



Personnel Board

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division

Approved by the State Libraries, Archives, and Records Commission



Kentucky Department for Libraries and Archives

This records retention schedule governs retention and disposal of records created, used and maintained by the Personnel Board. **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 Personnel Board personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for Personnel Board to destroy the records listed, after the appropriate retention periods have passed.

Personnel Board 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 Personnel Board.

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 Personnel Board, 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.

Personnel Board

Pursuant to KRS 18.170, the Personnel Board was established to adopt comprehensive personnel rules according to state and federal laws, to make investigations and hear appeals from applicants and employees regarding personnel matters, and serve in an advisory capacity to the governor and Commissioner of Personnel with respect to the personnel system.

The board came into existence as an independent agency on July 15, 1982 through KRS 18A.045. Prior to this time, the board was in one fashion or another administratively attached to the Department of Personnel since the beginning of the state merit system by virtue of legislation passed in the 1960 legislature.

RECORDS RETENTION SCHEDULE

Signature Page

Personnel Board
Agency

September, 1995
Schedule Date

Unit

Change Date

9/14/95
Date Approved by Commission

APPROVALS

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

✓ R. Hanson Williams
Agency Head

8/30/95
Date of Approval

✓ R. Hanson Williams
Agency Records Officer

8/30/95
Date of Approval

Richard L. Pelding
State Archivist and Records Administrator
Director, Public Records Division

August 28, 1995
Date of Approval

~~[Signature]~~
Chairman, Archives and Records Commission

9/14/95
Date of Approval

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

Kathy Gilliland
Records Analyst/Regional Administrator

8/28/95
Date of Approval

Jim [Signature]
Appraisal Archivist

9/5/95
Date of Approval

Wanda Moses
State/Local Records Branch Manager

Aug. 28, 1995
Date of Approval

The determination as set forth meets with my approval.

A B Chender III
Auditor of Public Accounts

9/12/95
Date of Approval

by Cindy M James

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Personnel Board

Record Group
Number
2069

Series	Records Title and Description	Function and Use
00177	Appeal/Court Hearings File (Includes Appeal filed, Notice of Hearing, Motions, Recommended Order, Final Order, Transcript/ Videotape) (V)	This series documents the hearings filed and decisions of the Personnel Board relative to the mandates of KRS 18A.075 to 18A.095. The Board hears an appeal of any classified employee who is dismissed, demoted, suspended, or otherwise penalized after completing his probationary period of service, when filed within 60 days, or any unclassified employee who is dismissed, demoted, suspended, or otherwise penalized for cause, when filed within 30 days after such dismissal. The Board hears appeals from applicants for positions for which examinations are being or have been conducted and from eligibles on examination registers. The Board will hear an appeal within 60 days of its filing, and will issue a final determination of the disposition within 90 days. An appeal of the final order may be filed with the Franklin Circuit Court within 30 days. The videotaping of hearings began in September, 1994--the same system as used by the Administrative Office of the Courts (04009). However, the file holds the procedural documents required for a hearing. The videotape has replaced the transcript. A new videotape is used for each hearing, except the Department of Personnel Appeals File (04528).
	Access Restrictions	None
	Contents	Appeal by an employee; Disciplinary letter; Notice of hearing date; Motions, Orders relating to appeal; Recommended Order of the hearing officer; Exceptions or responses filed by the parties; Final Order; Petition to circuit court, if applicable; Transcripts (upon request from court reporter); Videotape of hearing
	Retention and Disposition	Transfer hard copy file to the State Records Center one (1) year after closure. Retain at the State Records Center for an additional nine (9) years.
04414	Official Ballot for Personnel Board Member(s)	This series documents the election of two classified employees to fill positions on the Personnel Board, scheduled every four years. Pursuant to KRS 18A.0551, employees who wish to be candidates must notify the Board before June 1. A ballot listing the names of all candidates and two envelopes (an inner and outer envelope) are mailed to state employees. The Board selects an impartial third party (ITP) to receive, validate, and tabulate all returned ballots. The ITP certifies to the Board the total number of ballots received, those included and not included in the tabulation, and total votes for each candidate. Once the ballots are counted and the election is certified, they are returned with both envelopes (sent to voters/employees) to the Board. The two candidates receiving the greatest number of votes are declared the successful candidates, and are notified of such within five working days after the election. Successful candidates take office immediately upon notification.
	Access Restrictions	KRS 18A.0551(7) SSN/Home Address
	Contents	Series contains: ballots with inner and outer envelopes.
	Retention and Disposition	Retain for sixty (60) days.
04527	Pre-Conference Hearing File (V)	This series documents the cases appealed to the Personnel Board because an employee, applicant for employment, or an individual eligible on an examination register feels he has been discriminated against or penalized in some manner. Pursuant to 101 KAR 1:365, Section 3, the pre-conference hearing is conducted by a hearing officer to determine jurisdiction, define the issues, determine which facts, if any, can be stipulated, rule on pending motions or requests, and address any matter which will facilitate a hearing. The hearing officer may, based on the information in the pre-conference hearing, make a recommendation to proceed with an evidentiary hearing (See Appeal/Court Hearings File-SN 00177) or dismiss the case based on an untimely appeal, lack of evidence, or lack of jurisdiction. Upon dismissal, the file serves no further administrative value. If there are grounds for an evidentiary hearing, the case is then documented in the Appeal/Court Hearings File (SN 00177).
	Access Restrictions	None
	Contents	Appeal Form; Legal pleadings, attachments or supporting documentation; Notice of Hearing; Witness List; Exceptions, Responses to Exceptions; Interim Order(s); Recommended/Final Orders
	Retention and Disposition	Transfer cases satisfying the requirements of an evidentiary hearing to the Appeal/Court Hearings File (00177). Destroy all others six (6) months after closure.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
 Personnel Board

