

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY

SUBCHAPTER 3. RULES OF PRACTICE

~~595:1-3-2. Location~~

~~Rules of practice before the Department of Public Safety, including the specific requirements of formal and informal procedures, and description of forms and instructions for use by the public, are set out in the rules adopted under each topic of the Department of Public Safety Rules unless provided for by statute or set out in this Chapter. [75 O.S. §302].~~

**SUBCHAPTER 9. INSPECTION AND COPYING OF FINAL ORDERS, DECISIONS,
OPINIONS AND OPEN RECORDS**

595:1-9-10. Retention and destruction of Department records

(a) **General.** Records that are no longer of value to the Department in carrying out the powers and duties of the Department may be destroyed pursuant to the conditions specified in this subsection or as otherwise specified in Department policy; provided, nothing in this subsection shall compel the Department to destroy any record. In the event there is uncertainty or ambiguity regarding what category or retention period applies to a particular record and provided no legal action is pending, the Commissioner or Commissioner's designee shall make the final retention or destruction decision. If legal action involving the records is pending, the record(s) shall be retained until the exhaustion of all legal remedies, then retained or destroyed at the discretion of the Commissioner or Commissioner's designee.

(b) **Records retention and disposal schedule.**

(1) **Human Capital Management.** Records of DPS personnel shall be retained for the term of employment plus an additional ten (10) years unless a different time period is specified.

(A) **Applications, resumes, and materials submitted for Employment-Not Hired.** Applications for employment and supporting documentation such as transcripts, resumes, and letters of recommendation; notes and other records pertaining to employment applications and job interviews shall be retained for one (1) year after the receipt by the Department.

(B) **Personnel records of regular state employees (active).** Record copies of applications, hiring, promotional date, and other personnel records pertaining to state employment of active regular state employees shall be retained in office until end of employment with the Department plus ten (10) years.

(C) **Personnel records of temporary state employees.** Record copies of application, hiring, promotional date, and all other personnel records pertaining to state employment of temporary state employees shall be retained in office or in permanent storage for three (3) years after the employee leaves the employ of the Department. At that time the employment application, Request for Personnel Action (OPM Form 14), Longevity Certification Form (OPM Form 52 or Equivalent), employment history cards, Individual Leave Record (OPM Form 1 or equivalent), INS Form I-9, correspondence relating to leave without pay, and

Department of Defense Form DD214 shall be retained in office until the end of employment with the Department plus three (3) years.

(D) **Contractual employment records.** Records other than copies of contracts and payment information pertaining to contractual employment shall be retained in office for five (5), years after final payment, provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(E) **Applicant/Employee Drug Testing Records.** Records shall be retained for five (5) years after the date the test was administered to the applicant/employee.

(F) **Discipline Records.** Records of the final imposition of informal and formal discipline shall be retained for the term of employment plus an additional ten (10) years.

(G) **Graded examinations.** Examinations administered to Department employees, and the results of such examinations, shall be retained for the term of employment of the person tested plus an additional five (5) years.

(H) **Fitness for Duty Evaluations.** Records shall be retained for the term of employment plus an additional ten (10) years.

(I) **Organizational Charts.** At least one current organizational chart indicating overall administrative structure of the Department to the unit level shall be retained in office until superseded by subsequent charts, then permanently stored for perpetuity.

(J) **Payroll financial records.** Unless specifically provided otherwise by administrative rule, the following records shall be retained in office for ten (10) years.

(i) The following records shall be retained in office until one (1) year after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state.

(I) Copies of OSF Form 41, Payroll Funding Sheet-Record Type C and Tape Layout; OSF Form 41, Payroll funding Detail Listing-Record Type S and Tape Layout; and any required supporting documents submitted to the Office of State Finance for payment of employee wages and salaries

(II) Copies of OSF Form PWC, "Request for Payroll Warrant Cancellation" submitted to the Office of State Finance.

(III) Quarterly computer printouts from the Office of State Finance listing employee wages and tax deductions.

(IV) Reports listing employee salary and wage deductions for insurance, credit union dues, and annuities, as well as billing documents from insurance companies for premium payments and copies of applicable miscellaneous claims sent to the Office of State Finance.

(V) Overtime reports and payroll data for seasonal employees used to compile agency payrolls submitted to the Office of State Finance.

(VI) Copies of reports submitted to the State Insurance Fund that are the basis for premium calculations.

(VII) Copies of monthly computer printouts from the Office of State Finance.

(VIII) Records used to transmit each employee's monthly and supplemental payroll warrants and any applicable correspondence.

(IX) Records of claims by which the Department remits state employees' voluntary payroll deductions for supplemental insurance and retirement plans.

(ii) Prelists, copies of employee withholding data, payroll cancellation information, and other documents used to compile agency payroll shall be retained in office until superseded then retained or destroyed at the discretion of the Commissioner.

(iii) Records pertaining to deductions from employee salaries and wages for the purchase of U.S. Savings Bonds shall be retained in office for seven (7) years then retained or destroyed at the discretion of the Commissioner provided no legal action is pending. If legal action involving the records is pending, the records shall be retained until the exhaustion of all legal remedies, then retained or destroyed at the discretion of the Commissioner.

(iv) Cumulative monthly computer printouts from the Office of State Finance showing the gross pay, deductions and net pay on a calendar year basis shall be retained as follows:

(I) All monthly reports shall be retained in office until no longer needed for administrative purposes then retained or destroyed at the discretion of the Commissioner.

