

**The Committee to Approve Schedules for the  
Retention and Disposition of Official State Records  
Scott Anderson, Chairman**



# **Nevada Equal Rights Commission**

**June 10, 2009**

*This version supersedes all previous versions*



**Nevada State Library and Archives  
Records Management Program**

*This document is not an attempt to give legal advice. If any questions should arise concerning any information given in this document, you are directed to seek the advice of your legal counsel. This document is subject to change without notice.*

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## *The Committee to Approve Records Retention And Disposition Schedules for Official State Records*

*This Records Retention and Disposition Schedule has been approved by the Committee in accordance with NRS 239.080. The term "RDA" means Records Disposition Authorization, which is the control number given to an action by the Committee to approve official state records.*

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Department Name: DETR: Equal Rights Commission

Schedule Number: 361202

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**Title:** Affirmative Action Files

RDA#: 1995031

**Description:**

Reviewed: 09/06/2000

This record series consists of records documenting how business, manufacturing, service industry and governmental agencies observed Equal Employment Opportunity Act (EEO) requirements. The files consists of: NERC Request for Information and Comprehensive Minority Employment Report forms; staff notes and reports; NERC Compliance Report; agency affirmative action plans, policies and procedures, copies of job application forms and tests; with related correspondence.

**Authorized Retention:**

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

**Authorized Disposition:**

Transfer these records to the State Archives after the retention period has been satisfied.

**Title:** Case Files

RDA#: 1995030

**Description:**

Reviewed: 09/06/2000

This record series consists of the case files of alleged discriminatory practices in housing, employment or public accommodations. The files may contain: NERC forms including; intake forms, running telephone log, investigation plan format, pre-fact finding checklist, informal fact finding meeting and rescheduling forms, discharge, constructive discharge, pregnancy, harassment, retaliation, terms and conditions, charge transmittal, charge of discrimination, findings of charge of discrimination, agency final deferral action, affidavits, and; investigators notes and reports, investigation documents --including medical, wage and housing records, negotiated settlement, record of charge withdrawal, record of case conciliation, case closure, notes, memos, related correspondence and statistical analysis.

**Authorized Retention:**

Retain these records for a period of three (3) calendar years from the close of the case as described in NAC 233.220.

**Authorized Disposition:**

Destroy these confidential records in a secure manner, such as by shredding (See NAC 239.722), after the retention period has been satisfied.

**Notice:** When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

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Department Name: DETR: Equal Rights Commission

Schedule Number: 361202

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**Title:** Inquiry Recordings

RDA#: 2009010

**Description:**

Reviewed: 06/10/2009

These recordings are made for requests for service or information.

**Authorized Retention:**

Retain these records for a period of ninety (90) days from the date of the recording

**Authorized Disposition:**

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

**Title:** Intake Records

RDA#: 2000074

**Description:**

Reviewed: 09/06/2000

These records are used to take and evaluate phone, mail and walk-in requests for information or services. The files consist of but is not limited:

- \* Intake Inquiry
- \* Assessment
- \* Copies of response letters
- \* Related correspondence
- \* Similar documents

**Authorized Retention:**

Retain the file for a period of one (1) calendar year from the calendar year to which they pertain.

**Authorized Disposition:**

Transfer these records to the State Archives after the retention period has been satisfied. Destroy the other documents in the file, including incomplete forms, in a secure manner, such as by shredding (See NAC 239.722), after the retention period has been satisfied.

**Title:** Reports: Federal

RDA#: 1995032

**Description:**

Reviewed: 09/06/2000

This record series consists of copies of reports required by the federal Equal Employment Opportunity Commission. The files consist of: State and Local Government Information Report EEO-4, work papers which were used in the compiling of the EEO-4 report and related correspondence. Copies of other federal reports may be included: specifically, Employer Information Report EEO-1, Apprenticeship Information Report EEO-2, Local Union Report EEO-3, Elementary - Secondary Staff Information Report EEO-5, and Higher Education Staff Information Report EEO-6..

**Authorized Retention:**

Retain for a period of three (3) calendar years from the submission of the report to the EEO Commission.

**Authorized Disposition:**

These records may be disposed of in a normal manner, such as by dumping or recycling.

**Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.**

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**Title:** Reports: State

RDA#: 1995033

**Description:**

Reviewed: 09/06/2000

This records series consists of reports made by the Equal Rights Commission in the administration of the functions of the office. These reports include: reports of hearings sent to the Governor in accordance with NRS 233.200, statistical analysis, and similar reports.

**Authorized Retention:**

Retain for a period of two (2) calendar years from the date of issue of the final draft. Other drafts should be destroyed upon the acceptance and issue of the final draft.

**Authorized Disposition:**

A copy of these reports should be sent to the State Archives for preservation purposes when the final draft is issued. Reports of hearings created in accordance with NRS 233.200 and adopted as part of the minutes of the public hearing should be retained in accordance with NRS 241.035 (See also the General Records Retention and Disposition Schedules).

**Notice:** When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

# *The Committee to Approve Schedules for the Retention and Disposition of Official State Records*

*NRS 239.073 et seq.*

**Scott Anderson, Chairman**

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## **Retention Guidelines**

A Records Retention and Disposition Schedule identifies the minimum time period the listed records must be retained in accordance with NRS 239.080, meaning records disposition must not occur before this retention time period expires. When the minimum retention period has been met, the recommended disposition of the records, such as destruction or transfer to the State Archives, may be initiated. You are advised to implement regular, routine disposition procedures and not to "selectively retain" some records longer than others. Certain events called "disposition holds" may occur that will require a stop to the regular destruction or dumping of records.

## **Disposition Holds include:**

### **Audits.**

When an audit of your agency is begun, all destruction of records in your legal custody must cease. During the audit process, records should be made available to the auditors subject to confidentiality laws. Upon the completion and resolution of the audit, the agency may begin to dispose of records in accordance with the approved records retention and disposition schedule.

### **Investigations.**

When you are notified by a regulatory authority, a law enforcement agency, a court of record, the governor, the Legislature or other similar oversight entities that an investigation is being conducted, all records must be preserved until the investigation is over. You should consult with your legal counsel and/or the Attorney General's Office for specific advice.

### **Litigation.**

When an agency receives notification or reasonably anticipates that a lawsuit has been filed against (or in behalf of) them, they should immediately stop the destruction or dumping of records and consult their legal counsel and/or the Attorney General's Office. The agency must comply with Federal Rule of Civil Procedure 26. All records pertaining to the litigation should be identified, separated from other files and protected. All destruction of records pertaining to the lawsuit must be stopped until the legal action has been resolved. When the litigation has been concluded (your legal counsel can advise you of this), all of the records pertaining to the lawsuit must be retained as required by an Agency Specific Records Retention Schedule or one of the General Records Retention and Disposition Schedules. Your legal counsel may advise you not to destroy any records in the legal custody of the agency until after the disposition of the litigation. You should seek the advice of your legal counsel. Records Management staff are also available for consultation on these issues.

## **Disposition Guidelines**

Most records may be disposed of by normal means, such as recycling or deleting. Some record types are identified on retention schedules as "confidential" (See NRS 239.010) or "restricted" (See NRS 239C.090). These records must be destroyed in a secure manner that will prevent reconstruction or retrieval of the information (See NAC 239.722 for details). However, many other records may contain "sensitive" information that has not been declared by law or regulation to be confidential. Some types of "sensitive" information are described in NRS 205.4617 "Unlawful Acts Regarding Personal Identifying Information." Since serious consequences may result if these records fell into the wrong hands you are advised to destroy these records in accordance with the guidelines identified in NAC 239.722. If you are in doubt about the sensitivity of certain documents or about an appropriate disposal method, you should contact your legal counsel, the Attorney General's Office, or a records management officer.