Record Group
Number
2069

Series	Records Title and Description	Function and Use
04528	Department of Personnel Appeals File (V)	This series documents the hearing conducted between an appellant (an employee, an applicant for employment, or an eligible on the examination register) and the Department of Personnel (DOP) where the issues are so minute and uncomplicated that a settlement or agreement can be reached easily, if not dismissed. Such issues will be a rejected application because the applicant did not meet minimum qualifications, or having an applicant's name removed from the register because a current address was not available and the party could not be found. In such a case, the applicant is located and an address identified, his name is re-placed on the examination register. The case file is also documented in the DOP (See Attorney's Litigation/Work File-SN 03539) and is retained five years after closure. These hearings, when conducted, are videotaped.
	Access Restrictions	None
	Contents	Appeal Form; Notice of Appeal; Legal pleadings, attachments; Correspondence; Witness List; Recommended/Final Orders
	Retention and Disposition	Destroy six (6) months after closure of the case.
04529	Investigation File (V)	This series documents the investigation activities conducted by the Executive Director of the Personnel Board or the General Counsel either at the request of a citizen, taxpayer, interested party, a state employee(s), or on its own motion, concerning the enforcement and effect of KRS 18A.005 to 18A.200, or some practice imposed on state employees. It is by vote of the Board that an investigation is ordered (which will be reflected in the Minutes (M0008). Upon conclusion of their findings to the Board, an order may be issued to effect a change within an agency, or, if appropriate, be referred to the Commonwealth's Attorney if there is an appearance of criminal activity. One such example would be Butch Burnette, former Agriculture Commissioner, whose case was tried in Franklin Circuit Court. Another example of an investigation is at the request of an individual or group of individuals at the placement of unclassified employees into classified positions. At the conclusion of an investigation, a report is completed and included in the file. There is no other documentation in the Board Minutes (M0008).
	Access Restrictions	KRS 61.878 (1)(h)(i)
	Contents	Request for investigation; Board Order authorizing the investigation; Correspondence; Statements; Report of investigation to the Board
	Retention and Disposition	Transfer to the State Records Center five (5) years after closure for an additional five (5) years.
04530	Order Books	This series documents the final order (decision, settlement, or withdrawal) of the Personnel Board to all case files, both evidentiary and prehearing. Effective April 1, 1995, if an order is appealed to the Franklin Circuit Court, and the court changes the ruling of the Board, a copy of the decision is attached to the pertinent final order in the Order Book and a copy is maintained with the case file. If the court directs the Board to change an order, then a copy of the additional order of the Board is also attached to the pertinent final order in the Order Book. Other legal or historically significant board and court decisions prior to April, 1995, are located in existing case files.
	Access Restrictions	None
	Contents	Recommended and Final Orders
	Retention and Disposition	Retain Permanently.