

STATE RECORDS COMMISSION  
MINUTES

February 17, 2016  
Springfield, Illinois

A meeting of the State Records Commission was held at 9:30 a.m., February 17, 2016 in the John Daly conference room of the Margaret Cross Norton Building in Springfield.

Commission members present were: Chairman David Joens, designee of Secretary of State Jesse White; Steve Klokkenga, representing State Comptroller Leslie Geissler Munger; Lynn Patton, representing Attorney General Lisa Madigan; G. Allen Mayer, representing State Treasurer Michael Frerichs and Matthew Sebek, representing acting director Michael Hoffman of the Department of Central Management Services.

State Archives staff members present were: Rochelle Joseph, Lynn Kahbeah, Steve Jones, and Bob Boots.

Records Officers present were: Alan Bucari, Cheryl Sakris, and Greg Seifert from the Department of Children and Family Services; Kim Hewitt, Anna Austin, (Patty Brown and Scott Gertz; via Phone) from the Department of Human Services; and Mike Copp from the Department of Transportation.

The meeting was called to order by Chairman Joens at 9:30 a.m. The first item on the agenda was a review of the January 20, 2016 minutes. Mr. Mayer moved to approve. Mr. Sebek seconded the motion. The motion carried and the minutes from the January 20, 2016 State Records Commission were unanimously approved as written.

***NEW BUSINESS***

Chairman Joens asked the commission for permission to review Application 15-63 from the Department of Children and Family Services first at the agency's request. Ms. Patton moved to subsection "c" of the recommendation of item 1 "Director's Administrative and General Correspondence Files with Supporting Documents and Memoranda." Ms. Patton asked if there was a waiting period prior to the destruction such as a period of time or administrative value ceases. Ms. Joseph said the initial paragraph is "retain in office for three years after date of generation then review the files and take the following steps for disposition" which would be A, B, or C. Ms. Patton asked if

the retention for “C” was three years also. Ms. Patton said the other two retentions are more specific. Mr. Joens said he didn’t feel routine documents should have a three year retention. He said “Routine Documents” consists of copies, blank forms, etc.. Mr. Seifert agreed. Ms. Patton asked if “Letters of Transmittal and Acknowledgement’s would be considered duplicates. Mr. Joens suggested moving “Letters of Transmittal and Acknowledgements” to subsection “A” under administration and inserting “Destroy when administrative value is complete” in the retention of subsection “C” “Routine Documents.”

Ms. Patton said there may be instances involving litigation matters where one would want to know when certain documents were received, these might not be appropriate for the administrative category. She asked what “Letters of Transmittal and Acknowledgement” covers. Mr. Seifert said these letters are routine business transaction responses acknowledging receipt of the sender’s letter informing the recipient his or her inquiry is being looked into. Ms. Patton asked how these would differ from general correspondence. Mr. Seifert said general correspondence covers a broader area and would also cover emails. Mr. Sebek suggested moving #2 “Letters of Transmittal and Acknowledgement’s” to A or B. Mr. Joens suggested “B.” Mr. Seifert said that will work for DCFS. Ms. Patton suggested inserting “after expiration of the administrative value” in the recommendation section “C” “Routine Documents.” Mr. Sebek asked for clarification of the possibility of a “duplicate” becoming a record. Mr. Boots explained what a duplicate is. Mr. Mayer moved to approve. Mr. Sebek seconded the motion. The motion carried and Application 15-63 was unanimously approved as amended.

### ***OLD BUSINESS***

The next item of business was Application 15-67 from the Department of Human Services (Rehabilitation Services). This application was deferred 12/15/15 to make several minor changes and research the use of the definitions personal assistant/individual provider. Agency representatives were present to answer questions including, by phone, Ms. Brown and Mr. Gertz. Ms. Joseph gave a summary of the amendments requested by the commission at the last meeting. The commission had requested the terminology “Individual Provider” be removed from the record series but the agency requested it be left in.

