

# Policy Guide



Policy No. 826

Section OPERATIONS

Title RECORDS MANAGEMENT PLAN

Adopted NOVEMBER 16, 2009

Revised NOVEMBER 21, 2013

	<p style="text-align: center;"><b>POLICY NO. 826 RECORDS MANAGEMENT PLAN</b></p> <p>1. Purpose The Board recognizes the importance of establishing and maintaining a Records Management Plan that defines District staff responsibilities and complies with federal and state laws and regulations. The Board also recognizes the importance of establishment of a "litigation hold" in appropriate circumstances, and the importance of compliance with a "litigation hold" when it is established.</p> <p>2. Authority The Board shall retain, as a permanent record of the District, Board minutes, annual auditor's reports and annual financial reports. All other financial records, including financial account books, orders, bills, contracts, invoices, receipts and purchase orders, shall be retained by the District for a period of not less than six (6) years.</p> <p>All other District records shall be retained in accordance with state and federal law and regulations and the District Records Management Plan approved by the Board.</p> <p>The District shall make a good faith effort to comply with all proper requests for record production.</p> <p style="text-align: center;">Page 1 of 28</p>	
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Selected destruction of records in anticipation of litigation is forbidden.

3. Definitions

**Electronic Mail (E-mail) System**

A system that enables users to compose, transmit, receive and manage text and/or graphic electronic messages and images across local area networks and through gateways connecting other networks. This information consists primarily of messages, but may include attachments such as calendars, directories, distribution lists, word processing documents, spreadsheets, and other electronic documents.

**Litigation Hold**

A communication ordering that all records and data relating to the subject of a dispute being addressed by current or impending litigation be preserved for possible production in the litigation.

**Records**

Information, regardless of physical form or characteristics, that document a transaction or activity of the District and that is created, received, or retained pursuant to law or in connection with a transaction, business or activity of the District. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

**Records Management Plan**

The system implemented by the District for the

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retention, retrieval, and disposition of all records generated by District operations.

**Records Retention Schedule**

A comprehensive listing stating retention periods and proper disposition of records.

**Records Management Committee**

A committee responsible for the development and recommendation of the District's Records Management Plan shall be established by the Board. The Records Management Committee shall give primary consideration to the most efficient and economical means of implementing the recommended Plan. Members of the Committee shall include the:

1. Open Records Officer;
2. Superintendent;
3. Board Secretary;
4. District Solicitor; and
5. Information Technology Director or Designee.

The Records Management Committee shall meet periodically to evaluate the effectiveness and implementation of the Records Management Plan and recommend changes as needed.

**Records Coordinator**

In order to maintain a Records Management Plan that complies with federal and state laws and

4. Delegation of Responsibility

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regulations and Board policy, the Board designates the Superintendent as the District's Records Coordinator, with the understanding that the Superintendent shall have the authority to delegate various aspects of these responsibilities to persons employed by the School District in relevant positions, as determined by the circumstances.

The Records Coordinator shall be responsible to:

1. Ensure that training appropriate to the user's position and level of responsibility is provided. Such training may include:
  - (a) Operation, care and handling of the equipment and software;
  - (b) Requirements of the records retention schedule;
  - (c) Protocols for preserving and categorizing District records;
  - (d) Identification of what is and what is not a record;
  - (e) Disposal of records.
2. Review the Records Management Plan periodically to ensure that record descriptions and retention periods are updated as necessary.
3. Identify, when the retention period expires, the specific records to be disposed of and ensure that all identified records are properly disposed of at least annually or at other regular intervals.

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5. Guidelines

**Records Management Plan**

The District's Records Management Plan shall be the principal means for the retention, retrieval, and disposition of manual and electronic records, including e-mails. The Plan shall not rely primarily on backup systems to manage the retention and disposition of records.

The Records Management Plan shall include:

1. Comprehensive listing of records and data of the District.
2. Criteria to distinguish official records of the District from the supplemental personnel records of individual employees.
3. System(s) of records storage and retrieval to be used, including in what form the records will be stored, maintained, reproduced, and disposed.
4. Preservation measures to protect the integrity of records and data.
5. Data map or flow chart detailing the sources, routes, and destinations of electronic records.
6. Procedures and employee designated for determining whether an item is a record.
7. Procedures for adding, revising or deleting records and data, and any other details necessary to implement the Records Management Plan.
8. Records retention schedule.

