THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12230

New York State Archives
Tel. 518-474-6926

To: State Agency Records Management Officers
From: Geoffrey A. Huth, Director, Government Records Services
Subject: *General Retention and Disposition Schedule for New York State Government Records*
Date: June 15, 2011

General Retention and Disposition Schedule for New York State Government Records, last revised in 2008, contains the following advice noted for some items regarding retaining records beyond their legal minimum retention periods for legal actions:

> **Note:** Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.

On April 1, 2007, Chapter 13 of the State Finance Law, known as the "False Claims Act," went into effect. The law allows a state agency to bring a civil action to recover financial losses from a fraudulent claim in triplicate, and in addition allows a private citizen with inside knowledge of such fraud to receive up to 30% of the proceeds. The broad scope of this statute covers almost any false claim or statement that involves a demand for payment from the state agency or which deprives the government of revenues. Section 192 of this statute permits any legal action to be commenced "no later than ten years after the date on which the violation of this article is committed." This legal requirement may require that certain records covered by this schedule be retained for longer than their stated legal minimum retention periods, in some cases up to 10 years. This longer retention may not only involve specific records covered by items found in the Fiscal section, but also other records found throughout the schedule needed for supplementary documentation. In instances involving potential actions under the "False Claims Act," agency officials may wish to consult with their attorney to verify whether any specific records warrant longer retention.

The New York State Archives intends to include this additional language in future editions of the *State General Schedule*. I invite you to contact my office if you have any questions about how this statute affects the use of *State General Schedule*.

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New York State Archives
Tel. 518-474-6926

To: State Agency Records Management Officers
From: Geoffrey A. Huth, Director, Government Records Services
Subject: *General Retention and Disposition Schedule for New York State Government Records*
Date: May 16, 2011

The *General Retention and Disposition Schedule for New York State Government Records* issued by the State Archives includes an item, 90375 Contractors' Certified Payrolls, in the Facilities Management section. This item, in the current version of the *General Schedule* (last revised in 2008), authorizes records destruction three years after contract completion.

The Laws of 2008 (Chapter 8) effectively revised Section 220 (3-a) of the Labor Law upon which the retention and disposition of this contractor records item was based. The revised law lengthens the retention period of contractor records to five years after contract completion. To avoid premature destruction of these records, state agencies should cease destroying records as authorized by the relevant item and should instead follow the indicated retention period prescribed by law and by the proposed new item below. The New York State Archives intends to revise this item in future editions of the *General Schedule*.

The proposed revision of the item is as follows:

> **90375 Contractors' Certified Payrolls –** Records of certified payrolls filed with state agencies by contractors and sub-contractors relating to public-work projects, including correspondence and associated documents.
>
> ***Minimum Retention and Disposition:*** **Destroy 5 years after contract completion.**
>
> ***Justification:*** These records must be retained for the indicated period pursuant to Section 220 (3-a) of Labor Law.

Please be aware that the proposed revisions are tentative until they are formally approved. I invite you to contact my office if you have any questions about the *General Schedule* or comments on the proposed revisions.

NEW YORK STATE ARCHIVES
GOVERNMENT RECORDS SERVICES

GENERAL RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK STATE GOVERNMENT RECORDS

Effective January 2008

The University of the State of New York ● The State Education Department

9A47 Cultural Education Center, Albany, New York 12230

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INTRODUCTION

Records are a basic tool of government administration. They provide information for planning and decision making, and they are the foundation for government accountability. Records retention and disposition are subject to direct legal requirements. This *General Retention and Disposition Schedule for New York State Government Records* contains guidelines for complying with legal, fiscal, and administrative requirements for records retention and provides legal authorization to dispose of common records on a regularly scheduled basis.[1] It replaces earlier general schedules issued by the State Archives. These previous general schedules should no longer be used to govern the disposition of records.

The purposes of the schedule are to

- provide agencies with uniform guidelines for the retention and disposition of common administrative, fiscal, and personnel records
- ensure that agencies retain these records as long as needed for internal administration, and to meet legal, audit, and other state and federal requirements
- promote the cost-effective management of records
- provide agencies with legal authorization to dispose of obsolete records covered by the schedule on a regularly scheduled basis after minimum retention periods have been met.

The schedule was prepared by the State Archives. It has been reviewed and approved by representatives of the Attorney General and the State Comptroller and authorized for use by the State Archives pursuant to the provisions of Section 57.05, Arts and Cultural Affairs Law.

SCOPE OF THE SCHEDULE

This schedule provides retention and disposition authorizations for records commonly created and maintained by state agencies to support administrative, personnel, and fiscal activities. For the purposes of this schedule, state agency means any department, division, board, bureau, office, council, commission, authority, public benefit corporation having statewide responsibility, or a separate unit of the executive branch of state government created or

[1] The retention and disposition of state records is governed by Subdivision 11, Section 57.05 Arts and Cultural Affairs Law and 8 NYCRR Part 188. State agencies may not destroy or otherwise dispose of any records unless such disposition is authorized by the State Archives, acting on behalf of the Commissioner of Education and in cooperation with the State Comptroller and the Attorney General. Under 8 NYCRR 188.10, the State Archives may issue general records retention and disposition schedules to authorize disposition of records common to some or all agencies.

established by law or executive order, but shall not include the Executive Chamber.

The schedule covers 216 records series. It is organized into 21 separate sections, each of which covers the records created or used to carry out a specific function. Each section begins with a short definition of the function and a listing of pertinent control agencies for the function.

Please note that many of the items in this schedule are new or revised from previous editions of the general schedule. **New and revised items are indicated by a diamond symbol (♦) preceding the item number.** Some items that appeared in previous editions of the general schedule have been deleted or combined into current schedule items. The Numerical Index at the end of this schedule contains cross-references showing past items that have been deleted or the current items into which they have been combined.

The schedule applies to records regardless of the format or media in which they exist, including computer-generated electronic records. According to Section 57.05 of Arts and Cultural Affairs Law

> Records means "all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the state or by the legislature or the judiciary in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities, or because of the information contained therein."

Under this definition, electronic records, microfilm, and sound and video recordings are included within the meaning of "records."

The Arts and Cultural Affairs Law and State Archives regulations (8 NYCRR Part 188) exclude the following materials from the definition of records:

> Library or museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of blank forms do not constitute records under this definition.

Agency staff, with assistance from the agency Records Management Officer, should use sound judgment and apply consistent criteria when deciding whether recorded information constitutes records. A consistent approach to defining records ensures that agencies create or capture adequate documentation of their programs and operations for ongoing administrative purposes and helps to meet legal and audit requirements. Some examples of information that may be excluded from the definition of records include

- temporary drafts or personal notes that were not circulated, reviewed, or used to make decisions or complete transactions

- extra copies of documents that were created or distributed solely for reference

purposes

- temporary files used solely to change the arrangement or format of electronic records

- electronic versions of documents, transactions, or reports, when the record is retained on paper or microfilm to provide evidence or for legal or audit purposes

- conversely, extra copies of correspondence, reports, and printouts when the record is retained in electronic form to provide evidence or for legal or audit purposes

- copies of files or extracts of databases created solely to transfer data between systems.

Decisions about which material constitutes a record should be documented in agency policies and procedures. The agency Records Management Officer and State Archives staff can provide advice and assistance in distinguishing records from non-record material.

RECORDS NOT COVERED BY THIS SCHEDULE

This schedule does not authorize disposition of the types of records listed below.

- **Records unique to an agency**. This general schedule authorizes disposition of records that are common to most or all agencies. Records created or maintained by agencies that concern specific or unique agency responsibilities, missions or functions are not included in this schedule. Instead, agencies should develop agency-specific retention schedules for such records. State Archives staff can advise and assist in preparing such records retention and disposition schedules.

- **Records that are included in this schedule but are also approved for disposition by agency-specific schedules.** When an agency-specific schedule covers records that are also included in this general schedule, the agency-specific schedule takes precedence in authorizing records disposition. However, an agency may choose to cancel such alternative schedules by notifying the State Archives, so that applicable general schedule items can then be used to guide and authorize records disposition.

- **Records created or maintained by control and service agencies** that are used to carry out or document governmentwide approval, control, audit, or oversight responsibilities, or to provide centralized services to other agencies. These control and service agencies are identified in the introductions to each major section of the schedule or in the *Records Not Covered* section of a schedule item.

- **Records being used for audits or legal actions.** Records being used for audits or legal actions must be kept until the audit is satisfied or the legal action ends, even if their minimum retention period has passed.

- **Original records that are microfilmed, scanned for storage on a digital imaging system, or are otherwise migrated to other media before the minimum retention period has passed.** If an agency wishes to retain records on microfilm, as digital images, or on alternate media in lieu of the originals, the agency Records Management Officer must submit a separate records disposition request to the State Archives before destroying original records. Review and approval of the request ensures that the original records will not be needed for legal, audit, or historical purposes and that the newer media versions will meet all necessary retention needs.

- **Records that are subject to specific state or federal retention requirements longer than the retention periods authorized in this schedule.** Agencies must make certain that the retention periods in this schedule are sufficient to meet applicable audit, reporting, or records retention requirements for any programs that are subject to state or federal government audits or oversight. If longer retention periods are needed to meet state or federal requirements, then agencies must submit separate records disposition requests for such records.

POLICY AND PROCEDURES FOR AGENCY USE OF THE GENERAL SCHEDULE

State agencies may not dispose of any records without disposition authorization from the State Archives consistent with provisions of Section 57.05 of Arts and Cultural Affairs Law. The State Archives issues this general schedule to authorize the disposition of records common to some or all agencies after the indicated minimum retention period. **An agency may use a general schedule issued by the State Archives for any applicable records in its custody by notifying the State Archives of its intention to use the schedule and by retaining the records at least as long as the minimum retention periods established in this schedule.** Use of the general schedule eliminates the need for an agency to request separate authorizations to dispose of records covered by the schedule.

Agencies may use any or all of the authorizations in this schedule to dispose of records, provided that the agency Records Management Officer first notifies the State Archives in writing of the intent to use the schedule. Following this notification, records may be disposed on a continuing basis, provided the minimum retention period has been met. No further notification is needed by those agencies which have already notified the State Archives of their intent to use previous editions of this general schedule. Agencies may discontinue use of the schedule at any time, but the Records Management Officer should notify the State Archives of the discontinuance. Information on whether an agency has adopted the general schedule can be obtained from the State Archives or the agency Records Management Officer.

Specific or temporary situations in an agency may create the need for retention periods that exceed the minimum retention periods in this schedule. Agencies are not required to destroy records at the end of the retention period, and they are not required to inform the State Archives if they intend to keep records longer. However, if agencies intend to retain records longer than the minimum retention periods as a regular business practice, they should document this intent in

written internal procedures. This will provide documentation of normal practice for Freedom of Information Law requests, for legal actions such as discovery motions, or to justify continued storage of records in the State Records Center. Agencies may submit separate Records Disposition Requests (RDRs) to the State Archives for those series that they wish to retain longer than the retention periods in this schedule, but they are not required to do so unless those lengthier retention periods are required by specific state or federal retention requirements which are often found in statutes or regulations.

Agencies have considerable flexibility in applying the schedule to their specific needs, as long as records are kept at least as long as the minimum retention set forth in this schedule. Agencies should review the title, description of the records series, and justification to help determine whether an item applies to a particular series of records. If you are not certain whether the schedule applies to a specific group of records or if you need assistance with records not covered by this schedule, please contact your agency Records Management Officer or State Archives staff for advice and assistance.

Before using general schedule items to guide the disposition of records, program unit staff should contact their agency Records Management Officer to make certain that the schedule has been adopted and that applicable items are being used by the agency. In some cases, agencies have prepared their own plans for records that are also covered by general schedule items. In such cases, agency plans approved by the State Archives take precedence over the general schedule items. In other cases, it is possible that the agency has determined to retain records longer then the indicated minimum retention periods. Thus, program unit staff should contact their agency Records Management Officer to verify that records can be disposed after the indicated minimum retention periods.

This schedule will remain in effect until replaced, withdrawn, or superseded by the Attorney General, the State Comptroller, or the State Archives. In the event of a change in the retention or disposition of records listed in this general schedule, the State Archives will notify all agency Records Management Officers.

SOURCES OF ADDITIONAL INFORMATION AND ASSISTANCE

Each agency has a designated **Records Management Officer**, who coordinates the agency's records management program and serves as the primary contact for agency staff seeking information on adoption and use of general schedules. The Records Management Officer is responsible for agency-wide records management planning, program development, training, and technical assistance, including records inventorying and scheduling. Agency staff should contact their Records Management Officer for advice on use of this schedule. Most agencies also have an **Internal Controls Officer** who may be able to review the adequacy of policies and procedures for documenting administrative operations. The agency **Public Records Access Officer**, who is responsible for implementing agency programs to comply with the Freedom of Information and Personal Privacy Protection Laws, can provide advice on public access questions.

State Archives staff, working in conjunction with the agency Records Management Officer,

assist agencies with developing or improving records access, storage and retrieval systems, assessing the feasibility of microfilming or imaging records, managing electronic records, and implementing retention and disposition schedules. The State Archives also provides training and publications for state agency personnel on a variety of records management topics. State Archives staff can assist you in learning about these and other services and in coordinating their delivery to your agency.

For additional assistance, contact your agency Records Management Officer, or contact the State Archives' Government Records Services at: Room 9A47 Cultural Education Center, Albany, New York 12230; telephone (518) 474-6926; or by e-mail at: recmgmt@mail.nysed.gov.

GENERAL ADMINISTRATION

Agencies carry out various administrative tasks to support overall agency and office management and administration. These include the development of major and routine administrative policies and procedures, general office administration and other activities. This section covers these activities as well as select records series that may be found throughout an agency.

♦ 90372 Minutes, Agendas, Meeting Files and Recordings of Governing and Advisory Bodies -- Records of those governing and advisory bodies of state agencies that are subject to the Open Meetings Law (Sections 100-111, Public Officers Law), including meeting minutes, agendas, meeting or background files developed for use at or in conjunction with the meetings, and audio, video, webcast and other recordings of those meetings.

> ***Minimum Retention and Disposition:*** **Transfer minutes, agendas and meeting and background files to State Archives 5 years after creation or when no longer needed to support agency operations. Destroy audio, video, electronic (including webcast) and other recordings of those meetings 4 months after the meeting.**
>
> ***Justification*:** Minutes, agendas and related background records of state boards have long-term research value to document the operations of those bodies and their role in developing agency policies and to document agency activities and accomplishments. Recordings generally lack long-term value, although some may merit archival preservation if they provide additional documentation of significant matters discussed at these meetings. Agencies are invited to contact the State Archives if they believe that recordings of meetings of particular boards, or of specific meetings of their boards, may merit archival preservation.

♦ 90366 General Administrative Records -- Records created and maintained by program units as a part of routine administrative operations. Includes records concerning office organization, staffing, procedures and communications, along with activity schedules, calendars, phone logs, appointment books, tickler files, daybooks, chronological files consisting of extra copies of outgoing correspondence, and other records used to manage office activities. Also includes routine activity and production reports such as occasional and periodic reports, work load reports, work progress reports, backlog and production reports, and cumulative and summary reports used to monitor and document recurring and routine activities or production.

> ***Minimum Retention and Disposition*: Destroy when superseded or obsolete.**
>
> ***Justification*:** These records have no legal or fiscal value.

Records Not Covered: *Records documenting the specific programmatic functions and responsibilities of offices or which are covered elsewhere in this schedule. Also does not apply to general administrative records of agency executive offices; these records may have long-term value. Consult with the State Archives about the disposition of administrative records not covered by this item or elsewhere in this schedule.*

♦ **90202 Reports of Major Administrative Studies --** Major administrative studies are initiated by the agency head, or conducted in response to a legislative, federal, or Office of the State Comptroller program audit, an executive order, or a court order. They generally address agencywide operations or issues, affect the largest or most critical agency functions, or address issues of public visibility and concern. Studies that recommend elimination, merger, or reorganization of an agency or a major subdivision are considered major studies.

***Minimum Retention and Disposition*: Transfer one copy of the final report and any responses to the State Archives either directly or as part of the executive-level files of the agency (files of the agency head, executive deputy, etc.). Retain one copy in office of origination for 3 years after report recommendations are implemented or rejected, then destroy.**

***Justification*:** Major administrative studies have long-term value for research on agency program development and priorities. Administrative studies may also be used in program management audits by the Office of the State Comptroller and other control agencies.

Note: *Agencies should send 30 paper copies and one electronic copy of all published reports to the NYS Library for inclusion in the State Document Depository System.*

♦ **90203 Major Administrative and Operational Plans --** Comprehensive plans for the administration, reorganization or operation of an entire agency or major subdivision. Administrative and operational plans do not include mission-related or program-specific plans (e.g., State Energy Master Plan, State University Construction Fund Campus Master Plans).

***Minimum Retention and Disposition*: Transfer one copy of the final plan and any responses to the State Archives either directly or as part of the executive-level files of the agency (files of the agency head, executive deputy, etc.). Retain one copy in office of origination for 3 years after superseded or obsolete, then destroy.**

***Justification*:** Major administrative and operational plans have long-term value for research on agency program development and priorities. Plans may also be used in program audits by

the Office of the State Comptroller and other control agencies. State Archives staff will evaluate executive-level files to determine their archival value and arrange for their preservation, if warranted.

♦ **90204 Reports of Routine Administrative Studies --** Reports of studies, surveys, management audits, or similar efforts that analyze routine operations, procedures, or processes or that address administrative problems in a single program unit.

Minimum Retention and Disposition: **Designate one copy as the record copy and retain for 3 years after the implementation or rejection of the study recommendations, then destroy.**

***Justification*:** Administrative studies may be used in program management audits by the Office of the State Comptroller and other control agencies.

90205 Administrative Study and Survey Work Papers -- Project design plans, survey forms, databases, charts and diagrams, statistics, analyses, research materials, and related records created or collected for major or routine studies, surveys, management audits, or plans.

Minimum Retention and Disposition: **Destroy 1 year after implementation or rejection of study recommendations.**

***Justification*:** Records should be kept for 1 year to verify and justify conclusions and recommendations.

♦ **90206 Routine Administrative and Operational Plans --** Plans developed to guide administrative and routine operations in program areas. These records typically include program unit weekly, monthly, and yearly work plans and plans for specific projects.

Minimum Retention and Disposition: **Destroy all plans after superseded or obsolete.**

***Justification*:** Routine operational plans are not needed for reference once they are superseded or all activities are completed.

90207 Administrative Analysis and Planning Subject Files -- Correspondence, memoranda, copies of reports, articles, and related background materials, arranged by subject and used to support administrative analysis, planning, and development of procedures.

Minimum Retention and Disposition: **Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

Note: *Agencies should not use this item for records which are covered by separate authorizations in this schedule.*

♦ **90208 Major Administrative Policies and Procedures --** Major administrative policies and procedures generally are issued by the agency head, chief administrative officer, or an executive-level office to address agencywide operations, critical agency functions, or issues of public visibility or concern or to regulate activities outside the agency. Major policies and procedures are formally promulgated and often take the form of formal directives, formal policy memoranda, printed or published procedures, bulletins, orders, rules, notices, or formal policy and procedural manuals.