(II) All calendar year end reports shall be retained for two (2) years then retained or destroyed at the discretion of the Commissioner.

(K) Requests for certification records. Copies of requests submitted to the Office of Personnel Management for lists of qualified applicants for Merit System Positions shall be retained in office until two (2) years after the making of the records or the personnel action involved, whichever occurred later.

(L) Office of Personnel Management correspondence. Incoming letters and copies of outgoing responses to the Office of Personnel Management shall be reviewed on an annual basis. Duplicate and ancillary records as well as substantive records two (2) years old or more shall then retained or destroyed at the discretion of the Commissioner.

(M) Reduction in force plans. Copies of plans filed with the Office of Personnel Management outlining how the agencies will proceed in the event of an ordered reduction in force shall be retained in office until superseded by new plan then retained or destroyed at the discretion of the Commissioner one (1) year after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state.

(N) Affirmative action records. Records pertaining to agency affirmative action policies, including but not limited to, all information received and sent regarding the Affirmative Action Plan, EEO reports, and directives from the Governor or Affirmative Action Plan Coordinator for the State, as well as annual reports, semiannual reports, and progress reports pertaining to agency affirmative action

plan and policies and procedures implemented to insure that hirings, promotions, and terminations are carried out in full compliance with all applicable laws and rules and regulations shall be retained in office until superseded by subsequent plan then retained for three (3) years after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(O) **Agency promotional plans.** Copies of required plans submitted to the Office of Personnel Management shall be retained in office until superseded by subsequent plan, then retained in office for three (3) years after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(P) **Salary administration plan.** The Salary Administration Plan for positions used by the Department shall be retained in office for three (3) years provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(Q) **Current employee rosters.** A roster of employees shall be retained in the office until superseded by a subsequent roster then retained or destroyed at the discretion of the Commissioner.

(R) **Unemployment compensation claims records.** Copies of unemployment compensation claim forms, correspondence, and supporting documentation relating to claims, appeals, and decisions for unemployment compensation shall be retained in office for two (2) years.

(S) ~~Worker's~~ **Worker's Compensation quarterly report.** Quarterly reports received from the State Insurance Fund pertaining to workers' compensation insurance coverage of agency personnel and related correspondence shall be retained in office for two (2) years.

(T) **Worker's Compensation accident records.** Copies of Form 2, Form 3, Form 4, Form 5, Form 6, Form 7, Form 19, and other forms filed with the Worker's Compensation Court shall be retained in office in hard copy paper form until the employee leaves the Department plus ten (10) years.

(U) **Job descriptions - merit.** Copies of Office of Personnel Management job descriptions for various classified positions shall be retained in office or in permanent storage.

(V) **Job descriptions- non-merit.** Copies of present job descriptions for non-merit positions shall be kept permanently in office. A copy of all changes/updates to such job descriptions shall be kept permanently in office or in permanent storage.

(W) **Grievance procedures records.** Copies of records concerning the resolution of employee grievances submitted to the Office of Personnel Management shall be retained in office until the subject employee leaves the Department plus ten (10) years.

(X) **Merit Protection Commission or Civil Service Division cases.** Copies of materials relating to hearings or appeal requests under investigation by the Merit Protection Commission or Civil Service Division for alleged violations of the Oklahoma Personnel Act shall be retained in office until the subject employee leaves the Department plus ten (10) years.

(Y) **Equal Employment Opportunity Commission complaint records.** Copies of material relating to charges of discrimination or harassment filed with the Equal Employment Opportunity Commission against the Department shall be retained in office until the subject employee leaves the Department plus ten (10) years.

(Z) **Access badges.** Access badges to certain work areas, storage areas, or other areas where access is restricted shall be retained or destroyed at the discretion of the Commissioner upon resignation, retirement, or termination of employment of the employee.

(AA) **Benefit information.** Copies of records relating to benefits available to state employees shall be retained in office for one (1) year after superseded by subsequent information.

(BB) **Position description questionnaire.** Copies of OPM Form 39, (Position Description Questionnaire) used to describe each position within the Department and for possible reclassification shall be retained in office for one (1) year after being superseded by subsequent.

(CC) **Garnishment records.** Copies of salary records filed with county clerks pursuant to a garnishment shall be retained in office for one (1) year after notification by the court of payment of obligation or release of payment of obligation.

(DD) **Internal Revenue Service levies records.** Orders issued by the Internal Revenue Service requiring deductions from employee salaries for the payment of taxes owed to the federal government shall be retained in office for one (1) year after notification of payment of obligation and final release of payment of obligation.

(EE) **Department of Justice Immigration and Naturalization Service form I-9.** Department of Justice Immigration and Naturalization Service Form I-9 (Employment Eligibility Verification) and supporting documentation shall be retained in office for one year after the person is no longer employed by the Department provided the records are at least three (3) years old.

(FF) **Work activity sheets.** Weekly timesheets, timecards, or equivalent which may be signed by the employee and his/her immediate supervisor indicating actual hours worked, leave status hours, and total hours for the week shall be retained in office for three (3) years provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(GG) **Selection procedure and recruitment records.** Records pertaining to internal recruitment to fill position vacancies within the Department including but not limited to, position vacancy announcements; position descriptions; salary and benefits information; applications; supporting documentation including resumes, transcripts, and letters of recommendation; interview notes; correspondence with applicants and other materials relating to internal recruitment to fill position vacancies shall be retained in office for two (2) years after the position is filled.