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9. Provisions for the storage and retrieval of records in the event of an emergency or disaster.
10. Positions authorized to access District records.
11. Procedures to be implemented in the event of litigation hold that immediately suspends disposition of all records relevant to the current or potential claim. Such procedures shall specify:
- (a) Who can initiate a litigation hold;
  - (b) How and to whom a litigation hold is communicated;
  - (c) Who will determine which records are subject to the litigation hold;
  - (d) Who will be responsible for collecting such records;
  - (e) In what format the records will be collected.

When possible, records and data shall be stored in their original form, including metadata, such as creation date, author, type of file, etc.

For any record not covered by the retention schedule, the Records Management Committee shall determine how long the record shall be kept and recommend any necessary revisions to the retention schedule.

The District shall maintain and dispose of records in a manner that protects any sensitive, proprietary or

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confidential information or individual privacy rights, and helps conserve natural resources.

**Manual Records**

Manual records, which include all records not stored electronically, shall be retained and disposed of in accordance with the Records Management Plan.

Manual records shall be indexed in an organized and consistent manner, reflecting the way the records will be retained and referenced for later retrieval.

The District shall develop and maintain adequate and up-to-date documentation about each manual record system. Documentation may:

- (a) List system title and responsible employee(s) or office.
- (b) Define the contents of the system, including record formats.
- (c) Identify vital records and information.
- (d) Determine restrictions on access and use.

**Electronic Records**

Electronic records shall be retained and disposed of in the same manner as records in other formats and in accordance with the Records Management Plan.

Electronic records shall be indexed in an organized and consistent manner, reflecting the

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way records will be retained and referenced for later retrieval.

The District shall develop and maintain adequate and up-to-date documentation about each electronic record system. Documentation may:

1. List system title and responsible employee(s) or office.
2. Specify all technical characteristics necessary for reading or processing the records stored on the system.
3. Identify all defined inputs and outputs of the system.
4. Define the contents of the system, including records formats and database tables.
5. Identify vital records and information.
6. Determine restrictions on access and use.
7. Describe update cycles or conditions.

**E-mail Records**

E-mail messages, in and of themselves, do not constitute records. Retention and disposition of e-mail message depends on the function and content of the individual message. A staff member who has an email that is pertinent to a project or an issue, or which otherwise meets the definition of "record" set forth herein, needs to properly archive the email (and all attachments thereto) electronically, or to paper file it within the proper file.

For each e-mail considered to be a record, the following information (at a minimum) shall be retained:

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1. Message content;
2. Name of sender;
3. Name of recipient; and
4. Date and time of transmission and/or receipt.

Records on an e-mail system, including messages and attachments, shall be retained and disposed of in accordance with the District's Records Management Plan. E-mail records may be maintained as an electronic record or be printed and maintained as a manual record.

E-mail messages and attachments that do not meet the definition of records shall be deleted as required by the Records Management Plan.

**E-Mail Archival**

The District does utilize an archival e-mail server. E-mail is archived for six (6) months, after which it is automatically deleted.

Any staff member who has an e-mail that is pertinent to a project, issue, etc., needs to personally archive the e-mail. Users can also paper file any e-mail.

E-mail and computer logs are only kept for the purpose of recovering from severe hardware failure and for network maintenance. It is the responsibility of the individual and/or department to properly save and file e-mails after they are read.

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**Contractors**

Records created or maintained by contractors employed by the Board shall be retained and disposed of in accordance with the Records Management Plan.

References:

School Code – 24 P.S. Sec. 433, 518

Right-to-Know Law – 65 P.S. Sec. 67.101 et seq.