Minimum Retention and Disposition: **Transfer one copy to the State Archives either directly or as part of the executive-level files of the agency (files of the agency head, executive deputy, etc.). Retain one copy in issuing office for 6 years after policy is withdrawn, revised, or superseded, then destroy.**

***Justification*:** Major administrative policies and procedures have long-term value for research on agency missions, program development, and accomplishments. Major administrative policies and procedures may be used in development of agency operational plans, in program audits by the Office of the State Comptroller or other control agencies, and in litigation.

♦ **90209 Routine Administrative Policies and Procedures --** Administrative policies and procedures governing routine, day-to-day operation of an agency or program unit. These records may include memoranda, orders, guidelines, bulletins, manuals or other instructions which are directive in nature. Routine administrative policies and procedures usually explain operating policies and procedures pertaining to the internal administration of an agency or program unit.

Minimum Retention and Disposition: **Retain one copy in issuing office for 3 years after policy or procedure is withdrawn, revised, or superseded, then destroy.**

***Justification*:** The issuing office should retain policies and procedures for a minimum of 3 years after they are withdrawn, revised, or superseded for use in development of subsequent policies and procedures. Routine policies and procedures may be used in program audits by the Office of the State Comptroller and other control agencies. These records may also be

used in litigation.

Records Not Covered: *Policies or procedures that govern activities of individuals or organizations outside the issuing agency, or that are established through promulgation of regulations, adjudication, or contractual agreements.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90362 Agency Copies of Control Agency Policies and Procedures --** Agency copies of memoranda, rules, orders, procedural instructions, regulations, bulletins, notices and any other instructions issued by control agencies which are directive in nature or explain policies or procedures which are to be followed by other state agencies.

***Minimum Retention and Disposition*: Destroy when no longer needed.**

***Justification*:** The control agencies maintain the record copies of these records.

Records Not Covered: *Record copies of policies and procedures maintained by control agencies.*

Note: *Before disposing of these records, agencies may wish to consider whether longer retention is needed to document procedures used or actions taken by the agency in the event of possible future litigation or audit.*

90210 Administrative Policies and Procedures Background and Development Files -- Background materials created or collected during the development of internal administrative policies and procedures, including correspondence, analyses, research materials, copies of model policies and procedures, draft policies and procedures, comments, and related records.

Minimum Retention and Disposition: **Destroy 1 year after a policy or procedure is issued.**

***Justification*:** Background materials may be needed for reference and analysis for at least 1 year after a policy or procedure is issued.

♦ **90369 E-Mail Messages --** Incoming and outgoing e-mail communications, including attachments, used to distribute information and documents, announce or schedule meetings, and conduct formal and informal communications.

> ***Minimum Retention and Disposition:*** **Destroy after messages and attachments are opened and records have been saved in appropriate electronic or paper file.**
>
> ***Justification*:** Many e-mail communications are not records and are therefore suitable for immediate destruction. Those messages and attachments which are records should be maintained in appropriate electronic or paper files and disposed consistent with applicable authorizations for those records.

90370 Agency-Assisted Voter Registration Records -- Agency records documenting assistance provided to prospective voters to aid them in registering to vote. Includes participating agency's records transmitting completed voter registration applications or change of address forms to county boards of elections, signed declination forms when individuals decline to register to vote, and related records.

> ***Minimum Retention and Disposition:*** **Destroy after 1 year, except destroy signed declination forms after 22 months.**
>
> ***Justification*:** Sections 5-211 and 5-212 of Election Law authorize agencies to assist prospective voters. Retention periods meet administrative needs and state requirements under 9 NYCRR 6213.2(b)(2) and 9 NYCRR 6213.3(d).
>
> ***Note:*** *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90388 Non-Record Copies of Agency Records --** Duplicate or extra copies of records held by agency program units for administrative reference purposes, when the record copies are retained to meet legal, fiscal, administrative and other retention requirements and needs and when the non-record copies are not subject to any legal, fiscal or other specific retention requirements. This item also covers non-record copies of records held by program units when other units maintain the record (i.e., official) copies.

> ***Minimum Retention and Disposition:*** **Destroy when no longer needed for administrative reference.**

***Justification*:** The agency's record (i.e., official) copies of these records are retained to meet legal, fiscal, administrative and other requirements.

AFFIRMATIVE ACTION, REASONABLE ACCOMMODATION, AND HUMAN RIGHTS

State agencies develop and administer affirmative action, reasonable accommodation and related human rights programs to comply with various state and federal requirements. The purpose of these programs is to ensure equal employment opportunities for and prevent discrimination against members of protected classes, including racial and ethnic minorities, women, disabled persons, and Vietnam-era veterans. Most agencies have an affirmative action and reasonable accommodation officer or office to direct and support these agency programs.

> ***Control Agency:*** The Department of Civil Service issues guidelines that state agencies are mandated to follow in developing affirmative action and reasonable accommodation plans and procedures, and assists agencies in meeting these state requirements.
>
> ***Records Not Covered:*** *Records of the Department of Civil Service that document its role as a control agency for governmentwide affirmative action and reasonable accommodation programs and records required for lengthier retention periods by federal agencies to document their requirements.*

♦ **90211 Affirmative Action and Reasonable Accommodation Plans and Procedures --** Plans, policies and procedures developed by agencies to establish and support their affirmative action, reasonable accommodation and related human rights goals in compliance with state and federal requirements.

> ***Minimum Retention and Disposition*: Retain in issuing office for 3 years after superseded by a new plan and procedures, then destroy.**
>
> ***Justification*:** These records may provide evidence during arbitration or litigation concerning complaints of human rights violations. They may also be used as evidence of compliance with federal and/or state affirmative action and reasonable accommodation statutes and regulations during investigations and/or litigation of allegations of continuing patterns of discrimination. The records can also be used to document workforce trends and for analysis purposes.
>
> ***Note:*** *Agencies may wish to retain these records for longer periods to meet administrative analysis needs. Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an*

additional 3 months beyond the minimum retention period.

♦ **90212 Recruitment Plans and Reports --** Records documenting procedures, search committees, job advertising, recruitment and outreach plans, screening criteria, statistics on applicants, and related records created to document compliance with agency affirmative action policies and plans.

Minimum Retention and Disposition: **Destroy 4 years after each search is completed.**

***Justification*:** These records may provide evidence during arbitration or litigation concerning complaints of human rights violations. They may also be used as evidence of compliance with federal and/or state affirmative action statutes and regulations during investigations and/or litigation of allegations of continuing patterns of discrimination.

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90213 Affirmative Action Program Report Files --** Copies of reports prepared by agency affirmative action and related human rights programs for oversight agencies (e.g., Department of Civil Service, U. S. Office of Civil Rights) regarding agency policies, programs, and activities.

Minimum Retention and Disposition: **Destroy 3 years after filing.**

***Justification*:** This retention period will ensure that these records are available to document compliance and for reference, analysis, and development of reports.

Note: *Employment inquiry records and job applications are covered by item #90006 in the Personnel section of this schedule.*

♦ **90214 Affirmative Action and Reasonable Accommodation Subject Files --** Correspondence, memoranda, copies of reports, articles, policies and procedures, summary records regarding requests for reasonable accommodations, copies of regulations, and related materials arranged by subject and used to administer agency affirmative action, reasonable accommodation and related human rights programs on topics such as recruitment, career planning, community relations, discrimination, sexual harassment, and cultural diversity.

Minimum Retention and Disposition: **Destroy 3 years after creation or when**

superseded, whichever occurs later.

***Justification*:** Some records in affirmative action subject files may be needed to document compliance with state or federal affirmative action requirements.

Note: *Agencies should not use this item for records which are covered by separate authorizations in this schedule.*

♦ **90215 Affirmative Action and Reasonable Accommodation Case Files --** Agency copies of affirmative action, sexual harassment and other human rights grievances made by employees against an agency, requests for reasonable accommodations, and the records of the resolution of grievances and requests. Case files may also include correspondence, exhibits, tape recordings, depositions, notes, transcripts, agency decisions, appeals to the Division of Human Rights, appeals to the Department of Civil Service's Compliance Review Board, arbitration decisions, and state or federal court litigation records.

Minimum Retention and Disposition: **Destroy 3 years after final resolution of grievance or request, and after execution of any stipulations or termination of any accommodation provided.**

***Justification*:** These records may provide evidence during arbitration or litigation concerning complaints of human rights violations. They may also be used as evidence of compliance with federal and/or state affirmative action, reasonable accommodation and other statutes and regulations during investigations and/or litigation of allegations of continuing patterns of discrimination.

Note: *Agencies may wish to retain these records beyond the minimum retention period for use in establishing patterns of complaints and for investigating and resolving future complaints. Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90216 Outreach Program Records --** Records of affirmative action programs directed toward providing a greater degree of participation of protected class individuals in the agency work force. Examples of such programs include fellowships and/or internships. These records include applications, decisions and awards, program descriptions, publications, participant duty descriptions, and related correspondence and reports.

Minimum Retention and Disposition: **Destroy 3 years after action on application or, for records concerning overall program administration, discontinuance of program.**

***Justification*:** These records may provide evidence during arbitration or litigation concerning complaints of human rights violations. They may also be used as evidence of compliance with federal and/or state affirmative action statutes and regulations during investigations and/or litigation of allegations of continuing patterns of discrimination.

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90217 Human Rights Training Records --** Records of training provided to employees on affirmative action, equal employment opportunity, sexual harassment, reasonable accommodation and related human rights policies. These records document administration and content of training courses and participation of agency staff. They include memoranda, flyers, curricula, sample course handouts, applications, registration, evaluation forms, and related correspondence and reports.

Minimum Retention and Disposition: **Destroy 6 years following completion of training session or discontinuance of specific course.**

***Justification*:** These records may provide evidence during arbitration or litigation concerning complaints of human rights violations. They may also be used as evidence of compliance with federal and/or state affirmative action statutes and regulations during investigations and/or litigation of allegations of continuing patterns of discrimination.

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period. Agencies may also wish to retain a record of training provided to specific employees as a part of Employee Training History records (see item #90022 in the Training section of this schedule).*

BUDGET PREPARATION

Executive branch budget preparation includes development and submission of annual agency budget requests, and subsequent review and approval by the Division of the Budget (DOB).

Control Agency: The Division of the Budget is the central control agency for this function.

Records Not Covered: *Records of DOB that document its role as a control agency for the development of the annual budget for New York State government.*

90107 Program Unit Budget Request Files -- Records created and used by program managers to develop budget requests, including cost statements, estimates, justifications, narrative statements, spreadsheets, background materials, and originating offices' copies of submissions to agency budget office.

Minimum Retention and Disposition: **Destroy 1 fiscal year after the fiscal year covered by the budget request.**

Justification: Program units use previous years' requests during budget preparation for the current year. Generally, reference to past requests decreases after 1 year. However, some program units may want to retain these records longer.

Note: *The final copy of a program unit budget request and supporting documentation of the agency's internal budget modification and approval process should be filed in general administrative files or the program unit director's office files. These records will be scheduled separately.*

90108 Agency Budget Preparation Files -- Records created by budget analysts during the process of reviewing program unit budget requests and preparing the agency's budget request, including cost statements, estimates, justifications, narrative statements, various reports, and other pertinent data submitted to an agency budget unit. The records in this series are the source documents for an agency's final budget request submitted to DOB.

***Minimum Retention and Disposition*:** **Destroy 3 fiscal years after the fiscal year covered by the budget.**

Justification: Agency budget unit and others use previous years' requests to prepare and compare with present year's requests. After 3 years records lose their administrative value.

♦ **90109 Agency Copy of Agency Budget Request --** Copy of the final budget request created by an agency budget unit and submitted to DOB, and supporting materials that document communication between the agency and DOB and the Legislature regarding budget negotiations and subsequent review after agency submission of the budget request.

> ***Minimum Retention and Disposition*: Transfer one copy of the final budget request and supporting documentation to the State Archives either directly or as part of the executive-level files of the agency (files of the agency head, executive deputy, etc.).**
>
> ***Justification:*** The agency budget request and supporting documentation have long-term value for research on agency program development and priorities.

EMPLOYEE RELATIONS

Employee relations includes all programs and activities that establish and implement the terms and conditions of executive branch employment subject to the Public Employees' Fair Employment Act, Article 14 of the Civil Service Law (Taylor Law), through other laws and regulations, or collective negotiations and related activities.

Control Agencies: The Governor's Office of Employee Relations (GOER) carries out New York State's responsibilities as an employer in accordance with the Taylor Law through collective bargaining with public employee unions representing executive branch agency employees, and administration of the employee grievance, disciplinary action, and joint labor-management committee programs. The Public Employment Relations Board (PERB) hears and rules on charges of improper practices by state employee unions against the state or by the state against the unions and also hears cases on other public employment issues.

Records Not Covered: *Records created and retained by the Governor's Office of Employee Relations (GOER) and the Public Employment Relations Board (PERB) in their roles as control agencies.*

♦ 90357 Grievance Case Records -- Agency copies of contract and noncontract grievances made by employees against an agency, including grievance statements, agency responses, appeals, decisions, and supporting materials such as correspondence, exhibits, depositions, notes, tape recordings, transcripts, referrals to GOER, appeals, and copies of arbitration decisions.

***Minimum Retention and Disposition*: Retain for a minimum of 10 years after final resolution of grievance, then destroy.**

***Justification*:** Grievance records may provide precedents for other similar grievances. GOER does not maintain records of grievances that have been resolved at the agency level.

Records Not Covered: *Records of disciplinary grievances are covered by item #90358 Disciplinary Action Records.*

Note: *Agencies may want to retain some grievance records longer than the minimum retention in specific cases for reference purposes.*

♦ 90358 Disciplinary Action Records -- Records of disciplinary actions, contractual or pursuant to Section 75 of the Civil Service Law, brought by agencies against their employees, and of

disciplinary grievances filed by employees in response to such actions. These records include notices of charges, responses, appeals, decisions, and supporting materials such as correspondence, notes, tape recordings, hearing transcripts, exhibits and other related documents from all levels of the process.

> ***Minimum Retention and Disposition:*** **Retain for a minimum of 10 years after final resolution of the disciplinary action or for 6 years after an employee terminates employment with the agency, whichever is first, then destroy, unless otherwise stipulated through disciplinary settlement or negotiated agreement.**
>
> ***Justification*:** Future disciplinary proceedings against individual employees may consider previous discipline in assessing penalties. Disciplinary actions may also be considered in the performance evaluation and processes. Additionally, control agencies may require historical trend reports of discipline cases which would require agencies to reference these records. GOER does not maintain records of agency discipline cases. Records may also be needed in case of litigation related to disciplinary actions.
>
> ***Note:*** *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90359 Labor-Management Process Records --** Agency records of labor-management meetings on specific topics and of labor-management committee activities, including minutes, agenda, background materials, and written agreements. Such meetings may be at various levels of the agency as appropriate to the subject(s).

> ***Minimum Retention and Disposition*:** **Retain until labor-management agreement expires or is superseded by new labor-management agreement, and when no longer needed for reference, then transfer to State Archives.**
>
> ***Justification*:** Agency-level agreements are effective until expired or superseded, and frequently are effective through the term of several statewide negotiated agreements. GOER does not maintain records of agency-level labor management activities. State Archives staff have consistently appraised agency labor management committee records as archival.

♦ **90373 Public Employment Relations Board Cases --** Agency records of representation, improper practice, declaratory ruling, conciliation and other cases or issues presented to the Public Employment Relations Board (PERB) for resolution, including charges and other records

of issues presented to PERB, administrative law judge findings, PERB decisions, and related records.

***Minimum Retention and Disposition*: Destroy when no longer needed for administrative reference.**

***Justification*:** PERB maintains the official records documenting cases presented to it for resolution.

Records Not Covered: *Records created and retained by PERB.*

♦ **90360 Employee Relations Subject Files --** Records supporting agency employee relations programs, arranged by subject, and consisting of correspondence, memoranda, extra copies of contracts, agency employee relations policies and procedures, reports and background materials pertaining to contract administration issues, and related employee relations matters.

***Minimum Retention and Disposition*: Destroy when obsolete or superseded.**

***Justification*:** These records generally have no legal or fiscal value, and they lose administrative value after they are no longer needed for reference.

Note: *Agencies should not use this item for records which are covered by separate authorizations in this schedule.*

EQUIPMENT, SUPPLIES, AND MOTOR VEHICLE MANAGEMENT

Equipment, supplies, and motor vehicle management ensures efficient and effective control, use, and maintenance of state-owned property, equipment, and other resources, excluding real property or capital assets.

Control and Service Agencies: The Office of General Services (OGS), Bureau of Surplus Personal Property Disposition, operates the state surplus property disposition program. The OGS Division of Statewide Vehicle Management provides motor vehicle management services for agencies. The Office of State Comptroller, Bureau of Management Audit, audits use and disposition of equipment, supplies, and property.

Records Not Covered:
- Records maintained by OSC for control and audit purposes.

- Records maintained by OGS for control, management, or centralized support functions.

- Records for which federal regulations or audit requirements specify a longer retention period.

- Records of real property and capital assets.

- Records of heavy equipment used for highway construction, maintenance, or related activities.

♦ 90265 Equipment and Furniture Inventories -- Running inventories of equipment such as audiovisual equipment, tools, laboratory equipment, and furniture that describe each item of property, indicate its location, and provide cumulative totals of each type of agency-owned or leased equipment and furniture. These records are often maintained as manual card files or computer databases.

Minimum Retention and Disposition: **Destroy as inventories are superseded or become obsolete.**

***Justification*:** Running inventory records are continually updated. Normally only most current version is needed for agency operations or audits.

Note: *For records related to equipment classed as Capital Assets under Article 2 of the Public Lands Law, see the Facilities Management section of this schedule.*

90266 Supplies, Commodities, and Parts Inventories -- Running inventories used to manage stocks of expendable materials such as office supplies, commodities, and parts, describing the materials and indicating current stock balances.

Minimum Retention and Disposition: **Destroy as inventories are superseded or become obsolete.**

***Justification*:** Running inventory records are continually updated. Normally only most current version is needed for agency operations or audits.

♦ 90361 Supplies, Commodities, and Parts Disbursement Records -- Records documenting disbursement of office supplies, commodities, parts, and other expendable materials.

Minimum Retention and Disposition: **Destroy 3 fiscal years after disbursement.**

***Justification*:** These may be required for program audits by the Office of the State Comptroller or for investigations of fraud or theft.

***Note*:** *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90267 Equipment Control Records -- Records documenting equipment use, excluding motor vehicles, and charge-out of equipment to program units or individuals, used to prevent misuse, abuse or theft, or to determine internal agency chargebacks. Examples include portable computers, tool control records, and audiovisual checkout logs.

