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Employment Law Records Retention Schedules

The table below list records retention schedules for the Ohio Attorney General's Office that have been approved by the Department of Administrative Services (DAS), State Archives, and Auditor of State. To view the official agency retention schedules, please go to the Ohio Government Records Database. **Disclaimer:** If you have any issues reading this document, please feel free to Contact Us and we will try to provide an accessible version.

Record Series Title	Agency and Series Authorization Numbers	Record Series Description	Confidential Description	Vital Description	Retention Period	Retention Justification	Method of Disposal	Date Schedule Approved
Case Files	083-OAG-01 10551584	Case files serve as primary source of litigation information for a complaint that has been filed against a state agency. It is a recording of all events that have occurred in the case. The case file includes, but is not limited to, the court pleadings, correspondence, discovery, and attorney notes.	ORC 149.43 – Possibly medical records, Social Security numbers, personnel file materials, attorney/client privilege.		Paper – 5 years after the state has closed and all appeals have exhausted or until scanned and saved electronically, whichever occurs earlier. Machine Readable – 5 years after the state has closed and all appeals have exhausted.	There are instances when a case starts at the local or state-level, but is then appealed to the federal-level at a later time per 8 USC 1658 (a), action cannot be commenced 4 years after cause accrues. It is necessary to retain the state's cases long enough for this time frame to pass. Case files may also be used as comparisons for individuals that may have already been litigated against once before.	Paper – Shred Machine Readable – Delete	10/20/2015

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Record Series Title	Agency and Series Authorization Numbers	Record Series Description	Confidential Description	Vital Description	Retention Period	Retention Justification	Method of Disposal	Date Schedule Approved
Claim Files (Workers' Compensation Defense Unit)	057-OAG-37 10551608	Claim files concern hearings on potentially multiple workers' compensation issues arising from or stemming from the same accident of injury. Records include, but not limited to, notice of hearing, motions, scheduling information, continuances, files sent by client on injured worker (gathered during investigation), pleadings, exhibits, medical records, correspondence, attorney work product, hearing orders, surveillance DVDs and final adjudication orders.	5 USC 552a (SSN), ORC 149.43, 4121.10 and 4123.88 (Claim file), some clients have specific exemptions, attorney work product, CLEIRS, and attorney Client privilege.		Machine Readable - 2 years from claim being declared inactive, dismissed or settled. Paper – 2 years from claim being declared inactive, dismissed or settled, unless scanned and saved electronically.		Machine Readable – Delete Paper – Shred	3/18/2016

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Record Series Title	Agency and Series Authorization Numbers	Record Series Description	Confidential Description	Vital Description	Retention Period	Retention Justification	Method of Disposal	Date Schedule Approved
Court Case Files (Workers' Compensation Defense Unit)	057-OAG-38 10551607	Files gathered and used to manage and litigate cases concerning workers' compensation. Client files containing court cases and appeals against administrative hearing rulings by client agencies. Can include, but not limited to, pleadings, memos, affidavits, attorney work product, medical records, motions judgements, evidence, correspondence, settlement & negotiation documents, hearing and deposition materials & general administrative documents.	5 U.S.C. 552a (SSN), ORC 149.343 (specifically Medical Records (ORC 149.43 (A)(1)(a)), 4121.10, Attorney Work Product and Attorney/Client privilege.		Machine Readable – Medical records disposed of after final court entry and all appeals exhausted, Retain all other documents for 4 years after case closed, dismissed, or settled and all appeals exhausted. Paper – Medical records disposed of after final court entry and all appeals exhausted, Retain all other documents for 4 years after case closed, dismissed, of settled and all appeals exhausted, unless scanned and saved electronically.	Medical records release says that records will only be used for specific litigation for what they were released for. It is also rare for the medical records to be needed after the case is completed.	Machine Readable – Delete Paper – Shred	3/18/2016