



OFFICE OF HEARING EXAMINERS

RECORDS RETENTION AND DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589

ACKNOWLEDGEMENTS

PREPARED BY:

Bureau of Administration
Records Management Program
104 S Garfield Avenue; Building E
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Pierre, South Dakota 57501-5070

2018

PROJECT STAFF

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The employees of the Bureau of Administration Office of Hearing Examiners who contributed their time to explain the purpose and review the content of each record.

STATE RECORD DESTRUCTION BOARD

Scott Bollinger, Commissioner
Bureau of Administration
(Chairman)

Pat Archer
Office of the Attorney General

Chelle Somsen, State Archivist
Department of Education

Jenna Latham
Office of the State Auditor

Marty Guindon, State Auditor General
Legislative Audit

Dana Hoffer
State Records Manager



DEPARTMENT OF
EXECUTIVE MANAGEMENT

**BUREAU OF
ADMINISTRATION**

PMB 01234

RECORDS MANAGEMENT PROGRAM
104 S Garfield Avenue
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
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MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

SUBJECT: **Records Retention and Destruction Schedule Manual**

DATE: January 4, 2019

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that “No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value.”

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers and supporting documents; warrants; personnel and payroll records; client/case files; capital asset inventories; cash receipts; and duplicate copies of state publications.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements to transfer the records to the archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management practices.

PETITION FOR AUTHORITY TO DESTROY RECORDS

I, Jeff Bloomberg (name), acting in my position as Commissioner of the Bureau of Administration (title), request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Office of Hearing Examiners (department) consists of 2 pages and contains record series number(s) OHE-1 (consecutively re-numbered) through OHE-4.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

Authority is also requested to delete "Records Retention and Destruction Schedule" Authorization of the Office of Hearing Examiners (department) record series numbers(s) OHE-1, OHE-3, OHE-4, OHE-6 thru OHE-11, OHE-13, and OHE-15.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.



Jeff Bloomberg, Commissioner of Bureau of Administration

6-18-07
Date

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction Board.

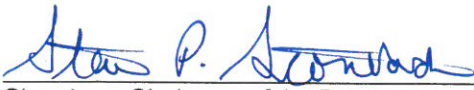


Signature, State Records Manager

6-27-07
Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 28th day of June, 2007, and authorized the destruction of the records described in the foregoing Petition at the expiration time provided for their storage.



Signature, Chairman of the Board

6-28-07
Date

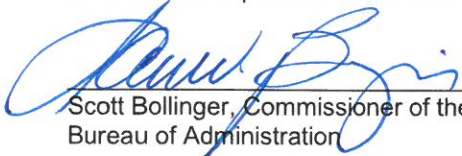
PETITION FOR AUTHORITY TO DESTROY RECORDS

I, Scott Bollinger (name), acting in my position as Commissioner of the Bureau of Administration (title), request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19, and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Bureau of Administration Office of Hearing Examiners consists of 1 page and contains record series number(s) OHE-4.1.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.



Scott Bollinger, Commissioner of the
Bureau of Administration

11-5-18

Date

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction Board.



Dana Hoffer, State Records Manager

11-16-18

Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 6th day of December, 2018, and authorized the destruction of the records described in the foregoing Petition at the expiration time provided for their storage.



Scott Bollinger, Chairman of the Board

1-3-19

Date

South Dakota Codified Laws:

1-27-1. Public records open to inspection and copying. Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts there from during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

1-27-1.1. Public records defined. Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

1-27-9. Records management programs--Definition of terms. Terms used in §§ 1-27-9 to 1-27-18, inclusive, mean:

(2) "Record," a document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and 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 processed documents are not included within the definition of records as used in §§ 1-27-9 to 1-27-18, inclusive.

1-27-11. Board to supervise destruction of records--State records manager as ex officio member--Permission required for destruction. There is hereby created a board consisting of the commissioner of administration, state auditor, attorney general, auditor-general, and state archivist to supervise and authorize the destruction of records. The state records manager shall also serve as an ex officio member in an advisory capacity only. No record may be destroyed or otherwise disposed of by any agency of the state unless it is determined by majority vote of the board that the record has no further administrative, legal, fiscal, research, or historical value.

1-27-15. Destruction of non-record materials. Any non-record material not included within the definition of records as contained in § 1-27-9 may be destroyed at any time by the agency in possession of such materials without the prior approval of the commissioner of administration.