Family Educational Rights and Privacy Act  
20 U.S.C. Sec. 1232g

Federal Rules of Civil Procedure – 16, 26, 34, 37,  
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**APPENDIX A – LITIGATION HOLD**

When the District receives notice that the District is involved in litigation as a party to a lawsuit, the District is issued a subpoena by a party to a lawsuit in which it is not a party, an investigation concerning the District has commenced or may commence, or the District receives information that would lead a reasonable person to anticipate the possibility of litigation, the District will immediately take steps to ensure that any records and data that could be related to the ongoing litigation/investigation or potential litigation/investigation are preserved from deletion or destruction.

Actions to preserve records and data will include, but not be limited to, postponing or canceling any automatic deletion of electronically stored information until relevant information and documents can be identified and stored, notifying employees of a litigation hold to prevent the deletion and destruction of records and data that might be related to the litigation/investigation or potential litigation/investigation, and identifying records and data that are subject to preservation.

A litigation hold triggers the duty to preserve records and data that could otherwise be deleted or destroyed under the District's Records Management Plan.

The District Solicitor(s) will be responsible for issuing a litigation hold that specifically describes the types of records and data that must be preserved and describes how those materials are to be maintained and stored. The litigation hold will be sent directly to the Records Coordinator,

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**APPENDIX A – LITIGATION HOLD**

who will acknowledge receipt of the litigation hold. The litigation hold may be communicated initially by phone, but will be followed by a written notification (fax, email or letter).

The Records Coordinator, in consultation with the District Solicitor(s), will decide which records and data are subject to the litigation hold and in which form the records will be retained or produced.

The Records Coordinator will be responsible for:

1. Coordinating the collection and preservation of records and data that are subject to the litigation hold.
2. Monitoring and ensuring the District's compliance with the litigation hold.
3. Checking periodically on the status of a litigation hold.
4. Ensuring that all steps taken by the District to identify and preserve relevant records and data are documented.

The Solicitor will inform the Records Coordinator of changes as they occur.

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**APPENDIX B  
RECORDS RETENTION SCHEDULE**

**How to Use the Records Retention Schedule**

The Records Retention Schedule lists records that are created, received or retained as a result of District operations. The schedule includes a description of the records, format in which the records will be retained, classification of the records, retention period, and disposal code. The following information will assist in applying this schedule.

**Record Formats**

Media codes are used to identify the format(s) that the District may choose to maintain specified records and are assigned as follows:

- A. Paper
- B. Microform
- C. Electronic (machine readable)
- D. Audiovisual (tapes, movies, film strips, etc.)
- E. Cartographic (maps, drawings, blue prints, plans, etc.)
- F. Photographic

**Retention Periods**

Retention periods listed on the schedule are given in years, unless otherwise indicated. Upon expiration of the retention period, all identified records will be disposed of in accordance with Board policy and this schedule.

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**APPENDIX B  
RECORDS RETENTION SCHEDULE**

**Disposal Codes**

Disposal codes are used to direct the final disposition of records. Records must be disposed of according to the assigned code listed on the schedule. Assigned disposal codes are as follows:

- 1. Routine Handling** – No special precautions are necessary upon disposal. The records should be recycled or disposed of in accordance with standard District procedures.
- 2. Special Handling** – The destruction of records containing privileged, confidential, exempt or sensitive information that requires special handling by shredding, burning, erasing or any other method that reduces information to an illegible condition.
- 3. Archival Retention** – Records requiring permanent retention or records that have sufficient archival or historic value must be preserved in perpetuity.
- 4. Delete** – For use with electronic records. When electronic records have met their retention period, they will be deleted.

**Records Not On Schedule**

For any record not covered by the retention schedule, the Records Management Committee will determine how long the record must be kept and recommend any necessary revisions to the retention schedule.

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
<b>Administrative Records</b>			
Feasibility Studies	A, C	3	1, 4
PSSA Results	A, C	Permanent	3
Public Record Requests	A, C	1 from date received <sup>1</sup>	1, 4
School District Report Cards	A, C	Permanent	3
Strategic Plan	A, C	One (1) copy permanent	3
<b>Benefits / Insurance Records<sup>2</sup></b>			
Claims	A, C	6 after settlement	2, 4
COBRA Records	A, C	6 <sup>3</sup>	
Enrollment Forms	A, C	Term of benefits plus 6	2, 4
Policies / Plans / Contracts	A, C	6 after expiration	1, 4
<b>Child Labor Records</b>			
Applications for Work Permits	A, C	2 after graduation <sup>4</sup>	2, 4

