

*State Records Board
January 15, 2015
Executive Conference Room, Kansas Historical Society*

Present: Lisa Mendoza, chair, designee of the Attorney General
John Year, designee of the Secretary of Administration
Matt Veatch, State Archivist
Pat Michaelis, designee of the Kansas State Historical Society Executive Director
Bill Sowers, designee of the State Librarian

Also present: Heather Wilke, Kansas Dept. of Labor
Joanna Hammerschmidt, Kansas State Historical Society (KSHS)
Marcella Wiget, KSHS
Mary Beth Figgins, KSHS
Karen Stattelmann, Pooled Money Investment Board
John Bowes, Kansas Dept. of Commerce
Paul Marx, Kansas Dept. of Health and Environment
Jason Ackermann, Kansas State Library
Madeleine Haare, Kansas Dept. of Administration
Teresa Johnson, Johnson County (On conference call)
Scott Gordon, Kansas State Dept. of Education (KSDE) (On conference call)
Cheryl Johnson, KSDE (On conference call)
Stan Jones, Kansas State Treasurer's Office (STO) (On conference call)
Shauna Fearnow, STO (On conference call)

Meeting called to order at 8:33 a.m. by Lisa Mendoza, who began the introductions.

Minutes: **Motion:** Mr. Veatch moved approval, Mr. Yearly seconded, unanimous approval of meeting minutes as presented.

Kansas Dept. of Commerce: The agency receives approximately a third of its money through federal programs. The U.S. Department of Labor was looking for records about 4-5 years old during a review a year ago, which the agency did not have because they follow the general schedule for Kansas' fiscal records, a 3 fiscal year retention. Commerce staff therefore wishes to retain their financial records related to grant programs for 10 years.

Dr. Michaelis questioned whether this situation would warrant adding something to the general schedule for all state agencies. Discussion turned to how long generally fiscal records should be held, and most board members and records officers present suggested 5-7 years. Board recommended revising title and description for clarity; Mr. Bowes and Ms. Wiget will clarify.

Motion: Dr. Michaelis moved approval, Mr. Sowers seconded, unanimous approval as amended.

Kansas State Dept. of Education: The Child Nutrition and Wellness program at the department recently completed a technology upgrade. During that upgrade the program went through an Information Technology Office plan review, a part of which involved the State Archives reviewing the program's retention and disposition schedule with program staff. While most of the schedule entries remained current, State Archives staff requested changing the disposition from archives to destroy for one entry.

Motion: Mr. Veatch moved approval, Mr. Yeary seconded, unanimous approval as presented.

Pooled Money Investment Board (PMIB): Karen Stattelmann is taking care of the last of the agency's paper records with this set of schedule entries. Information technology staff from the State Treasurer's Office are working on Electronic Recordkeeping Plans (ERPs) for the electronic systems PMIB regularly uses.

Mr. Veatch questioned the retention on Municipal Investment Pool Web Requests and suggested adding a comment to the effect that the entry only applies to the paper copies. He also requested tabling the Municipal Investment Pool Monthly Reports until the ERPs are approved; discussion followed to clarify description and shorten retention. He also asked that the Restrictions field appear in all schedule entries, including for those entries that have no access restrictions.

Motion: Mr. Veatch moved tabling Municipal Investment Pool Monthly reports, noting that restrictions will appear and that Municipal Investment Pool Web Requests will be revised; Mr. Sowers seconded, unanimous approval of new entries.

The board turned to the revised entries. Several entries had a revised disposition from archives to destroy; the State Archives will receive summary information about those investments through other records transferred by PMIB staff. The State Archives may keep legacy information from those series, instead of following the usual practice of deaccessioning, due to changing record-keeping practices by PMIB; summary information may not have been transferred for those legacy records.

Motion: Dr. Michaelis moved approval, Mr. Sowers seconded, unanimous approval of revised and superseded entries as submitted.

Kansas Dept. of Labor: Heather Wilke explained that several of the changes presented regard records restrictions pursuant to the Employment Security Law, either fixing the restriction notation or adding the notation to entries that did not already have it. Other minor changes regarded fixing sub-unit information, clarifying series descriptions, and revising retention periods.

Desk Manuals will follow the general schedule, rather than creating a new entry. The Employment Security Law restriction should be added to the Sensitive Exhibits entry. Ms. Mendoza questioned the lack of Kansas Open Records Act (KORA) restrictions on these entries. Ms. Wilke explained that typically Labor staff use the Employment Security Law, a related regulation, federal law, and, at most, K.S.A. 45-221(a)(1), to restrict records; Ms. Mendoza explained that, for consistency's sake, KORA exemptions should still be noted, in part to help institutional memory for when records officers leave. Mr. Yeary noted that while Employment Security Law and federal law always trump, KORA still has to be applied.

Motion: Dr. Michaelis moved approval, with the caveat that all new entries need additional restrictions added and that KSHS staff in collaboration with the agency have authority to add those restrictions, and that Desk Manuals will instead be superseded to the general schedule. Mr. Sowers seconded, unanimous approval as amended.

Mr. Veatch questioned the destruction disposition on Management Analysis Studies; Ms. Wiget agreed to change the disposition to "Contact the archives for appraisal – if not accepted, then destroy." Mr. Veatch was concerned about permanent retention on several of these entries; Ms. Wilke was concerned with creating a blanket 50 year retention on those entries, so the board will table all entries with a permanent retention so she can review individually. Entire Benefit Payment History is also tabled to confirm that it is for individuals' data.