(HH) **Employee mediation records.** Forms, incoming memoranda, copies of outgoing memoranda, and other records pertaining to the resolution of employee mediation disputes shall be retained in office for five (5) years.

(II) **OSHA log and summary of occupational injuries and illnesses.** U.S. Department of Labor OSHA Form No. 200 or equivalent maintained as a log and summary record of "recordable" injuries as defined in 29 CFR, '1904.1, *et seq.*, shall be retained in office for five (5) years "following the end of the year to which they relate" (29 CFR, §1904.6).

(JJ) **OSHA supplementary record.** U.S. Department of Labor OSHA Form No. 101 or equivalent maintained to record supplementary information about "recordable" injuries and illnesses as defined in 29 CFR, §1904.1, *et seq.*, shall be retained in office for five (5) years "following the end of the year to which they relate" (29 CFR, §1904.6).

(KK) **Oklahoma log of summary of occupational injuries and illnesses.** Oklahoma Department of Labor Form OK No.200 or equivalent maintained as a log and summary record of occupational injuries and illnesses as required by the Rules and Regulations of the Oklahoma Department of Labor shall be retained in office for five (5) years following the year to which they.

(LL) **Personnel transaction freeze exception request.** Records submitted with a Request for Personnel Action form to the Office of Personnel Management by an agency requesting that a job be filled despite a mandated freeze on jobs shall be retained in office one (1) year after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(MM) **Other personnel records.** Unless specifically provided otherwise by administrative rule, all other personnel records shall be retained in office for a period of five (5) years.

(2) Audio and video recordings of the Department.

(A) Audio or video recordings of, or created solely for training events, maintenance or testing purposes, or capability demonstrations, may be destroyed when no longer of value to the Department.

(B) Other than records subject to (A) above, any audio or video recordings depicting the use of force, vehicle pursuit, custodial arrest, discharge of a firearm, or any felony offense shall be maintained for three (3) years after the event was recorded.

(C) Any audio and video recordings not identified in (A) or (B) above shall be maintained for ninety (90) calendar days after the event was recorded provided no legal action is pending. If legal action involving the records is pending.

(3) Aircraft records. Records specified in 17 CFR §91.417, such as records of maintenance, preventive maintenance, and inspections, shall be retained for the life of the aircraft.

(A) All records specified in 14 CFR §91.417(a)(1) shall be retained until the work is repeated or superseded by other work or for one (1) year after the work performed.

(B) All records specified in 14 CFR §91.417(a)(2) shall be retained and transferred with the aircraft at the time the aircraft is sold. The Department shall retain a copy of such records for five (5) years after the date of sale.

(4) Property records.

- (A) **Inventory.** Records relating to physical property, equipment, and materials shall be retained until the property is properly transferred or disposed of, plus an additional five (5) years.
- (B) **Evidentiary or Asset Forfeiture.** Records shall be retained until the case is closed plus an additional ten (10) years.
- (C) **Seized/confiscated property.** Records shall be retained until all seized property has been disposed of plus an additional one (1) year.
- (D) **Real property files.** Records containing deeds, titles, inspection reports, loan agreements, promissory notes, and related records dealing with ownership of property shall be retained in office until five (5) years after the final disposition of property provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.
- (E) **Risk Management Certificate of Self-Insurance.** Copies of Certificates of Self-Insurance issued by the Risk Management Division of Central Services verifying liability insurance shall be retained in office until superseded by subsequent Certificate then retained or destroyed at the discretion of the Commissioner.
- (F) **Property inventory/surveys.** Original property inventories/property surveys conducted for Risk Management and computer printouts received from Risk Management with notations concerning comprehensive insurance coverage shall be retained in office until superseded by subsequent.
- (G) **Incident reports.** Incident reports completed when an incident has occurred where the State might be liable for damages including, but not limited to, Standard Liability/Standard Incident Report, In Case of Accident Report or related reports completed at the time of the incident and records of reports of incidents and/or occurrences involving the Department employees which do not result in risk management or worker's compensation claims shall be retained in office for five (5) years.
- (H) **Safety Audits.** Safety Audits conducted by Risk Management Safety Engineer, the Department of Labor, the Department, or others, plus follow-up reports and correspondence shall be retained in office until the next safety audit.
- (I) **Safety correspondence.** Correspondence from the Risk Management Division, the Department of Labor, the Department, or others concerning tips on safety and avoiding accidents shall be kept until no longer needed for administrative purposes.
- (J) **Building facility inspection reports.** Inspection reports and allied documents of inspections of all building facilities of the Department shall be retained in office one (1) year from the date of inspection or until the following inspection, whichever is longer.
- (K) **Capital improvement projects records.** Department capital improvement project records, including but not limited to, information to bidders, bid form proposals, bid affidavits, pertinent Senate and House bills, public construction contracts, and Construction Contract Forms for Use by Public Agencies shall be retained in hard copy paper form for not less than three (3) years.
- (L) **Material safety data sheets.** Material Safety Data Sheets (MSDS) listing each hazardous substance that has been identified by the Chemical Information

List (CIL) shall be retained in accordance with the Department of Labor requirements for these documents.

(5) Administrative records.

(A) Policies and procedures. Records relating to any internally posted or distributed manuals, guidelines, or similar records concerning the personnel, activity, and operations of the Department, shall be retained until the record is superseded plus an additional ten (10) years.

