

*The Committee to Approve Schedules for the
Retention and Disposition of Official State Records
The “State Records Committee”
Minutes for February 14, 2018*

1: Call to Order, Welcome, Roll Call

- The meeting was called to order at 1:15 pm. The meeting was held at the Nevada State Library and Archives Board Room, at 100 N. Stewart St, Carson City, NV.

Committee Members:

Kimberley Perondi, for Barbara K. Cegavske, Secretary of State - Present

Kathryn Etcheverria, Governors Appointee - Present

Sarah Bradley, for Adam Laxalt, Nevada Attorney General – Present (Via Teleconference)

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

Maureen Martinez, For Patrick Cates, Director of the Department of Administration – Present

Alisanne Maffei, for Shannon Rhaming, Administrator, Enterprise Information Technology Services – Excused

Staff:

Sara Martel, State Records Manager, NSLAPR – Present

Bobbie Church, Senior Records Analyst, NSLAPR – Present

Adan Aguilera, Administrative Assistant II, NSLAPR – Present

Tiffani Prentice, Department of Transportation – Absent

Guests Present:

Yeraldin Deavila, Business and Industry – Division of Insurance – Present

Jennafer Jenkins, Business and Industry, Labor Commissioner – Present

Shannon Chambers, Business and Industry, Labor Commissioner – Present

Ansara Martino, Governor’s Office of Workforce Innovation – Present via teleconference

Omar Akel, Business and Industry – Division of Insurance – Present via teleconference

Rajad Jain, Business and Industry – Division of Insurance – Present via teleconference

Erin Summers, Business and Industry – Division of Insurance – Present via teleconference

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 January 10, 2018

- The minutes were approved as presented. The motion was made by Kathryn Etcheverria and the second was by Jeff Kintop. The vote was unanimous.

4: Business and Industry, Insurance Division

A.	1994122	Companies Section: Domestic Insurance Companies	Modify
B.	1999121	Examination Work Papers (Non-Domestic Companies)	Modify
C.	1994107	Property, Casualty and Surety Filings	Modify
D.	2002018	Worker's Comp Securities Transfers	Modify
E.	1994123	Companies Section: Examiners Billings	Modify
F.	1994105	Life and Health Section Filings	Modify
G.	1994121	Companies Section: Annual Statements – Domestic Insurance Company	Modify
H.	1994091	Risk Retention Filings	Modify
I.	2017032	Licensing Records	New
J.	1994119	Companies Section: Annual Statements – Foreign	Delete
K.	1994108	Rate Service Organization Filings	Delete
L.	1994092	Surplus Lines Examination Work Papers	Delete
M.	1999122	Surplus Lines Affidavits and Amendments	Delete

A. Recommended Modification:

Title: Companies Section: Domestic Insurance Companies

RDA: 1994122

Description:

These records document all insurance companies *subject to regulation pursuant to NRS title 57 that are domiciled* licensed and doing business in Nevada. The records may include but are not limited to: corporate information (~~including: articles of incorporation, bylaws, etc.~~); application and associated documentation; corporate documentation ~~including stockholder information; copies of tax forms;~~ *examination reports and associated documents; acquisition or merger application and related documents; any* related correspondence and similar documents.

Authorized Retention:

Retain these records for a period of ~~twenty-five (25)~~ *ten (10)* calendar years from the date the company or its successor is no longer doing business in the State of Nevada.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for Modification RDA 1994122:

The National Association of Insurance Commissioners (NAIC) maintains the records and will maintain them for 10 years regardless if they are still in business or not. Changing this retention from 25 years to 10 years to align with the National Association of Insurance Commissioners (NAIC), which retains them for 10 years.

B. Recommended Modification:

Title: Examination Work Papers (~~Non-Domestic Companies~~)

RDA: 1999121

Description:

These records consist of work papers and notes created, *collected* and retained during the examination of a company *pursuant to NRS Chapters 679B.230 and 679B.240*.

Authorized Retention:

Retain these records for a period of eight (8) *six (6)* calendar years from the date the examination was completed.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for Modification RDA 1999121:

Examination work papers need to be kept for a period of five years because that is the maximum timeframe that an audit covers; in addition to other factors such as time delays. Six (6) years appropriately captured all necessary examination work papers. The eight year retention was requested by the agency in December of 1999 because of the need to place follow-up material into the file, which occurred up to three years beyond the close of the formal examination. There is no longer an administrative need for the eight (8) year retention.

C. Recommended Modification:

Title: Property, Casualty, and Surety *Rate Service Organization* Filings

RDA: 1994107

Description:

These records consist of filings from property *and casualty* insurance companies, *service contract providers, and rate service organizations*. The records may include but are not limited to; applications and associated documents (including endorsements, *forms*, rules, rate filings, riders, policy jackets etc.); *and* related correspondence; ~~similar documents~~.

Authorized Retention:

Retain these records for a period of three (3) calendar years following the most recent filing.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for Modification RDA 1994107:

Staff is recommending that RDA 1994108 "Rate Service Organization Filings" be deleted and combined with this RDA. So, staff wanted the Committee to be assured that the records listed in RDA 1994108 are still associated with a valid and active record series. We are removing the superfluous wording of "a period of" from the retention statement.

D. Recommended Modification:

Title: Worker's Comp Securities Transfers

RDA: 2002018

Description:

These records document the transfer of securities relating to Worker's Compensation accounts for businesses from the Insurance Division to the Treasurer's Office. The records may include but are not limited to: ~~copies of~~ security coupons, bonds, savings certificates, etc.; "Statutory Deposit" memorandum; Negotiable Items Transmittal Record; Request for Security Withdrawal/Workers Comp; related correspondence and; similar documents.

