

*Committee Packet for
The "State Records Committee"
August 13, 2014*

● **Agenda:**

Introductions and Roll Call:

Chairman Scott Anderson

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

AGENDA ACTION ITEMS:

Item Number 1:

Chairman Scott Anderson

Review, correct if necessary and approve the minutes for the June 11, 2014 meeting.

Item Number 2:

Sara Martel

For possible action: Discuss, review and act upon the records retention schedule

Department of Transportation		Schedule
RDA#	Title	Committee Action
T2014211	Maintenance Diaries	New RDA
T2014212	Quality Based Procurement: Federally Funded Agreements	New RDA
T2014213	Work Orders and Incident Report Forms	New RDA
T2014093	NDOT Lands Property Management (Land Management)	Modify this RDA

Records Officer: Sara Martel

Item Number 3:

Robert van Straten

For possible action: Discuss, review and act upon the records retention schedule for

Department of Business & Industry: Division of Industrial Relations, Industrial Insurance Regulation, Workers Compensation Section		Schedule 600500
RDA#	Title	Committee Action
2013049	Audit Reports	New RDA
2014185	Compliance Audits	New RDA
2014182	Subsequent Injury Claims Files	New RDA
1988180	Collection Records: Uninsured Employers	Delete this RDA
1988181	Billing Record: Insurers of Workman's Compensation	Delete this RDA
2014209	Fines and Penalties	New RDA

Records Officer: Angel Corum, Virginia Wicklund, Jim Estrada, Jacque Everhart

Item Number 4:

Robert van Straten

For possible action: Discuss, review and act upon the records retention schedule for

General Records Retention and Disposition Schedule		Schedule 100
RDA#	Title	Committee Action
2006054	Licensing: Complaint and Investigation Files	Modify this RDA
2006137	Licensing: Disciplinary Files, <i>Serious Violation</i>	Modify this RDA
2006059	Licensing: Professional and Occupational Licensing	Modify this RDA
2014204	Licensing: Disciplinary Files, Minor Violation	New RDA
2014205	Licensing: Professional and Occupational Licensing, Renewals	New RDA

1997010	Internal Affairs Investigations	Transfer this RDA
2014206 & TRDA 2014214	Open Meeting Law: Meeting Notification List	New RDA

Records Officers: Joy Elwood and Cheryl Fretwell (CNR); Jeff Kintop and Daphne DeLeon (NSLA)

Item Number 5: Robert van Straten
For possible action: Discuss, review and act upon the records retention schedule for

Department of Health and Human Services: Aging and Disability Services Division		Schedule 550101
RDA#	Title	Committee Action
2006026	Early Intervention Services: Services for Children with Disabilities Files	Modify and Transfer this RDA

Records Officer: Dale Ann Luzzi (ASDS), Peter Janson (HHS)

Item Number 6: Robert van Straten
For possible action: Discuss, review and act upon the records retention schedule for:

Department of Public Safety: State Board of Parole Commissioners		Schedule 930000
RDA#	Title	Committee Action
2004176	Parole Board Discharged Files	Modify this RDA

Records Officer: Chairman Connie S. Bisbee

Item Number 7: Robert van Straten
For possible action: Discuss, review and act upon the records retention schedule for:

Department of Public Safety: Parole and Probation Division		Schedule 920100
RDA#	Title	Committee Action
2003008	Case Files	Modify this RDA

Records Officers: Melinda Ridgely, Jennifer Pongasi

Item Number 8: Sara Martel
For possible action: Discuss and consider a motion to authorize NDOT staff to make technical changes to RDAs including General Schedule Items similar to the motion made on March 13, 2013.

Item Number 9: Chairman Scott Anderson
For possible action: Discuss future agenda items.

INFORMATION ITEMS

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

Item Number 10: Chairman Scott Anderson
For possible action: Confirm the time and location of the next meeting.
The next proposed meeting is scheduled for September 10, 2014 at 1:15 PM, in the Board Room of the Nevada State Library and Archives Building, 100 North Stewart Street, Carson City, Nevada.

ADJOURN

Agenda Item 1: Review and approve the minutes for June 11, 2014



The Committee to Approve Schedules for the Retention and Disposition of Official State Records The "State Records Committee" Minutes for June 11, 2014

Introductions and Roll Call:

Chairman Scott Anderson

The Chairman called the meeting to order at 1:21 PM. He asked everyone to introduce themselves.

Attendance Roll Committee Member	Present
Scott Anderson, Chairman, for Ross Miller, Secretary of State	Yes
Sarah Bradley for Catherine Cortez-Masto, Attorney General	Yes
Daphne DeLeon, Nevada State Library and Archives (NSLA)	Yes
Maud Naroll for Julia Teska, Department of Administration	Yes
Jim Earl for Dave Gustafson, Enterprise Information Technology Services	Yes
Margie Kassebaum , Governor's Appointee	Excused
Staff	
Jeffrey Kintop, Assistant Administrator for Archives and Records, NSLA	Yes
Teri J. Mark, State Records Manager, NSLA	Yes
Cynthia Laframboise, State Archives Manager, NSLA	Excused
Robert H. van Straten, Senior Records Analyst, NSLA	Yes
Jerry Lindsay, Senior Records Analyst, NSLA	Excused
Michelle Byrne, Administrative Assistant, NSLA	Yes
Sara Martel, Records Manager, NDOT	Yes
Guests	
Barbara Bolton, Gaming Control Board	Yes

This item was taken fifth. The Department of Agriculture presented that they need these files for a longer period of time for administrative use. These files were already covered under an RDA on the general schedule. The new RDA's were approved without any amendments.

Committee action on Agenda Item 2:	Details:
Motion:	Approve as presented
The motion was made by:	Maud Naroll
The motion was seconded by:	Jim Earl
The Committee vote to approve the motion:	Unanimous

Item Number 3:

Robert van Straten

For possible action: Discuss, review and act upon the records retention schedule for

Department of Conservation and Natural Resources: State Parks Division		Schedule 220800
RDA#	Title	Committee Action
1997010	Internal Affairs Investigations	Modify this RDA
2014177	Park and Facility Inspection Records	New RDA
2014178	Permits	New RDA
2014179	Exhibits: Accession Records	New RDA
2014180	Exhibits: Exhibit and Display Files	New RDA
2014181	Exhibits: Loan/Transaction Records	New RDA

Records Official: Joy Elwood

Staff presentation:

RDA 1997010: the disposition is being changed to remove the requirement to transfer it to the State Archives to destroy securely. The records contain confidential and sensitive personal identification information and should be destroyed in a secure manner.