(B) Grant administration information for federal Grant awards. Grant awards, sub-recipient agreements, expenditure details and approvals, reimbursement details and approvals, federal waiver requests, monitoring reports, and all other grant-related documentation shall be retained for the current federal fiscal year plus four (4) years.

(C) Contracts and leases. Records relating to contracts, leases, and other binding instruments including bid specifications, affidavits of publication of calls for bids, accepted and rejected bids, performance bonds, contracts, purchase orders, inspection reports, and correspondence, shall be retained until expiration or termination of the instrument according to its terms plus an additional seven (7) years.

(D) Meeting agenda, minutes, and notes, desk calendars, and appointment books. Administrative records relating to meetings held or attended by Department personnel, including personally created notes, shall be retained for one (1) year after the meeting is held.

(E) Administrative investigations. Records relating to administrative or internal investigations conducted by the Department shall be retained until the investigation is closed plus an additional three (3) years.

(F) Correspondence. Records or copies of general or administrative correspondence shall be retained for one (1) year after the creation, receipt, or transmittal of the record, whichever is a longer period of time. The Commissioner's, Assistant Commissioner's, and Chief of Patrol's incoming correspondence and copies of outgoing correspondence shall be stored for perpetuity. A review may be conducted on an annual basis. After the review, all duplicate and ancillary records and substantive records three (3) years old or older and no longer needed by the Department for administrative purposes may be destroyed.

(G) Government publications. Internal Department publications and publications of the state or other governmental entities shall be retained until superseded or when obsolete.

(H) Legislative files. Reference copies of pending legislation bills that may have an effect upon the Department shall be retained in the office until passed into law or no longer required for administrative purposes.

(I) Reports. Record copies of reports submitted by Divisions, Departments, or Sections documenting activities to the Administration shall be retained in office for three (3) years.

(J) Mailing lists. Material used to create, maintain, and generate mailing lists shall be retained in office until no longer needed for administrative purposes.

(K) **Policies and procedures file.** A copy of the Department's Policy and Procedures Manual, including all updates/changes shall be kept permanently in office.

(L) **Rulemaking and Oklahoma Administrative Code.** Records regarding emergency, permanent, and preemptive rules and revocations of rules proposed in accordance with 75 O.S. §250, et seq., including but not limited to notice documents, rule documents, proposed rules, rule revocations, and other submissions for publication in the *Oklahoma Register* and the *Oklahoma Administrative Code*; written statements and petitions received during the comment period or during public hearings; stenographic notes; video tapes and audio tapes made during public hearings; petitions for exceptions to rules; summary statements of public hearings prepared by the Department, copies of attestations, liaison verifications, rule impact statements, transmittal letters to the governor and the legislature; notices of gubernatorial and legislative approval/disapproval; and any other records required by the Administrative Procedures Act (75 O.S. §250, et seq.) and the Administrative Rules on Rulemaking shall be retained in permanent storage for perpetuity.

(M) **Public relations file.** Copies of news releases and clippings, cassette recordings of broadcast announcements, and other public relations materials shall be retained in-house for three (3) years and then permanently stored for perpetuity.

(N) **Insurance documentation excluding Risk Management, employee insurance and State Insurance Fund documentation.** Records of or pertaining to auto, fire, insurance, and other insurance policies excluding Risk Management, employee insurance, and State Insurance Fund documentation shall be retained in office until five (5) years after the expiration of the policy.

(O) **Other administrative records.** All other administrative records not specifically referred to in these rules shall be retained for two (2) years.

(6) Records relating to law enforcement.

(A) **Use of Force Reports.** Records shall be retained in office for three (3) years after the date the report is created and then permanently stored for perpetuity.

(B) **Criminal investigative files.** Records relating to criminal investigations conducted by the Department shall be retained in office for ten (10) years after the investigation is closed and then permanently stored for perpetuity.

(C) **Training records.** Instructional materials, such as curricula, outlines, syllabuses, audio or visual training aids, handouts, computer presentations, and other records associated with in-house training of Department personnel on policies and procedures, operations, job performance, and other activities relating to the Department's programs, services, or projects, shall be retained in office until superseded plus an additional ten (10) years.

(D) **Instructor certification.** Records shall be retained in office for the term of employment of the instructor plus an additional five (5) years.

(E) **Speed trap.** Records relating to the investigation of a speed trap shall be retained in office for five (5) years after the investigation is complete.

(F) **Telephone logs.** Records of telephone logs of incoming calls shall be retained in office until no longer needed for administrative purposes. When telephone logs

are critical to a criminal investigation, the telephone logs will be retained according to OAC 595:1-9-10(6)(B).

(G) **Radio logs.** Records of radio logs, including a chronological listing of the calls dispatched shall be retained in office until no longer needed for administrative purposes. When radio logs are critical to a criminal investigation, the radio logs will be retained according to OAC 595:1-9-10(6)(B).

(H) **OLETS.** Records regarding the Oklahoma Law Enforcement Telecommunication System shall be retained in office for five (5) years.

(7) **Commercial motor vehicle enforcement records.** Records shall be retained in office for five (5) years after the date the record is created.

(8) Litigation records.