Minimum Retention and Disposition: **Destroy 3 years after equipment is returned.**

***Justification*:** These records may be required for use as evidence in personal injury suits related to the use of associated equipment under Section 214 of the Civil Practice Law and Rules, which establishes a time limitation of 3 years on initiating such actions. Also, they may be required for program audits by the Office of the State Comptroller.

***Note*:** *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90268 Equipment and Motor Vehicle Maintenance Records --** Records documenting service and repairs to agency equipment or to motor vehicles assigned to or owned by an agency. These records normally include maintenance orders, logs, copies of fiscal documents such as requisitions or purchase orders for parts or services, warranties, operation and repair manuals, and parts lists.

Minimum Retention and Disposition: **Destroy 3 years after equipment or vehicle is sold, transferred, or otherwise disposed.**

***Justification*:** These records may be required for use as evidence in personal injury suits related to the use of associated equipment or motor vehicle under Section 214 of the Civil Practice Law and Rules, which establishes a time limitation of 3 years on initiating such actions. Also, the records may be required for program audits by the Office of the State Comptroller.

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90270 Agency Copies of Centralized Motor Vehicle Assignment Records -- Records documenting the assignment of motor vehicles to an agency by OGS, Division of Statewide Vehicle Management. These records normally include requests for assignment of vehicle, assignments, reports to OGS containing information on vehicle use, gasoline consumption and lubricant consumption, credit card charges, and copies of fiscal documents such as oil or gas purchasing receipts.

Minimum Retention and Disposition: **Destroy 3 years after end of vehicle assignment.**

***Justification*:** Records are used to track and monitor vehicle use and for administrative review and analysis by the agency. They may be required for program audits by the Office of the State Comptroller.

90271 Agency Copies of Decentralized Motor Vehicle Assignment Records -- Records

documenting agency assignments of motor vehicles to employees. These records normally include requests for assignments, assignment and use logs, and reports.

Minimum Retention and Disposition: **Destroy 3 years after end of vehicle assignment.**

***Justification*:** Records are used to track and monitor vehicle use and for administrative review and analysis by the agency. They may be required for program audits by the Office of the State Comptroller.

90272 Vehicle Incident Records -- Reports and supporting materials documenting accidents, thefts, and other incidents involving state-owned vehicles.

Minimum Retention and Disposition: **Destroy 5 years after filing of report.**

***Justification*:** OGS retains official copy of reports and supporting materials. Agencies may be asked by investigators or OSC auditors to supply copies for up to 5 years after a report is filed.

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ 90273 Surplus Property Disposition Records -- Agency copies of records that identify surplus property, expedite its transfer to the OGS, Bureau of Surplus Personal Property Disposition or other disposition, and track disposition of property. These records include requests for disposal of surplus property, receipts, and copies of OGS reporting forms and supporting documentation that describe the property being disposed and provide information on proposed method of disposition.

Minimum Retention and Disposition: **Destroy 3 years after property has been disposed.**

***Justification*:** OGS retains official copy of reports and supporting materials for surplus property transferred to the OGS, Bureau of Surplus Personal Property Disposition. However, agencies may be asked to supply copies for use by OSC auditors. They may also be required for use in investigations of alleged theft or fraud.

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3*

months beyond the minimum retention period.

90365 Agency Recycling Reports -- Agency copies of annual reports concerning the purchase of recycled paper and products and other waste reduction efforts. Agencies file these reports with OGS and send copies to the Department of Environmental Conservation and Department of Economic Development, as required by Executive Order 142 of 1991.

Minimum Retention and Disposition: **Destroy 1 year after filing of report.**

***Justification*:** OGS maintains the record copies of these reports.

Records Not Covered: *Copies of annual reports held by OGS, the Department of Environmental Conservation and the Department of Economic Development.*

♦ 90374 Equipment, Supplies, and Motor Vehicle Management Subject Files -- Records used to support agency equipment, supplies, and motor vehicle management programs, arranged by subject, and consisting of correspondence, memoranda, reports, manuals, copies of policies and procedures, and related records pertaining to the indicated functions.

***Minimum Retention and Disposition*:** **Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

FACILITIES MANAGEMENT

Facilities management encompasses the operation and maintenance of buildings or other facilities, including residential facilities, owned or leased by New York State. Facilities management includes fixed (capital) assets management, building and grounds maintenance, space planning and allocation, and parking assignment and control.

> ***Records Not Covered:*** *Records created by the Office of General Services (OGS) that document its facility management or records created by the Office of the State Comptroller (OSC) in the performance of audits related to fixed assets management. Records that document the construction and major rehabilitation of buildings and other structures are also not covered by this schedule and must be scheduled separately.*

♦ **90274 Fixed Assets Inventory Files --** Agency copies of records documenting purchase and ownership of property meeting criteria for fixed (capital) assets as defined by the Statewide Fixed (Capital) Assets Accounting System under Section 2.2 of Public Lands Law. Fixed assets include but are not limited to

- all land
- land improvements costing over $100,000
- all buildings
- all building renovations costing over $100,000
- equipment costing over $40,000
- infrastructure costing over $1,000,000.

This series typically includes all input forms supplied by agencies to OGS, or, when data is supplied in electronic form, copies of data input documents, as well as copies of purchase orders, vouchers, surplus property forms, or other records related to the purchase and disposition of property.

> ***Minimum Retention and Disposition:*** **Destroy 3 fiscal years after disposal of associated property.**
>
> ***Justification*****:** The Statewide Fixed Assets Accounting Systems Procedures Manual requires that agencies retain these records until the disposition of the associated property plus an additional 3 years to conform with normal accounting procedures. This retention period satisfies OSC audit requirements.

90275 Agency Copies of Fixed Assets Update Reports -- Agency copies of computer-generated reports sent by OGS to agencies documenting changes to assets under the Statewide Fixed Assets

Accounting System.

Minimum Retention and Disposition: **Destroy after receipt of updated Fixed Assets Report from OGS.**

***Justification*:** These records have no value to an agency once superseded by an updated report.

90276 Agency Copies of Fixed Assets Reinventory Reports -- Reports issued by OGS to agencies every 2 years detailing all agency fixed assets currently documented in the Statewide Fixed Assets Accounting System.

Minimum Retention and Disposition: **Destroy 3 years after report is superseded by new report.**

***Justification*:** These reports may be used by OSC during audits of agency fixed assets management programs.

♦ 90277 Facility Maintenance Work Order Files and Logs -- Agency records documenting requests from facility tenants (both within and outside of the agency) for facility and physical plant system (heating, ventilation, air conditioning) maintenance work and records of work completed.

Minimum Retention and Disposition: **Destroy 3 years after completion of work.**

***Justification*:** This retention period ensures that these files will be available in the event of personal injury actions.

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90278 Applications for Use of Facilities and Schedules -- Agency records documenting requests to use facilities (e.g., meeting rooms) and the schedules resulting from those requests.

Minimum Retention and Disposition: **Destroy at end of calendar year.**

***Justification*:** Applications and schedules have no administrative value after facility has

been used.

♦ **90279 Physical Plant Maintenance/Operations Reference Drawings and Files --** Copies of architectural and engineering drawings and fixed equipment manuals used for reference in building operation and maintenance.

Minimum Retention and Disposition: **Destroy 3 years after superseded or after the replacement or disposal of the equipment.**

***Justification*:** This retention period ensures that these records will be available in the event of personal injury actions.

Records Not Covered: *Original or unique copies of as-built and shop drawings that document construction and major rehabilitation of structures should be separately scheduled by the responsible program unit. While OGS holds official plans and designs of most state facilities, individual agencies may hold some unique records warranting long-term retention or transfer to the State Archives.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90280 Tenant Records --** Agency records documenting negotiations for and completion of leases for office space and other facilities, records of subsequent communications with landlords, and other records related to tenancy. These records typically include copies of leases, correspondence, lease approvals from control agencies, copies of fiscal documents, and requests for maintenance or repairs.

Minimum Retention and Disposition: **Destroy 6 years after expiration of lease or final payment, whichever is later.**

***Justification*:** This retention period satisfies the statute of limitations on litigation involving contracts (Section 213 of the Civil Practice Law and Rules).

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90281 Lease Files --** Leases for agency-owned property leased to public or private organizations and individuals and records of administration of the terms of the leases. These records typically include copies of leases, related correspondence, copies of fiscal documents, and requests for maintenance or repairs.

> ***Minimum Retention and Disposition:*** **Destroy 6 years after expiration of lease or final payment, whichever is later.**
>
> ***Justification*:** This retention period satisfies the statute of limitations on litigation involving contracts (Section 213 of the Civil Practice Law and Rules).
>
> ***Note:*** *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90282 Space Allocation Planning Files -- Agency space allocation plans and related documentation, including copies of requests, estimates of space, justification of needs, specifications, copies of building diagrams, floor layouts, and supporting documentation from agencies to OGS for allocation of space in facilities operated by OGS.

> ***Minimum Retention and Disposition:*** **Destroy when space plan is implemented, revised, or cancelled.**
>
> ***Justification*:** Records are no longer needed after space allocation plans have been implemented, revised, or cancelled.

♦ **90283 Space Assignment Files --** Agency copies of requests for space from program units, specifications, building diagrams, floor layouts, justifications, records of actual assignment of space to program unit, and master building directories.

> ***Minimum Retention and Disposition:*** **Destroy when a space assignment is terminated.**
>
> ***Justification*:** Records of space assignments are not needed after space has been reassigned.

90284 Parking Permit Application Files -- Applications for agency-controlled parking spaces

and waiting lists.

Minimum Retention and Disposition: **Destroy 6 months after parking space is assigned and the employee is registered.**

***Justification*:** These records should be retained for the indicated period in case of employee grievances.

90285 Parking Permit Assignment Records -- Records of assignments of agency-controlled parking spaces, including name of authorized user, permit number, and location of assigned space.

Minimum Retention and Disposition: **Destroy 6 months after permit is cancelled or superseded by a new permit.**

***Justification*:** These records should be retained for the indicated period in case of employee grievances.

♦ 90286 Physical Plant Systems Monitoring and Inspection Records -- Records documenting the operation and inspection of facility heating, ventilation, energy consumption and monitoring, fire suppression, air conditioning, water, electrical, and mechanical systems, including but not limited to meter readings, steam pressure logs, fixed equipment (e.g., elevators and mechanical doors) inspection reports, and heating fuel consumption recordings.

***Minimum Retention and Disposition*: Destroy 3 years after creation.**

***Justification*:** These records may be required for program audits by the Office of the State Comptroller. Also, they may be required for use as evidence in personal injury suits related to system failure or malfunction (Section 214 of the Civil Practice Law and Rules).

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90287 Facility Management Subject Files -- Records used to support agency facility management programs, arranged by subject, and consisting of correspondence, memoranda, reports, manuals, copies of policies and procedures, and related records pertaining to maintenance and use of facilities.

***Minimum Retention and Disposition*: Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

Note: *Agencies should not use this item for records which are covered by separate authorizations in this schedule.*

♦ **90375 Contractors' Certified Payrolls --** Records of certified payrolls filed with state agencies by contractors and sub-contractors relating to public-work projects, including correspondence and associated documents.

Minimum Retention and Disposition: **Destroy 3 years after contract completion.**

***Justification*:** These records must be retained for the indicated period pursuant to Section 220 (3-a) of Labor Law.

FISCAL OPERATIONS

Fiscal operations encompasses most activities undertaken by agencies to manage, account for, collect, and expend funds. Records Disposition Authorizations for this section are subdivided into five functional areas as follows:

- Fiscal Administration
- Purchasing/Claims and Payments
- Revenue and Collections
- Accounting Reports (New York State Accounting System)
- Bank Transactions.

Records related to budget preparation or payroll are covered in other sections of this schedule.

Control Agencies: The State Comptroller is the chief fiscal officer for New York State government and heads the Office of the State Comptroller (OSC). OSC audits agencies, oversees the State Finance Law, and prescribes methods of bookkeeping, filing, and rendering accounts. The Division of the Budget (DOB) oversees agency budget preparation and must preapprove the expenditure of allocated funds by agencies. The Office of General Services (OGS) operates a centralized contracting service for purchases of common goods and services by agencies.

Records Not Covered:
- Records created or maintained by control agencies (e.g., OSC, DOB, or OGS) that are used to carry out or document government-wide approval, control, audit, or oversight responsibilities.

- General ledgers, general journals, and "books of original entry." The retention periods for these records will vary from agency to agency depending on the nature of the accounts documented in the records. In addition, some records may contain information of long-term value on accounts and expenditures. These records should be evaluated by the State Archives prior to destruction.

- Records related to capital construction. These records may have longer retention periods than other fiscal records. For example, contracts and related records which document the design and construction of a structure generally should be maintained for the life of the structure plus 3 years to protect an agency against tort claims.

- Records related to the acquisition or sale of real property. Contracts and related records involving the state's rights in or title to real property, the rents or profits therefrom, or a

citizen's real property claims by virtue of Letter Patent or a grant from the state, have a statute of limitations on a claim against such a contract of twenty years after expiration (CPLR, sec. 211 (c) and (d)). This statute of limitation exceeds the "6 years after expiration of contract" statute of limitation applied to most other contracts. Moreover, some fiscal records related to the acquisition or sale of real property may contain information of long-term value for research purposes. These records must be scheduled separately and should be evaluated by the State Archives before destruction.

- Records that document the receipt, management, and/or expenditure of federal funds and which are subject to specific federal retention requirements longer than the retention periods authorized in this schedule. These records must be scheduled separately to meet federal retention requirements.

FISCAL ADMINISTRATION -- Fiscal administration includes agency fiscal policy development and implementation, ensuring compliance with state fiscal policies and procedures, reporting financial status and activities, reconciling accounts, and responding to audits.

90100 General Subject and Correspondence Files -- Records used to support general agency fiscal management (usually arranged alphabetically by subject), including correspondence, memoranda, and reports pertaining to budget preparation, purchasing, general fiscal matters, and internal fiscal policies and procedures.

Minimum Retention and Disposition: **Destroy 3 fiscal years after creation.**

Justification: This retention ensures that any supporting material for audits is retained and allows weeding of obsolete and superseded records on a 3-year cycle. Agencies may wish to keep certain records in this series longer than the legal minimum.

Note: *Agencies should not use this item for records which are covered by separate authorizations in this schedule.*

90101 State Fiscal Policies and Procedures Records -- Memoranda, rules, orders, procedural instructions, regulations, bulletins, notices, and any other instructions issued by OSC, DOB, OGS, or other control agencies which are directive in nature or explain policies or procedures relating to the fiscal and administrative responsibilities of an agency's fiscal office.

Minimum Retention and Disposition: **Destroy after superseded or obsolete.**

Justification: DOB, OSC, OGS, and other control agencies maintain the record copy of

these records for an extended retention period. Once a policy or procedure is superseded or obsolete it has no value to an agency.

Records Not Covered: *Record copies of policies and procedures maintained by DOB, OSC, OGS, or other control agency.*

90102 Budget Certificates of Approval -- Certificates issued by DOB authorizing the expenditure of allocated funds.

Minimum Retention and Disposition: **Destroy 2 fiscal years after lapse of funds.**

Justification: These records are actively referenced in the agency budget unit for up to 2 years after the lapse of funds.

90103 Routine Internal Status and Activity Reports -- Internal statistical and narrative reports created by an agency on the routine operations and functions of a fiscal office, including weekly, monthly, and quarterly reports used for operations, management analysis, and planning.

Minimum Retention and Disposition: **Destroy after report is updated, superseded, or obsolete.**

Justification: Most reports have limited value after they are superseded or updated. Agencies may choose to retain selected summary reports longer to track operational trends or for planning.

Records Not Covered: *All audit reports, reports generated by the New York State Accounting System, and reports created outside the agency.*

90104 Nonroutine Financial Reports and Studies -- Reports and studies created for fiscal, accounting, and administrative review or analysis by the agency, another state agency, a federal agency, or an external party, including equity and escrow reports, fringe benefit studies, facility usage reports, cost comparison studies, sales reports, investment practice studies, and other special reports or studies.

Minimum Retention and Disposition: **Destroy 3 fiscal years after creation.**

Justification: Records are maintained for audit purposes, as well as for budget and long-range financial planning. Some reports have reference value beyond the 3-year retention

period and may be retained longer.

Records Not Covered: *This item does not cover audit reports or New York State Accounting System reports.*

♦ **90105 Audit Reports, Responses and Work Papers --** Agency copies of audit reports created by OSC, agency internal auditors, and other state, federal, or private agencies that monitor, examine and verify the accounts and fiscal affairs of an agency, and agency responses. Also includes work papers for agency internal audits.

Minimum Retention and Disposition: **Destroy reports and responses 3 fiscal years after the issuance of the report. Destroy work papers 1 year after completion of report.**

Justification: After 3 years, audit reports normally become obsolete for administrative purposes. Agencies may want to keep audit reports for longer than the minimum retention period for reference and administrative purposes. Work papers can be used for reference for 1 year following completion of report.

Records Not Covered: *Official copies created by OSC or other control agencies in performing their auditing function. Also does not cover audit reports and responses which are subject to longer retention requirements of federal or other funding agencies. Agencies should submit separate disposition requests for any records subject to longer retention requirements.*

90106 Reconciliation Work Papers -- Intermediate fiscal records of receipts and disbursements used to reconcile accounts, including spreadsheets, proof sheets or trial balance worksheets, abstracts of receipts, disbursements, or claims, and other supporting documents.

***Minimum Retention and Disposition*: Destroy 3 fiscal years after creation.**

Justification: These records are retained for audit purposes.

PURCHASING/CLAIMS AND PAYMENTS -- This section covers all contract and non-contract records related to purchases of goods and services or payment of claims, except for records of contracts related to capital construction or land purchases.

♦ **90126 Purchase/Accounts Payable Records Related to Agency-Let Contracts --** Records related to the purchase of goods and services which require a contract, including purchase

requisitions and justifications, vendor solicitations, requests for proposal, price quotations, contracts, leases, bonds, bid proposals, specifications, procurement and procurement contact records, purchase orders, receipts and other payment history records, invoice requests, merchandise receipts, vendor invoices, agency vouchers, service reports, and other supporting documentation. Also includes records used by an agency accounts payable/claims office to track and monitor the claims and payment process on a daily basis, including manual and automated logs, registers, listings, and related records.

Minimum Retention and Disposition: **Destroy 6 years after expiration of related contract or final payment, whichever is later.**

Justification: An agency's record copy of an agency-let contract file, including supporting documentation, must be maintained for 6 years after expiration of the contract to satisfy the statute of limitations on litigation involving a contract (Civil Practice Law and Rules, Article 2-213) and to satisfy OSC's audit requirements. OSC also maintains copies of contracts for 6 years and copies of contract-related invoices and vouchers for a minimum of 10 years. However, important supporting documentation is only maintained by agencies.