RDA's 2014177 through 2014181 are new record series.

RDA's 2014179, 2014180 and 2014181 involve exhibits placed within many of the State Parks. The State Archives has decreed these to be permanent records.

Committee Discussion:

This item was taken seventh. The RDA's 2014179, 2014180 and 2014181 have been declared to have permanent value by the State Archives. The disposition on these three RDA's has been changed from "destroy securely" to "transfer to State Archives."

Committee action on Agenda Item 3:	Details:
Motion:	Approve as amended
The motion was made by:	Maud Naroll
The motion was seconded by:	Jim Earl
The Committee vote to approve the motion:	Unanimous

Item Number 4:

Robert van Straten

For possible action: Discuss, review and act upon the records retention schedule for

Department of Taxation: Division of Local Government Services		Schedule 1200101
RDA#	Title	Committee Action
1993111	Agricultural Map Files	Delete this RDA

1993098	Application for Open-space use Assessment	Delete this RDA
1993110	County Assessment Maps	Delete this RDA
1993103	Division of Assessment Standards (DOAS) Checklists by County	Delete this RDA
1993088	Mining Property Appraisal Files	Modify this RDA
1993089	Net Proceeds of Mines Files	Modify this RDA
1993105	Property Tax Valuation Appeal Files	Modify this RDA
1993041	Supplemental City/County Relief Tax Distribution – SCCRT	Transfer this RDA to AGN 1200402
2014184	State Board of Equalization Decision Papers	New RDA
2014194	Abatements	New RDA
2014195	Appraiser Certification Records	New RDA
2014196	Audits: Performance Audits	New RDA
2014197	Audits: Net Proceeds of Mineral Tax Audits	New RDA
2014198	Mining Transmittal Statements	New RDA
2014200	Local Government Reports	New RDA
2014201	Residential Construction Tax Records	New RDA
2014202	Tax Rolls	New RDA

Records Official: Terry Rubald

Staff presentation:

RDAs 1993111, 1993098 and 1993110 are being deleted because they are obsolete and not being produced anymore.

RDA 1993103 has been incorporated into a new RDA 2014196 “Performance Audits.”

RDA 1993088: the retention period is being increased from 4 to 5 years to conform to the actual field inspection rotation schedule.

RDA 1993089: the retention statement is being changed to the end of the fiscal year to which they pertain.

RDA 1993105: The retention statement is being modified to remove the note about retaining the minutes and agendas for 10 years. The General Schedule requires a 5 year retention.

RDA 1993041 is being transferred from the Plant Industry Division to the Administration Division.

RDAs 2014184 and 2014194 through 2014202 are new RDAs.

Committee Discussion:

This item was taken sixth.

RDA 1993089 was presented and it was determined that the records need to be kept for seven years instead of the original four. This was modified due to the possibility of being audited.

RDA 1993105 was tabled. It was requested that the description be clarified and brought back.

RDA 2014196 was determined not to be confidential as it stated in the “appraisal note” and the reference to NAC 360.730 (2) and NRS 360.255 was removed.

Committee action on Agenda Item 4:	Details:
Motion:	Table 1993105, Approve as amended
The motion was made by:	Maud Naroll
The motion was seconded by:	Daphne DeLeon

The Committee vote to approve the motion:	Unanimous
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Item Number 5:

Robert van Straten

For possible action: Discuss, review and act upon the records retention schedule for

Gaming Control Board: Audit Division		Schedule 460200
RDA#	Title	Committee Action
1988139	Investigations and Tax & License Checks File	Delete this RDA
1988141	Miscellaneous Files	Delete this RDA
1988132	Agents Reports	Delete this RDA
1988142	Regulation 6A Files (Forms and Work papers)	Delete this RDA
1988134	Bankroll Verification	Delete this RDA
1988136	Count Submissions	Delete this RDA

Records Official: Barbara Bolton

Staff presentation:

These RDAs are being deleted because they are obsolete and no longer produced, or because they are part of another RDA.

Committee Discussion:

This item was taken second. The RDA's were presented and the committee agreed that they are able to be deleted.

Committee action on Agenda Item 5:	Details:
Motion:	Delete as Presented
The motion was made by:	Jim Earl
The motion was seconded by:	Maud Naroll
The Committee vote to approve the motion:	Unanimous

Item Number 6:

Robert van Straten

For possible action: Discuss, review and act upon the records retention schedule for:

Gaming Control Board: Enforcement Division		Schedule 460600
RDA#	Title	Committee Action
1990-003	Intelligence Files	Modify this RDA

Records Official: Barbara Bolton

Staff presentation:

The GCB has need to retain these records for a longer period of time because they have information about confidential informants. Although the General Schedule under "Law Enforcement" has these records scheduled to be retained for 5 years from the last validation, this is a federal requirement for entities that receive federal funding. GCB does not fall under this requirement since they receive no federal funds.

Committee Discussion:

This item was taken first. Susan Grube presented why the Gaming Control Board needs to keep the files for longer than five years. She presented that these files are needed for regulatory purposes, and not the law enforcement section of the Gaming Control Board. These files aid the Gaming Control Board when an individual applies for a Gaming license, and they ensure that only suitable people are working for the casinos. There was an

additional section added to the recommended retention that says “or eighty (80) years from the date received, whichever occurs first.” This was due to not always knowing the birth date of the individual that the file is about.

