

# Public Records Policy

**The purpose of this records management program is to maintain a cost effective program, as well as accurate and accessible retrieval and handling of all information generated in any recorded format by officers and employees of the Fire District for the official conduct of the District's business, and to preserve such records of historical significance for the benefit of both present and future generations.**

**NAC 239.091 "Public record" defined.** "Public record" means a record of a local governmental entity that is created, received or kept in the performance of a duty and paid for with public money.

**NAC 239.101 "Record of a local government" defined.** "Record of a local government" means information that is created or received pursuant to a law or ordinance, or in connection with the transaction of the official business of any office or department of a local governmental entity, including, without limitation, all documents, papers, letters, unpublished books, maps, charts, blueprints, drawings, photographs, films, computer printouts, newspapers received pursuant to NRS 247.070, artifacts entered as exhibits in any proceeding in any court, information stored on a magnetic tape, computer, laser disc or optical disc, or on material which is capable of being read by a machine, including microforms and audio and visual materials, and any other evidence, including all copies thereof.

## NON-RECORDS

The following are, as defined by NAC 239.051, non-records and not subject to this policy: published books and pamphlets, books and pamphlets printed by a governmental printer, worksheets used to collect or compile data after it has been included in a record, answer pads for a telephone or other informal notes, unused forms except ballots, brochures, newsletters, magazines and newspapers.

## POLICY

This Public Records Policy, including the attached Records Retention and Disposal Schedule, is adopted pursuant to NRS 239.125 and shall serve as the Tahoe Douglas Fire Protection District's official policy on the handling, retention, and destruction of Public Records as defined above.

The records of the Fire District are a significant government asset. They contain valuable information used to support decision-making, sustain communications, control the delivery of services, and ensure accountability. All employees of the District have a responsibility to manage records in accordance with this policy and Nevada state law.

Unauthorized destruction of, or tampering with, official records can have serious consequences; a public officer or employee guilty of stealing, altering, defacing, removing, or concealing public records, or destroying public records without lawful authority may be imprisoned for up to five years and levied a fine of up to \$10,000 (NRS 239.300 to 239.320, inclusive).

This Records Retention Schedule identifies the *minimum* time period the listed records must be retained, meaning records disposition may not occur before this time period expires. When the minimum retention period has been met, the recommended disposition of the records should be initiated. Certain events (i.e., Legal Holds) may occur that will require a stop to disposition procedures.

### **RECORDS MANAGER**

The District's Administrative Assistant shall be the Records Manager for the Fire District. The Records Manager administers the record management and archives program; advises the District staff on program policies; inspects District records ascertains the District's compliance with recordkeeping requirements established by state law and District policy; prepares records retention and disposition schedules; provides and facilitates access to public information under the Nevada Public Records Act; and operates the District's archives and records storage facilities. The Records Manager will, at the direction of the Fire Chief, provide for the destruction of records designated for disposal.

### **RECORDS STORAGE**

The District's archives and records shall be stored as follows: Fire Prevention and Emergency Medical Services Division records will be stored in the secure storage area of Fire Station 1. Financial, obsolete personnel, medical, and training records, historical, inactive and miscellaneous files will be stored in the secured storage area of Fire Station 5. Personnel, medical, and training records for current employees will be stored in secured storage areas at Fire Station 3.

### **PUBLIC ACCESS TO RECORDS**

The Records Manager must, by the end of the fifth business day, comply with any written request from any member of the public for access to any public record (NRS 239.0107). If unable to comply with the request, the Records Manager must provide to that person: notice of that fact; the name and address of the governmental entity that has legal custody or control of the record; and a date and time after which the record will be available for public access.

Requests for records shall be date stamped upon receipt. A copy of the request shall be maintained in accordance with this policy. Requests for records shall be accompanied by a fee of \$10.00, for records in excess of 20 pages, an additional fee of \$.20 per page shall be charged. Oversize documents shall have a fee levied equivalent to the actual cost of reproduction.

Requests for fire investigation reports, fire inspections and other fire prevention documents shall be routed through the Fire Marshal or his designee.

If the record is determined to be of a confidential nature, the Records Manager must provide the record with the confidential information redacted or provide in writing a citation of the specific statute or other legal authority that makes the record confidential.

### **RECORDS RETENTION**

The Records Retention Schedule represents the minimum amount of time that records must be retained in order to be in compliance with state and federal law. Fire District administration may identify certain records, or series of records, that have use or historical value that justifies retention beyond the scheduled disposal date. However, keeping records with no further use or historical value stored beyond their disposal date wastes valuable storage space and district resources.

Historical records are records with enduring value that are preserved for reference and research purposes because they reflect significant events or document the history and development of the Fire District.

## **RECORDS RETENTION SCHEDULE**

*All records series are as described in “Nevada Local Government Retention Schedule, Section Numbers S-1016, C-1001 and C-1005.*

**Accident Reports:** Retain for three calendar years following resolution or settlement of any claims or legal actions, or from the accident date if no legal action or damage results.

**Activity Reports and Logs:** Retain annual activity reports permanently. Retain other reports and logs for five calendar years from the year to which they pertain.

**Against Medical Advice Records:** Retain for six calendar years from the date of the record.

**Alarm System Files:** Retain for the functional life of the system.

**Alcohol and Drug Tests - Negative Results:** Retain for one calendar year from test date.

**Alcohol and Drug Tests - Positive Results:** Retain for five calendar years from test date.

**Ambulance Operating Permits:** Retain for two calendar years after the renewal, denial, revocation, or cancellation of permit.

