for criminal prosecution. The Office of Fraud Lead Attorney was created in 1995 to make recommendations to the Commissioner on these matters and to spearhead the anti-fraud effort in general.
	Access Restrictions	KRS 61.878 (1)(h)
	Contents	Series contains: complaints; supporting documentation; pleadings; and citations
	Retention and Disposition	Destroy three (3) years after case closure.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workers' Claims, Department of
 Security and Compliance

Record Group
Number
1610

Series	Records Title and Description	Function and Use
04744	South East Restoration Fund File (V)	This series documents the special trust fund from which workers' compensation liabilities of a bankrupt employer, in this case South East Coal Company, who was self-insured, either individually or through a self-insurance group, are paid. HB 287, which was enacted in 1996, created a mechanism whereby money held by Kentucky utility companies, as unclaimed rebates, would be transferred, after seven or more years, to the Kentucky Workers' Compensation Funding Commission, for the creation of this special expendable trust fund. The Commissioner of the Department is designated as the Administrator of the fund and is authorized to determine the value of all workers' compensation claims against the bankrupt employer and to prepare a comprehensive distribution plan. Eligible claimants may elect to participate in a distribution plan in exchange for the release of all related claims against the Commonwealth and all its cabinets, departments, bureaus, agencies, officers, agents and employees, with the exception of the Special Fund administered by the Labor Cabinet. The claimant also agrees, as part of the release, not to file any future motions to reopen the named worker's compensation claim, and not to file new claims with respect to the same injury or occupational disease.
	Access Restrictions	None
	Contents	Series contains: payment schedule; claimant name; address and claim number; and a copy of the election form and other pertinent information, such as dependency forms
	Retention and Disposition	Destroy five (5) years after final disposition of all payment entitlements, and audit.
05388	National Counsel on Compensation Insurance (NCCI) Proof of Coverage Transaction File	Closed Series: Under the terms of KRS 342.340, employers were to file, or have filed for them, evidence of proof of worker's compensation coverage. The filings represented by this series were made by the National Counsel on Compensation Insurance (NCCI). This series documented the mass rejection of data filed by NCCI from May 1998 through September 1999. The data could not be recorded in the Department's computer system. The series also verified the Department's written response to NCCI explaining the reason for the rejection of the employer's information. The information in the series may be required in legal actions. The rejections were in the form of faxes. - (Documents rejection of worker's compensation insurance submitted by NCCI)
	Access Restrictions	None
	Contents	Series contains: Correspondence from the Commissioner informing the company of the rejection. The correspondence identifies the employer, policy number (if applicable), reason for the rejection, and related information. The fax transmission log verified the date and time written verification of the rejected information was submitted
	Retention and Disposition	Retain for four (4) years. Transfer to the State Records Center for an additional five (5) years. Total retention is nine (9) years.

RECORDS RETENTION SCHEDULE

Signature Page

Labor Cabinet
Agency

September 30, 1998
Schedule Date

Unit

Change Date
9/30/98
Date Approved by Commission

APPROVALS

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

[Signature]
Agency Head

9/22/98
Date of Approval

[Signature]
Agency Records Officer

9/21/98
Date of Approval

[Signature]
State Archivist and Records Administrator
Director, Public Records Division

9/22/98
Date of Approval

[Signature]
Chairman, Archives and Records Commission

9/30/98
Date of Approval

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

[Signature]
Records Analyst/Regional Administrator

9/29/98
Date of Approval

[Signature]
Appraisal Archivist

9/29/98
Date of Approval

[Signature]
State/Local Records Branch Manager

9/29/98
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

9/30/98
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
Workplace Standards, Department of
Coal Workers' Pneumoconiosis Fund

