

# Updates to the Local Government Retention Schedules



# Agenda

- Background
- Process
- Summary of changes
- Results

# Background

- Four retention schedules, last updated in 2003-2006
  - MU-1 Schedule (for municipalities)
  - CO-2 Schedule (for counties)
  - ED-1 Schedule (for school districts & BOCES)
  - MI-1 Schedule (for miscellaneous governments)

# Process Overview

- Consolidate schedules
- Review all accumulated potential revisions
- Draft revisions to schedule
- Distribute draft revisions for review
- Update/amend revisions
- Subject schedule to rule making process
- Issue updated schedule

# Consolidate Schedules

- Combine 4 schedules into 1
- Eliminate duplication across schedules
- Retain same section headings
- Retain schedule item numbers

General Administration  
Aging or Senior Services  
Archives/Records Management  
Attorney, Counsel, or Public Defender  
Building and Property Regulation  
Cemetery  
Civil Defense/Disaster Preparedness  
Community College  
Community Development/Urban Renewal  
Consumer Protection Services  
Cooperative Extension Association  
Coroner or Medical Examiner  
County Clerk  
Disaster Preparedness  
Dog Identification and Control  
Economic/Industrial Development  
Educational Opportunity Center  
Election  
Electric and Gas Utility  
Energy  
Environmental Health  
Environmental Management  
Executive, Supervisor, Mayor, Manager,  
and/or Administrator  
Fiscal  
Games of Chance/Bingo/Lottery  
Heritage Area (Urban Cultural Park)  
Historian  
Human Rights/Economic Opportunity

Information Technology  
Insurance/Self Insurance  
Juvenile Detention Facility  
Library/Library System  
Licenses and Permits  
Local Development Corporation  
Museum  
Off-Track Betting Corporation  
Personnel/Civil Service  
Port Facility  
Probation  
Public Access to Records  
Public Administrator  
Public Employment and Training  
Public Health  
Public Property and Equipment  
Public Safety  
Recreation  
Regional Market Authority  
School Districts and BOCES  
Social Services (County)  
Social Services/Welfare/Poor Relief (Other  
Than County)  
Soil and Water Conservation  
Taxation and Assessment  
Transportation and Engineering  
Veterans' Services  
Youth Services  
Zoo

# Subject Schedule to Rule Making Process

- Schedule is part of 8NYCRR Part 185
- Submit notice to Secretary of State for posting in State Register
- Receive and address any public comments
- Present amended rule to Board of Regents for approval
- Amended rule is published in the NYCRR

# Issue Updated Schedule

- Anticipated issue date: end of 2019
- Will be available in paper and e-formats
  - What e-formats would you like?
- Will publicize schedule when issued
  - Announce in regional newsletters
  - Announce on NYSA website
- If you have already adopted a current schedule, no need to adopt new schedule



# Summary of Changes Overview

- Flagged major revisions & new items only
- Removed references to specific types of media
- Checked consistency of items
- Addressed False Claims Act
- Added note to introduction re daycare registration records

# General Administration I

## ■ New items:

- Internal meeting records
- External group meeting files
- Notices of appearance
- Consent or release forms
- Lottery, raffle, or other fundraising game or events
- Copies of court orders of protection for student or employee

# General Administration II

- Revised existing items:
  - Increased retention period for records re photocopying and other reproductions
  - Reduced retention period for course registration records
  - Increased retention period for CTLE training records
  - Expanded MWBE item to DBE program
  - Added subitem to housing assistance records item for monthly reports

# Attorney, Counsel, or Public Defender

- Reviewed draft legal section of State General Schedule and made any necessary changes (e.g., added subpoenaed records, evidence logs)
- Expanded use of ED-1 subpoena item to all

# Building and Property Regulation

- Added subitem to housing maintenance or building inspection records to accommodate minor building issues
- Added subitem for incomplete building, zoning, and planning applications
- Added new item to cover escrow accounts related to building projects



# Civil Defense/Disaster Preparedness

- Added new item to cover emergency distribution records
- Added new item to cover test evacuation and mock disaster response records
- Added new item to cover disaster preparedness and emergency management training materials
- Added new item to include FEMA grants
- Added new item for dam safety records

# Community College

- Updated campus safety item
- Added new item to cover class assignments, homework, etc.
- Reinstated “radiation use log”
- Extended retention period of applicants who apply to community college who are not accepted or do not attend
- Added new item for Assignment of Program lists

# County Clerk

- Revised assignment of real property & building loan items note so assignments of mortgages have permanent retention
- Increased retention period for volunteer fire company records
- Proposed reducing retention period for passport transmittal records



# Election

- Added section note: items pertain to elections not part of a general election
- Added subitem to cover unused ballots

# Environmental Health I

- Updated heading: Environmental Facilities: **Stormwater and** Wastewater Treatment
- Added note re billing records in Fiscal sect.
- Updated retention periods re solid waste management facilities operation records
- Added new item for private utility operation reports
- Reduced retention period for public water facility operation records

# Environmental Health II

- Added subitem for annual inspection of bottled water facilities
- Added new item to cover local climate action plans
- Added new item for audio-visual files
- Broadened scope of environmental restoration project records item
- Added new item inspection and health risk assessments re petroleum bulk storage

# Environmental Health III

- Proposed reduction of retention period for community sanitation routine operation reports
- Added new item for radon detection records
- Updated retention event for landfill closure records
- Added subitem to rabies item to cover wildlife vaccination records

# Fiscal I

- Added new item for electronic checks
- Revised payroll item to cover contributions
- Added new item to cover requirements found in GASB 45 & 75
- Added RFPs, vouchers, and bills to purchasing file item