Authorized Retention:

Retain these records for a ~~period of~~ six (6) fiscal years from the fiscal year ~~to which they pertain in~~ *which they were transferred*.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for Modification RDA 2002018:

Changing “to which they pertain” to “in which they were transferred” in the retention statement makes a more defined and accurate trigger event.

E. Recommended Modification:

Title: Companies Section: Examiners Billings

RDA: 1994123

Description:

These records consist of ~~copies~~ of invoices and associated documents for services rendered by examiners at the company.

Authorized Retention:

Retain these records for a ~~period~~ of three (3) fiscal years from the *end* of the fiscal year ~~to which the records pertain~~ *in which the invoice was paid*.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division’s Records Officer.

Justification for Modification of RDA 1994123:

Changing “to which they pertain” to “in which the invoice was paid” in the retention statement makes a more defined and accurate trigger event.

F. Recommended Modification:

Title: Life and Health Section Filings

RDA: 1994105

Description:

These records consist of filings of licensed entities doing business in Nevada pursuant to NRS Chapters 680A, *695A, 695B, 695C*, 695D, 695F, and 695G. The records may include but are not limited to: filing documentation, including; cover letter, ~~etc.~~ and; related correspondence.

Authorized Retention:

Retain these records for a ~~period of six~~ (6) calendar years from the *end* of the calendar year ~~to which the records pertain~~ *in which the filing occurred*.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division’s Records Officer.

Justification for Modification of RDA 1994105:

Changing “to which they pertain” to “in which the filing occurred” in the retention statement makes a more defined and accurate trigger event. The description was modified to reflect additional NRS Chapters included in this record series.

G. Recommended Modification:

Title: Companies Section: Annual ~~Statements~~ *Filings* – Domestic Insurance Company

RDA: 1994121

Description:

These records consist of annual financial statements, and associated documents, *other related required filings and correspondence* filed by *a* domestic insurance companies as required by NRS 680A.270, *which is subject to regulation pursuant to NRS title 57.*

Authorized Retention:

Retain these records for a period of five (5) *ten (10)* calendar years from the calendar year to which they pertain *date the statement is received.*

Recommended Disposition:

Destroy *Securely*

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division’s Records Officer.

Justification for Modification of RDA 1994121:

The National Association of Insurance Commissioners (NAIC) maintains the records and will maintain them for 10 years regardless if they are still in business or not. Changing this retention from 5 years to 10 years to align this with the National Association of Insurance Commissioners (NAIC), which retains them for 10 years. This series contains confidential information and must be destroyed securely. Certain annual filings that are captured under this section can be classified as confidential pursuant to Assembly Bill 83 (Section 19) (2017 Legislative Session) such as Risk-Based Capital Report (NAC 681A) and compensation schedules (AB 83 Section 19).

H. Recommended Modification:

Title: Risk Retention Filings

RDA: 1994091

Description:

These records consist of documentation required by statute for risk retention groups. The records may include but are not limited to: registration documentation (including purchasing group rate, form filings, annual statements, audited financial statements, etc.), related correspondence and, similar documents.

Authorized Retention:

Retain for a ~~period of three (3) calendar years~~ from the date a risk retention group is no longer in business in the State of Nevada, or ~~three (3) calendar years~~ from the date it was superseded by a new risk retention plan, whichever occurs first.

Recommended Disposition:

Destroy *Securely*

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for Modification RDA: 1994091

This series contains confidential information and must be destroyed securely pursuant to NRS 679B.122 and NRS 679B.190. We are removing the superfluous wording from the retention statement.

I. Recommended New RDA:

Title: *Licensing Records*

RDA: *2017032*

Description:

This record series documents the licensing of individuals and business entities by the Insurance Division in accordance with applicable licensing provisions in the Insurance Code, NRS title 57 Records may include but are not limited to application form, fingerprint cards, background investigation reports, verification records, related correspondence and similar documents.

Authorized Retention:

Retain for four (4) calendar years from the end of the calendar year in which the license expired, was suspended, or revoked, or otherwise terminated.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for New RDA 2017032:

The Insurance Division requested this record series be added to its agency specific schedule because the thirty (30) calendar year retention period found in the State General Schedule (RDA# 2006059

Licensing; Professional and Occupational Licensing) exceeds the Division's agency business needs. Licenses issued by the Insurance Division are valid for up to three (3) years. The recommended four year retention period allows the Division to retain the current license period plus records from the preceding licensing period. The disciplinary records are maintained per Business and Industry, Insurance Division, Legal & Enforcement Section (RDA# 2010001 Disciplinary Actions) retention schedule in which we have recommended a thirty (30) year retention period.

J. Recommended Deletion:

Title: ~~Companies Section; Annual Statements Foreign~~

RDA: 1994119

Description:

~~These records consist of annual financial statements and associated documents filed by all out-of-state insurance companies as required by NRS 680A.270.~~

Authorized Retention:

~~Retain these records for a period of three (3) calendar years from the date the statement is received.~~

Recommended Disposition:

~~Destroy~~

NSLAPR staff recommendation:

Delete this RDA

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for Deletion of RDA 1994119:

The Insurance Division no longer receives these records. To maintain compliance with NRS, the Division researches the statements online. All records previously received by the Division have been destroyed per retention.

