

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #4

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Department of Administration TITLE NUMBER: 148

CITE AUTHORITY: W.Va. Code § 5A-8-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 13

TITLE OF RULE BEING PROPOSED: Records Retention and Disposal Scheduling

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

SCANNED

FILED

TITLE 148
WEST VIRGINIA DEPARTMENT OF ADMINISTRATION
RECORDS MANAGEMENT AND PRESERVATION

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SERIES 13
RULES FOR RETENTION AND DISPOSAL SCHEDULES
OFFICE WEST VIRGINIA
SECRETARY OF STATE

§ 148-13-1 General.

1.1 Scope.-- This Legislative Rule sets forth the Standards, Procedures and Techniques for effective management of records.

1.2 Authority. - W.Va. Code §5A-8-1 through §5A-8-20.

1.3 Filing Date. - _____

1.4 Effective Date. - _____

1.5 Purpose. - The purpose of the rule is to establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposal of state records no longer possessing sufficient administrative, legal, or fiscal value to warrant their further keeping.

§ 148-13-2 Applicability.

2.1 This legislative rule applies to all agencies, except those statutorily exempted from its application.

§ 148-13-3 Destruction of Record and Non-Record Material.

3.1 No record shall be disposed of by an agency of the state, unless it is determined by the Administrator that the record has no further administrative, legal, fiscal, research or historical value.

3.2 Non-record materials may, if not

otherwise prohibited by law, be destroyed at any time by the agency in possession of such materials without the prior approval of the Administrator.

3.3 Any questions as to whether or not material is record or non-record will be resolved by the Administrator.

§ 148-13-4 Inventory of Agency Records Holdings

4.1 Each executive agency will make a biennial inventory of their total records holdings as of June 30 to be submitted to the Administrator with a duplicate retained by the agency.

4.2 The Administrator will furnish each agency the required forms and instructions for taking the biennial inventory.

4.3 The inventory shall reflect departmental changes, addition of new record series, deletion of obsolete record series, changes in record series titles and location, and revised retention recommendations.

§ 148-13-5 Records Retention Authorization

5.1 All agencies shall prepare a Records Retention Authorization and submit it to the Administrator for each record series held by the agency. The authorization must contain the chronological period of the record series; if it is a continuing record the word "present" shall be used in order to eliminate preparing a new authorization each time the retention period expires. When the record becomes obsolete, the word "present" is

annotated to read the final date of the record.

5.2 The agency shall request amendment of approved retention periods on the Records Retention Authorization in the same manner as requesting an original authorization. The reasons for such change shall be clearly explained.

5.3 Upon receipt of the retention authorization the Administrator shall analyze the information contained thereon. If the Administrator concurs in the proposed retention recommendations he/she will affix his/her signature in a space provided.

5.4 The Administrator may seek approvals of recommended retention appraisals from any other agency he may deem necessary. If the Administrator does not concur with the recommendations of the originating agency, conferences shall be arranged to reconcile the differences.

§ 148-13-6 Record Retention and Disposal Schedules

6.1 After Records Retention Authorization has been approved by the Administrator, Retention Disposal Schedule shall be compiled and submitted to the State Archivist and the Agency Head for approval. After approved schedule has been returned, the Administrator will approve, print and supply the agency with five copies to be distributed by them upon written request.

6.2 The agency's Retention and Disposal Schedule shall be reviewed biennially of each even year to determine if revisions are necessary. The agency will certify by letter to the Administrator this review has been completed.

§ 148-13-7 Retirement of Records to Records Center

7.1 Records eligible for storage shall be transferred to the State Record's Center annually or

as needed by the agency.

§ 148-13-8 Destruction of Records by the Agency

8.1 The agency may destroy any record held by them whenever such record becomes eligible for disposal as indicated by the agency's current Records Retention and Disposal Schedule.

8.2 Upon completion of the destruction, agency personnel shall promptly list all records destroyed and all records microfilmed on a Records Disposal Report worksheet. The worksheet should then be sent to the agency Records Manager. Do not include records destroyed at the Records Center but do list any records which have been transferred to Archives and History.

8.3 The agency Records Manager shall submit to the Administrator a quarterly summary of records disposals/transfers.

8.4 The Records Manager shall then post disposal/transfer information as required.

8.5 A list of records destroyed shall be retained permanently showing the history of records series.

§ 148-13-9 Microfilming

9.1 When a record series or portion thereof is microfilmed and the original document is destroyed, this disposal shall be shown on the quarterly Records Disposal Report submitted to the Administrator.

§ 148-13-10 Filing Plans

10.1 Directors and Supervisors should have a written plan of the filing system within their division for quick reference.

10.2 The agency head should have an over-all file plan of the information sources within

his/her agency.

10.3 The Records Manager of each agency should know where each record originates and why, where they are stored temporarily and how, and the final action of the records.

10.4 Each executive agency shall furnish the Administrator with a copy of the agency's filing plan and any revisions of the plan.

§ 148-13-11 Forms

11.1 It is mandatory that all reports be submitted to the Administrator on forms provided by or approved by the Administrator.