

100-RICR-50-20-12

TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 20 – STATE AGENCY RECORDS RETENTION SCHEDULES

PART 12 – GOVERNOR'S COMMISSION ON DISABILITIES RECORDS (DIS)

12.1 Purpose, Authority, Severability, and Destruction

12.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

12.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 ("Public Records"), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

12.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

12.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

DIS Governor's Commission on Disabilities

DIS1 State ADA (Americans with Disabilities Act) Self Evaluation and Compliance Activities Records

These records document the state's compliance with federal disability rights laws as per R.I. Gen. Laws § 42-51-6(c) and Chapter 42-87 (and Federal statutes 42 U.S.C. § 3601 et seq. and 42 U.S.C. § 12100 et seq.). The files may include, but are not limited to, state owned facility accessibility renovation plans, state employee reasonable accommodation plans, state employee ADA equipment requests and purchases, state employee ADA grievances and/or mediations, state agency leased facility accessibility waiver requests, and ADA Grant Fund Training & Technical Assistance files.

Retention: Permanent.

DIS2 Disability Discrimination Mediation Records

These records document mediation of cases of disability discrimination as per R.I. Gen. Laws §§ 42-51-6(c) and (d). The files may include, but are not limited to, original complaints, copies of letters to the parties involved, and tracking sheets with dates of sessions and their outcomes.

Retention: Permanent.

DIS3 Disability Discrimination Accessibility Complaints

These records document disability discrimination complaints regarding the inaccessibility of buildings and structures as per R.I. Gen. Laws §§ 42-15-6.1, 42-87-5(b), 37-8-15.1, and 42-46-13. The files may include, but are not limited to, original complaints, copies of letters to the parties involved, on-site accessibility inspection reports, records of hearings, and findings and decisions of the hearing board.

Retention: Permanent.

DIS4 Building Design Plan Reviews

This series documents the identification of potential accessibility barriers in initial designs of facilities and recommendations for eliminating them as per R.I. Gen. Laws Chapters 34-37, 42-87, §§ 37-8-15, 37-8-15.1, and 42-46-13, 42 U.S.C. § 3601 et seq., and 42 U.S.C. § 12100 et seq. These records may include, but are not limited to, building design plans, lists of accessibility barriers, and recommendations for changing them.

Retention: Permanent.

DIS5 **Open Meeting Transition Plans & Facility Surveys**

These records document examinations of compliance with the Open Meeting Accessibility for Persons With Disabilities Law. (R.I. Gen. Laws § 42-46-13). The records include, but are not limited to, government agencies' Open Meeting Accessibility transition plans, accessibility surveys, modifications of transition plans, and correspondence between government agencies and the Commission on the matter of accessibility.

Retention: Permanent.

DIS6 **Disability Business Enterprise Records**

These records document efforts of private businesses to become certified as disability business enterprises. The files include applications for such certification and lists of the business's top-level officials (owner/chief/executive officer, other corporate officers, and board members). They also include documentation from the Office of Rehabilitation Services and/or the Department of Mental Health, Retardation, and Hospitals that the owner(s) or employee(s) is/are "person(s) with disabilities" or that the non-profit is a "rehabilitation facility." In addition, the files contain copies of certificates of trade names or business trade names filed with the Department of Business Regulations, the Secretary of State's Corporations Division, or (if d/b/a) the appropriate municipality. Other items in this series may include, but are not limited to, bank signature cards, bank resolutions, letters from banks identifying persons authorized to conduct transactions, information on level and limitations (if any), copies of all existing loan agreements (including loans to the business of any owner and/or officer), descriptions of the methods and dates of acquisition (started as new business, inheritance, purchase, securing concession, merger, or consolidation), copies of the four (4) most recent bonds issued to companies (including signature page for all who signed or co-signed the bond), and numbers of employees who worked during the preceding year.

Retention: Permanent.

DIS7 **ABLE TOO Videotapes**

These records document the cable television program operated by the Commission. This program addressed issues of concern to people with disabilities and their families. They consist of videos of each of the more than six hundred (600) episodes of the program. Among the episode titles are the following: Mobility Challenge Brochure, AIDS Care Rhode Island, Pancreatic Transplantation, Tourette's Syndrome, TechACCESS Conference, RI Parent Information Network, and Advocates in Action.

Retention: Permanent.

DIS8 Joseph Vanni and John E. Fogarty Award Recipients Records

These records document the recipients of the Joseph Vanni & John E. Fogarty Awards. The Commission created the John E. Fogarty Award in 1987 to recognize the efforts of members of the General Assembly in enacting laws to improve the quality of life of disabled Rhode Islanders. In 1993, the Commission created the Joseph Vanni Memorial Award to recognize the role of the average citizen in the enactment and implementation of laws to improve the quality of life of those with disabilities. The files may include, but are not limited to, lists of the recipients of the awards and descriptions of reasons for the awards.

Retention: Permanent.

DIS9 Legislative Database

This series documents changes in Rhode Island's disability law. The changes are recorded in a weekly newsletter, the Legislative Letter, which includes a listing of bills relating to people with disabilities that are filed in the General Assembly, committee hearings, and actions by the House Senate, and Governor. The newsletter is edited by the Edward J. Schroeder Legislative Fellow (a college internship program). This series contains those newsletters along with a database that tracks the changes.

Retention: Permanent.

DIS10 Commission Related Press Coverage & Photographs

This series, compiled from the media by staff members, serves as an historic record of the Commission's activities and changing responsibilities. The materials include, but are not limited to, photocopies of newspaper articles, photographs, and press releases.

Retention: Permanent.

DIS11 Certification of Records Destruction [LEGACY – DUPLICATE]

Certification of Records Destruction forms signed by authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B
(Certificates of Records Destruction).