

*The Committee to Approve Schedules for the
Retention and Disposition of Official State Records
The “State Records Committee”
Minutes for August 10th 2016*

1: Call to Order, Welcome, Roll Call

- The meeting was called to order at 1:14 pm. The meeting was held at the Nevada State Library and Archives Board Room, at 100 N. Stewart St, Carson City, NV.

Committee Members:

Scott Anderson, for Barbara K. Cegavske, Secretary of State - Present

Kathryn Etcheverria, Governors Appointee - Present

Sarah Bradley, for Adam Laxalt, Nevada Attorney General - excused

Jeff Kintop, Administrator, Nevada State Library, Archives and Public Records – excused

Stacie Hancock, For Patrick Cates, Director of the Department of Administration – Present

Jim Earl, for Shannon Rhaming, Administrator, Enterprise Information Technology Services - Present

Staff:

Teri Mark, State Records Manager, NSLAPR – excused

Cynthia Laframboise, State Archives Manager, NSLAPR – excused

Sara Martel, Senior Records Analyst, NSLAPR – Present

Gerald Lindsay, Senior Records Analyst, NSLAPR – Present

Adan Aguilera, Administrative Assistant, NSLAPR – Present

Kimbra Ellsworth, Department of Transportation – Present

Guest Present:

Barbara Bolton, Gaming Control Board – Present

Terri Avansino, Gaming Control Board – Present

Brooke Nielson, Nevada System of Higher Education – Present

Shantel Cox, Department of Public Safety – Present

Austin Green, Department of Public Safety – Present

Margaret Keating, Department of Public Safety – Present

Kristen Hanson, Department of Human Resource Management – Present

Cynthia Willden, Department of Human Resource Management Central Records – Present

Shelley Blotter, Department of Human Resource Management – Present
Mary Phelps Dugan – Present
Jessica Sanders, Governor’s Office of Economic Development – Present
Michelle Bass, NSLAPR – Present

2: Public Comment

Comment may be limited to 5 minutes at the discretion of the Chairman.

- There was no public comment.

3: Review and Approve the Minutes for June 8th 2016

- The minutes were tabled by the Chairman Scott Anderson. They were missing authorized retention schedules as well as typos in item #5: Public Works Division, sections A. 2016027 CIP Project Drawings, B. 2016028 CIP Project Files, and C. 2016029 CIP Project Files: Structural and Testing Records. The typos read under Justification: “can be retained the for the 12 years...” the extra “the” was removed.

4: Gaming Control Board: Investigations Division, Corporate Securities Section

A.	1993240	Nevada Gaming Company Files	Modify
B.	1991804	Underwriters Files	Delete

A. Recommended Modification:

Title: Nevada Gaming Company Files

RDA: 1993240

Description:

These records document publicly traded corporations involved in gaming, **and private companies involved in gaming that are required to report compliance and foreign gaming.** The files may contain, but are not limited to: general correspondence, ~~gaming applications, lists of stockholders, press releases/news articles, control letters, S.E.C. filings, annual reports, proxy materials, articles of incorporation,~~ foreign gaming reporting, ~~involvement and similar information,~~ and compliance reporting files.

Disposition:

Retain these records for a period of ~~ten (10)-four (4)~~ **four (4)** calendar years from the date of the record.

Authorized Retention:

Destroy Securely

NSLAPR staff recommendation:

The retention meets administrative needs.

Agency review:

The appraisal is supported by the Gaming Control Board’s Record Officer.

Justification for Modification of RDA 1993240:

The publicly traded companies documented in this schedule are reviewed for compliance every three years. A four year retention schedule is being recommended to ensure the previous three years are available for each review period.

B. Recommended Deletion:

Title: *Underwriters Files*

RDA: *1991804*

Description:

~~This record series applies to current prospective underwriters (Investment Banking Firms) for public offerings of stocks or securities issued by corporations involved in gaming. This record series may include, but is not limited to: general compiled information, pending/current litigation, financial status, and similar information.~~

Authorized Retention:

~~Retain these records for a period of three (3) calendar years from the date an underwriter is no longer involved with gaming operations in Nevada~~

Recommended Disposition: *Destroy Securely*

NSLAPR staff recommendation:

Delete this RDA

Agency review:

The appraisal is supported by the Gaming Control Board’s Records Officer.

Justification for Deletion of RDA 1991804:

The Gaming Control Board no longer reviews underwriters’ files. The last of the files were destroyed per retention approximately 15 years ago.

Discussion and Vote:

This item was approved as presented with no further discussion needed. The motion was made by Jim Earl and the second was Kathryn Etcheverria. The vote was unanimous.

5: Department of Public Safety, General Services Division, Fiscal Unit

A. 2016011	Fee Based Accounts Receivable	New
	Customer Files	

A. Recommended New RDA:

Title: *Fee Based Accounts Receivable Customer Files*

RDA: *2016011*

Description:

These records document the applications and financial accounts for applicants for Civil Name Check, Civil Applicant or Brady Accounts. The file may include, but is not limited to: application and supporting documentation, related correspondence.

Authorized Retention:

Retain these records for a period of four (4) fiscal years from the end of the fiscal year in which the account was closed.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

Retention meets administrative and audit needs.

Agency review:

The appraisal is supported by Division of Public Safety, General Services Division Records Officer.

Justification for New RDA 2016011:

A current schedule does not exist for this record series. When an applicant for a Civil Name Check, Civil Applicant or Brady Account is approved, a financial account is opened. This account acts as a revolving account similar to a credit card. Invoices are sent when any transactions are billed against the account. This records series contains the original application with supporting documentation along with any correspondence. The account can be closed per notification from the applicant that the business is closed or sold, another agency that the applicant must file with notifies the Department of Public Safety General Services Division that the applicant’s license is no longer in good standing, or if the account is sent to the Controller’s Office Debt Collections Unit. The account remains open and no renewal is required as long as the account remains in good standing. The applicant must show proof of Current State of Nevada Business License, and other required licensure such as a Federal Firearms License for Brady Accounts. A four year retention is being recommended to allow for the FBI three year audit cycle.

Discussion and Vote:

This item was approved as presented with no further discussion needed. The motion was made by Kathryn Etcheverria and the second was Jim Earl. The vote was unanimous.

6: Department of Administration, Human Resource Management, Central Records

A. 2003100 Employee Service Jacket Modify

A. Recommended Modification:

Title: Employee Service Jacket

RDA: 2003100

Description:

This record series is the official personnel file ~~for people in the employ of the Executive Branch of the State of Nevada~~ **retained by the Division of Human Resource Management Central Records.** The files may contain, but are not limited to: Hiring documentation, including applications with associated documents; State and federal forms, including Employment Eligibility Verification

(I-9), Employment Status Maintenance; Transaction, etc.; Disciplinary action documentation; Resignation documentation; Performance evaluation training documentation (See NAC 284.498 (5)), and; Related correspondence

Authorized Retention:

Retain these records for a period of [~~thirty (30)~~] **ten (10)** calendar years from the year of separation from service. Records may be purged from the files under the following circumstances: (1) by order of a Nevada Court of record, (2); by order of a hearing officer -- see NRS 284.091 & 284.390, (3); by order of the Employee - Management Committee -- see NRS 284.073 (5) and Attorney General Letter of Opinion dated Sept. 29, 1993, (4); by order of stipulation, agreed statement, consent order or default in accordance with NRS 233B.12, (5); the Division of Human Resource Management may remove any record which they determine by law or regulation should not be filed or any duplications of records, or as ordered by the Personnel Commission, and (6); by order of the Department Director or Agency Administrator in accordance with the instructions found in the Attorney General Letter of Opinion dated Sept. 29, 1993.

Recommended Disposition:

Destroy Securely

Agency review:

The appraisal is supported by Department of Administration, Human Resource Management Records Officer.

NSLAPR staff recommendation:

The retention period meets administrative needs.

Justification for Modification RDA 2003100:

The Division of Human Resource Management requests changing the Employee Service Jacket description from "Executive Branch" employees to those files "retained by the Division of Human Resource Management Central Records". The Division's Central Records houses official personnel files for Executive Branch employees, as well as official personnel files for Judicial Branch employees, including the Commission on Judicial Discipline.

The Division Resource Management also requests that the retention period of official personnel files retained by the Division of Human Resource Management Central Records be reduced from a period of thirty (30) calendar years to a period of ten (10) calendar years after the date of separation.

A reduction to the retention period would result in numerous benefits to the State of Nevada:

Creates efficiency by reducing staff time dedicated to records storage tasks.

This recommendation better facilitates the legislatively approved NEATS conversion, which is currently in process.

Currently, there is a shortage of both electronic and physical storage space, which could be immediately reduced.

Possible elimination of the Hummingbird program, which is only necessary due to the current retention period.

The Division of Human Resource Management Central Records Manager has suggested a retention period of ten (10) years after the date of separation with exceptions made for ongoing personnel issues.

The State Records Committee, as established in statute under NRS 239.073 1993, has the authority to revise the current retention schedule. Official state records may only be disposed of in accordance with the retention and disposition schedule approved by the Committee.

In June of 1987, prior to the existence of the State Records Committee, the Board of Examiners approved a six (6) year retention period after the separation of the employee.

In May of 1995, the State Records Committee approved increasing the retention period to sixty (60) years. A review of the Committee minutes does not prove helpful in determining the reason for this change.

In August of 2003, the State Records Committee reduced the retention period from sixty (60) years to forty-five (45) years. A review of the minutes from this meeting found that a “forty-five year period is sufficient to document work history and enough time for beneficiary actions”.

In November of 2010, the State Records Committee again reduced the retention period from forty-five (45) years to the current period of thirty (30) years. A review of the Committee minutes from this meeting indicate the recommended change was based on the conclusion that a thirty (30) year retention period after employee separation was a reasonable amount of time to resolve any work related issues.

Research has found that, in general, the retention period for employee personnel files are far less than our current retention period of thirty (30) years.

