

## Request for Records Disposition Authority

Records Schedule Number DAA-0174-2013-0006  
Schedule Status Approved  
Agency or Establishment Department of Labor  
Record Group / Scheduling Group General Records of the Department of Labor  
Records Schedule applies to Major Subdivision  
Major Subdivision Office of the Solicitor  
Schedule Subject Comprehensive Records Schedule  
Internal agency concurrences will be provided Yes

### Background Information

The Office of the Solicitor (SOL) provides the Secretary of Labor and agencies within the Department, its clients, with the comprehensive legal services required to accomplish the mission of the Department and the priority goals established by the Secretary while ensuring that the Department itself complies with applicable laws and regulations.

SOL independently litigates in U.S. District Courts, Courts of Appeals, and before administrative bodies; SOL assists the Solicitor General in DOL-related litigation in the U.S. Supreme Court and assists the Justice Department and local U.S. Attorney's offices in case preparation and trial.

SOL supports DOL regulatory activities through the review of rules and provides assistance in the preparation of notices and regulations. SOL provides oral and written interpretations and opinions to client agencies concerning more than 100 statutes, which the Department administers and/or enforces.

SOL coordinates the Department's legislative program and reviews proposed legislation, assists in drafting legislation, prepares testimony and reports on proposed legislation as requested by Congress and the Office of Management and Budget, assists in the preparation of annual reports to Congress, and provides legal advice on certain international matters, including issues involving the International Labor Organization. SOL also serves as in-house counsel to the Department on a variety of matters including but not limited to labor-management relations, procurement, grants, appropriations, and ethics.

### SOL Structure

This schedule covers the Office of the Solicitor as presently arranged, and as it may exist in the future. This section describes the agency's present structure. The Immediate Office of the Solicitor consists of the Solicitor of Labor, the Deputy Solicitor, a Deputy Solicitor for National Operations, and a Deputy Solicitor for Regional Enforcement, in addition to advisors and assistants.

SOL has ten National Division offices, organized by program-specific areas, which are generally structured to provide client agencies with a single point of contact to the extent possible for legal advice and rulemaking support, and also conduct or support related litigation. The National Divisions also conduct most of SOL's appellate litigation before the Administrative Review Board, the Employees' Compensation Appeals Board, the Federal Mine Safety and Health Review Commission, the Benefits Review Board, Merit System Protections Board, the Occupational Safety and Health Review Commission, Equal Employment Opportunity Commission's Office of Federal Operations, and the federal Courts of Appeals. The Office of Legal Counsel is responsible for managing both legislative and ethics matters concerning the Department as well as SOL's Honors Program. Each Division is headed by an Associate Solicitor, and, in most cases, one or more Deputy Associate Solicitors. The National Divisions are as follows:

- Division of Black Lung and Longshore Legal Services
- Division of Civil Rights and Labor-Management
- Division of Employment and Training Legal Services
- Division of Fair Labor Standards
- Division of Federal Employees and Energy Workers Compensation
- Division of Management and Administrative Legal Services
- Division of Mine Safety and Health
- Division of Occupational Safety and Health
- Division of Plan Benefits Security
- Office of Legal Counsel

SOL also has seven Regional and seven Branch Offices that generally serve as trial litigation centers. The Regional/Branch Offices support SOL's worker protection clients in their investigations and the development of cases, recommend and prosecute litigation before administrative bodies and federal District Courts, prepare legal interpretations and opinions for all of the agencies' regional components, and assist the United States Attorneys to prosecute criminal cases. Each Region is headed by a Regional Solicitor and Deputy Regional Solicitor, and each Branch is headed by an

Associate Regional Solicitor who reports to the respective Regional Solicitor.

Scope and Intent of Schedule

This comprehensive records schedule covers all SOL offices described above or subsequently established (hereinafter referred to as SOL office(s)). It supersedes all previously approved SOL records schedules and applies to all SOL program/mission records. This schedule does not cover administrative/common records that fall under the General Records Schedule. Administrative records are created in performing common functions that support SOL's activities, but do not directly document the performance of mission functions. Administrative records relate to activities such as budget and finance, human resources, equipment and supplies, facilities and contracting (e.g. travel vouchers, purchase orders, time and attendance, etc.).

