



RECORDS RETENTION

The orderly acquisition, storage and retention of The Intergenerational School and Near West Intergenerational School (the School) records and reports are essential for the overall efficient and effective operation of the School. The School's records retention schedule is found in Appendix 147.17-A.

The Board establishes a local records commission to govern matters pertaining to School's records, their retention and disposal. The records commission could consist of the Board Chair or Finance Committee Chair, or their designee, School Treasurer/Fiscal Officer, and School Chief Operating Officer. The School Treasurer shall serve as chairman/secretary of this commission. The members of this commission may appoint necessary records official(s) to carry out the necessary work associated with the School's records.

The records commission should meet at least once annually to review the certificates of records disposal as submitted by the commission or any records official.

The commission may not review or select for its custody either of the following:

- a. Records containing personally identifiable information concerning any pupil attending a public school other than directory information, as defined in section 3319.321 of the Revised Code, without the written consent of the parent, guardian, or custodian of each such pupil who is less than eighteen years of age, or without the written consent of each such pupil who is eighteen years of age or older;
- b. Records the release of which would, according to the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C.A. 1232g, disqualify a school or other educational institution from receiving federal funds.

Records shall be destroyed only as directed by the records commission.

Upon the approval of the commission, such records may be disposed of, pursuant to the following standards:

1. Procedures to dispose of records according to the approved schedule of records retention and disposition will be initiated by the end of the fiscal year. These shall guide the local records commission as modified from time to time by the local records commission.

2. Records officials will list those eligible, disposable records on the certificate of records disposal form RC-3, in Appendix, per the adopted schedule.
3. The records commission shall review the certificates of records disposal as submitted prior to a regular Board meeting each year.
4. Upon the commission's approval, the certificates (RC-3) will be maintained in the School Records Commission files, and made available to upon request
5. The local records commission has developed the necessary regulations and record retention schedules to carry out their purpose in this policy. The commission designates the following personnel as records officials and will communicate with them in regards to matters related to record retention and disposal:

Area Record Officials

Treasurer/Fiscal Officer

School Chief Operating Officer

Board President or Finance Committee Chair (or designee)

E-Mail & Correspondence Retention

The following retention policy for e-mail and correspondence is endorsed by the Local Government Records Program of the Ohio Historical Society. In general, the policy is based on the premise that e-mail does not constitute a category of records in and of itself. Rather e-mail is a delivery medium, like paper or microfilm, and individual e-mails should be retained according to the information which is contained in the message. There are four categories of e-mail and correspondence retention.

1. Non-Record Materials (delete immediately)

E-mail messages and correspondence that do not meet the criteria of being a "public record" under R.C. 149.43, because they do not document the organization, functions, policies, decisions, procedures, operations or other activities of the office, may be deleted immediately. These e-mails include,

Personal correspondence, and



Publications, promotional materials and similar materials (unless specifically incorporated into other materials that are “records”).

2. Official Records

Transient Retention (Retain until no longer of administrative value).

Transitory messages of very limited administrative value. (e.g., a message of an upcoming meeting only has administrative value until the meeting occurs; telephone messages; drafts, and other documents which serve to convey information of temporary importance in lieu of oral communication).

3. Intermediate Retention

General Correspondence (Two years)

Internal Correspondence (letters, memos)

Correspondence from various individuals and organizations (requesting information or correspondence that is informative but does not attempt to influence policy)

Routine Correspondence (One year)

Referral letters, requests for routine information and requests for publications which are answered by standard form letters.

4. Long term Retention

Executive Correspondence

Correspondence dealing with significant aspects of the administration of their offices. (e.g., information concerning agency policies, program, fiscal, and personnel matters).

Storing E-mail Records

For purposes of record retention, it is acceptable to store e-mails: (1) in the current e-mail system; (2) in an electronic format (e.g., in a file on a local hard drive); or (3) by saving paper print outs in a filing system.

In order to ensure that someone in the agency takes responsibility for maintaining the e-mail record during the retention period, the School shall choose one of the following procedures:



1. The individual who sends an e-mail maintains the “record” copy. If an e-mail is received from someone outside the organization, the recipient should retain it, or,
2. A mailbox is created (i.e. admin@<School Name>) for individuals sending out email to copy (cc) when email is sent and retention will then be administered by the IT Department of the School or BCS.

Appendix 147.1-A¹

Records Retention Schedule

This Policy applies to all records of the School. Its purpose is to properly manage records retention and eventual disposal for both electronic and non-electronic records in order to comply with all applicable statutes, regulations, and other legal requirements, and the guidelines set forth in the following Records Retention Schedules.

Overall administration of this Policy shall be the responsibility of the Principal.

The following records retention schedule was guided by three general objectives:

1. Documenting compliance with statutory and regulatory requirements;
2. Protecting the business from future litigation; and
3. Reducing the cost of operating a business by appropriately managing space requirements.

