

Policy G-43

RECORDS ACCESS AND RETENTION

Introduction

The Miami County Board of Developmental Disabilities, Riverside (MCBDD) understands its responsibility to create a variety of documents and records and to make records available to the public within legal parameters. It is the policy of MCBDD to adhere to the state's Public Records Act and to maintain employee and consumer confidentiality as specified in law and rule.

MCBDD also recognizes the need for appropriate and legal records retention. Such retention serves to preserve important records pertaining to Board activities, eligible individuals and staff.

By evolution, many historic permanent records are retained in paper format in centralized old records storage sites, either on or off premises.

More recently, document imaging technology is employed in many departments to convert paper documents into electronic format. All such records remain guided by the retention schedule but will typically replace retention of the paper record. Once paper records are converted to electronic format, the paper record can typically be destroyed once the conversion to electronic format is verified as complete and appropriate.

In cases of official original government documents such as birth certificates, if the original cannot be returned to the person in question, his or her parent or guardian or responsible family member, the original paper document will be retained permanently in an onsite file location specific for such type of record.

I. Records of Eligible Individuals

- A. All information maintained in an eligible individual's file, including information contained in a computer directory or disk, is considered confidential. The content of these records is never the subject for discussion, except among members of the individual's planning team.
- B. Appropriate safeguards will be applied to protect active or closed confidential records and minimize the possibility of loss or destruction.
- C. An eligible individual's records will not contain the name or identifying information of any other consumer of MCBDD Board services.
- D. The Superintendent or designee will insure confidentiality in the handling of all information of each person.
- E. All information will be maintained and disseminated in accordance with the Board's policy on confidentiality (G-8) and release of information (G-29).

F. Access to Eligible Individual Records

The Information Technology Department staff will grant access to consumer records based on staff position.

G. Acquisition of Eligible Individual Information

To effectively operate programs, the Board requires specific consumer information prior to participation in MCBDD Board programs and services. These requirements are as specified in Appendix A of this policy.

H. Review of Eligible Individuals' Records

Semi-annually the Service and Support Administration Manager (SSAM) or his or her designee will review a representative sample of individual records to measure their adequacy and completeness relative to record keeping requirements. The SSAM or his or her designee will also review the files to insure appropriate disclosure of individual information.

II. Fiscal Records

MCBDD will maintain fiscal records that comply with the county and state auditor's requirements in section 149.38 of the Ohio Revised Code (ORC).

III. Personnel Records

A. MCBDD will maintain personnel records that contain, at a minimum, the following:

1. Signed statements regarding criminal background checks completed in accordance with section 5126.28 of the ORC;
2. Name, permanent and current address, telephone number, and person to notify in case of emergency;
3. Job description, which includes the essential functions of the job and requirements for certification, registration or license;
4. Records of accrued and used sick leave and vacation leave;
5. Record of permanent or temporary certification, license or registration, as applicable;
6. Bus driver annual physical examination form, as applicable;
7. Records of in-service training;
8. Personnel action forms;
9. Annual performance evaluations signed by the immediate supervisor, the superintendent or his or her designee; and the employee;
10. Payroll information;
11. Application forms;
12. Employment Not Covered by Social Security Notice;
13. Driving Abstract;
14. Acknowledgment Regarding Electronic Signature;
15. Outside Employment Acknowledgment;
16. Mastectomy Reconstructive Surgery Notice
17. Acknowledgement of review of Ethics Policy

- B. 1. MCBDD will maintain in a separate medical file a record of a physical examination current within sixty days of the date of hire (a physical examination completed within one year prior to the date of hire is acceptable). MCBDD will

not require the applicant to pay the cost of a physical examination as a condition of employment.

2. Other medical information gathered over time regarding periodic employee health issues or information required by policy will also be maintained in the medical file. Examples include medical releases to return to work, confirmations from doctors to excuse employee absence due to medical conditions, Family Medical Leave Act (FMLA) documentation, etc.

IV. Public Records

- A. MCBDD defines public records as: any document, device or item - paper, electronic (including, but not limited to e-mail), or other format - that is created or received by or comes under the jurisdiction of MCBDD, which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Board. Records of MCBDD Board eligible individuals are not public records and will be disclosed only in accordance with state and federal law.
- B. Public records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules will be updated regularly and posted prominently at all MCBDD property locations.

