

OFFICE OF ADMINISTRATIVE HEARINGS

Program Records Retention and Disposition Schedule

The Program Records Retention and Disposition Schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records of the

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do not and will not have further official use or value for administrative, research, or reference purposes after the respective retention periods specified herein. The N.C. Department of Cultural Resources consents to the destruction or other disposition of these records in accordance with the retention and disposition instructions specified in this schedule. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records including electronic records not listed in this schedule or in the *General Schedule for State Agency Records* are not authorized to be destroyed.**

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agrees to destroy, transfer or dispose of records in the manner and at the times specified herein. This schedule is to remain in effect until superseded.

APPROVAL RECOMMENDED



Arlo Lund, Chief Records Officer  
Office of Administrative Hearings



David Brook, Director  
Division of Historical Resources

APPROVED



Julian Mann III, Director-Chief Administrative Law Judge  
Office of Administrative Hearings



Lisbeth C. Evans, Secretary  
Department of Cultural Resources

September 23, 2005

CSB

PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE AMENDMENT

**OFFICE OF ADMINISTRATIVE HEARINGS  
RULES DIVISION**

Amend the program records retention and disposition schedule approved September 23, 2005 by amending items 19125 as shown on the included schedule. No other items on this schedule have been amended, added, or removed.

**APPROVAL RECOMMENDED**

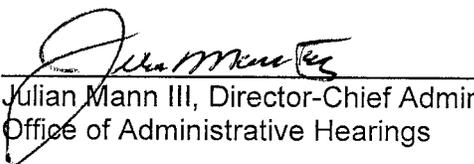


Darryl Bass, Chief Records Officer  
Office of Administrative Hearings



David Brook, Director  
Division of Historical Resources

**APPROVED**



Julian Mann III, Director-Chief Administrative Law Judge  
Office of Administrative Hearings



Lisbeth C. Evans, Secretary  
Department of Cultural Resources

**OFFICE OF ADMINISTRATIVE HEARINGS  
ADMINISTRATION**

**ITEM 18612. PUBLIC RELATIONS (PHOTOGRAPHS) FILE.**

Photographs of Office of Administrative Hearings staff members.

DISPOSITION INSTRUCTIONS: Destroy in office when administrative value ends.

**ITEM 18617. PERSONNEL (INACTIVE) FILE.**

Individual personnel file for each former employee. Also contains personnel files formerly listed under the Rules Review Commission (RRC) schedule (Item 21558). (Comply with applicable provisions of G.S. 126-22, 126-23, and 126-24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center 5 years after employee terminates service. Records will be held for agency in the State Records Center 25 additional years and then destroyed. Destroy records currently stored in the State Records Center 30 years from date of record.

**OFFICE OF ADMINISTRATIVE HEARINGS  
CIVIL RIGHTS DIVISION**

**ITEM 18638. EMPLOYMENT DISCRIMINATION CHARGE FILE.**

Case files in paper and microform formats concerning investigations and violations of equal employment opportunity laws. File includes correspondence, administrative records, affidavits, investigative reports, political criminal charges, and other related records. (Comply with applicable provisions of 29 CFR 1601.26 and 42 USC 2000e-5(b) regarding confidentiality of case files.)

DISPOSITION INSTRUCTIONS: Destroy in office 3 years after case is closed if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved. Destroy in office all reference copies of microfilm immediately.

**OFFICE OF ADMINISTRATIVE HEARINGS  
DIRECTOR'S OFFICE**

**ITEM 18608. DIRECTOR'S CORRESPONDENCE FILE.**

Records in paper and electronic formats concerning correspondence to and from the Director of the Office of Administrative Hearings. File includes correspondence relating to the formulation or issuance of agency policy or to the administration of the Office of Administrative Hearings, and other related records.

DISPOSITION INSTRUCTIONS: Print electronic records and interfile with related paper records. Destroy electronic records once they have been printed and interfiled. Transfer paper records to the State Records Center when administrative value ends. Records will be held for agency for 5 additional years and then transferred to the custody of the Archives.

**ITEM 18610. PUBLIC RELATIONS (SPEECHES) FILE.**

Records in paper and electronic formats concerning speeches made by the Director of the Office of Administrative Hearings.

