

*The Committee to Approve Schedules for the
Retention and Disposition of Official State Records
The "State Records Committee"*
Minutes for January 8, 2014

Introductions and Roll Call:

Chairman Scott Anderson

The Chairman called the meeting to order at 1:23 PM. He asked everyone to introduce themselves.

Attendance Roll Committee Member	Present
Scott Anderson, Chairman, for Ross Miller, Secretary of State	X
Shane Chesney for Catherine Cortez-Masto, Attorney General	Excused
Daphne DeLeon, Nevada State Library and Archives (NSLA)	X
Maud Naroll for Jeff Mohlenkamp, Department of Administration	X
Jim Earl for Dave Gustafson, Enterprise Information Technology Services	X
Margie Kassebaum , Governor's Appointee	X
Staff	
Jeffrey Kintop, Assistant Administrator for Archives and Records, NSLA	No
Teri J. Mark, State Records Manager, NSLA	X
Cynthia Laframboise, State Archives Manager, NSLA	X
Robert H. van Straten, Senior Records Analyst, NSLA	X
Jerry Lindsay, Senior Records Analyst, NSLA	X
Maysha Watson, Administrative Assistant, NSLA	X
Sara Martel, Records Manager, NDOT	X
Guests	
Sarah Bradley, Attorney General's Office	X
Susie DeVere, DHHS	X
Andrew Rasor, NVDPS, Investigations	X
Steve von Rumpf, NVDPS, Investigations	X
Rebecca Palmer, SHPO	X

Peter Janson, DHHS	X
Karen M. McRae, GCB	X
Kayla Cunningham, GCB	X

New introductions were made.

- Maysha Watson is the new Admin Assistant for the Records Management Program who will be doing the Committee's minutes.
- Sarah Bradley, present for Shane Chesney, was introduced. The Chairman explained that she could participate in the meeting but not vote until the Committee received a note from the Attorney General.

PUBLIC COMMENT: There was no public comment.

AGENDA ACTION ITEMS:

Item Number 1:

Chairman Scott Anderson

Review, correct if necessary and approve the minutes for the October 16, 2013 meeting.

Committee action on Agenda Item 1:	Details:
Motion:	Approve as presented
The motion was made by:	Maud Naroll
The motion was seconded by:	Margie Kassebaum
The Committee vote to approve the motion:	Unanimous (Jim Earl absent for the vote)

Item Number 2:

Jim Earl

Discuss and possibly act upon the Enterprise Information Technology Service's RFP for a cloud based solution to state email and Microsoft Office applications.

Discussion:

This has not been released. A review committee has been formed and Daphne DeLeon is a member.

Item Number 3:

Robert van Straten

Department of Conservation and Natural Resources: State Historic Preservation Office		Schedule 220602
RDA#	Title	Committee Action
1995-143	Covenants	Modify this RDA

Records Officer: Rebecca Palmer and Martin Williams

Staff Presentation:

The retention statement needs to be amended because the covenant may last up to 50 years. Hence, the statement should be changed to retain these records until the covenant expires.

Discussion:

Rebecca Palmer was present. Discussion was had on why the recommended changes to the retention statement are needed.

Committee action on Agenda Item 3:	Details:
Motion:	Approve as presented
The motion was made by:	Maud Naroll

The motion was seconded by:	Margie Kassebaum
The Committee vote to approve the motion:	Unanimous (Jim Earl absent for the vote)

Item Number 4:

Robert van Straten

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

Records Officer: Karen McRae

Staff Presentation:

The retention period is being modified to preserve the record throughout the lifetime of the individual, allowing the GCB to have the information needed to make accurate decisions. The State Records Committee was informed of the GCB's needs during the October 16, 2013 meeting and agreed that this RDA should be brought before them for consideration of the long-term retention change.

Discussion:

There may need to be further discussion. Record information is needed for internal regulatory licensing purposes. Background checks only give criminal convictions; these records give much more information to make accurate licensing decisions.

This can be considered a reference file.

The retention period is now 80 years, and it will increase by only 20 years. The Gaming Control Board needs this information because of its sensitive and comprehensive nature, as well as for consistency.

- This item was tabled by the Chairman.

Item Number 5:

Daphne DeLeon

Discuss the General Records Retention and Disposition Schedule as it pertains to "official state records" and "non-records."

- This item will be rescheduled upon request by the Chairman.