Committee action on Agenda Item 6:	Details:
Motion:	Approve as amended
The motion was made by:	Maud Naroll
The motion was seconded by:	Sarah Bradley
The Committee vote to approve the motion:	Unanimous

Item Number 7:

Robert van Straten

For possible action: Discuss, review and act upon the records retention schedule for:

Department of Public Safety: State Board of Parole Commissioners		Schedule 930000
RDA#	Title	Committee Action
2004176	Parole Board Discharged Files	Modify this RDA

Records Official: [Chairman Connie S. Bisbee](#)

Staff presentation:

During the May meeting this RDA was tabled. The Committee requested that staff contact the Board and receive confirmation that they have reviewed the change and have no objection. Staff contacted Daria Foley, Executive Secretary to the Board. She presented the change to Chairman Bisbee who discussed this with her Deputy Attorney General. They agreed with staff that the records should not be sent to the State Archives.

The Committee also requested that Cynthia Laframboise, State Archives Manager, attend the June meeting and explain why the records no longer hold historical value.

Committee Discussion:

This item was taken fourth. The committee was presented with some of the actual records that are sent to Archives to demonstrate that they are different than as described in the description of the RDA. The committee decided to table this item and it will be brought back after the description is modified and the authorized event date is changed.

Committee action on Agenda Item 7:	Details:
Motion:	Tabled

Item Number 8:

Robert van Straten

For possible action: Discuss, review and act upon the records retention schedule for:

Department of Public Safety: Parole and Probation Division		Schedule 920100
RDA#	Title	Committee Action
2013-045	Pre-sentence Report Files	New RDA

Records Official: [Jennifer Pongasi](#)

Staff presentation:

Staff has appraised these records for a 5 year retention due to the requirement found in NRS 179.151 (1) that states that a new presentence report must be produced after 5 years. The Court System is the office of record. This was confirmed by contacting the Administrative Office of the Court.

The division has requested that these records be scheduled for a 100 year retention period.

Committee Discussion:

This item was taken third. The item was presented and Melinda Ridgley from the Department of Public Safety discussed the need to keep these records for 100 years. The older presentence report is used as a reference point for the most current presentence report, and this information is used to determine career criminals. These files are used on a daily basis. The US District Court will ask for these reports, and they occasionally need reports dating back 15 years or more. At the request of the department, this item will be added to the RDA 2003008, an already existing RDA for the department’s regularly used files. This item was cancelled and RDA 2003008 will be brought before the committee with this amendment.

Committee action on Agenda Item 8:	Details:
Motion:	Cancelled

Item Number 9:

Robert van Straten

For possible action: Discuss, review and act upon the records retention schedule for:

General Records Retention and Disposition Schedule		Schedule 100
RDA#	Title	Committee Action
2009047	Administrative: Public Records Request File, Granted	Modify this RDA

Records Official: Jeff Kintop

Staff presentation:

- On 5/14/14 the State Records Committee requested that staff review the retention period. They recommended a longer retention period. When this RDA was first presented to the Committee in 2009, the recommended retention period was presented at 1 year. At that time the Committee felt it was too long of a retention period.
- The Local Government Records Retention Schedule has placed these records with a 90 day retention period.
- In the General Records Retention Schedule, Routine Business Correspondence is scheduled to be retained 1 year.
- The Committee requested that Sarah Bradley, Deputy Attorney General and a member of the Committee, review this RDA. She reviewed this on May 21, 2014 and agreed that a 1 year retention was appropriate.
- The Committee requested that this RDA be brought back before them on June 11, 2014.
- These records should match the 1 year retention period for routine business correspondence to avoid confusion between routine correspondence and public records requests.

Committee Discussion:

This item was tabled and will be brought back at the August 13th, 2014 meeting.

Committee action on Agenda Item 9:	Details:
Motion:	Tabled

Item Number 10:

Chairman Scott Anderson

For possible action: Discuss future agenda items.

- DMV, Driver’s License and Vehicle Titles
- General Schedule: licensing RDAs and new Open Meeting Law Notifications

- Transfer of RDA 1997010 from State Parks to the General Schedule
- Transfer of RDA 2006026 from Public and Behavior Health Division to Aging and Disability Services Division
- Division of Industrial Relations, Subsequent Injury records

INFORMATION ITEMS

There were no informational items.

PUBLIC COMMENT:

There was no public comment.

Item Number 11:

Chairman Scott Anderson

For possible action: Confirm the time and location of the next meeting.

The next proposed meeting is scheduled for August 13th, 2014 at 1:15 PM, in the Board Room of the Nevada State Library and Archives Building, 100 North Stewart Street, Carson City, Nevada.

ADJOURN

Committee member Maud Naroll made the motion to adjourn. The Chairman called for a vote and the vote was unanimous. The Committee meeting was adjourned at 3:42 PM.

● **Agenda Item 2:**

For possible action: Discuss, review and act upon the records retention schedule for:

Department of Transportation		Schedule 1230000
RDA#	Title	Committee Action
2014211	Maintenance Diaries	New RDA
2014212	Quality Based Procurement: Federally Funded Agreements	New RDA
2014213	Work Orders and Incident Report Forms	New RDA
2014093	NDOT Lands Property Management (Land Management)	Modify this RDA

Records Officer: Sara Martel

● **Recommended new RDAs:**

Maintenance Diaries (Administrative)

TRDA 2014211

Reviewed: 8/13/2014

Description: This record series consists of daily diaries used by maintenance crews documenting all activities, personnel, equipment used, material used, crew hours worked, and any leave used by employees.

Retention: Retain for five (5) calendar years from the date of last entry

Disposition: Destroy or destroy securely. Caution: some of the documents within this record series may be considered a “Restricted Record” in accordance with the 2003 Homeland Security Act and/or contain confidential information. Review all files to determine the need for secure destruction.

5 years is as recommended by Legal. Claimants have 2 years to file for personal injury (NRS 11.190(4)(e) and 3 years for property damage NRS 11.190(3)(c). 5 years allows for time to file the claim and serve subpoenas.

Quality Based Procurement: Federally Funded Agreements
(Administrative)

TRDA
2014212

Reviewed: 8/13/2014

Description: These records may contain, but are not limited to, the successful proposal; agreement; amendments and task orders; agreement related general correspondence; Review Ranking spreadsheet; Form 2A and payment vouchers for quality based procurement.

Retention: Retain for seven (7) calendar years from the date of final pay of the last project (EA) associated with the agreement.

