

STATE OF VERMONT GENERAL RECORD SCHEDULE

Issued to: All Public Agencies

GRS-1000.1033: Enforcement Records

Last Revised: 11/12/2013



Vermont State Archives and Records Administration
Vermont Office of the Secretary of State

GRS-1000.1033: Enforcement Records

Classification: GENERAL (Enforcing)

- Authority:** A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule approved by the state archivist pursuant to subdivision 117(a)(5) of Title 3. (1 V.S.A. § 317a)
- Scope:** This general record schedule applies to any agency, board, department, commission, committee, branch, instrumentality, or authority of the state or any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the state that produces or acquires the records listed on this record schedule in the course of public agency business. Record means any written or recorded information, regardless of physical form or characteristics, and includes electronic or digital records and data. (1 V.S.A. § 317)
- Use:** State agencies MUST have a Notice of Adoption (VSARA-11) acknowledged by the Vermont State Archivist and on file with the Vermont State Archives and Records Administration (VSARA) prior to using any general record schedule. Use of a General Record Schedule (GRS) to destroy records without proper notification is not permitted. In addition, internal policies must be established to assure that the requirements outlined in any GRS are being applied across the agency. General Record Schedule (GRS) numbers shall be cited in all internal policies to demonstrate compliance with 1 V.S.A. § 317a. Local public agencies do not have to submit a Notice of Adoption; however, internal policies should clearly cite any general schedules that have been adopted and associated GRS numbers. If a GRS does not meet an agency's legal or administrative needs, the agency should continue to use any applicable disposition orders that have been issued for its records or seek agency specific record schedules through VSARA's Targeted Assistance Program (TAP).
- Exemptions:** It is the policy of Title 1, Chapter 5, Subchapter 3 of Vermont Statutes Annotated to provide for free and open examination of records consistent with Chapter 1, Article 6 of the Vermont Constitution. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Some records listed on GRS-1000.1033 may be exempt from public inspection and copying for this reason. Security measures to protect records and information from unauthorized access, use, and disclosure are necessary if the records are exempt pursuant to 1 V.S.A. §§ 315-320. Please see Appendix B for Access Requirements and Appendix E for related legal references regarding exemptions from public inspection and copying.
- Retention:** GRS-1000.1033 reflects the retention and disposition requirements for the following records regardless of their media, format, or mode of transmission. Duplicate records within the same agency that are used for specific legal, fiscal, or administrative purposes may be either retained using the retention requirement listed in this schedule or in accordance to an internal policy. Any copies of records made only for convenience of reference or informational purposes may be discarded when no longer needed unless otherwise directed through an internal policy. Duplicates or copies of records shall not be retained longer than the original records.

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GRS-1000.1033: This schedule is reserved for recorded evidence of activities and transactions that relate to or affect, in a specific manner, enforcing compliance with statutory and regulatory requirements, including local ordinances. Includes enforcement actions related to orders, permits, licenses, and similar authorizations issued by or under the statutory authority of a public agency but does not include judicial, administrative, or legislative adjudicative proceedings. For records related to investigations or monitoring activities, use GRS-1000.1100 (Investigation Records) or GRS-1000.1063 (Monitoring Records), respectively.

Retention: With the exception of agreements, legal notices, and registers, retain records related to an enforcement action for a minimum of six (6) years after the enforcement action is officially completed or closed and then destroy by shredding unless a report has significant administrative value or the enforcement action itself is considered major or significant.

If a report has significant administrative value, use the retention requirements for Reports in GRS-1000.1102 (Administrative Policy Records) and retain only the report permanently. For major or significant enforcement actions, gather all existing records and contact the Vermont State Archives and Records Administration (VSARA) for further appraisal; records must meet the criteria of major or significant in "Vermont Archival Records" to be identified as permanent (archival).

Registers or similar systems that provide for the systematic and regular recording of enforcement activities shall be retained until the register is superseded and then appraised by VSARA for continuing value.

Other records shall be retained as specified in this record schedule, with the exception of transitory records. Transitory records created or received as part of an enforcement action may be weeded as appropriate in accordance with GRS-1000.1000 (Transitory Records).

