

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 42.—Investigation

21-42-5. Preservation of records.

(a) Employment records. When a complaint or notice of investigation has been served on an employer, labor organization or employment agency under the Kansas act against discrimination, the respondent shall preserve all personnel records relevant to the investigation until such complaint or investigation is finally adjudicated. The term "relevant to the investigation" shall include, but not be limited to, personnel, employment or membership records relating to the complainant and to all other employees, applicants or members holding or seeking positions similar to that held or sought by the complainant, and application forms or test papers completed by an unsuccessful applicant and by all other applicants or candidates for the same position or membership as that for which the complainant applied and was not accepted, and any records which are relevant to the scope of the investigation as defined in the notice or complaint.

(b) Membership club records. Where a complaint or notice of investigation has been served on a membership club under the Kansas act against discrimination, the respondent shall preserve all records relevant to the investigation until such complaint or investigation is finally adjudicated. The term "relevant to the investigation" shall include, but not be limited to, applications for membership on file at the time the complaint or notice of investigation is served and those received following service of the complaint or notice of investigation whether or not they have been accepted or rejected, membership lists, records of payment of initiation fees or regular dues, together with the minutes of meetings of the club conducted in conformity with the constitutions or by-laws adopted by the membership.

(c) Other records. Any other books, papers, documents, or records of any form which are relevant to the scope of any investigation as defined in the notice or complaint shall be preserved during the pendency of any proceedings by all parties to the proceedings unless the commission specifically orders otherwise.

(Authorized by K.S.A. 1974 Supp. 44-1003 and 44-1004; effective, E-74-14, Dec. 28, 1973; effective May 1, 1975.)

***** Authenticated Kansas Administrative Regulation *****