Records Not Covered: *Requisitions, receipts and related purchase and payment history records for purchases which do not require agency-let contracts are covered by item #90127. Also, OSC copies of contracts, OGS-let term (centralized) contracts, real property acquisitions or sales contracts, and capital construction contracts are not included in this item and are not covered by this schedule. Agencies should schedule real property acquisitions and sales and capital construction records separately.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ 90127 Purchase/Accounts Payable Records <u>Not</u> Related to Agency-Let Contracts -- Records related to the purchase of goods and services which do <u>not</u> require a contract, including purchase requisitions and justifications, vendor solicitations, requests for proposal, price quotations, procurement record checklists, purchase orders, receipts and other payment history records, invoice requests, merchandise receipts, vendor invoices, agency vouchers, service reports, purchase order logs, requisition logs, reports showing encumbrance of funds, and other supporting documentation. Also includes records used by an agency accounts payable/claims office to track and monitor the claims and payment process on a daily basis, including manual and automated logs, registers, listings, and related records.

***Minimum Retention and Disposition*: Destroy 3 fiscal years after completion of purchase, including delivery of goods and services and payment.**

Justification: Purchase requisitions and orders are used for up to 3 fiscal years to develop new purchases, to track purchasing trends, for agency internal audits and to satisfy OSC's audit requirements.

Records Not Covered: *Requisitions, orders, and related purchase and payment history records for purchases which require agency-let contracts are covered by item #90126.*

♦ **90376 Vendor and State Contracts Reference Files --** Information on supplies, equipment, computer hardware and software, and other products and their vendors, including price lists, vendor evaluations and related records.

Minimum Retention and Disposition: **Destroy after records are no longer needed for reference.**

***Justification*:** These records have no value once they are no longer needed for reference purposes.

Records Not Covered: *Master copies of state contracts are retained by OGS.*

♦ **90367 Cancelled Bids File --** Agency records pertaining to bids for goods or services which were cancelled without an award being made. Records include purchase requisitions and justifications, vendor solicitations, requests for proposals (RFPs), price quotations and related records.

Minimum Retention and Disposition: **Destroy 1 year after award of contract for subsequent procurement of the same goods or services, or 1 year after agency decision to not purchase such goods or services.**

***Justification*:** Records have no administrative value after retention period.

Records Not Covered: *Records of bids (successful and unsuccessful) for which awards were made should be disposed based on items #90126 and #90127.*

♦ **90119 Employee Travel Payment Files --** Records of employees' requests for reimbursement or payment of expenses for state-related travel, including encumbrance records, requests for travel

advance, travel vouchers, justifications, and various supporting records.

> ***Minimum Retention and Disposition*: Destroy 3 fiscal years after payment or overpayments are returned by the employee, whichever is later.**
>
> ***Justification:*** This series is kept 3 years after payment to meet OSC's audit requirements and the statute of limitations for actions involving nonpayment of money collected on execution (Civil Practice Law and Rules, Article 2-214). OSC maintains the record copy of the vouchers in this series for 6 years.
>
> ***Note:*** *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

REVENUE AND COLLECTIONS -- This section covers records related to billing, receipt of funds, and management/disposition of funds received by an agency.

90120 Revenue Accounting (Billing and Accounts Receivable) Records -- Revenue accounting records of billing, receipt, and subsequent disposition of monies, including bills, invoices, cash receipts records, cash disbursement records, cashier's reports, refunds of appropriations, reports of monies received, reports of revenue transfers, transmittals, master control records, journal vouchers, and other related records.

> ***Minimum Retention and Disposition*: Destroy 3 fiscal years after receipt of funds.**
>
> ***Justification:*** Revenue accounting records are retained by an agency 3 years to satisfy OSC's audit requirements. OSC maintains "reports of revenue" for 5 years.
>
> ***Records Not Covered:*** *This records series is <u>not</u> applicable to agencies established as collection agencies or engaged in revenue/collection activities as a significant part of their function (e.g., Department of Taxation & Finance, Division of the Lottery, and certain operations of Department of Motor Vehicles). Bank account records are covered by items #90124 and #90125.*

ACCOUNTING REPORTS (NEW YORK STATE ACCOUNTING SYSTEM) -- OSC operates a centralized system to account for all receipts and expenditures of agency funds. This system regularly generates reports to provide agencies with information about the status of their fiscal accounts.

♦ **90121 Accounting/Fiscal Status Reports --** Accounting and fiscal reports generated from OSC's New York State Accounting System reflecting the status of appropriations/segregations, expenditures, disbursements, and receipts of an agency.

***Minimum Retention and Disposition*: Destroy after report is superseded or becomes obsolete.**

Justification: Reports have minimal administrative value after they are updated or superseded by the latest report. The New York State Accounting System User Procedure Manual instructs agencies to "retain the most recent copy of all accounting reports received from the Central Accounting System" and to "retain all other reports at your discretion, ensuring that accounting data is available for budget preparation, financial analysis, and audit of Federal and other grants."

Records Not Covered: *End of fiscal year status reports and daily journal reports (see items #90122 and #90123). This item should not be used for records of public benefit corporations and public authorities that are not part of OSC's New York State Accounting System.*

♦ **90122 End of Fiscal Year Status Reports --** Includes five end-of-year status reports generated from the New York State Accounting System as follows:

BUD 049	Appropriation/Segregation Accounts Including Lapse
BUD 060	Cost Center Status by Segregation
CTL 470	Expenditure Analysis
LED 010	Appropriation/Segregation Ledger Abstract
LED 040	Fund/Subfund Ledger.

Minimum Retention and Disposition: **Destroy 3 fiscal years after year covered by report.**

Justification: The New York State Accounting System User Procedure Manual instructs agencies to "Retain the fiscal year-end copies of the following reports (BUD049, BUD060, CTL470, LED010, and LED040) for three years for post-audit purposes."

Records Not Covered: *Records of public benefit corporations and public authorities that are not part of OSC's New York State Accounting System.*

♦ **90123 Daily Journal Reports --** Includes eight journal reports generated from the New York State Accounting System as follows:

JRN 010	Revenue Journal
JRN 020	Appropriation Journal
JRN 030	Segregation Journal
JRN 040	Refund of Appropriation Expenditure Journal
JRN 050	Encumbrance Journal
JRN 060	Expenditure Journal
JRN 070	Expenditure Adjustment Journal
JRN 080	Disbursement Journal.

Minimum Retention and Disposition: **Destroy 6 months after receipt of report.**

Justification: The New York State Accounting System User Procedure Manual instructs agencies to "Retain daily journals (JRN010 through JRN080) for six months to provide an audit trail (with the LED010 and LED040) to accounting transactions and source documents."

Records Not Covered: *Records of public benefit corporations and public authorities that are not part of OSC's New York State Accounting System.*

BANK TRANSACTIONS -- Many agencies hold separate accounts with banks and other financial institutions to manage funds outside of the New York State Accounting System.

90124 Revenue Bank Account Files -- Records of bank transactions for revenue or income accounts, including bank statements, deposit slips, summaries of the status of accounts, uncollectable checks, balances of funds over a specified period, and other records related to the routine revenue or collected monies of an agency.

Minimum Retention and Disposition: **Destroy 3 years after the end of the fiscal year.**

Justification: Records are retained for 3 years to satisfy OSC audit requirements.

Note: *Agencies should maintain documentation on uncollected obligations, including copies of uncollected checks, as part of item #90120, Revenue Accounting (Billing and Accounts Receivable) Records.*

90125 Payment Bank Account Files -- Records of bank transactions for payments, including bank

statements, listings of deposits, cancelled checks, cancellations of payment, bank reconciliations, check stubs, bad check advices, schedules of outstanding checks, other back-up statements and documents, and other records reflecting the status of an agency's accounts relating to petty cash, travel expenses, and escrow payments.

Minimum Retention and Disposition: **Destroy 3 fiscal years after payment, except schedules of outstanding checks should not be destroyed until those checks are written off to the general fund and relevant identifying information is submitted to the Office of the State Comptroller.**

Justification: Records are maintained for 3 fiscal years after payment to satisfy OSC audit requirements. Outstanding checks are written off to the general fund pursuant to Section 102 of State Finance Law.

FORMS MANAGEMENT

Forms management involves agency activities to control, standardize, design, create, and monitor use of forms.

90288 Forms History Files -- Records created and maintained to control the creation, design, printing, use, and revision of agency forms and documentation of the forms review and approval process. These records typically include program unit requests for preparation of forms, memoranda and other records concerning forms design and use, draft forms, a record copy of each form created by the agency, and related records.

Minimum Retention and Disposition: **Destroy 2 years after the form is discontinued.**

***Justification*:** Agencies may refer to forms history files for up to 2 years after a form is discontinued to plan revisions of current forms or to reinstate a discontinued form.

90289 Forms Inventory Records -- Inventories of agency forms used to control the creation, use, and proliferation of forms.

Minimum Retention and Disposition: **Destroy when superseded by an updated inventory.**

***Justification*:** Outdated forms inventories have no legal, fiscal, or administrative value.

90290 Forms Management Program Subject Files -- Records used to support the administration of an agency forms management program, arranged by subject, and consisting of correspondence, memoranda, reports, guidelines, articles, vendor literature, studies, copies of internal policies and procedures, and related records on forms design, management, and control.

Minimum Retention and Disposition: **Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

Note: *Agencies should not use this item for records which are covered by separate authorizations in this schedule.*

HEALTH, SAFETY, AND SECURITY

Health, safety, and security functions protect the well-being of state employees and members of the general public who are engaged in official business or residing in or visiting state-owned or operated facilities. Health, safety, and security programs include monitoring compliance with health and safety standards, regulating and monitoring the environment in state facilities, managing the storage and use of toxic and harmful substances, ensuring facility security, fire prevention and response, and planning disaster preparedness and response.

> ***Records Not Covered:*** *Records of the Department of Labor, the Department of Environmental Conservation (DEC), the Office of General Services (OGS), the Department of State (DOS), the Department of Civil Service, and any other agency that document governmentwide control or oversight of health, safety, and security functions, or the provision of centralized services. See descriptions and recommendations below for more specific information about records that are not covered by this schedule.*

♦ **90291 Annual Environmental Audit Report Records --** Agency copies of annual environmental audit reports submitted to DEC and related records providing an assessment of agency compliance with environmental laws. The records include descriptions of environmental problems, records of remedial investigations, plans, and actions; estimates of capital, contractual, personnel, and other resources needed to remedy violations; projected remedial time schedules; internal assessments of remedial plans; lists of violations and rankings; and related correspondence, memoranda, and printed materials used to compile reports.

> ***Minimum Retention and Disposition:*** **Retain copy for 3 years after report is submitted to DEC, then destroy.**
>
> ***Justification*****:** These records are needed for 3 years in the event of personal injury litigation (Section 214 of the Civil Practice Law and Rules) and for use in compiling new reports.
>
> ***Records Not Covered:*** *Records maintained by DEC related to its role as a control agency for this function.*
>
> ***Note:*** *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90292 Toxic Substances in the Workplace Notifications and Information Files --** Records documenting notification by agencies to employees of the existence of toxic substances in the workplace and the potential effects of exposure to these substances, including correspondence and memoranda, material safety datasheets, and related records documenting the transmission of information to employee.

Minimum Retention and Disposition: **Destroy 40 years after superseded or obsolete.**

***Justification*:** Records created pursuant to Section 876 of the New York State Labor Law and 12 NYCRR 820.3. The retention period ensures the availability of information from these files for the same period of time during which lists of employees handling the toxic substances will be maintained (see item #90293).

Records Not Covered: *Records required to document compliance with federal and state regulations related to specific substances. Agencies seeking information on specific substances and possible retention requirements should refer to 29 CFR 1910, et seq.*

Note: *Item #90013 covers records relating to actual exposure of individual employees to toxic substances.*

♦ **90293 Lists of Employees Who Handle Toxic Substances --** Records of names, addresses, and social security numbers of employees who handle or use substances included in section 1910 of the federal occupational safety and health regulations (29 CFR 1910, subpart z) and which substances were handled or used by which employees.

Minimum Retention and Disposition: **Destroy 40 years after superseded or obsolete.**

***Justification*:** Section 879 of the New York State Labor Law requires that these records be retained for this period of time.

Note: *Item #90013 covers records relating to actual exposure of individual employees to toxic substances.*

♦ **90013 Employee Hazardous Substance Exposure Records --** Records of exposure or possible exposure to toxic or harmful substances, including information on the substance to which an employee is exposed, employee exposure records, summary and detailed environmental and biological monitoring records, and related records.

Minimum Retention and Disposition: **Destroy 30 years after exposure, except**

environmental monitoring background data may be destroyed after 1 year provided that sampling results, methodology, a description of analytical method used, and a summary of other relevant background data is retained for 30 years.

Justification: The federal Occupational Safety and Health Administration (29 CFR 1910.1020) requires that employee hazardous substance exposure records be maintained for 30 years.

Note: *New York State Labor Law Section 879 requires that employers maintain lists of hazardous or toxic substances which are handled or used by employees and which substances were handled or used by which employees. Such lists must be maintained for 40 years (see item #90293). Hazardous substance exposure records should not be filed in the employee's personal history file.*

90294 Toxic Substances Training and Education Files -- Course material, attendance records, correspondence, and memoranda documenting the training and education of employees in the proper use and handling of toxic substances, and compliance with federal Occupational Safety and Health Administration requirements.

Minimum Retention and Disposition: **Destroy 3 years after employee separation from agency. Destroy summary records, including course material, 3 years after separation of all concerned employees from agency.**

Justification: 12 NYCRR 820.4 requires employers to maintain records of toxic substance training until employee separation. The additional 3 years will cover the need for these records in personal injury litigation under Section 214 of the Civil Practice Law and Rules.

Records Not Covered: *Records of the Occupational Safety and Health - Hazard Abatement Board, located in the NYS Department of Labor, that document its oversight of agency toxic substances training and education programs.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period. Agencies may also wish to retain a record of training provided to specific employees as a part of Employee Training History records (see item #90022 in the Training section of this schedule).*

♦ 90295 Employee Occupational Injury and Illness Incident Logs, Reports and Summaries --

Records documenting recordable occupational injuries and illnesses of agency employees, including incident logs, incident reports, annual summaries, and related correspondence, memoranda and other records.

Minimum Retention and Disposition: **Destroy 5 years after the end of the calendar year that the records cover.**

***Justification*:** 12 NYCRR 801.33 and 29 CFR 1904.33 require that employers maintain these records for 5 years.

Records Not Covered: *Records related to employee hazardous substances exposure are covered by item #90013. Records of employee occupational injuries and illnesses prepared pursuant to Section 110 of Workers' Compensation Law are covered by item #90015 in the Personnel section of this schedule. Also not covered are any records of the Department of Labor maintained in relation to its role as a control agency for this function.*

♦ 90296 Annual Occupational Injury and Illness Surveys -- Agency copies of annual occupational injury and illness surveys submitted to the NYS Department of Labor under 12 NYCRR 801.41.

Minimum Retention and Disposition: **Destroy 1 year after submission to the Department of Labor.**

***Justification*:** The NYS Department of Labor maintains the record copies of these annual surveys.

Records Not Covered: *Records maintained by the Department of Labor in connection with its role as a control agency for this function.*

90298 Facility Health and Safety Inspection Records -- Notices of inspection, inspection reports, descriptions of violations, remedial action plans, correspondence, and memoranda documenting agency cooperation with the NYS Department of Labor in facility inspections mandated by 12 NYCRR 802 and agency efforts to comply with Department of Labor findings and determinations.

Minimum Retention and Disposition: **Destroy 3 years after completion of inspection or after any violations are remedied, whichever is longer.**

***Justification*:** This retention period meets the statute of limitations involving personal injury suits (Section 214 of the Civil Practice Law and Rules).

Records Not Covered: *Records maintained by the Department of Labor in connection with its role as a control agency for this activity.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90299 Health and Safety Code and Regulations Variance Files -- Agency requests for relief from health and safety standards and regulations and records of approved variances. This includes petitions, applications for temporary or permanent variances, interim orders, requests for hearings, notices of hearings, transcripts of variance hearings and conferences, depositions, affidavits, variances, amendments issued by the NYS Department of Labor, consistent findings and orders, decisions, and appeals.

Minimum Retention and Disposition: **Destroy 3 years after request is denied or after the variance is no longer in effect.**

***Justification*:** This retention period meets the statute of limitations for personal injury suits (Section 214 of the Civil Practice Law and Rules).

Records Not Covered: *Records maintained by the Department of Labor in connection with its role as a control agency for this activity.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90300 Fire Code Compliance Records --** Agency copies of fire safety inspections, fire extinguisher inspections, complaints, violation corrective plans, code compliance certificates, fire drill records, and annual reports that document compliance with the NYS Uniform Fire Prevention and Building Code.

Minimum Retention and Disposition: **Retain records of inspections, drills and annual reports for 3 years or until all violations are corrected, whichever occurs later, then destroy. Destroy code compliance certificates 3 years after they expire.**

***Justification*:** This retention period meets the statute of limitations requirements for personal injury litigation (Section 214 of the Civil Practice Law and Rules) and complies with NYS Department of State inspections requirements (19 NYCRR 1204).

Records Not Covered: *Records maintained by the Department of State to control and provide oversight for this function.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90301 Fire Safety Program Records -- Records concerning the establishment and administration of a network of fire wardens, marshals, and searchers, including lists of individuals serving in these capacities, building diagrams, assignments, evacuation procedures, meeting records, and lists of equipment disbursed to wardens, marshals, and searchers.

Minimum Retention and Disposition: **Destroy 3 years after superseded or obsolete.**

***Justification*:** This retention period meets the statute of limitations for personal injury litigation (Section 214 of the Civil Practice Law and Rules).

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90302 Fire Safety Education and Training Records -- Records relating to agency fire safety education and training programs, including course information records and course registration records for wardens, marshals, and searchers and for building tenants.

Minimum Retention and Disposition: **Destroy 3 years after creation.**

***Justification*:** This retention period meets the statute of limitations involving personal injury litigation (Section 214 of the Civil Practice Law and Rules).

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3*

months beyond the minimum retention period. Agencies may also wish to retain a record of training provided to specific employees as a part of Employee Training History records (see item #90022 in the Training section of this schedule).

♦ **90303 Building Visitor Logs and Security Videotapes --** Logs of entry to and exit from agency facilities containing visitor name, organization or business, address, reason for visit or person/unit visited, and dates and times of entry and exit. Also includes videotapes or other recordings prepared for security purposes that document specific incidents and merit retention for administrative or potential legal uses.

Minimum Retention and Disposition: **Destroy 3 years after the end of the year to which they relate.**

***Justification*:** This retention period meets the statute of limitations involving personal injury litigation (Section 214 of the Civil Practice Law and Rules). It also meets or exceeds the statute of limitations for initiating criminal prosecutions for misdemeanors (Section 30.10 of the Criminal Procedure Law).

Records Not Covered: *Records maintained by facilities that require extraordinary security (e.g., State Police barracks, correctional facilities, and secured mental health facilities) and records maintained by the Office of General Services in its capacity as a service agency for building security. Records of investigations into security-related incidents are covered by item #90305.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90304 Building Pass Records --** Agency records documenting the issuance and cancellation of building passes include applications for temporary and permanent passes, copies of passes, lists of individuals with valid passes, records of revocations or cancellations, correspondence, and memoranda.