(A) **Litigation files - Attorney General is attorney of record.** Records concerning litigation to which the Department is a party where the Attorney General is the attorney of record, including but not limited to petitions, motions, pleadings, depositions, orders, opinions, and related material shall be retained in office for two (2) years after the exhaustion of all legal remedies

(B) **Litigation files - staff or private attorney is attorney of record.** Records concerning litigation to which the Department is a party where a staff or private practice attorney is the attorney of record, but the Attorney General is not, including, but not limited to petitions, motions, pleadings, depositions, orders, opinions, and related material shall be retained in office until the exhaustion of all legal remedies, then maintained in permanent storage for at least a further ten (10) years.

(C) **Litigation files - the Department not a party.** Records concerning litigation to which the agency is not a named party, but is a real party in interest or interested in an embedded issue within the litigation shall be retained in office until no longer needed for administrative purposes

(D) **Court orders.** Court orders issued by judges requiring that certain actions be taken by the Department shall be retained in office for two (2) years after the exhaustion of all legal remedies.

(9) Financial records.

(A) **Accounting records.** Records generated, received, or utilized by any of the financial divisions of the Department shall be retained in accordance with the following schedule.

(i) Unless specifically provided otherwise by administrative rule, all accounting records shall be retained in office until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.

(ii) The following records shall be retained in office for three (3) years until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.

(I) Copies of OSF Form 3, "Notarized Claim Form"; OSF Form 15A, "Claim Jacket Form"; OSF Form 15B, "Inter/Intra Payment"; OSF Form 19, "Travel Voucher"; Affidavit-Actual and Necessary Unreceipted Travel Expenses; and OSF Form 19A, Travel

Voucher Attachment submitted to the Office of State Finance for payment of financial obligations other than payrolls,

- (II) Copies of OSF Form 14, "Claim for Disbursement of Payroll Withholdings" and OSF Form 9, "Imprest Cash Form",
- (III) Copies of affidavits submitted to the State Treasurer's Office requesting the issuance of warrants to replace warrants that have been lost, stolen, or destroyed,
- (IV) Copies of affidavits submitted to the Office of State Finance requesting the issuance of warrants to replace warrants issued in error,
- (V) Copies of OSF Form 20A and 2-20 requesting the issuance of warrants to replace ones which have been statutorily canceled,
- (VI) Copies of OSF Form MWC, "Request for Miscellaneous Warrant Cancellation", submitted to the Office of State Finance,
- (VII) Copies of OSF Form 6 or any form used to acquire goods and services when it is not feasible or required to go out on competitive bid,
- (VIII) Records of Accounts receivable by the Department, billing on those accounts receivable, and any supporting documents.
- (IX) Copies of monthly computer printouts from the Office of State Finance listing all miscellaneous warrants issued during the reporting period,
- (X) Correspondence from the Department and Stop Payment Forms completed by Treasurer's office employees when the Department request that warrants not be redeemed for payment,
- (XI) Copies of forms submitted to the State Treasurer's Office along with deposits of funds to Treasury Fund Accounts and supporting information,
- (XII) Copies of documents, including Agency Summary/Activities Statements and reconciliation of Official Depository Balance as per Statement Rendered by the State Treasurer's Office, used to reconcile the Department's accounting with those compiled by the State Treasurer's Office,
- (XIII) Copies of OSF Form 18 submitted to the Office of State Finance requesting permission to establish special accounts,
- (XIV) Copies of letters submitted to the State Treasurer's Office requesting the establishment of an Agency Clearing Account,
- (XV) Invoices, vouchers and supporting documentation for payment of obligations from the Department Special or Clearing Accounts,
- (XVI) Vouchers written on special accounts that are ultimately returned to the Department and not to the State Treasurer,
- (XVII) Copies of OSF Form 11, "Agency Clearing Account Report" and OSF Form 11A, "Agency Special Account Report" detailing transactions through clearing and special accounts,

- (XVIII) Records pertaining to deposits previously credited to Department accounts by the State Treasurer's Office that have been 'charged back' because of checks that were returned by banks for insufficient funds, closed accounts, or other reasons, including but not limited to, checks returned and Charge Back Slips listing agency names, account numbers, amounts being charged back and transaction dates,
- (XIX) Records of both corporate and individual bankruptcy filings, notices of creditors meetings, and related incoming and copies of outgoing correspondence,
- (XX) Annual year-end GAAP reports and supporting information.

(B) Budget records.

- (i) Unless specifically provided otherwise by administrative rule, all budgeting records shall be retained in office house until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.
- (ii) The following records shall be retained in office for three (3) years until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.
 - (I) Department budget requests submitted to the Office of State Finance for development of Executive budget and materials submitted from various divisions and other working papers used to compile the agency budget.
 - (II) Copies of OSF Form 55, Capital Outlay Projects; OSF Form 47, Detail of Personnel by Sub-Activity; PSF Form 47.1, Detail of Exempted Personnel by Sub-Activity; OSF Form 47.2, Detail of Professional Services by Sub-Activity; OSF Form 16, detail of Expenditures by Sub-Activity; OSF Form 22, Summary of Sub-Activities within an Activity; OSF Form 17, Detail of Expenditures by Activity; OSF Form 21, Summary of Activities within an Agency; OSF Form 33, Estimate of Income To Agency Funds; OSF Form 48, Request for Allotment and/or Appropriation Transfer; OSF Form 47, Detail of Personnel by Sub-Activity-Revision; OSF Form 47.2, Detail of Professional Services by Sub-Activity-Revision; OSF Form 16, Detail of Expenditures by Sub-Activity-Revision; OSF Form 22, Summary of Sub-Activities within an Activity-Revision; OSF Form 21, Summary of Activities Within an Agency-Revision; OSF Form 33, Estimate of Income to Agency Funds-Revision budget requests and materials submitted from various divisions and working papers used to compile the Department's budget work program.
 - (III) Copies of OSF Form 24A requesting that revolving and appropriated funds be posted to agency accounts.
 - (IV) Copies of OSF Form 48 requesting that appropriate funds be transferred to different line items.