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
Employment Report from Employer	A, C	2 <sup>5</sup>	2, 4
<b>Complaints / Challenges</b>			
Investigation Records	A, C, D, E, F	6 after final resolution	2, 4
Made by District Employee(s)	A, C	6 after final resolution <sup>6</sup>	2, 4
Regarding District Employee(s)	A, C	6 after employment ends	2, 4
Regarding Instructional Materials or District Programs	A, C	6 after final resolution	1, 4
<b>District Organization Records</b>			
District Boundaries / Attendance Areas	A, C, E	Permanent	3
Photographs / Movies of Historical Value	C, D, F	Permanent	3
<b>Employment Contracts</b>			
Administrative Compensation Plan	A, B, C	One (1) copy permanent	3
Collective Bargaining Agreements	A, B, C	One (1) copy permanent	3
Individual Employment Contracts/ Board Resolutions	A, C	4 after employment ends	1, 4

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
<b>Facility Use Records</b>			
Applications	A, C	6	1, 4
Fee Schedule(s)	A, C	Current	1, 4
<b>Financial Records<sup>7</sup></b>			
Accounts Payable	A, C	6	1, 4
Accounts Receivable	A, C	6	1, 4
Adopted Annual Budget	A, B, C	10	1, 4
Annual Financial Reports	A, B, C	Permanent	3
Annual Audit Reports	A, B, C	Permanent	3
Bank Statements	A, C	6	1, 4
Check Registers	A, C	6	1, 4
Deposit Slips	A, C	6	1, 4
General Ledger	A, B, C	Permanent	3

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
Grant Records (Successful)	A, C	6 after close of grant	<b>1, 4</b>
Investment Records	A, B, C	6 after cancellation	<b>1, 4</b>
Purchase Orders / Invoices	A, C	6	1, 4
Tax Collection Records	A, C	6	1, 4
<b>Free and Reduced Lunch Program Records<sup>8</sup></b>			
Accounts / Audits	A, C	3 – 5	1, 4
Application for Participation	A, C	3 – 5	2, 4
Program Requirements	A, C	3 – 5	1, 4
<b>Grievances / Arbitrations</b>			
Complaint	A, B, C	Permanent	3
District Response	A, B, C	Permanent	3
Final Ruling / Decision of Arbitrator	A, B, C	Permanent	3

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
<b>Litigation Files</b>			
Pleadings, Motions, Briefs, Other Filings	A, B, C	7 after final conclusion of litigation	1, 4
Decision / Ruling	A, B, C	7 after final conclusion of litigation	1, 4
<b>Medical Records</b>			
Medical Documentation (Employee Leave, Accommodations)	A, C	6 after employment ends	2, 4
Medical Records / Information (Employee)	A, C, D, E	6 after employment ends <sup>9</sup>	2, 4
Medical Records / Information (Employee Exposure to Toxic/Harmful Substances)	A, C, D, F	30 after employment ends <sup>10</sup>	2, 4
Medical Records / Information (Students)	A, C, D, F	2 after enrollment ends <sup>11</sup>	2, 4
Pre-Employment Medical Examination <sup>12</sup>	A, C	6 after employments ends <sup>13</sup>	2, 4
<b>Payroll Records<sup>14</sup></b>			
Deduction Authorizations	A, C	6	2, 4
Direct Deposit Forms	A, C	6	2,4

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
Employee Earnings Statements (Pay Stubs)	A, C	6 <sup>15</sup>	2, 4
Time Cards / Sheets	A, C	6 <sup>16</sup>	1, 4
Wage and Tax Statements (W-2 Forms)	A, C	6 <sup>17</sup>	2, 4
Withholding Allowance Certificates (W-4 Forms)	A, C	6 after superseded OR employment ends <sup>18</sup>	2, 4
<b>Personnel Records<sup>19</sup></b>			
Acknowledgement of Receipt (Handbooks / Policies)	A, C	6 after superseded OR employment ends	1, 4
Advertised Job Openings / Postings	A, C	4 after position filled <sup>20</sup>	1, 4
Attendance Records (Employees)	A, C	6 after employment ends	1, 4
Background Check Documentation <sup>21</sup>	A, C	6 after employment ends	2, 4
Change(s) in Status (Promotion / Transfer / Furlough / Recall)	A, C	6 after employment ends <sup>22</sup>	2, 4
Continuing Education / Professional Development	A, C	6 after employment ends	2, 4
Credentials (Certificates / Licenses)	A, C	6 after employment ends	1, 4
Discipline Records (Employees)	A, C	6 after employment ends	2, 4