Minimum Retention and Disposition: **Destroy records documenting issuance and cancellation of passes 3 years after passes are cancelled or become invalid, except actual passes that have been cancelled or have expired may be destroyed immediately.**

***Justification*:** This retention period meets the statute of limitations involving personal injury

litigation (Section 214 of the Civil Practice Law and Rules). It also meets or exceeds the statute of limitations for initiating criminal prosecutions for misdemeanors (Section 30.10 of the Criminal Procedure Law).

Records Not Covered: *Records of investigations into security-related incidents are covered by item #90305.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90305 Incident and Investigation Records --** Agency copy of records documenting security-related incidents and investigations by agency staff and external investigators. These records include but are not limited to complaints, incident reports, accident reports, reports of stolen property, emergency response-related records, and correspondence and memoranda.

Minimum Retention and Disposition: **Destroy 5 years after any investigation is closed or dropped, except 3 years after 18th birthday for any accidents or personal injury incidents involving minors.**

***Justification*:** This retention period meets or exceeds the statutes of limitations for initiating criminal prosecutions for misdemeanors and most felonies (Section 30.10 of the Criminal Procedure Law). This retention period will also ensure the availability of these records in instances concerning personal injury suits.

Records Not Covered: *Records maintained by any agency having a law enforcement function, and records of incidents and investigations in correctional, mental hygiene, and other residential facilities.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90306 Health, Safety, and Security Subject Files --** Reports, memoranda, correspondence, copies of policies and procedures, background materials, and related records used by agencies to support the administration of health, safety, and security programs, arranged by subject and covering topics such as health issues, building safety, facility access, and incident reporting, exclusive of

records subject to specific legal requirements or which are covered by other schedule items.

Minimum Retention and Disposition: **Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

Records Not Covered: *Records maintained by facilities that require extraordinary building security (e.g., State Police barracks, correctional facilities and secured mental health facilities) and records maintained by OGS in its capacity as a central provider of security services.*

♦ **90307 Facility Disaster Preparedness Files --** Agency copies of disaster preparedness and evacuation plans for agency-owned and occupied buildings. These records typically include, but are not limited to, correspondence, memoranda, risk assessments and vulnerability studies, disaster/contingency and evacuation plans, supporting materials used to develop plans, and training and educational materials.

Minimum Retention and Disposition: **Destroy 3 years after a plan is superseded or made obsolete because the agency vacates a facility.**

***Justification*:** This retention period meets the statute of limitations involving personal injury suits (Section 214 of the Civil Practice Law and Rules).

Records Not Covered: *Records of activities of the State Disaster Preparedness Commission and the State Emergency Management Office.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90368 Disaster Response and Recovery Records --** Agency records documenting responses to a major disaster, including photographs, press clippings, property damage reports, records of emergency response, summary reports of personal injuries, records relating to demolition and new construction, and correspondence.

Minimum Retention and Disposition: **Transfer to State Archives when no longer needed for agency use.**

***Justification*:** Records have long-term value to document responses of state agencies to major disasters and to document the disasters.

Records Not Covered: *Records of activities of the State Disaster Preparedness Commission and the State Emergency Management Office.*

INFORMATION TECHNOLOGY

Information technology (IT) encompasses all activities undertaken by agencies to design, develop, and operate electronic information systems. This section covers records for which IT units are responsible, including administrative records and those used to process data and monitor and control operations. This section does not cover records created to support specific operations in program units outside of the IT organization. Records retained to meet program-specific requirements outside of the IT unit must be scheduled separately by the unit with the responsibility and authority to determine their retention requirements and final disposition.

Records Disposition Authorizations (RDAs) for this section are subdivided into six functional areas as follows:

- General Administration
- Systems and Application Development
- Computer Operations and Technical Support
- Data Administration
- IT Support
- Network/Data Communication Services

GENERAL ADMINISTRATION -- General Administration includes IT policy development, fiscal and personnel administration, planning, and the coordination of activities within IT units and between an IT unit and other parts of an agency.

♦ **90218 Data Processing Unit Subject Files --** Correspondence, memoranda, reports, publications, and related records used to support the administration of agency data processing services.

> ***Minimum Retention and Disposition:*** **Destroy when obsolete or superseded.**
>
> ***Justification*****:** These records have no legal or fiscal value.
>
> ***Records Not Covered:*** *Agency information technology plans are covered by item #90219. Agency IT policies are covered by item #90209 in the General Administration section of this schedule. Records that document fiscal transactions are covered by various items in the Fiscal Operations section of this schedule. This item also does not cover records covered by other items in this schedule.*
>
> ***Note:*** *Agencies should not use this item for records which are covered by separate*

authorizations in this schedule.

♦ **90219 IT and Data Processing Services Plans --** Agency annual technology plans submitted to DOB and Office of the Chief Information Officer, data processing services plans, strategic plans, and related records used to plan for information systems development, technology acquisitions, data processing services provision, or related areas.

Minimum Retention and Disposition: **Destroy plan and essential background documentation 3 years after plan is completed, superseded, or revised. Destroy drafts and routine material when no longer needed by agency.**

***Justification*:** Planning records often have value for budgetary and planning purposes for several years after they become inactive.

♦ **90224 Records of Chargebacks to IT Services Users --** Electronic and manual records used to document and calculate costs and to bill program units for computer usage and IT services. These records are also used for cost recovery, budgeting, or administrative purposes.

Minimum Retention and Disposition: **Destroy 3 fiscal years after creation.**

***Justification*:** Chargeback records are needed for 3 fiscal years for budgetary purposes and, if they are used for cost recovery or billing purposes, to meet audit requirements.

Records Not Covered: *Chargeback records subject to lengthier federal records retention requirements should be scheduled separately.*

SYSTEMS AND APPLICATION DEVELOPMENT -- Systems and application development covers the IT unit functions related to the development, redesign, modification, procurement, and testing of systems and applications, as well as to maintaining the documentation generated by these processes.

♦ **90225 Application Development Project Files --** Records created and used in the development, redesign, or modification of an automated system or application, including draft system or subsystem specifications, draft user requirements and specifications, and memoranda and correspondence.

Minimum Retention and Disposition: **Destroy 3 years after completion of project and after administrative needs for records have ended.**

***Justification*:** Many application development records may be needed up to 3 years after the conclusion of a project for reference or for management audit purposes.

Records Not Covered: *System or application documentation (see items #90226 and #90227) and project management records.*

Note: *In some circumstances, agencies may wish to maintain these files longer for reference. All relevant information and final documentation should be contained in system and application documentation files (see items #90226 and #90227).*

♦ **90226 Information Systems Specifications --** Records that document system operations, including data entry, manipulation, output and retrieval (often called "system documentation records"), as well as records necessary for using the system, such as user guides, system or sub-system definitions, system flowcharts, program descriptions and documentation (or other metadata), job control or work flow records, and input and output specifications.

Minimum Retention and Disposition: **Destroy 3 years after discontinuance of system, but not before system data is destroyed or transferred to new operating environment.**

***Justification*:** Current and accurate information on how an application system operates is needed throughout its life cycle. System documentation may be needed 3 years after the system is discontinued or modified for the admissibility of electronic records in legal proceedings, retrospective analysis, and remedying errors.

Records Not Covered: *Data documentation and other records used to explain the meaning, purpose, or origin of data (see item #90227).*

♦ **90227 Data Documentation (Metadata) --** Records (sometimes known as metadata) generally created during system or application development or modification and necessary to access, retrieve, manipulate and interpret data in an automated system (including systems where information is text, graphic, or multi-media based), including a data element dictionary, file layout, codebook or table, and other records that explain the meaning, purpose, structure, logical relationships, and origin of the data elements.

Minimum Retention and Disposition: **Destroy 3 years after discontinuance of system or application, but not before system or application data is destroyed or transferred to a new structure or format.**

***Justification*:** These records are needed to use and interpret electronic records and have value as long as the data/electronic records are retained.

Note: *In some cases, agencies will retain data for extended periods, sometimes off-line. It is essential that they retain related metadata in an accessible format. This is particularly crucial if the metadata is stored in electronic form or the related records are judged to have long term and secondary research value. When archival electronic records are transferred to the State Archives, it is essential that they be accompanied by relevant and accurate data documentation. Application design documentation and user's guides covered by item #90226 may also serve to explain how data was interpreted and used.*

♦ **90228 Program Listing/Source Code --** Program source code from which machine-language instructions are generated and used to operate an automated information system.

Minimum Retention and Disposition: **Destroy after code is superseded or replaced or after automated system is no longer in use and has been deleted, but not before any audit or legal needs have been met.**

***Justification*:** These records are the instructions used to operate a system application. After the code is modified or replaced it has no administrative or legal value.

♦ **90229 Technical Program Documentation --** Program flowcharts, program maintenance log, system change notices, and other records that document modifications to computer programs.

Minimum Retention and Disposition: **Destroy 1 year after replacement or modification, or after related programs cease to be used, but not before any audit or legal needs have been met.**

***Justification*:** Records are used for reference, backup, IT audits, insuring adequacy of change documentation, or rectifying errors in program implementation up to a year after related programs are replaced, modified, or cease to be used.

Note: *Agencies may consider retaining documentation for critical systems for a longer period.*

♦ **90231 Test Database/Files --** Routine or benchmark datasets, related documentation, and test results constructed or used to test or develop a system.

Minimum Retention and Disposition: **Destroy when no longer needed.**

***Justification*:** Agency practices vary in the management of test files, and some may wish to retain test results until the user has accepted the system based on the results. These materials can be considered and are often managed as nonrecords. However, other agencies retain test data for an extended time period for continued testing and training. This retention period gives agencies the flexibility to retain test files based on their own needs.

COMPUTER OPERATIONS AND TECHNICAL SUPPORT -- Covers the IT unit functions related to operating systems, hardware and software maintenance, system security, data input services, system backup, off-line tape library operations, job and production control, monitoring system usage, and liaison with hardware and software vendors.

90233 Hardware Documentation -- Records documenting the use, operation, and maintenance of an agency's computer equipment, including operating manuals, hardware/operating system requirements, hardware configurations, and equipment control systems.

Minimum Retention and Disposition: **Destroy after the agency no longer uses related hardware and all data is transferred to and made useable in new hardware environment.**

***Justification*:** These records have no value after the agency ceases to use related hardware and transfers the data to a new hardware environment.

Note: *Routine records that do not contain substantial information on the maintenance history or equipment should be destroyed on an annual basis.*

♦ 90235 Data Migration and System Upgrade Records -- Records relating to the operational aspects of the replacement of equipment or the upgrading of computer operating systems, as well as the migration of data between operating systems. Records include schedules and logs, tracking and data migration tests, notes, correspondence, conversion and implementation plans, and related records generated by the operating system software, application server software, and web server software.

***Minimum Retention and Disposition*:** **Destroy 1 year after successful migration, update or conversion.**

Justification: Records may be needed after migration for reference and to deal with

unforeseen issues and problems.

Note: *Agencies may want to keep the implementation plans for more than one year for subsequent migrations or upgrades. Data migration and system upgrade records subject to lengthier federal funding or audit requirements should be scheduled separately.*

♦ **90236 Disaster Preparedness and Recovery Plans --** Records related to the protection and reestablishment of data processing services and equipment in case of a disaster. Includes disaster recovery manuals, business continuity plans, inventories, procedure plans, contact lists, and other records.

Minimum Retention and Disposition: **Destroy after superseded by revised plan.**

***Justification*:** The Office of Cyber Security and Critical Infrastructure Coordination requires that agencies develop and maintain disaster recovery plans as part of their information security functions.

Note: *Agencies should store disaster preparedness and recovery plans in a secure area off-site from the computer installation to which they refer.*

♦ **90237 System Backup Files --** Copies of master files or databases, application software, logs, directories, and other records needed to restore a system in case of a disaster or inadvertent destruction.

Minimum Retention and Disposition: **Destroy after 3 system backup cycles or when no longer needed for system restoration, whichever is later.**

***Justification*:** This item authorizes the disposal of backups in accordance with accepted practice that 3 generations of backups be retained.

Records Not Covered: *Backups used to document transactions or retained for purposes other than system security. For fiscal systems, monthly system backups are often retained for the entire fiscal year to provide an audit trail, and annual system backups are retained to meet all legal and fiscal requirements in lieu of copies of the individual master files or databases. These records should be disposed using items from the Fiscal Operations section of this schedule (for example, item #90120) or, if they are covered by specific federal audit requirements requiring longer records retention, scheduled separately by the appropriate program unit.*

Note: *It is advisable that for many application systems 2 or 3 copies of backups be produced during each cycle.*

♦ **90238 User Authorization Records --** Records created to control individual access to a system, system data, the Internet, and the agency e-mail system. Records include user account records, user acknowledgements of policies, authorization documentation, and related records.

Minimum Retention and Disposition: **Destroy after the individual no longer has access to the system, but not before any audit or legal needs for the records created or modified by that individual have been met.**

***Justification*:** Some records, particularly user account records, are needed for security or fiscal audits for as long as the records are retained for audit purposes. Records may also be needed to document conditions of user access to Internet and e-mail services.

♦ **90377 Computer Security Records --** Records used to control and monitor the security of a system and its data, including vulnerability scans, intrusion tests, malicious code detection tests, threat and risk assessments, technical security reviews, patch management logs, intrusion detection logs, firewall logs, and related records.

Minimum Retention and Disposition: **Destroy after administrative use, but not before any audit and legal needs have been met.**

Justification: Control records may be used to track the effectiveness of security measures or detect security flaws.

♦ **90378 Computer Security Incident Records --** Records documenting incidents and investigations involving unauthorized attempted entry, probes and/or attacks on agency IT systems and networks.

Minimum Retention and Disposition: **Destroy after operational, audit and legal needs have been met.**

Justification: Incident records may have value in initiating criminal prosecutions.

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3*

months beyond the minimum retention period. Computer/Network Usage Files (item #90239) may also serve some security purposes.

♦ **90379 Security Breach Notifications --** Records created pursuant to Section 208, State Technology Law, which requires state agencies to disclose to New York state residents when their computerized private information was or may have been acquired by a person without valid authorization, including notifications to affected persons and to designated state agencies, logs of notifications, and related records.

Minimum Retention and Disposition: **Destroy 6 years after notification.**

Justification: Copies of notifications and logs may be needed to document that appropriate actions were taken as required by law and in the event of any civil actions based on Section 213, Civil Practice Law and Rules.

Records Not Covered: *Notification policies required by this law are covered by item #90209 in the General Administration section of this schedule.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90239 Computer/Network Usage Files --** Electronic files, automated logs, or other records created to monitor and control use of the network, e-mail, the Internet and other computer resources by agency employees, including proxy server logs, login files, chargeback files, data entry logs, system usage files, and related records.

***Minimum Retention and Disposition*: Destroy when no longer needed for administrative use, but not before any audit or legal needs have been met.**

Justification: Records may be needed for IT audits, system security, summary reports, planning, or other purposes.

Records Not Covered: *User account records (see item #90238).*

♦ **90240 Summary Computer/Network Usage Reports --** Summary reports and other records created to document computer and network usage for reporting or cost recovery purposes.

Minimum Retention and Disposition: **Destroy 1 fiscal year after creation.**

***Justification*:** Records may be needed for reporting, reference, charge-back billing, IT audits, system security, or other purposes for 1 fiscal year after they were created.

♦ **90241 Computer Run Scheduling Records --** Records used to schedule computer runs, including daily schedules, run reports, run requests, and other records documenting the successful completion of a run.

Minimum Retention and Disposition: **Destroy after current fiscal year, but not before any audit or legal needs have been met.**

***Justification*:** Scheduling records for the current fiscal year may be needed for audits. Information on runs is also retained in internal system logs, which should be retained with system backup covered by item #90237 and computer usage records covered by item #90239.

♦ **90242 Input/Source Documents --** Records or forms designed and used solely for data input and control and not needed for audit, legal or other purposes.

Minimum Retention and Disposition: **Destroy after all data has been entered into the system and, if required, verified.**

***Justification*:** Records used solely for data input to an automated system have no value after data has been entered and verified.

Records Not Covered: *Input records retained for fiscal audit or legal purposes or containing information needed by a program unit should be scheduled by the responsible program unit. Input records which serve a fiscal audit purpose may be covered by items in the Fiscal Operations section of this schedule.*

♦ **90243 Work/Intermediate Files --** Records used to facilitate the processing of a specific job/run or to create, update, modify, transfer, export, import, manipulate, or sort data within an automated system, including "macro" or "startup" file or other electronic record created to preserve a combination of data elements and/or method of displaying these data elements, when all transactions are captured in a master file, central file, transaction file, or database, and the file is not retained to provide an audit trail.

Minimum Retention and Disposition: **Destroy after the transaction is completed, except retain as long as reports, studies and other principal records for which the file is created are retained when the electronic file is needed to recreate or document a transaction.**

***Justification*:** Agencies generally manage these types of files as nonrecords and do not retain them to document agency business or because of the information they contain.

Records Not Covered: *Intermediate files retained to document transactions are covered by item #90244. Intermediate files retained to serve as an audit trail are covered by item #90246. Intermediate files needed for system recovery backup are covered by item #90237.*

♦ **90244 Processed Transaction Files --** Records used to update and/or document a transaction in database or master file and not retained to document a program unit action, including transaction files, DBMS log, update files, and similar records.

Minimum Retention and Disposition: **Destroy when no longer needed for administrative use, but not before any audit or legal needs for records have been met.**

***Justification*:** Transaction records are retained to create an audit trail for a master file/database and can be used to recreate a database/master file or document changes in a master file/database for legal admissibility purposes.

Records Not Covered: *Records used to document a program unit's actions (e.g., receipt of a voucher, issuance of a check) as opposed to a strictly data processing transaction.*

90245 Print Files (Not Used to Document a Transaction) -- Source output data extracted from the system to produce hardcopy publications, printouts of tabulations, ledgers, registers, reports, or other documents when the files are not needed for audit purposes or to document program unit transactions.

Minimum Retention and Disposition: **Destroy after all print runs are completed, output verified (if required), and agency has no need to reproduce the report.**

***Justification*:** These records have limited value after all related print runs are completed and the output verified. In many cases, agencies will not manage print files as records.

Records Not Covered: *Print files needed for fiscal audits or retained to document*

transactions.

♦ **90246 Audit Trail Files --** Data generated during the creation of a master file or database and used to validate a master file or database during a processing cycle, such as date stamp, time stamp, user's ID and other data fields.

Minimum Retention and Disposition: **Destroy after records are no longer needed for audit or legal purposes.**

***Justification*:** Audit files are retained to create a management audit trail for and to ensure the quality of data. They can aid in recreating or documenting changes in a master file or database for legal admissibility or other purposes.

Note: *Agencies may wish to retain audit files for 3 backup cycles to conform to standard data processing practices.*

90247 IT Unit's Copies of Output Reports -- Data processing unit's copy of output reports produced for client program units.