Employment Records

1	<u>Selection, Recruitment and Hiring Records.</u> All personnel records or employment records, including job applications, resumes, or other hiring records for employees hired and not hired and job inquiries; advertisements or notices to the public regarding openings; promotions; training opportunities; opportunities for overtime; promotion, demotion, transfer, termination decisions; refusal to hire or re-hire documents; job orders placed with employment agencies for recruitment; candidate test papers and results; physical examination results;	7 years from date of application, personnel action or termination, whichever is longer
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	job aids; internal notices relating to job openings or training opportunities.	
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- a. Age Discrimination in Employment Act (ADEA), 29 U.S.C. 626(a) and 29 CFR 1627.3 – must keep records one year from date of creation or date of personnel action, whichever is longer;
- b. American with Disabilities Act (ADA), 29 CFR 1602.14 – must keep records one year from date of personnel action;
- c. Civil Rights Act of 1964, 42 U.S.C. 2000e-8 and 29 CFR 1602.14, 29 CFR 1602.2l and 29 CFR 1602.7 – for employers with 15 employees or more, must keep records one year from date of application or date of personnel action, whichever is longer;
- d. Executive Order 11246/OFCCP apply to Federal contractors – must keep records pertaining to hiring criteria – for employer with 150+ employees, for two years – if less than 150 employees, for one year;
- e. Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607.4 – must keep records regarding impact of the employer's hiring practices, including number of persons hired, number of applicants, and the selection criteria utilized, etc., for two years after a determination of an adverse impact;
- f. Statute of limitations for statutory liability actions in Ohio is six years under R.C. 2305.07. Under Ohio law, charges of employment discrimination are brought under R.C. 4112.01, et seq., which requires an aggrieved party to first exhaust his/her administrative remedies before filing a lawsuit; however, there are exceptions which would trigger R.C. 2305.07 and the six years statute.

2	<u>Employee Compensation Records.</u> Payroll information; rate of pay; compensation earned each week hours worked and certificates and notices of the Wage and Hour Administrator; collective bargaining agreements; individual contracts; time cards; payroll reports; wage rate tables; work schedules; purchase, shipping, and billing records; pay deductions or additions (bonuses); merit pay; description of pay differentials; cost determination records; vouchers for any payments to	7 years after personnel action or termination, whichever is longer
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	employees; job evaluations; seniority systems; age certificates; applications for disability benefits; unemployment claims; job descriptions and merit descriptions; and substitute records	
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- a. ADEA, 29 U.S.C. 626(a) – three years for payroll records or other records containing employee name, address, and date of birth;
- b. Older Worker Benefit Protection Act 29 U.S.C. 626(a) and 626(f) – three years for payroll information;
- c. ADA, 29 CFR 1602.14 – one year – medical records must be kept separately from personnel file;
- d. Civil Rights Act of 1964 – one year for apprenticeship records – limitation period for other records varies -maximum six years under R.C. 2305.07;
- e. Davis Bacon Act, 29 CFR 5.5 – three years for payroll records containing name, address, job classification, rate of hourly, daily and weekly pay, rates of contributions or costs anticipated for fringe benefits – for apprentices, must maintain written evidence of the registration of the apprenticeship programs for three years after completion of contract;
- f. Employee Polygraph Protection Act, 29 CFR 801.30 and 29 CFR 201.35 – three years from date of test;
- g. Equal Pay Act, 29 U.S.C. 206(d) and 29 CFR 1620.32 – two years for wage rates, job evaluations and descriptions, merit or seniority systems and other descriptions;
- h. Executive Order 11246/OFCC P Rules – two years for Federal contractors with over 150 employees, and one year for Federal contractors with less than 150 employees;
- i. Fair Labor Standards Act (FLSA), 29 U.S.C. 211, 29 CFR 516.5 and 516.6 – must maintain name, job symbol, address, date of birth, occupation, information about hourly rate, hours worked each day, total weekly straight time, earnings, overtime, additions or deductions to wages, dates of payment or pay period, and purchase and sales orders for three years for hourly employees. Employer must keep basic earnings card, wage rate tables, work time schedule and customer order and invoices for two years. Employer must keep age certificates for minor employees until the date of termination of employment of a minor;



- j. Family and Medical Leave Act (FMLA), 29 CFR 825.50 – must keep detailed pay rate and employee identification, date of birth, designation of leave dates, hours of FMLA, and notices regarding FMLA for three years. Medical records must be kept confidential and separate from personnel records;
- k. Federal Unemployment Tax (FUTA) – annual records showing total wages for each employee, amount of taxable pay, etc. – four years after tax is paid under Treas. Reg, 1.6001-1. However, the information can be used to support the employer's tax records, and the statute of limitations for non-payment or underpayment of taxes in some instances can be extended beyond the normal three years to six years for civil or criminal violations, IRC 6501 et seq. Therefore, it is recommended that the records be kept for six years plus the current year;
- l. Internal Revenue Code – records about employees, their Social Security numbers, and records for remuneration must be kept for six years, plus the current year, as explained above.
- m. Social Security Act – four years, although it is recommended that the records be kept for six years, plus the current year, as explained under FUTA above;
- n. FICA – six years as explained under FUTA above;
- o. Ohio statute of limitations for actions charging violation of wage and hour laws and minimum wage is two years from the date the cause of action accrues.

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