K. Recommended Deletion:

Title: ~~Rate Service Organization Filings~~

RDA: 1994108

Description:

~~These records consist of forms, rules and rates as filed by rate service organizations (non-insurance companies) on behalf of member insurance companies.~~

Authorized Retention:

~~Retain these records for a period of three (3) calendar years from the date of any change in a previous filing.~~

Recommended Disposition:

~~Destroy~~

NSLAPR staff recommendation:

Delete this RDA

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for Deletion of RDA 1994108:

During a review of the Insurance Division's retention schedule, it was determined that these records are similar in nature, retention and disposition to the records included in RDA 1994107 "Property, Casualty and Surety Filings". The title and description for RDA 1994107 were modified to reflect the records from this record series.

L. Recommended Deletion:

Title: ~~Surplus Lines Examination Work Papers~~

RDA: 1994092

Description:

~~These records consist of work papers used for the examination of a company involved with surplus lines of insurance in the State of Nevada.~~

Authorized Retention:

~~Retain these records for a period of five (5) calendar years from the date of completion of the examination.~~

Recommended Disposition:

~~Destroy Securely~~

NSLAPR staff recommendation:

Delete this RDA

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for Deletion of RDA 1994092:

The Insurance Division no longer receives or maintains these records. All records previously received by the Division have been destroyed per retention.

M. Recommended Deletion:

Title: ~~Surplus Lines Affidavits and Amendments~~

RDA: 1999122

Description:

~~These records document and administer affidavits executed by surplus lines companies including amendments and associated documents (See NRS 616.545).~~

Authorized Retention:

~~Retain these records for a period of five (5) calendar years from the calendar year to which they pertain.~~

Recommended Disposition:

Destroy

NSLAPR staff recommendation:

Delete this RDA

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division’s Records Officer.

Justification for Deletion of RDA 1999122:

The Insurance Division no longer receives or maintains these records. All records previously maintained by the Division have been destroyed per retention.

Discussion and Vote:

This item was approved as presented except for part I which was tabled for a future meeting. The Committee does not want to approve any retention schedules regarding licensing until a decision has been made on the retention for RDA 2006059 “Professional and Occupational Licensing” on the General Schedule. The motion was made by Kathryn Etcheverria and the second was by Maureen Martinez. The vote was unanimous.

5: Business and Industry, Insurance Division, Legal & Enforcement Section

- A. 1994096 Claims and Legal Records of Defunct Insurance Companies Modify
- B. 2010001 Disciplinary Actions Database Modify
- C. 2017042 Final Administrative Actions New

A. Recommended Modification:

Title: Claims and Legal Records of Defunct Insurance Companies

RDA: 1994096

Description:

This record series contains claims related documents and files acquired from insurance companies when they go out of business. These may include but are not limited to: ~~copies of~~ financial records, client files, correspondence files, claims files, investigation files, creditor’s files, and; similar ***or related*** documentation.

Authorized Retention:

Retain these records for a period of three (3) calendar years from the date a company goes out of business ***or receivership is closed by the court, whichever is longer.***

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for Modification RDA 1994096:

The verbiage in the retention statement is being updated to align with changes made in Assembly Bill 83 (2017 Legislative Session) relative to companies that go into receivership. Receivership cases in Nevada courts often extend beyond the three calendar year retention.

B. Recommended Modification:

Title: Disciplinary Actions Database

RDA: 2010001

Description:

These ~~electronic~~ records document the disciplinary actions taken against ~~license and non-license holders~~ *individuals and companies found to have violated the Insurance Code* (See NRS Chapters 679A.190, 679B.120, 679B.185, *and other provisions of NRS title 57* etc.). The records may include, but are not limited to: identifying information of licensees *and individuals, investigation reports and documentation, administrative hearing documentation, decrees, including cease-and-desist orders, revocations of non-resident producer licenses, consents to fine, reports to the district attorney or attorney general, court documents, related correspondence*, information about disciplinary actions; and; related ~~data~~ *documentation*.

Authorized Retention:

Retain these records for a period of six ~~(6)~~ *thirty (30)* calendar years from the *closing* date of *the* last *action* entry.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for Modification RDA 2010001:

As written, this records series addresses the electronic database. These records document the official record for disciplinary actions taken by the Commissioner. Because the Division frequently has repeat offenders, it is necessary to retain these records for the approximate "career life" of a person. Moreover, past disciplinary actions are required by statute to be considered with a license application or for future disciplinary action when acts are determined to be a licensee's trade practice. Additionally, the retention period aligns with RDA 2006059 "Licensing: Professional and Occupational Licensing" on the General Schedule which also contains disciplinary actions.

C. Recommended New RDA:

Title: *Final Administrative Actions*

RDA: *2017042*

Description:

This record series contain final actions taken by the Commissioner against individuals and companies as required by the Insurance Code (See NRS title 57). The records may include, but are not limited to: consent orders and examination orders, rejections against pre-licensing courses and instructors, license denial letters, and any other official action of the Commissioner that does not constitute disciplinary action.

Authorized Retention:

Retain these records for thirty (30) calendar years from the closing date of the last action.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Business and Industry, Insurance Division's Records Officer.

Justification for New RDA 2017042:

This record series documents the official record for actions taken by the Commissioner for reasons other than discipline or penalty. It is necessary to retain these records for the approximate "career life" of a person because denied applicants, courses, and course instructors often reapply and fail to disclose their prior denial, and companies resort to past practices that were addressed in prior examination orders. Moreover, prior administrative actions are required by statute to be considered with a license application or for future disciplinary action when acts are determined to be a licensee's trade practice. This series contains confidential information and must be destroyed securely.

Discussion and Vote:

This item was tabled at the request of the Division of Insurance due to their representative being unable to attend the meeting. The motion was made by Maureen Martinez and the second was by Kathryn Etcheverria. The vote was unanimous.

