

Digital Imaging

A Handbook of
Legal Requirements
and Practical Considerations

Introduction

This handbook is written for managers, in both state and local government, who are involved in meeting their entity's public records retention obligations. While many public entities are well aware of what the law requires of them, there are others that gain that awareness only after litigation or a crisis situation.

Historically, Minnesotans have set high expectations for public officials in both state and local government. It often is not enough for managers simply to carry out their obligations. In Minnesota, everyone in the largest state agency to the smallest township is expected to do their work as cost effectively as possible, and to demonstrate real creativity.

This handbook is intended to do two things.

- First, it provides a basic explanation of Minnesota statutory requirements for state and local government records retention. This is intended to help managers understand and carry out their legal responsibilities.
- Second, it offers a tested approach to record retention – *utilizing workers with developmental disabilities* – that offers cost efficiency to entities while providing an opportunity to creatively address public responsibilities on a larger scale. This is an approach that resonates well with Minnesota values.

Three converging trends make this handbook timely. The first trend is the continued reduction of public funds for public purposes. In Minnesota, as in the nation, state and local governments are asked to maintain mandated services with diminishing resources. The second trend is “better-faster-cheaper” technology development. Introducing new low-cost processes represents one way that public sector managers can compensate for fewer dollars. The third trend may be less known but is no less real: for about a decade, there has been a shortage of unskilled workers. Many organizations, public and private, pay higher skilled people to do lower skilled work.

Records retention requirements have resulted in city hall and county courthouse basements filled top-to-bottom with boxes of records, and in many public offices crowded with file cabinets. Today, digital imaging technology prices have dropped enough to offer a way to save both costs and space. And the technology's new processes can change people with developmental disabilities from tax-consumers into taxpayers, saving money on multiple levels.

This handbook doesn't deal with gee-whiz-wouldn't-it-be-nice concepts; it offers a realistic way to efficiently and effectively carry out mandated obligations using tested technology and proven approaches. Taking a systemic approach, the handbook includes guidelines, best practices, equipment, processes and staffing approaches. A contacts list is included for managers who would like more information.

For more help

This handbook introduces some important concepts and business best practices, but it cannot answer every question. Following are some important contacts for public sector managers.

One of the best available guides for public records retention in general is *Electronic Records Management Guidelines*, (version 3, February 2003), prepared by the State Archives Department of the Minnesota Historical Society. The entire report is 123 pages; and is available online at <http://www.mnhs.org/preserve/records/electronicrecords/erguidelines.html>

Data practices

The Information Policy Analysis Division of the Minnesota Department of Administration is responsible for the state's privacy and other information policy laws. Its address is 201 Administration Building, 50 Sherburne Ave, Saint Paul, MN 55155 and it can be reached at 651-296-6733 or at info.ipad@state.mn.us. See also laws that classify data

Laws and rules

Minnesota statutes can be found at public libraries or on-line at <http://www.leg.state.mn.us/leg/statutes.asp>.

Minnesota rules are on-line at <http://www.leg.state.mn.us/leg/statutes.asp>.

Federal statutes are available at federal depository libraries and on-line at <http://www.gpoaccess.gov/uscode/index.html>.

Federal rules are available at federal depository libraries and on-line at <http://www.gpoaccess.gov/cfr/index.html>.

Digital imaging

The Colorado Digitization Program has a number of resources available. They can be found at www.cdpheritage.org under "digitization resources."

Additional information is also available in "Digital Imaging for the web," a companion document.

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- 4. “Digital Imaging,” from *Electronic Records Management Guidelines*, (version 3, February 2003), State Archives Department of the Minnesota Historical Society.

I. Records Management

1. A Minnesota overview

The Legislature has imposed a number of requirements on government entities (state agencies, counties, cities, school districts, townships and other government entities) with respect to the records they maintain. What follows is a list of these legal requirements with particular emphasis on storing records in a digital imaging system.

But first, a definition of *digital imaging system* is important. A digital image is a “picture” of a record that is stored in an electronic format, often on a CD-ROM or a DVD. Digital imaging is recognized as a method for storing large quantities of paper records in a very small space. Planning for the retrieval of records from the storage media is a very important part of an imaging project as the image of the record is stored in a random way on the CD-ROM or DVD and is “reconstructed” each time it is retrieved. A system includes the equipment, people and processes involved in imaging.

With that, the following describes what a government entity must do to properly manage its records.

Official Records Act: what needs to be saved

Minnesota Statutes, section 15.17, <http://www.revisor.leg.state.mn.us/stats/15/17.html>, is known as the “Official Records Act.” The first sentence in subdivision 1 of the section reads:

All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," shall make and preserve all records necessary to a full and accurate knowledge of their official activities.

The important duties that can be pulled from this sentence are that a public officer is required:

- to make and preserve
- all records necessary to a full and accurate knowledge
- of the public officer’s official activities.

Simply, public officers have a duty to make a record of what they do. Does this mean there must be a record of everything? The short answer is “no.” The more complicated answer is that all public officers need to figure out what constitutes their “official activities.”

For example, the email to a city administrator from the babysitter about Saturday night is not about an official activity. However, the email message from the developer whose proposal will be voted on at the next council meeting is about an official activity and needs to be kept.

Official activities can be documented in any number of formats including paper, audiotape, videotape, electronic file, email, photographs, microform, or any other method of physical storage. When official activities are documented, the copy held by the government entity is the “official record.” Digital imaging is specifically listed as a method of storage for official records. The government entity may also keep convenience copies of official records for ease of access or reference. In contrast to the official records, these convenience copies can be disposed of by the government entity at any time.

The type of digital imaging media that is permissible (reusable or nonreusable) is dependent on the type of official record to be preserved. There are two types: permanent and nonpermanent. Nonpermanent records can be stored on reusable media. On the other hand, permanent records are kept forever and must be stored in nonreusable media to protect them over the long term.

The status of records as permanent or nonpermanent will be addressed on a records retention schedule. The records disposition panel reviews a proposed records retention schedule prior to approval (the panel and schedules are described later) and agrees with or modifies the proposed determination.

