



PUBLIC RECORDS & RETENTION POLICY

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Introduction:

It is the policy of Laketran that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Laketran to adhere to the State's Public Records Act. Any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code.

Section 1. Public Records

The Ohio Revised Code, Section 149.011(G) provides three criteria for what materials meet the definition of a record. To be defined as a record, the item(s) in question must:

1. Be stored in a fixed medium (e.g. paper, digital image, audio/video);
2. Created or received during the course of a public office's business; and
3. Document the functions, policies, procedures, activities, and decisions of the public office.

All records of Laketran are public unless they are exempt from disclosure under Ohio Revised Code Section 149.43.

Section 1.1

It is the policy of Laketran that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and a copy shall be kept at a location readily available to the public.

Section 1.2

According to the Ohio Attorney General, all government offices are required to create and post a public records policy. The Ohio Auditor of State requires evidence that the public office creates a poster to describe its public records policy, the poster containing the policy has been posted in the required locations, and the policy has been included in the employee manual/handbook.

Section 1.3

The original copy will be maintained. Unless special circumstances otherwise require, it is not useful to retain draft documents or copies of the same document.

Section 1.4

Electronic documents or electronically generated data that meet the definition of a document are subject to the same records policy and retention guidelines as hardcopy paper documents.

Section 2. Record Requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. Overly broad or ambiguous requests can be denied under O.R.C. 149.43 (B)(2). If it is not clear what records are being sought, the records custodian must use reasonable effort to contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the Office keeps its records.

Section 2.2

The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record.

Unless specifically required or authorized by state or federal law or in accordance with division (B) of O.R.C. 149.43, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request. A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

Section 2.3

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review of the records requested.

Section 2.4

Any denial of public records requested must include an explanation, including legal authority. If the request is in writing, the explanation for denial of the request will be provided to the requester in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 3. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1

The charge for paper copies is the effective rate adopted by Laketran.

Section 3.2

The charge for downloaded computer files to a compact disc is the cost of the disc or other media upon which the files are downloaded.

Section 3.3

There is no charge for documents e-mailed.

Section 3.4

Requesters may ask that documents are mailed to them. They will be charged the effective rate for the cost of copies, or the cost of the computer disc, as well as the actual cost of the postage and mailing supplies.

Section 4. E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content meets the definition of a record in Section 1.1.

Section 4.1

Records in individual e-mail folders used to conduct public business are subject to disclosure, and all employees or representatives of this Office are instructed to retain their e-mails that relate to public business (Section 1) and to copy them to their business e-mail folders and/or to the Office's records custodian.

Section 4.2

The records custodian is to treat the e-mails from private folders as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 5. Failure to respond to a public records request

Laketran recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, Laketran's failure to comply with a request may result in a court ordering Laketran to comply with the law and to pay the requester's attorney fees and damages and court costs.

Section 6. Record Retention

According to the guidelines for Local Government Records, compiled by the Ohio History Connection, office space should contain only those records necessary for conducting daily business effectively.

Records that are kept for administrative, legal, or fiscal reasons, but are not referenced regularly, should be stored in secure and special conditions to protect from fire, flood, infestation, and theft.

Records should not be kept indefinitely as the cost to maintain records is an expense that can grow exponentially and too many records makes it difficult to find pertinent records. Records will be retained for periods required by the Ohio Revised Code, Federal Statutes, or commonly established guidelines. Laketrans has developed a Records Retention Schedule to facilitate compliance with the statutes

Section 6.1 Destruction of Records

Records that have exceeded their retention period will be securely destroyed by a responsible contractor.

Section 6.2 Review

Laketrans staff and legal counsel will update this policy and records retention schedule as regulations change.