This comprehensive schedule does not list every possible program/mission records series that may be encountered, but instead groups together logically related records and simplifies the retention periods for all records, including electronic information. The schedule is media neutral, that is, it covers records in all formats, including electronic records.

This large-category approach to records and electronic information management brings records in all media together to achieve a simplified approach to organizing and maintaining records. When additional records are identified they can easily be associated with existing category and subcategory descriptions. Within each major record category are subcategories used to group permanent and non-permanent records.

Supersedes: NNA-1730, NC1-174-81-2, NN-174-095, NN-174-093, NN-174-092, NN-174-091, NN-174-090, NN-174-089, NN-174-088, NN-174-087, NN-174-086, and N1-174-02-02.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
9	3	6	0

GAO Approval

0002, 0006, 0007, 0008, 0009

## Outline of Records Schedule Items for DAA-0174-2013-0006

Sequence Number	
1	Litigation Case Files and Advice and Opinion Files.
1.1	All Litigation Case Files and Advice and Opinion Files meeting the definition of historically significant. Disposition Authority Number: DAA-0174-2013-0006-0001
1.2	Litigation Case Files and Advice and Opinion Files not meeting the definition of historically significant. Disposition Authority Number: DAA-0174-2013-0006-0002
2	Immediate Office of the Solicitor.
2.1	Records documenting the activities of the Solicitor, meeting the definition of historically significant. Disposition Authority Number: DAA-0174-2013-0006-0003
2.2	All other records documenting the activities of the Solicitor, including but not limited to, chronological files, activity reports, and calendars. Disposition Authority Number: DAA-0174-2013-0006-0004
3	All other SOL records.
3.1	Rulemaking records.
3.1.1	Rulemaking records for which SOL is the agency initiating the rulemaking and retaining the official rulemaking record. Disposition Authority Number: DAA-0174-2013-0006-0005
3.1.2	Rulemaking records for which the Department or other client agency initiates the rulemaking and retains the official rulemaking records. Disposition Authority Number: DAA-0174-2013-0006-0006
3.2	Non-administrative chronological correspondence files, periodic activity reports, calendars for heads of offices, and for overall office coordination (other than Immediate Office of the Solicitor), and other records used to document staff activities. Disposition Authority Number: DAA-0174-2013-0006-0007
3.3	Attorney working files. Disposition Authority Number: DAA-0174-2013-0006-0008
3.4	Electronic systems tracking SOL legal activities (regardless of significance). Disposition Authority Number: DAA-0174-2013-0006-0009

## Records Schedule Items

Sequence Number	
1	<p>Litigation Case Files and Advice and Opinion Files.</p> <p>Litigation Case Files consist of records that include, but are not limited to, motions, briefs and other documents relating to cases litigated on behalf of SOL's client agencies before administrative adjudicators and the courts, exclusive of papers furnished by client agencies, which are returned to the client agencies for maintenance in those client agencies' official files. Advice and Opinion Files consist of records that include, but are not limited to, correspondence, memoranda, testimony, reports, decisions, studies, reference materials, and other similar records relating to the provision of legal advice and opinions to SOL's clients pertaining to proposed and existing statutes, programs, and regulations that client agencies are charged with administering and enforcing. The records in this category may be maintained in any SOL office. Note: Criteria may vary for different practice/program areas. Segregation of cases and other records into significant and non-significant categories must be done by the individual SOL office maintaining the records at the time the file is closed and /or the records are cut off (end of calendar year in which the case or matter is closed). Files may not be transferred to a Federal Records Center (FRC) until a designation of significant or non-significant has been made. Given the high threshold of historical significance to the nation, the Associate Solicitor or Regional Solicitor for the division/region should be consulted before a Litigation Case or Advice and Opinion File is deemed significant, if there is a question regarding the significance determination, or that designation is subsequently changed.</p>
1.1	<p>All Litigation Case Files and Advice and Opinion Files meeting the definition of historically significant.</p> <p>Disposition Authority Number      <b>DAA-0174-2013-0006-0001</b></p> <p>Historically significant Litigation Case Files and Advice and Opinion Files will be transferred to the National Archives for permanent retention. Only approximately 2-3% of all government records are deemed significant, and these records document changes and major events in the nation's history. Factors to be considered by SOL in determining which Litigation Case Files and Advice and Opinion Files qualify as historically significant include whether at the time the file is closed and/or at the time of eligibility for destruction or permanent accession to NARA, the matter is deemed to have: • Established an important legal precedent of lasting historical significance; • Involved a complex, important, or novel issue of lasting historical significance; • Involved high public interest and/or media attention (nationally or regionally) of lasting historical significance; • Involved large classes of victims and is of lasting historical significance; or • Resulted in large-scale monetary relief (millions) and is of lasting historical significance.</p> <p>Final Disposition                              <b>Permanent</b></p>

