

REQUEST FOR RECORDS DISPOSITION AUTHORITY

(See Instructions on reverse)

TO NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIRA)
WASHINGTON, DC 20408

1. FROM (Agency or establishment)
U.S. DEPARTMENT OF LABOR

2. MAJOR SUBDIVISION
EMPLOYMENT STANDARDS ADMINISTRATION

3. MINOR SUBDIVISION
WAGE and HOUR DIVISION

4. NAME OF PERSON WITH WHOM TO CONFER
Bradford Sinkovic (ESA Records Officer)

5. TELEPHONE
202-693-0256

LEAVE BLANK (NARA use only)	
JOB NUMBER 71-155-06-1	
DATE RECEIVED 8-15-2006	
NOTIFICATION TO AGENCY	
In accordance with the provisions of 44 U.S.C. 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
DATE	ARCHIVIST OF THE UNITED STATES
WITHDRAWN	

6 AGENCY CERTIFICATION
I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached 24 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,

is not required; is attached; or has been requested.

DATE 2/10/06	SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>	TITLE DOL Records Officer
-----------------	--	------------------------------

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	The Wage and Hour Division administers programs to provide for the execution of the Department of Labor's responsibilities under the Fair Labor Standards Act (FLSA), Davis-Bacon and Related Acts (DBRA), McNamara O'Hara Service Contract Act (SCA), Walsh-Healey Public Contracts Act (PCA), Contract Work Hours and Safety Standards Act (except safety and health provisions), Copeland Act, Migrant Seasonal Agricultural Worker Protection Act (MSPA), and labor standards provisions of various other statutes, including the National Foundation on Arts and Humanities Act, Title III of the Consumer Credit Protection Act (CCPA), Immigration Reform and Control Act (IRCA), field sanitation provisions of the Occupational Safety and Health Act (OSHA), Employee Polygraph Protection Act (EPPA) and Family and Medical Leave Act (FMLA)		

This schedule section applies to the Office of Enforcement policy (OEP) and its records created in the administration and enforcement of applicable Acts to the Wage and Hour Division. Such records were previously retired under schedules N1-155-90-2, N1-155-96-1, N9-155-00-01, NC-155-75-1, NC-155-75-2, NC1-155-84-1, NN-164-171, NN-168-43 and N1-155-90-1.

These standards apply only to those records maintained by the Division and do not apply to similar records maintained by other agencies, such as the Office of the Solicitor.

1. Program Development Subject Files.

a. Records related to development of Division policies in effect: Includes, but not limited to administrative documents, legislative studies, correspondence, media reports, court cases, meeting notes and statistical reports used to develop Division policies. These are filed by subject matter.

Disposition – Permanent. Transfer to NARA after 100 years.

Paper records – Retain until superceded. Then see c.

b. Records restating previously developed policies: Includes, but not limited to, correspondence and e-mail that answer questions where the Division previously established a policy.

Disposition – Temporary. Paper records – Screen annually. Destroy material of no reference value.

c. Records related to superseded policies: Includes superseded or otherwise inactive records used in the initial development of policies, as discussed in Item 1 a.

Disposition – Temporary. Destruction is not authorized at this time. All records are to be placed in an inactive file when superseded.

This standard does not apply to paper records contained in Public Contracts Notice of Award files disposed of under Schedule NN-164-171, Item 3. Nor does it apply to records scheduled, but never created, under Schedule N9-155-00-01, Item 1.

PRIVACY ACT RESTRICTION – NO.

6 cu. ft. per year.

Supercedes Job No.s: N9-155-00-01, Items 2, 3, 5, 9, 23, 24; NC-155-75-1, Item 2 (e), NN-164-171, Items 4, 5, 6, 12 and 18.

2. Records Pertaining to Rulemaking.

a. Current Regulations: Includes, but not limited to, correspondence, reports, dockets, comments, transcripts related to hearings, notices of proposed rulemakings, interim rules and final rules of any program administered by the Division.

Disposition – Temporary Paper records are to be maintained by subject. Keep with program while regulation remains in effect. When superseded, see b.

b. Records related to superseded regulations: Consists of those records used in the development of regulations, as discussed in Item 2 a, that have been superseded or otherwise become inactive.

Disposition – Permanent. All records are to be place in an inactive file when superseded. Transfer after 100 years to the National Archives.

PRIVACY ACT RESTRICTION – NO.

2 cu. ft. per year.

Item #2 excludes records pertaining to those disposed of under schedule NC1-155-84, which consisted of

Public Contract Minimum Wage Determination Hearings prior to 1964 Files consisted of correspondence, reports, dockets, research studies, transcript of hearings, reports of proceedings, exhibits, and decisions of the hearing examiners in setting of prevailing minimum wages under the Walsh-Healey Public Contracts Act The standard did not apply to those records maintained by the Office of the Solicitor. The inclusive dates of the records were from 1930's to 1963 No wage determination hearings have been held under this statute since 1963

Fair Labor Standards Acts Hearings prior to 1978. Records consisted of files containing

Correspondence, reports, dockets, comments and transcripts relating to hearings held in 1947, 1948, 1955, 1962, 1963, 1969, 1971, 1974, and 1978 on the application of 29 CFR Part 541, defining the terms executive, administrative, and professional for the purposes of the minimum wage and overtime pay exemption contained in section 13(a)(1) of the Fair Labor Standards Act.

