

MAY 08 2000

LCRC
FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-067

AN ORDER to repeal chapter HSS 245; and to create chapter DWD 18, relating to public assistance record retention.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

04-03-00 RECEIVED BY LEGISLATIVE COUNCIL.

04-27-00 REPORT SENT TO AGENCY.

RS:RJC;jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

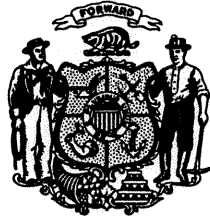
Comment Attached YES NO

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CLEARINGHOUSE RULE 00-067

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

I. Statutory Authority

a. The rule relies on s. 59.52 (4) (a) 18., Stats., as its authority. That statutory provision applies to the disposition of county case records and court files. The rule's analysis and initial regulatory flexibility analysis provides that the rule will apply to privately run Wisconsin Works (W-2) agencies. Since s. 59.52 (4) (a) 18., Stats., does not, on its face, include privately run W-2 agencies, the authority, if any, that the rule relies on to cover privately run W-2 agencies should be specified more clearly in the rule.

b. Section DWD 18.01 (2) provides that the rule does not apply to Milwaukee County if it operates under an ordinance or resolution pursuant to s. 19.21 (5), Stats., providing for the destruction of obsolete records. It is presumed that this exemption stems from s. 19.21 (5) (a), Stats. However, in light of s. 19.21 (5) (b) and (c), Stats., which provides the similar authority to other counties, why does the rule apply to counties other than Milwaukee, i.e., those with populations under 500,000, that operate under a resolution or ordinance pursuant to s. 19.21 (5) (b) and (c), Stats.?

c. Section 59.52 (4) (a) 18., Stats., provides that a county may destroy case records and other record material of all public assistance that are kept as required under ch. 49, Stats., if, in part, no payments have been made for at least three years. Section DWD 18.03 (3) provides that an income maintenance agency must retain copies of certain items for a period of six months or through the next certification period, whichever is less. The department should explain its statutory authority for the rule provision. For example, are the copies of these items not required

under ch. 49, Stats., and, therefore, not required to be held for at least three years after no payments have been made?

2. Form, Style and Placement in Administrative Code

a. Because the term "CARES" is defined in s. DWD 18.02 (1), the phrase "department's computerized system, CARES" in s. DWD 18.01 (1) and (2) should be simplified to "CARES."

b. All of the paragraphs in s. DWD 18.03 (1), (3), (4) and (5) should end in periods.

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. DWD 18.04 (intro.), the term "s." should be inserted before "DWD."

b. In s. DWD 18.04 (2), the rule refers to certain standards established by the Wisconsin Public Records Board. The rule should contain a cross-reference to these standards or a note explaining where they can be located. Also, in the last line of sub. (2), the phrase "Wisconsin public records" should be inserted before the word "board."

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The definition of "case record" in s. DWD 18.02 (2) refers to "required paper forms." Required by what? Required by statutes, rules or other agency policy? The rule should be clarified.

b. Section DWD 18.02 (6) defines "electronic format" as information. Is that accurate? Would it be more accurate to say that an "electronic format" is a method of, or plan for, creating, generating, transmitting or storing information in a digital or analog form? The rule should be clarified.

c. In s. DWD 18.02 (9), the comma and the word "but" should be replaced by a period. The word "for" should be capitalized. A comma should be inserted after the word "chapter." An appropriate statutory or other cross-reference should be provided to the "general relief programs" not included in "public assistance."

d. It does not appear that s. DWD 18.03 (1) has anything to do with records retention or destruction. Does it? Is there any way to tie it in better with the rest of the rule? Also, what is the scope of each agency's verification duties? In other words, must the verification be done for each recipient, applicant or group member? The rule should be clarified. Finally, what does it mean to verify something? Is the note required in sub. (2) a method of verifying the documents?

e. In s. DWD 18.03 (2), the phrases "verification item" and "verification items listed in sub. (1)" should be replaced by the phrases "items verified" or "items verified under sub. (1)" depending on the context. The word "shall" should be inserted before the word "document" in the first sentence. The phrase "with a note in the case comments" should be moved from the end

of the sentence and inserted after the word "document." What is the "date of each entry"? Is that the date the item was seen? The rule should be clarified.