V. Public Record Requests

- A. A requester must at least identify the public records requested with sufficient clarity to allow MCBDD to identify, retrieve and review the public records. If it is not clear what public records are being sought, the MCBDD may deny a request but will provide the requester an opportunity to revise the request by informing the requester of the way public records are maintained by MCBDD and accessed in the ordinary course of the MCBDD Board's business.
- B. MCBDD may ask a requester to make the request in writing, may ask for the requester's identity, and may ask the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use.
- C. Public records will be available for inspection during regular business hours except for published holidays. MCBDD's regular business hours are 8:00 a.m. to 4:30 p.m. although these hours may change from time to time. Public records will be made available for inspection promptly. Copies of public records will be made available within a reasonable period. "Prompt" and "reasonable" consider, among other things, the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.
- D. Ohio law contains certain exemptions from disclosure. With respect to each request, MCBDD will determine whether an exemption applies to prohibit disclosure or permit non-disclosure of the requested records. If a public record contains information that does not constitute a public record in accordance with federal or state law, such information will be redacted. MCBDD will make the redaction plainly visible or notify the requester of the redaction. When a redaction is required or authorized by state or federal law, it is not considered a denial of a request. A denial of public records in response to a valid request will be accompanied by any explanation, including legal authority, as

- required by law. If the request is in writing, the explanation must also be in writing.
- E. Those seeking public records will be charged only the actual cost of making copies. The charge for paper copies is \$0.10 cents per page. The charge for downloaded computer files to a compact disc is \$0.50 per disc. There is no charge for documents emailed.

VI. Email

- A. Documents in electronic mail format are public records as defined by the Ohio Revised Code when their content relates to the business of the MCBDD Board. Email is to be treated in the same fashion as records in other formats and will follow the same retention schedules.
- B. Records in private email accounts used to conduct public business are subject to disclosure, and all employees or representatives of MCBDD are instructed to retain their emails that relate to public business and to copy them to their business email account and/or to MCBDD's record custodian.
- C. The records custodian will treat the emails from private accounts as records of the public office, will file them in the appropriate way, will retain them pursuant to established schedules, and will make them available for inspection and copying in accordance with the Public Records Act.

VII. Records Retention

- A. Public records are defined in Ohio Revised Code 149, which is the Ohio Public Records Act. Compliance with the law is accomplished through the Board's record retention schedule, which is included as Appendix B of this policy and, as per ORC 149.38, has been approved by the Miami County Records Commission. Any changes to the retention schedule or any one-time destruction of records must also be approved by the Commission.
- B. The Business Director has overall responsibility for the oversight of the records retention process.
- C. Each director is responsible to ensure that all records within his or her department are reasonably defined in the retention schedule.
- D. At least annually, the Business Director will review the status of records and any retention issues with each director.
- E. Active or current paper records will generally be retained within the work group most, or last, involved with the processing of the document. Anytime such paper records are to be removed to a longer term storage location, the employee in the work group will place the documents in prescribed record storage boxes in appropriate name, date or number sequence. The storage box must be appropriately labeled as to contents and include indication as either a permanent record or the future destruction date.
- F. The employee/manager with the records going to storage must accompany such records to the designated site and ensure such records are properly located in the storage area.
- G. The employee/manager is responsible to conduct periodic review of records in long term storage to assess the need for organization and/or destruction of records past the destruction date. The review should be done at least annually.
- H. Any hardcopy records being destroyed that are not also in electronic format, must be appropriately recorded for Historical Society purposes and destruction method and

oversight coordinated between the manager of the records and the Business Director.

I. Electronic Files

1. All electronic files are backed up within MCBDD's server system. Important data files are stored on external cloud storage through carbonite.
2. Retention for most electronic records is perpetual, moving off server storage to storage arrays based on server capacity.
3. Information initially stored electronically, when particularly pertinent to other electronic or hardcopy files, should be copied to those files for retention and then retained according to the specifics of the record. For example, personnel, financial or individuals' files are maintained electronically in OnBase files. Items relative to those headings, such as email should be electronically copied to the appropriate files under those headings.
4. General email records may be purged from record after one year. General email is defined as correspondence that contains no relevance to individuals or employees that a reasonable person would not require for historical purposes or is otherwise retained in another business format.
5. After this retention, no access is available for general email correspondence on matters of recovery or disclosure to public records request unless otherwise previously saved in more specific relevant personnel, financial or eligible individual record (either hardcopy or electronic) which is retained for longer periods of time.

Effective date of this policy: **February 22, 2021**

Prior effective dates: 02/25/19; 10/15/18; 02/27/17; 01/26/15; 01/23/12; 01/21/10
Rescinds: CS-14a; 14-b; 14-c; 14-d; AS-19; AS-19-a; AS-21;
AS-21-1; AS-29; and P-42

Reference: 45 CFR 164.530(c); ORC 149, 5126.044; OAC 5123:2-1-92(1), 5123:2-4-01(C)(2)(b), 5123:2-3-13(8)

