



LIBRARY OF VIRGINIA

Archives, Records, and Collections Services
800 E. Broad St., Richmond VA 23219
(804) 692-3600

RECORDS RETENTION AND DISPOSITION SCHEDULE
SPECIFIC SCHEDULE NO. 191-010
Workers Compensation Commission, Virginia
Legacy Claims

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition policies listed below:

AGENCY APPROVAL

AGENCY HEAD OR DEPUTY

Evelyn V. McGill
Sandra J. Sedit

AGENCY RECORDS OFFICER

STATE APPROVAL

STATE ARCHIVIST

Sandra S. Zundwayer

COMPTROLLER OR DEPUTY

EFFECTIVE SCHEDULE DATE: **JAN 04 2016**

POLICIES FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, § 42.1-76, et seq. of the Code of Virginia for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the Certificate of Records Destruction (RM-3 Form). A signed RM-3 Form must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 Form must be sent to Library of Virginia (LVA).
4. Any records created prior to 1913 must be offered, in writing, to LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from LVA. A copy of the offer must be attached to the RM-3 Form when it is submitted to LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations, or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.

7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. Microfilming must be done in accordance with 17VAC15-20-10, et seq. of the Virginia Administrative Code, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting, or migration, it is the obligation of the agency or locality to do so.
8. Custodians of records must ensure that information in confidential or privacy-protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Ultimate destruction is accomplished through shredding, pulping, burning, and overwriting or physically destroying media. Deletion of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Records containing Social Security numbers must be destroyed in compliance with 17VAC15-120-30.
9. Under the Virginia Public Records Act, § 42.1-79, LVA is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. LVA may purge select records in accordance with professional archival practices in order to ensure efficient access.
10. Unless otherwise directed, files are closed out at the end of each calendar or fiscal year as appropriate. Retention periods start at that time.



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EFFECTIVE SCHEDULE DATE: 1/4/2016

RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
<p><u>Claim File: Adjudicated - Denied</u></p> <p>This documents work-related injuries or illnesses that were denied compensability by adjudication. This series may include, but is not limited to: application, correspondence, wage information, court transcripts, opinions, mediation documentation, medical reports, and other health documentation.</p>	200478	5 Years after decision	Confidential Destruction
<p><u>Claim Files</u></p> <p>This series documents the claim for benefits under Title 65.2 of the Code of Virginia, including permanent and total disability claims, death claims, and minor disability claims, including those brought before the Supreme Court. This series may include, but is not limited to: application for benefits, correspondence , wage-related information used to determine the rate of compensation, doctor's diagnosis, medical reports, relevant health information, court transcripts , petitions, orders, opinions, and other supporting documentation. COV 65.2-100</p>	015118	75 Years after creation	Confidential Destruction
<p><u>Claim Files: Closed Indemnity/Assertion</u></p> <p>This series documents medical, closed indemnity, and/or assertion/protective benefits awarded in cases of work-related injury or illness. This series may include, but is not limited to: application, correspondence, wage information, court transcripts, opinions, orders, mediation documentation, medical reports, and other health documentation.</p>	200479	50 Years after event	Confidential Destruction
<p><u>Claim Files: Deceased Worker</u></p> <p>This series documents a work-related injury or illness where the injured worker is deceased by unrelated or work-related causes. This series may include, but is not limited to: death certificate and/or other death documentation, application, correspondence, wage information, court transcripts, opinions, orders, mediation documentation, medical reports, and other health documentation.</p>	200480	25 Years after event	Confidential Destruction



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RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
<p><u>Claim Files: No Action</u></p> <p>This series documents the report of an injury incurred prior to July 1, 2009, but for which a claim was not filed and an award was not made. This series may include, but is not limited to: notification of injury, correspondence, and medical report.</p>	200481	10 Years after event	Confidential Destruction
<p><u>Claim Files: Pre-July 1,1972</u></p> <p>This series documents work-related injuries or illness that occurred prior to July 1, 1972 and for which medical benefits were awarded for three years from the date of the accident. This series may include, but is not limited to: orders, petitions, application, correspondence, wage information, court transcripts, opinions, mediation documentation, medical reports, and other health documentation.</p>	200483	40 Years after event	Confidential Destruction
<p><u>Claim Files: Settlements - Full and Final</u></p> <p>This series documents the full and final settlement of a work-related injury or illness claim. This series may include, but is not limited to: orders, petitions, application, correspondence, wage information, court transcripts, opinions, mediation documentation, medical reports, and other health documentation.</p>	200482	5 Years after final disposition	Confidential Destruction
<p><u>Petition and Order Worksheets</u></p> <p>This series documents the determination and approval of Compromised Settlements and Lump Sum Payments that best serve the interest of the claimants or dependents. This series may include, but is not limited to: worksheets.</p>	200188	3 Years after creation	Confidential Destruction