Mr. Mayer said the status of “individual provider” is up for some legal interpretation in the courts and has not been resolved. Mr. Mayer said he did not see a reason for individual provider to be used in the application. The commission asked the agency why they felt it was necessary for it to be used. Ms. Brown said she believes “individual providers” is the broader term and is more comprehensive in defining the type of people DHS is working with in the program. She said they used to be referred to as personal assistants but now they are transitioning to the word “individual provider.” She noted that in “smart act” they are called individual providers. Ms. Patton asked if there were any statutory provisions or rules which use IP. Ms. Brown said the reference to IP is used in many different places in the statutes and rules. Ms. Patton said she was aware of statutes where personal assistant was used but not IP. Ms. Brown said ILCS 305 used IP; the Public Aid code references IP, 305 ILCS 5. Ms. Patton said when she reviewed the “Rehabilitation of Persons with Disabilities Act” referred to them as personal assistants. She would like to review the statutory references and see if there are other terms which are used besides individual providers or personal assistants. Mr. Gertz said the “Persons with Disabilities Act” 20 ILCS 2405 section 3 references personal assistants. Mr. Gertz said the term which is used programmatically is individual provider. He said he is not sure if changes in the terminology have been made yet in statutes but it is the term home services staff uses. He said many of the rules have not caught up to the changes and said that as an example the version he has of Title 89 section 6- 8610 still references personal assistants. Ms. Patton said it holds true for Title 89 part 676 also. Mr. Gertz said he will find some examples where the change has been codified. Ms. Patton said her other concern is the “Rehabilitation of Persons with Disabilities Act” also refers to home care and home health care workers and she asked where those fit in to the categories of PA/IP. Mr. Gertz said they would fall in to IP. Ms. Patton suggested inserting a definition of individual provider. Ms. Brown said she would put something together. Ms. Patton moved to 100.001 “Home Services Personal Assistants/Individual Providers Closed Case Files. Ms. Patton asked DHS to provide her with a copy of the agreements so she can review what is referenced in them since they are listed as part of the record series. She said the description lists customer packets which includes “employment agreements.” Mr. Sebek moved to item 300.004 “Restitution Check Files (Duplicates). He asked if duplicates were necessary under the

guidelines previously discussed by Mr. Boots. Mr. Boots said this is a situation where the agency has asked to manage its copies. Mr. Joens said the original checks are returned to the bank so this is the agency's only copy. Mr. Joens suggested removing "duplicates" from the title. Ms. Patton moved to defer Application 15-67 until she reviews the statutes and the above requests are responded to. Mr. Mayer seconded the motion. The motion carried and Application 15-67 was unanimously deferred.

The next item of Old Business was Application 15-77 from the Department of Human Services (Rehabilitation Services). This Application was deferred in order to review the accuracy of the dates used and to see if expenditure reports are included. Ms. Joseph summarized the changes made to the application. Ms. Patton moved to the first paragraph of item 1 "American Recovery and Reinvestment Act (ARRA) Project Files." She suggested adding Public Law 111-5 after "The American Recovery and Reinvestment Act of 2009." Mr. Mayer moved to approve as amended. Mr. Sebek seconded the motion. The motion carried and Application 15-77 was unanimously approved as amended.

### ***NEW BUSINESS***

The commission moved to 15-84 from the Department of Human Services (Family and Community Services). Mr. Sebek moved to approve. Mr. Mayer seconded the motion. The motion carried and Application 15-84 was unanimously approved as written.

The next item of business was Application 16-05 from the Department of Transportation (Highways). An agency representative was present to answer questions. Ms. Patton moved to item 1 "Prime Contractor Authorization to Bid Determinations & Later Letting Analysis." She said the first paragraph of the description lists "including email" but the retention does not reflect it. Mr. Jones said "delete from system" covers the reference of email. Mr. Sebek asked for clarification of the destruction of electronic records. Mr. Jones gave him a summary of why the retentions are written media neutral in order to cover records of both hard copy and electronic. Mr. Joens said the retention could be more specific listing hard copy and electronic. Mr. Copp gave an explanation of where the emails fall under this record series. He said when a contractor requests a bid, IDOT receives documents from that contractor. The request is processed and a report is issued to the contractor saying whether IDOT will allow them to

bid or why they will not allow them to bid. In a case where IDOT does allow a contractor to bid IDOT lets the contractor know by email. The email is then printed and attached to the documents which were received so it can be retained together in the contractor's file. Ms. Patton suggested including standard language in the retention separating the hard copy from the electronic. Mr. Joens suggested on the first line of the retention adding "Retain electronic copies for 10 years" "Retain hard copies" then use the language as written. Mr. Mayer moved to approve as amended. Mr. Sebek seconded the motion. The motion carried and Application 15-05 was unanimously approved as amended.