(V) Copies of letters submitted to the Office of State Finance requesting the establishment of treasury fund accounts.

(C) State finance reports.

(i) Unless specifically provided otherwise by administrative rule, all state finance report records shall be retained in office house until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.

(ii) The following records shall be retained in office for three (3) years until placed in permanent storage. Such documents shall be held in permanent storage for perpetuity.

(I) Monthly computer printouts from the Office of State Finance listing the closing balances of all treasury accounts.

(II) Monthly computer printouts from the Office of State Finance showing beginning account balances, receipts, disbursements, transfers, and ending balances for each Department fund.

(III) Computer printout from Office of State Finance listing deposit totals for the current month and fiscal year.

(IV) Computer printout from Office of State Finance listing all deposits.

(V) Copies of OSF Form PFT submitted to the Office of State Finance showing transfer activity between budgetary funds and the payroll fund (data includes fund, agency, account, sub-activity, transfer, debit and credit).

(VI) Journal entries by agency and fund.

(VII) Monthly computer printouts from the office of State Finance listing expenditures by object of expenditure sequence.

(VIII) Computer printouts from the Office of State Finance listing agency expenditures by object code in fund sequence.

(IX) Monthly computer printouts from the Office of State Financing listing expenditures incurred within each agency fund and the amount.

(X) Computer printouts from the Office of State Finance listing processed warrantless claims.

(XI) Computer printouts from the Office of State Finance listing expenditures pertaining to contractual services, i.e., legal, architectural, administrative, and consulting.

(XII) SEFA Transactions Report.

(XIII) Computer printouts from the Office of State Finance listing statutory cancellation of warrants.

(XIV) Monthly printout generated by Office of State Finance listing outstanding Purchase Orders.

(XV) Lapse Fund Advance Notice/Continuing Funds.

(XVI) Cumulative quarterly computer printout from the Office of State Finance listing Department travel claims.

(XVII) Cumulative monthly computer printout forms the Office of State Finance listing expenditures against authorizations.

(D) Procurement and other costs related records.

(i) Unless specifically provided otherwise by administrative rule, all procurement and communication costs records shall be retained in office for not less than seven (7) years from the date of purchase.

(ii) The following documents shall be retained in office until no longer needed for administrative purposes.

(I) Correspondence and materials from Risk Management Division concerning policies and rules and regulations regarding Risk Management.

(II) Records containing inventory and sales reports (FMD-1) for Department owned vehicles, including vehicle number, make, model and year, purchase date, cost, license tag number, location and whether owned, loaned or leased by the Department.

(III) Monthly summaries turned into Fleet Management Division reporting fuel cost and usage, maintenance done and cost and related information.

(IV) Records containing correspondence and reports detailing Fleet Management policies and rules and regulations.

(V) Postal Service Form 3083-Trust Accounts and Withdrawal Receipts-Postal Service form received daily by agency showing balance for Business Reply Mail (Permit 601) and Record of Registered, Insured, C.O.D., Certified, and Express Mail-U.S. Postal Service PS Form 38877, used in conjunction with special mail services records shall be retained in office house for one (1) year after all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(VI) Copies of procurement documents including, but not limited to, correspondence, forms, bid documents, and bid responses, completed in office or by the Department of Central Services for acquisition of products and/or services will be retained in accordance with the OMES rules for record retention.

(VII) Monthly telephone bills and applicable attachments sent by the Office of State Finance.

(VIII) Memos, worksheets, and invitations to bid on surplus property shall be retained in office for ten (10) years after sale or transfer provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(IX) Contracts for leasing of space for office, warehouse, or storage and contracts for the leasing of equipment shall be retained in accordance with the OMES rules for record retention.

(X) Reports of auctions conducted by the Department, including but not limited to letters to the Central Purchasing Division of OMES requesting permission for auction, lists of items to be auctioned, letter from OMES authorizing sale, buyer sign-in

sheets, sales tickets, amounts recorded by buyer (net sales, tax, gross), report to OMES on items sold and price of each, and other miscellaneous supporting documents, and copies of reports to Oklahoma Tax Commission (Schedule 83-13, Series 3-1) on sales tax derived from the auction shall be retained in office for five (5) years provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(XI) Records of detailed vehicle maintenance for Department owned vehicles shall be retained in office until the vehicle is sold or otherwise disposed provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies.

(10) Electronic records.

(A) **Data processing, planning, development, and evaluation records.** Records consisting of planning, development, and evaluation records relating to selection, including feasibility studies, planning documents, and justification supporting materials; implementation; upgrading, modification, or conversion of systems and equipment; procedures; and manuals pertaining to the acquisition and use of data processing equipment shall be retained in accordance with the OMES rules for records retention.