Correspondence, dockets, and comments relating to a proposed amendment to 29 CFR Part 541 published in the Federal Register on October 4, 1969, on the application of section 3(m) of the Fair Labor Standards Act

Correspondence, reports, dockets, comments and transcripts relating to the hearings held in 1974 which resulted in 29 CFR Part 553 being published in the Federal Register on December 20, 1974, concerning the application of section 7(k) and 13(b) (20) of the Fair Labor Standards Act to Federal fire fighters and law enforcement personnel,

Dockets relating to hearings held in 1963 on proposed changes in recordkeeping requirements relating to overtime pay exemptions for employees employed in retail or service establishments and paid mostly by commission on goods and services These proposed changes amended 29 CFR Parts 516, 548, 778 and 779,

Application of proposed amendments published in the Federal Register in 1967 and 1968 to 29 CFR Part 526 on the application of section 7(c) and 7(d) of FLSA,

Comments received on a proposed amendment to 29 CFR Part 516 and CFR Part 552 published in the Federal Register on October 1, 1974, relating to the employment of domestic service employees under the Fair Labor Standards Act,

Comments received on a proposed amendment to 29 CFR Part 516 published in the Federal Register on March 16, 1973, resulting from an amendment to section 6(d) of the Fair Labor Standards Act,

Interpretative changes in 29 CFR Part 516 33, 29 CFR 780 380 and 305 relating to agricultural employment under the Fair Labor Standards Act, and

A hearing at Piedmont Cotton Mills (section 3m), 1942

Supersedes Job No s NC-155-00-01, Item 3; NN-164-171, Item 6, N9-155-00-01, Item 27, NC1-155-84-1, Item 1; N9-155-00-01, Item 28, NC1-155-84-1, Item 2

3. Plain language Non-Technical Guidance.

Records consist of plain language guidance on the application of the Acts administered by the Division. Includes, but is not limited to paper brochures, public serve announcements, fact sheets, similar information placed on the Internet, interactive computer applications and public contact lists. These records do not create Division policies, but rather, communicate them or inform the public where more information can be obtained.

Records filed by publication number and topic.

a. Current Guidance:

File by either publication number or topic. Maintain a recordkeeping copy of electronic and paper records.

Disposition – Temporary. Keep in office. Destruction not authorized at this time.

b. Superseded Guidance:

1. Guidance that is revised only for technical reasons, (e.g., only change is an increase in the minimum wage or address changes) or where additional information is added – without removing or otherwise altering information may be destroyed when it no longer serves an official business purpose.

Disposition – Temporary. Screen annually. Destroy when no longer needed, useful, or accurate.

2. Guidance that is revised for significant matters (e.g., elimination of information or policy changes) will be offered to National Archives after 20 years. Destroy if not accepted by National Archives.

Disposition – Permanent. Retain in office. Transfer to National Archives after 20 years.

PRIVACY ACT RESTRICTION – NO.

2 cu. ft. per year.

4. Program Records of a Non-Policy Nature.

Consists of miscellaneous records such as communications including, but not limited to, memoranda relating to routine “housekeeping” matters that serve no ongoing program, policy or historical purpose (e.g., requests to other offices for publications, notification of community events and travel itineraries not covered under other schedules, phone duty rotation schedules, routine assignments, etc.).

Disposition – Temporary. All paper and electronic records – Destroy when no longer needed for official business and recordkeeping copies produced for other applicable schedules, such as personnel or compliance action files.

PRIVACY ACT RESTRICTION – NO.

¼ cu. ft. per year.

Supercedes Job No.s: N9-155-00-01, Item 24; NC-155-75-1, Item 2 (d), 4(b).

5. National Training Materials.

These records consist of training aids.

Disposition – Temporary. Destroy when obsolete because of changes in program or training techniques and are replaced by improved aids. Background information will be retained in program development subject files.

PRIVACY ACT RESTRICTION – NO.

1 cu. ft. per year.

6. Briefing Materials.

Consists of briefing materials reflecting Division policies and their development. These documents reflect information already in Program Development Subject Files.

Disposition – Temporary Destroy when obsolete because of changes in program or are replaced by improved materials.

PRIVACY ACT RESTRICTION – NO.

2 cu. ft. per year.

7. Certification/Registration Files.

Records consist of applications, certifications and registrations for all Division programs. Includes, but not limited to those records for the Full Time Student, Student Learner, Patient Worker, Workers with Disabilities, Sheltered Workshop, Farm Labor Contractor and Farm Labor Contractor Employee programs. These records are maintained in “establishment” files (e.g., retail or service operations, sheltered workshops), “school” files (e.g., colleges or vocational schools), individual applications (e.g., farm labor contractors and farm labor contractor employees), etc. Information in these files includes – but is not limited to – names, addresses, S/S numbers, notification of determination to revoke or deny a certificate of registration, hearing request(s) and/or subsequent legal documents.

Generally, programs under section 14 of the FLSA permit authorization of sub-minimum wages to certain categories of workers in order to prevent curtailment of their opportunities for employment. Such authorization is granted by certificate under Division regulations. The procedure in general is for the applicant to provide certain information in a prescribed application form, and for the appropriate Regional office – after analyzing the information – granting or denying the certificate. The categories include full-time students, Student-Learners, Apprentices, Learners, Workers with disabilities.

The MSPA requires Farm Labor Contractor and Farm Labor Contractor Employees, as defined by the Act, to register with the Department of Labor and have certificate approval to transport or house migrant or seasonal agricultural workers.