6: Department of Business and Industry, Office of the Labor Commissioner

A.	2004264	Administrative Hearings Files	Modify
B.	1992445	Escheated Files	Modify
C.	2000026	Prevailing Wage Survey	Modify
D.	2005012	Private Employment Agency Files	Modify
E.	1992457	Producer/Promoter Permits	Modify
F.	1992454	Rejected or Canceled Private Employment Agencies Files	Modify
G.	2004263	Wage Claim Files	Modify
H.	2017035	General Complaints	New
I.	2017036	Public Works Projects Administrative Hearings and Litigation Files	New
J.	2004265	Finalized Public Works Files	Delete – Duplicate
K.	1992448	Project Audits	Delete – Duplicate

L.	1992441	Apprenticeship Actions	Transfer
M.	1992442	Apprenticeship Appeals Files	Transfer
N.	2005013	Apprenticeship Files	Transfer
O.	1992439	Completed Apprentice Files	Transfer

A. Recommended Modification:

Title: *Wage Claim and General Complaints* Administrative Hearings *and Litigation* Files
RDA: 2004264

Description:

This record series ~~is used to document~~ *consists of* Administrative Hearings, settlement agreements, other resolutions and decisions of the Labor commissioner in accordance with NRS Chapter 607 and NAC Chapter 607 (and other laws and regulations). The files may contain: Notice of Hearing, Notice of Continuance, certification of mailing, Written Notice of Entry of Order, Written Notice of Entry of Decision, transcripts of hearings, Objections, Motions, settlement agreement, Stipulations, Orders, ~~copies of~~ subpoenas, related correspondence and similar documentation.

Authorized Retention:

Retain these records for a period of six (6) calendar years ~~from the date of decision or final action in the case.~~ *Retain for sixty (60) days two (2) years from the date of the last decision that was assigned by the Office of the Labor Commissioner or the Court of Jurisdiction.*

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for Modification of RDA 2004264:

Litigation is considered to be final if an appeal is not filed timely (typically 15-30 days). Since no further action can be taken after the final decision, the Labor Commission does not have an administrative need to maintain these records for any period of time before disposition.

B. Recommended Modification:

Title: *Collections* ~~Escheated~~ Files

RDA: 1992445

Description:

This record series consists of the *files where wages and/or any amounts due as a result of a Wage Claim/Complaint, Investigation, Hearing, Final Decision, Audit Finding, Settlement Agreement, and any other final resolution through the Office of the Labor Commissioner have not been paid.* ~~escheated files for individuals who are entitled to money from a wage claim dispute or through audit findings~~ The file may contain: award letter, rates used, charges against the

contractor (if applicable), correspondence, receipts, Weekly Wage and Hour Report of Public Work Contractors, Public Agency Awarding Contract, certified payroll report, weekly time card, ~~copies of~~ paycheck stubs, return mail, telephone messages, wage claims files and other related documents.

Authorized Retention:

Retain for a period of ~~three (3)~~ **two (2)** calendar years from the ***end of the calendar year in which the final resolution occurred.*** ~~time the money and the information is transferred to the Unclaimed Property Division.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, legal, and fiscal needs.

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for Modification of RDA 1992445:

The description is being changed to match the current process of the Office of the Labor Commissioner. Per NRS 607.170(3),”At the end of each calendar year, any unclaimed money in the commercial account which has been a part of the account for 1 year or more is presumed abandoned under Chapter 120A of NRS.” To be sure that a full calendar year is completed before the records are destroyed, we are recommending a two year retention period.

C. Recommended Modification:

Title: Prevailing Wage Survey

RDA: 2000026

Description:

This record series consists of the prevailing wage survey sent to all contractors in the State of Nevada each year. The compilation of statistical information is done in accordance with NRS 338.020. The survey is conducted by county. The survey is used to determine the prevailing wage for the ~~ensuing~~ **next** year beginning each October 1. It includes project name and type, project location, work dates, zone pay per hour, employee classification, number of hours worked, hourly base rate, total hourly fringes, union status, business name, address, telephone and FAX numbers and certification.

Authorized Retention:

~~Retain the paper copy of the survey form until verification of data entry. Retain the statistical information in the computer database for a period of three (3) one (1) calendar years from the end of the ***calendar year in which the survey was created.*** to which it pertains. Within thirty (30) days of the completion of the prevailing wage report, a copy must be sent to the State Archives. The computer database must have a security back up in accordance with NRS 239.051.~~

Recommended Disposition:

Permanent: Transfer to State Archives

NSLAPR staff recommendation:

The retention period meets administrative, legal, and archival needs.

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for Modification of RDA 2000026:

The description is being changed to match the current process of the Office of the Labor Commissioner. The Office of the Labor Commissioner does not have an Administrative need to retain the surveys for three (3) years before sending them to State Archives. The State Archives Manager supports the change.

D. Recommended Modification:

Title: Private Employment Agency Files

RDA: 2005012

Description:

This record series is used to document the application and licensing of Private Employment Agencies (PEA) in accordance with NRS Chapter 611 *and NAC Chapter 611. Records may include but are not limited to application and renewal form, fingerprint cards, background investigation reports, verification records, and;* ~~The file may contain: application and renewals, agency name, address, telephone number, type of employment, information about the applicant, investigative report, copy of license, copy of finger print cards, copies of checks, job orders, newspaper ads, job application affidavits, assignments, surety bond documentation, related correspondence and similar documentation. These files may also contain copies of any disciplinary actions (including complaints, investigation reports, staff recommendations, determinations, etc.) and/or other hearings held by the Labor Commission.~~

Authorized Retention:

Retain ~~these records for a period of three (3)~~ *two (2)* calendar years from the date of expiration, revocation, ~~or~~ suspension, *or cancellation* of the license.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for Modification of RDA 2005012:

Per NAC 607.105: "Except as otherwise provided by specific statute, the Commissioner will not accept any claim or complaint based on an act or omission that occurred more than 24 months before the date on which the claim or complaint is filed with the Commissioner." The current

retention of 3 calendar years is based on NRS 11.190(3) (d) for Statutes of Limitation for fraud or mistake.