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **No**

**Disposition Instruction**

If this item has multiple sections, indicate here records to which this section apply **Non-electronic Textual Records**

Cutoff Instruction **End of calendar year in which file is closed.**

Transfer to Inactive Storage **Retain in office or transfer to Federal Records Center (FRC) one year after cutoff. If the official records are textual records (hard copy), offer to the National Archives 15 years after cutoff.**

Transfer to the National Archives for Accessioning **Transfer to the National Archives 15 year(s) after cutoff.**

**Additional Information**

First year of records accumulation **1933**

What will be the date span of the initial transfer of records to the National Archives? **From 1933 To 2000**

How frequently will your agency transfer these records to the National Archives? **Unknown**  
**Permanent materials date back to 1933, a good many will be eligible for immediate transfer to regional facilities or to College Park, and additional ones will be eligible every year as the 15 year retention is reached.**

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		
Paper	850 Cubic feet	10 Cubic feet
Microform		
Hardcopy or Analog Special Media		

Disposition Instruction

If this item has multiple sections, indicate here records to which this section apply      Electronic Records

Cutoff Instruction      Close of file.

Transfer to Inactive Storage      If the official records are electronic records, offer to the National Archives for pre-accession three years after close of file.

Transfer to the National Archives for Accessioning      If the official records are electronic records, offer to the National Archives for pre-accession three years after close of file.

Additional Information

What will be the date span of the initial transfer of records to the National Archives?      Unknown  
Unknown

How frequently will your agency transfer these records to the National Archives?      Unknown  
Unknown

1.2

Litigation Case Files and Advice and Opinion Files not meeting the definition of historically significant.

Disposition Authority Number      DAA-0174-2013-0006-0002

Final Disposition      Temporary

Item Status      Active

Is this item media neutral?      Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      No

Disposition Instruction

Cutoff Instruction      End of calendar year in which file is closed.

Transfer to Inactive Storage      Retain in office or transfer to Federal Records Center (FRC) one year after cutoff. Destroy/delete 1 to 10 years after cutoff, based on business needs of practice/program area. The retention period will be consistent within each program area or practice within a program area, without regard to which SOL office possesses the records. For litigation files,

