

Public Records Commission Meeting
April 29, 2015
Metropolitan Courthouse

The meeting was called to order by Judge Steve Dozier.

Members present: Dr. Carole Bucy, Sue Cooper, Judge Steve Dozier, Keith Durbin, Ken Fieth, Steve Moore (designee of Register of Deeds Bill Garrett), and Brenda Wynn

Absent: Council Member Ronnie Steine

Guests: Elections – Carlatina Hampton; Human Resources – Christina Hickey; Davidson County Clerk's Office - Gabi Castillo

Staff: Susan Jones, Shannon Hall, and Reed Williams

Without objection, the Chair declared a quorum present for the conduct of business.

The minutes of November 12, 2014 were approved.

Records Disposition Authorizations

Elections

Reed Williams presented an amendment to Election's Records Schedule 023 of 2012 and 2008. This amendment nullifies the Elections Records Schedule 023 of 2012, and reinstates the Elections Records Schedule 023 of 2008. The results of this action will remove the Applications for Ballots from being filed with the Poll Books as stated in RDA 690 Records Schedule 023 2012, and reestablish the filing arrangement as stated in RDA 392 of Records Schedule 2008 which includes the Applications amongst the other documents listed. All other individual RDAs in Records Schedule 023 of 2008 remain unchanged and in force as they were not affected by the amendment of 2012.

Keith Durbin moved to adopt this amendment as presented, which was seconded by Carole Bucy and unanimously adopted.

Human Resources/Benefits

Reed Williams presented 4 new dispositions for approval. Without objection, the Commission reviewed and considered these items collectively.

RDA 782

Annual Enrollment: This records series documents the annual enrollment choices of Metro employees. It includes Election Forms, Beneficiary Forms, Opt-Out Forms, Confirmation Statements, Medicare Cards, and other similar employee information. The retention is 7 years after renewal, then destroy.

RDA 783

Disability Compliance: This records series documents an employee's compliance with the rules and regulations of being granted disability status. It includes Social Security Disability Insurance paperwork, Return to Work Forms, Disability Questionnaires (Outside Allowable Earnings), IRS Forms 4506-T, SSA-7004 Forms, Salary Supplement Forms, Vocational Case Management Agreement, various correspondence including but not limited to non-compliance and income verification. For administrative purposes, the retention is 10 years based upon the application of, the establishment of, and or the conclusion of, disability status, then destroy.

RDA 784

Termed Benefit Files: This records series verifies the benefits due to Metro employees who have terminated. It includes deferred vested employee information, vested employee information, and connection of service forms. Based upon life expectancy, the retention is to maintain information 60 years from termination, then destroy.

RDA 785

General Benefit Documents: This records series contains Pension (Service, Survivor) paperwork that has been scanned into an electronic storage system. It includes all required documents, including but not limited to birth certificates, Medicare cards, pension amounts, opt-out information, beneficiary information, death claim forms, death certificates, IOD death benefit documents, pension contribution refunds, and eligible change in status forms (including Domestic Partnership). The retention is 50 years from scan date based on life expectancy and administrative purposes, then destroy.

Carole Bucy moved to adopt RDAs 782 through 785 as presented, which was seconded by Ken Fieth and unanimously adopted.

Police Department

Reed Williams presented 2 new dispositions for approval. Without objection, the Commission reviewed and considered these items collectively.

CID, Fraud Unit

RDA 779

Fraud Unit Case Files: Case files consist of information needed for prosecution. They contain copies of – incident reports, arrest reports, investigative reports by other divisions or State and Federal agencies, supplements, video, financial statements from the victims and/or financial institutions, and additional documentation as needed pertaining to an investigation. Citing T.C.A. 40.2.101 Sub Paragraph (b), Sub Paragraph (1) the statute of limitations for a Class A Felony of such offense is 15 years. The retention is 16 years, then destroy.

Secondary Employment Unit

RDA 773

Secondary Employment Request Form: M.P.D. Form 150 identifies the police officer, their section, and supervisor approval. Listed is the type of business requesting an officer for an off-

duty assignment, the specific dates and time, the nature of the work involved, and a geographical location. Other documents such as a business request letter may be included. Files are arranged by name and year. The form itself carries an expiration date of one year which then must be renewed. The retention is 5 years for administrative purposes, then destroy.

Carole Bucy moved to adopt RDAs 779 and 773 as presented, which was seconded by Keith Durbin and unanimously adopted.

Juvenile Court Clerk

Reed Williams presented 2 new dispositions for approval. Without objection, the Commission reviewed and considered these items collectively.