Minimum Retention and Disposition: **Destroy after output is distributed.**

***Justification*:** After output is distributed to client, data processing unit's copy has limited value.

♦ **90248 Summary or Extracted Data Files --** Summary or aggregate data from a master file or database, including "snapshots" of data, created solely to distribute data to individuals or program units for reference and use, but not altered or augmented to support program-specific needs.

Minimum Retention and Disposition: **Destroy after data is distributed and, if necessary, receipt is acknowledged.**

***Justification*:** These records are produced to distribute data to an IT unit's clients and have no value once this is accomplished.

Records Not Covered: *Summary or extract files altered or augmented to support program-specific needs.*

♦ **90249 Electronic Indexes, Lists, Registers, and Other Tracking Systems --** Electronic indexes, lists, registers, and other systems used only to provide access to the hardcopy and electronic records in the custody of the IT unit.

> ***Minimum Retention and Disposition:*** **Destroy after the related hardcopy or electronic records have been destroyed or reorganized, or the electronic indexes, lists, registers, and other tracking systems no longer provide utility for records access.**
>
> ***Justification*:** Electronic indexes and tracking systems have no value after the related records are destroyed or reorganized. Additionally, such records can be expensive to maintain and should not be retained when no longer of value.
>
> ***Records Not Covered:*** *Electronic indexes and tracking systems of program units other than IT units.*

♦ **90251 Reports on the Destruction of Files ("Scratch Reports") --** Records containing information on the destruction of files stored on electronic media in a tape library.

> ***Minimum Retention and Disposition:*** **Destroy when no longer needed for administrative purposes, but not before any audit or legal needs for records documenting the destruction of files have been met.**
>
> ***Justification*:** Records may be needed for a brief period to document that files were properly destroyed.

♦ **90252 Tape Library Control Records --** Records used to control the location, maintenance, and disposition of electronic media in an off-line tape storage library, including lists of holdings and control logs.

> ***Minimum Retention and Disposition:*** **Destroy after superseded or after concerned records or media are destroyed or withdrawn from the tape library.**
>
> ***Justification*:** Retention insures that current information on media stored in tape library is available.

DATA ADMINISTRATION -- Data administration covers IT unit functions related to data administration support, including the maintenance of data standards, corporate data models, and data definitions and dictionaries.

♦ **90253 Data/Database Dictionary Records --** Records, usually in an automated system, used to manage data, including information on data element definitions, data structures or file layout, code tables, and other data attribute information or records that explain the meaning, purpose, logical relationships, ownership, use, or origin of data.

> ***Minimum Retention and Disposition:*** **Destroy after discontinuance or modification of the related application, but not before the application's data is destroyed or transferred to a new structure or format and any audit or legal needs have been met.**
>
> ***Justification*:** These records are essential for managing electronic records in agency automated information systems and have value as long as the data/electronic records are retained. In some cases, agencies will retain data for extended periods of time, sometimes off-line. In such cases, it is essential that related documentation be retained in an accessible format.

♦ **90254 Data/Database Dictionary Reports --** Periodic printouts from a data/database dictionary system, including data element attribute reports, database schema, and related records used for reference purposes.

> ***Minimum Retention and Disposition:*** **Destroy when superseded or no longer used by agency, but not before any audit or legal needs have been met.**
>
> ***Justification*:** Records have no administrative value after need for reference ceases.
>
> ***Records Not Covered:*** *The official copy of essential data documentation is covered by either item #90227 or #90253.*

IT SUPPORT -- Refers to IT unit functions that provide support to users of mainframe or office computers, including assisting users to solve software and hardware problems, installing hardware or software, providing training, and the review and recommendation of software for agency use.

90255 Site/Equipment Support Files -- Records documenting support services provided to specific computer equipment or installations, including site visit reports, program and equipment service reports, service histories, and correspondence and memoranda.

> ***Minimum Retention and Disposition:*** **Destroy site visit reports, problem and equipment service reports, and routine correspondence and memoranda 3 years after creation. Destroy service histories and other summary records after the related equipment is no**

longer in use.

***Justification*:** After the related equipment is no longer in operation the records have limited value.

♦ **90256 Help Desk Telephone Logs and Reports --** Records, including records generated from automated help desk ticketing systems, used to document requests for technical assistance and responses to these requests as well as to collect information on the use of computer equipment for program delivery, security, or other purposes.

***Minimum Retention and Disposition:* Destroy 1 year after creation.**

***Justification*:** Records are needed for at least 1 year to monitor user problems and equipment use, to compile monthly and annual statistics, and for reference for planning, management analysis, and other administrative purposes.

♦ **90258 Hardware and Software Review Files --** Records related to the review and recommendations for hardware and software for agency use, including vendor information, manuals, software reviews, and related material.

***Minimum Retention and Disposition:* Destroy when no longer needed for administrative use.**

***Justification*:** Records have limited administrative value after completion of review, although agencies may wish to retain records until hardware or software is no longer in use.

NETWORK/DATA COMMUNICATION SERVICES -- Network and Data Communication Services covers IT unit functions related to installing and maintaining networks, diagnosing and coordinating problems on the network, monitoring circuit usage, and liaison with OFT and other network providers. It also includes records related to providing and monitoring services delivered and received via the Internet. For related records, see the Telecommunications Management section of this schedule.

90259 Network Site/Equipment Support Files -- Records documenting support services provided to specific sites and computer-to-computer interfaces on a network, including site visit reports, trouble reports, service histories, and correspondence and memoranda.

***Minimum Retention and Disposition:* Destroy site visit reports, trouble reports, and**

routine correspondence 3 years after creation. Destroy service histories and other summary records after the related equipment or site is no longer in use.

***Justification*:** The records have limited value after the related site or equipment is no longer in operation.

Note: *Routine records that do not contain substantial information on the maintenance history or site can be weeded and destroyed on an annual basis.*

♦ **90260 Inventories of Network Circuits/Connections --** Electronic or paper records containing information on network circuits or connections used by the agency, including circuit number, vendor, cost per month, type of connection, terminal series, software, contact person, and other relevant information about the circuit.

Minimum Retention and Disposition: **Destroy after superseded by new inventory or after the network circuit or connection is no longer used by agency, whichever is sooner.**

***Justification*:** The records have no value after the related circuit is no longer in operation.

♦ **90261 Network or Circuit Installation and Service Files --** Copies of requests by agencies to the OFT Division of Telecommunications or service provider for data communication service, installation, or repair and response to the request, including work orders, correspondence, memoranda, work schedules, copies of building or circuitry diagrams, and non-official copies of fiscal documents.

Minimum Retention and Disposition: **Destroy 3 years after request is filled or repairs are made.**

***Justification*:** Records should be retained 3 years for management analysis and planning.

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90264 Network Implementation Project Files --** Agency records used to plan and implement a network, including reports, justifications, working diagrams of proposed network, wiring

schematics, and diagrams.

Minimum Retention and Disposition: **Destroy after superseded or obsolete.**

***Justification*:** Records are essential for operating a network.

♦ **90363 Agency Internet Services Logs --** Electronic files, logs or other records created to monitor access and use of agency services provided via the Internet, including, but not limited to, services provided via FTP (file transfer protocol), website or agency Telnet services.

Minimum Retention and Disposition: **Destroy when no longer needed for administrative use, but not before any audit or legal needs have been met.**

***Justification*:** Records may be needed to document services provided by the agency and access/use of these services by its customers. Records may be used for summary reports, IT audits, system security, or other purposes.

INTERNAL CONTROLS

The Governmental Accountability, Audit and Internal Control Act (Chapter 814, Laws of 1987) directs state agencies to develop internal control programs. Internal controls are defined as "the plan of organization and all of the coordinate methods and measures adopted within an organization to safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency and encourage adherence to prescribed managerial policies." Through this function, agencies periodically audit their programs and operations to ensure that appropriate internal control measures are in place and to promote sound management. The overall objective of agency internal control audits is to identify areas of agency operations susceptible to abuse or misuse and to focus resources on control of the most vulnerable and important aspects of operations.

> ***Records Not Covered:*** *Records created and maintained by the Office of the State Comptroller or Division of the Budget documenting oversight of agency internal control programs.*

♦ **90308 Internal Control Policies and Directives --** Final versions of agency policies and directives governing internal control requirements and procedures for agency program units and staff. These records may also include associated memoranda, bulletins, and manuals which explain agency internal control policies.

> ***Minimum Retention and Disposition:*** **Destroy 3 years after the policy or directive is withdrawn, revised, or superseded.**
>
> ***Justification*:** The issuing office should retain policies for a minimum of 3 years after they are withdrawn, revised, or superseded for use in development of subsequent policies and procedures. Copies of obsolete policies and procedures have no value to other offices.

90309 Vulnerability Assessment Files -- Correspondence, memoranda, survey forms, risk assessments, and reports created and collected during the course of surveys and studies which identify areas of agency operations susceptible to abuse or misuse.

> ***Minimum Retention and Disposition:*** **Destroy 3 years after completion of assessment.**
>
> ***Justification*:** Background materials are used for reference and to plan for subsequent internal control audits.

90310 Internal Control Audit Work Papers -- Plans, analyses, research materials, draft reports, background materials and related records used to plan and prepare internal control audit reports.

> ***Minimum Retention and Disposition:*** **Destroy 1 year after completion of an audit report.**
>
> ***Justification*:** These records are used for reference for 1 year following the release of an audit report.

♦ 90311 Internal Control Audit Reports -- Reports documenting the findings of internal control audits of agency program areas and recommendations for improvements.

> ***Minimum Retention and Disposition:*** **Destroy 3 years after completion of the next internal control audit report for the concerned program area.**
>
> ***Justification*:** Internal control audit reports may be used during the next audit cycle to monitor compliance with internal control program recommendations.

90312 Corrective Action Files -- Reports, memoranda, and other records documenting responses by program units to vulnerability assessment reports and to internal audit reports.

> ***Minimum Retention and Disposition:*** **Destroy 3 years after issue has been settled.**
>
> ***Justification*:** Records may be useful in program audits by Office of the State Comptroller and other control agencies.

90313 Internal Control Program Subject Files -- Reference files used to support the development and administration of agency internal control programs, including reports, plans, articles, policies and procedures, and related material, arranged by subject on topics such as risk management, risk assessment, management practices, operational efficiency, and audit methods.

> ***Minimum Retention and Disposition:*** **Destroy when obsolete or superseded.**
>
> ***Justification*:** These records have no legal or fiscal value.

LIBRARY OPERATIONS

Many agencies operate libraries that provide information, research materials, and services to agency staff. Agency libraries maintain collections, perform research, loan materials, borrow materials through interlibrary loan, and conduct database searches. Some agency libraries provide library materials and services to clients, researchers, and patrons from the general public.

> ***Records Not Covered:*** *Records maintained by the State Library that document library operations or in connection with its missions of services to the public and of centralized support for agency library programs.*

♦ **90314 Interlibrary Loan Files --** Requests from patrons and requests from an agency library to borrow or photocopy materials from other libraries, receipts for materials, photocopy logs, accounting records, and circulation records.

> ***Minimum Retention and Disposition:*** **Destroy 3 years after completion of transaction (i.e., receipt or issuance of photocopies or return of borrowed materials), except destroy records concerning duplication of materials protected under U. S. Copyright Law 5 years after order is completed.**
>
> ***Justification*:** This retention period ensures that records of transactions will be available for reference, analysis, and planning. This period will also meet any legal need to demonstrate compliance with U. S. Copyright Law (17 USC 507) which establishes a 5-year limitation on criminal actions for copyright violations.
>
> ***Note:*** *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90315 Catalogs of Holdings -- Manual and automated catalogs and lists of books, journals, reports, serials, and other published materials held in an agency library.

> ***Minimum Retention and Disposition:*** **Destroy catalog record when associated material is permanently removed from the collection or after record is revised or superseded.**
>
> ***Justification*:** Catalog records for specific items are not needed after the items have been removed from the library collection or after the record has been superseded.

♦ **90316 Circulation and Use Records --** Logs, charge-out cards, and related records documenting the loan of library materials to patrons or use of materials by patrons in the library.

> ***Minimum Retention and Disposition:*** **Destroy after patron completes use or returns borrowed item or after efforts to retrieve are abandoned.**
>
> ***Justification*:** Circulation and use records have no legal or fiscal value after patrons complete use or return materials or agency abandons retrieval efforts.
>
> ***Note:*** *Agencies may wish to retain certain records, especially those showing loan or use of rare, valuable or restricted materials, for additional periods in the event of loss or damage to those materials which may not be detected until a later time.*

90317 Reference Requests Records -- Call slips, requests for database searches, requests for research services, and related records created by patrons to request services such as database searches or retrieval of material from library stacks.

> ***Minimum Retention and Disposition:*** **Destroy after completion of request.**
>
> ***Justification*:** Reference request records are not needed after requests have been filled.

90318 Collection Acquisition Records -- Copies of purchase requests, orders, vouchers, receipts, invoices, and related correspondence documenting the acquisition of books, serials, database services, brochures, and other publications for a library collection.

> ***Minimum Retention and Disposition:*** **Destroy when obsolete or superseded.**
>
> ***Justification*:** These records have no legal or fiscal value because record copies of purchase records are retained by fiscal offices of agencies.

90319 Serials Subscription Records -- Logs, card files, databases, and other records used by agency libraries to check in serials and to prompt or plan subscription renewals.

> ***Minimum Retention and Disposition:*** **Destroy when obsolete or superseded.**
>
> ***Justification*:** These records have no legal or fiscal value.

♦ **90320 Library Subject and Correspondence Files --** Correspondence, reports, studies, surveys, copies of internal policies and procedures, articles, vendor materials, and related materials used to support library operations, arranged by subject, covering such topics as library methods, information services, library automation, relations with the New York State Library and other agency libraries, the American Library Association, and similar subjects.

Minimum Retention and Disposition: **Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

MAIL AND MESSENGER SERVICES

Mail and messenger services include use of interagency mail, private vendors, or the U. S. Postal Service for mail, message, and parcel pickup and delivery. Most agencies operate central mail and messenger services.

Records Not Covered: *Records of the Office of General Services, mail, interagency messenger and courier services are not covered by this general schedule.*

♦ **90321 Mail Pickup and Delivery Records --** Mail logs, copies of certified or registered mail receipt forms, signed pickup and delivery receipts, delivery and pickup route logs and related records that document that mail and messages were picked up and delivered.

Minimum Retention and Disposition: **Destroy 1 year after creation.**

***Justification*:** These records may be required as evidence in case of Article 78, Civil Practice Law and Rules suits alleging that an agency did not respond in a timely manner to inquiries or requests for service by the public.

Records Not Covered: *Any record specifically required as evidence of the execution of a contract or compliance with statute or regulation should be scheduled as part of the applicable record series.*

90322 Mail and Messenger Service Distribution and Routing Plans, Schedules, and Lists -- Service delivery and pickup routes, schedules, and distribution lists used to administer agency mail and messenger services, including route diagrams, mail and messenger service staff assignments, route schedules, and copies of distribution lists.

***Minimum Retention and Disposition*: Destroy when routes, assignments or services are modified or discontinued.**

***Justification*:** Records have no value once they are superseded.

90323 Mailing Address Lists -- Printed and automated mailing lists used to send bulk mailings or to mail materials to subscribers or regular recipients.

Minimum Retention and Disposition: **Destroy after lists are updated or withdrawn.**

***Justification*:** Mailing lists have no value after they are updated.

90324 Mail Services Subject Files -- Records used to support administration of agency mail and messenger services, arranged by subject, including correspondence, memoranda, reports, vendor materials, rate schedules, and copies of policies and procedures pertaining to mail and messenger services.

***Minimum Retention and Disposition:* Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

MINORITY AND WOMEN-OWNED BUSINESS DEVELOPMENT

Minority and women's business development activities, defined by Article 15-A of Executive Law, Article 4-A of the Economic Development Law and various regulations, especially 5 NYCRR 140-144, assist minorities and women to enter and remain in the mainstream of economic activities. Agencies are required to promote involvement of minority and women-owned businesses in state-funded and state-supported economic activities, especially procurement.

Control and Service Agency: The Division of Minority and Women's Business Development, Department of Economic Development provides centralized support and oversight for this program.

Records Not Covered: *All records of the Division of Minority and Women's Business Development. Records of federally funded projects where retention requirements exceed the retention periods in this schedule.*

90325 Minority and Women-Owned Business Development Annual Agency Goal Plans -- Agency copies of yearly plans filed with the Division of Minority and Women's Business Development indicating agency goals to promote business opportunities for minority and women-owned businesses.

Minimum Retention and Disposition: **Destroy 1 year after submission of plan or when superseded by a new plan, whichever occurs later.**

***Justification*:** Record copies of these records are filed with the Department of Economic Development, Division of Minority and Women's Business Development.

♦ 90326 Minority and Women-Owned Business Development Quarterly Compliance and Utilization Reports -- Agency copies of quarterly reports filed with the Division of Minority and Women's Business Development reporting utilization of minority and women's businesses in procurement and work force information as provided in work force employment utilization reports submitted to agencies by contractors.

***Minimum Retention and Disposition*: Destroy 1 year after submission of report.**

***Justification*:** Record copies of these records are filed with the Department of Economic

Development's Division of Minority and Women's Business Development pursuant to 5 NYCRR 141.4 and 142.4.

90327 Contractor Compliance Monitoring Files -- Reports submitted by contractors and used by agencies to monitor contractor implementation of affirmative action and equal employment opportunity programs for minority group members and women and utilization of minority and women-owned businesses for subcontracts and for the purchase of goods and services.

Minimum Retention and Disposition: **Destroy 6 years after contract expiration.**

***Justification*:** These records may provide evidence in litigation related to compliance with minority and women-owned business development requirements in the award and administration of contracts (Section 213 of the Civil Practice Law and Rules).

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90328 Minority and Women-Owned Business Development Subject Files -- Records used to support the administration of an agency's minority and women-owned business development program, arranged by subject, including correspondence, memoranda, internal policies and procedures, contractor complaints and resolutions, statistical reports, vendor materials, bidder information, articles and related records on business development, entrepreneurship, technical assistance and related topics.

Minimum Retention and Disposition: **Destroy 3 years after creation or when superseded, whichever occurs first.**

***Justification*:** Some records in minority and women-owned business development subject files may be needed to document compliance with state contracting requirements.

PAYROLL

Payroll includes all activities associated with preparation, issuance, and accounting for state employee compensation.

***Control Agency*:** The Office of the State Comptroller (OSC) oversees the payroll system and is responsible for production of state employee payroll checks.

***Records Not Covered**: Records created and retained by OSC in its capacity as a control agency for state employees.*

♦ 90016 Employee's Withholding Allowance Certificates -- Federal W-4 and New York State IT-2104 forms completed by employee and filed with employing agency indicating the employee's authorized deductions for federal and state tax. These forms are used to generate Forms AC 230 and AC 1040 which are sent to OSC and used to determine the amount of taxes withheld from wages.