(B) **Systems documentation records.** Records consisting of record layouts, code books, technical specifications, flow charts, job control records, test data, and all other records pertaining to systems operations shall be retained in office until one (1) year after applicable equipment or program has been disposed of or discontinued provided all audits have been completed and all applicable audit reports have been accepted and resolved by all applicable federal and state agencies

(C) **Internal systems usage logs.** System Usage Logs and all allied records used to record system usage within the Department shall be retained in office for ninety (90) days.

(D) **Federal Bureau of Investigation systems usage logs.** System Usage Logs and all allied records used to record system usage involving contact or use with the electronic systems of the Federal Bureau of Investigations shall be retained in office for one (1) year.

(E) **E-Mail.** All communications transmitted through the email system that are made in connection with the transaction of official business, the expenditure of public funds, or the administration of public property are considered state records subject to the Records Management Act, 67 O.S. §§ 201 through 217 and the Open Records Act, 51 O.S. § 24A.1, *et seq.*

(11) Information services records.

(A) **Criminal history information request forms.** Criminal History Information Request Forms used to request copies of a criminal history from the Department and all other correspondence relating to such requests shall be retained in office for sixty (60) days

(B) **Uniform crime reporting documents.** Reports from contributing agencies used by the Department in furtherance of an investigation shall be retained in accordance with OAC 595:1-9-10(6)(B).

(C) **Open record requests.**

(i) Requests for records and all related correspondence shall be retained in office until such request is fulfilled or denied plus an additional two (2) years.

(ii) All other records pertaining to requests for information under provisions of the Oklahoma Records Act [51 O.S., §24A1, et seq.], shall be retained in office for two (2) years.

(iii) The original of any record provided in response to a record or information request shall be retained in office for the time period specified in these rules for that particular record, or for two (2) years after the request is fulfilled, whichever is longer.

(D) **Subpoenas.** Subpoenas and all related correspondence shall be retained until the subpoena has been routed to the correct custodian of records, fully complied with, withdrawn by the issuing entity, or quashed by a court. The original subpoena and of any record provided in response to a subpoena shall be retained in office for the time period specified in these rules for that particular record, or for two (2) years after the subpoena is complied with, whichever is longer.

(12) **Wrecker and Towing Services.** Records relating to Title 595, Chapter 25 of the Oklahoma Administrative Code shall be retained in office for a minimum of ten (10) years from the date of last action.

(13) **Audit reports.** 375:8-3-27. Reports of audits conducted by the Department, State of Oklahoma, the Federal Government, or private auditing firms shall be retained in office for ten (10) years.

(14) **Other records.** Any other record of the Department not identified specifically herein, shall be retained in office for ten (10) years after the last activity related to the record.

(15) **Ancillary records.** Ancillary records may be destroyed when no longer of immediate value to the Department.

SUBCHAPTER 19. OKLAHOMA STATE AWARD PROGRAM

595:1-19-1. Definitions [AMENDED]

Words and terms, when used in this Subchapter shall have the following meaning, unless the context clearly indicates otherwise:

"**Advisory board**" means an advisory board formed at the discretion of the OSAP Committee chair comprised of a designee from each of the nine members of the OSAP Committee to collect, review, and make initial award recommendations to the Committee.

"**Oklahoma Distinguished Meritorious Service Medal**" means a medal or medals awarded by the Governor, in the name of the State of Oklahoma, to any person who has demonstrated meritorious achievement or has shown distinguished meritorious service to the state over an extended period of time while performing or actively engaged in public service activities.

"Oklahoma Medal of Valor" means a medal or medals awarded by the Governor, in the name of the State of Oklahoma to any person, living or deceased, in recognition of extraordinary acts of valor by public safety members and other citizens whose actions ~~display~~displayed great moral strength and personal courage in the face of fear, danger or difficulty while actively engaged in public service activities.

"Oklahoma ~~Purple~~Blue Heart" means a medal or medals awarded by the Governor in the name of the State of Oklahoma, exclusively to law enforcement and public safety members, living or deceased, who while serving under competent authority and acting within the legal and justified scope of their position suffers life-threatening injuries or injury resulting in a loss of limb, serious body impairment, deformity, loss of life or any injury resulting in the public safety member's service-related retirement.

"Oklahoma Red Heart" means a medal or medals awarded by the Governor in the name of the State of Oklahoma, exclusively to firefighters, living or deceased, employed by any city or town in Oklahoma and acting within the legal and justified scope of their position suffers life-threatening injuries or injury resulting in a loss of limb, serious body impairment, deformity, loss of life or any injury resulting in the public safety member's service-related retirement.

"OSAP Committee" means the Oklahoma State Award Program Committee, also referred to as the "OSAP Committee".

"Public Safety Member" means a person acting within the legal scope of duty and serving in any full-time, part-time, volunteer, or reserve capacity as a law enforcement officer, correctional officer, firefighter, paramedic, or emergency medical technician of any jurisdictional authority.

"Public Service Activity" means activities, individual actions, and any other personal act directly related to the aid of another person or persons without consideration of compensation or recognition.

595:1-19-2. Order of precedence [AMENDED]

- (a) The Oklahoma Medal of Valor is recognized as the highest award of honor presented to a member of a public safety agency or a member of the public. Award recipients are selected by the OSAP Committee and awarded by the Governor on behalf of the State of Oklahoma.
- (b) The Oklahoma ~~Purple~~Blue Heart and/or the Oklahoma Red Heart is recognized as the second highest award of honor presented to a member of a public safety agency. Award recipients are selected by the OSAP Committee and awarded by the Governor on behalf of the State of Oklahoma.
- (c) The Oklahoma Distinguished Meritorious Service Medal is recognized as the third highest award of honor presented to a member of a public safety agency or a member of the public. Award recipients are selected by the OSAP Committee and awarded by the Governor on behalf of the State of Oklahoma.

