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Ohio Valley Employment Resource

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Ohio Valley Employment Resource Policy Letter No. 3-17 (Records Retention)

I. Purpose

Records are a crucial component of the governing process. They contain information that supports government functions affecting every person in government and within its jurisdiction. Like other important government resources, records and the information they contain must be well managed to ensure accountability, efficiency, economy, and overall good government. The term “records management” encompasses two distinct obligations of a public office, each of which furthers the goals of the Ohio Public Records Act.

Public offices have obligations with regard to the records that they keep. These include managing public records by organizing them such that they can be made available in response to public records requests, and ensuring that all records – public or not – are maintained and disposed of only in accordance with properly adopted, applicable records retention schedules

Ohio’s records retention law R.C. 149.351, prohibits unauthorized removal, destruction, mutilation, transfer, damages, or disposal of any record or part of a record, except as provided by law or under the rules adopted by the records commissions (i.e., pursuant to approved records retention schedules). This policy establishes the records retention schedule for the Ohio Valley Employment Resource and its subrecipients.

II. Effective Date with WDB and COG motion #s: 5-21-18, WDB 27-17; COG 24-17

III. Background

The retention period of a record series is determined by evaluating the series based on its administrative, legal, fiscal, and historical value to the workforce area. A record has **administrative value** if it is needed to conduct the current business of the office that created it. Administrative value diminishes over time because the record is no longer needed for current business. A record has **legal value** if it documents or protects the legal rights of the office that created it. Records possessing legal value should be retained until the legal rights or obligations to which they pertain expire. A record has **fiscal value** if it is used in accounting for public funds. Records having fiscal value must be retained at least until the accounting records have been audited. Records of activities funded with combinations of state and federal funds often must be retained longer than records pertaining solely to local funds. A record has **historical value** if it has continuing historical value to the State of Ohio and its citizens. The Ohio Historical Society Local

Government Records Program staff makes this determination. The retention periods established in this policy are based upon the application of each of the four values of records to each record series.

IV. **Requirements**

It will be the policy of Ohio Valley Employment Resource to follow the guidance found at:

2 C.F.R. Part 200, <https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200.pdf>

5101:9-9-21 County Agency Records Retention, Access, and Destruction,

<http://emanuals.jfs.ohio.gov/clean/LocalAdmin/APM/Chap09Rules/5101-9-9-21.stm>

State subgrant and/or awarding document of funding.

With the strictest of the guidance being the standard.

OVER keeps a schedule of the audit acceptance dates for the area audits that can be requested when needed by the counties.

Role of the Ohio Historical Society The Ohio Historical Society (OHS) is designated by section 149.31, Ohio Revised Code, as the "archives administration for the State of Ohio and its political subdivisions." As such, when local governments dispose of records, OHS has the first right to select records for permanent archival preservation that have continuing historical value to the State of Ohio and its citizens (Sec. 149.381 ORC). To fulfill these responsibilities, OHS administers the Local Government Records Program. This program works with local governments to develop practical records management programs and can be contacted at (614) 297-2553 or localrecs@ohiohistory.org.

Subrecipients As per 5101:9-9-21, OVER (local area) shall have a records retention schedule governing all records of its subrecipients that document a program, function, or activity for which the local area's subrecipient receives state and/or federal funds. The local area shall include in any contract or other type of agreement, including grant awards to subrecipients and subcontracts with service providers, all applicable minimum federal, state, and local records retention requirements for all records documenting a program, function, or activity for which the local area's subrecipient, contractor or subcontractor receives state and/or federal funds. Any succeeding subrecipient or subcontractor of state and/or federal funds passed through from the local area's subrecipient, contractor or subcontractor is subject to the same requirements stated in this paragraph.

The local area shall retain financial, programmatic, statistical, and recipient records and supporting documents relating or pertaining to a federal award passed through from ODJFS for a minimum of three years (was five years for a short period of time - use whichever is more at the relevant time) after submittal of the final expenditure report for the grant, or applicable ODJFS records retention requirements, whichever is longer, unless otherwise provided by any minimum records retention requirements specified by applicable state or federal law.

- (1) If any litigation, claim, investigation, criminal action, negotiation, audit, administrative review, or other action involving the records has been started before the expiration of the longer of the minimum retention period or before actual disposition of the records, the local area shall maintain the records until completion of the action and resolution of all issues that arise from it, or until the end of the longest applicable minimum retention period, whichever is later.
- (2) If final payment after closeout of the federal award has not been made before the expiration of the longer of the minimum retention period or before actual disposition of the records, the local area shall maintain the records until final payment is made and resolution of all issues that arise from it, or until the end of the longest applicable minimum retention period, whichever is later.

- (3) Each local area shall maintain a current file of all records that have been subject to a federal or state audit, administrative review, or other action, and must refer to that file before requesting approval from the county records commission to destroy any record.

Records Retention Schedule

Ohio Valley Employment Resource records retention schedule will consist of transient and non-transient records. Transient records are records containing information of short term usefulness. Examples of transient records include voicemail messages, telephone message slips, post-it notes, and superseded drafts. Dispose of these records once they are no longer of administrative value. Non-transient records will follow the longer of the requirements identified in the state subgrant (currently three (3) years, or the time period accepted by the Ohio Department of Administrative Services detailed on the attached chart.

References

2 C.F.R. Part 200, <https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200.pdf>

5101:9-9-21 County Agency Records Retention, Access, and Destruction,
<http://emanuals.jfs.ohio.gov/clean/LocalAdmin/APM/Chap09Rules/5101-9-9-21.stm>

R.C. 149.351(A); Rhodes v. City of New Philadelphia, 129 Ohio St.3d 304, 2011-Ohio-3279, 851 N.E.2d 782, ¶ 14.

Ohio Department of Administrative Services, <https://apps.das.ohio.gov/RIMS/General/General.asp>

Ohio Public Records Act, Ohio Sunshine Laws Manual