***Minimum Retention and Disposition:* Destroy 4 years after due date of last tax return to which the certificate applied.**

Justification: Outdated W-4 or IT-2104 forms may be needed in cases where tax returns are audited. IRS Publication 583 and Publication 15 Circular E include W-4 forms in the list of records which must be retained 4 years after the due date of the return or after the taxes are paid. Department of Taxation and Finance Publication NYS-50 indicates a similar retention period for IT-2104 forms.

90017 Payroll Preprocessing Reports -- Reports generated by payroll office to ascertain accuracy of payroll information before the payroll is sent to OSC and Department of Civil Service (DCS), such as listings of incomplete or inaccurate Payroll and Personnel Transaction Forms (PR75s).

***Minimum Retention and Disposition:* Destroy after biweekly payroll is generated.**

Justification: These records have no administrative value after payroll transaction is completed.

♦ 90018 Biweekly Payroll Processing Records -- Agency copies of Payroll and Personnel Transaction Form (PR75), Payroll Deduction Form and Transmittal Certification Form (PR76), and other records sent to OSC/DCS to update the biweekly payroll. These are the key documents for

payroll processing for the state.

Minimum Retention and Disposition: **Destroy 3 fiscal years after accurate payroll update.**

Justification: Records have limited administrative value after 3 fiscal years. OSC is the office of record for payroll records and retains information on payroll transactions for at least 6 years.

Records Not Covered: *Payroll/personnel records maintained by OSC and DCS in performing their control functions.*

90019 Biweekly Payroll Listings (Salary Registers) -- OSC salary registers sent to the agency, listing the biweekly payroll.

Minimum Retention and Disposition: **Destroy 1 fiscal year after end of payroll period.**

Justification: Administrative use of these records ceases 1 year following accurate payroll update. OSC maintains the official payroll records on microfiche for an extended period of time.

Records Not Covered: *Payroll records maintained by OSC in performing its control function.*

90027 Paycheck Log -- Record of paycheck distribution which may include employee's name, line number, and indication that employee received a paycheck.

Minimum Retention and Disposition: **Destroy 6 months following last entry date.**

Justification: OSC maintains the official check register.

Records Not Covered: *Check disbursement records for the state payroll maintained by the Office of the State Comptroller.*

♦ 90032 Payroll Deduction and Direct Deposit Records -- Forms and related records authorizing deductions for credit unions, savings bonds, union dues, insurance, individual retirement accounts, deferred compensation, parking, charitable contributions and other purposes, along with records authorizing the direct deposit of paychecks at designated banks or other financial institutions.

Minimum Retention and Disposition: **Destroy 3 years after deduction is no longer in effect or last deposit is made under the authorization.**

Justification: Retention period ensures availability of authorizing forms to respond to inquiries concerning their validity.

PERSONNEL

Personnel encompasses recruitment and appointment of agency staff, monitoring and development of the agency work force, development and implementation of agency personnel policies and procedures, and administration of employee benefits programs. Records Disposition Authorizations (RDAs) for this section are subdivided into three functional areas as follows:

- Personnel Administration
- Civil Service Administration
- Benefits and Health Insurance Administration.

Records for payroll, training, affirmative action, and employee relations are covered in separate sections of the schedule.

> ***Control Agency:*** The Department of Civil Service is the primary control agency for personnel functions in New York State government.
>
> ***Records Not Covered:*** *Records created and retained by the Department of Civil Service in its capacity as a control agency for state government personnel matters.*

PERSONNEL ADMINISTRATION

♦ **90001 Personal History Files --** Records related to an individual's employment history with an agency. Personal history files generally include applications, résumés, appointment letters, probation reports, performance program evaluations, disciplinary actions, veterans status certifications, employee information forms, memoranda and correspondence related to employee, health insurance enrollment and declination records, retirement system declination forms, and survivors benefit information. Item can also be used for personal history files of volunteers and interns.

> ***Minimum Retention and Disposition:*** **Destroy 6 years after employee separation from agency, unless earlier disposition is permitted under terms of a labor-management contractual agreement.**
>
> ***Justification:*** Inactive records in this series are often used to answer inquiries by former employees, their prospective employers, and others. Information in the series would not necessarily be representative of the current attributes of a former employee after a 6-year period. The Department of Civil Service maintains master summary employee history records on all state employees.

Records Not Covered: *Personal History Files of employees who left state service prior to 1945. Please contact the State Archives regarding these records. Also does not cover employment history records on the state work force maintained by the Department of Civil Service.*

Note: *Agencies which maintain as part of their Personal History Files records of workers' compensation claims, employee hazardous substance exposure or other records covered by separate items in this schedule or by agency-specific authorizations should retain those records for the retention periods indicated by those items or authorizations. In some cases, this may require retention of those records for longer periods than indicated for Personal History Files.*

90002 Employee Summary Service Records -- Summary record of employee's service in an agency, including demographic information, positions held, and grade levels.

Minimum Retention and Disposition: **Destroy 10 years after separation from agency service.**

Justification: Agencies use this series to provide summary information to former employees. After retention period expires such information is available from Department of Civil Service summary records.

Records Not Covered: *Employment history records on the state work force maintained by the Department of Civil Service.*

♦ **90003 Employee Attendance and Leave Records --** Time and attendance cards/sheets, overtime certification sheets, vacation exchange information, leave records, Family and Medical Leave Act leave requests, requests for military leave, and other records used to account for time, attendance, time accruals and leave.

Minimum Retention and Disposition: **Destroy after 3 fiscal years.**

Justification: Records are needed for 3 years to meet OSC auditing requirements and for agency reference. Retention period also meets 3-year records retention requirement for the federal Family and Medical Leave Act of 1993 (29 CFR 825.500).

Note: *Agencies may need to retain certain time records for added periods to meet current requirements of the Department of Civil Service, Governor's Office of Employee Relations*

or other agencies regarding overtime eligibility issues. Consult with those agencies to determine current requirements. In some agencies the last time card or timesheet that an employee submits at separation is the only record of final time accruals. Employees may need this information to claim unused leave credits if they re-enter state service, which potentially can occur many years later. Agencies should retain a summary record of final accruals or the last time card/sheet showing those accruals for those departing employees who might later return to state service and seek re-crediting of unused leave credits. These records can be retained in the employee Personal History Files or separately if the retention period for the Personal History Files is insufficient to meet possible future needs for leave accrual records. Agencies should also be aware of potential needs to retain time records for extended periods for employees involved in workers' compensation cases.

♦ **90004 Summary Reports Regarding Personnel/Payroll Functions --** Statistical and narrative summary reports produced by an agency, the Department of Civil Service, and OSC of personnel/payroll used for operational, management analysis or planning purposes, including reports on vacant positions, nonpermanent positions, payroll additions and separations, health insurance transactions, employees on probation, and performance evaluations due.

Minimum Retention and Disposition: **Destroy after report is updated or superseded.**

Justification: Reports have minimal administrative value after they are superseded or updated. Agencies may choose to retain selected summary reports as long as needed to recap or reconstruct personnel or payroll trends or for planning purposes.

♦ **90380 Personnel Transaction Forms --** Forms and related records used to process routine personnel transactions, including transfers, promotions, salary adjustments, leaves, and similar personnel actions.

Minimum Retention and Disposition: **Destroy 3 years after completion of transaction.**

Justification: Administrative needs for these records are met within a three year period.

90005 Subject and Correspondence Files -- Records used to support general agency personnel administration (usually arranged alphabetically by subject), including reports, memoranda, and correspondence pertaining to employee benefits, health insurance, retirement, Personnel Council, Civil Service administration, and personnel policies and procedures.

Minimum Retention and Disposition: **Destroy when obsolete or superseded.**

Justification: These records have no legal or fiscal value.

♦ **90006 Employment Inquiry Files --** Job inquiries, applications, résumés, and other records prospective employees submit to personnel and program offices for employment consideration.

Minimum Retention and Disposition: **For applicants who are hired, transfer records to Personal History Files for continued retention. For applicants who are not hired, destroy 4 years from the date of the personnel action on the vacancy to which the records relate. Destroy general employment inquiries and résumés which are not related to posted vacancies when no longer needed.**

Justification: Federal regulations (29 CFR 1602.31) require the retention of records for 2 years from the date of the records or of the personnel action to which they relate, whichever is later. Actions under New York State's Human Rights Law (Executive Law Article 15) alleging unlawful employment practice must commence within 3 years, while actions under federal civil rights law (42 USC 1981) must commence within 4 years (28 USC 1658).

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90381 Recruitment, Hiring, Interview and Selection Records --** Records of agency actions related to the hiring, promotion, demotion, transfer, layoff and termination of employees, including job announcements, correspondence, reports, selection criteria, interview notes, rating and ranking forms, evaluations and other records.

Minimum Retention and Disposition: **Destroy 4 years after completion of personnel action.**

Justification: Federal regulations (29 CFR 1602.31) require the retention of records for at least 2 years from the date of the personnel action to which they relate. Actions under New York State's Human Rights Law (Executive Law Article 15) alleging unlawful employment practice must commence within 3 years, while actions under federal civil rights law (42 USC 1981) must commence within 4 years (28 USC 1658).

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is*

impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.

♦ **90031 Employment Eligibility Verification Forms --** Immigration and Naturalization Service Form I-9 completed by employers for every employee hired after November 6, 1986, verifying that the employee is a U.S. citizen or is otherwise legally authorized to work in the United States, including paper, electronic, digital or microfilm version or copy of the form and related records.

Minimum Retention and Disposition: **Destroy 3 years from the date of the hiring action or 1 year after the individual's employment is terminated, whichever is later. Original records which have been microfilmed or digitized may be destroyed immediately, with the copies retained for the required retention period.**

Justification: Federal regulations (8 CFR 274a.2) require the retention of these records for 3 years from the date of the hiring action to which they relate or 1 year after the termination of the associated employee, whichever is later.

♦ **90371 Employee Suggestion Program Records --** Agency records of employee suggestions submitted as part of the Department of Civil Service's State Employee Suggestion Program. Includes records of agency evaluations of suggestions to determine if they should be implemented.

Minimum Retention and Disposition: **Destroy records concerning approved suggestions 6 years after suggestion is approved and implemented and all awards have been made by the Civil Service Commission. Destroy records concerning disapproved suggestions 9 years after disapproval, including any subsequent appeal.**

Justification: Retention periods meet the need to document agency actions for administrative purposes and in the event of possible future litigation.

Records Not Covered: *Records of the Department of Civil Service concerning its administration of the State Employee Suggestion Program.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90382 Employee Assistance Program Records --** Agency records of programs to assist

employees with personal problems or concerns through information, assessments, referrals and other services, including case files of services provided to employees, reports and statistical compilations, and related records.

> ***Minimum Retention and Disposition:*** **Destroy case files 3 years after completion of service. Destroy other records 3 years after end of calendar year.**
>
> ***Justification:*** Retention periods meet the need to document agency actions for administrative purposes.
>
> ***Records Not Covered:*** *Records of the Governor's Office of Employee Relations concerning its oversight of this program.*

♦ **90383 Employee Ethics Records --** Agency records documenting employee compliance with the state ethics code (Section 74, Public Officers Law) and ethics requirements (Sections 73 and 73-a, Public Officers Law), including memoranda to employees of ethics requirements, employee requests to receive honoraria or travel reimbursement, agency reports to the State Ethics Commission or other bodies of honoraria received, employee requests to engage in outside activities, requests to exempt employees or positions from financial disclosure requirements, notices of adjudicatory actions of the State Ethics Commission or other bodies, and related correspondence, reports and other records.

> ***Minimum Retention and Disposition:*** **Destroy 7 years after end of calendar year or 7 years after records concerning or authorizing ongoing actions have no further validity, whichever is longer.**
>
> ***Justification***: Retention period meets potential need for records created under requirements of 19 NYCRR Parts 930, 932, 935, and 941 for use in prosecuting criminal violations of state ethics requirements. Section 73 of Public Officers Law allows for violations of ethics requirements to be treated as Class A misdemeanors, which can be prosecuted up to 7 years after the violation or up to 5 years after employee termination, whichever is sooner [Section 30.10(3-b), Criminal Procedure Law]. Section 74 of Public Officers Law allows for termination of employment of an individual who violates the code of ethics provided in that section.
>
> ***Note:*** *Agencies may wish to retain records specific to individual employees for additional periods beyond the indicated minimum, such as for the duration of the individual's employment, if such records may be needed to document employee compliance with ethics requirements throughout the duration of their employment. Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require*

access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.

♦ **90384 Commercial Motor Vehicle Driver Alcohol and Controlled Substances Testing: Process Documentation Records --** Records related to the administration of programs to test employees holding commercial motor vehicle driver's licenses for compliance with alcohol and controlled substances requirements, including policies and procedures, quality control records (including calibration documentation for testing equipment), collection logbooks, reports, statistics, and related records.

Minimum Retention and Disposition: **Destroy policies and procedures 5 years after superseded or obsolete. Destroy all other records after 5 years.**

Justification: The federal Omnibus Transportation Employee Testing Act (49 CFR 382.401 and 40.333) requires some of these records be kept for 5 years. Other related records should be kept for 5 years for consistency.

♦ **90385 Commercial Motor Vehicle Driver Alcohol and Controlled Substances Testing: Driver Test Results and Related Records --** Verified positive controlled substances test results and alcohol test results indicating an alcohol concentration of 0.02 or greater, records of refusals to take required alcohol or controlled substances tests, Substance Abuse Professionals' reports, follow-up tests and test schedules, driver evaluations and referrals, records of negative and cancelled controlled substances test results and alcohol test results indicating an alcohol concentration less than 0.02, and related records.

Minimum Retention and Disposition: **Destroy after 5 years, except destroy records of negative and cancelled tests after 1 year.**

Justification: The federal Omnibus Transportation Employee Testing Act (49 CFR 382.401 and 40.333) requires these records be kept for 1 year or 5 years as indicated.

Note: *Agencies may wish to maintain records concerning employees for an additional period or include them in the employee's personal history file, especially when they affect an employee's job status.*

♦ **90386 Commercial Motor Vehicle Driver Alcohol and Controlled Substances Testing: Education and Training Records --** Records documenting the education and training of

technicians who administer alcohol and controlled substances tests and of drivers who are required to take such tests.

Minimum Retention and Disposition: **Destroy 2 years after the employees who perform the functions which require the training cease to perform those functions.**

Justification: The federal Omnibus Transportation Employee Testing Act (49 CFR 382.401) requires these records be kept for the indicated period.

Note: *Agencies may also wish to retain a record of training provided to specific employees as a part of Employee Training History records (see item #90022 in the Training section of this schedule).*

CIVIL SERVICE ADMINISTRATION

♦ **90007 Classification Files --** Records of position classifications and allocations for all Civil Service classified titles in an agency. Classification files generally include requests to the Department of Civil Service for new positions, changes to existing positions and reallocations, duty statements, title and salary plans, correspondence, and background material regarding the classification of Civil Service and appointed positions.

Minimum Retention and Disposition: **Destroy 10 years after the position/title is reclassified, reallocated, or eliminated, whichever comes first.**

Justification: Agency copies of records pertaining to classifications and reallocations become dated and are not needed for administrative purposes 10 years after the next action on a title is completed. The Department of Civil Service maintains the official copy of records of all classification/allocation actions.

Records Not Covered: *Position classification and allocation records maintained by the Department of Civil Service in performing its control function.*

♦ **90008 Centralized Eligible List Certification Files --** Copies of Department of Civil Service certified eligible lists, canvass letters, responses to canvass, and other records related to availability canvasses for appointment from lists. These records are usually for job titles common to more than one agency and for which the Department of Civil Service has administered the examination process and maintains the full eligible list.

Minimum Retention and Disposition: **Destroy 4 years after the personnel action to**

which the records relate.

Justification: Actions under New York State's Human Rights Law (Executive Law Article 15) alleging unlawful employment practice must commence within 3 years, while actions under federal civil rights law (42 USC 1981) must commence within 4 years (28 USC 1658).

Records Not Covered: *Eligible lists and related records maintained by the Department of Civil Service in performing its control function.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90009 Decentralized Eligible List Certification Files --** Agency certified eligible lists, canvass letters, responses to canvass letters, geographic preference information and other records pertaining to availability canvasses for appointment from lists. These records are usually for job titles unique to an agency which are filled by agency-administered promotional or open competitive examinations under the Department of Civil Service's decentralized examination program.

Minimum Retention and Disposition: **Destroy 4 years after expiration of decentralized eligible list (lists may be active up to 4 years).**

Justification: A 4-year retention period should be used for decentralized certification records because the agency must prove compliance with Civil Service Law and because actions under New York State's Human Rights Law (Executive Law Article 15) alleging unlawful employment practice must commence within 3 years, while actions under federal civil rights law (42 USC 1981) must commence within 4 years (28 USC 1658).

Records Not Covered: *Department of Civil Service records maintained in performing its control function.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

♦ **90010 Examination Development Files --** All records relating to the development and preparation of a Civil Service examination, including proposed training and evaluation rating

schedules, examination scope records, proposed examination questions, and justification documentation for examination.

Minimum Retention and Disposition: **Destroy 1 year after a subsequent examination is developed for the title or 1 year after elimination of this title from the agency, whichever comes first.**

Justification: Previous examination development records may be needed to develop new examinations.

Records Not Covered: *Examination development records maintained by the Department of Civil Service in performing its control function.*

♦ **90011 Examination Administration Files --** All records relating to the administration of decentralized (agency-administered) examinations, including examination announcements, correspondence with candidates, examination applications, copies of examinations, lists of candidates, examination rating sheets, examiners' comments, records documenting rating criteria, examination results, and related documentation.

Minimum Retention and Disposition: **Destroy 4 years after expiration of eligible list.**

Justification: Actions under New York State's Human Rights Law (Executive Law Article 15) alleging unlawful employment practice must commence within 3 years, while actions under federal civil rights law (42 USC 1981) must commence within 4 years (28 USC 1658).

Records Not Covered: *Examination administration records maintained by the Department of Civil Service in performing its control function.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

BENEFITS AND HEALTH INSURANCE ADMINISTRATION

♦ **90012 Health Insurance Files --** Records of employees' health insurance transactions, including but not limited to forms and related records concerning enrollment, deferred health coverage, statements of disability, and related matters.

Minimum Retention and Disposition: **Destroy 6 years after employee separation from agency or after employee is no longer eligible for insurance.**

Justification: Records may be needed to verify benefits or as evidence in litigation initiated under Section 213 of the Civil Practice Law and Rules.

Records Not Covered: *Health insurance records maintained by the Department of Civil Service in performing its control function.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period.*

90014 Retirement Benefits Files -- Records of an employee's retirement benefits from the NYS Retirement System, including copy of original application, statement of arrears, loan or arrears deduction notices, stop loan/arrears deduction notices and all supporting documentation.