Record Group
Number
1610

Series	Records Title and Description	Function and Use
04792	Pneumoconiosis (Black Lung) Fund Files (V)	This series documents all actions taken, including types and amounts of payments, in a workers' compensation case involving the Pneumoconiosis Fund. The Fund was created during the 1996 session of the General Assembly (KRS 342.1242). The purpose of the Fund is to ensure that liabilities incurred as a result of workers' compensation awards for coal workers' pneumoconiosis (black lung) with dates of last exposure after December 12, 1996, are the financial responsibility of employers engaged in the severance and processing of coal. Under the terms of KRS 342.1242 (3), the Fund has one-half of the liability for income benefits, including retraining benefits, payable for claims with last exposure on or after December 12, 1996. Payments from the Fund are made contemporaneous with payments made by the employer, except that the employer is responsible for making all payments due under a final award or approved settlement until the liability of the Fund is established. The Fund reimburses employers for such payments, to the extent of its liability. This series is new and the amount of cubic feet shown is projected. NOTE: This series will be scanned into the cabinet's image processing system, as sufficient numbers of cases accrue.
	Access Restrictions	KRS 61.878 (1)(a) medical information
	Contents	Series may contain duplicate information found in Series 01642, Claim and Agreement File, Department of Workers' Claims, plus payment authorizations, payment computation sheets; reimbursement documents; requests for reimbursements; and related correspondence
	Retention and Disposition	Destroy seventy-five (75) years after final disposition of claim, and audit. NOTE: Destroy duplicates of records the originals of which are maintained in Series 01642, Claim and Agreement File, Department of Workers' Claims.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workplace Standards, Department of
 Education and Training

Record Group
Number
1610

Series	Records Title and Description	Function and Use
01622	Population Center Training Promotion File	This series documents occupational health and safety training provided to areas throughout the state. Training is provided to the general public on what constitutes a safe working environment. Examples of the type of training provided include use of personal protective equipment; introduction to recordkeeping associated with occupational safety and health procedures; proper use of specific types of equipment, etc. The Division targets training needs to specific population centers.
	Access Restrictions	None
	Contents	Series generally contains training announcements; related correspondence; mailing lists; training schedules; and copies of news releases. (May include: Safety & Health Inspection Report (Ky-OSH 1); Narrative (Ky-1C); Compliance Worksheet - Violation Description (Ky-OSH 1A); Citation(s) (Ky-OSH 2); Citation Transmittal Letter (Ky-OSH 2C); Notification of Proposed Penalty (Ky-OSH 3).
	Retention and Disposition	Retain for two (2) years.
01623	Employer Worksite Inspection and Consultative Survey File (V)	This series documents surveys (inspections) of workplaces which are initiated at the request of employers. Employers request the inspections for the purpose of determining whether their businesses are in compliance with current health and safety requirements. The inspections serve to identify and correct potential safety hazards. If violations are identified, the employer is required to respond in writing to each one and must show periodic progress toward corrections. The period of time the employer has to take corrective action is based on the type and severity of the violation. If it is found in subsequent inspections that the employer was not truthful about correcting violations, fines can be assessed. Note: Three percent or less of the workplaces are inspected as a follow up, after corrections are reported to have been made. This series can be used, after closure, if Occupational Safety and Health Compliance enforcement inspectors identify violations.
	Access Restrictions	KRS 61.878 (1)(a) personal information
	Contents	Series contains: report to employer identifying violations; periodic correction notices; letter of request for inspection from employer; serious abatement form; evaluation form; records which provide results of tests completed; and related correspondence. (File documents may include: Assignment Memo; Letter of Request from Employer; Letter of Response from Director; Employer Request Form; Report to Employer (KY-OSH 2 ET); Serious Abatement Form (KY-OSH 2 (b) ET); OSH 1-Inspection Form (KY-OSH 1 ET)
	Retention and Disposition	Destroy three (3) years after case closure, and audit.
01625	Safety and Health Training File	This series documents that employers have requested safety and health training and that the division is in the process of setting up the training. Information from the file is cross-referenced with information in the Division of Occupational Safety and Health Compliance, to determine if any training is already in progress so there is no overlap. The average training session covers a two- to three-day period. In extreme cases, training sessions will be given over an extended period of time, such as 90 days. Currently, there are approximately 86,000 active employers (public and private) and 1.8 million employees.
	Access Restrictions	None
	Contents	Series contains: letter of request; letter of response; assignment memoranda; training course summary; reports; sign-in sheets; course evaluation forms; lesson plans; and cancelation memoranda. (File Documents May Include: Letter of Request; Letter of Response; Assignment Memo; Training Course Summary ETS Reports; Sign-in Sheet; Course Evaluation Forms; Lesson Plan; Cancellation Memo).
	Retention and Disposition	Retain for three (3) years.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workplace Standards, Department of
 Education and Training