f. In s. DWD 18.03 (3), the phrase "Income maintenance agencies shall retain in the case records" should be inserted before the word "Copies." The phrase "shall be retained in the case record" should be deleted. Also, how much time is there between "certification periods"? Is it possible that more than six months could elapse between certification periods? If so, should those items be retained in the case records until the next certification period? Does the six-month period only apply if there is no "next" certification period? The rule should be clarified. Also, an appropriate cross-reference or explanatory note should be provided identifying or clarifying the relevant certification periods.

g. In s. DWD 18.03 (4), the term "verification items" is vague. By its use, it does not appear that the term refers to those items referred to in sub. (2) as "verification items." Would the rule's intent be met if sub. (4) just referred to the "following items"? Finally, the phrase "closing of all public assistance groups" is vague. Does it mean that the agencies have to keep these items until all cases have closed? Does it mean that the agencies must keep the items relevant to each case until all members of a group have been closed out? What does the phrase mean?

h. In s. DWD 18.03 (5), the word "where" should be replaced by the word "involving" and the word "apply" should be deleted.

i. Is s. DWD 18.04 (5) still a condition of the (intro.)? If so, it appears that the phrase "shall be" should be changed to the phrase "have been." If not, sub. (5) should be removed to a different provision of the rule.

j. In s. DWD 18.05, in order for an agency to determine whether another method of destruction is "as effective as" burning or shredding, it appears necessary to understand what is meant by the term "destroyed." Does the term mean simply "rendered unreadable"? Does it mean something more? Perhaps the rule should be clarified. Also, who determines whether another method is "as effective"? Does the department make this determination or does the affected agency? If the department makes the determination, how is it made? Is it made on a case-by-case basis? The rule should be clarified.

**State of Wisconsin
Department of Workforce Development**

**CHAPTER DWD 18
PUBLIC ASSISTANCE RECORD RETENTION**

The Wisconsin Department of Workforce Development proposes an order to repeal HSS 245 and to create DWD 18.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Sec. 59.52(4)(a)18., Stats.

Statute interpreted: Sec. 59.52(4)(a)18., Stats.

The proposed rule shortens the retention period for certain public assistance case records from six years after the date of closing to the statutory minimum of three years after the date of closing, when a historical record is maintained in the department's computer system, CARES. This change is proposed to reduce storage costs and was approved by the State Public Records Board in March 1999.

The case records that must be retained for three years after the date of closing are written case comments, medical examination forms, third-party verifications received from outside agencies, child care information, school attendance and financial aid information, and documentation of unusual or unique assets that are difficult to duplicate. Income maintenance agencies may be required to maintain case records until the department permits destruction in cases involving overpayment, fraud, intentional program violation, federal quality control review, or divestment and asset allocation for Medicaid.

Certain records must be retained until the earlier of six months or the next certification period, including verification of income, assets, rent and utility expenses, and medical expenses and medical insurance coverage. Items that must be verified once are Social Security number, birth certificate, alien status, and Medicare card.

Original copies of case records reproduced in microfilm, optical disk, or electronic format in accordance with statutory requirements and the requirements of the Department of Administration may be destroyed. The retention requirements in this rule would then apply to the microfilm, optical disk, or electronic format copies.

Destruction of records must be by burning, shredding, or another method as effective as burning or shredding.

SECTION 1. Chapter HSS 245 is repealed.

SECTION 2. DWD 18 is created to read:

DWD 18.01. Introduction. (1) AUTHORITY AND PURPOSE. This chapter is promulgated pursuant to s. 59.52(4)(a) 18., Stats., which authorizes the department to adopt rules for the preservation of public assistance paper case records and for the destruction of original case record material when it is retained in the historical files of the department's computerized system, CARES.

(2) APPLICABILITY. This chapter applies to all paper, microfilm reproduction, optical disk, and electronic format records created or completed to meet the requirements of any public assistance program, except that it does not apply to retention of records covered by an ordinance or resolution of a county with a population of 500,000 or more as provided under s. 19.21(5), Stats., nor does it apply to data entered into the department's computerized system, CARES.

Why does it not apply to records covered by an ordinance or resolution of a county with a population of 500,000 or more as provided under s. 19.21(5), Stats., nor does it apply to data entered into the department's computerized system, CARES.

DWD 18.02 Definitions. As used in this chapter:

(1) "CARES" or "client assistance for reemployment and economic support" means the department's computerized system which uses data provided by applicants and recipients to electronically determine the eligibility of applicants and recipients for public assistance, calculate benefit amounts, produce benefit documents, and electronically retain data in historical files.

(2) "Case record" means the required paper forms and nonfinancial and financial information not on file in CARES.

(3) "Date of closing" means the later of either the date on which an application for public assistance benefits is withdrawn or denied, or the date on which the last public assistance benefit is paid to the recipient.

(4) "Department" means the Wisconsin department of workforce development.

(5) "Division" means the division of economic support within the department.

(6) "Electronic format" includes information created, generated, transmitted, or stored in digital form or analog form.

is a format in the system?

(7) "Income maintenance agency" means any county, tribal, or W-2 agency under contract with the department to administer one or more public assistance programs.

(8) "Microfilm reproduction" has the meaning given in s. 16.61(2)(am), Stats.

Note: s. 16.61(2)(am), Stats., provides that "'microfilm reproduction' means any manner by which an image is reduced in size and reproduced on fine-grain, high resolution film."

(9) "Public assistance" means any program of financial assistance to eligible persons administered by an income maintenance agency under the supervision of the division, but for purposes of this chapter "public assistance" does not include general relief programs.

DWD 18.03. Schedule for retention of records. (1) Income maintenance agencies shall verify the following items once: *for case record*

- (a) Social security number .
- (b) Birth certificate .
- (c) Alien status .
- (d) Medicare card .

(2) Income maintenance agencies shall retain copies of the verification items listed in sub. (1) in the case record or document that an income maintenance worker has seen the verification item with a note in the case comments. The note shall include the date of each entry, the worker's initials, the type of verification item, its source, the location of the verification item, and all pertinent information from the item.

(3) Copies of items that verify the following shall be retained in the case record until the earlier of six months or the next certification period:

- (a) Earned and unearned income .
- (b) Assets .
- (c) Residence and rent and utility expenses .
- (d) Medical expenses and medical insurance coverage .

(4) Income maintenance agencies shall retain the following verification items until at least three years from the date of closing of all public assistance groups:

- (a) Written case comments .
- (b) Medical examination forms .
- (c) Third-party verifications received from outside agencies .

(d) Child care payment calculations, provider payment verification, and receipts.

(e) School attendance and financial aid information.

(f) Documentation of unusual or unique assets that are difficult to duplicate.

(5) In cases ^{involving} where any of the following issues apply, the income maintenance agency shall retain paper case records until the department instructs the agency that it may destroy the records:

(a) Overpayment.

(b) Fraud.

(c) Intentional program violation.

(d) Federal quality control review.

(e) Divestment and asset allocation for medicaid.

DWD 18.04 Reproduction in microfilm, optical disk, or electronic format.

Original case records specified in DWD 18.03 may be destroyed at any time if the records have been copied in microfilm reproduction, optical disk, or electronic format and all of the following conditions are met:

(1) ACCURACY. Any device used to reproduce the record on film or to transfer the record to optical disk or electronic format accurately reproduces the content of the original.

(2) MINIMUM STANDARDS FOR MICROFILM REPRODUCTIONS. The reproduction is on film that complies with the minimum standards established by the Wisconsin public records board and the film is processed and developed in accordance with the minimum standards established by the board.

(3) MINIMUM STANDARDS FOR OPTICAL DISK AND ELECTRONIC FORMAT. The optical disk or electronic format copy and the copy generated from optical disk or electronic format comply with the minimum standards of quality established by s. 16.61 Stats., and ch. Adm. 12.

(4) IDENTIFICATION. The record is arranged, identified, and indexed so that any individual document or component of the record can be located with the use of proper equipment.

(5) PUBLIC ACCESS. Policies and procedures shall be established by the income maintenance agency to ensure public access in accordance with ss. 19.31 to 19.39, Stats.

have burning - is this still a requirement of the rule?

DWD 18.05 Destruction of records. Records created or completed as a requirement of any public assistance program may be destroyed only by burning, shredding, or by another method as effective as burning or shredding.

→ random unreadable

SECTION 3. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Should not be a SECTION

AUG 31 2000

Tommy G. Thompson
Governor

Linda Stewart
Secretary



OFFICE OF THE SECRETARY

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**State of Wisconsin
Department of Workforce Development**

August 30, 2000

President of the Senate
220 South, State Capitol
Madison, Wisconsin 53702

Speaker of the Assembly
211 West, State Capitol
Madison, Wisconsin 53702

Notice of Administrative Rules in Final Draft Form

Clearinghouse rule number: 00-067

Rule number: DWD 18

Relating to: Public Assistance Record Retention

Dear Senator Risser and Representative Jensen:

I have enclosed proposed rules in final draft form and a rule report as required by s. 227.19(3), Stats., for referral to the appropriate legislative standing committees. If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda Stewart".

Linda Stewart, Ph.D.
Secretary

Tommy G. Thompson
Governor

Linda Stewart
Secretary



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State of Wisconsin

Department of Workforce Development

Rule Analysis for Legislative Review

**Proposed order repealing chapter HSS 245 and creating chapter
DWD 18, relating to public assistance record retention**

(CR 00-067)

Need for rules

Pursuant to s. 59.52(4)18, Stats., county public assistance case records may be destroyed in accordance with rules adopted by DWD if no payments have been made for at least 3 years. This proposed order repeals the existing public assistance record retention rule at HSS 245 and creates the new rule at DWD 18. The proposed DWD 18 shortens the retention period for certain public assistance records from six years after the date of closing to the statutory minimum of 3 years after the date of closing. This change is proposed to reduce storage costs and was approved by the State Public Records Board in March 1999.

The rule applies to private W-2 agencies pursuant to DWD's authority under s. 49.143(5), Stats., to request information appropriate and necessary for the overall administration of W-2 in a manner prescribed by the department by rule. The record retention requirements also apply to private W-2 agencies by contract.

Public hearing

A public hearing was held in Madison on April 28, and the record remained open until May 3, 2000. No comments were received.

Legislative Council staff recommendations

A copy of the department's response to Legislative Council staff recommendations is attached.

Final regulatory flexibility analysis

A final regulatory flexibility analysis is not required because the rule will not have a significant economic impact on a substantial number of small businesses.

Department contacts

Stephen Dow
Division of Economic Support
266-9390

Elaine Pridgen
Administrative Rules Coordinator
267-9403

Response to Legislative Council Comments

Proposed order repealing chapter HSS 245 and creating chapter DWD 18, relating to public assistance record retention

(CR 00-067)

Response to comment 1b: The exemption for Milwaukee County has been deleted. Milwaukee County has agreed to follow the department's public record retention policies.

Response to comment 1c: The records in s. DWD 18.03(3) are not subject to the requirements of s. 59.52(4)18, Stats., because the information contained in the records is duplicated in CARES. The CARES files containing this information are retained. The records required to be retained in s. DWD 18.03(4) contain complex information that is not easily entered in CARES. These case records are required to be maintained for at least three years from the date of the last payment because the information is generally not duplicated elsewhere.

Response to comment 5f: It is not possible to cross-reference certification periods because the time periods vary for different individual circumstances and programs.

FISCAL ESTIMATE
DOA-2048 N(R03/97)

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
DWD 18

Amendment No. if Applicable

Subject
Public Assistance Record Retention

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive
 - Mandatory
- 2. Decrease Costs
 - Permissive
 - Mandatory

- 3. Increase Revenues
 - Permissive
 - Mandatory
- 4. Decrease Revenues
 - Permissive
 - Mandatory

5. Types of Local Governmental Units Affected:
- Towns
 - Villages
 - Cities
 - Counties
 - Others _____
 - School Districts
 - WTCS Districts

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The proposed rule shortens the retention period for certain public assistance case records from six years after the date of closing to the statutory minimum of three years after the date of closing. This change is expected to reduce storage costs for counties and privately-run W-2 agencies.

Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)
Elaine Pridgen 267-9403

Authorized Signature/Telephone No.

Handwritten Signature
266-9427

Date

8/18/00

LOCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
DWD 18

Amendment No.

Subject
Public Assistance Record Retention

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:		Annualized Fiscal impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$0	\$0 -
(FTE Position Changes)		0	0
State Operations - Other Costs		0	0
Local Assistance		0	0
Aids to Individuals or Organizations		0	0
TOTAL State Costs by Category		\$0	\$0
B. State Costs by Source of Funds		Increased Costs	Decreased Costs
GPR		\$0	\$0
FED		0	0
PRO/PRS		0	0
SEG/SEG-S		0	0
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		Increased Rev.	Decreased Rev.
GPR Taxes		\$	\$ -
GPR Earned			-
FED			-
PRO/PRS			-
SEG/SEG-S			-
TOTAL State Revenues		\$0	\$0-

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$0	\$0
NET CHANGE IN REVENUES	\$0	\$0

Agency/Prepared by: (Name & Phone No.)
Steve Dow 266-9390

Authorized Signature/Telephone No.

Handwritten Signature
266-9427

Date

4/3/00

**State of Wisconsin
Department of Workforce Development**

**CHAPTER DWD 18
PUBLIC ASSISTANCE RECORD RETENTION**

The Wisconsin Department of Workforce Development proposes an order to repeal HSS 245 and to create DWD 18.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 59.52(4)(a)18., 49.143(5), and 227.11, Stats.

Statute interpreted: ss. 59.52(4)(a)18. and 49.143(5), Stats.

The proposed rule shortens the retention period for certain public assistance case records from six years after the date of closing to the statutory minimum of three years after the date of closing. This change is proposed to reduce storage costs and was approved by the State Public Records Board in March 1999.

The case records that must be retained for three years after the date of closing are written case comments, medical examination forms, third-party verifications received from outside agencies, child care information, school attendance and financial aid information, and documentation of unusual or unique assets that are difficult to duplicate. Income maintenance agencies may be required to maintain case records until the department permits destruction in cases involving overpayment, fraud, intentional program violation, federal quality control review, or divestment and asset allocation for Medicaid.

Certain records contain information that is duplicated in the department's computer system CARES. This information must be retained until the next certification period or six months after the closing of a public assistance case, including verification of income, assets, rent and utility expenses, and medical expenses and medical insurance coverage. Items that verify Social Security numbers, birth certificates, alien status, and Medicare card must be retained while the case is open.

Original copies of case records reproduced in microfilm, optical disk, or electronic format in accordance with statutory requirements and the requirements of the Department of Administration may be destroyed. The retention requirements in this rule would then apply to the microfilm, optical disk, or electronic format copies.

Destruction of records must be done by a method that renders them unreadable, such as burning or shredding.

SECTION 1. Chapter DWD 18 is created to read:

DWD 18.01. Introduction. (1) PURPOSE. This chapter adopts rules for the preservation of public assistance case records and for the destruction of original case record material.

(2) APPLICABILITY. This chapter applies to all paper, microfilm reproduction, optical disk, and electronic records created or completed to meet the requirements of any public assistance program.

DWD 18.02 Definitions. As used in this chapter:

(1) "CARES" or "client assistance for reemployment and economic support" means the department's computerized system which uses data provided by applicants and recipients to electronically determine the eligibility of applicants and recipients for public assistance, calculate benefit amounts, produce benefit documents, and electronically retain data in historical files.

(2) "Case record" means documentation required by statute, rule, or division policy and nonfinancial and financial information not on file in CARES.

(3) "Date of closing" means the later of either the date on which an application for public assistance benefits is withdrawn or denied, or the date on which the last public assistance benefit is paid to the recipient.