Disposition – Temporary. Transfer Certification/Registration Files materials to the Federal Records Center 2 years after last certificate action (approval, denial, revocation). Destroy 3 years after transfer.

PRIVACY ACT RESTRICTION – YES.

12 cu. ft. per year.

Supersedes Job No.s: N9-155-00-01, Items 22, 23(a) and (b); NC-155-75-1, Items 1, 2 (a), (b) and (c), 4(a).

8. Advisory/Special Committee Files.

a. Advisory Committee Files:

Paper Records: May include, but not limited to, agenda, minutes and whenever made transcripts of meetings and hearings of the various Advisory and Committees for the Division, such as Sheltered Workshops and Child Labor Advisory Committees and Special

Industry Committee. The files also contain appropriate survey materials, work papers, economic reports, docket files and exhibits. The special Industry Committee Files will also include Wage Order Files.

Disposition – Permanent. Retain 20 years and then offer to National Archives.

½ cu. ft. per year.

b. Committee Correspondence Files:

Disposition – Permanent. Paper Records – Transfer to Federal Records Center two years after expiration of last year of member's appointment. Transfer to National Archives 20 years after transfer to FRC. (Approximately ½ cu. ft. per year.)

PRIVACY ACT RESTRICTION – NO.

½ cu ft per year.

Supercedes Job No.s: N9-155-00-01, Item 24; NC-155-75-1, Item 3 (a) and (b), NC-155-75-2, Item 1.

9. Regional Accountability Survey Reports.

Those records contain regional survey reports and studies which provide information on the operations of the offices with respect to effectiveness and conformance with established policies and procedures and actions taken to improve operations.

Disposition – Temporary. Paper records break file every 4 years. Transfer to the Federal Records Center 1 year thereafter. Destroy 3 years after transfer.

PRIVACY ACT RESTRICTION – NO.

¼ cu ft per year.

Supercedes Job No.s: N9-155-00-01, Item 7; NN-164-171, Item 15.

10. Statistical Records.

Offices throughout the Division create statistical records to aid in the administration of effective compliance and education/outreach programs.

a. Survey Schedules:

These records consist of raw data collected by the Division and entered into a database for creating statistical reports.

Disposition – Temporary. Dispose of after data has been entered in electronic or other database, except that material to be used for research purposes may be retained while its usefulness lasts.

b. Statistical Reports, Tabulations and Tables:

Disposition – Temporary. Place in inactive file after subsequent report is processed, or 4 years after date of report if there is no subsequent report. Destroy 2 years afterwards except that data to be used for research purposes may be retained while its usefulness lasts.

c. Subject Files Relating to Programming Statistical Surveys:

Disposition – Temporary.

Break file every 4 years. Hold in office for 1 year and then transfer to FRC except for those files to be used for research purposes. Dispose of 10 years after break of file.

This standard excludes WHISARD records.

PRIVACY ACT RESTRICTION – YES.

¼ cu ft per year.

Supersedes Job No.s: N9-155-00-01, Item 10; NN-164-171, Item 19.

11. The Child Labor Youth Peddler Electronic “Bulletin Board”.

Consists of electronic files established to monitor door-to-door sales activities in relation to the Division’s responsibilities regarding oppressive child labor. Information may include, but is not limited to: investigative histories of specific employers; employer identification numbers; registration numbers of vehicles used to transport youth crews; current locations of sale crews and planned itineraries of the crews; recent enforcement findings; criminal investigations of employers; information about other crimes/injuries involving youth; court decisions, and subpoenas, etc.; state and local licenses; information concerning the products being sold; name and location of manufacturers and/or warehouses used to store these materials; and recruiting advertisements.

Disposition – Temporary. Maintain on Electronic Bulletin until no longer serves a business purpose. Transfer records to electronic master database CD/disc file. Delete from Board after verifying records. Maintain CD/disc file for 10 years, then destroy.

PRIVACY ACT RESTRICTION – YES.

12. Conferences and Committee Meeting Files.

These files contain agenda and minutes of meetings and conferences attended by the Administrator, Deputy Administrator, Assistant Administrators or their designees.

Disposition – Permanent. Break file every 4 years for standing committees or conferences or at completion of special conference or committee report or study. Transfer to the Federal Records Center 1 year after break in file. Offer to NARA as permanent records after 15 years.

PRIVACY ACT RESTRICTION – NO.

2 cu. ft. per year.

Supersedes Job No.: NN-164-171, Item 14.

13. Enforcement Field Operations Handbook.

(Source data used for compiling printed handbook.)

Field Operations Handbook (FOH) and research data are prepared for the direction and guidance of personnel in the direction and administration of the enforcement activities under the Acts administered by the Division.

FOH guidance is filed by subject matter.

a. Guidance currently in effect.

Paper and, when available, electronic copy of FOH text – such as that created on word processing systems or Internet applications – will be maintained.

Electronic copies of the FOH text includes such text as that created on electronic mail and word processing systems placed on the Intranet. An electronic copy will be maintained on computer disk.

b. Superseded FOH guidance:

Disposition – Permanent. Place paper records in inactive file when superseded. Transfer to NARA after 100 years.

PRIVACY ACT RESTRICTION – NO.

1 cu. ft. per year.

Supercedes Job No.. NN-164-171, Item 16.

14. MSPA Ineligible Farm Labor Contractors.

Record of persons whose Farm Labor Contractor and Farm Labor Contractor Employee Certificate of Registration has been revoked or whose application for such certificate has been denied and such action has become a final Order of the Secretary of Labor.