Lori Meyer 2/22/21
PRESIDENT DATE

Brian J. Juen 2/22/21
SUPERINTENDENT DATE

Stacy Pettit 2/25/2021
HR DIRECTOR DATE

Policy G-43a

RECORDS ACCESS AND RETENTION – Appendix A

Documentation Required by Programs and Services

I. Eligibility Determination

- A. Verification of Birth
- B. Social Security Number
- C. Medicaid Card (if eligible)
- D. Guardianship / Custody Paperwork
- E. Eligibility Determination Paperwork
 - 1. Age Birth-2 -- Part C Eligibility Confirmation
 - 2. Age 3-5 - MFE
 - 3. Ages 6-15 -- COEDI, FED, Diagnosis Documentation
 - 4. Ages 16+ -- OEDI, FED, Diagnosis Documentation

II. Service and Support Administration

- A. Individual Service Plan / Reviews and Revisions / Meeting notifications
- B. Referrals for services
- C. Demographics Form
- D. Permission Form w/ Emergency Contact Information
- E. Health Insurance Information
- F. WL Discussion Guide and Priority Assessment, if applicable
- G. Unusual Incident and Accident Reports
- H. Release Forms

III. Early Intervention Program - All for Eligibility and SSA plus:

- A. Application for enrollment
- B. A comprehensive assessment
- C. A health record dated within ninety days of application for enrollment and updated at least annually. This record shall include ongoing pertinent health information, updated immunization record or the exemption or waiver where an immunization is medically contraindicated, a list of medications, a list of any allergies and treatments, and authorization for emergency medical treatment.

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Lori Meyer 2/22/21
PRESIDENT DATE

Brian W. Lee 2/22/2021
SUPERINTENDENT DATE

Stacy Pettit 2/25/2021
HR DIRECTOR DATE



POLICY G-43b – Appendix B
RECORDS RETENTION SCHEDULE (RC-2) – Part 2

Section E: Records Retention Schedule

MIAMI COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

(local government entity)

(unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or OHS-LGRP
09-00001	<p>Personnel</p> <p>Employee Personnel Files</p>	50 years after employment ends and no longer of administrative or legal value, then appraised for historical value	<p>* All active personnel file & training records as of 08/08 converted to digital format, paper record destroyed. Medical paper records retained. New records converted and paper destroyed after 30 days.</p> <p>Paper*</p>	
09-00002	Applications for OPERS or STRS refund or waivers	Retain in employee personnel file	Paper*	
09-00003	Employee personnel data forms-termination, resignation, dismissal, promotion, hire and salary adjustments	Retain in employee personnel file	Paper*	
09-00004	Family medical leave act (employee file)	Retain in employee personnel file	Paper*	
09-00005	Employee orientation checklist	Retain in employee personnel file	Paper*	



09-00006	Application for employment-hired (may include resumes, letters of reference)	Retain in employee personnel file	Paper*	
09-00007	Pre-employment investigations and interviews-hired	Retain in employee personnel file	Paper*	
09-00008	Personnel actions-commendations, discipline, etc. (to include ORC 124:34 form)	Retain in employee personnel file	Paper*	
09-00009	Occupational health examination results-hired	Retain in employee medical file	Paper*	
09-00010	Pre-employment controlled substance testing results-hired	Retain in employee medical file	Paper*	
09-00011	Employee applications and resumes	Retain in employee personnel file	Paper*	
09-00012	Employee exit interviews	Retain in employee personnel file	Paper*	
09-00013	Conditional offer of employment	Retain in employee personnel file	Paper*	
09-00014	Resignation letters	Retain in employee personnel file	Paper*	
09-00015	New employee checklist, pre-service orientation checklist and training checklist	Retain in employee training file	Paper*	
09-00016	Acknowledgement of receipts of policies, procedures, rules and regulations and conditions of employment	Retain in employee personnel file	Paper*	
09-00017	Pre-employment physicals-hired	Retain in employee medical file	Paper*	



09-00018	Background investigations-hired	Retain in employee BCI file	Paper*	
09-00019	Copy of employee high school diploma/GED (including verification form)	Retain in employee personnel file	Paper*	
09-00020	Copy of transcript of college trade or vocational education (including verification form)	Retain in employee personnel file	Paper*	
09-00021	Annual in-service training	Retain in employee training file	Paper*	
09-00022	Employee professional certifications and certificates (copy)	Retain in employee personnel file	Paper*	
09-00023	Acknowledgement of receipt of Ohio's ethics policy (if applicable)	Retain in employee personnel file	Paper*	
09-00024	Acknowledgement of receipt of certification/registration, benefit description and plan document of dental benefits, state mutual insurance booklet, FML policy and life insurance policy	Retain in employee personnel file	Paper*	
09-00025	Administration of medication certificate (if applicable)	Retain in employee personnel file	Paper*	
09-00026	Employee BCI/FBI checks (if applicable)	Retain in employee personnel file	Paper*	
09-00027	Copy of employee's Ohio drivers license	Retain in employee personnel file	Paper*	
09-00028	Employee drug testing results	Retain in employee medical file	Paper*	