You need to know whether your official records are permanent so that the staff knows what imaging standard must be met for the records to be scanned. If the records are permanent, then nonreusable imaging technology must be used. The Department of Administration’s Office of Technology, in conjunction with the Historical Society, has established technology and management standards for nonreusable imaging technology. Both standards, IRM numbers 12 and 13, can be found using the following steps: go to <http://www.state.mn.us/>, click on “Office of Technology” at the very bottom of the page. Once at OT, click on “policies, standards, guidelines.” Then choose “standards” and scroll down to standard number 12 or 13. These standards will be discussed in greater depth later in these materials.

Records Management Act: how to dispose of official records

Records management is the name given to the orderly process for the storage and disposition of records. In this context, “disposition” includes destruction of records as well as transfer of records to the Minnesota Historical Society or some other approved site such as a local historical society.

Most questions about records management come about when a government entity runs out of room and can no longer store its records in its office. Another event that causes a

government entity to think about records management is that it gets sued and can't find the records it needs for its defense.

In Minnesota, the Records Management Act (Minnesota Statutes, sections 138.163 *et seq.*) requires that a government entity get permission before disposing of any official record. Specifically, section 138.17, <http://www.revisor.leg.state.mn.us/stats/138/17.html> says that a group called the **records disposition panel** can give permission to dispose of records by transfer or destruction.

The composition of the records disposition panel changes for different types of government entities. For state elected officials (governor, state auditor, secretary of state, attorney general) and state agencies, the records disposition panel is the executive director of the Historical Society, the legislative auditor and the attorney general. For all other types of government entity, the panel is made up of the executive director of the Historical Society, the state auditor and the attorney general.

So how does a government entity get the attention of the records disposition panel? There are a number of tools available; depending on what the entity wants to do. If an entity wants to transfer records to the Historical Society or the county history museum, the panel must approve the transfer before it happens. If an entity has a set of records that is created because of a onetime program, then the entity uses an application for permission to destroy records (PR-1). Forms for transfer or one time destruction are available at <http://www.mnhs.org/preserve/records/recser.html#guides>.

Other laws: data classification

Public sector managers are well aware of the need to distinguish between data that are public and data that are not public. The distinction probably already makes an impact on how a government entity stores its records, both paper and electronic, and will make a difference in how an entity prepares its records before digital imaging.

Appended in the back of this handbook is a brief primer on the *Laws That Classify Data*. It provides an introduction to the Minnesota Government Data Practices Act and some other laws affecting the classification of data. It also discusses how classification impacts digital imaging.

Records retention schedule

A key tool when an entity wants to store records as digital images is the “records retention schedule.” A records retention schedule is a chart that describes one or more types of ongoing records and then establishes how long each type of record must be kept in each type of media. It is the legal authority for the government entity to dispose of official records. For example, a government entity may request that the correspondence of the head of an entity be kept for a total period of five years with the first year on paper and the last four years in an image format.

There are general records retention schedules approved and available for state agencies, counties, cities, school districts and townships. Any of these entities can choose to adopt either all or only part of the general schedule for its entity type. An entity can also develop its own retention schedules. No record can be disposed of unless there is an approved retention schedule that authorizes that disposition.

If an entity is thinking about transferring official records from paper to digital image, then it will need to amend existing schedules to show images as the storage medium. It also might want to change the amount of time that the records are kept, given the smaller amount of space images will take compared to the space taken by paper records.

A form to use to present a records retention schedule to the records disposition panel is available at <http://www.mnhs.org/preserve/records/recser.html>. Additional information about records management is available in *Preserving and Disposing of Government Records* found at <http://www.ipad.state.mn.us/records2.html> or in paper copy from the Information Policy Analysis Division (IPAD) of the Department of Administration. Contact information for IPAD is found in the front of this handbook.

Once an entity has decided to either create a new retention schedule or amend an existing schedule, it should complete a records retention schedule form. The form needs to be signed by the entity's records manager and the entity's head or a designee. Submit three copies of the signed proposed schedule to the State Archives Department of the Minnesota Historical Society who serves as the secretary for the records disposition panel.

State Archives staff will review the proposed schedule and identify archival records that should be transferred to the Historical Society when the entity is finished with the records. Sometimes, Archives staff will direct that records be transferred for *selection and disposition*. This means that Archives staff will review the records and choose those that it wishes to keep. All remaining records will be destroyed. Once this review is complete, Archives approves the schedule on behalf of the executive director of the Society and forwards the proposed schedule to either the legislative auditor (state agencies) or the state auditor (all other government entities). The final stop for approval is the Office of the Attorney General. Approved schedules are returned to State Archives who forwards a fully executed copy to the requesting government entity.

2. Digital imaging and the law

So let's apply the process to a government entity that wants to convert paper records to digital images. The first step is for the entity to determine if the records are "official records." In other words, do the records document the official activities of the entity? These official records should be separated from the convenience copies that the entity keeps.

The next question is whether the official records are covered by an existing records retention schedule. If the answer is “no,” then the entity should have all of the records that have ever been created, collected, used or maintained as the entity has not had permission to throw any of the records away. In this case, a records retention schedule needs to be developed. The first step is to do an inventory of the records to see if they can be grouped into something called a records series.

A *records series* is a group of records filed together because they all relate to a particular subject. All records in a series must have the same retention period. Examples include correspondence, meeting minutes, or publications. The name of the records series is important because it is entered onto the records retention schedule and is also used as the paper records are labeled. In other words, entities should use names for records series that have meaning to them vis-à-vis their every day activities. The entity then needs to decide how long to keep each records series in each medium. Should paper be kept for three months? One month? Six months? A year? In making a decision, think about how the entity’s staff works with the records and what makes the most sense from an efficiency perspective.

If records are going to be kept as digital images for any length of time, there must be a plan for possible migration or conversion of the images as hardware, software and media become old or obsolete. Everyone is familiar with situations where the electronic files stored on big floppy disks are no longer accessible because no one has a computer with a drive that will hold those big diskettes. Or perhaps a disk drive still exists, but the software to read the files is no longer available. Storage media have finite life spans and files must be moved to new media periodically to maintain readability. Through the processes of migration (accommodation of hardware changes) and conversion (changing formats to keep up with software changes), entities will ensure that the images will be preserved for as long as they are needed. It doesn’t have to be known specifically how the migration and conversion will be accomplished, but there is a need to know that it will have to be done and the expense planned.