DISPOSITION INSTRUCTIONS: Destroy in office when administrative value ends. Destroy records currently held in the State Records Center immediately.

**OFFICE OF ADMINISTRATIVE HEARINGS  
FISCAL SECTION**

**ITEM 19071. AUDIT REPORTS FILE.**

Audit reports for offices that conduct financial transactions.

DISPOSITION INSTRUCTIONS: Destroy in office when administrative value ends.

**ITEM 19085. GRANTS FILE.**

Records concerning approved federal grants that are subject to audits. File includes correspondence, proposals, and other related records.

DISPOSITION INSTRUCTIONS: Destroy in office 4 years after completion of grant if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.

**ITEM 33068. GRANT PROPOSALS FILE.**

Proposals for federal grants. File also includes correspondence and other related records.

DISPOSITION INSTRUCTIONS: Transfer records concerning approved grants to Grants File (Item 19085) when approved. Destroy in office records concerning rejected or withdrawn grants 4 years after rejection or withdrawal.

**OFFICE OF ADMINISTRATIVE HEARINGS  
HEARINGS DIVISION**

**ITEM 4105. CLOSED CASES FILE.**

Records concerning closed contested cases involving state agencies. File includes petitions, orders, correspondence, transcripts, pleadings, and other case-related records.

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center after 1 year(s). Records will be held for agency in the State Records Center 10 additional years and then transferred to the custody of the Archives.

**ITEM 4106. CLOSED AUDIO CASSETTES FILE.**

Tape recordings of closed contested case hearings.

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center after 1 year. Records will be held for agency in the State Records Center 10 additional years and then destroyed. Destroy records currently stored in the State Records Center 11 years from date received.

**ITEM 19052. CASES FILE.**

Records concerning contested cases involving state agencies. File includes petitions, orders, correspondence, transcripts, pleadings, and other case-related records.

DISPOSITION INSTRUCTIONS: Transfer to Closed Cases File (Item 4105) when closed.

**ITEM 19054. AUDIO CASSETTES FILE.**

Tape recordings of contested case hearings.

DISPOSITION INSTRUCTIONS: Transfer to Closed Audio Cassettes File (Item 4106) when case is closed.

**ITEM 19056. CONTESTED CASES CORRESPONDENCE FILE.**

Records in paper and electronic form concerning correspondence with state agencies and the public regarding contested cases.

DISPOSITION INSTRUCTIONS: Destroy in office when administrative value ends.

**ITEM 33081. CLOSED CASES INDEX FILE.**

Indexes in paper and electronic form providing information concerning closed cases processed by the Hearings Division. (Information for closed cases includes docket number, names of petitioners and respondents, case status, and date closed.)

DISPOSITION INSTRUCTIONS: Print listing of closed cases and include with transfer of Closed Cases File (Item 4105). Update electronic records routinely and retain electronic records in office permanently. Destroy remaining paper records when administrative value ends.

**OFFICE OF ADMINISTRATIVE HEARINGS  
PARALEGAL SECTION**

**ITEM 18613. LEGAL AND LEGISLATIVE FILE.**

Records concerning legal and legislative matters affecting the Office of Administrative Hearings (OAH). File includes Attorney General's opinions and records concerning legal issues and cases pertinent to OAH. File also includes records concerning each session of the General Assembly.

DISPOSITION INSTRUCTIONS: Destroy in office when superseded or obsolete.

**ITEM 33026. OAH RULEMAKING HEARINGS FILE.**

Records in paper and electronic form concerning rulemaking proceedings held in the Office of Administrative Hearings for the office's own rulemaking hearings. File includes written comments received, transcripts or recordings of public hearings, and written explanations made for adopting the rule.

DISPOSITION INSTRUCTIONS: Print electronic records and interfile with related paper records. Destroy electronic records once they have been printed and interfiled. Transcribe audio recordings and destroy or recycle after transcriptions have been completed and verified. Transfer paper records to the State Records Center when administrative value ends. Records will be held for agency in the State Records Center 5 additional years and then transferred to the custody of the Archives.