Definitions:

Superseded: To take the place of; replace.

Obsolete: No longer in use.

TABLE OF CONTENTS

OFFICE OF HEARING EXAMINERS:

OHE-1. ADMINISTRATIVE REFERENCE FILES:	1
OHE-2. DOCKET LOG:	1
OHE-3. CASE FILES, DATABASE:	2
OHE-4. OHE BILLINGS:	2
OHE-4.1. REQUEST FOR PUBLIC RECORDS REVIEW FILES:.....	3
OHE-5. SURPLUS PROPERTY FILES:.....	3

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Executive Management
DIVISION: Bureau of Administration
OFFICE: Office of Hearing Examiners
PROGRAM: _____
RECORDS OFFICER: Rick Augusztin
RM CUSTOMER #: 1181

RECORD		R.D.B.
SERIES NO.	TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE	AUTHORITY
		NUMBER

OHE-1. ADMINISTRATIVE REFERENCE FILES:

07-011

This series may be arranged by subject matter and contains information used in the daily administration of the program or office. Information may include, but is not limited to: budget, equipment, inventory, legislation, organization/association, and property management information; monthly reports; policies and procedures; reference manuals; logs; rules and regulations; mailing lists; general correspondence and any other related information. This record series is maintained for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete.

(Note: Cull files on a yearly basis to avoid build-up of superseded or obsolete materials.)

(Note: Previous record series number was OHE-14.)

OHE-2. DOCKET LOG:

07-011

This series is arranged alphabetically by agency and contains a log of each hearing case agenda. Information may include: name, address, appellant, representing attorney, and date of the hearing. This record series is maintained for tracking each case.

RETENTION: Retain current in office. Destroy superseded or obsolete.

(Note: Previous record series number was OHE-2.)

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Executive Management
DIVISION: Bureau of Administration
OFFICE: Office of Hearing Examiners
PROGRAM: _____
RECORDS OFFICER: Rick Augusztin
RM CUSTOMER #: 1181

RECORD		R.D.B.
SERIES NO.	TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE	AUTHORITY
		NUMBER

OHE-3. CASE FILES, DATABASE:

07-011

This database series is arranged by department, case number, and document type and contains data on each case file. Information may include: notices, decisions, letters, memos, correspondence, and legal documents. The hard copies of case files are returned to the agency upon completion of the appeal process.

RETENTION: Retain database current. Purge files after the appeal process has been completed.

(Note: Previous record series number was OHE-5.)

OHE-4. OHE BILLINGS:

07-011

This series is arranged chronologically by supplier and contains information documenting billings sent to the Office of Hearing Examiners. Information may include: billing number, copy of voucher, and attachments. This record series is maintained to verify the accuracy of the bills and to authorize payment. The originals are maintained by the Bureau of Administration for audit purposes.

RETENTION: Retain 1 year in office, then destroy provided the audit copy is maintained by the Bureau of Administration.

(Note: Previous record series number was OHE-12.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
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DEPARTMENT: Executive Management
 DIVISION: Bureau of Administration
 OFFICE: Office of Hearing Examiners
 PROGRAM: _____
 RECORDS OFFICER: Rick Augusztin
 RM CUSTOMER #: 1181

RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

OHE-4.1. REQUEST FOR PUBLIC RECORDS REVIEW FILES:

18-004

This paper and electronic series contains the Office of Hearing Examiners request for public record review files. Information may include: initial request for review of public record denial, response from public agency, written argument from parties, hearing transcript, decision, findings of facts and conclusions of law, and final order. This record series is maintained for legal purpose including possible appeal, and a short time thereafter for administrative purposes.

RETENTION: Retain 1 year in office, then destroy provided appeal time has expired and no pending litigation.

OHE-5. SURPLUS PROPERTY FILES:

09-012

This series contains the form submitted to the director of South Dakota Property Management for approval to dispose of State-owned personal property and the written notification received from Property Management designating the manner of disposal. Information may include: agency name; date; address or location of property; phone number; name of individual requesting; Property Management Officer's name; description of item(s); quantity; serial number; equipment number; desired method of disposal as authorized; reason for declaring property as surplus; estimate of current value; suggested selling price; minimum acceptable price; statement of content; fixed asset number, if applicable; and any other information deemed necessary. This record series is maintained pursuant to SDCL 5-24A.

RETENTION: Retain 1 year in office, then transfer to storage for 3 years. Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.