Public Access: Review

MINIMUM RECORDKEEPING REQUIREMENTS for Enforcement Records (see APPENDIX E for related legal references)

| Record Category/Type: | Applicability/Use: | Appraised Value: | Minimum Retention/Disposition: |
|---|---|-------------------------|---|
| GRS-1000.1033.5 Agreements Public Access: <i>Review</i> | Use for assurances of discontinuance and similar agreements made between the enforcement agency and the individual or organization found in violation with statutory or regulatory requirements. Includes stipulations, compliance and settlement agreements. | Conditional Archival | RETAIN UNTIL: Expired PLUS: 6 Year(s) THEN: Confirm |

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| <p>GRS-1000.1033.24 Complaints Public Access: <i>Review</i></p> | <p>Use for complaints and similar requests for enforcement action. Includes formal statements of facts following an investigation, inspection, or similar compliance review that are submitted to the enforcement agency for further action.</p> | <p>Conditional Archival</p> | <p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Confirm</p> |
| <p>GRS-1000.1033.53 Correspondence (Substantive) Public Access: <i>Review</i></p> | <p>Use for correspondence that has significant administrative value and/or is essential to supporting decisions made by the enforcement agency.</p> | <p>Conditional Archival</p> | <p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Confirm</p> |
| <p>GRS-1000.1033.133 Decisions Public Access: <i>Review</i></p> | <p>Use for written decisions of violation or noncompliance, including final orders and notices of violation, issued by the enforcement agency. Includes decisions to dismiss a complaint. For directions or commands delivered during the course of an enforcement action that do not serve as decisions of violation or noncompliance, use "Orders."</p> | <p>Conditional Archival</p> | <p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Confirm</p> |
| <p>GRS-1000.1033.50 Notices, Legal Public Access: <i>Review</i></p> | <p>Use for official, written statements, notices or announcements that are required by law. Includes subpoenas. For notices of violation, use "Decisions."</p> | <p>Temporary (Legal)</p> | <p>RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Destroy (General)</p> |
| <p>GRS-1000.1033.63 Orders Public Access: <i>Review</i></p> | <p>Use for orders issued by the enforcement agency. Use "Decisions" for final orders issued by the enforcement agency.</p> | <p>Conditional Archival</p> | <p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Confirm</p> |
| <p>GRS-1000.1033.81 Registers Public Access: <i>Review</i></p> | <p>Use for registries, databases, systems, and similar records that provide for the systematic and regular recording of enforcement actions.</p> | <p>Conditional Archival</p> | <p>RETAIN UNTIL: Superseded PLUS: 0 Year(s) THEN: Confirm</p> |
| <p>GRS-1000.1033.144 Reports Public Access: <i>Review</i></p> | <p>Use for reports and similar narratives issued by the enforcement agency about an enforcement action including reports related to corrective actions. For reports that have significant administrative value, retain permanently and use the retention requirements for "Reports" in GRS-1000.1102 (Administrative Policy Records).</p> | <p>Conditional Archival</p> | <p>RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Confirm</p> |

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| GRS-1000.1033.36 Supporting material Public Access: <i>Review</i> | Use for supporting documentation, not otherwise specified in this schedule, created or received by the enforcement agency. | Conditional Archival | RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Confirm |
| GRS-1000.1033.150 Waivers Public Access: <i>Review</i> | Use for waivers and variances related to an enforcement action. | Conditional Archival | RETAIN UNTIL: Completed/Closed PLUS: 6 Year(s) THEN: Confirm |

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Appendix A: Appraisal Values

An appraisal value establishes the usefulness or importance of a record after its original purpose has passed. The value of a record also dictates how it must be disposed after retention requirements are met (also see "Retention Requirements"). The appraisal values below represent categories of values that may be assigned to records following the record appraisal process. See "Vermont Archival Records" in the Archives and Records Management Handbook for conditions a record must meet to be appraised as "archival."

| Appraisal Value | Description | Usage |
|----------------------------|---|---|
| Conditional Archival | Records may have archival value. | Assigned to records that meet the conditions of a "Vermont Archival Record" under special conditions. |
| Permanent (Archival) | Records have archival value. | Assigned to records that meet the conditions of a "Vermont Archival Record" and are therefore permanent (archival) records. |
| Temporary (Administrative) | Records have temporary administrative value. | Assigned to records that do not meet the conditions of a "Vermont Archival Record" but are needed for administrative reasons. |
| Temporary (Legal) | Records have temporary legal value. | Assigned to records that do not meet the conditions of a "Vermont Archival Record" but have legal requirements governing their retention. |
| Unappraised | Default value for records that have not been appraised. | Assigned to records that have not been appraised and do not yet have retention or disposition requirements. |