# Fiscal II

- Removed “savings bank” provisions
- Fixed discrepancies between schedules for income tax records
- Added new item for court-controlled funds
- Expand sales tax records item to cover occupancy taxes collected
- Added new item for employee tuition reimbursement records

# Fiscal III

- Added new item for school budget notices
- Added new item for e-rate program for schools and libraries
- Added subitem for student financial aid records
- Added note to teachers' payroll reports to consider retaining 55 years

# Human Rights

- Reduced retention period of case file to 3 years
- Reduced retention period of periodic statistical or narrative activity or progress reports to 3 years



# Insurance/Self Insurance

- Revised workers' compensation case records item
- Expanded insurance policy item to include automobile, cyber insurance
- Eliminated "until the report on examination is filed" for insurance policy item
- Added "waivers of liability" to existing certificate of insurance item

# Personnel/Civil Service I

- Added new items or sub-items to cover FMLA and COBRA compliance records
- Added subitem for health insurance pay-out program records
- Increased retention period for part a of “health and life insurance records” from 3 to 6 years

# Personnel/Civil Service II

- Added subitems to personnel records:
  - Security guard (1 year after termination)
  - Teachers (7 years after termination)
  - 3rd party contractors (6 years after termination)
  - I-9 form (3 years from the date of the hire or 1 year after termination)
  - Reasonable assurance letters (6 years)

# Personnel/Civil Service III

- Removed discrepancies across schedules for employment & affirmative action retention periods
- Added references to ethics records
- Revised retention for training records related to teaching certification
- Added new item to include annual occupational injury and illness surveys

# Personnel/Civil Service IV

- Added new item for mini-PERB records
- Added new item to cover employment verification requests
- Increased retention for driver's license review records from 3 to 5 years
- Added new item for retirement incentive records

# Public Access to Records

- Added new item to cover public records exemptions for pistol license holders, as mandated under the NYSAFE Act

# Public Health I

- Updated retention periods for Medicare and Medicaid records to 10 years based on False Claims Act
- Added new item to cover hospital credential files
- Updated retention of items impacted by Lavern's Law
- Added new item to cover compliance and disclosure records for HIPAA, HITECH

# Public Health II

- Added new subitem for prescription drug claims
- Updated items to cover Physically Handicapped Children's Program records
- Added new item for mental health admission forms
- Reduced retention period for mental health case files
- Eliminated laboratory specimens items



# Public Health III

- Added subitem to lead poisoning reports and screening results item covering negative results
- Added new item covering public health incident files
- Added subitem to vaccine distribution records to include standing orders
- Revised retention for film or tracing item

# Public Property and Equipment I

- Increased retention for contractor public works project records
- Added note defining “capital construction projects”
- Added subitems to cover registration and permits associated with public vehicle

# Public Property and Equipment II

- Added subitem to petroleum bulk storage registration records to cover documentation on underground piping
- Expanded scope of asbestos abatement item to include lead abatement
- Added new item for annual environmental audit reports

# Public Safety I

- Updated retention periods based on Child Victims Act
- Added aggravated sexual abuse or course of sexual conduct against a child in the first degrees to case investigation record item
- Defined case closure and classification for law enforcement investigation records

# Public Safety II

- Clarified law enforcement items to include license plate readers, body worn cameras, shot spotters, red light cameras, etc.
- Made life expectancy retention periods consistent (90 years)
- Updated missing persons item
- Updated accreditation records item

# Public Safety III

- Revised pistol permit item to include recertification under NYS SAFE Act
- Added subitem to alcohol and drug tests for equipment calibration and testing
- Updated LOSAP items
- Proposed updates to fire investigation records
- Added item covering burn injury reports

# Public Safety IV

- Added new item to cover criminal background checks for employment
- Added new item to cover DMV requests
- Added new item for bike helmet inspections
- Added new item for community outreach and education program records
- Added new item for ride-along program records

# Social Services

- Updated retention events for domestic violence residential program, domestic violence safe home network, domestic violence residential program records
- Added new item for fraud complaint and investigation file



# Taxation and Assessment

- Added subitem to cover PILOTs
- Added subitem to cover non-warrant copies of tax rolls
- Added item to cover non-official copies of tentative and final assessment rolls
- Added subitem for requests that tax bills or statements be sent to third-party designees

# School Districts/BOCES I

- Added subitem to cover physician authorizations to resume athletic activity after a traumatic brain injury (permanent)
- Added new item to cover unused Regents exams
- Increased retention period for testing papers from 1 to 2 years

# School Districts/BOCES II

- Updated school violence and dangerous school records item to include DASA records
- Clarified student records covering non-district students item
- Added references to “home schooling”
- Added new item for student emergency contact record

# School Districts/BOCES III

- Added note re ELA/math assessment scores
- Added new item to cover parental and other consents for release of student record information (per FERPA)
- Proposed elimination of student's attendance exemption record
- Added new item for screening for English proficiency records

# School Districts/BOCES IV

- Student records, item 275
- a. Added “skills and achievement commencement credential” and “New York State career development and occupational studies (CDOS) commencement credential” (permanent)
- i. Clarified to cover student records in instances where district does not operate post-elementary school

# School Districts/BOCES V

- Student records, item 275 continued
- j. Added unclaimed diplomas
- k. Added proof of residency records for student
  
- Removed references to health records in special ed item

# Concluding Thoughts

- Thanks for your input!
- Keep comments coming
- Planning more regular future revisions
- More work will be needed