Paper records.

Disposition – Temporary. Record is updated monthly and paper copy may be destroyed when it is replaced and is no longer needed for official business.

Electronic records:

Disposition – Permanent. Electronic copies created on electronic mail and word processing systems; a copy of each month to be backed up on a CD specifically established for archiving this record.

PRIVACY ACT RESTRICTION – YES.

¼ cu. ft. per year.

**This schedule section pertains to all Wage and Hour Division Office's
except for the Office of Enforcement Policy.**

15. Investigation Case Files of District Offices Not Selected for Retention at the National Archives.

Disposition – Temporary.

a. Those in which violations were disclosed, transfer to FRC 3 years after closing date of last investigation. Destroy 9 years after transfer.

b. Those in which no violations were disclosed, destroy 3 years after closing date of last investigation.

16. Material to be Removed From Closed Investigation Case Files Selected for Retention at the National Archives.

Investigation forms used to show receipt of payment of back wage of \$5 or due an employee or former employee.

- a. Wage Transcription and Computation Sheet (FORM WE-55) Forms used during an investigation in transcribing payroll records and in computing back wages due an employee.

Disposition – Temporary. Destroy forms in files selected for National Archives immediately before files are transferred to the Federal Records Center (3 years after closing date of last investigation).

- b. Receipt for Payment of Back Wages

Disposition – Temporary. Destroy forms in files selected for National Archives immediately before files are transferred to the Federal Records Center (3 years after closing date of last investigation).

17. Administrative Subject File

Correspondence pertaining to administration and enforcement of Fair Labor Standards Act; Walsh-Healey Public Contracts Act; Family and Medical Leave Act; employee Polygraph Protection Act; The Immigration and Nationality Act; Davis-Bacon and Related Acts; Copeland “Anti-Kickback” Act; Contract Work Hours and Safety Standards act; McNamara-O’Hara Service Contract Act; Consumer Credit Protection Act; of the Occupation Safety and Health Act: including interpretations, opinions, policy matters and information program and procedures.

- a. Exempt Reports

Disposition – Temporary. Screen files at 3 year intervals. Destroy obsolete or superseded material.

- b. Reports, including statistical reports. Reports and statistics pertaining to investigation activity, the certification and enforcement programs, test reinvestigation findings, legal activity, and general significant activities.

Disposition – Temporary. Weekly reports Destroy 1 year after date of report; All Others: Destroy 2 years after date of report.

18. General Alphabetical File

- a. Correspondence with representatives of business establishments, labor and trade organizations, Congressmen, and the general public pertaining to the application of the Fair Labor Standards Act; Walsh-Healey Public Contracts Act; Family and Medical Leave Act; employee Polygraph Protection Act; The Immigration and Nationality Act; Davis-Bacon and Related Acts; Copeland “Anti-Kickback” Act; Contract Work Hours and Safety Standards Act; McNamara O’Hara Service Contract Act, Consumer Credit Protect Act; and the Field Sanitation and Temporary Labor Camp Provisions of the Occupational Safety and Health Act, correspondence and other

paper relating to establishments on which investigation action was considered but not taken; and copies of certification material concerning special minimum wages.

Disposition – Temporary. Destroy 3 years from date of last document

b. Correspondence with or concerning specific business establishments pertaining to application of the Fair Labor Standards Act; Walsh-Healey Public Contracts Act; Family and Medical Leave Act; employee Polygraph Protection Act; The Immigration and Nationality Act; Davis-Bacon and Related Acts; Copeland “Anti-Kickback” Act; Contract Work Hours and Safety Standards Act, McNamara O’Hara Service Contract Act; Consumer Credit Protect Act; and the Field Sanitation and Temporary Labor Camp Provisions of the Occupational Safety and Health Act.

Disposition – Temporary. Destroy 8 years from date of last document.

19. Case Movement Control Card

Disposition – Temporary.

a. Retain cards for files selected for permanent retention at the National Archives and cards relating to investigations which resulted in an injunctive action, criminal action, or a compliance stipulation.

b. Destroy all other cards 12 years after the closing date of the last investigation.

c. Alphabetical card record used to control location of investigation files, linking those in Federal Records Centers and the National Archives, and to cross-reference trade names. Contains limited information regarding the establishment and provides space for controlling movement of files.

20. Assignment Control Card

Card file maintained in field office to serve as record of each investigation assignment. Contains information regarding the establishment and investigation results and provide a record of investigation activity by date.

Disposition – Temporary.

a. Retain cards relating to cases which resulted in civil or criminal action in house for 40 years. Transfer to NARA for 60 years then Destroy.

b. Destroy all other cards 12 years after the closing date of the last investigation.

21. Training File

a. Annual reports on plans and accomplishments relating to training classes for investigators, and special one time

Disposition – Temporary. Destroy 2 years after date of report.

b. Correspondence concerning conferences and meetings, copies of agendas

1. Regional conference material.

Disposition – Temporary. Destroy 3 years from date of last document.

2. Material on all other conferences and meetings.

Disposition – Temporary. Destroy 2 years after date of report.

c. Correspondence concerning specific trainees.

Disposition – Temporary. Destroy 3 years from date of last document.

d. Training Aids

Disposition – Temporary. Destroy when they become obsolete because of changes in program or in training techniques and are replaced by improved aids.

e. Correspondence and forms concerning training not otherwise covered in this schedule training classes.

Disposition – Temporary. Destroy 3 years after date of document.