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Appendix B: Public Access Requirements

A public access requirement is the availability of a record for public use and inspection pursuant to 1 V.S.A. §§ 315-320. Unless exempt from public inspection and copying pursuant to 1 V.S.A. § 317, records are expected to be promptly produced for public inspection upon request. Public agencies shall follow the procedure outlined in 1 V.S.A. § 318. The access requirements below represent actions agencies must take based on specific laws associated with the accessibility of their records. With general record schedules, the default requirement is always REVIEW unless it is clear that certain records or information within a record are exempt from public use and inspection pursuant to 1 V.S.A. § 317. Agencies using general record schedules should defer to their internal policies for specific access requirements.

| Access | Description | Usage |
|---------|---|---|
| Exempt | Records shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320. | Assigned to records that are wholly exempt from public use and inspection pursuant to 1 V.S.A. § 317. |
| General | Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320. | Assigned to records that are not exempt from public inspection and copying pursuant to 1 V.S.A. § 317. |
| Redact | Records contain specific information that shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320. | Assigned to records that contain specific information that is exempt from public inspection and copying pursuant to 1 V.S.A. § 317 and require exempt information to be redacted from the records prior to public use, inspection and/or copying. |
| Review | Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320 but not always. Default value for general schedules, which require agencies to establish internal policies. | Assigned to records that are generally not exempt from public inspection and copying pursuant to 1 V.S.A. § 317 but, in limited circumstances, may be exempt. Internal review and/or policy is required. |

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Appendix C: Retention Requirements

A retention requirement is the length of time a record must be retained by an agency before it may be destroyed or transferred to the State Archives or an agency archives (also see "Disposition Requirements"). The retention requirements below represent events or triggers that cause records to move from an active to inactive state. An "event" is tied to a specific time requirement: i.e. Retain Until "Calendar Year Ends" PLUS 3 Years.

| Retention | Description | Usage |
|--------------------|--|---|
| Audit Complete | Retain until an audit or verification is complete. | Assigned to records that are actively used or needed until the information contained therein has been audited or verified. |
| Calendar Year Ends | Retain until the end of the calendar year. | Assigned to records that are actively used or needed until the end of the calendar year. |
| Completed/Closed | Retain until the activity or process supported by the record is completed. | Assigned to records that are actively used or needed until the activity is formally completed, closed, or finalized (includes appeals). |
| Expired | Retain until the conditions or requirements supported by the record are satisfied and no further action is needed. | Assigned to records that are actively used or needed until the conditions or requirements are satisfied and complete. |
| Fiscal Year Ends | Retain until the end of the fiscal year. | Assigned to records that are actively used or needed until the end of the fiscal year. |
| Life of Asset Ends | Retain for the life of the person, structure, object, organization, etc. that is the subject of the record. | Assigned to records that are actively used or needed for the life of person, structure, object, organization, etc. |
| Obsolete | Retain until the record is no longer needed and is valueless. | Assigned to records that have limited administrative value and may be purged when they no longer have any administrative value. Agency must develop internal policy that states when records no longer have administrative value. |
| Superseded | Retain until the record is superseded, updated, or revised. | Assigned to records that will be superseded, updated, or revised. |

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Appendix D: Disposition Requirements

A disposition requirement is how an agency must dispose of a record from its legal custody once retention requirements have been met. Disposition is based on the record's appraisal value. If the record has been appraised as non-archival it will be destroyed after retention requirements are met. If appraised as archival the record will be transferred to the State Archives or agency archives for permanent preservation and access. The disposition requirements below represent actions that an agency must take once a record has met its retention requirements.