E. Recommended Modification:

Title: Producer/Promoter Permits

RDA: 1992457

Description:

This ~~These~~ record series consists of Producer/Promoter permits pursuant to NRS 608.300 by anyone who intends to put on production in Nevada. Production means a stage or screen production or a radio or television program using actors, musicians, dancers or any other actors and including the technical personnel used to create and produce it. The file may contain the application for the permit, ~~copy of the permit,~~ letter of agreement, list of officers, notice of cancellation, surety bond, return receipt mail, and any other relevant information.

Authorized Retention:

Retain for a period of ~~three (3)~~ **two (2)** calendar years from the date of the promotion.

Recommended Disposition:

Destroy *Securely*

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for Modification of RDA 1992457:

Per NAC 607.105: "Except as otherwise provided by specific statute, the Commissioner will not accept any claim or complaint based on an act or omission that occurred more than 24 months before the date on which the claim or complaint is filed with the Commissioner." Adjusting the retention from 3 years to two years aligns with the retention for their other record series. These records may contain confidential information so the disposition should be secure destruction.

F. Recommended Modification:

Title: *Denied, Revoked, Suspended,* ~~Rejected~~ or Canceled Private Employment Agencies Files

RDA: 1992454

Description:

This record series consists of the license files for Private Employment Agencies (PEA) in the State of Nevada that ~~for some reason~~ have either been ~~rejected~~ denied, revoked, suspended or canceled by the *Office of the Labor* Commission pursuant to NRS Chapter 611 and NAC Chapter 611 ~~or canceled~~. The file may contain all the relevant *documents and* information *for the* ~~that~~ a license file has, and the ~~reason~~ *basis* for ~~rejection, or~~ *denial, revocation, suspension and* cancellation.

Authorized Retention:

Retain for a period of three (3) *two (2)* calendar years from the date of ~~rejection~~ *denial, revocation, suspension* or cancellation.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for Modification of RDA 1992454:

The description is being changed to match the current process of the Office of the Labor Commissioner. Per NRS 611.160(1):” Every licensee shall keep, for 2 years, a record of every applicant for employment who secures employment through the services provided by the licensee.”

G. Recommended Modification:

Title: Wage Claim Files

RDA: 2004263

Description:

This record series is used to document wage claims against employers in accordance with NRS Chapters 607 *and 608* and NAC Chapters 607 *and 608*. The files may contain: ~~Claim for Wages~~ *Wage Claim* (this form includes name, address, telephone number of both claimant and employer), ~~copy of~~ check stubs and other supportive documentation, formal notice to the employer from the *Office of the Labor* Commissioner, employer’s response, related correspondence and *any other documentation related to the case.* ~~similar documentation.~~

Authorized Retention:

Retain ~~these records~~ for a period of three (3) *two (2)* calendar years from final outcome *or disposition* of the case.

Recommended Disposition:

Destroy *Securely*

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for Modification of RDA 2004263:

The description is being changed to match the current process of the Office of the Labor Commissioner. Per NRS 611.160(1):” Every licensee shall keep, for 2 years, a record of every

applicant for employment who secures employment through the services provided by the licensee.”, and per NAC 607.105:”Except as otherwise provided by specific statute, the Commissioner will not accept any claim or complaint based on an act or omission that occurred more than 24 months before the date on which the claim or complaint is filed with the Commissioner.” The current retention of 3 calendar years is based on NRS 11.190(3) (d) for Statutes of Limitation for fraud or mistake.

H. Recommended New RDA:

Title: *General Complaints*

RDA: 2017035

Description:

General Complaints are complaints filed with the Office of the Labor Commissioner that allege potential violations, including, but not limited to: violations of NRS Chapters 607, 608, and 613, and NAC Chapters 607, 608 and 613. This record series consists of the files where a warning, wages and/or any amounts due as a result of a General Complaint, Investigation, Hearing, Final Decision, Audit Findings, Settlement Agreement, and any other final resolution through the Office of the Labor Commissioner have been found. The file may contain: General Complaint, Warning Letter, Determination, Final Order, Final Decision, Settlement Agreement, Award Letter, payroll reports, weekly time cards, timesheets, paycheck stubs, returned mail, and any other related documents and information related to the case.

Authorized Retention:

Retain for two (2) calendar years from date of the final payment.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for New RDA 2017035:

A record series does not currently exist for these records. Per NAC 607.105: ”Except as otherwise provided by specific statute, the Commissioner will not accept any claim or complaint based on an act or omission that occurred more than 24 months before the date on which the claim or complaint is filed with the Commissioner.”

I. Recommended New RDA:

Title: *Public Works Projects Administrative Hearings and Litigation Files*

RDA: 2017036

Description:

This record series consists of administrative hearings (NRS Chapter 607 and NAC Chapter 607) and litigation files relating to Public Works Projects being conducted throughout the State of Nevada. The file may contain: Letter of Transmittal from the Labor Commission, awarding letter, issuing number, sub-contractors list, payroll logs, non-performance payroll sheet, weekly wage and hour report of public works contactors, prevailing wage jobs, correspondence and other relevant information relating to Public Works Projects as set forth in NRS Chapter 338 and NAC Chapter 338.

