



# STATE OF NEVADA

## Public Records Request – Department of Employment, Training and Rehabilitation

Deliver, Mail, or Fax to: **ATTN: Public Records Officer: Rosa Mendez**, 2800 E. St. Louis Ave., Las Vegas, NV 89104, (702) 486-6426, [rcmendez@nvdetr.org](mailto:rcmendez@nvdetr.org),

**OR**

**ATTN: Public Records Officer: Christopher Sewell**, 500 E. Third St., Carson City, NV 89713, (775) 684-3908, [ccsewell@nvdetr.org](mailto:ccsewell@nvdetr.org).



<b>Date of Request</b>	
<b>Requestor Contact Information</b>	
Name:	
Organization:	
Address:	
City, State, Zip:	
Phone:	
E-mail:	

<b>Records Requested:</b>
Check one: <input type="checkbox"/> Paper copies <input type="checkbox"/> Electronic copies <input type="checkbox"/> Certified copies <input type="checkbox"/> Inspection (in person)
<i>Please be specific and include as much detail as possible regarding the records you are requesting.</i>

<i>To complete an estimate, the agency will need the following information:</i>			
<input type="checkbox"/> I will pick up	<input type="checkbox"/> Please FedEx <i>Fed Ex billing number:</i>	<input type="checkbox"/> Please send USPS	<input type="checkbox"/> E-mail (if format allows)

<b>Statement</b>	
<input type="checkbox"/> I understand there is a charge for copies of public records. I understand I will receive a written estimate for production of the records indicated above if the estimated cost is expected to be over \$25.00, which I will be required to pay in full prior to inspection or reproduction. Materials will be held for 30 days.	
<b>Requester Signature</b>	_____ Signature

### Office Use Only

Request status:		Estimate:	
Date	Request received	Estimate:	\$ _____
_____	Receipt acknowledgement issued	Date deposit received	_____
_____	Request filled	Actual (if different):	\$ _____
_____	Estimated completion	Date final payment received	_____
_____	Estimate provided	Completed by	_____
_____	Request denied in whole		
_____	Other:		

*Retain request form for 90 days following completing of request.  
RDA 2009047*

Policy No.: 104

Effective Date: October 9, 2017

References: NRS. 239; NA.C. 239; SAM 0406, 0409, 1616, 2014, 2905.1; Nevada Public Records Manual

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## Department of Employment, Training and Rehabilitation (DETR) Public Records Policy and Fee Schedule

### 1.0 PURPOSE

The purpose of this policy is to outline DETR's policy for public records requests, establish and publish a fee schedule for administering and responding to public records requests, and providing copies of public records.

### 2.0 STAKEHOLDERS

This policy provides guidance for DETR employees, the general public, media, and other stakeholders and constituents requesting public records in the custody of DETR.

### 3.0 DEFINITIONS

#### 3.1 NRS 232.900 Definitions:

**Department:** Department of Employment, Training and Rehabilitation (DETR).

**Director:** The Director of the Department.

#### 3.2 **Administrator:** DETR's division heads.

#### 3.3 **Division:** DETR divisions including, but not limited to: Employment Security Division; Nevada Equal Rights Commission; Rehabilitation Division; Information Development and Processing Division; Research and Analysis Bureau; and, Administrative Services Division.

#### 3.4 **NRS:** Nevada Revised Statute.

#### 3.5 **Public Record:** All public agency records as defined in NRS 239.080 and NAC 239.705, which are open to public inspection and copying, unless specifically declared confidential by law. Essentially, a public record is any record that is prepared, used or maintained by any state agency in the course of governing or performing a governmental function. **A request should be for an identifiable record** (i.e., specific in nature).

### 4.0 POLICY

The Nevada Department of Employment, Training and Rehabilitation (DETR) is a public agency created under NRS 232.910. As such, DETR adheres to the Public Records Act (Act), which was established by the Nevada Legislature and codified in NRS 239. Essentially, the Act applies to "all public books and public records of a government entity, the contents of which are not otherwise declared by law to be confidential." This policy establishes the protocol for which public records requests are to be administered and responded to public records request, and the agency's fee schedule for providing copies of public records.