22. Joint Review Committee Correspondence

Correspondence between Joint Review Committee, Regional Director, and Regional Attorney concerning potential litigation.

Disposition – Temporary. Destroy 3 years after question of litigation in a particular case is settled.

23. Safety Engineer Files

Correspondence with Regional and National Offices pertaining to investigation activity, procedural changes, and case hearings.

Disposition – Temporary. Destroy 5 years prior to date of latest document.

24. Certification Files

a. Apprentices, student learners, handicapped workers, sheltered workshops, home workers, learners, messengers, student workers, full-time students.

1. Applications, certificates, letters authorizing individual client rates, agreements, and related documents pertaining to specific employers or clients (except in cases of denial, annulment, or withdrawal of an application or certificate.

Disposition – Temporary.

a. Destroy 3 years after expiration date of certificate (for apprentices).

b. Destroy 3 years after termination date of apprenticeship agreement.

c. Handicapped or sheltered workshop application which contains information not available in current application will be retained in current file.

2. All paper pertaining to the denial, annulment or withdrawal of applications or certificates.

Disposition – Temporary. Destroy 5 years after date of latest document.

3. Affidavits concerning proof of prior employment as a home worker in a particular industry.

Disposition – Temporary. Destroy when named individual becomes 75 year of age or has not been employed as a home worker for 5 years, whichever is later.

4. Correspondence, reports, and memoranda pertaining to specific disabilities and /or vocational rehabilitation of handicapped individuals, including medical examination reports.

Disposition – Temporary. Destroy after 3 years if superseded by more current information. If individual becomes inactive or it is known he can no longer be employed, disposed of 5 years after expiration of last employment.

5. Selected correspondence pertaining to individual sheltered workshops which contain significant background information showing the shop to be bona fide or which describes services rendered, policies, approved rate structure, and operating practices; reports of survey and orientation visits to sheltered workshops; reports of special investigations of certificate holders.

Disposition – Temporary. Destroy after 3 years if superseded by more recent information, or if workshop no longer exists, 5 years after date of latest document.

6. Applications and related correspondence pertaining to the issuance and distribution of homework handbooks.

Disposition – Temporary. Destroy material pertaining to previous application at time handbooks are reissued. Otherwise, dispose of 3 years after the last application.

b. Federal Certificate of Age

1. Applications, copies of Federal certificates of age and notification of non-issuance.

Disposition – Temporary. Destroy when minor becomes 20 years of age

2. Routine correspondence and forms pertaining to verification of age and issuance of age certificates.

Disposition – Temporary. Maintain in office for 1 year, then transfer to FRC for 8 years, Destroy after 9 years.

c. Certification Control Files (all types)

Disposition – Temporary. Destroy when reference or control value ceases.

25. Handling of Back Wage and Related Monies to be Paid to Claimants or Transferred to Miscellaneous Receipts of the Treasury.

a. Payment Record Cards (Form WH-158) Records maintained for each employer showing amounts due and collected from the employer and total payments made to their employees.

Disposition – Temporary. Retain on site for 3 years after last payment or 3 years after funds are transferred to miscellaneous receipts of the Treasury. Transfer to Federal Records Center. Disposal not authorized by this schedule. (*GAO responsibility*)

b. Certificates of Deposit (SF-219) Forms used to transmit monies to Treasury.

Disposition – Temporary. Retain on site for 3 years after last payment or 3 years after funds are transferred to miscellaneous receipts of the Treasury. Transfer to Federal Records Center. Disposal not authorized by this schedule. (*GAO responsibility*)

c. Vouchers and Schedules of Payment (SF-1166) Authority to Treasury to issue checks to employees.

Disposition – Temporary. Retain on site for 3 years. Transfer to Federal Records Center. Disposal not authorized by this schedule (*GAO responsibility*)

d. Debit Vouchers (Treasury Form 5504) Form used by Treasury to forward employer's check to WHPC when it is returned because of insufficient funds.

Disposition – Temporary. Retain on site for 3 years. Transfer to Federal Records Center. Disposal not authorized by this schedule. *(GAO responsibility)*

e. Schedule of Undeliverable Checks for Credit to Government Accounts (SF-1185) Form used to effect redeposit in Treasury when employee cannot be located

Disposition – Temporary. Retain on site for 3 years. Transfer to Federal Records Center. Disposal not authorized by this schedule. *(GAO responsibility)*

f. Statement of Transaction (SF-224) Form listing individual monthly transactions

Disposition – Temporary. Retain on site for 3 years. Transfer to Federal Records Center. Disposal not authorized by this schedule. *(GAO responsibility)*

g. Journal Vouchers (SF-1017G) Forms used to transfer un-disbursed balances from the Deposit Fund Account to the Miscellaneous Receipt Account and to make adjustments between various WHPC accounts.

Disposition – Temporary. Retain on site for 3 years. Transfer to Federal Records Center. Disposal not authorized by this schedule. *(GAO responsibility)*

h. Monthly Reconciliation of Accounting Records (Form WH-308) Summarization of all financial transactions confirmed by Treasury

Disposition – Temporary. Retain on site for 3 years. Transfer to Federal Records Center. Disposal not authorized by this schedule. *(GAO responsibility)*

i. Receipt Control Register (Form-310) Listing by date, of checks received and deposited.