Disposition: Destroy or destroy securely. Transfer to NDOT Records Management at Agreement execution. Destroy after retention. Caution: some of the documents within this record series may be considered a “Restricted Record” in accordance with the 2003 Homeland Security Act and/or contain confidential information. Review all files to determine the need for secure destruction.

Federal Law requires agreements using federal funds be maintained as long as the project retention. Some agreements may be closed and audited, but need to be retained longer than the retention for state funded agreements. (49 CFR 18.42)

Work Orders and Incident Report Forms (Administrative)

TRDA
2014213

Reviewed: 8/13/2014

Description: This records series consists of reports to NDOT documenting public contacts concerning issues with Nevada Highways. This series usually contains the following information: date and time of contact, contact information for caller, description of the incident being reported, and the action taken by NDOT in response to the contact.

Retention: Retain for five (5) calendar years from the date of action taken

Disposition: Destroy or destroy securely. Caution: some of the documents within this record series may be considered a "Restricted Record" in accordance with the 2003 Homeland Security Act and/or contain confidential information. Review all files to determine the need for secure destruction of Restricted Records

A 5-year retention is as recommended by Legal Division. Claimants have 2 years to file a lawsuit for personal injury (NRS 11.190(4)(e)) and 3 years to file a lawsuit for property damage (NRS 11.190(3)(c)). Five years allows sufficient time for any claimant to file a claim or lawsuit and to serve any associated subpoenas.

• Recommended modifications:

NDOT Lands Property Management (Land Management)

TRDA 2014093

Reviewed: 2/12/2014

Description: These records document the use and maintenance of NDOT Lands and relocation records. The records may contain, but are not limited to: leases, authorizations, relocation files, inspections, maintenance, demolition of structures, photos or images, and related files.

Retention: Retain for seven (7) years from the ~~disposition of the property or completion of a project~~ **termination of the lease or license.**

Disposition: Destroy, or destroy securely. Transfer to NDOT Records Management upon production. Destroy after retention. Caution: some of the documents within this record series may be considered a "Restricted Record" in accordance with the 2003 Homeland Security Act and/or contain confidential information. Review all files to determine the need for secure destruction.

● **Agenda Item 3:**

For possible action: Discuss, review and act upon the records retention schedule for:

Department of Business & Industry: Division of Industrial Relations, Industrial Insurance Regulation, Workers Compensation Section		Schedule 600500
RDA#	Title	Committee Action
2013049	Audit Reports	New RDA
2014185	Compliance Audits	New RDA
2014182	Subsequent Injury Claims Files	New RDA
1988180	Collection Records: Uninsured Employers	Delete this RDA
1988181	Billing Record: Insurers of Workman's Compensation	Delete this RDA
2014209	Fines and Penalties	New RDA

Records Officer: Angel Corum, Virginia Wicklund, Jim Estrada, Jacque Everhart

● **Recommended new RDAs:**

■ Title: Audit Reports

RDA#: 2013049

Description:

These records document the regular performance audit of insurers of worker's compensation insurance (see NRS 616B.003 *et seq.*). The files may include, but are not limited to: violation records; hearings, appeals and; audit reports with associated documentation.

Recommended Retention:

Retain these records for a period of five (5) calendar years from the date of the audit report.

Recommended Disposition:

Destroy securely.

● **NSLA staff recommendation:**

The retention period of 5 years meets administrative and legal needs.

● **Agency review:**

The appraisal by NSLA meets DIR approval.

Appraisal note:

These records contain administrative and legal values.

Legal value is due to the obligation of the Division to conduct an audit of all insurers at least once every five years (see NRS 616B.003). Legal value is also found in the rights and obligations of the insurers, the employers and the claimants (See NRS chapters 616A through 616D).

The recommended 5 year retention is based upon the requirement found in NRS 616B.003 that the Administrator conduct an audit of insurers at least every 5 years. A 5 year retention would be sufficient to monitor compliance with this requirement.

This information has been declared confidential by NRS 616B.012. It contains details about worker's compensation claims, violations and appeals. The records should be destroyed in a secure manner to prevent reconstruction of the information.

During the April 9, 2014 State Records Committee meeting, the Committee tabled action on this RDA. They requested that DIR answer the following questions:

1. Does DIR need these records for more than one audit cycle?
2. Should the working documents be taken out of the description?
3. Do audit exceptions need to be tracked which would require a longer retention?
4. Are these audits compliance or fiscal or both?

On April 16, 2014, the following answers were received:

- 1 No. DIR does not need or require these for more than one audit cycle.
- 2 Yes, the working files should be taken out of the description (and have been).
- 3 No. If exceptions are found, it will lead to an investigation which may result in fines or penalties.
- 4 These 5-year audits are compliance only. The Division of Insurance is responsible for fiscal audits per NRS 616A.465 (2).

Volume at time of inventory: 75 cubic feet (based upon 60 to 100 audits a year)

Begin date: 12/23/2013

Appraisal date: 1/15/2014

Appraiser: RvS

■ Title: Compliance Audits

RDA#: 2014185

Description:

These records document compliance audits of employers and insurers used to investigate complaints or possible violations (NRS 616A.400 *et seq.*; see also NRS 616C.700). The files may include, but are not limited to: complaints with associated documentation; investigation reports; violation records; hearing and appeals documentation and; audit reports (including follow-up audits).

Recommended Retention:

Retain these records for a period of three (3) calendar years from the close of the audit.

Recommended Disposition:

Destroy securely.

● **NSLA staff recommendation:**

The retention period of 3 years meets administrative and legal needs. It matches the 3 year audit period required by LCB Audit and Internal Audit Division and the federal government.

● **Agency review:**

The appraisal by NSLA meets DIR approval.

Appraisal note:

These records contain administrative and legal values.

Legal value is due to the rights and obligations found in NRS 616A.400 (5 to 7), 616A.465 (1), 616A.475 (1), 616A.485 (1), NRS 616C.700, etc.

The 3 year retention period is based upon the Nevada Statutes of Limitations for an action based upon a liability created by statute (in this case NRS 616A.400 *et seq.*) found in NRS 11.190 (3)(a) and for fraud or mistake found in 11.190 (3)(d).

