

5000.2250 PRESERVATION OF RECORDS.

Subpart 1. **While charge pending.** A respondent notified of a charge shall retain all documents related to the charge that are under its control. The documents must be retained until the commissioner notifies the respondent that the charge has been resolved.

Subp. 2. **During monitoring period.** The commissioner may require as part of a conciliation or settlement agreement that the respondent retain documents related to a charge for a period of time specified in the agreement.

Subp. 3. **Retention of records.** An employer, employment agency, labor organization, or an operator of an apprenticeship or other training program subject to the act must retain all applicant and employment records for one year after the records are made.

Subp. 4. **Records at educational institutions.** An educational institution shall not make inquiries; or create, maintain, or use records that are prohibited in Minnesota Statutes, section 363A.13, subdivision 3, except for meeting the requirements of an affirmative action plan; or meeting the reporting requirements of federal or state agencies. When these exceptions do occur, all material or information that identifies the race, color, creed, religion, national origin, sex, age, marital status, or disability of a student or person seeking to be admitted as a student to the institution, when received, must be kept secure and private. The material or information must be available only to authorized personnel for meeting affirmative action requirements or reporting requirements of federal or state agencies.

Statutory Authority: *MS s 363.05; 363A.06*

History: *11 SR 740; 13 SR 2825*

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