**Apparatus and Equipment Records:** Retain for the life of the unit. If involved in an accident retain for the life of the unit plus an additional three calendar years. Retain test related records for five years from the date of the test.

**Applications and Resumes of Persons Not Hired:** Retain for three calendar years from date that position is filled.

**Attendance Records:** Retain for three fiscal years after the year to which it pertains.

**Bids for Contracts:** Retain for seven fiscal years after the execution of the contract.

**Board of Trustees:** Retain agendas, minutes, oaths, ordinances, and resolutions permanently.

**Building Inspections:** Retain construction related inspections for a minimum twelve calendar years from date of inspection. Retain annual fire code inspections a minimum five years from date of inspection.

**Building Plans:** Retain for the life of the structure.

**Burn Injury Reports:** Six calendar years from the date of report.

**COBRA Records:** Retain for six calendar years from date of eligibility expiration.

**Commercial Drivers License Records:** Retain for five calendar years from date of expiration.

**Contracts - Capital Improvements:** Retain for twelve fiscal years after fulfillment of contract.

**Contracts - Non Capital Improvement:** Retain for six fiscal years after fulfillment of contract.

**Deferred Compensation Participant Records:** Retain for six years after close of account.

**Disciplinary Action Records:** Retain for three calendar years from date of final action.

**Dispatch Logs:** Retain for one calendar year from the date of last entry.

**Duty Rosters:** Retain for one calendar year from the end of the calendar year to which it pertains.

**Eligibility Lists:** Retain for two calendar years from the date of expiration of the list.

**Emergency Medical Incident Records:** Retain for six calendar years from date of record.

**Evidence Logs:** Retain for five calendar years from the final disposition of the investigation.

**Exposure Reports:** Retain for thirty calendar years from date of employee's separation.

**False Alarm Reports:** Retain for two calendar years from date of the report.

**Final Budgets:** Retain permanently.

**Fire Codes:** Retain until superseded.

**Fire Hydrant Records:** Retain flow reports permanently. Retain other records for two years after hydrant is moved, replaced, or removed from service.

**Fire Investigation Records:** Retain for six calendar years from the close of investigation, or if related to a criminal incident, six years from the final disposition of the case.

**Fire Investigation Records - Juvenile Offender (Arson):** Retain for six calendar years after the juvenile reaches the age of majority.

**Fire Prevention Education Programs:** Retain for one calendar year after the end of the program.

**Fire Reports:** Retain reports documenting fatalities, arson, major fires, and fires of major importance to the District permanently. Retain other reports for a minimum of six calendar years from the date of final action.

**Firefighter Medical Files:** Retain for six calendar years after the death of the firefighter.

**Grievance Hearing Files:** Retain for three calendar years from date of disposition.

**Group Health and Life Insurance Plans:** Retain for six years from end of coverage.

**Hazardous Materials Incident Reports:** Retain responding employee's records for thirty years after separation. Retain other records for thirty years from date of last action.

**Insurance Policies:** Retain for six calendar years from the end of the year of expiration.

**Job Advertisements:** Retain for two calendar years from date job is filled.

**Maps and Plans of Water Systems:** Retain until superseded.

**Maps, Fire Department:** Retain until superseded.

**Master Personnel Files:** Retain for thirty years after separation.

**Mutual Aid Agreements:** Retain agreements for a minimum six calendar years from the date of termination. Retain expense and billing information for a minimum three fiscal years from the year to which they pertain.

**National Fire Incident Reporting System (NFIRS):** Retain reports for ninety days from the date report is submitted to the State Fire Marshal.

**Operational Permit Files:** Retain for five years from date of denial, renewal, revocation, or expiration of the permit.

**OSHA Files:** Retain for five calendar years from date of action or report.

**Policies and Procedures:** Retain for six calendar years from date superseded or abandoned. Retain permanently if of historical value.

**Pre-Fire Plans:** Retain for one calendar year after updated.

**Property and Equipment Records, Inventories:** Retain one year after superseded.

**Public Records Requests:** Retain for ninety days if request granted, retain for three years if not granted.

**Publications:** Provide Nevada State Library and Archives - State Publications Distribution Center with six hard copies.

**Recordings of Meetings:** Retain for one year after transcription

**Records Destruction Certificates:** Retain for three calendar years after records are destroyed.

**Records of Formal Negotiations:** Retain permanently.

**Records Retention Schedule:** Retain for six years after superseded.

**Reports of Safety Committees:** Retain for three calendar years.

**Signature Authorization Files:** Retain for five fiscal years after superseded.

**Strategic Plans and Files:** Retain for three fiscal years after superseded. Retain permanently if historical value.

**Temporary and Seasonal Employee Personnel Records:** If employed for less than one year, retain for three calendar years from separation. If employed for more than one year, retain for thirty years from separation.

**Time Sheets:** Retain for three fiscal years.

**Training Files:** Retain for five calendar years from separation.

**Unsolicited Applications and Resumes:** Retain for six months from date of receipt unless returned to applicant.

**Vehicle Maintenance Files:** Retain for the life of the vehicle, or three years past the life of the vehicle if involved in an accident.

**Workers Comp Insurance Claim Files:** Retain for three calendar years from closure of claim. Insurer is required to retain for six years after the death of the injured employee.