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
Employment Application / Resume (Hired)	A, C	6 after employment ends	2, 4
Employment Application / Resume (Not Hired)	A, C	4 after position filled <sup>23</sup>	2, 4
Employment Eligibility Verification (Form I-9 and Documentation)	A, C	6 after employment ends <sup>24</sup>	2, 4
Equal Employment Opportunity Reports and Demographics	A, C	3 <sup>25</sup>	1, 4
Evaluation (Employees)	A, C	6 after employment ends	2, 4
Job Description	A, C	6 after employment ends	1, 4
Leave Records (FMLA) <sup>26</sup>	A, C	6 after employment ends <sup>27</sup>	2, 4
Leave Records (Other)	A, C	6 after employment ends	2, 4
Offer of Employment (Accepted)	A, C	6 after employment ends	1, 4
Pre-Employment Reference Checks <sup>28</sup>	A, C	6 after employment ends	2, 4
Resignations	A, C	6 after employment ends	1, 4
Retirement Records	A, B, C	Permanent	2, 4
Training Certificates / Information	A, C	6 after employment ends	1, 4

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
User Agreement(s)	A, C	6 after employment ends	1, 4
<b>Property Records</b>			
Building Blueprints	C, E	Permanent	3
Construction Contracts	A, B, C	12 after completion <sup>29</sup>	1, 4
Deeds and Related Records	A, B, C	Permanent	3
Equipment Inventories	A, C	6	1, 4
Fixed Asset List	A, B, C	Permanent	3
Inventory Disposal Records	A, C	3 after disposition	1, 4
Leases (Real Estate)	A, B, C	Permanent	3
Leases (Equipment / Vehicles)	A, B, C	6 after expiration	1, 4
Pesticide Application Record	A, C	3 <sup>30</sup>	1, 4
Real Property Purchase or Sale	A, B, C	Permanent	3

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
<b>Purchasing Records (Goods and Services)</b>			
Advertisements	A, B, C	6 after completion	1, 4
Bid Documents (Accepted)	A, B, C	6 after completion <sup>31</sup>	1, 4
Bid Documents (Declined)	A, C	3 after completion <sup>32</sup>	1, 4
Financial Information of Bidders	A, C	3 after completion	2, 4
Specifications	A, B, C	6 after completion	1, 4
Written or Telephone Price Quotations	A, C	3 after completion <sup>33</sup>	1, 4
<b>Safety Records</b>			
Accident Reports	A, C	6 <sup>34</sup>	2, 4
Emergency Preparedness Plan	A, C	2 after revised <sup>35</sup>	1, 4
Material Safety Data Sheets (MSDS)	A, C	30 <sup>36</sup>	1
Safe School Act Reports	A, B, C	Permanent <sup>37</sup>	3
Visitor Registration	A, C	5	1, 4

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
<b>School Board Records</b>			
Board Meeting Agendas	A, C	1	1, 4
Board Minutes (Approved)	A, B, C	Permanent <sup>38</sup>	3
Board Policies and Procedures (Current)	A, B, C	Permanent	3
Board Policies and Procedures (Old)	A, B, C	Permanent	3
Ethics Statement of Financial Interest	A, C	5 <sup>39</sup>	1, 4
<b>Student Records</b>	<b>Refer to Student Records Plan<sup>40</sup></b>		
<b>Transportation Records (Drug/Alcohol Testing)<sup>41</sup></b>			
Negative or Below Limit Test Results	A, C	1	2, 4
Positive or Above Limit Test Results	A, C	5	2, 4
Records Related to Collection Process	A, C	2	2, 4
Records Related to Education and Training	A, C	2 after employment ends	2, 4