Application 16-06 was from the Department of Transportation (Finance and Administration) Mr. Sebek moved to approve. Mr. Mayer seconded the motion. The motion carried and Application 16-06 was unanimously approved as written.

Application 15-56 from the Department of Central Management Services (Bureau of Benefits) was the next on the agenda. Mr. Mayer moved to approve. Ms. Patton seconded the motion. The motion carried and Application 15-56 was unanimously approved as written.

The next Application on the agenda was 16-04 from the Illinois Department of Labor (Human Resources). Ms. Patton moved to the retention of item 1 "Employment Candidate Interview and Selection Files (Hired and Non-Hired). She asked if there was any possibility that a position would not be filled or could be eliminated. Mr. Jones said yes. After deliberation the commission agreed to change the word "filled" in the retention to "closed." Mr. Sebek then moved to the second paragraph of the description. He felt the paragraph citing how long CMS maintains the "Master Personnel Files" for employees under the personnel code etc... was irrelevant. The commission agreed to remove the paragraph with the exception of "The files are primarily related to positions covered by the Rutan decision but non-Rutan positions may also be documented within the record series" which will be moved to the first paragraph. Mr. Sebek moved to approve as amended. Mr. Mayer seconded the motion. The motion carried and Application 16-04 was unanimously approved as amended.

Application 86-54B from Chicago State University (Vice President for Academic Affairs). Mr. Mayer moved to item 323 "Contracts." He suggested removing the reference to the Auditor General in the retention. Ms. Patton moved to item 322 "Fiscal and Budget Files." She asked if the fiscal and

budget files are usually tied into a fiscal year instead of date of generation. Mr. Jones said yes, they are usually tied in to the fiscal year. Ms. Patton suggested amending the retention to “Retain in the office for three (3) fiscal years” instead of date of generation, etc... Mr. Mayer moved to approve. Mr. Sebek seconded the motion. The motion carried and Application 86-54B was unanimously approved as amended.

Application 07-11G from Southern Illinois University – Edwardsville (Vice Chancellor for Administration) was the next to be considered. Ms. Patton asked if this application applied to all Southern Illinois universities. Mr. Jones said it just applied to the Edwardsville campus. Ms. Patton suggested adding “Edwardsville” to the cover page. Ms. Patton then moved to the retention. She said in the third line after the word “and” the word “no” was missing. Ms. Patton moved to approve as amended. Mr. Sebek seconded the motion. The motion carried and Application 07-11G was unanimously approved as amended.

The last Application on the agenda was 07-09M from Southern Illinois University – Edwardsville (Provost and V.C. for Academic Affairs). Ms. Patton moved to approve. Mr. Klokkenga seconded the motion. The motion carried and Application 07-09M was unanimously approved as written.

### ***PUBLIC COMMENT***

There was no public comment.

The date of the next scheduled State Records Commission meeting is Wednesday, March 16, 2016 at 9:30 a.m. in the John Daly Conference Room of the Margaret Cross Norton Building, Springfield, Illinois. Mr. Klokkenga moved to adjourn. Mr. Mayer seconded the motion. The motion carried and the February 17, 2016 State Records Commission adjourned at 10:30 a.m.

The following applications were submitted to the State Records Commission members for consideration:

- 15-67 Department of Human Services  
(Rehabilitation Services)  
*Deferred*
  
- 15-77 Department of Human Services  
(Rehabilitation Services)  
*Approved as Amended*
  
- 15-84 Department of Human Services  
(Family and Community Services)  
*Approved as Written*
  
- 15-63 Department of Children and Family Services  
(Director's Office)  
*Approved as Amended*
  
- 15-56 Central Management Services  
(Bureau of Benefits)  
*Approved as Written*
  
- 16-04 Department of Labor  
(Human Resources)  
*Approved as Amended*
  
- 16-05 Department of Transportation  
(Highways)  
*Approved as Amended*
  
- 16-06 Department of Transportation  
(Finance and Administration)  
*Approved as Written*
  
- 86-54B Chicago State University  
(V.P. for Academic Affairs)  
*Approved as Amended*

Continuation/Minutes/2/17/16

07-11G      Southern Illinois University - Edwardsville  
                  (V.C. for Administration)  
                  *Approved as Amended*

07-09M      Southern Illinois University - Edwardsville  
                  (Provost and V.C. for Academic Affairs)  
                  *Approved as Written*