Arizona	After employee terminated or term ended.	5 years
Arkansas	After separation or until closure of unresolved personnel issue.	5 years
CA State Personnel Board	Retain according to type of separation.	5 year min
Colorado	Retain 10 years after separation.	10 years
Idaho	Retain 5 years after separation.	5 years
Montana	Retain for 10 years after termination.	10 years
New Mexico	Destroy 50 years after file is created.	50 years
NY State Archives	Destroy 6 years after separation from agency unless otherwise permitted under labor agreement.	6 years
Oregon	Retain for 10 years after employee separation.	10 years
Utah	Retain for 7 years after separation.	7 years
Washington	Retain for 5 years after termination.	5 years
Wyoming	Retain for 10 years after separation.	10 years

EEOC	Retain records for 2 years.	2 years
SHRM Website	Retain 7 years after separation.	7 years
FSLA	Payroll records	3 years
National Archives & Records Administration (NARA)	Retain 2 years after separation or transfer.	2 years

The recommendation at this time is to reduce the current retention period for official personnel files from thirty (30) years to ten (10) years. This recommended change does not conflict with any state or federal laws or regulations and is supported by the Division of Human Resource Management Central Records Manager.

Discussion and Vote:

This item was taken out of order and approved as amended. The amendment was in the description of the item #6 section A "...of the Executive Branch of the..." changed to "for those in the employ of Executive and Judicial branches of the.." The motion was made by Jim Earl and the second was Kathryn Etcheverria. The vote was unanimous.

7: Governor’s Office of Economic Development

A. 2003005 Community Development Block Grant Modify (CDBG) Records

A. Recommended Modification:

Title: Community Development Block Grant (CDBG) Records

RDA: 2003005

Description:

This record series is used to document and control the granting of funds to counties and cities for this CDBG financed through the U.S. Dept. of Housing and Urban Development (HUD) under 42 USC s.3535 (d) and 42 USC s.5301 to 5320 and 24 CFR Part 570, Subpart I (24 CFR 570.480 to 570.497). The files may include copies of: proposals, award notice, narrative & financial reports, budgets and financial (accounting) documents, request for funds, invoices, notes, correspondence and related documents.

Authorized Retention:

Retain for five (5) *fiscal* years from the *date of the close out letter from HUD*. ~~End of the calendar year in which of the grant project was closed out.~~

Recommended Disposition:

Destroy Securely

Agency review:

The appraisal is supported by Governor’s Office of Economic Development Records Officer.

NSLAPR staff recommendation:

This RDA meets administrative and fiscal needs.

Justification for Modification of RDA 2003005:

The recommended change clarifies the trigger event date. The year the project was closed and date of the close out letter from HUD are two different dates. For instance, the closeout year for grants from 2010 and the year in which the close out letter is dated is 2016. Thus, the records should be destroyed in 2021. As currently written, the records would be destroyed in 2017.

Discussion and Vote:

This item was approved as presented. There was no further discussion needed. The motion was made by Jim Earl and the second was Kathryn Etcheverria. The vote was unanimous.

8: Nevada System of Higher Educations –Multiple modifications and deletions to document retention schedule

Attachment A. NSHE Records Retention Summary – Reasons for Change – Deletions

Attachment B. NSHE Retention and Disposition Schedule - Modify

- This item was approved as amended. The following amendments were made. (Refer to Attachment B)

Page 9 – In regards to item # 5 credit cards were added to the same entry as cash register tapes/cash receipts instead of being separate. Additionally the disposition was changed from regular to secure due to possible confidential content on credit card receipts.

Page 13 – In regards to item # 6 the language on the type of record was changed from “Mandatory Training Course...” to Mandatory Staff Training Course...”

Page 33 – In regards to item # 24 the language was amended to include non-NSHE schools in the letters of recommendations regarding admissions.

This item was approved as amended. The motion was made by Jim Earl and the second was Kathryn Etcheverria. The vote was unanimous.

9: Nevada Department of Transportation Update (discussion only)

- Microfilm inventory out for conversion
- BMI Systems is the company who is digitizing the their microfilm
- Currently NDOT is remodeling and moving equipment out of there office. Some equipment is heading over to GCB.

10: Discuss future agenda items:

Environmental Protection: Bureau of Industrial site cleanup
Commission on Ethics

11: Public Comment

Comment may be limited to 5 minutes at the discretion of the Chairman

- Note that last session it was made mandatory for all Records Officers and any others involved with records management to take a records retention class offered by NSLAPR.
- Chairman Scott Anderson suggested a mass email to all state of Nevada agencies regarding the mandatory training class for records retention.
- NSLAPR forthcoming records retention classes will be in Carson City in August, Las Vegas in September and again in Carson City in October.

12: Determine time of next meeting

- The next meeting will be held October 12th 2016 at 1:15 pm in the Nevada State Library and Archives Board room.

13: Adjourn

- The meeting was adjourned at 2:43 pm with the motion made by Jim Earl. The vote was unanimous.