## RECORDS RETENTION SCHEDULE

Record Description	Record Format	Retention Period (in years)	Disposal Code
Refusal to Take Required Test	A, C	5	2, 4
<b>Workers' Compensation Records</b>	A, B, C	7 after claim closed <sup>42</sup>	2, 4

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<sup>1</sup>65 P.S. Sec. 67.502(b)(2)(iii) requires that an electronic or paper copy of the written request and all documents submitted with the request be maintained either 1) until the request has been fulfilled; 2) if the request is denied, for thirty (30) days; or 3) if an appeal is filed, until a final determination is made or the appeal is deemed denied. Keeping from 1 year of date request received would be safe for all periods in the Act, establish some precedent for the open records officer, and give evidence of repeated requests (burdensome). 67.506(a).

<sup>2</sup>29 CFR Sec. 1627.3(b)(2) requires employers to keep "benefit plans" for the term of the plan plus at least 1 year after termination.

<sup>3</sup>Retention period not specified in COBRA but recommended that records be retained in accordance with FRISA, See 29 U.S.C. Sec. 1027.

<sup>4</sup>PDE recommendation — FAQs for PA Child Labor Law.

<sup>5</sup>43 P.S. Sec. 58.1(d) requires school districts to keep the required employment report/information for 2 years.

<sup>6</sup>29 CFR Sec. 1602.14 and 1627.3(b)(3) require retention of relevant records until final disposition.

<sup>7</sup>SC 518 requires permanent retention of annual auditor's reports and annual financial reports. SC 518 also requires districts to maintain all other financial records for at least 6 years.

<sup>8</sup>7 CFR Sec. 210.9 requires free and reduced lunch accounts and records to be maintained for a minimum of 3 years. If a federal audit is being conducted, records must be kept until the audit is completed. SC 1337(e) requires free and reduced lunch accounts and records to be maintained not in excess of 5 years.

<sup>9</sup>29 CFR Sec. 1627.3 (b)(1)(v) requires the results of any physical examination to be kept for at least 1 year from the date of the personnel action which the records relate when the exam results are considered in connection with any personnel action. If an enforcement action is under way, the required records shall be maintained until final disposition.

<sup>10</sup>29 CFR Sec. 1910.1020(d)(1)(i) requires the retention of "employee medical records" for at least the duration of employment plus 30 years. 29 CFR Sec. 1910.1020(d)(1)(ii) requires the retention of "employee exposure records" for at least 30 years. Terms are defined in 29 CFR Sec. 1910.1020(0)(5), (6). See 29 CFR Sec. 1910.1020(b) for applicability.

<sup>11</sup>SC 1409, 28 PA Code Sec. 23.55.

<sup>12</sup>42 U.S.C. Sec. 12112(d)(3)(13), 29 CFR Sec. 1630.14(e)(1) requires that this information be collected on separate forms, kept in separate files and be treated as confidential medical records.

<sup>13</sup>29 CFR Sec. 1627.3 (b)(1)(v) requires the results of any physical examination to be kept for at least 1 year from the date of the personnel action which the records relate when the exam results are considered in connection with any personnel action. If an enforcement action is under way, the required records shall be maintained until final disposition.

<sup>14</sup>29 CFR Sec. 516.5, 516.6, 1620.32 and 1627.3(a) require retention of specified payroll records/information for at least 1-3 years. SC 518 requires retention of financial records for at least 6 years.

<sup>15</sup> 29 CFR Sec. 516.6(c)(1) requires retention of records of additions to or deductions from wages paid for at least 2 years.

<sup>16</sup> 29 CFR Sec. 516.6(a)(1) requires retention of time cards/sheet for at least 2 years when used to determine pay period earnings or wages.

<sup>17</sup> 26 CFR 31.6001.1(e)(2) requires the retention of tax records for at least 4 years after the due date of the tax for the return period that the records relate or the date the tax is paid, whichever is later. PHMC recommendation for local governments was 4 years.

<sup>18</sup> 26 CFR 31.6001.1(e)(2) requires the retention of tax records for at least 4 years after the due date of the tax for the return period that the records relate or the date the tax is paid, whichever is later. PHMC recommendation for local governments was 4 years.