So, back to completing the records retention schedule. Since one of the reasons to image records is to get rid of the paper copies, there need to be two separate entries on the schedule – one for the paper and the other for the images. In setting the retention period for the paper, the entity might want to keep the paper only until the images are proofed for accuracy. In other situations, the paper might be kept for a set period of time and then disposed of once that amount of time has passed. In other situations, the State Archives may decide that they want the paper records transferred for permanent retention at the Historical Society. If that is the case, there will be a note on the approved schedule when it is returned to you. This means that once the images are created and proofed, the records must be transferred to the Society.

Completing and submitting a retention schedule for approval should be one of the first steps a government entity does in implementing a digital imaging program. Approval of retention schedules takes some time (usually one to three months) and since the approved schedule is needed as the “permission” to proceed, it is best to have that permission in

hand before committing additional resources. It is permissible to get an approved schedule that covers images and not use imaging technology right away. In other words, consider getting the approval to do imaging before the entity is ready to move forward with the imaging project.

Now let's take a look at the situation where the records series is covered by an approved schedule, but imaging is not covered. Before imaging can be used as a storage medium for the official records, the retention schedule must be amended to state what will happen to the paper records after imaging occurs and to establish the retention period for the images. The retention schedule form (<http://www.mnhs.org/preserve/records/BlankRetForm.rtf>) can also be used to present changes to a retention schedule. Note the change in time for the paper records and then create a new item for the image retention period. Submit the signed proposed amendment to State Archives and wait for the panel's approval. Once the approved schedule is returned, the new time periods can be followed.

As was noted earlier, there are standards that have been established that must be followed if the images are of permanent records. The standards are available through <http://www.mnhs.org/preserve/records/recser.html#guides> and detail both technical and management procedures that must be observed. Of primary importance is that permanent records must be stored on nonreusable media. There are other requirements contained in the standards, so be sure to review them carefully.

One final issue needs to be addressed. To this point, the focus has been on official records. Some government entities may choose to store their convenience copies of records in a digital imaging format. All of the requirements listed above apply to official records. The convenience copies of the official records can be imaged, and none of the requirements described here apply to them. However, the requirements can be used as a description of best practices and still serve as a guideline for a digital imaging program.

Go or no go: the first basic decision

While State law requires government entities to retain many records, it also allows much leeway regarding the format in which the records are kept. It might make sense for an agency to simply hold on to its paper documents as long as:

- There is access to a lot of storage space.
- There are no other desired uses for the storage space.
- All document containers are well organized, well marked, and easy to reach.
- The storage space is not at risk of theft, flooding, mildew, rodents, insects or other causes of damage.

On the other hand, if space is becoming a premium, if accessing documents is difficult, or if the documents are at any risk of loss or damage, then digital imaging or another space saving technology such as microfilm, may be options.

Should an entity be considering digital imaging at this time? A cost comparison usually is an important consideration. To determine how much records retention is costing today, measure the amount of square footage devoted to file cabinets or cardboard boxes holding old records. How much does this space cost per year? Different organizations will have different figures, but in State owned buildings in the capital area complex, for example, the cost of dedicated storage space is typically about \$6.50 per square foot per year. A higher, but sometimes hidden, cost comes with storing records in regular office space, where many file cabinets end up: In the capital area complex, office space typically ranges from \$14.68 to \$21.65 per square foot per year. (Privately owned office and storage space leased by the state in the metro area vary in cost but typically is in the range as the state owned spaces.) Depending on what they do, entities vary in the amount of record storage kept in office space, but a paper intensive operation might have up to five percent of its office space used for records retention.

The annual cost of storing records on compact discs is practically nothing. However, there is the one time cost of converting each document to an electronic format that needs to be taken into account. In some public agencies, the cost of current storage space will be viewed as a fixed cost and not stand out, while the cost of document conversion will stand out as a “new” expense. Although the cost of conversion will be covered over time, decision makers will need to be convinced.

<i>Should a government office consider digital imaging?</i>	
YES, if <ul style="list-style-type: none"> - There is a shortage of storage space - Records are hard to access - There is a risk of damage or loss 	NO, if <ul style="list-style-type: none"> - There is plenty of storage space available - Records are easy to access - There is no risk of damage or loss
<i>Does this cost money or save money?</i>	
SAVES, if <ul style="list-style-type: none"> - The one time imaging cost is less than the long term cost of storage - There is a better way to utilize existing storage space - Staff spends considerable time retrieving records 	COSTS, if <ul style="list-style-type: none"> - Storage space is available for free. - There is no other way to utilize existing storage space. - Staff easily retrieves records

II. Digital imaging

1. Setting the course: key planning decisions

Once an entity decides to explore digital imaging, a basic business decision needs to be addressed: Make or Buy. In other words, is this an activity that is best handled by outsourcing it to a vendor, or by having it done internally by the entity's own staff? There is no one right answer for every organization; an entity's best course of action will be determined by answering a number of questions.

Some of the factors to consider are part of the entity's long range plans. For example, what are the strategic skills needed in the organization, what is the range of skills in current staff, and how do the skills needed in digital imaging fit into the entity's overall staffing picture? Some of the factors are more immediate. For example, what work does an entity expect its staff to be doing?

The issue can be easy to resolve if the entity already has the resources to do the work: existing staff members with appropriate skills who can incorporate digital imaging into their regular workload. If the entity lacks either the appropriate skills or the available staff time, then either hiring or contracting are options, on a temporary, intermittent or ongoing basis.

The best course for each entity emerges by answering the following questions. (Other sections of this handbook will help in determining the answers.)

- What are the *required tasks to be performed*? The entity's record retention schedule identifies the records appropriate for digital imaging, and indicates the sorting process that the records need to go through in preparation for imaging.
- What are the *required skills*? What competencies are needed by the people who do the required tasks?
- What is the *required equipment*? Does the organization already own the machinery needed for digital imaging, or is it able to purchase what it needs?
- What is activity's *cost*? Can the entity match or even beat the contract or bid prices offered by approved vendors?
- What is the work *timetable*? How soon does the work need to be done? Answering this helps decide on the workforce size. Is digital imaging viewed as a one time activity, a periodic activity, or a continuing activity? Answering this helps to decide on a work location.

- What is the *required workspace*? Can the digital imaging be carried out in the entity's available space? Is it best done onsite, offsite or some of both? What location and work space arrangement would simplify the work flow?
- What are the preferred *work schedules*? Does the entity anticipate digital imaging being done in shifts, and will work be done on a daily, weekly or monthly basis?