| Disposition | Description | Usage |
|-------------------|--|--|
| Archives | Retain permanently. These records are eligible for transfer to the State Archives or agency archives. | Assigned to records that have been appraised as having archival value and are therefore permanent records. |
| Confirm | Confirm disposition with the Vermont State Archives and Records Administration after retention requirement has been met. | Assigned to records that are maintained in a centralized database or information system or are appraised as conditional archival. |
| Destroy (General) | Destroy by recycling or deleting the record. | Assigned to records that have been appraised as non-archival and are not exempt from public access. Agency discretion advised for general record schedules. |
| Destroy (Shred) | Destroy by shredding (includes electronic shredding). | Assigned to records that have been appraised as non-archival and are exempt from public access or contain sensitive information. |
| Unappraised | Default value for records that have not been appraised. | Assigned to records that have not been appraised and do not yet have retention or disposition requirements. |
| Weed | Separate records that meet the conditions of a "Vermont Archival Record" from those that do not (temporary). | Assigned to records that have been appraised as conditional archival. Upon weeding the temporary records from the archival records, transfer archival records to Archives and destroy temporary records. |

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Appendix E: Legal References

| GRS-1000.1033: Enforcement Records | | <i>Review for Exemption?</i> |
|------------------------------------|--|------------------------------|
| 1 V.S.A. § 315 | Statement of policy [related to free and open examination of records] | Yes |
| 1 V.S.A. § 316 | Access to public records and documents | No |
| 1 V.S.A. § 317 | Definitions; public agency; public records and documents | Yes |
| 1 V.S.A. § 318 | Procedure [related to producing records for inspection] | No |
| 1 V.S.A. § 319 | Enforcement [related to the denial of a request for public records] | No |
| 1 V.S.A. § 320 | Penalties [related to court orders for the production of any public agency records] | No |
| 10 V.S.A. § 1095 | Unsafe dam; petition; hearing; emergency | No |
| 10 V.S.A. § 1258 | Management of waters after classification, enforcement | No |
| 10 V.S.A. § 1384 | Penalty [related to water pollution control] | No |
| 10 V.S.A. § 1681 | Criminal enforcement [related to public water supply] | No |
| 10 V.S.A. § 217 | Records; annual report; audit [related to Vermont Economic Development Authority] | No |
| 10 V.S.A. § 249 | Remedies [related to Vermont Economic Development Authority] | No |
| 10 V.S.A. § 280r | Powers and privileges of government units [related to Vermont Economic Development Authority] | No |
| 10 V.S.A. § 280t | Security agreements securing borrower obligations; pledges of general revenues or project revenues | No |
| 10 V.S.A. § 422 | Acquisition of rights and interests in land for scenery protection | No |
| 10 V.S.A. § 4553 | Information and summon; form [related to conservation and development] | No |
| 10 V.S.A. § 554 | Powers [related to air pollution control] | No |
| 10 V.S.A. § 585 | Heating oil content; sulfur; biodiesel | No |

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| 10 V.S.A. § 6610a | Enforcement [related to hazardous material release and disposal] | No |
| 10 V.S.A. § 718 | Certificate as proof of validity of district [related to soil conservation districts] | No |
| 10 V.S.A. § 8007 | Assurances of discontinuance [related to administrative environmental law enforcement] | No |
| 11 V.S.A. § 3108 | Other claims against dissolved limited liability company | No |
| 11A V.S.A. § 14.07 | Unknown claims against dissolved corporation | No |
| 11C V.S.A. § 1406 | Revocation of certificate of authority [related to mutual benefit companies] | No |
| 18 V.S.A. § 1126 | Noncompliance [related to communicable diseases] | No |
| 18 V.S.A. § 121 | Issuance of search warrants [related to state board of health] | No |
| 18 V.S.A. § 123 | Revocation of permits [related to state board of health] | No |
| 18 V.S.A. § 1426 | Enforcement [related to occupational health] | No |
| 18 V.S.A. § 1918 | Enforcement [related to patient safety surveillance and improvement] | No |
| 18 V.S.A. § 4356 | Inspection, revocation [related to food establishments] | No |
| 18 V.S.A. § 9445 | Enforcement [related to health care facility certificates of need] | No |
| 18 V.S.A. § 9473 | Enforcement [related to regulation of pharmacy benefits managers] | No |
| 20 V.S.A. § 2906 | Administration and enforcement [related to accessibility standards for public buildings and parking] | No |
| 20 V.S.A. § 3551 | Search warrants [related to domestic pet or wolf-hybrid control] | No |
| 20 V.S.A. § 3806 | Confining or impounding a domestic pet or wolf-hybrid | No |
| 21 V.S.A. § 154 | Enforcement [related to workplace safety] | No |
| 21 V.S.A. § 1622 | Prevention of unfair labor practices [related to the State Labor Relations Act] | No |
| 21 V.S.A. § 226 | Enforcement [related to occupational safety and health] | No |
| 21 V.S.A. § 474 | Enforcement [related to employment practices] | No |