Disposition – Temporary. Retain on site for 3 years. Transfer to Federal Records Center. Disposal not authorized by this schedule. *(GAO responsibility)*

j. Worksheet – Fair Labor Standards Act Gross Cases (Form WI-309) Form for computing amounts due employees and the applicable tax deductions.

Disposition – Temporary. Retain on site for 3 years. Destroy 4 years after last payment, or 4 years after funds are transferred to miscellaneous receipts of Treasury.

k. Report of Wages Taxable under the Federal Insurance Contributions Act (IRS Form 941a) Form prepared for each employer for whom gross FLSA back wages payment were processed during the quarter.

Disposition – Temporary. Retain in office. Transfer to Federal Records Center 4 years after date of last payment. Destroy 4 years after transfer.

l. Report of Income Tax Withheld (Form W-2) Form prepared for each employee receiving gross back wages under the FLSA showing income taxes withheld.

Disposition – Temporary. Retain in office. Destroy after 4 years.

m. Request to Remail Undeliverable Treasury Checks and /or Bonds (Treasury Form 166R) Form used to request that check be remailed by Treasury to a new address or to correct error in address previously furnished.

Disposition – Temporary. Retain in office.

n. Notices of Levy (IRS Form 668-A) Form used to make payment to IRS for amounts owed that agency by the taxpayer.

Disposition – Temporary. Retain in office. Destroy after 4 years.

o. Application for Back Wages Due (Form WH-60) Letter from employee claiming back wages.

Disposition – Temporary. Retain in office. Transfer to Federal Records Center 4 years after date of last payment. Destroy 8 years after transfer to Federal Records Center.

p. Claim against the U.S. for Amounts Due Deceased Creditor (SF-1055) Claim of surviving heir for back wage due a deceased employee.

Disposition – Temporary. Retain in office. Transfer to Federal Records Center 4 years after date of last payment. Destroy 8 years after transfer to Federal Records Center.

26. Public Contract Minimum Wage Determination Hearing Records Prior to 1963

Files consist of correspondence, reports, dockets, research studies, transcripts of hearings, reports of proceeding, exhibits, and decision of the hearing examiners in setting of prevailing minimum wages under the Walsh-Healey Public Contracts Act. This standards does not apply to those records maintained by the Office of the Solicitor. The inclusive dates of the records are from 1930's to 1963. No wage determination hearings have been held under this statute since 1963. (37 cubic feet)

Disposition – Temporary. Retain in office. Destroy 75 years after the date of the most recent file date.

27. Walsh-Healey Subject Files

By industry classification when pertaining to determination of prevailing minimum wage e.g., chemical and related products, electric lamps, woolen and worsted.

All other subject files, e.g., rulings interpretations.

Disposition – Temporary. Retain in office. Destroy 75 years after the date of the most recent file (1971)

28. Prevailing Wage Determinations and Related Support Material and Correspondence – Davis Bacon and Related Acts

a. Wage Determinations. Prevailing wage determinations and related material and correspondence.

Disposition – Temporary. Transfer to Federal Records Center when 1 calendar years old. Destroy when 10 years old.

b. Surveys. Davis-Bacon surveys to determine prevailing wage and fringe benefit rates including related material and correspondence.

Disposition – Temporary. Transfer to Federal Records Center when 6 months old. Destroy when 10 years old.

c. Collective Bargaining Agreements and other correspondence and supporting information

Disposition – Temporary. Transfer to Federal Records Center when 2 calendar years old. Destroy when 5 years old.

Items 28a, 28b and 28c are for National Office use
Item 28b for Regional Office use

29. Prevailing Wage Determinations and Related Support Material and Correspondence – Service Contract Act 1965

Withdrawn wage determination dockets, each consisting of an original wage determination, the revision to it and the related SF-98's background material correspondence and investigation.

Disposition – Temporary. Transfer to Federal Records Center on an annual basis, one year after withdrawal from active use in the issuance of wage determinations under the Service Contract Act. Destroy 10 years after withdrawal.

30. Administrative, Legislative Studies, and Program Development Subject Files

These records document the provisions of the Fair Labor Standards Act and the Walsh-Healy Public Contracts Act, including the establishment of minimum wages, industry committee determinations, Public Contracts wage determination, Public contracts safety and health standards and agreements with State and Federal agencies for enforcement, Davis-Bacon Act, overtime child labor standards, regulations, exemptions, certification, homework industries and enforcement activities.

Disposition – Temporary. Break File every 4 years, retain in office. Destroy when administrative usefulness is exhausted.

31. Program Subject Files Relating to Wage Determinations, Regulations and Exemptions

These files consists of copies of correspondence and reports submitted to higher levels, work papers and studies of a preliminary nature as source data in answering correspondence or in recommending changes in the position of policies taken by the Department of Labor including:

Overtime under the guaranteed wage plans, profit sharing and welfare plan, and Portal to Portal Act.

Exemptions under the Fair Labor Standards Act.

Special minimum wage regarding learners, student learning, student workers, handicapped workers, sheltered workshops, apprentices, full-time students and messengers.

Special studies on employment earnings and technical development

Regulations and Exemptions

Coverage under the Fair Labor Standards Act

Disposition – Temporary. Screen files at three year intervals. Destroy materials with no reference value.

32. Special Industry Committee Files

This files contains correspondence, survey materials, work paper, wage orders, economic reports, transcripts of hearing, docket files exhibits and other material used in the administration of the minimum wage program for American Samoa for the period 1938 to present.

a. Survey Materials, work paper, wage orders, economics reports, transcripts and other materials.

