

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



**Department of Business & Industry
Dairy Commission
January 16, 2008**

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: Dairy Commission

Schedule Number: 260100

Title: Application Files - Not Approved

RDA#: 1998035

Description:

Reviewed: 5/20/1998

This record series consists of license files that have not been approved by the State Dairy Commission. The file may contain incomplete applications, licenses that have been withdrawn or denied.

Authorized Retention:

Retain for a period of eight (8) calendar years from the date of closure, denial or withdraw of the application.

Authorized Disposition:

Some of these records may contain confidential (such as the Social Security Number) or sensitive (such as personal identifying) information, and these should be destroyed in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722). All other documents may be disposed of in a normal manner, such as by dumping, recycling or deletion.

Title: Audit Files

RDA#: 1991515

Description:

Reviewed: 5/20/1998

This record series consist of the audit reports of distributors of dairy products in the State of Nevada. The record series may include findings, recommendations, and responses to audit findings.

Authorized Retention:

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

Authorized Disposition:

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

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: Dairy Commission

Schedule Number: 260100

Title: Complaint and Disciplinary Files

RDA#: 1998037

Description:

Reviewed: 5/20/1998

This record series consists of complaints against distributors in the State of Nevada. The file may contain: a list of violations against the distributor, copies of court documents, auditors comments, fine amounts, notes and decrees from the Commission from administrative hearings, correspondence and other related documents.

Authorized Retention:

Retain for a period of eight (8) calendar years from the close of the investigation or complaint.

Authorized Disposition:

Some of these records may contain confidential (such as the Social Security Number) or sensitive (such as personal identifying) information, and these should be destroyed in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722). All other documents may be disposed of in a normal manner, such as by dumping, recycling or deletion.

Title: Cost Files

RDA#: 1996115

Description:

Reviewed: 5/20/1998

This record series is the Statement of Unit Costs (DC-1A) used by the State Dairy Commission in accordance with NRS 584.395 obtain and have on file current cost information before consideration of a license application or renewal of an existing license. The form contains information on the product, brand/label, manufacturer, size, unit case, percent of butterfat, acquisition cost, transportation and delivery, handling and storage, general and administrative and sales costs, R.O.I. (return on investment) costs, marketing area and zones. These are filed with the license files and price files with a red label.

Authorized Retention:

Retain for a period of three (3) calendar years from the date submitted.

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).

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: Dairy Commission

Schedule Number: 260100

Title: Dairy Products Remittance Reports

RDA#: 1991507

Description:

Reviewed: 5/20/1998

The Dairy Products Remittance Report (DC-2) is used by the State Dairy Commission for the assessment of dairy products throughout the State of Nevada, NRS 584.630 and 584.633. The report (filled out by marketing area) must be filed by a distributor who is subject to any stabilization and marketing plan as established by the Commission. It includes assessments on fluid milk and cream, sour cream, yogurt, butter, cottage cheese, ice cream/Novelty's, and frozen mix. The Products Imported Report (DC-2B) is used by the State Dairy Commission for the accounting of dairy products imported into Nevada by Nevada Processing Plants. The Nevada processing distributor fills out the DC-2B by marketing area and includes the imported products sold in Nevada with the (DC-2) Remittance Reports.

Authorized Retention:

Retain for a period of three (3) calendar years from the date of the report.

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: Distributor Bonds

RDA#: 1991517

Description:

Reviewed: 5/20/1998

This record series contains the surety bonds from distributors in Nevada in accordance with NRS 584.600. It states that before purchasing any fluid milk or fluid cream from a producer a distributor must execute and deliver to the commission a surety bond in the minimum sum of \$1000 executed by the applicant as principal and by a surety company qualified and authorized to do business in the state of surety.

Authorized Retention:

Retain for a period of five (5) calendar years past the final maturity of the bond.

Authorized Disposition:

Some of these records may contain confidential (such as the Social Security Number) or sensitive (such as personal identifying) information, and these should be destroyed in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722). All other documents may be disposed of in a normal manner, such as by dumping, recycling or deletion.

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: Dairy Commission

Schedule Number: 260100

Title: License Files

RDA#: 1998036

Description:

Reviewed: 5/20/1998

This record series consists of the license files for current distributors, they are filed in alphabetical order (in the same file cabinet as price and cost lists) with a blue label. The file may contain the application, price lists, any amendment to a license, corporate officers address listing, copies of contracts, correspondence and other related documents.

Authorized Retention:

Retain for a period of eight (8) calendar years from the expiration or cancellation of the license.

Authorized Disposition:

Some of these records may contain confidential (such as the Social Security Number) or sensitive (such as personal identifying) information, and these should be destroyed in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722). All other documents may be disposed of in a normal manner, such as by dumping, recycling or deletion.

Title: Milk files

RDA#: 1990452

Description:

Reviewed: 1/25/1991

This records series contains licensing files for producers of milk and milk products. The files may include: a copy of the application, the sanitarian's inspection report, in-coming and out-going correspondence, inter-office memos, lab reports, fee invoices, and similar information.

Authorized Retention:

Retain for a period of three (3) calendar years from the expiration of the license.

Authorized Disposition:

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

Title: Out of Business Files

RDA#: 1991512

Description:

Reviewed: 5/20/1998

This record series consists of the license files for distributors that have gone out of business or are no longer doing business in Nevada. The file may contain the application, price lists, amendments to licenses (if any), corporate officers address listing, copies of contracts, correspondence and other related documents.

Authorized Retention:

Retain for a period of three (3) calendar years from the date the distributor is no longer doing business in Nevada.

Authorized Disposition:

Some of these records may contain confidential (such as the Social Security Number) or sensitive (such as personal identifying) information, and these should be destroyed in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722). All other documents may be disposed of in a normal manner, such as by dumping, recycling or deletion.

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: Dairy Commission

Schedule Number: 260100

Title: Price Files

RDA#: 1996116

Description:

Reviewed: 5/20/1998

This record series contains price files of all distributors in Nevada. Filed with the license files and cost files by distributor with a green label.

Authorized Retention:

Retain for a period of three (3) calendar years from the date of the list.

Authorized Disposition:

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

Title: Usage Reports

RDA#: 1991508

Description:

Reviewed: 5/20/1998

This record series is the Distributor's Monthly Usage Report (DC-15A), and is the Schedule of Products Processed (DC-15B) used by the State Dairy Commission for the accounting of receipts, production, losses and usage of dairy products. These reports are used in conjunction and filed with the remittance reports.

Authorized Retention:

Retain for a period of three (3) calendar years from the date on the usage report.

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).

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.