These records contain confidential (see NRS 616B.015) and personal identifying (see NRS 239B.030) information and should be disposed of in a manner that will prevent the reconstruction of that information.

Begin date: 4/16/2014

Appraisal date: 4/16/2014

Appraiser: RvS

■ Title: Subsequent Injury Claims Files

RDA#: 2014182

Description:

These records document the Subsequent Injury Accounts for Private Carriers, Self-Insured Employers, and Self-Insured Associations (See NRS 616B.545 *et seq.*). The files may include, but are not limited to: claim review documentation; bills and accident benefit payments; vocational rehabilitation reports and payments; legal documentation, violation records; hearing and appeals documentation and; final audit report.

Recommended Retention:

Retain these records for a period of fifteen (15) calendar years from the close of the claim.

Recommended Disposition:

Destroy securely.

Volume at time of inventory: 474 cubic feet

- **NSLA staff recommendation:**

The retention period of 15 years exceeds legal requirements but satisfies the administrative and fiscal needs of the DIR.

- **Agency review:**

The appraisal by NSLA meets DIR approval.

Appraisal note:

These records contain administrative and legal values.

Legal value is due to the rights and obligations found in [NRS 616B.554](#) *et seq.*

The agency has requested a fifteen year retention since that is historically how they have administered these records, destroying them after 15 years. However, there is no obligation for them to retain the records this long. There is no provision in NRS 616B.554 *et seq.* requiring a long-term retention by the Division, which administers the fund. The private carrier, self-insured employer or self-insured association would be the office of record (see [NRS 616B.021](#) & [616B.027](#) and NAC 616B.010 & 616B.013) responsible for long-term retention of the **employee** claim file itself.

The Nevada Statutes of Limitation in NRS 11.190 (1)(b) provides for a 6 year period of time to bring an action to court based upon a liability founded upon an instrument in writing (which in this case would be the claim, NRS 616B.545 *et seq.*). The Division has a legal requirement to retain these records for a minimum period of 6 years from the close of the claim.

The Division has found that the insurer will often submit a request for reimbursement that includes payments already considered and paid through the accounts. The Division Administrator has a fiduciary responsibility to the accounts that require accuracy in verifying claims and benefits. They have had to research back ten or more years to find documentation of benefits to avoid over payments. Because of these administrative needs, the recommended retention is justified at 15 years.

These records contain confidential (see NRS 616B.015) and personal identifying (see NRS 239B.030) information and should be disposed of in a manner that will prevent the reconstruction of that information.

Begin date: 4/2/2014

Appraisal date: 4/3/2014

Appraiser: RvS

- **Recommended deletions:**

■ ~~Title: Collection Records: Uninsured Employers RDA#: 1988180~~

~~Description: Last Reviewed on: 3/1/1989~~

~~This record series documents the collection process of employers that do not carry Workers' Compensation Insurance. The files may include, but are not limited to: SIIIS Employer's Claims-Expense reports; SIIIS billing statements and related fiscal records; hearing documentation; copies of billing and payment records and; related documentation.~~

~~Authorized Retention:~~

~~Retain these records for a period of three (3) fiscal years from the end of the fiscal year to which the record pertains.~~

~~Authorized Disposition:~~

~~Some of these documents may contain confidential information, such as the Social Security Number or other personal identifying information (NRS 239B.030), and should be destroyed in a secure manner that will prevent reconstruction of the information (NAC 239.722). All other documents may be disposed of in a normal manner.~~

~~■ Title: Billing Record: Insurers of Workman's Compensation — RDA#: 1988181~~

~~Description: Last Reviewed on: 3/1/1989~~

~~This record series documents the assessment, calculation and billing of insurers (SIIS, Self-Insured and J.C. Penny) of workers compensation in the State of Nevada. The files may include, but are not limited to: assessment calculations with associated documentation; quarterly assessments payments; billing and payment records and; related documentation.~~

~~Authorized Retention:~~

~~Retain these records for a period of three (3) fiscal years from the end of the fiscal year to which the record pertains.~~

~~Authorized Disposition:~~

~~Some of these documents may contain confidential information, such as the Social Security Number or other personal identifying information (NRS 239B.030), and should be destroyed in a secure manner that will prevent reconstruction of the information (NAC 239.722). All other documents may be disposed of in a normal manner.~~

- NSLA staff recommendation:
The deletion of these obsolete RDAs is justified.
- Agency review:
The appraisal by NSLA meets DIR approval.

Justification to delete RDAs 1988180 and 1988181:

After talking with Anthony Freiberg, Angel Corum and Jim Estrada of DIR, it was determined that these two RDAs pertained to the functions of the old SIIS. These records are not created or maintained any more. As such they should be deleted from the schedule. Similar current records are covered under RDA 2010021.

Begin date: 6/10/2014

Appraisal date: 6/11/2014

Appraiser: RvS

● **Recommended new RDA:**

■ Title: Fines and Penalties

RDA#: 2014209

Description:

These records document the fines and penalties imposed by the division (See NRS 616A.400 and NRS 616D.120 *et seq.*). The files may include, but are not limited to: complaints with supportive documentation; investigative records including determination (NRS 616D.130); copies of hearing and court documents; payment records; and related documentation.

Recommended Retention:

Retain these records for a period of three (3) fiscal years from the close of the case.

Recommended Disposition:

Destroy securely.

- NSLA staff recommendation:
The retention period of 3 years meets administrative and legal needs. It also meets the federal and state audit requirements.
- Agency review:
The appraisal by NSLA meets DIR approval.

Appraisal note:

These records contain administrative, fiscal and legal values.

Legal value is due to the rights and obligations found in NRS [616A.400](#) and [NRS 616D.120 et seq.](#)

Fiscal value is found in the assessment and payments of fines and penalties.

The three year retention period is based upon the Nevada Statutes of Limitation for a liability created by statute (NRS 616D.120) found in [NRS 11.190](#) (3)(a) and for fraud or mistake found in NRS 11.190 (3)(d). The three year period also matches the auditing requirements of state and federal governments.