Disposition – Temporary. Break files every 2 years, hold in office for 2 years, then transfer to Federal Records Center. Destroy 10 years after transfer.

b. Correspondence and Docket files

Disposition – Temporary. Break files every 2 years, hold in office for 2 years, then transfer to Federal Records Center. Destroy 20 years after transfer.

33. Emergency Wage Stabilization

Studies, program plans and regulations relating to wage stabilization and labor disputes during Operations Alert-Civil Defense

Disposition – Temporary. Break files every 4 years or at completion of Operations Alert exercise. Transfer to Federal Record Center 1 year thereafter except those files used in current planning. Destroy 12 years after break of file.

34. Conference and Committee Meeting Files

These files contain agenda and minutes of meeting and conferences attended by the Administrator, and Deputy Administrators or their designees.

Disposition – Permanent. Break files every 4 years for standing committee or conferences or at completion of special conference or committee report or study. Transfer to the Federal Record Center 1 year after break. Hold in Federal Record Center for 100 years, transfer to Archives.

35. Regional Survey Reports

These records contain regional survey reports and studies which provide information on the operations of the offices with respect to effectiveness and conformance with established policies and procedures and actions taken to improve operations.

Disposition – Temporary. Break files every 4 years for standing committee or conferences or at completion of special conference or committee report or study. Transfer to the Federal Record Center 1 year after break. Destroy 5 years after transfer.

36. Statistical Records

a. Survey Schedules

Disposition – Temporary. Destroy after data has been incorporated on machine cards or tapes except for material to be used for research purposes so that it may be retained while its usefulness lasts.

b. Automatic Data Processing Punched Cards

Disposition – Temporary. Destroy after 2 years.

c. Statistical Reports, Tabulations and Tables

Disposition – Temporary Place in inactive file after subsequent report is processed, then 4 years after date of initial report if there are no subsequent reports, Destroy 2 years afterwards except that information to be used for research purposes may be retained while its usefulness lasts.

d. Subject Files Relating to Programming Statistical Surveys

Disposition – Temporary. Break file every 4 years, hold in office for 1 year, transfer to Federal Records Center except those files to be used for research purposes, Destroy 10 years after break in file.

37. Strategic Planning and Program Development Subject Files

Documents and reports relating to the strategic performance plans of the Wage and Hour Division

Disposition – Temporary. Break file every 4 years, retain in office for 100 years, transfer to National Archives when administrative usefulness is exhausted.

38. Electronic Copies of Records Created on Electronic Mail and Word Processing Systems.

Electronic records created on electronic mail and word processing systems. Delete after recordkeeping copy has been produced and no longer deemed necessary for official business.

SUMMARY OF CHANGES TO WAGE AND HOUR DIVISION RECORDS DISPOSITION AUTHORITY

OFFICE OF ENFORCEMENT POLICY ONLY

1. Program Development Subject Files – Supercedes N9-155-00-01, Items 2, 3, 5, 9, 23, 24; NC-155-75-1, Items 2 (e); NN-164-171, Item 4, 5, 6, 12 and 18 – Electronic records disposition included. All Program Development Subject Files now use the same standard.
2. Records Pertaining to Rulemaking – Supercedes NC-155-00-01, Item 3; NN-164-171, Item 6; N9-155-00-01, Item 27; NC1-155-84-1, Item 1; N9-155-00-01, Item 28; NC1-155-84-1, Items 1 and 2 – Electronic records disposition included. All Regulation and Rulemaking Development Files use the same standard. This item excludes records pertaining to those disposed of under schedule NC1-155-84, which consisted of Public Contract Minimum Wage Determination Hearing Records Prior to 1964 and Fair Labor Standards Acts Hearings prior to 1978. There is value to mentioning records disposed of under schedule NC1-155-84-1, since we intend not to dispose of similar materials in the future and they are mentioned on the revised schedule.
3. Plain Language Non-Technical Guidance – New disposition authority – Electronic records disposition included. The Division creates plain language non-technical guidance. Maintaining copies of such publications once they are obsolete and replaced serves no program or significant historical purpose, provided only minor changes are made. The information that formed the basis for information in the publication is maintained in Regulation and Rulemaking Files and Program Development Subject Files.
4. Program Communications of a Non-Policy Nature – Supercedes N9-155-00-01, Item 23(a); NC-155-75-1, Item 2 (d), 4(b) – Electronic records disposition included. All records of a non-policy nature are combined into a single item on the proposed schedule.
5. National Training Materials – New disposition authority – Electronic records disposition included.
6. Briefing Materials – New Authority – Electronic records disposition included. Consists of briefing materials reflecting Division policies and their development. These records reflect information already in Program Development Subject Files
7. Certification Files – Supercedes N9-155-00-01, Items 22, 23(a) and (b); NC-155-75-1, Items 1, 2 (a), (b) and (c), 4(a) – Electronic records disposition included. This standard now applies to all certification/registration programs.
8. Advisory/Special Committee Files – Supercedes N9-155-00-01, Item 24; NC-155-75-1, Item 3 (a) and (b); NC-155-75-2, Item 1 – Electronic records disposition included. The revised schedule includes all of the Division’s Advisory Committees. The old schedule addressed only conferences and committee meeting records of the Sheltered Workshop Advisory

Committee. Due to the need to quickly access these records during their retention period, records will not be sent to the FRC.