Item Number 6:

Robert van Straten

General Records Retention and Disposition Schedule		Schedule 1	
RDA#	Title	Committee Action	Justification for action
1998108	Records Retention Schedule - Agency Specific	Delete this RDA	Nonrecord (NAC 239.705 (2))
1998111	Electronic Records: Cataloged List	Delete this RDA	Finding aid = nonrecord
1998112	Electronic Records: Database Statistics	Delete this RDA	Nonrecord (NAC 239.705 (2))
1998113	Electronic Records: Indexes and Finding Aids	Delete this RDA	Finding aid = nonrecord
1998114	Electronic Records: Master Files, Summaries	Delete this RDA	Part of RDA 1999110
1998115	Electronic Records: Security Backup Files	Delete this RDA	Copy of a record = nonrecord
1998116	Electronic Records: Special Purpose Programs	Delete this RDA	Part of RDA 1999110
1998117	Electronic Records: Test Files	Delete this RDA	Part of RDA

			1999110
1998118	Electronic Records: Transaction Files	Delete this RDA	Part of RDA 1999110
1998119	Electronic Records: Job Libraries	Delete this RDA	Part of RDA 1999110
1998120	Electronic Records: Master Files	Delete this RDA	Part of RDA 1999110
1998123	Electronic Records: Tape Library Management System Reports	Delete this RDA	Obsolete
1998128	Electronic Records: Program Post List	Delete this RDA	Part of RDA 1999110
1998129	Electronic Records: Software Maintenance Log	Delete this RDA	Part of RDA 1995120
1998130	Electronic Records: System Backups	Delete this RDA	Copy of a record = nonrecord
1998131	Electronic Records: Volatile Software Modifications	Delete this RDA	Part of RDA 1999110
1998144	Electronic Records: Administrative Databases	Delete this RDA	Nonrecord (NAC 239.705 (2))
1998145	Electronic Records: E-Mail Files	Delete this RDA	Nonrecord (NAC 239.705 (2))
1998146	Electronic Records: Electronic Spreadsheets	Delete this RDA	Nonrecord (NAC 239.705 (2))
1998147	Electronic Records: Working Files	Delete this RDA	Nonrecord (NAC 239.705 (2))
2002152	Newspaper Clipping File	Delete this RDA	Nonrecord (NAC 239.705 (2))
2002153	Subject Files: General	Delete this RDA	Nonrecord (NAC 239.705 (2))
2002154	Association Files	Delete this RDA	Nonrecord (NAC 239.705 (2))
2002155	Instructor's Training Files	Delete this RDA	Nonrecord (NAC 239.705 (2))
2002156	Convenience Copies	Delete this RDA	Nonrecord (NAC 239.705 (2))
2002157	Reference Files	Delete this RDA	Nonrecord (NAC 239.705 (2))
2004022	Budget Records: Drafts of Proposed Budgets	Delete this RDA	Drafts are Nonrecords (NAC 239.705 (2))
2005110	Legislative Session Files	Delete this RDA	Nonrecord (NAC 239.705 (2))
2008012	Audit Files: Performance Audit Workpapers	Delete this RDA	Workpapers are Nonrecords (NAC 239.705 (2))
2008024	Cost Allocation Files - Supervisors & Employees	Delete this RDA	Nonrecord (NAC 239.705 (2))

Records Officer: [Jeff Kintop](#)

Staff Presentation:

There are many obsolete record series within the electronic records listed on the

General Schedule. These old record series need to be removed from the schedule.

In the past, the Committee has placed non-records on the General Schedule so state agencies may be guided to dispose of them in a timely manner. Because of the legal situation currently happening, it is essential to remove them from the General Schedule to reduce liability to the state. Many of these non-records will appear on a “Guidance Schedule” that staff of the Records Management Program will produce. This guidance schedule will be placed on our website and given to state agencies through our training program but will appear without any statement that they have been approved by the Committee, thus reducing any negative liability.

Discussion:

- This item will be rescheduled upon request by the Chairman.

Item Number 7:

Robert van Straten

General Records Retention and Disposition Schedule		Schedule 1
RDA#	Title	Committee Action
2005112	Strategic Plan Files	Modify this RDA
2005125	Grant Files: Federal Grants - Administrative Records	Modify this RDA
2005126	Grant Files: Federal Grants - Financial Management Records	Modify this RDA
2002-006	Law Enforcement: Equipment Issued Files	Modify and transfer this RDA from AGN 770201

Records Officer: Jeff Kintop

Staff Presentation:

RDA 2005112: The retention period is being changed so the records will be retained until the strategic plan has been superseded by an updated/new plan.

RDA 2005125 and 2005126: The event date for federal grants is defined as begins on the submission of the expenditure report for the end of the funding period.

RDA 2002-006: This is an internal record kept separate from the lists found within the State Purchasing Division. It documents which employee or individual received the equipment. The Purchasing Division is concerned with what agency has what equipment; they are not interested in which individual has the equipment assigned to him/her. The allocation of equipment within the agency is a responsibility of the agency.

Discussion:

2002006 – Change disposition to “destroy securely.”

2005125, 2002126 – Should disposition statement be “destroy securely”? Because of sensitive information, it should remain “destroy securely.”