| RECORD TYPE | RESPONSIBLE DEPARTMENT(S) | REGULATION(S) (if applicable) | IN OFFICE | IN LONG TERM STORAGE | TOTAL RETENTION PERIOD and EXPLANATION | ADDITIONAL INFORMATION |
|---|-------------------------------------|-------------------------------------|---|--|--|---|
| Accident Files | Operations, Human Resources | | 3 years | 4 years | 7 years | |
| Accounts Payable | Finance | GFOA | until that year's audit has been completed | 7 years | 7 years | |
| Accounts Receivable | Finance | GFOA | until that year's audit has been completed | 7 years | 7 years | |
| ADA-related complaints | Operations | 49 CFR 27.121(b) | 1 year | 5 years | summary of all ADA-related complaints should be kept for 5 years | |
| Alcohol test results 0.02 or greater | Human Resources | 49 CFR 655.71 & 49 CFR 382.401 | 5 years | | 5 years | current FTA requirement |
| Alcohol test results less than 0.02 | Human Resources | 49 CFR 655.71 | 1 year | | 1 year | current FTA requirement |
| Annual MIS Reports | Human Resources | 49 CFR 655.71 & 49 CFR 382.401 | 5 years | | 5 years | current FTA requirement |
| Applications (not hired) | Human Resources | ORC 4112 | 2 years | 2 years | 4 years | 4704.1A Ch.II-1 FTA requires agencies to retain all records that would enable FTA to ascertain whether the agency has complied or is complying with EEO statutes and regulations for a minimum of four years |
| Audio and/or Visual Records | Operations | | Typically 5 days for vehicle recordings; 10 days for building/facility recordings | | LAKETRAN will retain all audio and/or visual records for as long as the device's storage permits. The period of time can vary based on the version/type of the recording device and the number of cameras on the vehicle. This timeframe is typically 5 days for recordings created by vehicle based on-board audio visual systems, for building or facility based systems it is typically 10 days. It is important to note that these are estimates, LAKETRAN does not guarantee these numbers. | |
| Audit Reports | Finance | GFOA | 2 years | Permanent | Permanent | |
| Bank Depository Agreements | Finance | | 5 years | | 4 years after completion of agreement | |
| Bank Reconciliation | Finance | GFOA | until that year's audit has been completed | 2 years | 2 years | |
| Blueprints, plans and/or maps | Maintenance, Procurement and Grants | GFOA | 3 years | Permanent | Permanent | |
| Board Meeting Agendas and Board Packets | Administration | ORC 121.22 | 3 years | Permanent | Permanent | |
| Board resolutions and minutes | Administration | ORC 121.22 | 3 years | Permanent | Permanent | |
| Charter Service | Operations | 49 CFR 604.12(a) | 3 years | 1 year | 4 years | |
| Collective Bargaining Agreements | Operations | 29 CFR 516.5 | Duration of Contract | 3 years | during and 3 years after expiration of the term | |
| Commercials/Radio Spots/Photographs | Communications | | | | Permanent | assess for historical value |
| Contract files | ALL | ORC 2305.06 | Duration of Contract | 8 years | 8 years after contract expiration | Ohio Revised Codes supercedes FTA regulations 5010.1E Ch.III-22 - 3 years after contract expiration / ORC - 8 years after contract expiration |
| Deeds, Leases and Easements | Finance | GFOA | 3 years | Permanent | Permanent | |
| Depreciation Schedules | Finance | GFOA | | Permanent | Permanent | kept electronically |
| Disadvantaged Business Enterprise (DBE) Plan and Triennial Goal | Procurement and Grants | 49 CFR 26.47(c)(3)(ii) | Duration of the Plan | 5 years | 8 years | |
| Education and Training Records for supervisors/employees. | Human Resources | 49 CFR 655.14 | 2 years | | Records that Reasonable Suspicion Training was conducted must be retained by the recipient for a maximum of two years | |
| Employee evaluation and referrals to Substance Abuse Professional | Human Resources | 49 CFR 655.71 & 49 CFR 382.401 | 5 years | | 5 years - current FTA requirement | |
| Equipment Records | Maintenance | 5010.1E Ch.III-22 | Varies by Equipment | Varies by Equipment | 3 year retention period begins from the date of the equipment's disposition or replacement. | |
| Federal grant files and correspondence | Procurement and Grants | 5010.1E Ch.III-22 / 2 C.F.R 200.333 | Duration of the active award | 3 years after grant award is closed with FTA | 3 years after grant award is closed with FTA | 49 C.F.R. § 18.42 states as follows: If any litigation claim, negotiation, audit, or other action involving the records has been started before the expiration of the 3 year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3 year period, whichever is later. |
| Follow-up tests and follow-up schedules | Human Resources | 49 CFR 655.71 & 49 CFR 382.401 | 5 years | | 5 years - current FTA requirement | |
| General correspondence files | ALL | | 2 years | 3 years | 5 years | |
| General Ledgers and Journal Entries | Finance | GFOA | until that year's audit has been completed | 7 years | 7 years | The physical journal entry is kept electronically in the financial software and can be reprinted |
| Hospitalization/insurance data | Human Resources | ORC 4111.14 & ORC 4112 | during and 2 years after termination of employment | during and 6 years after termination of employment | during and 6 years after termination of employment | |
| Lease Records of Land/Buildings | Finance | ORC 117.49 | during term of lease | 2 years after expiration | during and 2 years after termination of lease | STS |
| Maintenance and Repair of Facilities and Grounds | Maintenance | Ohio DAS | 1 year | 1 year | 2 years | Records documenting the maintenance and repair of agency buildings including, but not limited to, the actual request, reviews, correspondence, electronic database information, and documentation of completion. |