Minimum Retention and Disposition: **Destroy 1 year following completion of retirement processing or upon separation from agency before retirement eligibility.**

Justification: The State Retirement System is the office of record for all records pertaining to retirement benefits and loan/arrears. Retention of agency copy for 1 year following retirement or separation is sufficient to correct errors and respond to inquiries.

Records Not Covered: *Retirement benefits records retained by the New York State Retirement System. Retirement system declination forms are not maintained by the New York State Retirement System and therefore should be retained as part of the employee's Personal History File (item #90001).*

Note: *Agencies may wish to retain and dispose of this information together with the Personal History File (item #90001).*

♦ 90015 Workers' Compensation Files -- Agency records concerning workplace injuries and illnesses and subsequent workers' compensation claims filed by employees. Records include a record of all injuries or occupational illnesses prepared pursuant to Section 110 of Workers' Compensation Law, copies of documents filed with or received from the Workers' Compensation Board or State Insurance Fund concerning the injury/illness and any subsequent compensation claim, and related correspondence and other records.

Minimum Retention and Disposition:

a.) Records of allowed claims: Destroy case files, including basic record of injuries and illnesses, 18 years after the injury or illness or 8 years after final payment on the award, whichever occurs later.

b.) Records of claims disallowed or otherwise disposed of without an award: Destroy case files, excluding basic record of injuries and illnesses, 7 years after the injury or illness. Destroy basic record of injuries or illnesses 18 years after the injury or illness.

c.) Records of injuries or illnesses not resulting in claims: Destroy record of injuries and illnesses 18 years after the injury or illness.

Justification: Section 110 of Workers' Compensation Law requires that a record of all injuries and occupational illnesses be retained for a minimum of 18 years. Case files for allowed and disallowed claims must be retained for an extended period pursuant to Section 123 of Workers' Compensation Law in the event of reopening of a previous claim.

Records Not Covered: *Workers' compensation records maintained by the Workers' Compensation Board, State Insurance Fund, or workers' compensation litigation files in the Attorney General's Office.*

Note: *Before disposing of these records, agencies must ensure that no legal actions have been initiated which might require access to them. If a case-by-case review of files is impractical, the Office of the Attorney General advises retaining the records an additional 3 months beyond the minimum retention period. For related records, also see item #90295, Employee Occupational Injury and Illness Incident Logs, Reports and Summaries in the Health, Safety, and Security section of this schedule. Also note that the Workers' Compensation Board and State Insurance Fund do not maintain records of benefit enhancements provided to state employees. Agencies should therefore maintain records of employer-provided benefits for absences related to each workers' compensation case (e.g., leave with pay without charge to credits, award and supplement payments), and other leave transactions related to a case (e.g., recrediting or restoring leave credits). These records should be maintained as part of the case file for the indicated retention period. The state needs the information in these records to ensure that an employee receives only the benefits to which he or she is entitled if a case is reopened.*

PUBLIC INFORMATION

Agencies administer functions to provide information on agency programs and services, respond to inquiries from the public, disseminate information through publications and through the news media, and administer Freedom of Information and Personal Privacy Protection Laws (Sections 84-99, Public Officers Law).

> ***Records Not Covered:*** *All records of the Committee on Open Government, Department of State.*

♦ **90329 Information Inquiries and Requests Records --** Letters, memoranda, telephone logs, copies of responses, and related records that document requests for information from the public, organizations, and other agencies, excluding formal requests filed under the Freedom of Information Law.

> ***Minimum Retention and Disposition:*** **Destroy 6 months after response is made.**
>
> ***Justification*:** Records should be retained for 6 months to document responses and to analyze the nature of requests and responses.

♦ **90330 Freedom of Information Law (FOIL) Subject Matter and Employee Lists --** Agency copies of subject matter lists, lists of records systems, or file categories along with lists of the name, public office address, title and salary of every officer or employee of the agency, prepared pursuant to FOIL (Section 87, Public Officers Law).

> ***Minimum Retention and Disposition:*** **Destroy 6 months after superseded by updated lists.**
>
> ***Justification*:** Obsolete lists may be needed for Article 78, Civil Practice Law and Rules proceedings.

90331 Freedom of Information Requests and Appeals -- Formal requests for access to agency records filed by members of the public, the press, or other agencies under FOIL, agency responses to requests, and appeals in situations where access to records is denied.

> ***Minimum Retention and Disposition:*** **Destroy 6 months after access is provided or appeal is resolved.**

***Justification*:** Records may be needed for Article 78, Civil Practice Law and Rules proceedings.

90332 Personal Privacy Impact Statements -- Copies of privacy impact statements and notices filed by agencies with the Committee on Open Government in compliance with the Personal Privacy Protection Law listing records systems which contain personally identifiable information and indicating their impact on personal privacy.

Minimum Retention and Disposition: **Destroy 6 months after superseded by updated notices or statements.**

***Justification*:** Records may be needed for Article 78, Civil Practice Law and Rules proceedings.

90333 Personal Privacy Records Access Requests and Appeals -- Requests by data subjects filed under provisions of the Personal Privacy Protection Law for access to records pertaining to them, agency responses to requests, and appeals in situations where access is denied.

Minimum Retention and Disposition: **Destroy 6 months after access is provided or appeal is resolved, or after filing the next Personal Privacy Annual Report, whichever is later.**

***Justification*:** Records and responses may be needed for Article 78, Civil Practice Law and Rules proceedings and to provide information needed to prepare the next Personal Privacy Annual Report.

♦ 90387 Personal Information Disclosure Records -- Lists documenting the disclosure of agency records containing personal information, including the date, nature and purpose of each disclosure and the name and address of the person or governmental unit to whom each disclosure is made.

Minimum Retention and Disposition: **Destroy 5 years after disclosure of information or after life of the record disclosed, whichever is longer.**

***Justification*:** Section 94.3 of Public Officers Law requires the indicated retention period to ensure that individuals can track the disclosure of their personal information.

90334 Requests for Records Amendments or Corrections and Appeals -- Requests filed by data subjects under provisions of the Personal Privacy Protection Law to amend or correct personal information contained in agency records, agency responses to those requests, and appeals in situations where the request is denied.

> ***Minimum Retention and Disposition:*** **Destroy 6 months after corrections are made or appeal is resolved.**
>
> ***Justification*:** Records may be needed for Article 78, Civil Practice Law and Rules proceedings.

90335 Personal Privacy Annual Reports -- Agency copies of annual reports to the Committee on Open Government indicating the number of requests for access to records and for corrections and amendments to records which were approved and denied each year under the Personal Privacy Protection Law.

> ***Minimum Retention and Disposition:*** **Destroy after filing of subsequent report.**
>
> ***Justification*:** The report is needed for reference when preparing a new annual report.

90336 Press Release/Publication Files -- Copies of news articles, press releases, newsletters, posters and other published materials issued by the agency to the media and others to inform the public about events, activities, and accomplishments.

> ***Minimum Retention and Disposition:*** **Transfer to State Archives 3 years after creation.**
>
> ***Justification*:** Agency press releases and similar materials warrant preservation in the State Archives because they possess long-term research value and document agency activities and accomplishments.

♦ 90337 Annual Report Development Files -- Narrative reports on agency and program unit activities, statistical data and summaries, drafts, charts, graphs, photographs, and related records used to prepare agency annual reports, but excluding the reports themselves.

> ***Minimum Retention and Disposition:*** **Destroy 3 years after preparation of annual report.**
>
> ***Justification*:** Agencies should retain these records for reference and analysis in preparing

subsequent annual reports.

Note: *Agencies should send 30 paper copies and one electronic copy of published annual reports to the State Library for inclusion in the State Document Depository System.*

♦ **90338 Agency Annual Reports --** Annual reports prepared by agencies describing functions, activities, and events of the past year.

Minimum Retention and Disposition: **Transfer one copy of each report to the State Archives.**

***Justification*:** The copy transferred to the State Archives will satisfy archival requirements.

Note: *Agencies should send 30 paper copies and one electronic copy of published annual reports to the State Library for inclusion in the State Document Depository System.*

90339 Public Information Subject Files -- Records used to support an agency's program, arranged by subject, including correspondence, memoranda, studies, reports, plans, press clippings, and copies of internal policies and procedures pertaining to relations with the press and news media, public relations techniques, outreach, information dissemination and related topics.

Minimum Retention and Disposition: **Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

PUBLICATION AND REPRODUCTION SERVICES

This function includes centralized agency services for publication, printing, photoduplication, and other forms of document reproduction for large volume runs of publications and smaller quantities of documents for limited distribution.

90340 Publication Job Files -- Requests, orders, job descriptions and specifications, publication design records, sample job products, and related records documenting jobs completed by an agency publication services unit.

> ***Minimum Retention and Disposition:*** **Destroy 1 year after completion of job or discontinuation of the publication, whichever occurs later.**
>
> ***Justification*:** Job records should be retained in the event of reprinting.
>
> ***Records Not Covered:*** *Records documenting purchases of goods and services, chargebacks, contracts and any other fiscal records are covered by items in the Fiscal Operations section of this schedule.*

♦ 90341 Publication Production Records -- Hardcopy and electronic documents used to prepare publications, including camera-ready copies, printing masters, mechanicals, printer's proofs, color proofs, digital native and support files, fonts, images, color profiles and related records.

> ***Minimum Retention and Disposition:*** **Destroy 1 year after completion of publication job, except retain records needed for reprinting until the discontinuation of the publication.**
>
> ***Justification*:** Select records are needed for use in reprinting publications.

♦ 90342 Duplication Service Job Files -- Records of duplication services provided by outside vendors or by the agency duplicating, photocopy, rapid copy, or self-service copy service, including requests, production activity reports, copy machine usage logs, and related records.

> ***Minimum Retention and Disposition:*** **Destroy 1 year after creation or after order is completed, whichever occurs first, except destroy records concerning duplication of materials protected under U. S. Copyright Law 5 years after order is completed.**

***Justification*:** Activity reports, machine usage logs, and related records should be kept a minimum of 1 year to monitor activity and trends. Records concerning copying of materials subject to copyright protection should be retained for 5 years for potential use in criminal proceedings or civil actions alleging copyright infringement, based on 17 USC 507.

Records Not Covered: *Records documenting purchases of goods and services, chargebacks, contracts and any other fiscal records are covered by items in the Fiscal Operations section of this schedule.*

90343 Publication and Duplication Subject Files -- Records used to support the administration of agency publication and duplication services, arranged by subject, including correspondence, memoranda, studies, reports, plans, operator's manuals, vendor materials, supply catalogs and copies of internal policies and procedures pertaining to publication and duplication equipment, supplies, and services.

***Minimum Retention and Disposition*: Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

RECORDS MANAGEMENT

Records management includes activities undertaken by agencies to improve the management of records and to comply with provisions of Section 57.05 of the Arts and Cultural Affairs Law and 8 NYCRR Part 188.

Records Not Covered: *Records maintained by the State Archives of the State Education Department, the Office of the Attorney General, or the Office of the State Comptroller which document their role as control or oversight agencies for state agency records management.*

♦ **90344 Records Inventory Files --** Descriptive inventories of agency records indicating the titles, contents, locations, volume, inclusive dates, and other attributes of those records.

Minimum Retention and Disposition: **Destroy when superseded by a new or updated inventory.**

***Justification*:** Agencies are required to maintain an up-to-date inventory of all records (8 NYCRR 188.6).

♦ **90345 Records Disposition Authorization Files --** Approved Records Disposition Authorizations (RDAs), correspondence and memoranda, copies of laws, regulations, and related retention requirements used to establish legally approved retention schedules for agency records.

Minimum Retention and Disposition: **Destroy after the RDA is cancelled or superseded.**

***Justification*:** Agencies must retain RDAs to document compliance with State records management laws and regulations.

Records Not Covered: *Copies of RDAs maintained by the State Archives as the central oversight agency for records management.*

90346 Records Storage Files -- Records used to transfer and retrieve records to and from inactive storage, and to maintain control over them while in storage. These records may include State Records Center or commercial records center transfer lists, internal agency storage requests, records shelf lists, and charge-out slips or logs.

Minimum Retention and Disposition: **Destroy 3 years after records have been removed**

from storage or returned following retrieval.

***Justification*:** Agencies may need to use these records to track missing files, and to provide information or evidence of their unavailability during audits or litigation.

90347 Records Disposal Files -- Records documenting authorized destruction of records or transfer to State Archives for permanent retention. These include destruction request and approval forms, State Archives memoranda of transfer, and related correspondence.

Minimum Retention and Disposition: **Destroy 3 years after final disposition of records.**

***Justification*:** These records should be retained to document the legal disposition of records in case of discovery actions during litigation or when requested for use in audits.

90348 Records Management Program Subject Files -- Records used to support administration of an agency records management program, arranged by subject, including management plans, surveys, reports, correspondence with program units and the State Archives, articles, training materials, information booklets and brochures, program announcements, directions, internal policies and procedures, and related records.

***Minimum Retention and Disposition*:** **Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

TELECOMMUNICATIONS MANAGEMENT

Telecommunications management includes the planning, procurement of services, implementation, operation, and maintenance of telephone and other telecommunications facilities for voice and fax communications and audio and video teleconferencing. Telecommunications networks operated to support data communications are covered in the Information Technology section of this schedule.

> ***Records Not Covered:*** *Records of the Office for Technology (OFT), Division of Telecommunications, in connection with its responsibilities for oversight and centralized telecommunications services.*

♦ 90349 Telephone and Fax Machine Installation and Service Job Files -- Copies of requests by agencies to the OFT Division of Telecommunications or other service providers for telephone service, installation or repairs, and responses to the requests. These records typically include work orders, correspondence, memoranda, work schedules, copies of building diagrams, and duplicate copies of fiscal documents.

> ***Minimum Retention and Disposition:*** **Destroy 3 years after request is filled or repairs are made.**
>
> ***Justification*:** Records should be retained for management analysis and planning.
>
> ***Records Not Covered:*** *Agency fiscal and other supporting records of installation, service and repair jobs completed pursuant to contractual agreements are covered by item #90126 in the Fiscal Operations section of this schedule.*

♦ 90350 Telecommunications Use Logs and Reports -- Records listing local and long-distance telephone calls made, and indicating use of carriers, time, length and charge for calls. This series includes logs, computer listings, internal reports, and copies of OFT telephone billing reports on various media used to monitor and control employee use of telephone and fax services.

> ***Minimum Retention and Disposition:*** **Destroy after logs are reviewed and verified, but not before any audit or legal needs have been met.**
>
> ***Justification*:** Retention period meets administrative needs for records.
>
> ***Records Not Covered:*** *Agency record copies of telephone bills from OFT or commercial service providers maintained by fiscal offices as accounts payable records are covered by*

items #90126 and #90127 in the Fiscal Operations section of this schedule. For telephone logs used for office informational purposes, see item #90366 in the General Administration section of this schedule.

♦ **90353 Telecommunications Planning Records --** Correspondence, reports, studies, plans, notes, working diagrams of proposed networks, and related records used by agencies to plan for and implement telecommunications systems.

Minimum Retention and Disposition: **Destroy 1 year after completion of planned activities or projects, except destroy records associated with contracts for telecommunications services 6 years after expiration of contract or final payment, whichever is later.**

***Justification*:** Plans may be needed for reference during the first year of operation or for the life of the contract.

90354 Telephone Wiring Schematics and Diagrams -- Agency copies of trunk and feeder line diagrams, wiring schematics, specifications, and other records that document the location, capacity and routing of telephone networks used by agencies to support network operation, maintenance, and modification.

Minimum Retention and Disposition: **Destroy when superseded by new network documentation or when network installation is dismantled.**

***Justification*:** These records are essential for network operation and maintenance.

Note: *Data communications may operate over an integrated telecommunications network. See the Information Technology section of this schedule.*

90355 Telephone and Fax Directories -- Logs, lists, and directories of telephone and fax numbers.

Minimum Retention and Disposition: **Destroy when superseded by updated directory or listing.**

***Justification*:** These records have no value for operations once they are superseded.

90356 Telephone Services Subject Files -- Correspondence, memoranda, reports, internal agency policies and procedures, vendor materials, equipment manuals and related records, arranged by subject and used to support administration of telephone and fax services.

Minimum Retention and Disposition: **Destroy when obsolete or superseded.**

***Justification*:** These records have no legal or fiscal value.

TRAINING

Agencies provide training to employees to help ensure a work force with the skills and knowledge sufficient to accomplish agency goals, and to offer employees opportunities for professional development. Agencies also consent to, encourage, and/or subsidize employee attendance at training conducted by other state agencies, educational institutions, private trainers, and other organizations.

> ***Records Not Covered****: Records related to training provided to other state agencies, local governments, or private organizations and individuals as part of an agency's programmatic responsibilities.*

♦ **90020 Course Information Records --** Memoranda, flyers, catalogues and other records related to specific training courses, including information on course content, program registration, instructor, credits, hours and roster of agency registrants.

> ***Minimum Retention and Disposition:*** **Destroy when superseded or obsolete, but not before legal, audit or other needs for records have been met.**
>
> ***Justification:*** Information in this series is used for curriculum development and for reference purposes.
>
> ***Note:*** *In cases where an agency may need documentation of the content of a training course to demonstrate that employees have been properly trained to comply with standards or guidelines or to meet legal or other needs, the agency may wish to retain selected course information records for extended periods, such as for the length of all concerned employees' service with the agency, or to include such records as part of the concerned employees' training history (see item #90022).*

♦ **90021 Course Registration Processing Records --** Employees' application and enrollment records for courses, including employee data forms, course applications, and supervisors' and training officers' authorizations or denials.

> ***Minimum Retention and Disposition:*** **Destroy when no longer needed for administrative use.**
>
> ***Justification:*** Information has short-term administrative value.

♦ **90022 Employee Training History --** Records of an employee's training history, including employee identifying information (e.g., name, social security number), courses registered for and completed, and beginning and completion dates.

Minimum Retention and Disposition: **Destroy 6 years after course completion.**

Justification: Retention period typically meets agency needs to document specific courses taken in recent years.

Note: *For records of specific types of training, see also the Affirmative Action, Reasonable Accommodation, and Human Rights section, the Health, Safety, and Security section, and the Personnel section of this schedule. If documentation of employee training is needed for lengthier periods, agencies may wish to retain records for those periods, such as for the duration of the individual's employment with the agency. In cases where an agency may need documentation of the content of a training course taken by an employee, such as to demonstrate that an employee was trained to comply with standards or guidelines or to meet legal or other needs, the agency may wish to include documentation of the content of the training course as part of this series or to retain such records for needed periods using item #90020.*

90023 Tuition Reimbursement Program Records -- Tuition reimbursement records, including application, determination of coursework relatedness, and reimbursement computation forms.

Minimum Retention and Disposition: **Destroy 1 year after reimbursement is paid to employee or application is rejected.**

Justification: The Governor's Office of Employee Relations (GOER) maintains the record copies of the forms included in this series. Records have no administrative value after reimbursements are made to employees.

Records Not Covered: *Tuition reimbursement records maintained by the Governor's Office of Employee Relations (GOER) in performing its control function.*

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