(4) "Department" means the Wisconsin department of workforce development.

(5) "Division" means the division of economic support within the department.

(6) "Electronic format" means a method of, or plan for, creating, generating, transmitting, or storing information in digital or analog form.

(7) "Income maintenance agency" means any county, tribal, or W-2 agency under contract with the department to administer one or more public assistance programs.

(8) "Microfilm reproduction" has the meaning given in s. 16.61(2)(am), Stats.

Note: s. 16.61(2)(am), Stats., provides that "'microfilm reproduction' means any manner by which an image is reduced in size and reproduced on fine-grain, high resolution film."

(9) "Public assistance" means any program of financial assistance to eligible persons administered by an income maintenance agency under the supervision of the division.

DWD 18.03. Schedule for retaining records. (1) If appropriate to determine eligibility for a particular program, income maintenance agencies shall retain items that verify the following while the public assistance case is open:

- (a) Social security number.
- (b) Birth certificate.
- (c) Alien status.
- (d) Medicare card.

(2) The method of verification required under sub. (1) shall be either retention of copies of the items verified under sub. (1) in the case record or documentation with a note in the case comments that an income maintenance worker has seen the item verified. The note shall include the date the item was verified, the worker's initials, the type of item verified, its source, the location of the item verified, and all pertinent information from the item.

(3) Income maintenance agencies shall retain in the case records copies of items that verify the following par. (a) to (d) until the next certification period or six months after closing a public assistance case if the information is duplicated in CARES. If eligibility verification contained in the following items is not duplicated in CARES, the records are subject to the retention requirements of s. DWD 18.03(4).

- (a) Earned and unearned income.
- (b) Assets.
- (c) Residence and rent and utility expenses.
- (d) Medical expenses and medical insurance coverage.

(4) Income maintenance agencies shall retain the following items until at least three years from the date of closing of a public assistance case:

- (a) Written case comments.
- (b) Medical examination forms.
- (c) Third-party verifications received from outside agencies.
- (d) Child care payment calculations, provider payment verification, and receipts.
- (e) School attendance and financial aid information.
- (f) Documentation of unusual or unique assets that are difficult to duplicate.

(g) Other paper case records that are required by ch. 49, Stats., and are not duplicated in CARES.

(5) In cases involving any of the following issues, the income maintenance agency shall retain paper case records until the department instructs the agency that it may destroy the records:

- (a) Overpayment.
- (b) Fraud.
- (c) Intentional program violation.
- (d) Federal quality control review.
- (e) Divestment and asset allocation for medicaid.

DWD 18.04 Reproduction in microfilm, optical disk, or electronic format.

Original case records specified in s. DWD 18.03 may be destroyed at any time if the records have been copied in microfilm reproduction, optical disk, or electronic format and all of the following conditions are met:

(1) **ACCURACY.** Any device used to reproduce the record on film or to transfer the record to optical disk or electronic format accurately reproduces the content of the original.

(2) **MINIMUM STANDARDS FOR MICROFILM REPRODUCTIONS.** The reproduction is on film that complies with the minimum standards established by the Wisconsin public records board and the film is processed and developed in accordance with the minimum standards established by the Wisconsin public records board.

Note: For further information, contact the Wisconsin Public Records Board, 4622 University Avenue, Madison WI 53702, (608) 266-2996.

(3) **MINIMUM STANDARDS FOR OPTICAL DISK AND ELECTRONIC FORMAT.** The optical disk or electronic format copy and the copy generated from optical disk or electronic format comply with the minimum standards of quality established by s. 16.61 Stats., and ch. Adm. 12.

(4) **IDENTIFICATION.** The record is arranged, identified, and indexed so that any individual document or component of the record can be located with the use of proper equipment.

(5) PUBLIC ACCESS. Policies and procedures have been established to ensure public access in accordance with ss. 19.31 to 19.39, Stats.

DWD 18.06 Destruction of records. Destruction of public assistance case records shall be done by a method that renders them unreadable, such as burning or shredding.

SECTION 2. Chapter HSS 245 is repealed.

EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.