The last question might seem the most vague, but it can be helpful. Many record intensive entities will have an ongoing need for digital imaging, but not enough to generate the need for fulltime positions. By examining the required skills before addressing the work schedules, an entity often will see that the skills used for most of the imaging activity are similar to the skills used in other internal jobs, such as mail delivery, reception, copying and filing. By introducing the new function of imaging into an organization, an opportunity opens up for job carving. *Job carving*, in this case, means reconfiguring older job descriptions so that tasks requiring similar skills are assigned to the same employee.

After answering the questions, entities can decide whether it makes most sense to outsource some, all, or none of the digital imaging activity. As with any business decision, a return on investment or ROI analysis should be done. Every public sector entity has developed its own ROI method, taking into account its own personnel, purchasing, equipment depreciation and other policies, as well as its willingness to stretch upfront investment costs over a period of time. But as with private sector organizations, the ROI should answer the question: what is the most cost effective approach?

III. Workers with developmental disabilities

Regardless of whether a government entity chooses to have its records digitally scanned by its own staff or by the staff of an outside vendor, the intent of this handbook is to encourage the use of workers with developmental disabilities. Simply getting involved with digital imaging may appear complicated to an inexperienced entity, and using workers with disabilities might just seem to add to that complexity. But when any organization undertakes a new activity, new opportunities emerge: opportunities to consider appropriate staffing, and opportunities to address other organizational concerns. The introduction of digital imaging creates those opportunities.

1. A general orientation

Public sector managers have many of the same pressures as a private sector manager, plus their work is often in the public eye. Public sector managers have a unique set of laws, regulations and public policies guiding their action. When considering staffing decisions around new activities, managers should check with the entity's human resource office for an understanding of the entity's practices, including affirmative action goals and equal employment requirements.

History

Traditionally, more than one sixth of all working age Americans have been excluded from the workplace because of disabilities. The majority of working age citizens with disabilities are unemployed. The barriers to their employment have been well documented. They have been blocked by the “like me” syndrome, stemming from managers’ natural desire to associate with other people who are like themselves. They have been blocked by stereotypes, perpetuated by long standing myths and fears. Hopefully, cases of outright prejudice have diminished over the years, but ignorance certainly continues, particularly in public sector offices that are not experienced in employing people with disabilities.

Yet the picture is not totally bleak. A growing number of organizations in both the public and private sectors have championed groundbreaking efforts, resulting in a clear understanding of the advantages of hiring workers with disabilities, and creating a set of “best practices” for other organizations to follow. The widespread availability of computers and other technological innovations is helping change the employment of workers with disabilities from an experiment to a mainstream activity in some public entities.

Advantages

Why are some entities seeking out applicants with disabilities? There are several incentives:

- *To increase the pool of qualified job applicants available for hiring.* Most publicity around this incentive has spotlighted the high level of skills found among many people with disabilities. However, the incentive also has an impact on people with developmental disabilities who often lack higher skill levels. In many parts of the nation, including areas in Minnesota, there is a lack of appropriately skilled workers for lower skills employment. There are positions that have been filled by people who truly are over qualified for the job responsibilities.
- *To better meet the staffing needs of the entity.* According to the Conference Board, it has been demonstrated that employees with disabilities have equal or higher job performance ratings, higher retention rates, and lower absenteeism, compared to other employees.
- *To contribute to the diversity of the organization.* In entities that are truly committed to diversity, employees with disabilities are valued for bringing different skills, viewpoints, backgrounds into the organization.
- *To demonstrate that there is a public commitment to equal employment opportunities.* In many areas of the state, private sector organizations are looking for role models to emulate in the hiring of people with disabilities. As a matter of

good public policy, public sector entities have taken the initiative to put equal employment opportunity into practice.

- *To get the work done.* This is perhaps the most important reason of all. People with disabilities are most likely to be hired by entities that don't lose track of the fact that what is significant to getting work done is not the disability, but the *ability* of its staff.

Myths

Myths of hiring people with disabilities	
<i>Myths are roadblocks that interfere with the ability of hiring good, qualified people whose roadblock is their disability. Listed below are some common myths and the facts that tell the real story.</i>	
MYTH	FACT
Hiring people with disabilities increases workers compensation insurance rates.	Insurance rates are based solely on the relative hazards of the operation and the organization's accident experience, not on whether workers have disabilities.
Employees with disabilities have a higher absentee rate than employees without disabilities.	Studies by firms such as DuPont show that employees with disabilities are not absent any more than employees without disabilities.
Employees with disabilities are more likely to have accidents on the job than employees without disabilities.	In the 1990 DuPont study, the safety records of both groups were identical.
Persons with disabilities are unable to meet performance standards, thus making them an employment risk.	You want employees who add to the well being of your organization, not detract from it. If a person will not meet performance standards, you should not consider employing that person, regardless of having a disability or not.
Persons with disabilities have problems getting to work.	Persons with disabilities use modes of transportation as varied as those of other employees.
Hiring someone with a disability will cause discomfort to staff and customers.	Typically for a few days on the job, people will focus on the new employee's disability. After a few more days on the job, the new hire becomes just another member, with strengths and weaknesses.
Considerable expense is necessary to accommodate employees with disabilities.	Most workers with disabilities require no special accommodations, and if they do, 51% of the accommodations cost between \$1 and \$500.
If my new employee does not work out, I cannot terminate him or her.	As with any employee, if after training and coaching the person is not able to do their job, they need to find another job suited to their skills.

A message to taxpayers

When an office or department in a public sector entity hires people with disabilities, it generally doesn't cost that particular office any more or any less than hiring other people for the same role. (An exception can be the long term savings from employee retention.) However, there is a real, overall cost savings to government. It is a savings that needs to be communicated to taxpayers.

The basic message is that when people with disabilities are employed, they move from being tax consumers to being taxpayers. The new employees can have less need for some support programs funded by government. Particularly at the level of state government, programs have shown that new tax revenues from newly independent workers with disabilities multiply the benefit from decreased social program costs that result when disabled people get jobs.

In short, employing people with disabilities in the public sector not only results in a real cost efficiency, but also improves effectiveness by addressing more than one public goal.

2. Digital imaging

In the public sector, the introduction of a new work activity typically means that a job analysis will be conducted. In a *job analysis*, a supervisor sets objective criteria for the work to be done, including: purpose – the reason for the work; essential functions – the fundamental job duties; job setting – the work station and conditions; and job qualifications – the minimal skills needed to perform the functions. A job analysis describes the job, not the person who fills it.

Digital imaging differs from most new work activities being introduced in either the public or private sector. The functions of digital imaging tend to be highly repetitive duties requiring only a few basic skills. One element that clearly sets digital imaging aside from other new work activities is that most of the functions do not require literacy. In fact, given the public sector requirements regarding data confidentiality, there is a clear advantage to having nonliterate workers carrying out most of the digital imaging functions.

The highly repetitive nature of the digital imaging process – scanning page after page after page of one document after another makes most current employees in public sector entities temperamentally unsuited for the work. On the other hand, many people with developmental disabilities approach the work from a different perspective, and find challenge where others do not. For this work, many people with developmental disabilities are appropriately utilized, rather than underutilized. Experience with other kinds of work as well as with digital imaging has demonstrated its value to many people with developmental disabilities. Given the opportunity, they have demonstrated time and again that they will show up for work, and on time.

The nature of ongoing technological advancement means that two new kinds of work activity are continually being created. One is very high level work, creating new activities

such as computer programming, and the other is very low level work, creating new activities such as digital imaging. Both kinds of work are best done by appropriately skilled workers.

In the public sector, entities have bargaining unit contracts that can impact staffing decisions for both employees and outside vendors. Nothing in this handbook suggests precluding or ignoring the rights of current employees at risk of layoffs, demotions or other consequences of government cutbacks. On the contrary, conducting a job analysis and considering job carving possibilities when introducing a new work activity can assist current employees by freeing their time to doing the work that only they are capable of doing well, rather than letting cutbacks force them into inefficiently involving their time in activities well below their skill levels.

IV. Best practices: Imaging and workers with disabilities

1. Who does the work: a personnel decision

When discussing digital imaging in section 2, it was noted that the work could be done either by employees or by contract vendors. Many private agencies that support workers with disabilities would encourage government entities to hire people with disabilities, rather than bring in a workforce through a contract vendor. The rationale is the same as it would be for any hire or contract decision: lower cost in the long run. A vendor will need to build administrative costs into the contract. On the other hand, some entities will determine that either the convenience or the expertise of a vendor makes contracting worthwhile. Following are some reasons to consider both approaches.

Workers with developmental disabilities: hire or contract?	
<i>HIRE:</i>	<ul style="list-style-type: none"> • The work is being done onsite, in the entity's space. • Maintain the same control as over other employees. • No need to pay for additional administrative work.
<i>CONTRACT:</i>	<ul style="list-style-type: none"> • The work is being done offsite, in a vendor's space. • Entity hasn't resolved "fears" of hiring workers with disabilities. • Vendor brings needed expertise.

In either case, however, an entity inexperienced with workers with disabilities should consider engaging an outside organization to introduce them to the concepts and practices, and to provide followup support and assessment.

2. Hiring staff for digital imaging

As noted earlier, hiring for any new position must follow the entity's human resource policies, and should begin with a job analysis. For workers with developmental disabilities, there are some additional considerations. For example, contacting local organizations that assist or support the hiring of workers with disabilities should augment traditional recruitment. There is at least one organization with this role in every Minnesota county; they can be located through the county's human services department. They can assist by providing many of the same services offered by a contract vendor.

Other considerations that apply to hiring also apply to contracting. There may be a need for some *reasonable accommodations*, which are modifications made to the job or the way a job is performed that enables qualified people with disabilities to perform the essential functions of their positions. For example, job coaching may be needed for the new workers, and perhaps a modification to the regular work schedule. Reasonable accommodation does not include lower production standards that are applied to all employees, or anything that would be considered an undue hardship to the entity.

3. Contracting staff through a vendor

Select a vendor

Vendors should be selected by following the bidding process of the entity. Advertising should be done for a vendor licensed by the Minnesota Department of Human Services to train, coach and support employees with developmental disabilities. The entity should assign a manager to be the vendor's primary contact person, and liaison for continuous improvement.

The vendor will review the entity's planned work activity, including the staffing concept, the work location, and a work activities assessment and associated decisions. The vendor will perform an indepth job analysis and skills assessment, and then establish a relevant financial plan.

Hiring and staffing process

It will be the role of the vendor to propose job candidates, and to assist in individual interviews. In fact, many times it is only at this point when an entity and a vendor will decide whether the individuals will be employed by the entity or by the vendor. The selected individuals will be offered the job, and those who accept will follow the regular hiring and orientation practices of their new employer.

If an entity is only trying to eliminate a backlog of digital imaging needs, then people may be hired on a temporary or intermittent basis. If there is small volume of work, only one person might be hired; if an entity is record intensive, however, a work team may be needed, an "enclave" or crew of people with developmental disabilities.

4. Setup and process

While the equipment and space layout does need to be appropriate to a specific site, past experience in digital imaging work by people with developmental disabilities has shown a standard setup that has been effective. Following are schematic drawings showing workspaces designed for a single worker and for teamwork.

Laws that classify data

An important issue to consider before scanning records and creating imaging is the classification of the data held in the records. The classification of the data in the records may affect how the imaging project is organized; for example, data that are not public shouldn't be mixed with data that are. It also will affect the index that gets created. Classification also will impact the security needed to properly store the CD-ROMs or DVDs as well as the procedures established to govern access to the not public data.

Below is a section on background in data practices, answering the basic question: What is not public data? Following that is a section with brief summaries of specific laws that classify some major data groups.

Background in data practices

Records hold “data” and in Minnesota, data held by government are generally accessible by the public. The law that states this general presumption, and the many exceptions to it, is called the Minnesota Government Data Practices Act (the Act). This law is found in Minnesota Statutes, chapter 13. The term “government data” covers *all* data collected, created, received, maintained or disseminated by a government entity, no matter how the data are physically stored (Minnesota Statutes, section 13.02, subdivision 7) www.revisor.leg.state.mn.us/stats/13/02.html.

For purposes of this handbook, *government data* will refer to data stored on paper records that will be converted to electronic records held in an imaging format, and *you* will refer to public sector managers with responsibility for the data.