#### 4.1 The records "must be open at all times during office hours to inspection by any person, and may be fully copied." Also, "A person may request a copy of public record in any medium in which the public record is readily available."

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- 4.2 Pursuant to **NRS 239.008(3)(a)**, the State Library and Archives Administrator shall prescribe a **form** for the written notice required to be provided by an agency of the Executive Department.
- 4.3 Pursuant to **NRS 239.008(4)**, DETR has developed this policy that conforms to NRS 239, and has posted this policy and the form in which to request public records at agency offices and the agency's internet website.
- 4.4 Pursuant to **NRS 239.052**, DETR has established a fee schedule for the charge of fee(s) associated with public record requests.
- 4.5 Pursuant to **NRS 239.008**, DETR has designated with the Nevada State Library, Archives and Public Records public records officers for DETR.
- 4.6 Pursuant to **NRS 239.080**, DETR shall adhere to the state's schedules for retention and disposition of public records. Said records retention policy for public records requests is as follows:
- 4.6.1 **Requests:** Request forms and response letters are to be retained for **one (1) calendar year** after the request was fulfilled. (RDA 2009047)
- 4.6.2 **Denials:** Request documentation and denial letters, in whole or in part, are to be retained for **three (3) calendar years**. (RDA 2009048) Denial letters are public records and shall be made available upon request.
- 4.6.3 **Destruction Holds:** Agencies must immediately cease the destruction of all relevant records if they receive a public records request, even if destruction is authorized by an approved Retention and Disposition Schedule. Failure to cease the destruction of relevant records could result in penalties. (**NRS 239.310**)
- 4.6.4 **Copies:** If copies of public records were requested and the requestor fails to claim the copies, the agency is not obligated to hold the copies for pick up for more than 30 days after the date the copies were made available to the requestor.
- 4.6.5 **State Records Retention Schedules:** Nevada's State Agency Retention Schedules are developed and published by the Nevada State Library, Archives and Public Records on their website at:  
[http://nsla.nv.gov/uploadedFiles/nslanvgov/content/Records/State/1\\_General\\_Schedule/General%20Schedule.PDF](http://nsla.nv.gov/uploadedFiles/nslanvgov/content/Records/State/1_General_Schedule/General%20Schedule.PDF)

## 5.0 PROCEDURES

Pursuant to **NRS 239.0107**, DETR will respond to requests for public records accordingly:

1. Not later than the end of the *fifth business day* after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a request from a person to inspect or copy the public book or record, a governmental entity shall do one of the following, as applicable:
  - (a) Allow the person to inspect or copy the public book or record.
  - (b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:
    - (1) Notice of the fact; and
    - (2) The name and address of the governmental entity that has legal

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custody or control of the public book or record, if known.

- (c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request, provide the person, in writing:
  - (1) Notice of the fact; and
  - (2) A date and time after which the public book or record will be available for the person to inspect or copy. If the public book or record is not available to the person to inspect or copy by that date and time, the person may inquire regarding the status of the request.
- (d) If the governmental entity must deny the person's request to inspect or copy the public book or record because the public book or record, or a part thereof, is confidential, provide to the person, in writing:
  - (1) Notice of the fact; and
  - (2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

**5.1 Public Records Requests** — Public records requests must be submitted to the agency on the prescribed/attached **State of Nevada Public Records Request form**, which is attached to this policy.