This information has been declared confidential by [NRS 616B.012](#). It contains details about worker's compensation claims, violations and appeals. The records should be destroyed in a secure manner to prevent reconstruction of the information.

Begin date: 6/12/2014

Appraisal date: 7/2/2014

Appraiser: RvS

● **Agenda Item 4:**

For possible action: Discuss, review and act upon the records retention schedule for:

General Records Retention and Disposition Schedule		Schedule 100
RDA#	Title	Committee Action
2006054	Licensing: Complaint and Investigation Files	Modify this RDA
2006137	Licensing: Disciplinary Files, <i>Serious Violation</i>	Modify this RDA
2006059	Licensing: Professional and Occupational Licensing	Modify this RDA
2014204	Licensing: Disciplinary Files, Minor Violation	New RDA
2014205	Licensing: Professional and Occupational Licensing, Renewals	New RDA
1997010	Internal Affairs Investigations	Transfer this RDA
2014206 & TRDA 2014214	Open Meeting Law: Meeting Notification List	New RDA

Records Officials: Joy Elwood and Cheryl Fretwell (CNR); Jeff Kintop and Daphne DeLeon (NSLA)

● **Recommended Modifications:**

■ **Title:** Licensing: Complaint and Investigation Files

RDA#: 2006054

Description:

Last Reviewed on: 07/16/2008

These records document complaints and investigations of professional & occupational licensees and other individuals who may not hold a license/certificate/registration, etc. The record may include, but is not limited to: complaints; investigation reports and; supporting documentation.

Authorized Retention:

Retain these records for a period of ~~three (3)~~ **ten (10)** calendar years from the close of the case.

Authorized Disposition:

Destroy securely.

Justification for modifying RDA 2006054:

In 2011, various state boards had changes made to their laws which require them to retain all complaints and related documentation, whether or not they are acted upon (including any investigations conducted), for a period of ten years. For example: State Board of Nursing NRS 632.100 (5); State Board of Psychological Examiners NRS641.250 (2); Board of Examiners for Marriage and Family Therapists and Clinical Professionals NRS 641A.330 (3); Board of Examiners for Social Workers NRS 641B.410 (2); etc.

To conform to the new changes in state law, the General Schedule retention requirements for complaints and investigations must be changed to a 10 year period of time.

The complaint and the results of an investigation are universally considered confidential (for example see NRS 645B.092, NRS 644.446, NRS 641B.410, NRS 641A.330, NRS 641.090, NRS 632.405, etc.).

The order initiating discipline and other information considered by the board in dispensing discipline are generally public records (see above citations).

■ **Title:** Licensing: Disciplinary Files, *Serious Violation*

RDA#: 2006137

Description:

Last Reviewed on: 07/16/2008

These records document serious disciplinary actions taken by the agency on occupational licensees and other individuals who may not hold a license/certificate/registration, etc. The record may include but is not limited to: complaints; investigation reports and supporting documentation; administrative hearing documentation; decrees including Cease and Desist Orders; reports to District Attorneys and/or the Attorney General's Office; copy of court

documents; related documentation.

Authorized Retention:

~~Please check your agency specific records schedule first. Unless otherwise required on an agency specific records schedule, r~~ Retain these records for a period of ten (10) calendar years from the ~~close of the case~~ **termination, suspension, revocation or expiration of the license.**

Authorized Disposition:

Destroy securely.

Justification for modifying RDA 2006137:

Disciplinary actions come in two basic categories: minor and serious. Minor offenses include not filing proper records, not producing proper reports or not keeping the file system in proper order so records can be accessed quickly. Such offenses do not merit a long term retention period.

RDA 2006137 is being modified to cover serious disciplinary actions. Serious actions may include improper relations with clients, fraud, etc. Such serious infractions could end in revocation and even court action. Because of the serious nature of the offense, the record needs to be retained for a long period of time after the license is terminated or expired. This will give ample protection to clients, the state and the federal government. The recommended ten year period of time is to mirror the retention of the Licensing File and the Complaint File (which has a ten year requirement also), thus preserving the detailed documentation of disciplinary action to match the basic licensing file and state law requirements.

■ **Title:** Licensing: Professional and Occupational Licensing RDA#: 2006059

Description: Last Reviewed on: 04/12/2006

These records document the application & renewal process and monitoring of individuals receiving professional and occupational licenses, certification, registration and similar functions from a licensing agency. The record may consist of, but is not limited to: Original application with supportive documentation; examination results; informational documentation on the licensee; continuing education and training verification files; the order initiating discipline and other information considered by the board in dispensing discipline and; related documentation.

Authorized Retention:

~~Please check your agency specific records schedule first. Unless otherwise required on an agency specific records schedule, retain the original application documentation and the three (3) most current years of records for a period of three (3) calendar years after expiration of the certification, registration or license. Documents older than three (3) calendar years may be purged from the files. Any educational transcripts and similar documents may be returned to the applicant after completion of the application process. Note: if an agency needs to retain these records for a longer period of time, this must be brought to the attention of the Records Management Program and must appear on an agency specific records schedule.~~

Retain these records for a period of ten (10) calendar years from the expiration, termination, suspension or revocation of the license.

Authorized Disposition:

Destroy securely.

Justification for modifying RDA 2006059:

The currently authorized retention is confusing. The ability to purge the file is not clear. Therefore, a new RDA will be created allowing the records to be purged of renewal documentation. The standard license file will be scheduled to be retained for ten calendar years from the expiration or termination of the license. This will preserve the core documentation for an adequate period of time to protect the public and state government.

The order initiating discipline and other information considered by the board in dispensing discipline are generally public records (for example see NRS 645B.092, NRS 644.446, NRS 641B.410, NRS 641A.330, NRS 641.090, NRS 632.405, etc.).

• **Recommended new RDAs:**

■ **Title:** Licensing: Disciplinary Files, Minor Violation

RDA#: 2014204

Description:

Last Reviewed on: 07/16/2008

These records document minor disciplinary actions taken against licensees. The files may include but are not limited to: investigation reports & documentation; administrative hearing documentation; decrees including Cease and Desist Orders and; supporting documentation.