<sup>19</sup> 29 CFR Sec. 1602.14 requires employers to keep any personnel or employment records for at least 1 year from the date of making the record or the personnel action involved, whichever is later. If a claim is filed or action is under way, the relevant records shall be maintained until final disposition.

<sup>20</sup> 29 CFR Sec. 1627.3 (b)(1)(vi) lists records to be kept for 1 year. if enforcement action is under way, the required records shall be maintained until final disposition.

<sup>21</sup> 22 PA Code Sec. 8.2(d) states that criminal history information is confidential and not available to anyone not involved in hiring decision. 23 Pa C.S.A. Sec. 6344.2. 55 PA Code Sec. 3490.132 requires an administrator to keep the clearance statement in the employee's file

<sup>22</sup> 29 CFR Sec. 1627.3 (b)(1)(i) lists records to be kept for 1 year. If an enforcement action is under way, the required records shall be maintained until final disposition. Statute of limitations under 42 U.S.C. 1981 is 4 years.

<sup>23</sup> 29 CFR Sec. 1627.3 (b)(1)(i) lists records to be kept for 1 year. If an enforcement action is under way, the required records shall be maintained until final disposition. Statute of limitations under 42 U.S.C. 1981 is 4 years.

<sup>24</sup> 8 U.S.C. Sec. 1324a(b)(3) and 8 CFR Sec. 274a.2(b)(2)(i)(A) requires retention for 3 years after the date of the hire or 1 year after the date the individual's employment is terminated, whichever is later.

<sup>25</sup> 29 CFR Sec. 1602.39, 1602.41 requires form EEO-5 and records necessary to complete EEO-5 to be maintained for 3 years. 1602.40 lists personnel records that must be kept for 2 years.

<sup>26</sup> 29 CFR Sec. 825.500(g) requires medical records and documents created for FMLA purposes be maintained as confidential medical records in separate files from the usual personnel files.

<sup>27</sup> 29 CFR Sec. 825.500(b) requires specified FMLA records to be kept for no less than 3 years.

<sup>28</sup> 43 P.S. Sec. 1321 defines "personnel file" to exclude "letters of reference".

<sup>29</sup> 42 Pa. C.S.A. Sec. 5536 states that civil actions regarding construction projects must be commenced within 12 years after completion of the construction.

<sup>30</sup> SC 772.2(b)(2) requires each school to maintain detailed records of all chemical pest control treatments for at least 3 years.

<sup>31</sup> PHMC recommendation for municipal governments — administrative and legal — contract files.

<sup>32</sup> PHMC recommendation for municipal governments — administrative and legal — contract files.

<sup>33</sup> SC 751 and 807.1 require the retention of written price quotations and written records of telephonic price quotations for 3 years.

<sup>34</sup> 29 CFR Sec. 1904.33(a) requires the retention of the OSHA incident report forms for 5 years following the end of the calendar year that the records cover.

<sup>35</sup> 35 Pa. C.S.A. Sec. 7701(g) requires plan to be reviewed annually and updated as necessary.

<sup>36</sup> 29 CFR Sec. 1910.1020(c)(5) defines "employee exposure records" to include material safety data sheets (MSDS) indicating that the material may pose a hazard to human health. See 29 CFR Sec. 1910.1020(d)(1)(ii) for exceptions and alternate records.

<sup>37</sup> SC 1317.2 (13EC) Sec. IV issued July 1 2002, SC 1307-A also requires school entities to maintain records of all applicable incidents but does not list retention period(s).

<sup>38</sup> SC 518 requires permanent retention of the "minute book" of each district.

<sup>39</sup> 65 Pa. C.S.A. Sec. 1107(9) requires the retention of financial interest statements for 5 years from date of receipt.

<sup>40</sup> 22 PA Code Sec. 12.32 requires each district to develop a plan for the collection, maintenance and dissemination of student records.

<sup>41</sup> 49 CFR 382.401 lists applicable retention periods. 49 CFR 3 82.405 puts limits on release of records.

<sup>42</sup> SCS recommendation.