Public Records Requests for DETR and its divisions *may* be submitted via postal or electronic mail to:

**ATTN:** Public Information Officer  
Office of the Director  
Nevada Department of Employment, Training and Rehabilitation  
2800 E. St. Louis Ave.  
Las Vegas, NV 89104  
(702) 486-7991

*or*

Assistant to the Director  
Office of the Director  
Nevada Department of Employment, Training and Rehabilitation  
500 E. Third Street  
Carson City, NV 89713  
(775) 684-3891

A state agency is not required, nor is it obligated, to comply with a request for information that is not compiled or tracked as a standard procedure of the agency, or that is compiled or tracked in a different way by the agency. Further, the agency is not obligated to create new materials to comply with a public record document request.

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Ensure handwritten requests are legible. Other forms of public records requests, such as verbal, will be allowed only as a reasonable accommodation under the Americans with Disabilities Act.

All requesters shall be treated uniformly and shall be provided with all reasonable accommodations for inspection, including accommodations in accordance with the Americans with Disabilities Act (ADA) requirements.

**5.2 DETR Divisional Public Record Requests** – DETR divisions may receive and administer public records requests pursuant to **Section 5.0** and procedures outlined in this policy, NRS 239.0107, and as follows:

**5.3.1** DETR divisions shall designate one (1) *divisional* public records officer and one (1) *divisional* delegate public records officer, who shall act as the division's point of contacts for public records requests.

**5.3.2** Public record requests that are submitted directly to DETR divisions are to be administered pursuant to, and in accordance with, this policy and NRS 239.

**5.3.3** DETR divisions shall maintain and submit to **DETR's Director's Office** a log of all public records requests and their respective status on a quarterly basis.

**5.3.4** DETR divisions shall adhere to the state's schedules for retention and disposition of public records pursuant to NRS 239.080, and as outlined in this policy's **subsections 4.6.1 through 4.6.5**.

**5.3 Fee Schedule** — Pursuant to NRS 239.052, DETR has established the following fee schedule:

**Personnel Time:** Pursuant to NRS 239.055, a fee may be charged for extraordinary staff time for processing, researching, copying, or legal/technical review. "Extraordinary staff time" is defined as any time over 30 minutes required to retrieve, inspect and/or redact the record. *See Op. Nev. Atty. Gen. No. 2002-32* <sup>(August 27, 2002)</sup>. Personnel time will be charged at the rate of the staff person qualified to provide or prepare the requested information as follows:

- \$20 per hour per staff member (Grades 20-29)
- \$30 per hour per staff member (Grades 30-39)
- \$40 per hour per staff member (Grades 40+)

**Copying and Scanning Fees:**

- Black & white, 8 1/2" x 11" page copy: \$0.10 per page for documents
- Scanned/electronic document: \$0.10 per page
- Electronic scanning to CD: \$5 per CD
- Transcripts will be charged at the exact rate that is charged to the agency

**Postage:** All shipping will be via USPS parcel post, unless otherwise requested. The requestor may request that DETR use a personal or business account with another delivery service (e.g., FedEx, UPS) to pay for said postage.

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**Payment:** Full payment of estimated fees is required before any records will be provided. If the final cost is less than estimated, the requestor will be refunded the difference.

#### 6.0 ASSOCIATED FORMS

The prescribed **State of Nevada Public Records Request form** is included in this policy. Requests may also be submitted in writing or verbally. Please see **section 5.1** for contact information.

#### 7.0 RESPONSIBLE OFFICE

Pursuant to **NRS 239.008**, DETR's Director is responsible for ensuring public records requests are carried out in accordance with Nevada's Public Records Act, **NRS 239**.

#### 8.0 CONTACT INFORMATION


Any questions or inquiries regarding this policy can be submitted to:

Nevada Department of Employment, Training and Rehabilitation  
ATTN: Public Information Officer – Office of the Director  
2800 E. St. Louis Ave.  
Las Vegas, NV 89104  
(702) 486-7991

*or*

Nevada Department of Employment, Training and Rehabilitation  
ATTN: Assistant to the Director – Office of the Director  
500 E. Third Street  
Carson City, NV 89713  
(775) 684-3891

#### 9.0 APPROVAL

  
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Director, DETR

10/06/17  
\_\_\_\_\_  
Approval Date