Recommended Retention:

Retain these records for a period of three (3) calendar years from the close of the case.

Recommended Disposition:

Destroy securely.

Appraisal note: Disciplinary actions come in two basic categories: minor and serious. Minor offenses include improper filing of records, not producing proper reports, not keeping the file system in proper order so records can be accessed quickly, etc. Such offenses do not merit a long term retention period.

RDA 2006137 is being modified to cover serious disciplinary actions.

It is recommended that these records be retained for a three year period of time and then purged from the other files. This period of time follows the auditing requirements of state and federal government as well as the Nevada Statute of Limitations for a liability founded in law (NRS 11.190 (3)(a)) and for fraud or mistake (NRS 11.190 (3)(d)).

Because of the confidential and sensitive information contained within the files, they should be destroyed in a secure manner to avoid reconstruction of the information.

■ **Title:** Licensing: Professional and Occupational Licensing, Renewals RDA#: 2014205

Description:

Last Reviewed on: 07/16/2008

These records document the renewal of licenses/certifications/etc. The record may include, but is not limited to: renewal notices; renewal applications; fee documentation and; supporting documentation.

Recommended Retention:

These records may be purged from the files after a retention period of three (3) calendar years from end of the licensing year to which they pertain.

Recommended Disposition:

Destroy securely.

Appraisal note: These records have short term legal, fiscal and administrative values. The standard license file will be scheduled to be retained for ten calendar years from the expiration or termination of the license. This will preserve the core documentation for an adequate period of time to protect the public and state government.

The renewal documentation does not merit a long retention period. Such documentation clogs the file and has little administrative or legal value after the end of the license year to which they pertain. The records should be retained for a three year period of time to conform to state auditing requirements as well as the Nevada Statutes of Limitation for fraud or mistake found in NRS 11.190 (3)(d).

These records usually contain personal identifying information and should be destroyed in a secure manner to avoid reconstruction of the information.

Begin Date: 5/14/2014

Appraisal date: 6/2/2014

Appraised by: RvS

● Recommended transfer from the Department of Conservation and Natural Resources, State Parks Div.(AGN 220826) to the General Records Retention and Disposition Schedule (AGN 100):

■ Title: Internal Affairs Investigations

RDA#: 1997010

Description:

Last Reviewed on: 06/16/1997

These records document allegations of criminal and administrative misconduct against Division employees and track the investigation process through the final report and any corrective/disciplinary action. The records may include, but are not limited to: personnel records, complaints, investigative reports and related supportive documentation.

Authorized Retention:

Retain these records for a period of three (3) calendar years from the closing/resolution of the investigation and subsequent action(s).

Authorized Disposition:

Destroy securely.

Justification for transferring RDA 1997-010:

There are many law enforcement entities within state government which have similar functions described within this RDA. These records should be placed within the General Records Retention and Disposition Schedule so that all of them can use it for similar records.

● State Parks has agreed that this RDA should be transferred to the State General Schedule.

Begin date: 10/29/2013

Appraisal date: 6/17/14

Appraised by: RvS

● Recommended new RDA:

■ Title: Open Meeting Law: Meeting Notification List

RDA#: 2014206

TRDA#: 2014214

Description:

This record series consists of the list created for those persons who have requested notification of upcoming meetings (see NRS 241.020 (3)(c)). The information may include, but is not limited to: name and contact information including email addresses.

Recommended Retention:

Retain these lists for a period of six (6) months from the date of the request.

Recommended Disposition:

Destroy Securely.

Appraisal note: These records contain legal and administrative values.

Legal value is due to the requirement found in NRS 241.020 (3)(c) to send notification to all those who have requested it as well as the right of the individual to request such information. The notification request is valid for only six months (see NRS 241.020 (3)(c)). The request holds no value after that period of time and should be disposed of.

The notification may contain confidential or sensitive information (see NRS 239B.030 and NRS 239B.040 "Database containing electronic mail addresses or telephone numbers of certain persons: use of information: confidentiality.") and should be disposed of in a manner that will prevent reconstruction of the information.

7/11/2014: Since this RDA will also affect NDOT, it has been given a TRDA number also.

Begin date: 5/28/2014

Appraisal date: 6/2/2014

Appraised by: RvS

● **Agenda Item 5:**

For possible action: Discuss, review and act upon the records retention schedule for:

Department of Health and Human Services: Aging and Disability Services Division		Schedule 550101
RDA#	Title	Committee Action
2006026	Early Intervention Services: Services for Children with Disabilities Files	Modify and Transfer this RDA

Records Officer: Dale Ann Luzzi (ADSD), Peter Janson (HHS)

● **Recommended modification and transfer from the Division of Public and Behavioral Health (AGN 550845) to the Aging and Disability Services Division (AGN 550101):**

■ Title: Early Intervention Services: Services for Children with Disabilities Files

RDA#: 2013049

Description: Last Reviewed on: 10/13/2010

This record series is used to document the Nevada Early Intervention Services Program (See NRS 442.180 et seq.). The files may contain, but are not limited to: application with associated documents; referral information; health care records; related documentation.

Authorized Retention:

~~Retain these records for twenty three (23) calendar years from the end of services.~~

Retain these records until the individual attains the age of 23, or 6 years from the date of receipt or production of the record, whichever is later.

Authorized Disposition:

Destroy securely.

● **NSLA staff recommendation:**

The appraisal meets all administrative and legal needs. The transfer is justified.

● **Agency review:**

Both the Aging and Disability Services Division and Public and Behavioral Health Division agree with this transfer and modification.

Justification to transfer RDA 2006026:

This program was transferred to the Aging and Disability Services Division effective 7/1/2013. The change in the retention statement is the standardized language for medical files subject to NRS 629.051 (7) that the State Records Committee has previously authorized.

Begin date: 6/6/2014

Appraisal date: 6/6/2014

Appraised by: RvS

NRS 629.051

7. A provider of health care shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years *or for any longer period provided by federal law.* (See note below)

Note: the federal Health Insurance Portability and Accountability Act (HIPAA) requires health care records to be retained for six (6) years (See 45 CFR 164.524 (e) and 45 CFR 164.530 (j)).