If the records in question store data about human beings, the Act says that the data kept must be accurate, complete and current (See Section 13.05, subdivision 5 at www.revisor.leg.state.mn.us/stats/13/05.html). Therefore, if the records contain data as of a particular date, you will want to record that date information in the index. You also may want the index to record comments so that, if data are later determined to be inaccurate or incomplete, that information is available in the index.

When are data *not public*? Data can be classified as “not public” by federal statute or rule, by state statute, or by a temporary classification issued by the Minnesota Commissioner of Administration. For the purposes of your imaging project, be more concerned about federal and state law; if your data are covered by a temporary classification, that information will have been shared with you by the management of your entity.

In the Act, “not public” has a specific meaning. Section 13.02, subdivision 8a, www.revisor.leg.state.mn.us/stats/13/02.html says that data are “not public” if they are classified by statute, federal law or temporary classification as private, confidential, nonpublic or protected nonpublic. So there is a need to know what these four terms mean.

- ❖ **Private data** are those that are not accessible to the general public but are accessible to the human being who is the subject of the data (Section 13.02, subdivision 12) www.revisor.leg.state.mn.us/stats/13/02.html.
- ❖ **Confidential data** are those that are not accessible to the general public and are not accessible to the human being who is the subject of the data (Section 13.02, subdivision 3) <http://www.revisor.leg.state.mn.us/stats/13/02.html>.
- ❖ **Nonpublic data** are data not on human beings that are not accessible to the general public but are accessible to the entity that is the subject of the data (Section 13.02, subdivision 9) <http://www.revisor.leg.state.mn.us/stats/13/02.html>.
- ❖ **Protected nonpublic data** are not on human beings and are not accessible to the general public and are not accessible to the entity that is the subject of the data (Section 13.02, subdivision 13) <http://www.revisor.leg.state.mn.us/stats/13/02.html>.

If data are classified as not public, access by government employees is limited to those whose work assignment reasonably requires access (Minnesota Rules, sections 1205.0400 <http://www.revisor.leg.state.mn.us/arule/1205/0400.html> and 1205.0600) www.revisor.leg.state.mn.us/arule/1205/0600.html. If you will scan records containing not public data, you will need to make sure that the imaging is done so that the data are protected. You will also need to ensure that those who access the images in the future have a work assignment that requires them to have access. (The importance of this is explained below).

Classification of data as “not public” also limits the sharing of those data. Specifically, sharing of not public data is limited to those entities that are listed in federal law or state statutes.

Specific laws that classify data

The question you must be asking is, how do I figure out if the data in our records are classified as not public? What follows are *some* of the federal and state laws that classify data as not public. They are listed in alphabetical order by subject.

- Chemical dependency treatment data are classified by federal rule as confidential. Because it is federal law, this rule classifies data held by any Minnesota government entity. See 42 Code of Federal Regulations Part 2.
- Criminal justice data are those data collected by law enforcement. These data may have different classifications depending on the stage of the criminal investigation when the request for access is made. See Minnesota Statutes, section 13.82.

- Driver's license data are classified by the federal Driver's Privacy Protection Act. Simply put, data from the driver's license is not available to the general public from the Department of Public Safety. There are lots of exceptions to the rule (including those in higher education), so see 18 United States Code section 2721.
- Education records about students are classified as private by both federal and state law. See the Family Educational Rights and Privacy Act (FERPA), 20 United States Code section 1232g, 34 Code of Federal Regulations Part 99 and Minnesota Statutes, section 13.32.
- Medical data are classified as private by the Health Insurance Portability and Accountability Act (HIPAA) and by section 13.384. You can find the HIPAA regulations at 45 Code of Federal Regulations Parts 160 and 164.
- Motor vehicle data (license plates) are also protected by the federal Driver's Privacy Protection Act. There are 14 exceptions that permit disclosure of these data elements to some parties, so review 18 United States Code section 2721.
- Personnel data are divided into two main categories. Section 13.43, subdivision 2(a) has a list of the data elements that are public. Subdivision 4 of that section classifies the rest of the personnel data as private.
- "Welfare data" is the term used in section 13.46 to describe the data held by welfare agencies, child support enforcement authorities, community mental health center boards, state hospitals, state nursing homes, and similar agencies. Data held by these types of government entities are private data.

Please note that this list is not exhaustive and help is available if you are not certain how your data are classified. The Information Policy Analysis Division of the Department of Administration is available to help. Contact information is listed at the beginning of this handbook.

Why classification is important

Now that you have an idea what classification your data have – or that you need to spend some time making a determination – you need to understand why the classification makes a difference in an digital imaging project. Following are answers to four major questions:

- (1) How do you scan the records and protect the not public data?
- (2) How do you properly index the records so that future users know the classification?
- (3) How do you store the removable media (CD-ROMs or DVDs) so that the not public data are properly protected?

(4) How do you control access to the not public data in the images?

Protecting the not public data while the imaging is occurring is straightforward when people with developmental disabilities are employed. The skills that people with developmental disabilities will bring to the project are those needed to ensure that the image is correctly captured and that the letters are clear but do not include reading and comprehension. As a result, you will not have to worry about the employees doing the imaging sharing the not public data with their friends and neighbors.

The part of the project where this will be an issue is the creation of the index to the images. The amount of access the indexer will need to have to the data is dependent on how the records are labeled and where the label appears. If the person creating the index needs access to the not public data, then a confidentiality agreement would be appropriate. The confidentiality agreement is a contract between the employee or vendor and the entity where the employee/vendor promises not to disclose the not public data and the entity specifies the types of discipline that will be imposed for violating the agreement.

Remember that an accurate index is critical to the success of the imaging project. If the index does not permit a user to retrieve the desired records, the project will not accomplish your goals. In determining the data elements to include in the index, consider an entry for data classification, particularly if records contain different classifications of data.

Another data element to consider for the index is a place for comments. This will be most helpful if the data in the records are about human beings who have the right to challenge the accuracy and/or completeness of data. (See section 13.04, subdivision 4 at www.revisor.leg.state.mn.us/stats/13/04.html). If a challenge to accuracy and/or completeness is successful, you will want a way to mark the index so that future users know the data are no longer accurate and/or complete.

The comment area could also be used to note when a user discovers other data that modify what is found in a particular record. This can improve efficiency by documenting where the more current data can be found.

The next issue is storage of the removable media containing the images. Removable media containing not public data will need to be stored so that access is restricted to those whose work assignment reasonably requires access. This may mean that media are stored in a locked vault or cabinet with limited access to the key or combination. You will need to decide what the appropriate level of security is for the data that are held in the images and plan the storage to meet those needs.

The final issue is how to control access to the not public data stored in the images. You will need to establish a policy and procedure that covers a number of topics. They include (1) how your entity determines which employees have a work assignment that reasonably requires access to the not public data; (2) how you will document which

employees are authorized to have access; (3) how you will document which employees had access at a specific point in time; (4) whether you will audit the access to the not public data to determine that the usage is appropriate; (5) the consequences for violating the policy and procedure.

For further information, check with the organizations and resources in the contact list in the front of the handbook.

CHART OF POSSIBLE DATABASE ELEMENTS

The charts that follow show all of the possible database elements that were listed in the text. The charts show the elements as they are grouped in the text and provide additional information.

The Minnesota Recordkeeping Metadata Standard, Standard Number 20, is found by taking the following steps: at <http://www.state.mn.us/>, click on “Office of Technology” at the very bottom of the page. Once at OT, click on “policies, standards, guidelines.” Then choose “standards” and scroll down to standard number 20.

In the second column of each chart, there is a reference to the source of the element. There are two choices: the Minnesota Recordkeeping Metadata Standard or the Minnesota Historical Society’s metadata element recommendations for imaging projects. The abbreviation “MS” is used for the Metadata Standard. If the Metadata Standard is the source, information is provided about the number assigned to the element within the standard and whether there area required sub-elements.

A sub-element is additional detail that will help refine the ability to manage the records and retrieve them.

Please note: Each scanning project is unique and creating a database will be a customized effort for each project. Also, the imaging area of technology changes quickly so the following is current as of the date of publication.

Other resources are available. They include: Western States Digital Standards Group’s “Western States Dublin Core Metadata Best Practices” (January 2003 available at http://www.cdpheritage.org/resource/metadata/documents/WSDCMBP_v1-2_2003-01-20.pdf **OR** go to <http://www.cdpheritage.org/> and choose “digitization resources” and then choose “Western States Dublin Core Metadata Best Practices” under the “metadata” header.)

The first data element

Element name	Source	Description	Importance
Aggregation level	MS 12; no required sub-elements	Level at which metadata are recorded. For example, are metadata recorded for each individual record or for a series or group of records?	This level impacts how records are managed, organized, and retrieved. For example, do you want to retrieve individual records? If so, the aggregation level will need to be at the record level (individual specific record) rather than the records series level (group of records).

Strongly recommended data elements

Element name	Source	Description	Importance
Agent	MS 1; 2 required sub- elements	Who owns or uses the record? Examples are owner, author, publisher, and user.	One of the primary factors used to retrieve a record is the entity or area responsible for it. This element allows a searcher to find records more easily because the entity has chosen who is responsible (division, department, work area).
Title	MS 3; 1 required sub- element	The name of the record or records series. For example, "Report on MFIP Usage in Fiscal Year 2003."	The user knows the name of the record; the record can be retrieved easily by name.
Date	MS 10; 1 required sub- element	The dates of important actions such as when the record was created and the date(s) of revisions. The date is recorded in ISO format of year, month, day, "T" for "time" and then an entry using military time (1 pm is 1300).	Records can be retrieved based on a date.
Format	MS 13; 3 required sub- elements	The format used to store the digital image. For example, ASCII, GIF, HTML or JPEG.	The format of the digital image controls the tools needed for future access and preservation; assures efficient management of records.
Record Identifier	MS 14; no required sub- element	The unique identifier for the record or records series.	Ties the image bearing the same number to the database.
Capture device	MHS	Make and model of the digital camera or scanner	Relates to the tools needed for access and preservation.
Capture details	MHS	Name of scanner software, lens type of digital camera	Relates to the tools needed for access and preservation.
Resolution	MHS	Number of pixels, pixels per inch (PPI) or dots per inch (DPI)	Relates to the tools needed for access and preservation.

Compression	MHS	Type of compression used. Examples are: JPEG and GIF.	Relates to the tools needed for access and preservation.
Color	MHS	Pixel depth	Relates to the tools needed for access and preservation.

Recommended data elements

Element Name	Source	Description	Importance
Rights management	MS 2; 1 required sub-element	Identifies any restrictions on access to or use of records. This is the place to document the classification of the data.	The Minn. Gov't Data Practices Act (MS ch. 13) governs access to government data contained in records. This element identifies any restrictions on access or use and reduces possible liability for inappropriate use or release of the records.
Subject	MS 4; 1 required sub-element	The topic or content of the record or records series.	Most researchers use "search terms" to find records. This element provides search functionality.
Management History	MS 15; 3 required sub-elements	History of the records management activities performed against a record or records series such as migration from paper to digital image, change of location, or disposal. The date is recorded in ISO format of year, month, day, "T" for "time" and then an entry using military time (1 pm is 1300).	Preserves the history of every records management action; a benefit of imaging records and creating a database.
Preservation History	MS 17; 3 required sub-elements	History of actions taken to assure a record is readable and can be retrieved; for example, backups to ensure complete disaster recovery . The date is recorded in ISO format of	Storing records as digital images requires taking steps to ensure that the records remain available with changing technology. This element documents the

		year, month, day, “T” for “time” and then an entry using military time (1 pm is 1300).	steps taken to meet this responsibility.
Location	MS 18; 3 required sub-elements	Where the digital image is stored such as on CD-ROM, DVD, or a server.	Plays a role in the preservation of the images.

Additional data elements

Element Name	Source	Description	Importance
Description	MS 5; no required sub-elements	Free text describing the record. This is in addition to the “subject” element; provides more detail.	Facilitate searches.
Language	MS 6; no required sub-elements	This is assumed to be English. This element notes that a record is available in another language, when required.	Facilitates retrieval of records in languages other than English; some governmental units are required to provide records in other languages.
Relation	MS 7; 2 required sub-elements	Describes the relationship, if any, between multiple records; for example, the relationship between a record found to contain inaccurate data and the location of the revised record with accurate data.	Promotes informed use of records over time and allows connections to be made between related records.
Coverage	MS 8; 1 required sub-element	Documents the limitation of a record to a specific place, time, or jurisdiction such as a report that is only about one county.	Facilitates speedy retrieval of records by allowing a searcher to limit a request.
Function	MS 9; no required sub-elements	Business function or activity documented in the record.	Facilitates speedy retrieval of records by allowing a searcher to limit a request.
Type	MS 11; no required sub-elements	Type of record such as correspondence, agenda, contract, etc.	Facilitates speedy retrieval of records by allowing a searcher to limit a request.