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| 21 V.S.A. § 493 | Enforcement [related to employment practices] | No |
| 21 V.S.A. § 519 | Enforcement [related to employment practices] | No |
| 24 V.S.A. § 2297a | Enforcement of solid waste ordinance by town, city or incorporated village | No |
| 24 V.S.A. § 4451 | Enforcement; penalties [related to municipal and regional planning and development] | No |
| 27 V.S.A. § 1263 | Interstate agreements and cooperation; joint and reciprocal actions with other states | No |
| 28 V.S.A. § 551 | Issuance of warrant; arrest without a warrant; confinement pending hearing; authority of correctional officers and law enforcement officers | No |
| 29 V.S.A. § 555 | Enforcement [related to natural gas and oil conservation] | No |
| 33 V.S.A. § 4105 | Access to information; disclosure and confidentiality [related to the office of child support] | Yes |
| 33 V.S.A. § 4107 | Office of child support; access to motor vehicle information; criminal record information | Yes |
| 33 V.S.A. § 7110 | Violation; notice [related to the regulation of long-term care facilities] | No |
| 6 V.S.A. § 1104 | Powers of secretary [related to the control of pesticides] | No |
| 6 V.S.A. § 1111 | Administrative penalties [related to pesticide control] | No |
| 6 V.S.A. § 12 | Search warrants [related to secretary of agriculture, food, and markets] | No |
| 6 V.S.A. § 13 | Assurances of discontinuance [related to secretary of agriculture, food, and markets] | No |
| 6 V.S.A. § 1469 | Penalties-Illegal importation [related to agriculture] | No |
| 6 V.S.A. § 16 | Notice and fair hearing requirements [related to secretary of agriculture, food and markets] | No |
| 6 V.S.A. § 17 | Collections [related to secretary of agriculture, food and markets] | No |
| 6 V.S.A. § 2705 | Revocation of licenses [related to dairy operations] | No |
| 6 V.S.A. § 2744 | Enforcement [related to dairy operations] | No |
| 6 V.S.A. § 2764 | Enforcement; penalty [related to supervision, inspection and licensing of dairy operations] | No |
| 6 V.S.A. § 2765 | Milk purchase refusal | No |

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| 6 V.S.A. § 2935 | Prohibition; administrative penalty; injunctive relief [related to Vermont milk commission] | No |
| 6 V.S.A. § 2965 | Misuse of labels; penalty | No |
| 6 V.S.A. § 3307 | Periodic review of noninspected licensed establishments [related to meat and poultry products] | No |
| 6 V.S.A. § 4022 | Secretary of agriculture, food and markets as enforcing official [related to nursery inspection] | No |
| 6 V.S.A. § 4810 | Authority; cooperation; coordination [related to water quality] | No |
| 6 V.S.A. § 4812 | Corrective actions [related to agricultural water quality] | No |
| 6 V.S.A. § 496 | Regulations; powers [related to maple products] | No |
| 6 V.S.A. § 647 | Administrative penalties [related to seeds] | No |
| 7 V.S.A. § 104 | Duties [related to liquor control board] | No |
| 7 V.S.A. § 167 | Duties of local control commissioners [related to alcoholic beverages] | No |
| 8 V.S.A. § 2710 | Enforcement [related to gift certificates] | No |
| 8 V.S.A. § 3574 | [Insurance companies'] examination reports | Yes |
| 8 V.S.A. § 4486 | Injunction; liquidation; receivership of domestic society [related to banking and insurance] | No |
| 9 V.S.A. § 2517 | Charitable gift annuities | No |
| 9 V.S.A. § 4134 | Violation; penalties [related to the emergency petroleum set-aside act] | No |
| 9 V.S.A. § 4552 | Duties; jurisdiction [related to the human rights commission] | No |