Authorized Retention:

Retain for sixty (60) days from the date of the last decision of the Office of the Labor Commissioner or the Court of Jurisdiction.

Recommended Disposition:

Permanent: Transfer to State Archives

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for New RDA 2017036:

A record series does not currently exist for these records. Per NAC 607.105: "Except as otherwise provided by specific statute, the Commissioner will not accept any claim or complaint based on an act or omission that occurred more than 24 months before the date on which the claim or complaint is filed with the Commissioner." Since no further action can be taken after the final decision, the Labor Commission does not have an administrative need to maintain these records for any period of time before transferring to State Archives. Also per NRS 338.013, each public body which awards a contract for public works must inform the Labor Commissioner within ten days of the award. The State Archives Manager has assessed that these records have archival value.

J. Recommended Deletion:

Title: ~~Final Public Works Files~~

RDA: 2004265

Description:

~~This record series consists of Public Works Projects that have been concluded or completed throughout the State of Nevada. The awarding body contacts the Labor commission either with a letter or a completion notice to inform them that the job is finished. This is the 2nd stage of the process, the 1st being the award of the project and the 3rd being the closing process. The file may contain: Letter of Transmittal from the Labor Commission, awarding letter, issuing number, sub contractors list, payroll logs, non-performance payroll sheet, weekly wage and hour report of public works contractors, prevailing wage jobs, correspondence, any difference between the prevailing wage rate and what was actually paid to the contractors, and other relevant information.~~

Authorized Retention:

Retain this record series for a period of three (3) calendar years from the end of the calendar year to which it pertains.

Recommended Disposition:

~~Destroy Securely~~

NSLAPR staff recommendation:

Delete this RDA

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for Deletion of RDA 2004265:

This is a duplicate record series for the Public Works Files. See RDA 1992458 “Active Public Works Projects Files”. The retention for RDA 1992458 is “Retain this record series until the project is finalized and/or closed”. The 3 calendar year retention period was based on the administrative need of the Office of the Labor Commission.

Provided for reference only. No action can be taken

RDA: 1992458

Active Public Works Files

This record series consists of Public Works Projects being conducted throughout the State of Nevada. In accordance with NRS 338.013 each public body which awards a contract for public work must inform the Labor Commissioner within ten days after the award. The file may contain: Letter of Transmittal from the Labor Commission, awarding letter, issuing number, sub-contractors list, payroll logs, non-performance payroll sheet, weekly wage and hour report of public works contractors, prevailing wage jobs, correspondence and other relevant information.

Retention: Retain this record series until the project is finalized and/or closed.

Disposition: Destroy Securely

K. Recommended Deletion:

Title: ~~Project Audits~~

RDA: 1992448

Description:

~~This record series consists of on-site audits of public works projects dealing with overtime wage disputes, minimum wage requirements or other relevant concerns. The files may contain: copies of litigation, union correspondence, hearings, correspondence and any other relevant information.~~

Authorized Retention:

Retain for a period of three (3) fiscal years from the fiscal year to which they pertain.

Recommended Disposition:

~~Destroy Securely~~

NSLAPR staff recommendation:

Delete this RDA

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer.

Justification for Deletion of RDA 1992448:

This record series is a part of the public works files. See RDA 1992458 “Active Public Works Projects Files”. The retention for RDA 1992458 is “Retain this record series until the project is finalized and/or closed”. The Commission has determined that these records need to be kept for the duration of the project.

Provided for reference only: No action can be taken

RDA: 1992458

Active Public Works Files

This record series consists of Public Works Projects being conducted throughout the State of Nevada. In accordance with NRS 338.013 each public body which awards a contract for public work must inform the Labor Commissioner within ten days of the award. The file may contain: Letter of Transmittal from the Labor Commission, awarding letter, issuing number, sub-contractors list, payroll logs, non-performance payroll sheet, weekly wage and hour report of public works contractors, prevailing wage jobs, correspondence and other relevant information.

Retention: Retain this record series until the project is finalized and/or closed.

Disposition: Destroy Securely

L. Recommended Modification and Transfer:

Title: Apprenticeship Actions

RDA: 1992441

Description:

This record series consists of the apprenticeship action files. The file may contain: Request for Completion from a program, Request for Cancellation from a program, correspondence and the end of the month reports.

Authorized Retention:

Retain this record series for a period of three (3) calendar years from the calendar year *in which the apprenticeship was completed or canceled.* ~~to which it pertains.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

Transfer this RDA

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer and the Governor’s Office of Workforce Innovation.

Justification for Modification and Transfer of RDA 1992441:

Senate Bill 516 from the 2017 Legislature session, transferred the functions of the Apprenticeship program from the Office of the Labor Commissioner to the Governor’s Office of Workforce Innovation. The Records Officer for the Governor’s Office of Workforce Innovation has been notified and is supportive of the transfer. Changing “to which they pertain” to “in which the apprenticeship was completed or canceled” in the retention statement makes a more defined and accurate trigger event.

M. Recommended Modification and Transfer

Title: Apprenticeship Appeals Files

RDA: 1992442

Description:

This record series consists of the appeals files from individuals involved in the apprenticeship program who feel they have been wrongly terminated or have a grievance to be resolved. The files may contain *but are not limited to:* ~~correspondence, letter of intent to appeal, copy of apprenticeship agreement, forms, copies of school attendance schedule, complaint union representative questionnaire, telephone messages, return receipt mail, notes, copies of rules, regulations, and procedures, cancellation of notice, minutes of the meeting the appeal was heard at, apprenticeship monthly work record, charges of discrimination (if applicable), general intake form, copies of court documents, discharge/self-termination form, retaliation form, appeal form, and any other relevant information,~~ *related correspondence and similar documentation.*

Authorized Retention:

Retain for a ~~period of~~ three (3) calendar years after the final outcome of decision of the appeal.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

Transfer this RDA

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer and the Governor’s Office of Workforce Innovation.