Record Group
Number
1610

Series	Records Title and Description	Function and Use
04790	Occupational Injury and Illness Survey File (V)	This series documents occupational injury and illness information from employers which is used to produce incidence rates by industrial classification and to determine high hazard occupations. Under the terms of KRS 338.161, the department is required to develop and maintain a program of collection, compilation and analysis of occupational safety and health statistics. The report is mandatory under Public Law 91-596. The cabinet is the collecting agency for the federal government and the state of Kentucky. Surveys are sent to approximately 8,000 employers.
	Access Restrictions	KRS 61.878 (1)(a) Personal information
	Contents	Series contains: establishment name and address; total hours worked for the year surveyed; average employment for the year surveyed; totals from the Labor Statistics Log and Summary of Occupational Injuries and Illnesses, including cases missed from work due to job-related accidents or illnesses and the days missed for each case; cases requiring medical treatment that did not miss work; data on cases that missed work, due to medical treatment; and demographic data. (File Documents May Include: Letter of Request; Letter of Response; Assignment Memo; Training Course Summary ETS Reports; Sign-in Sheet; Course Evaluation Forms; Lesson Plan; Cancellation Memo)
	Retention and Disposition	Destroy one (1) year after issuance of the publication "Occupational Injuries and Illnesses Survey".

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workplace Standards, Department of
 Employment Standards

Record Group
Number
1610

Series	Records Title and Description	Function and Use
00711	Prevailing Wage Inspection File	This series documents the routine inspections of construction projects executed between a public authority and a contractor(s), where a prevailing wage has been determined and prescribed. As required in KRS 337.550 (2), contractors are required to maintain accurate payroll records covering all disbursement of wages, as well as hours worked each day by each employee and the amount paid each employee for work in each job classification. Inspectors use the records, as well as interviews with employees regarding their duties, hours of work, and wages paid, as the basis for completing the inspections. Some inspections may be prompted by employee complaints. If violations are uncovered, the employer can be assessed a civil penalty of not less than \$100 nor more than \$1,000 for each offense. Each failure to pay appropriate wages constitutes a separate offense. Flagrant violations can result in contractors being removed from bid lists. Litigation can result if the employer fails to make full restitution to affected employees. Note: This series is scanned into the cabinet's image processing system.
	Access Restrictions	KRS 337.345 (Complaint information)
	Contents	Series may contain: inspection report; report of findings; interview statements; copy of complaint (if applicable); notice of violations; payroll sheets; cover sheet, which identifies employer name, address, number of employees, project number
	Retention and Disposition	Retain for five (5) years.
00713	Prevailing Wage Project File	This series documents the department's notification by public authorities of specific public works to be constructed, as required in KRS 337.510. The Notification of Public Works is to be forwarded to the department prior to advertising for bids or entering into any contract for construction. Upon receipt of the notification, staff determine the prevailing rates of wages for each classification of laborers, workmen and mechanics, for the class of work called for in the construction of the projects, in the locality where the work is to be performed. Prevailing wage rates are then made a part of the specifications for the work for bidding purposes and for inclusion in the specific contracts. Wage rate information from previous public works projects, private construction projects paying comparable rates, and collective bargaining agreements is used to assist in the rate determinations.
	Access Restrictions	None
	Contents	Series may contain: Notification of Public Works; DODGE (monitoring reports); correspondence; contractor identification
	Retention and Disposition	Retain for five (5) years.
00716	Prevailing Wage Hearing and Evidence File	This series documents public hearings held by the cabinet, for the purpose of making initial determinations or revisions of a prevailing wage schedule for the construction of public works pertaining to a particular locality. It also documents hearings held at the request of public authorities or other interested persons, for the purpose of reviewing the Cabinet's determination of the prevailing wage schedule for a particular locality. When a request for a hearing is made, the requester(s) must submit evidence, which consists of showing that a majority of workers in a particular class are being paid one rate. If it cannot be shown that a majority of workers are being paid one rate, then a weighted average is applied. If no evidence is presented, the current rate is carried over. Hearings are based on senate districts. Many of Kentucky's counties have adopted the prevailing wage schedule issued by the federal Department of Labor.
	Access Restrictions	KRS 337.345 (Complaint information)
	Contents	Series may contain: evidence presented; transcripts of hearings
	Retention and Disposition	Retain for five (5) years.