595:1-19-3. Award design [AMENDED]

- (a) The design of the Oklahoma Medal of Valor ~~for meritorious service, and the Oklahoma ~~Purple~~Blue Heart, the Oklahoma Red Heart, and the Oklahoma Meritorious Service Medal~~ for serious line of duty injuries, and any authorized appurtenances proposed by the Adjutant General are obligated to be of a design that is similar in shape, size, color and design to the similar awards presented by the Armed Forces of the United States. Award designs may, at the discretion of the Committee Chair, be reviewed annually for modifications or re-designed.

Award designs, and any appurtenances will be initially submitted by the Adjutant General of the State of Oklahoma to the Committee Chair.

(b) Awards may consist of a plaque, trophy, display ribbon, uniform pin, uniform medal, or certificate or proclamation individually or in combination as determined by the OSAP Committee. Award recipients may receive any number of award devices as determined by the OSAP Committee to accommodate both a suitable display device as well as a uniform display device and/or framed certificate if applicable to the recipient. The type, style, and number of award devices are at the discretion of the OSAP Committee.

595:1-19-4. Criteria for eligibility [AMENDED]

(a) The criteria for eligibility to receive the Oklahoma Medal of Valor for meritorious service includes any person, living or deceased, who, while performing a legal act:

- (1) demonstrates an extraordinary act of valor; or
- (2) demonstrates a distinct act of moral strength; or
- (3) demonstrates great personal courage in the face of mortal fear, danger, or difficulty, regardless of their personal safety; and
- (4) was actively engaged in public service activities.

(b) The criteria for eligibility to receive the Oklahoma ~~Purple~~Blue Heart for serious line-of-duty injuries includes any law enforcement officer or public safety member, living or deceased, who, while performing a legal act,

- (1) suffers a life-threatening injury as determined by the OSAP Committee; or
- (2) suffers any injury resulting in a loss of limb, serious body impairment, deformity; loss of life; or
- (3) suffers any injury resulting in the public safety member's permanent service-related retirement.

(c) The criteria for eligibility to receive the Oklahoma Red Heart for serious line-of-duty injuries includes any firefighter employed by any city or town in Oklahoma, living or deceased, who, while performing a legal act,

- (1) suffers a life-threatening injury as determined by the OSAP Committee; or
- (2) suffers any injury resulting in a loss of limb, serious body impairment, deformity; loss of life; or
- (3) suffers any injury resulting in the public safety member's permanent service-related retirement.

(d) The criteria for eligibility to receive the Oklahoma Distinguished Meritorious Service Medal for exemplary service to the state, includes any public safety member, living or deceased, who, served the State of Oklahoma in a public safety capacity for an extended period of time, and exhibited:

- (1) Professionalism,
- (2) Expertise,
- (3) Dedication, and
- (4) Selflessness.

(d) Recipients may, at the discretion of the Governor and based on the recommendation of the OSAP Committee, receive more than one award for any specific act that meets the criteria for eligibility.

595:1-19-5. Criteria for proper wear of the Oklahoma Medal of Valor, the Oklahoma ~~Purple~~Blue Heart or the Oklahoma Red Heart, and the Oklahoma Distinguished Meritorious Service Medal [AMENDED]

- (a) The proper uniform wear of the Oklahoma Medal of Valor and the Oklahoma ~~Purple~~Blue Heart or the Oklahoma Red Heart will be at the discretion of the recipient's individual public safety agency.
- (b) If no agency policy exists, the recipient will wear a uniform medal centered above the right breast pocket or approximate location, at least one (1) inch above the upper seam of the pocket.
- (c) Uniform award ribbons will be predominately worn, centered, one-half inch above their right breast pocket or approximate location.
- (d) Award medals will be worn by lanyard from the recipient's neck depending on the award or appurtenance design at the time the medal was awarded.
- (e) The Medal of Valor will be the predominately displayed award with no other medals, ribbons, or awards worn above or to the right of the award.
- (f) The ~~Purple~~Oklahoma Blue Heart or the Oklahoma Red Heart will be the predominately displayed award with no other medals, ribbons, or awards worn above or to the right of the award, other than the Medal of Valor.
- (g) The Oklahoma Distinguished Meritorious Service Medal will be the predominately displayed awarded with no other medals, ribbons, or awards worn above or to the right of the award, other than the Medal of Valor and the ~~Purple~~Oklahoma Blue Heart or the Oklahoma Red Heart.
- (h) Civilian or non-uniformed recipients will wear or display the award or other appurtenances in the manner it was awarded.

595:1-19-6. Method of purchasing the ~~Oklahoma Medal of Valor and the Oklahoma Purple Heart~~State of Oklahoma Awards [AMENDED]

- (a) The procurement, cost, and acquisition of the award plaques, ribbons, devices, or other approved appurtenances will be determined by the OSAP Committee from the pool of agencies and organizations represented on the committee.
- (b) The OSAP Committee may also receive funds generated from private donations made to any agency of the State of Oklahoma through the authorized gifting process in compliance with Oklahoma Statutes Title 60 O.S. § 381 et seq., for the sole purpose of purchasing awards and appurtenances approved by the Committee.