

RESOLUTION NO. 2023-68

AMENDING CHAPTER 216 PUBLIC RECORDS AND REMOVING CHAPTER 650 RECORDS RETENTION OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AND AMENDING PERSONNEL POLICY 700 RECORDS RETENTION AND RELEASE

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees of the Greater Cleveland Regional Transit Authority ("Authority") codified the resolutions establishing its policies and procedures; and

WHEREAS, the Authority has conducted a review and determined that Chapter 216 Public Records should be amended and Chapter 615 Records Retention should be removed from the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority ("Code Book"); and

WHEREAS, the Authority has also determined that Personnel Policy 700 should be amended.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That Code Book Chapter 216 Public Records is hereby amended to read as specified in Attachment A hereto.

Section 2. That Code Book Chapter 650 Records Retention is hereby removed in its entirety.

Section 3. That Personnel Policy 700 is hereby amended to read as specified in Attachment B hereto.

Section 4. That the Board of Trustees hereby waives the fourteen-day period provided for in Article XI, Section 2 of the Bylaws.


Section 5. That this resolution shall become effective immediately upon its adoption.

Attachments: A. Chapter 216 Public Records and Record Retention Policy
B. Personnel Policy 700 Records Retention & Release

Adopted: August 29, 2023



President

Attest: 
Secretary/Treasurer

CHAPTER 216
Public Records and Record Retention Policy

216.01	Public Records Policy.
216.02	Record retention.
216.03	Compliance with records retention schedules
216.04	Public record disclosure.

CROSS REFERENCES

Documents, reports and records - see R.C. 149.43

216.01 PUBLIC RECORDS POLICY.

Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the policy of the Greater Cleveland Regional Transit Authority to fully comply with Ohio's Public Records Act.

216.02 RECORD RETENTION.

(a) All Greater Cleveland Regional Transit Authority records shall be maintained and retained in compliance with the internal operating needs of the Authority and federal, state and local laws.

(b) The Authority has established an Executive Records Management Commission and adopted records retention schedules to maintain lawful, consistent and effective record-keeping practices throughout the Authority.

(c) The General Manager, Chief Executive Officer is authorized, through the Executive Records Management Commission, to revise and update the records retention schedules without further approval by the Board of Trustees so long as such amendments are in full compliance with all applicable laws, rules and regulations governing the retention and disposal of records created and maintained by the Authority.

216.03 COMPLIANCE WITH RECORDS RETENTION SCHEDULES.

Before disposing of any record, as defined in the Ohio Public Records Act, employees must ensure that destruction is permitted by the established records retention schedules and follow the records retention procedures.

216.04 PUBLIC RECORD DISCLOSURE.

(a) The Authority shall comply with all applicable laws regarding the disclosure of public records. All public record requests shall be referred to the Legal Department for handling.

(b) The General Manager, Chief Executive Officer may establish and amend administrative procedures governing the Authority's record retention and disclosure of public records without further approval by the Board of Trustees.

Attachment B to Resolution

Section 700 – Records Management

700.01 PERSONNEL RECORDS

A personnel file on each employee is maintained in the Human Resources Department. This file may include, but is not limited to, information regarding previous training, experience and employment as well as the work history of the employee while with the Authority.

The Authority is subject to the Ohio Public Records Act (Ohio R.C. Chapter 149) and certain portions of an employee's personnel file must be made available for public inspection upon request.

700.02 ATTENDANCE RECORDS

The Authority will maintain daily attendance records. Included will be time recorded for leaves, both paid and unpaid, compensatory time off and additional time worked.

The Authority will maintain such attendance records in a manner that ensures accuracy and accessibility.

700.03 EMPLOYEE HANDLING OF AUTHORITY RECORDS

GCRTA shall have the right to access, and employees shall provide prompt access to, all Authority records, regardless of their location and irrespective of whether they were created by or stored on non-GCRTA devices (e.g., business and/or personal computers; stationary and/or portable devices; storage media, including; local drives, network drives, CD, DVD, tape and/or other storage facilities not owned by RTA).