9. Regional Accountability Survey Reports – Supercedes N9-155-00-01, Item 7; NN-164-171, Item 15 – Electronic records disposition included. A final disposition for these records is added. These records, relating to internal program reviews, serve no long-term program or historical purpose.
10. Statistical Records – Supercedes N9-155-00-01, Item 10; NN-164-171, Item 19 – Electronic records disposition included. How automation allows data to be collected and compiled has changed since creation of this item.
11. The Child Labor Youth Peddler Electronic “Bulletin Board” – New disposition authority – Electronic records disposition included. The Child Labor Youth Peddler Bulletin Board is a new system of records and should be added to the schedule. Electronic files are established to monitor door-to-door sales activities in relation to the Division’s responsibilities regarding oppressive child labor. The information may include, but is not limited to: investigative histories of specific employers; Employer Identification Numbers; registration of vehicles used to transport youth crews; current locations of sale crews and planned itineraries of the crews; recent enforcement findings; criminal investigations of employers; information about other crimes/injuries involving youth; court decisions, and subpoenas, etc.; state and local licenses; information concerning the products being sold; name and location of manufacturers and/or warehouses used to store these materials; and recruiting advertisements.
12. Conferences and Committee Meeting Files – Supercedes NN-164-171, Item 14 – Electronic records disposition included.
13. Enforcement Field Operations Handbook – Supercedes NN-164-171, Item 16 – Electronic records disposition included. No change in disposition.
14. MSPA Ineligible Farm Labor Contractors – New disposition authority – Electronic records disposition included. Record of persons whose Farm Labor Contractor and Farm Labor Contractor Employee Certificate of Registration has been revoked or whose application for such certificate has been denied and such action has become a final and unappealable Order of the Secretary of Labor.

DELETIONS

1. N9-155-00-01, Item 1 – Public Contracts Notice of Award Files – These records were never generated in electronic form. The requirement/use of these notices was repealed with the regular dealer requirement under Walsh-Healey PCA in the 1960’s. Thus, no new records are being generated in this category.
2. N9-155-00-01, Item 4 – Special Industry Committee Wage Order Files – NC-155-75-2, Item 1 replaced Schedule NN-164-171, Item 8.

3. N9-155-00-01, Item 6 – Emergency Wage Stabilization File - Responsibility for this program was transferred to ESA-OMAP. The Division never maintained these records in electronic form.
4. N9-155-00-01, Item 8 – Safety and Health Program – Responsibility for this program was transferred to OSHA. The Division never maintained these records in electronic form.
5. N9-155-00-01, Item 27 – Public Contract Minimum Wage Determination Hearing Records Prior to 1964 – These records, disposed of under schedule NC1-155-84-1, never existed in electronic form.
6. N9-155-00-01, Item 28 – Fair Labor Standards Act Hearing Records – These records, disposed of under schedule NC1-155-84-1, never existed in electronic form.
7. NC-155-75-1, No item number – Section 14 of the Fair Labor Standards Act – The discussion of the FLSA Section 14 program does not address records.
8. NC1-155-84-1, Item 3 – Public Contracts Notice of Award Files – The requirement/use of these notices was repealed with the regular dealer requirement under Walsh-Healey PCA in the 1960's. Thus, no new records are being generated in this category. All previously held records were disposed of in accordance with the old schedule.
9. NN-164-171, Item 13 – Emergency Wage Stabilization File. Responsibility for this program was transferred to ESA-OMAP. Records would already have been disposed of under the old schedule.
10. NC1-155-84-1, Item 17 – Safety and Health Program – Responsibility for this program was transferred to OSHA. Records would already have been disposed of under the old schedule.
11. NC1-155-84-1, Item 19(b) – Statistical Records, Punch Cards – As punch cards are no longer created, this item is deleted. Previously held records would already have been disposed of under the old schedule.

This part of the summary of changes pertains to all of the Wage and Hour Division except for Office of Enforcement Policy.

1. Items 15 through 19 have not changed. These are items 1 through 5 on the NN-168-43 record schedule.
2. Item 20 Assignment Control Cards changes to state that Card are kept in-house for 40 years, then transferred to WNRC for an additional 60 years. At 100 years old, dispose of cards. This is Item 6 on NN-168-43.
3. Items 21 to 23 have not changed. These correspond to items 7 through 9 on NN-168-43.

4. Item 24b2 Federal Certificate of Age changed to keep certificates in-house for one year, then transfer to WFRC to 8 years. Dispose when file is 9 years old. This is item 10b2 on NN-168-43.
5. Items 25 did not change from item 11 on NN-168-43
6. Item 26 Public Contract Minimum Wage Determination Hearing Records Prior to 1963 is New.
7. Item 27 Walsh-Healey Subject Files is New.
8. Item 28 Prevailing Wage Determinations and Related support Material and Correspondence-Davis Bacon and Related Acts remains unchanged from Item 1 on N1-155-90-1.
9. Item 29 Prevailing Wage Determinations and Related Support Material and Correspondence-Service Contract of 1965 remains unchanged from Item 2 on N1-155-90-1.
10. Item 30 Administrative, Legislative Studies, and Program Development Subject Files is New.
11. Item 31 Program Subject Files Relating to Wage Determinations, Regulations and Exemptions is New.
12. Item 32 Special Industry Committee Files is New.
13. Item 33 Emergency Wage Stabilization is New.
14. Item 34 Conference and Committee Meeting Files is New
15. Item 35 Regional Survey Reports is New.
16. Item 36 Statistical Records is New.
17. Item 37 Strategic Planning and Program Development Subject Files is New.