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Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workplace Standards, Department of
 Employment Standards

Record Group
Number
1610

Series	Records Title and Description	Function and Use
00718	Wage Rate File	This series documents the prevailing wage rates paid to the majority of laborers, workmen and mechanics on public works projects. The series provides documentation of current and previous wage rates. Information from the file is used for long-term planning and statistical reporting. The series represents the most complete file documenting the computation of prevailing wages extant.
	Access Restrictions	None
	Contents	Series contains wage rates and fringe benefits paid to particular classifications of laborers, workmen and mechanics on prevailing wage projects over time.
	Retention and Disposition	Retain Permanently.
00721	Apprenticeship Program Company File	This series documents apprenticeship program agreements and on-the-job training agreements which have been approved by the cabinet, as required in KRS 343.010 - 343.090. The intent of the programs is to provide individuals with training to equip them for profitable employment. Participants must be at least sixteen years of age. Each program requires a sponsor, which means any person, association, committee, or organization in whose name or title the program is registered or will be registered. The employer is the entity employing the apprentice or trainee for the period of the agreement. The series documents whether or not program guidelines for training and employment under the agreement are adhered to. Certificates of completion are issued by the department, upon successful completion of the training. Agreements can be canceled or terminated if sufficient evidence is found. In such cases, the parties have fifteen days in which to appeal to the commissioner of the department. Any party aggrieved by the order of the commissioner can file an appeal in Franklin Circuit Court.
	Access Restrictions	None
	Contents	Series contains agreements; whether active, completed, canceled; compliance reports and related correspondence.
	Retention and Disposition	Retain selection criteria for five (5) years. Destroy balance of file after completion or cancellation.
00724	Wage and Hour Case File (V)	This series documents the inspections of workplaces that are carried out by cabinet staff. The purpose of the inspections is to ensure adherence with wage and hour laws and regulations covering areas such as minimum wage, overtime hours and compensation, unpaid wages, wage deductions, child labor (age, hours, duties), discrimination of wages based on sex, etc. Although routine inspections occur, the majority result from the filing of complaints by employees. Generally, when inspections are carried out, all areas involving wage and hour laws will be investigated. After inspections are completed, the employer is sent a report which details violations, if found, and the amount owed to the employee. In some cases the employer will forward the check to the department for forwarding to the employee. If the employer fails to compensate the employee as required legal action will be taken to recover the unpaid wages. Note: The series will be imaged, beginning with 1994 cases.
	Access Restrictions	KRS 337.345 - (Complaint information)
	Contents	Series contains: report of inspections; complaint form; report of findings; exhibits; and related correspondence
	Retention and Disposition	Destroy five (5) years after closure of case, and after all appeals have been exhausted.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workplace Standards, Department of
 Employment Standards

Record Group
Number
1610

Series	Records Title and Description	Function and Use
04782	Performance Bond File	This series documents the performance bonds required of employers who have not done business in Kentucky for five consecutive years. As specified in KRS 337.200, the requirement extends to employers engaged in construction work, or the severance, preparation or transportation of minerals. The bond is to assure payment of all wages due to employees from the employer. Surety for the bond is based on the amount of money equal to the employer's gross payroll operating at full capacity for a four-week period. Any employee whose wages are secured by a bond may obtain payment of the wages, liquidated damages, and attorney's fees, upon presentation of a final judgment rendered by a court of competent jurisdiction. Bonds may be terminated after an employer has done business in the state for more than five years and can show proof that all wages have been paid.
	Access Restrictions	None
	Contents	Series contains continuous bond form; bond documents from insurance company; and related correspondence.
	Retention and Disposition	Destroy after employer has ceased doing business in the state and all due wages have been paid.
04783	Student Certificate File	Closed Series: This series documented the certificates issued to employers to allow the employment of students at less than the minimum wage, as provided for in KRS 337.010 (2) (5). No certificates have been issued in more than five years, due to federal law having greater coverage. Since federal law has the greater coverage, it is not anticipated that additional certificates will be issued. Therefore, the series is being closed. (NOTE: as of agency records review in 2005, this series remains closed. TG)
	Access Restrictions	None
	Contents	Series contains application, copy of certificate and related correspondence
	Retention and Disposition	Retain for five (5) years.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
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STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workplace Standards, Department of
 Occupational Safety and Health

Record Group
Number
1610

Series	Records Title and Description	Function and Use
01368	Occupational Safety and Health Act Case File (Contested citations)	
	Access Restrictions	None
	Contents	
	Retention and Disposition	Retain in Agency. When case is appealed, transfer original to circuit court, retain copy in agency Permanently.
01550	Occupational Safety and Health Discrimination Case File (V)	This series documents the investigation of alleged discrimination by an employer against an employee, where the employee has filed a complaint with the division related to violations of safety and health standards. Employers are prohibited, under the terms of KRS 338.121 (3) (a), from discriminating or retaliating against an employee who has alleged violations of safety and health standards. All complaints of discrimination are screened to determine whether sufficient evidence exists to support the complaint, prior to the initiation of an investigation. Complaints that are within the jurisdiction of the federal Department of Labor are dismissed. Employers can challenge or contest any citations issued by the division which result from the investigation. If an employee has been discharged from his job by an employer in violation of the above statute, the Secretary of the Cabinet can order reinstatement of the employee, pending a final determination of the Occupational Safety and Health Review Commission. Note: Series is scanned into the agency's image processing system.
	Access Restrictions	KRS 337.345 - complaint information
	Contents	Series may contain: copy of complaint; company position statement; telephone logs; witness statements; final investigative report; copies of citations; correspondence; and information related to appeals, if appropriate
	Retention and Disposition	Retain Permanently.
01594	Safety and Health Inspection Case File (V)	This series documents the inspection of a workplace made by a compliance officer to determine if violations of occupational safety and health standards exist (KRS Chapter 338). General inspections are conducted, as well as those resulting from the receipt of a formal complaint from an employee (803 KAR 2:070 to 2:090). The series is used to monitor the employer's progress in correcting violations. While on workplace premises, an inspector may evaluate and investigate any aspect of the business, including overall working conditions, structures, machines, devices, equipment, records directly related to the purpose of the inspection, as well interview employers, employees, owners, operators, or other representatives considered to possess pertinent information regarding the business. If violations are identified, the department will issue formal citations, which describe the nature of the violations and the relevant rule, standard, procedure, or regulation violated. If violations are not corrected within the timeframe specified, penalties can be assessed, and litigation can result. Employers may contest decisions of the department to the Occupational Safety and Health Review Commission. NOTE: Imaging of the series began in 1997.
	Access Restrictions	KRS 337.345-Complaint; KRS 338.171-trade secrets
	Contents	May contain: Inspection report; worksheets; citation and notification of penalty; notice of failure to abate alleged violation; notice of alleged safety or health hazards; notice of alleged imminent danger; fatality/catastrophe report; evaluation of premises reports; investigation summary; personal interview statements; photographs; exhibits; related correspondence; complaint letter; hearing officer's decision; notice to review commission; review commission decision; notice of appeal; notice to close case; notification of failure to correct; penalty payments; final order of contest. Safety & Health Inspection Report (Ky-OSH 1); Narrative (Ky-1C); Compliance Worksheet - Violation Description (Ky-OSH 1A); Citation(s) (Ky-OSH 2); Citation Transmittal Letter (Ky-OSH 2C); Notification of Proposed Penalty (Ky-OSH 3)
	Retention and Disposition	Retain Permanently.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workplace Standards, Department of
 Occupational Safety and Health

Record Group
Number
1610

Series	Records Title and Description	Function and Use
01613	<p>Log of Inspection Case Files Received in Central Office</p> <p>Access Restrictions None</p> <p>Contents</p> <p>Retention and Disposition Retain for five (5) years.</p>	
04791	<p>Log File</p> <p>This series was created to provide information about the status of various activities of the Department, and may be in either electronic or manual format. The logs are used as tracking tools and aid in making rapid responses to both internal and external inquiries. The majority of the logs which this series replaces were previously scheduled as five-year records and will remain so under the new series. This series is inclusive of all logs requiring a five-year or longer retention requirement. NOTE: Specific programs may require that some logs be retained in excess of five years. The following logs are included in this series: Promulgation Log (01583); OSHA Log of Variances (01585); Log of Inspection Refusals and Warrants (01606); Log of Discrimination Complaints (01607); Log of Contested Safety and Health Cases (01608); Log of Employee Complaints (01609); Log of Work-Related Fatalities (01610); Safety and Health Referral Log (01611); Log of Cases Forwarded to Counsel (01612); and Log of Inspection Case Files Received in Central Office (01613). - (Incorporates all logs, manual and electronic, created by the agency)</p> <p>Access Restrictions None</p> <p>Contents Information in series will vary depending on the type of program activity being summarized</p> <p>Retention and Disposition Retain for five (5) years. NOTE: Logs requiring a longer retention period should be retained in accordance with specific program requirements</p>	

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Labor Cabinet
 Workplace Standards, Department of
 Special Fund

Record Group
Number
1610

Series	Records Title and Description	Function and Use
01672	Special Fund Payment List	This series acts as a check register and documents all checks paid to claimants from the Special Fund. It is used to answer inquiries regarding payments to claimants from individuals and attorneys. The Special Fund was created to provide funds for workers' compensation claims, where the disabling injury or illness is not the fault of any one employer. KRS 342.120, passed by the General Assembly in 1996, provides that the Special Fund will have no liability on any claims in which the injury or last exposure occurred after December 12, 1996. After claims opened prior to December 12, 1996 are closed, the Special Fund will be abolished.
	Access Restrictions	None
	Contents	Series contains: date check was issued; list (report) number; claim number; name of claimant; type of check; amount of check; to whom sent (claimant or attorney); and check number. (May Include: Duplicates of Items Listed under Workers' Claims' Claim and Agreement Folders (Series Number 01642), Requests for Reimbursement, Payment Computations and Additional Correspondence)
	Retention and Disposition	Destroy five (5) years after claim has been paid, and audit.
01674	Claim and Agreement File (V)	This series documents all actions taken, including types and amounts of payments, in a workers' compensation claim involving the Special Fund. (Prior to 1960, information regarding Special Fund payments was filed in series 01642, Claim and Agreement File, maintained by the Department of Workers' Claims.) The Special Fund was created to provide funds for workers' compensation where the disabling injury or illness is not the fault of a single employer. An example would be black lung disease cases, where the miner worked for multiple employers over the period of his work history. Special funds are used to pay a portion of workers' compensation benefits where a pre-existing condition results in a disabling event. An Administrative Law Judge makes the determination about which portion of the benefit is due to a pre-existing condition and which is due to the last disabling event. In 1996, the General Assembly passed KRS 342.120, which provides that the special fund will have no liability on any claim in which the injury or last exposure occurred after December 12, 1996. The special fund will continue to pay against all claims occurring before December 12, 1996. After closure of those claims, the special fund will be abolished. Note: It is scanned into the cabinet's image processing system.
	Access Restrictions	KRS 61.878 (1)(a) - Medical information
	Contents	Series contains: duplicate information found in Series 01642, Claim and Agreement File, Department of Workers' Claims; payment authorizations; payment computation sheets; reimbursement documents; requests for reimbursements; and correspondence related to special fund activities. (May Include: Duplicates of Items Listed under Workers' Claims' Claim and Agreement Folders (Series Number 01642), Requests for Reimbursement, Payment Computations and Additional Correspondence).
	Retention and Disposition	Destroy seventy-five (75) years after case closure, and audit. Note: Destroy duplicates of records the originals of which are maintained in Series 01642, Claim and Agreement File, Department of Workers' Claims.
03071	Reimbursement Check Register	This series documents checks made to insurance companies and self-insured employers for reimbursement of payments made to claimants. Until passage of KRS 342.120 in 1982, the entire claim was paid by the insurance company and the Special Fund reimbursed it for the percentage of liability assessed. Since 1982, the company's liability is initially paid by the employer for the percentage of liability assessed to the employer. After the employer's liability is paid, the Special Fund pays the remainder of the award. Currently, the Cabinet is paying on approximately 3,000 claims. NOTE: Reimbursements to insurance companies ceased on any claims opened after July 1982.
	Access Restrictions	None
	Contents	Series contains report date; file (claim) number; payee name; amount of payment; type of payment code; and check number. (May Include: Duplicates of Items Listed under Workers' Claims' Claim and Agreement Folders (Series Number 01642), Requests for Reimbursement, Payment Computations and Additional Correspondence)
	Retention and Disposition	Destroy five (5) years after claim has been paid, and audit.