**OFFICE OF ADMINISTRATIVE HEARINGS  
RULES DIVISION**

**ITEM 3680. NORTH CAROLINA ADMINISTRATIVE CODE HISTORY FILE.**

State of North Carolina's rules submitted by state agencies under the authority of the Administrative Procedures Act. File includes official signed submission forms and original copies of rule text as adopted. Information entered into North Carolina Administrative Code Database (Electronic) File (Item 40503). (Rules and Regulations of State Agencies File (Item 2922) dated 1943-1976 have been transferred to the custody of the Archives.) (This is an essential agency record.)

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center after 3 years. Records will be held for agency in the State Records Center 10 additional years and then transferred to the custody of the Archives.

**ITEM 18632. NORTH CAROLINA ADMINISTRATIVE CODE (ELECTRONIC)(DATABASE) FILE.**

Daily record of rule submissions filed with the division. Rule submission includes citation, effective date, action taken, and other related data.

DISPOSITION INSTRUCTIONS: Function and records transferred to North Carolina Register and Administrative Code (Electronic)(Database) File (Item 18635).

**ITEM 18633. NORTH CAROLINA REGISTER PUBLICATION FILE.**

State of North Carolina's proposed rules submitted by state agencies to be published in the "North Carolina Register" under the authority of the Administrative Procedures Act. File includes official signed submission form and original copy of rule(s) text as proposed. Information is entered into North Carolina Register Database (Electronic) File (Item 40504).

DISPOSITION INSTRUCTIONS: Destroy in office six months after publication in "North Carolina Register."

**ITEM 18634. NORTH CAROLINA REGISTER FILE.**

Bi-monthly publications of the State of North Carolina's proposed rules in the "North Carolina Register." The register is published in print form and is also available on the agency's Web site.

DISPOSITION INSTRUCTIONS: Transfer 1 or more copies (as required) of each publication to the State Documents Clearinghouse, North Carolina State Library, when received from printer, in accordance with 150B-21.24 (b)(9).

**ITEM 18635. NORTH CAROLINA REGISTER AND ADMINISTRATIVE CODE (ELECTRONIC) (DATABASE) FILE.**

Electronic records concerning rule submissions filed with the division each day. Rule submission includes citation, action taken, and proposed effective date. This file also includes records formerly listed under the (RRC) schedule (Item 47018), and is used to generate reports for: Notebooks File (Item 19125), Website File (Item 46803), and Legislative Reports File (Item 46803).

DISPOSITION INSTRUCTIONS: Update in office routinely. Retain in office permanently.

**ITEM 18637. AGENCY CORRESPONDENCE FILE.**

Correspondence in paper and electronic form received from state agencies concerning corrections, additions, or changes in published codes. This file also includes records formerly listed under the (RRC) schedule (Item 19127).

DISPOSITION INSTRUCTIONS: Destroy in office when administrative value ends if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.

**OFFICE OF ADMINISTRATIVE HEARINGS  
RULES DIVISION**

**ITEM 19125. NOTEBOOKS FILE.**

Records concerning rules before the commission for approval or disapproval. File includes agendas, commission minutes, reports, correspondence, records in support or opposition to rules, logs, technical change requests, and staff opinions on rules. Reports are generated from North Carolina Register and Administrative Code (Database) File (Item 18635).

DISPOSITION INSTRUCTIONS: Transfer a duplicate copy of the notebooks to the State Records Center after each meeting for security storage. Transfer official signed notebooks to the State Records Center after 5 years. Records will be held for agency in the State Records Center 20 additional years and then transferred to the custody of the Archives. Destroy duplicate copies in the State Records Center after the original records have been transferred to the State Records Center. Destroy in office remaining records when reference value ends.

**ITEM 19127. RULES REVIEW COMMISSION (RRC) CORRESPONDENCE FILE.**

Correspondence concerning matters not otherwise contained in Notebooks File (Item 19125).

DISPOSITION INSTRUCTIONS: Function and records transferred to Agency Correspondence File (Item 18637).

**ITEM 21559. OATHS OF OFFICE FILE.**

Oaths of office and appointment letters of commission members.

DISPOSITION INSTRUCTIONS: Destroy in office when administrative value ends.

**ITEM 21568. RULES REVIEW COMMISSION REPORTS FILE.**

Reports of the RRC concerning rules updates for various agencies required by Section 3, Chapter 747 of the 1985 Session Laws and Section 37, Chapter 1028 of the 1985 Session Laws (Regular Session 1986). File includes correspondence and other related records.