Justification for Modification and Transfer of RDA 1992442:

Senate Bill 516 from the 2017 Legislature session, transferred the functions of the Apprenticeship program from the Office of the Labor Commissioner to the Governor’s Office of Workforce Innovation. The Records Officer for the Governor’s Office of Workforce Innovation has been notified and is supportive of the transfer.

N. Recommended Modification and Transfer:

Title: Apprenticeship Files

RDA: 2005013

Description:

This record series is used to document the apprenticeship programs in accordance with NRS Chapter 610 and NAC Chapter 610. The files may contain *but are not limited to:* ~~copy of the Apprenticeship Agreement (which may contain name of applicants and personal identifying information including: social security number, date of birth, veteran status, ethnic derivation, sex, and signature of apprentice), program sponsor information, copies of complaints, Apprenticeship council investigations and & hearings, terms and conditions, related correspondence and similar documentation.~~

Authorized Retention:

Retain this record series for a ~~period of five (5) calendar years from the end of the calendar year~~ *in which the agreement expired.* ~~to which it pertains.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

Transfer this RDA

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer and the Governor's Office of Workforce Innovation.

Justification for Modification and Transfer of RDA 2005013:

Senate Bill 516 from the 2017 Legislature session, transferred the functions of the Apprentice program from the Office of the Labor Commissioner to the Governor's Office of Workforce Innovation. The Records Officer for the Governor's Office of Workforce Innovation has been notified and is supportive of the modification and transfer.

Changing "to which they pertain" to "in which the agreement expired" in the retention statement makes a more defined and accurate trigger event.

O. Recommended Modification and Transfer:

Title: Completed Apprenticeship Files

RDA: 1992439

Description:

This record series consists of the completed apprentice files in the State of Nevada. The file consists of the apprenticeship agreement, form (O)-5240. ~~The form includes such information as: name, social security number, date of birth, veteran status, ethnic derivation, credit for previous experience (hours, months, years), sex, type of apprenticeship program, signatures of apprentice, program sponsor and Apprenticeship Council, terms and conditions, and other relevant information.~~ *related correspondence and similar documentation.*

Authorized Retention:

Retain this record series for a period of three (3) calendar years from the calendar year *in which the apprenticeship was completed.* ~~to which it pertains.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

Transfer this RDA

Agency review:

The appraisal is supported by the Department of Business and Industry, Office of the Labor Commissioner Records Officer and the Governor’s Office of Workforce Innovation.

Justification for Modification and Transfer of RDA 1992439:

Senate Bill 516 from the 2017 Legislature session, transferred the functions of the Apprentice program from the Office of the Labor Commissioner to the Governor’s Office of Workforce Innovation. The Records Officer for the Governor’s Office of Workforce Innovation has been notified and is supportive of the modification and transfer. Changing “to which they pertain” to “in which the apprenticeship was completed” in the retention statement makes a more defined and accurate trigger event.

Discussion and Vote:

This item was approved as amended. In an effort to lessen confusion, the Committee thought it would be best to match the retention period for item 6A RDA 2004264 “Wage Claim and General Complaints Administrative Hearings and Litigation Files” with that of item 6G RDA 2004263 “Wage Claim Files”, due to both retention schedules containing wage claims and other overlapping information. The motion was made by Maureen Martinez and the second was by Kathryn Etcheverria. The vote was unanimous.

7: Veteran’s Services: Office

- | | | | |
|----|---------|-------------------------|--------|
| A. | 1993176 | Cemetery Land Documents | Modify |
| B. | 1993177 | Individual Ward Files | Delete |

A. Recommended Modification:

Title: Cemetery Land Documents

RDA: 1993176

Description:

This record series contains documents pertaining to the Northern and Southern Nevada Veterans’ Cemeteries (NRS 417.200, 1991). The file may include: architectural drawings, plans, blueprints, specification, review sets; contractor’s guidelines and conditions; and similar material.

Authorized Retention:

Retain until no longer administratively useful. *Retain for one (1) calendar year from the date the record was superseded.*

Recommended Disposition:

Permanent: Transfer to State Archives

NSLAPR staff recommendation:

The retention period meets administrative, legal, and archival needs.

Agency review:

The appraisal is supported by the Office of Veteran's Services Records Officer.

Justification for Modification of RDA 1993176:

The Office of Veteran's Services only has administrative value for the most recent version of the land documents. If audited, the most recent records are reviewed, and if more are required, they can be accessed from the State Archives.

B. Recommended Deletion:

Title: ~~Individual Ward Files~~

RDA: 1993177

Description:

~~This record series contains case files maintained by the agency as the guardian of estates of certain persons pursuant to NRS 417.110, 1991 and NRS Chapter 160. The file may contain: (1) court order appointing guardian; (2) copy of Form DD-214; (3) medical records; (4) fiscal statements; (5) criminal history; (6) copies of vital records (marriage, divorce, etc.); (7) related correspondence; (8) and similar information.~~

Authorized Retention:

~~Retain for a period of three (3) calendar years after the date of closure.~~

Recommended Disposition:

~~Destroy Securely~~

NSLAPR staff recommendation:

Delete this RDA.

Agency review:

The appraisal is supported by the Office of Veteran's Services Records Officer.