Committee action on Agenda Item 7:	Details:
Motion:	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

Item Number 8:

Robert van Straten

Governor’s Office: Office of Energy		Schedule 520101
RDA#	Title	Committee Action
2013-041	IECC Program Records	New RDA

Records Officer: Pete Konesky, Kristen Rhymes

Staff Presentation:

As part of the requirement to receive grant funds from the federal Department of Energy through the American Recovery and Reinvestment Act of 2009, the Energy Office signed an assurance to adopt and abide by the International Energy Conservation Code (section 410 of the Act: see also NRS 701.220). This requires the Energy Office to implement a plan to achieve a 90% compliance rate with local governments within an eight year period of time. This assurance was signed by the Governor on March 23, 2009. These records are needed to monitor and report on compliance.

Discussion:

Discussion was had on the need to keep these records for the eight-year period plus three years for federal audit purposes.

2013041 – Change disposition to “eleven (11) years from the date of the assurance.”

Committee action on Agenda Item 8:	Details:
Motion:	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

Item Number 9:

Robert van Straten

Department of Health & Human Services: Aging and Disability Services Division		Schedule 550101
RDA#	Title	Committee Action
2013-042	Medicaid Billings	New RDA

Records Officer: Diane Scully

Staff Presentation:

During the August 15, 2001 meeting, the State Records Committee voted to retain all Medicaid/Medicare records for a six year period (see details in the minutes of that meeting) to enable the Medicaid Fraud Control Unit (& others) to have the information they need to conduct investigations and show a history of fraud. These records fall under that requirement.

Discussion:

- This item was tabled at the request of the agency.

Item Number 10:

Robert van Straten

Department of Health & Human Services: Director's Office		Schedule 5506
RDA#	Title	Committee Action
2010008	IDEA Complaint and Due Process Files	Transfer this RDA from AGN 550101
2010006	IDEA Program Files	Ditto

Records Officer: Peter Janson, Angela Friedman

Staff Presentation:

The IDEA Program was transferred to the Director's Office because of AB 488 of the 2013 Legislative Session effective 7/1/2013.

Discussion:

Committee action on Agenda Item 10:	Details:
Motion:	Approve as presented
The motion was made by:	Maud Naroll
The motion was seconded by:	Margie Kassebaum
The Committee vote to approve the motion:	Unanimous (Jim Earl absent for the vote)

Item Number 11:

Robert van Straten

Department of Public Safety: Nevada Division of Investigations		Schedule 770301
RDA#	Title	Committee Action
1985-062	Polygraph Reports: Criminal and Sex Offender	Modify this RDA
1985-063	Polygraphs: Pre-employment / Administrative (Internal Affairs)	Modify this RDA
2009-043	Death Polygraph / Homicide Cases	Delete this RDA
2013-044	Polygraphs: Supporting Output (Criminal and Sex Offender)	New RDA

Records Officer: [Martin Roberto](#) and [Rebecca Bourne](#)

Staff Presentation:

RDA's 1985062 & 1985063 are being modified to clarify the description and increase the retention period to meet the needs of the agency.

RDA 2009043 is being deleted because it is part of RDA 1985062.

RDA 2013044 is being created to allow the disposition of some of the records that are not needed for as long as the polygraph reports.

Discussion:

Polygraph files are kept separate from the actual investigation file. The desire is to increase retention periods of items that are necessary. The polygraph may relate to another case or lead to another suspect in another case. Also, some suspects are not apprehended for many years, and the polygraph may be needed.

Furthermore, the appeals process may not end with the closing of a case. The Bradley case mandates that potential evidence, such as polygraphs, must be made available to the defense as well as the prosecution to protect the defendant.

1985062, 1985063 – Change the retention to “from the date of the polygraph.”

2009043 – Delete.

2013044 – Cancel.

Committee action on Agenda Item 11:	Details:
Motion:	1985062 – approve as amended 1985063 – approve as amended 2009043 – delete 2013044 – cancel
The motion was made by:	Maud Naroll
The motion was seconded by:	Margie Kassebaum
The Committee vote to approve the motion:	Unanimous

Item Number 12:

Sara Martel

Nevada Department of Transportation (NDOT) report.

Discussion:

NDOT will present RDAs at the meeting on February 12, 2014 and will need time during the meeting on June 11, 2014.

Item Number 13:

Chairman Scott Anderson

Discuss future agenda items.

- General Schedule deletions and modifications, Phase II
- Human Resource Management: Climate Studies and General Schedule: Internal Studies (related records).
- Department of Agriculture
 - Plant Industry Division
 - Consumer Equity Division
 - Food & Nutrition Division
 - Dairy Commission
 - Animal Industry Division
- CNR State Parks Division transfer of Internal Investigations to General Schedule
- GCB Audit Division
- Public Safety: Parole & Probation Division, Pre-sentence Reports

INFORMATION ITEMS

On January 30, 2014, there will be a regulatory meeting on changes to NAC 239 at the Carson City Gaming Control Board Hearing Room at 10:30 a.m.

PUBLIC COMMENT:

There was none.

Item Number 14:

Chairman Scott Anderson

Confirm the time and location of the next meeting. The next proposed meeting is scheduled for February 12, 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 3:17 PM.