RDA 780

Juvenile Case File: A juvenile case file is initiated when a pleading is filed in Juvenile Court. Over time the file may come to include a variety of petitions such as delinquency, unruly, contempt, child support and parentage, visitation and custody, neglect and dependence, termination of parental rights; a CPIT case (rape of child); drug court child/adult dockets; and reports from social agencies, police, and schools. A juvenile case file will also include the orders and opinions of the judges and magistrates, and the service and processing papers. All documents are itemized and filed together as one juvenile case file by the child's name, birthdate, and a unique juvenile ID number. A child emancipates from Juvenile Court upon turning 18 years old or at the completion of high school if they are 18 years within that school year. As a juvenile case file is organized and stored as one cumulative confidential record, and the Juvenile Court is a court of record, the retention shall be permanent in accordance with T.C.A. § 18-1-202(a) and § 37-1-134(b).

RDA 781

Juvenile Adult File: All adult files are in concern of the juvenile, and may be filed with the child or separate depending on the style of the case. The adult file will consist of pleadings in the matters of parentage, child support, visitations, and custody. All petitions are filed with the Juvenile Court and orders and opinions are rendered to make a determination about the child by a judge or magistrate. As the adult file is interrelated to the corresponding juvenile file and may be stored as one cumulative confidential record, the retention and confidentiality status shall support this relation and be permanent. T.C.A. § 18-1-202(a) and § 37-1-134(b).

Keith Durbin moved to adopt RDAs 780 and 781 as presented, which was seconded by Ken Fieth and unanimously adopted.

General Services

Reed Williams presented 5 new dispositions for approval. Without objection, the Commission reviewed and considered these items collectively.

RDA 774

Project Manuals: These are binders the General Contractor provides that list all of the products that will be used on a project. They include cut sheets and specifications, and may include actual sample submittals. The retention is 20 years after completion of awarded project, then destroy.

RDA 775

Close-Out Documents: The General Contractor provides these documents at the end of a project. They include certificates of completion, permits, maintenance manuals, warranties, and inspection reports. The retention is 20 years after completion of project, then destroy.

RDA 776

Interior Project Files: These are files for interior renovation projects only. These would include color boards, furniture selections and purchase orders, finish selections and project schedules. The retention is 10 years after completion of project, then destroy.

RDA 777

Previously Owned or Leased Metro Property Projects: These documents will include architectural drawings and project manuals for buildings that Metro has either sold or moved out of and the lease has been terminated. The retention is 3 years when not requested upon termination, then destroy.

RDA 778

New and Renovation Construction Drawings: These are architectural drawings that include a set developed before construction begins and the post submission of the “as-built” drawings that include any changes after construction is completed or a renovation is completed. The retention is to retain for life of the building as owned by Metro. Older drawing sets can be destroyed after one year after comparison with new drawing sets.

Keith Durbin moved to adopt RDAs 774 through 778 as presented, which was seconded by Brenda Wynn and unanimously adopted.

Metro Clerk/Records Management

Reed Williams presented an Amendment to RDA 528 Records Disposition Authorization (RDA). This amendment reinstates Records Management’s use of a single RDA Records Series approval form for each individual RDA number. It also institutes the use of a corresponding RDA Amendment approval form which lists the related RDAs that are affected by an amendment. These approval forms set retention and disposition for each record series created or used by a department or division. Each RDA form is authorized and signed by the Department/Division Head, Legal representative and members of the PRC and provides continuing authority to manage the records. The Records Schedule numbers remain signed and approved and each individual RDA under this previous format remains authorized. The original signed copy is maintained by the Metro Archives. The retention for the Records Management copy is 5 years after superseded.

Commission members moved to adopt this amendment as presented, which was seconded and unanimously adopted.

Other Business and Discussion

The Commission discussed the ongoing issues and challenges related to both physical records storage at the Records Center as the space approaches full capacity as well as applying authorized retentions to electronic records storage to help reduce its growth and better align retention and liability. It was acknowledged that this awareness needs to be more broadly disseminated across Metro departments. The Commission requested that Metro Legal work with the Metro Clerk Records staff to bring the Commission a list of all statutes/laws governing the permanent nature of certain records and explore utilizing the framework under state law recently discussed as related to the Circuit Court Clerk's request (T.C.A. 10-7-404). The Commission also discussed a transfer of custody rule from Metro Departments to Metro Archives to mirror the functions of the State of Tennessee Archives authority to address those records considered historic.

With no further business, the meeting was adjourned.