Use History	MS 16; 2 required sub- elements	Describes access to and use of the record, both legal and illegal attempts. The date is recorded in ISO format of year, month, day, "T" for "time" and then an entry using military time (1 pm is 1300).	Documents that access and use have been appropriately restricted based on the classification of the data; manage-ment function the database provides.
Disposal	MS 19; 4 required sub- elements	When and how were records disposed? Includes the date of actual destruction or transfer of records to the State Archives Department of the Minnesota Historical Society.	Permanent documentation of what happens to a record. If the record has been disposed of, the searcher will know when that happened.
Mandate	MS 20; 3 required sub- elements	Notes that a statute or approved records retention schedule requires that records be kept for a specific period of time.	Documents the basis for the retention period and disposal action for each record or records series.

SAMPLE DATABASE DATA ENTRY, AND SAMPLE RECORD

The purpose of this sample is to show how the metadata elements are extracted from a record and placed in the database. Not all metadata elements are found in the record itself. For example, the metadata about the image and how it is created come from the imaging process that has been established. The sample record that is source for the metadata is: Meeting Minutes, Committee on Sample Documents, November 7, 2003. Both the original record and the metadata elements are for demonstration purposes and are not real. Use the “metadata/reference number” to link this chart with the sample document where the metadata elements have been marked.

Recommendation	Element name	Sub-element name	Metadata/reference number**	How to complete field
<i>Strongly recommend</i>	Aggregation level		12	Record
<i>Strongly recommend</i>	Agent	Agent type	1.1	Record owner
		Entity name	1.3	Dept. of General Services*
	Title	Official title	3.1	Meeting Minutes
	Date	Date/time created	10.1 (The date is recorded in ISO format of year, month, day, “T” for “time” and then an entry using military time (1 pm is 1300).)	2003-11-10T12:00-13:00
	Format	Content medium	13.1	Image
		Data format	13.2	TIFF
		Storage medium	13.3	CD-R
	Record Identifier		14	54321
	Capture device		MHS/21	Umax Powerlook III*
	Capture details		MHS/22	Umax Powerlook III scanning software*
	Resolution		MHS/23	600 dpi
	Compression		MHS/24	L2W
	Color		MHS/25	RGB
	Bit-depth		MHS/26	24-bit

<i>Recommend</i>	Rights management	MGDPA classification	2.1	Public
	Subject	First subject term	4.1	Legislation
	Management history	Event date/time	15.1 (The date is recorded in ISO format of year, month, day, "T" for "time" and then an entry using military time (1 pm is 1300).)	2003-11-12T10:00
		Event type	15.2	Published
		Event description	15.3	Website
	Preservation history	Action date/time	17.1 (The date is recorded in ISO format of year, month, day, "T" for "time" and then an entry using military time (1 pm is 1300).)	2003-11-12T10:00
		Action type	17.2	Backed Up*
		Action description	17.3	Backed up to tape*
	Location	Current location	18.1	Dept. of General Services*
		Home location details	18.2	Documents Division
		Home storage details	18.3	Shelf 2, CD-R storage
<i>Additional</i>	Description		5	Minutes
	Language		6	English*
	Relation	Related item identifier	7.1	54333
		Relation type	7.2	Referenced by
	Coverage	Coverage type	8.1	Calendar year
	Function		9	Committee – Creating Sample Documents
	Type		11	Minutes
	Use History	Use date/time	16.1 (The date is recorded in ISO format of year, month, day,	2003-11-28T9:00-9:15

			“T” for “time” and then an entry using military time (1 pm is 1300).)	
		Use type	16.2	Accessed
	Disposal	Retention schedule	19.1	90-201
		Retention period	19.2	Permanent
		Disposal action	19.3	Permanent
		Disposal due date	19.4	Null
	Mandate	Mandate type	20.1	Internal business requirement
		Refers to	20.2	Retention
		Mandate name	20.3	M.S. 138.17

* Items marked with an asterisk (*) are those of a repetitive nature that may be automatically filled by the database software. If automatic entry is used, the ability to override the entry must be included.

** The element or sub-element number should not appear in the database. The purpose of this column is to provide a way to link the sample document with the database entry sample.

MEETING MINUTES [3.1, 5, 11]

COMMITTEE ON CREATING SAMPLE DOCUMENTS [9]

DEPARTMENT OF GENERAL SERVICES [1.3]

November 7, 2003

Attendees: Mary Smith, Don Brown, Ann Helpful, Harry Carey and Melinda Muffet.

Approval of Minutes

The minutes of the October meeting were approved as written.

New Projects

The Commissioner has forwarded a new project to the committee. She needs sample documents for a presentation she is making on November 15, 2003 to the Association of Sample Document Creators. Mary and Harry agreed to review existing samples and provide some to the Commissioner for her use.

The Commissioner of Filing also needs sample documents. His presentation is in January 2004 and so the December meeting will be devoted to the creation of the samples he needs. Don will get more information on the Commissioner's presentation and circulate it before the December meeting.

The Board of Tracking is creating a new program and wants to have sample documents. Melinda volunteered to contact the executive director for more information.

Current Projects

Melinda and Harry presented the sample documents that they had prepared for the Commissioner of Records Management. These samples will be used on Monday, November 10, 2003 in a presentation that Melinda and Harry will attend.

Legislative Developments [4.1]

Ann reported that the legislative liaison for the Department had heard the House Committee on Documents was considering changes to the statute. Ann noted that we have worked with the committee's chair in the past and she will make contact to obtain more information.

Don told the committee that SF 22YY that was introduced last year was going to be the subject of an interim hearing in the Senate Committee on Records. The hearing is set for November 20, 2003 at 10 am and all committee members plan on attending.

New Members

Mary suggested that more committee members were needed. The committee has been very active this year and with Harry's retirement in May 2004, more members will be needed. The divisions that don't currently have a representative on the committee were identified and a recruiting effort was outlined. Everyone will report back at the December meeting.

Next meeting is December 5, 2003 at 10:00 a.m.

The meeting was adjourned.

Minutes by: Melinda Muffet