Ms. Wilke explained that the executive secretary to the employment security board takes notes on how the board votes, which is why the series Notes – Board Meetings was revised. Mr. Yeary explained that this is a deliberative situation in which legal counsel determine the agency's final decision and write an order before a case may go to court, so that "board meeting" is something of a misnomer.

Ms. Mendoza therefore recommended that the entry be tabled and rewritten to reflect the larger workflow and business process involved.

Discussion turned to Quarterly Wage Reports, and similar schedule entries reflecting electronic data that could be stripped of its personally identifiable information and made open to users to manipulate the data.

The board with Ms. Wilke revised titles and descriptions on several entries.

Discussion turned to the case files for labor relations (0052-296); Ms. Mendoza remarked that in future she would like to have a general discussion regarding how state agencies handle their case files. In this entry she noted the "important rulings" language and questioned who makes that determination, indicating this is a larger issue for the state.

Ms. Mendoza suggested that, due to the numerous changes necessary, all revised entries should be tabled until the changes can be made. Dr. Michaelis and the board commended Ms. Wilke for all the work she had already completed on revising her agency's retention and disposition schedule.

Motion: Mr. Veatch moved, Mr. Yeary seconded, unanimous approval to table the revised and superseded-to-other-schedule-entry entries.

Kansas State Treasurer's Office (STO): **Motion:** Dr. Michaelis moved, Mr. Veatch seconded, unanimous approval of Electronic Recordkeeping Plan.

Stan Jones, director of Municipal Bond Services at the agency, explained that bond transcripts are maintained in at least three locations: their office, the municipality, and the office that wrote the bond. The agency feels that pertinent data from transcripts is found elsewhere outside the transcripts. At five years after maturity, if the check has not been cashed, the bonds department transfers the records and data to the Unclaimed Property Division within the agency. Mr. Jones explained that most bonds are now done electronically, but some still use paper certificates. Those that still use paper need to be brought to the STO if any transfer of ownership occurs. The agency used to micro-fiche these records, but now plan to scan the records instead.

The agency is debating how long they need to retain data related to bonds. Mr. Jones explained that very old bonds may come in the door and the agency has to verify if the bond has already been paid or not. The agency is in internal discussion regarding how long these records need to be kept, and have found that currently they need to retain the records indefinitely.

Motion: Mr. Veatch moved approval of 0008-670 and 0012-670, noting that 0012-670 will now be permanent and both electronic and paper and that 0009-670 be tabled; Dr. Michaelis seconded. Unanimous approval as amended.

Kansas State Historical Society: The agency is in the midst of revamping existing office and work space to better utilize it. In the course of these moves, legacy records from the Conservation Department in the museum were found, and this particular series was deemed no longer archival. In order to dispose of the log books, Ms. Wiget is requesting that the board approve the schedule change.

Motion: Mr. Veatch moved, Mr. Yeary seconded, unanimous approval of entry as submitted.

Kansas Dept. of Administration: In 2010 the governor's clemency attorney left, and a member of Administration's Legal Division took over the role. That person has not relinquished that role, so the agency has new records that need to be scheduled related to clemency.

Ms. Mendoza questioned whether other KORA exemptions would apply to the clemency records series and recommended adding K.S.A. 45-221(a)(1)(3)(14)(20)(30).

Motion: Mr. Veatch moved approval, with amended restrictions; Dr. Michaelis seconded, unanimous approval of new schedule entry as amended.

Discussions turned to the revised entries and adding relevant restrictions to both 0910-173 and 0941-173.

Motion: Dr. Michaelis moved approval, Mr. Sowers seconded, unanimous approval of revised schedule entries as amended.

Motion: Mr. Veatch moved approval, Dr. Michaelis seconded, unanimous approval of entries superseded by other agency-specific schedule entries.

Housekeeping report: The board accepted the report.

State Records Center (SRC) closure: Due to changing financial circumstances, the Kansas Historical Society has determined that it can no longer effectively operate the State Records Center and will be closing the program down at the end of FY2015. State Archives staff are requesting help from the State Records Board with this process, namely to deal with retention schedule revisions that may be necessary, so that records currently stored at the SRC can be legally and properly be disposed of. State Archives staff are mostly concerned about records currently having an archival retention that they believe should be reappraised, as well as older records at the SRC that appear to have no schedule entry associated with them.

Paul Marx, records officer for the Kansas Department of Health & Environment (KDHE), would like to simplify his agency's schedule, which is currently cumbersome and out of date. He would like to schedule at a higher level than is currently the case and decide a more uniform retention, except for those records that clearly have a different retention. He agreed with Mr. Veatch that schedule changes will need to be evaluated program by program.

Dr. Michaelis suggested working with KSHS staff to make some test revisions for two programs, so board members can see what Mr. Marx is envisioning; Ms. Wiget further suggested that those revisions be to programs that have a bulk of records out at the Records Center.

Recognition of Pat Michaelis: Ms. Mendoza and the board profusely thanked Dr. Michaelis for her service to the board, for her guidance and suggestions. Dr. Michaelis noted that through this board one can really see how state government operates, and Ms. Mendoza agreed. Mr. Veatch stated that Dr. Michaelis has served on the State Records Board since 1992. She will be retiring from state service on March 27.

Ms. Mendoza adjourned the meeting at 11:16 a.m.