- **Agenda Item 6:**

For possible action: Discuss, review and act upon the records retention schedule for:

Department of Public Safety: Parole and Probation Division		Schedule 920100
RDA#	Title	Committee Action
2003008	Case Files	Modify this RDA

Records Officer: Melinda Ridgely, Jennifer Pongasi

- **Recommended modifications:**

- Title: Case Files

RDA#: 2003008

Description:

Last Reviewed on: 04/11/2012

These are working files on Parolees and Probationers. The files may contain, but are not limited to: applications for parole or probation; **pre-sentence reports**; sentence data sheets; disposition data sheets; discharge documentation; notes from parole officer; contact logs; progress reports; restitution agreements and schedules; probation violation agreements; related **correspondence documentation**.

Authorized Retention:

Retain these records until the notification of death or one hundred (100) calendar years from the birth date of the individual, whichever occurs first.

Authorized Disposition:

Destroy securely.

- **NSLA staff recommendation:**

Although NSLA staff has previously disagreed with P&P about the retention of pre-sentence reports, there is no opposition in placing it in the description of Parole and Probation Case Files.

- **Agency review:**

Placing pre-sentence reports within the Case Files is proper.

Justification for modifying RDA 2003008:

During the June 11, 2014 meeting, the State Records Committee agreed with the testimony of Melinda Ridgely, Parole & Probation Division, that there is no need to have a separate RDA for pre-sentence reports since they were integral parts of the case file. The Committee instructed staff to cooperate with the Parole and Probation Division and modify the description of RDA 2003008 "Case Files" to include pre-sentence reports.

The Committee also instructed staff to present this RDA to them at the next meeting for review.

Begin date: 6/11/2014

Appraisal date: 6/13/14

Appraised by: RvS

- **Agenda Item 7:**

For possible action: Discuss, review and act upon the records retention schedule for:

Department of Public Safety: State Board of Parole Commissioners		Schedule 930000
RDA#	Title	Committee Action
2004176	Parole Board Discharged Files	Modify this RDA

Records Officer: Chairman Connie Bisbee

- **Recommended modifications:**

- Title: Parole Board Discharged Files

RDA#: 2004176

Description:

Last Reviewed on: 09/08/2004

This records series documents the issuance or denials for parole in accordance with NRS Chapter 213. The files may contain, but are not limited to: ~~Certification of Board of Parole Commissioners Actions, Parole Success Likelihood Factor forms, Notification of Parole Hearings to Victims and Other Interested Parties, letters sent to advise victims and interested parties of the results of hearings, handwritten minutes by prison caseworkers of inmate's Parole hearing, letters & memos from the Division of Parole and Probation requesting changes in the parole order, Board correspondence, transcripts of Board of Pardons, Applications to the Pardons Board, Parole Violation certification and action sheets, Admonition and Advisement of rights, waiver of Board appearance, waiver of counsel, related correspondence and similar documentation.~~ **Certificate of Board of Parole Commissioners Action forms; Parole Board Hearing Checklist; Parole Success Likelihood Factors forms; Board of Parole Commissioners Orders; Panel Recommendations, and; related documentation.**

Authorized Retention:

Retain these records for a period of six (6) calendar years from the date of ~~parole or prison discharge~~ **Board Action.**

Authorized Disposition:

~~Permanent: Transfer these records to the State Archives.~~
Destroy securely.

- **NSLA staff recommendation:**

The change in the description is accurate with the records being sent to the State Archives at the present time.

The change in the event within the retention statement matches the actual Board function.

The change in the disposition is justified due to the lack of historical value in the information. The official record is found in the minutes of the meeting (Hearing Records).

- **Agency review:**

The Board has given no objections to NSLA recommendations.

Justification to modify RDA 2004176:

On 1/7/2014, Cynthia Laframboise, State Archives Manager, and Chris Driggs, Archivist, reappraised the historical value of these records. They concluded that the discharged files held little historical value. The Hearing files contain the historically significant information. The State Archives has also discovered that the description in the RDA does not match the records that are sent to the Archives as "Discharged Files."

During the May 14th State Records Committee tabled action on this RDA and requested that staff contact the Board and receive confirmation that they have reviewed this

recommendation and have no objection. Staff contacted Daria Foley, Executive Secretary to the Board. On May 28th, she responded. She had presented the recommended change to Chairman Bisbee who discussed it with their Deputy Attorney General. They agreed with staff that the records should not be sent to the State Archives.

It is recommended that the disposition be revised to dispose of these records in a secure manner.

During the June 11, 2014 State Records Committee meeting, the Committee decided to send this RDA back. Jeff Kintop, State Archivist, testified that the records that had been sent to the State Archives were not the same as this RDA has in the description. The Committee asked that this difference be resolved. The Board needs to confirm the description.

The Committee also determined that the Retention statement is confusing. The event of “parole or prison discharge” does not seem correct. Not all inmates receive parole or discharge, thus it would not be accurate to base the retention period upon such an event. However, basing it upon “Board action” would be better, since there is always some kind of Board action on every case brought before them.

Begin date: 1/7/2014

Appraisal date: 1/14/2014

Appraised by: RvS

Versions: 5/14/2014; 6/11/2014; 7/15/2014

- **Agenda Item 8:**

For possible action: Discuss and consider a motion to authorize NDOT staff to make technical changes to RDAs including General Schedule Items similar to the motion made on March 13, 2013.

Technical Changes Authorization

On March 13, 2013 the State Records Committee made the following motion:

Committee action on Agenda Item 2:	Details:
Motion:	Allow staff to make technical changes as necessary
The motion was made by:	Maud Naroll
The motion was seconded by:	Margie Kassebaum
The Committee vote to approve the motion:	Unanimous

- **NSLA staff recommendation:**

NDOT staff of their records management program should receive the same authority as NSLA staff since they do comparable work.

- **NDOT staff recommendation:**

NDOT Legal Counsel has asked that the March 13, 2013 motion to allow “staff” to make technical changes be clarified to specifically say that NDOT staff has that same authority as a protection against liability to NDOT.