

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



**Department of Business & Industry
Attorney for Injured Workers
August 14, 2002**

This version supersedes all previous versions



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

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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.

Department Name: B&I: Attorney For Injured Workers

Schedule Number: 90000

Title: Workers Compensation Case Files

RDA#: 2002023

Description:

Reviewed: 8/14/2002

This record series documents and administers the cases accepted by the Nevada Attorney for Injured Workers to represent cases on workers compensation issues. The files may contain: (A) Notice of Hearing and Prehearing Order, Request for Hearing before the Appeals Officer, Findings of Fact and Conclusions of Law, Prehearing Statement, motions, exhibits, stipulations, legal points and authorities and; (B) attorneys notes, retainer agreements, case preparation summaries, and the following when not used as exhibits; copies of health care records (NRS 629.031), release authorizations for health care records, doctors bills, other workers compensation records, employment records, expert records, and copies of receipts for documents.

Authorized Retention:

Retain for a period of seven (7) calendar years from the year in which the case was closed.

Authorized Disposition:

Records listed under (B) have been declared confidential by NRS 616B.012 to 616B.021, and should be disposed of in a secure manner so that they cannot be reconstructed, such as by shredding (See NAC 239.722). The documents listed under (A) 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.

Department Name: B&I: Attorney For Injured Workers

Schedule Number: 90000

Title: Workers Compensation Case Files - "Special Reference Cases"

RDA#: 2002024

Description:

Reviewed: 8/14/2002

This record series documents and administers the cases accepted by the Nevada Attorney for Injured Workers to represent cases on workers compensation issues. The files may contain: (A) Notice of Hearing and Prehearing Order, Request for Hearing before the Appeals Officer, Findings of Fact and Conclusions of Law, Prehearing Statement, motions, exhibits, stipulations, legal points and authorities and; (B) attorneys notes, retainer agreements, case preparation summaries, and the following when not used as exhibits; copies of health care records (NRS 629.031), release authorizations for health care records, doctors bills, other workers compensation records, employment records, expert records, and copies of receipts for documents.

Authorized Retention:

Separate individual case files which the Attorney for Injured Workers believes are likely to create future problems or contain important reference information from the other closed files at the end of the regular seven (7) year retention period. Then retain these separated "Special Reference" case files up to ten (10) additional calendar years. The separated files may be purged of documents at the discretion of the Attorney for Injured Workers and discarded anytime within the ten year period.

Authorized Disposition:

Records listed under (B) have been declared confidential by NRS 616B.012 to 616B.021, and should be disposed of in a secure manner so that they cannot be reconstructed, such as by shredding (See NAC 239.722). The documents listed under (A) 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.

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

NRS 239.073 et seq.

Scott Anderson, Chairman

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.