| RECORD TYPE | RESPONSIBLE DEPARTMENT(S) | REGULATION(S) (if applicable) | IN OFFICE | IN LONG TERM STORAGE | TOTAL RETENTION PERIOD and EXPLANATION | ADDITIONAL INFORMATION |
|--|-----------------------------|--|--|--|--|--|
| Medical Records (OSHA) | Human Resources | 29 CFR 1910.1001(m)(1)(iii) & 29 CFR 1904.33 & ORC 4123.85 | during employment | retained for the duration of employment plus 30 years. | retained for the duration of employment plus 30 years. | 29 CFR 1910 - Records must be kept on exposure monitoring for asbestos for at least 30 years, and worker medical surveillance records retained for the duration of employment plus 30 years. CFR 1904 - You must save the OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms for five (5) years following the end of the calendar year that these records cover. |
| Negative drug test results | Human Resources | 49 CFR 655.71 | 1 year | | 1 year - current FTA requirement | |
| Payroll Data (earnings/deductions register, pay stubs, etc.) | Finance | | 2 years | 5 years | 7 years | |
| Payroll data (wage and hour) | Human Resources | ORC 4111.14 & ORC 4112 | until that year's audit has been completed | during and 6 years after termination of employment | during and 6 years after termination of employment | employee wage records including but not limited to time cards, wage rate tables, hours and days worked of individual employees |
| Personnel file | Human Resources | ORC 4112 | during and 3 years after termination of employment | during and 6 years after termination of employment | during and 6 years after termination of employment | Statute of Limitations for unlawful discrimination under Ohio Revised Code 4112 is six years |
| Press/News Releases | Communications | | 2 years | 3 years | 5 years | |
| Previous Employer Records concerning drug and alcohol test results. | Human Resources | 49 CFR 655.71 | 3 years | | 3 years - current FTA requirement | |
| Procurement files and correspondence | Procurement and Grants | ORC 2305.06 | Duration of Contract | 8 years | 8 years after contract expiration | Ohio Revised Codes supercedes FTA regulations 5010.1E Ch.III-22 - 3 years after contract expiration / ORC - 8 years after contract expiration |
| Purchase Orders and Vendor Files | Finance | GFOA | until that year's audit has been completed | 7 years | 7 years | |
| Records related to the alcohol and drug collection process; these include random selections, reasonable suspicion determinations, post-accident, and medical evaluations for insufficient amounts of urine/breath. | Human Resources | 49 CFR 655.71 | 2 years | | | |
| Records Requests | Administration | ORC 149.43 | 1 year | 1 year | 2 years | |
| Refusals to test required alcohol/drug tests | Human Resources | 49 CFR 655.71 & 49 CFR 382.401 | 5 years | | 5 years - current FTA requirement | |
| Ridership Data includes back-up documentation and reports | Operations | | 3 years | 2 years | 5 years | |
| Shift Pick | Operations | ORC 4111.14 & ORC 4112 | until that year's audit has been completed | during and 6 years after termination of employment | during and 6 years after termination of employment | employee wage records including but not limited to time cards, wage rate tables, hours and days worked of individual employees |
| State grant files and correspondence | Procurement and Grants | | Duration of the active award | dependent on grant agreement | dependent on grant agreement. | ODOT follows 2 CFR 200 guidelines for records retention - 3 years after grant is closed. OEPA requires 5 years from agreement date. |
| Tax Forms W-2, 1099 | Finance | | 2 years | 4 years | 6 years | The IRS has up to six years to initiate an audit. Files are scanned and stored electronically. |
| Title VI complaints | Operations | 4702.1B Ch. III-6 | 3 years | 1 year | 4 years | |
| Triennial Review Reports, Documents, Findings, Letters | Procurement and Grants | | Until the next Triennial Review | 3 years | 6 years | |
| Vehicle Records | Maintenance | 5010.1E Ch.III-22 | Varies by Vehicle | Varies by Vehicle | 3 year retention period begins from the date of the equipment's disposition or replacement. | Vehicle maintenance work orders will be stored electronically in Dossier |
| Verified positive drug test results | Human Resources | 49 CFR 655.71 & 49 CFR 382.401 | 5 years | | 5 years - current FTA requirement | |
| Video as part of an investigation | Operations, Human Resources | | until the investigation has been completed | 6 years after termination of employment | When LAKETRAN uses video as part of an investigation; the recording is reviewed, if it is found that the video contains information pertinent to the investigation LAKETRAN shall copy the section of relevant recording unto a compact disk. The compact disk will then be made part of the investigation file and will be retained under this policy as if it were a document. | |
| Visitor's Log | Administration | | 1 year | | 1 year | |

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|----------------------------|---------------------------|----------------------------------|-----------|---|---|--|
| Workers compensation files | Human Resources | ORC 4123 | 3 years | 10 years after the later of the injury or illness or the close of the claim | 10 years after the later of the injury or illness or the close of the claim | <p>ORC 4123- Claims with a date of injury from 12/11/67 to 8/24/2006:</p> <ul style="list-style-type: none"> • Medical Only claims = 6 years from date of injury or last medical paid • Lost Time Claims = 10 years from last Medical or Indemnity paid in claim or six years from the last medical payment, if no compensation is paid. <p>Claims with date of injury on or after 8/25/2006:</p> <ul style="list-style-type: none"> • Lost time and medical claims = 5 years from the date of injury or last payment in claim <p>Records to be retained include, but are not limited to:</p> <ul style="list-style-type: none"> • Medical bills*; • Medical documentation; • Correspondence (including provider account information); • Case notes; • Accident descriptions; • Treatment requests; • E-mails that document functions, policies, decisions, procedures or operations associated with BWC; • EDI transactions. <p>ORC 2305.10 - As of October 2017, Ohio workers' compensation claims will have a statute of limitations of one year from injury/diagnosis with exceptions: Occupational Disease and VSSR claims which have a 2 year statute of limitations</p> |
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