DISPOSITION INSTRUCTIONS: Item discontinued. All records transferred. As a courtesy to OAH, retain reference on schedule permanently, or until notified by agency that it is no longer needed.

**ITEM 40503. NORTH CAROLINA ADMINISTRATIVE CODE DATABASE (ELECTRONIC) FILE.**

Electronic records concerning current administrative rules. Text of administrative rules, history notes, statutory authority references, and other related data are entered into this electronic file and is available in reference form on OAH's website.

DISPOSITION INSTRUCTIONS: Retain in permanently. Update in office routinely.

**ITEM 40504. NORTH CAROLINA REGISTER DATABASE (ELECTRONIC) FILE.**

Electronic records concerning proposed rules. Text of proposed administrative rules, agencies data, and other related data are entered into this electronic file, which is available, in reference form, on OAH's Web site.

DISPOSITION INSTRUCTIONS: Erase in office electronic file when permanent rule is received from agency or notification is received from agency that proposed rule is withdrawn.

**ITEM 46803. LEGISLATIVE REPORTS FILE.**

Records concerning reports made to the North Carolina General Assembly. File includes list of rules approved by legislature and annual reports. Reports are generated from the North Carolina Register and Administrative Code (Database) File (Item 18635).

DISPOSITION INSTRUCTIONS: Destroy in office after 5 years.

**OFFICE OF ADMINISTRATIVE HEARINGS  
RULES DIVISION**

**ITEM 47018. RULES REVIEW COMMISSION DATABASE (ELECTRONIC) FILE.**

Electronic records concerning rules filed in order to generate reports. Electronic file includes rule numbers, titles, and descriptions used to generate reports for Notebooks File (Item 19125), Legislative Reports File (Item 46803), and List of Approved Rules File (Item 47019). Data is entered into this database from the Submission For Permanent Rule File (Item 47036). (File maintenance and backup procedures conducted by office personnel.)

DISPOSITION INSTRUCTIONS: Function and records transferred to North Carolina Register and Administrative (Database) File (Item 18635).

**ITEM 47019. LIST OF APPROVED RULES FILE.**

Records concerning reports listing rules approved at monthly commission meetings. Reports are generated from the Rules Review Commission Database (Electronic) File (Item 47018).

DISPOSITION INSTRUCTIONS: Function and records transferred to North Carolina Register and Administrative (Database) File (Item 18635).

**ITEM 47036. SUBMISSION FOR PERMANENT RULE FILE.**

Records concerning permanent and temporary rules filed with the commission by state agencies. File includes Submission for Permanent Rule forms. Data entered into North Carolina Register and Administrative Code (Database) File (Item 18635).

DISPOSITION INSTRUCTIONS: Function and records transferred to North Carolina Administrative Code History File (Item 3680).

**ITEM 47466. PROPOSED TEMPORARY RULES FILE.**

Records in paper and electronic formats concerning proposed temporary rules submitted by state agencies. Information is posted on the OAH website as required by G.S. 150B-21.1(a3)(1) until approval of temporary rule by (RRC) or OAH receives notification from the submitting agency that the proposal has been withdrawn. File submission includes citation, schedule of public hearings, action taken, and other related records.

DISPOSITION INSTRUCTIONS: After posting on the OAH website, print electronic records and transfer paper records to the North Carolina Administrative Code History File (Item 3680). Destroy electronic records when administrative value ends.

**ITEM 47467. PROPOSED PERMANENT RULES WITH SUBSTANTIAL CHANGES FILE.**

Records in paper and electronic formats concerning permanent rules adopted with substantial changes. Information is posted on the OAH website as required by G.S. 150B-21.12. File includes signed submission forms, rule text as adopted, and other related records.

DISPOSITION INSTRUCTIONS: After posting on the OAH website, print electronic records and transfer paper records to the North Carolina Administrative Code History File (Item 3680). Destroy electronic records when administrative value ends.

**ITEM 47535. WEBSITE (ELECTRONIC) FILE.**

Records concerning website maintained by OAH as required by G.S. 150B. File includes proposed and temporary rules made available for public comment, the NC administrative code, the "North Carolina Register," forms for rules submissions, and other related records. For related paper records see North Carolina Administrative Code File Item 3680.

DISPOSITION INSTRUCTIONS: Update in office routinely. Retain in office permanently.