		consistent retention periods will be established for each program area or practice within a program (e.g., appellate cases within a program, trial level cases within a program).
	Retention Period	Destroy between 1 year(s) and 10 year(s) after cutoff, based on business needs of practice/program area.
	Additional Information	
	GAO Approval	Required and Received
2		<p>Immediate Office of the Solicitor.</p> <p>Records created in or received by the Immediate Office of the Solicitor that document the activities of the Solicitor, including but not limited to, correspondence, advice, opinions, recommendations and decisions of the Solicitor; directives issued by the Immediate Office of the Solicitor concerning SOL policies and procedures; chronological files; speeches or congressional testimony by personnel in the Immediate Office of the Solicitor; activity reports; and calendars. Historically significant Records of the Immediate Office of the Solicitor will be transferred to the National Archives for permanent retention. Only approximately 2-3% of all government records are deemed significant, and these records document changes and major events in the nation's history. Factors to be considered by SOL in determining which Records of the Immediate Office of the Solicitor qualify as historically significant include whether at the time the record is closed and/or at the time of eligibility for destruction or permanent accession to NARA, it is deemed to have:</p> <ul style="list-style-type: none"><li>• Established an important legal precedent of lasting historical significance;</li><li>• Involved a complex, important, or novel issue of lasting historical significance;</li><li>• Involved high public interest and/or media attention (nationally or regionally) of lasting historical significance;</li><li>• Involved large classes of victims and is of lasting historical significance; or</li><li>• Resulted in large-scale monetary relief (millions) and is of lasting historical significance.</li></ul> <p>Note: Files may not be transferred to a Federal Records Center (FRC) until a designation of significant or non-significant has been made. Given the high threshold of historical significance to the nation, a Deputy Solicitor should be consulted before a Record of the Immediate Office of the Solicitor is deemed significant, if there is a question regarding the significance determination, or that designation is subsequently changed.</p>
2.1		<p>Records documenting the activities of the Solicitor, meeting the definition of historically significant.</p>
	Disposition Authority Number	DAA-0174-2013-0006-0003
		Including but not limited to correspondence, advice, opinions, recommendations and decisions of the Solicitor; directives from the Immediate Office of the Solicitor concerning SOL policies and procedures (record copies); speeches or congressional testimony by personnel in the Immediate Office of the Solicitor.
	Final Disposition	Permanent



Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

**Disposition Instruction**

Cutoff Instruction End of calendar year in which file is closed.

Transfer to Inactive Storage Retain in office or transfer to Federal Records Center (FRC) one year after cutoff. Transfer to the National Archives 15 years after cutoff.

Transfer Electronic Records to the National Archives for Pre-Accessioning Transfer electronic records to the National Archives for pre-accessioning 3 year(s) after close of file.

Transfer to the National Archives for Accessioning Transfer to the National Archives 15 year(s) after cutoff.

**Additional Information**

First year of records accumulation 1933

What will be the date span of the initial transfer of records to the National Archives? From 1933 To 2000

How frequently will your agency transfer these records to the National Archives? Unknown  
Unknown

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		
Paper	65 Cubic feet	1 Cubic feet
Microform		
Hardcopy or Analog Special Media		

2.2

All other records documenting the activities of the Solicitor, including but not limited to, chronological files, activity reports, and calendars.

Disposition Authority Number DAA-0174-2013-0006-0004

Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
<b>Disposition Instruction</b>	
Cutoff Instruction	End of calendar year in which file is closed.
Transfer to Inactive Storage	Retain in office or transfer to Federal Records Center (FRC) one year after cutoff. Destroy/delete 5 years after cutoff or when superseded or no longer needed, whichever is later
Retention Period	Destroy 5 year(s) after cutoff or when superseded or no longer needed occurs, whichever is later

**Additional Information**

GAO Approval Not Required

3 All other SOL records.  
All other SOL program records, including, but not limited to, rulemaking records, working files, reference materials, periodic activity reports, calendars for heads of offices and for overall office coordination (excluding calendars of the Immediate Office of the Solicitor), copies of articles written by SOL high-level staff, copies of briefs and litigation materials maintained for reference in "pleadings banks", and the variety of electronic systems used to track time, work accomplished, resources expended, etc.

3.1 Rulemaking records.  
Copies of proposed regulations, memoranda, public comments, correspondence, and background materials relating to official DOL agency rulemaking. May include correspondence between SOL and OMB, internal agency correspondence, correspondence with interested parties, and other related unofficial records.

3.1.1 Rulemaking records for which SOL is the agency initiating the rulemaking and retaining the official rulemaking record.

Disposition Authority Number DAA-0174-2013-0006-0005

Final Disposition	Permanent
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in	No

electronic format(s) other than e-mail and word processing?