700.04 DISPOSITION OF RECORDS – SEPARATION FROM EMPLOYMENT

It is the hope of the Authority that all employees enjoy continuous and uninterrupted employment during their tenure as Authority employees. However, at the time of separation from employment, whether voluntary, retirement, as a result of disciplinary action, or reduction in workforce, the employee is not permitted to remove any GCRTA records that were created in conjunction with their employment without the express written consent of the Authority. This includes working copies, drafts, manuals, computer disks and software.

700.05 CONFIDENTIAL INFORMATION (COMPLYING WITH REQUESTS TO INSPECT AND COPY GCRTA EMPLOYEE RECORDS)

The GCRTA Code of Ethics prohibits the release of confidential information or records of GCRTA employees. "Confidential information" means any information concerning the GCRTA that is:

- (a) Not a matter of public knowledge;
- (b) Exempt from public inspection and copying;
- (c) Legally required to be kept confidential by the GCRTA.

All public record requests shall be referred to the Legal Department for handling in accordance with the Ohio public records law.



TITLE/DESCRIPTION: AMENDING CHAPTER 216 PUBLIC RECORDS AND REMOVING CHAPTER 650 RECORDS RETENTION OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AND AMENDING PERSONNEL POLICY 700 RECORDS RETENTION AND RELEASE	Resolution No.: 2023-68
	Date: August 24, 2023
	Initiator: Finance
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This resolution will amend Chapter 216 Public Records and remove Chapter 650 Records Retention of the Codified Rules and Regulations (“Code Book”) of the Greater Cleveland Regional Transit Authority (“Authority”) and amend Personnel Policy 700.

- 2.0 **DESCRIPTION/JUSTIFICATION:** The Policies and Procedures of the Board of Trustees were codified in 1989, pursuant to Resolution 1989-176. The Code Book is undergoing a comprehensive review and update so that the Code Book will conform to the current structure and operations of the Authority.

 The governing provisions for retention and disclosure of public records are located in two places: (1) the Code Book, which provides the broad, overarching guidance for the Authority enacted by the Board of Trustees; and (2) the Personnel Policies, which govern the relationship between the Authority and its employees and are approved by the Board of Trustees.

 The proposed amendment will consolidate and clarify the Authority’s obligations regarding retention and disclosure of public records in one chapter of the Code Book, while retaining the policy for Human Resources records in the Personnel Policies.

- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** Does not apply.

- 5.0 **POLICY IMPACT:** Adoption of the resolution will clarify the Authority’s obligations regarding retention and disclosure of public records.

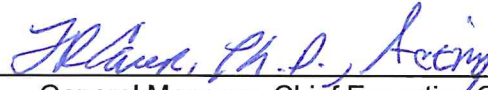
- 6.0 **ECONOMIC IMPACT:** Does not apply.

- 7.0 **ALTERNATIVES:** Not adopting this resolution. Not adopting this resolution would result in a lack of clarity in the Authority’s policies regarding retention and disclosure of public records.

- 8.0 **RECOMMENDATION:** This resolution was discussed at the August 8, 2023 Committee of the Whole meeting and recommended for consideration by the full Board of Trustees. It is recommended that this resolution be adopted.

- 9.0 **ATTACHMENTS:**
 - A. Red-line of proposed amendments to Code Book Chapter 216
 - B. Red-line of proposed amendments to Code Book Chapter 650
 - C. Red-line of proposed amendments to Personnel Policy 700

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.

A handwritten signature in blue ink, appearing to read "J. Klaus, Ph.D., Acemoglu". The signature is written in a cursive style and is positioned above a horizontal line.

General Manager, Chief Executive Officer

CHAPTER 216
Public Records and Record Retention Policy

216.01	Public Records Policy.
216.02	Record retention.
<u>216.03</u>	<u>Compliance with records retention schedules</u>
216. 03 <u>04</u>	Public record disclosure.

CROSS REFERENCES

Documents, reports and records - see ~~Ohio~~-R.C. ~~Ch.~~ 149.43

216.01 PUBLIC RECORDS POLICY.

Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the policy of the Greater Cleveland Regional Transit Authority to ~~at all times~~ fully comply with Ohio's Public Records Act, ~~Ohio R.C. 149.43~~.

216.02 RECORD RETENTION.

(a) All Greater Cleveland Regional Transit Authority records shall be maintained and retained in compliance with the internal operating needs of the Authority and ~~federal~~local, ~~s~~State and ~~Federal~~local laws.

(b) The Authority has established an Executive Records Management Commission and adopted records retention schedules to maintain lawful, consistent and effective record-keeping practices throughout the Authority.

(a)(c)

(b) ~~By Resolution 1991-264, passed December 17, 1991, the Authority adopted a records retention schedule. The CEO, General Manager/Secretary-Treasurer, Chief Executive Officer is authorized, through the Executive Records Management Commission, to revise and update the records retention schedules without further approval by the Board of Trustees so long as such amendments are in full compliance with all known-applicable laws, rules and regulations governing the retention and disposal of records created and maintained by the Authority.~~

216.03 COMPLIANCE WITH RECORDS RETENTION SCHEDULES.

Before disposing of any record, as defined in the Ohio Public Records Act, employees must ensure that destruction is permitted by the established records retention schedules and follow the records retention procedures.

216.~~04~~3 PUBLIC RECORD DISCLOSURE.

(a) The Authority shall comply with all applicable laws regarding the disclosure of public records. All public record requests shall be referred to the Legal Department for handling.

Attachment A to Staff Summary

(b) ~~The Authority has administrative procedures governing the Authority's disclosure of public records. The CEO, General Manager/Secretary-Treasurer, Chief Executive Officer~~ may establish and amend those administrative procedures governing the Authority's record retention and disclosure of public records without further approval by the Board of Trustees.

Attachment B to Staff Summary

~~CHAPTER 650 Records Retention and Release~~

- ~~650.01 Personnel records.~~
- ~~650.02 Attendance records.~~
- ~~650.03 Electronic mail records. (Repealed)~~
- ~~650.04 Compliance with records retention schedule.~~
- ~~650.05 Disposition of records—separations from employment.~~
- ~~650.06 Confidential information (complying with requests to inspect and copy GCRTA records.~~

~~CROSS REFERENCES~~

- ~~Labor standards—see 48 U.S.C.A. 1609~~
 - ~~Ohio Open Records Act—see Ohio R.C. Ch. 149~~
 - ~~Employment generally—see Bylaws Art. VIII, Sec. 2~~
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~~650.01 PERSONNEL RECORDS.~~

~~(a) — A personnel file on each employee is maintained in the Human Resources Department. This file may include, but is not limited to, information regarding previous training, experience and employment as well as the work history of the employee while with the Authority.~~

~~(b) — The Authority is subject to the Ohio Open Records Act (Ohio R.C. Chapter 149) and certain portions of an employee's personnel file must be made available for public inspection upon request.
(Res. 2001-119. Passed 8-21-01.)~~

~~650.02 ATTENDANCE RECORDS.~~

~~(a) — All departments will maintain daily attendance records. Included will be time recorded for leaves, both paid and unpaid, compensatory time off and additional time worked.~~

~~(b) — All departments will maintain such attendance records on the Greater Cleveland Regional Transit Authority's Time & Attendance System.
(Res. 2001-119. Passed 8-21-01.)~~

~~650.03 ELECTRONIC MAIL RECORDS. (REPEALED)~~

~~(EDITOR'S NOTE: Section 650.03 was repealed by Resolution No. 2013-95, passed September 17, 2013. See Section 650.04 for provisions regarding electronic mail records.)~~

~~650.03 COMPLIANCE WITH RECORDS RETENTION SCHEDULE.~~

~~(a) — All GCRTA records shall be maintained and retained in compliance with the internal operating needs of the Authority and local, State, and Federal law.~~

Attachment B to Staff Summary

~~(b) — The Records Retention Schedule was developed to maintain lawful, consistent and effective record keeping practices throughout the Authority. A "record" is defined as any document, device, or item, regardless of physical form or characteristic, including an electronic record that is created, received by, or comes under the jurisdiction of the Authority, and which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.~~

~~(c) — Before disposing of any RTA record, employees must ensure that destruction is permitted by the established Records Retention Schedule and follow the Records Retention Procedure.~~

~~(d) — GCRTA shall have the right to access, and employees shall provide prompt access to, all records, regardless of their location and irrespective of whether they were created by or stored on non GCRTA devices (e.g., business and/or personal computers; stationary and/or portable devices; storage media, including; local drives, network drives, CD, DVD, tape, and/or other storage facilities not owned by RTA).~~

~~(e) — The Records Manager will coordinate an annual meeting of the Executive Records Management Committee to consider requests to modify records retention schedules, disposal of records included on the records retention schedules, and one time disposal of records. Other meetings of the Executive Records Management Committee will be scheduled as needed.~~

~~(f) — The GCRTA Records Manager can provide assistance with any questions regarding the maintenance and destruction of records.~~

~~(g) — For more information, refer to the Records Management Guide. (Res. 2001-119. Passed 8-21-01; Res. 2013-95. Passed 9-17-13.)~~

~~650.05 — DISPOSITION OF RECORDS SEPARATIONS FROM EMPLOYMENT.~~

~~It is the hope of the Authority that all employees enjoy continuous and uninterrupted employment during their tenure as Authority employees. However, at the time of separation from employment, whether voluntary, retirement, as a result of disciplinary action, or reduction in workforce, the employee is not permitted to remove any GCRTA records that were created in conjunction with their employment without the expressed written consent of the Authority. This includes working copies, drafts, manuals, computer disks and software.~~

~~(Res. 2001-119. Passed 8-21-01.)~~

~~650.06 — CONFIDENTIAL INFORMATION (COMPLYING WITH REQUESTS TO INSPECT AND COPY GCRTA RECORDS)~~

Attachment B to Staff Summary

~~(a) — The GCRTA Code of Ethics prohibits the release of confidential information or records of GCRTA employees. "Confidential information" means any information concerning the GCRTA that is:~~

- ~~(1) — Not a matter of public knowledge;~~
- ~~(2) — Exempt from public inspection and copying;~~
- ~~(3) — Legally required to be kept confidential by the GCRTA.~~

~~(b) — All public record requests should be referred to the Legal Department for handling in accordance with their internal procedures.
(Res. 2001-119. Passed 8-21-01.)~~

Attachment C to Staff Summary

Section 700 – Records ~~Management~~ Retention & Release

700.01 PERSONNEL RECORDS

A personnel file on each employee is maintained in the Human Resources Department. This file may include, but is not limited to, information regarding previous training, experience and employment as well as the work history of the employee while with the Authority.

The Authority is subject to the Ohio ~~Open-Public~~ Records Act (~~Ohio~~ R.C. Chapter 149) and certain portions of an employee's personnel file must be made available for public inspection upon request.

700.02 ATTENDANCE RECORDS

~~All departments~~ The Authority will maintain daily attendance records. Included will be time recorded for leaves, both paid and unpaid, compensatory time off and additional time worked.

~~All departments~~ The Authority will maintain such attendance records on the Greater Cleveland Regional Transit Authority's Time & Attendance System in a manner that ensures accuracy and accessibility.

700.03 ~~COMPLIANCE WITH RECORDS RETENTION SCHEDULE~~ EMPLOYEE HANDLING OF AUTHORITY RECORDS

~~All GCRTA records shall be maintained and retained in compliance with the internal operating needs of the Authority and local, state, and federal laws.~~

~~The Records Retention Schedule was developed to maintain lawful, consistent and effective record-keeping practices throughout the Authority. A "record" is defined as any document, device, or item, regardless of physical form or characteristic, including an electronic record that is created, received by, or comes under the jurisdiction of the Authority, and which serves to document the organization's functions, policies, decisions, procedures, operations, or other activities of the office.~~

~~Before disposing of any RTA record, employees must ensure that destruction is permitted by the established Records Retention Schedule and follow the Records Retention Procedures.~~

GCRTA shall have the right to access, and employees shall provide prompt access to, all Authority records, regardless of their location and irrespective of whether they were created by or stored on non-GCRTA devices (e.g., business and/or personal computers; stationary and/or portable devices; storage media, including; local drives, network drives, CD, DVD, tape and/or other storage facilities not owned by RTA).

~~The Records Manager will coordinate an annual meeting of the Executive Records Management Committee to consider requests to modify records retention schedules, disposal of records included on the records retention schedules, and one-time disposal of records. Other meetings of the Executive Records Management Committee will be scheduled as needed.~~

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- (c) Legally required to be kept confidential by the GCRTA.

All public record requests ~~should~~ shall be referred to the Legal Department for handling in accordance with ~~their internal procedures~~ the Ohio public records law.