Justification for Deletion of RDA 1993177:

NRS 417.110 which stated that the Executive Director may act as guardian of the estate was repealed July 1, 2011. Per Veteran's Services Records Officer all previously held records have been destroyed.

Discussion and Vote:

This item was approved as presented. The motion was made by Kathryn Etcheverria and the second was by Maureen Martinez. The vote was unanimous.

8: General Records Retention Schedule

A.	2006059	Licensing: Professional and Occupational Licensing	Discuss/ Modify
B.	2017037	Payment Card Industry (PCI)-Cardholder Data	New
C.	2017038	Payment Card Industry (PCI)-Audit Logs	New

A. For Committee Discussion and Possible Modification:

Title: Licensing: Professional and Occupational Licensing

RDA: 2006059

Description:

These records document the 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 documents, formal actions on complaints, the order initiating discipline and other information considered by the board in dispensing discipline and, related documentation.

Authorized Retention:

Retain these records for a ~~period of~~ thirty (30) calendar years from the expiration, termination, suspension or revocation of the license.

Recommended Disposition:

Destroy Securely

Committee review:

The Committee wished to discuss the professional/occupational licensure 30 year retention. State Records sent out any material relating to RDA 2006059 Licensing: Professional and Occupational Licensing to the Boards and Commissions in regards to why the retention period is 30 years and asked for a response as to if they felt the time period was too long. Staff has provided the agency's responses and the contact information of the respondent. Staff has researched the appraisals for all of the Agencies with retention schedules that have RDA's for licensure.

B. Recommended New:

Title: *Payment Card Industry (PCI)-Cardholder Data*

RDA: 2017037

Description:

This record series consists of cardholder data obtained from customers to complete financial transactions. The agency processes and/or transmits cardholder data received via point of sale systems, phone, email, internet, paper, etc. Cardholder data contains: customer primary account number, cardholder name, service code, and card expiration date that is used to authorize electronic payments. (See NRS Chapter 603A.215 and Payment Card Industry (PCI) Data Security Standard (DSS) 3.1 to 3.7).

Authorized Retention:

Retain until authorization of transaction.

Recommended Disposition:

Destroy Securely

Justification for New RDA 2017037:

Any agency that processes, stores, or transmits payment card data is required by the card provider (Visa, MasterCard, American Express, etc.) to comply with certain security standards to prevent cardholder data theft.

In accordance with Payment Card Industry (PCI) Data Security Standard (DSS) 3.2: Storage of Cardholder data after authorization is prohibited. This data is very valuable to malicious individuals as it allows them to generate counterfeit payment cards and create fraudulent transactions.

This series contains confidential information and must be destroyed securely.

C. Recommended New:

Title: *Payment Card Industry (PCI)-Audit Logs*

RDA: *2017038*

Description:

This record series consists of audit logs created to document compliance with PCI Data Security Standards. Logging mechanisms and the ability to track user activities are critical in preventing, detecting, or minimizing the impact of a data compromise. The presence of logs in all environments allows thorough tracking, alerting, and analysis when something does go wrong. (See Payment Card Industry (PCI) Data Security Standard (DSS) 10.7, NRS 603A.215)

Authorized Retention:

One (1) fiscal year from the end of the fiscal year in which the log was created with a minimum of three (3) months immediately available for analysis (for example, online, archived, or restorable from backup).

Recommended Disposition:

Destroy Securely

Justification for New RDA 2017038:

Per Payment Card Industry (PCI) Data Security Standard (DSS) 10.7: Retaining logs for at least a year allows for the fact that it often takes a while to notice that a compromise has occurred or is occurring, and allows investigators sufficient log history to better determine the length of time of a potential breach and potential system(s) impacted. By having three months of logs immediately available, an entity can quickly identify and minimize impact of a data breach.

This series contains confidential information and must be destroyed securely.

Discussion and Vote:

This item was tabled for a future Committee meeting. The Committee wants to get more information regarding other states and how they handle their licensing records. Sarah Bradley told the Committee that she would reach out to the Federation of Associations of Regulatory bodies, which is all of the boards in the US and Canada to find out what they think of RDA 2006059

“Licensing: Professional and Occupational Licensing”. Additionally, the State Records Manager, Sara Martel, told the Committee that she would research other states as well. The Chair expressed concern over the possible fiscal impact following PCI would have on agencies who are not on the state contract. The Chair proposed that 8B RDA 2017037 “Payment Card Industry (PCI)-Cardholder Data” and 8C RDA 2017038 “Payment Card Industry (PCI)-Audit Logs” be tabled to allow for a legal review before being approved by the Committee. The Chair requested that the spreadsheet with the comments made from agencies that were contacted regarding 8B RDA 2017037 “Payment Card Industry (PCI)-Cardholder Data” and 8C RDA 2017038 “Payment Card Industry (PCI)-Audit Logs” is included as a part of the record. The motion was made by Kathryn Etcheverria and the second was by Maureen Martinez. The vote was unanimous.

9: Discuss future agenda items:

Sara Martel informed the Committee that March’s meeting will primarily consist of NDOT retention schedule changes with a few General Schedule modifications. Additionally, Sara let the Committee know that the Fire Marshal, Health Care Finance Policy, Corrections, and Attorney General will have agenda items in the future meeting after March.

10: Public Comment

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

- There was no public comment.

11: Determine time of next meeting

- The next meeting will be held March 14th, 2018 at 1:15 pm in the Nevada State Library and Archives Board room.

12: Adjourn

- The meeting was adjourned at 4:20 pm with the motion made by the Chair Kimberley Perondi. The vote was unanimous.