**Disposition Instruction**

Cutoff Instruction	Cut-off case file at the end of year in which rulemaking case is closed.
Transfer Electronic Records to the National Archives for Pre-Accessioning	Transfer electronic records to the National Archives for pre-accessioning 1 year(s) after cut-off.
Transfer to the National Archives for Accessioning	Transfer to the National Archives 15 year(s) after cut-off.

**Additional Information**

What will be the date span of the initial transfer of records to the National Archives?	Unknown From approximately 2004.
How frequently will your agency transfer these records to the National Archives?	Unknown Last case is 10 years old.

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		
Paper	1 Cubic feet	
Microform		
Hardcopy or Analog Special Media		

3.1.2

Rulemaking records for which the Department or other client agency initiates the rulemaking and retains the official rulemaking records.

Disposition Authority Number	DAA-0174-2013-0006-0006
Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No

	<p>Disposition Instruction</p> <p>Cutoff Instruction                      End of calendar year in which file is closed.</p> <p>Transfer to Inactive Storage            Destroy/delete 1 year after cutoff or when no longer needed, whichever is later.</p> <p>Retention Period                         Destroy 1 year(s) after cutoff or when no longer needed, whichever is later.</p> <p>Additional Information</p> <p>GAO Approval                              Required and Received</p>
<p>3.2</p>	<p>Non-administrative chronological correspondence files, periodic activity reports, calendars for heads of offices, and for overall office coordination (other than Immediate Office of the Solicitor), and other records used to document staff activities.</p> <p>Disposition Authority Number         DAA-0174-2013-0006-0007</p> <p>Final Disposition                         Temporary</p> <p>Item Status                                 Active</p> <p>Is this item media neutral?             Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?            No</p>
	<p>Disposition Instruction</p> <p>Cutoff Instruction                         End of calendar year in which file is closed.</p> <p>Transfer to Inactive Storage            Immediately after cutoff.</p> <p>Retention Period                         Destroy 2 year(s) after cutoff, or when no longer needed whichever is later.</p> <p>Additional Information</p> <p>GAO Approval                              Required and Received</p>
<p>3.3</p>	<p>Attorney working files.</p> <p>Disposition Authority Number         DAA-0174-2013-0006-0008</p> <p>Including but not limited to, working drafts, attorney notes, reference materials, reference copies of material from agency rulemaking records, reference copies of briefs and significant motions; reference files, including pleadings bank materials; background files, such as drafts, notes, and reference materials used to create directives. These may include copies of judgments and opinions that have already met their retention period and have become useful for reference needs.</p>

	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Destroy/delete when no longer needed.
	Retention Period	Destroy immediately after no longer needed.
	Additional Information	
	GAO Approval	Required and Received
3.4	Electronic systems tracking SOL legal activities (regardless of significance).	
	Disposition Authority Number	DAA-0174-2013-0006-0009
	Including statutes or program involved and nature and type of activity; attorney work hours; and SOL resources. This category includes existing and future systems that capture and track time spent by staff on various workload assignments; systems that track legal activities, such as statute or program involved, nature and type of activity or litigation, and status of the item; and systems used to track IT hardware and software, and other resources and equipment under the control of the Office of the Solicitor. This category includes data and documentation.	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
	Do any of the records covered by this item exist as structured electronic data?	Yes
	Disposition Instruction	
	Cutoff Instruction	End of fiscal year data elements have been completed.
	Retention Period	During the life of the system, delete/destroy data elements when two years old or no longer needed, whichever is later. Delete/destroy data elements

when system superseded, if all data transferred to successor system. Delete/destroy non-transferred data 2 years after life of system.

Additional Information

GAO Approval

Required and Received

### 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 in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

### Signatory Information

Date	Action	By	Title	Organization
07/03/2013	Certify	Rachel Vera	U.S. Dept of Labor, Records Management Officer	Office of the Assistant Secretary for Administration and Management - Business Operations Center
04/22/2014	Submit for Concurrence	Jim Cassedy	Appraiser	National Archives and Records Administration - Records Management Services
04/24/2014	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - Records Management Services
04/24/2014	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
04/25/2014	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist