



COSMETOLOGY COMMISSION

RECORDS RETENTION AND DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589



DEPARTMENT OF
EXECUTIVE MANAGEMENT

**BUREAU OF
ADMINISTRATION**

PMB 01234

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MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

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

DATE: January 13, 2012

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, Pamela S. Roberts (name), acting in my position as Secretary of the Department of Labor (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 Cosmetology Commission (department) consists of 7 pages and contains record series number(s) COS-1 (consecutively re-numbered) through COS-10.

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 Cosmetology Commission (department) record series numbers(s) COS-02, COS-05, COS-06, COS-07, COS-11, COS-12, COS-13, COS-15, COS-16, and COS-17.

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.



Pamela S. Roberts, Secretary of the Department of Labor

8-8-07

Date

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




Dana Hoffer, State Records Manager

8/20/2007

Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 22nd day of August, 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

8-22-07

Date

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OFFICE:	Boards and Commissions
PROGRAM	Cosmetology Commission

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AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

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PROGRAM:	<u>Cosmetology Commission</u>
RECORDS OFFICER:	<u>Dawson Huber</u>
RM CUSTOMER #:	<u>1124</u>

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COS-1. ADMINISTRATIVE REFERENCE FILES:

07-035

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: correspondence, personnel reports, budget, equipment, inventory, legislation, organization/association, and property management information; reports; research materials, policies and procedures; reference manuals; logs; rules and regulations; mailing lists; 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.)

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COS-2. ADMINISTRATIVE RULE PROMULGATION FILES:

07-035

This series is arranged chronologically and contains administrative rule promulgation files. Information may include: notices of public hearings, affidavits of publication of notices, written comments from the public, transcripts from the hearings, and final decisions. Files have little reference activity once the hearing has been held unless someone requests a copy of the transcript. This record series is maintained for documenting the proper promulgation of administrative rules pursuant to SDCL 1-26.

RETENTION: FINAL DECISIONS: Retain permanently in office.

ALL OTHER DOCUMENTATION: Retain in office for as long as rules are in effect, then destroy.

(Note: SDCL 1-26-7 states in part that "each agency shall keep the original records, documents, and instruments required by the chapter." There is no time frame included for these records. Since SDCL 1-26-6.8 provided that "No rule is enforceable in the Courts unless properly adopted," the record must be maintained at least until a curative statute has been adopted by the Legislature similar to SDCL1-26A-2, which cures all defects in the adoption of the rules appearing in the 1974 printed ARSD.)

(Consider maintaining on microfilm instead of paper and destroying the paper after the microfilm has been inspected and verified to meet quality standards.)

(NOTE: Previous record series number was COS-01.)

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COS-3. COMPLAINT FILES:

07-035

This series is arranged by complaint subject and contains all related correspondence received from either the general public or initiated by the Cosmetology Commission concerning the problems which have occurred with cosmetologists. Information may include: nature of complaint, related correspondence, investigation of allegation, conclusion of the investigation, and related materials. This record series is used by the Commission to determine if a complaint is substantiated, and, if so, to take corrective action.

RETENTION: UNSUBSTANTIATED: Retain 1 year in office, then transfer to storage for 2 years. Destroy 3 years after determined to be unsubstantiated provided no litigation is pending.

SUBSTANTIATED: Retain until closed. Destroy 4 years after last license expiration provided no litigation is pending.

(NOTE: Previous record series number was COS-03.)

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COS-4. CONTRACT/LEASE AGREEMENT FILES:

07-035

This series is arranged chronologically and contains contracts and lease agreements between the Cosmetology Commission and other parties. Information may include: names of other parties; terms and conditions of the contracts, leases, or agreements; effective dates; signatures; costs; and funding source. This record series is maintained for reference, audit, and documentation purposes.

RETENTION: Retain current in office. Destroy 6 years after terminated.

Retain reference copies current in office. Destroy terminated.

(Note: SDCL 1-24A-1 requires that Consulting contracts be filed with the State Auditor.)

(NOTE: Previous record series number was COS-04.)

COS-5. LEGISLATIVE AUDIT REPORTS:

07-035

This series is arranged chronologically and contains both Department of Legislative Audit and private audit reports. Information may contain reports concerning the expenditure and administration of state funds. This record series is maintained for identifying problem areas and discrepancies so that corrective measures can be taken. The auditing agency maintains a copy of the report.

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

(Note: Legislative Audit maintains the original audit report.)

(NOTE: Previous record series number was COS-08.)

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COS-6. LICENSE FILES AND INSPECTION REPORTS:

07-035

This computer database series is arranged by license number and documents personal data for licensed cosmetologists, nail technicians, and salon owners. Licenses issued by the Cosmetology Commission include: apprentice, instructor, junior instructor, esthetician, operator, nail technician, salon, booth, and school and student licenses. Information may include: applications for examination, college grades transcripts, verification of experience, time accumulation reports, continuing education information, examination scores, license number issued, license and renewal fee receipt numbers, inspection reports, and notice to refer to complaint file (if necessary). This record series documents the licensing, renewal, continuing education, and salon inspection process and is used for basic reference when answering questions concerning licensed cosmetologists, nail technicians, and salons in South Dakota.

RETENTION: DATABASE: Retain until licensee terminates licensure, then destroy.

PAPER: Retain 2 years, then destroy provided 1 year has passed since an independent post-audit report has been received.

(NOTE: Previous record series number was COS-09.)

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COS-7. MINUTES, COSMETOLOGY COMMISSION:

07-035

This series is arranged chronologically and contains the official minutes of the Cosmetology Commission meetings. Information may include: copies of agendas, dates of meeting, members present, topics discussed, action taken, approving signature, copies of budget reports, application records, and inspection reports. This record series is used for reference and documentation purpose concerning action taken by the Commission.

RETENTION: Retain 5 years in office, then transfer to State Archives.

(NOTE: Previous record series number was COS-10.)

COS-8. RECEIPTS:

07-035

This series is arranged by receipt number and documents all receipts of money. Information may include: date issued, received of, address, amount, form of payment, purpose, and received by signature. This record series is maintained for audit purposes.

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

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COS-9. RECORDS MANAGEMENT FILE:

07-035

This series contains the completed forms used to track inactive records that have been sent to Records Management (RM) Storage; and the department's "Records Retention and Destruction Schedule" (RRDS). Information may include: standard records transfer receipt forms, microfilm project registration forms; and microfilm and box destruction authorization forms. This record series is maintained for tracking records sent to Records Management storage, to document the time each record series must be legally maintained, and to document authorization granted to RM for destruction of obsolete records.

RETENTION: RECORD DESTRUCTION AUTHORIZATION FORMS: Retain 3 years in office, then destroy.

ALL OTHER INFORMATION: Retain current in office. Destroy superseded or obsolete.

COS-10. STUDENT TIME SHEETS:

07-035

This series is arranged alphabetically by student name and contains the monthly beauty school reports of hours accumulated in each study area. Information may include: school name, student ID number, student name, hours earned in each subject, and total hours earned. This record series is used to track student requisite education for reference and verification purposes, and is used when completing electronic license files.

RETENTION: Retain 1 year in office after student graduation, then destroy.

(NOTE: Previous record series number was COS-14.)

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COS-11. 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.