

REQUEST FOR RECORDS DISPOSITION AUTHORITY <i>(See Instructions on reverse)</i>		LEAVE BLANK (NARA use only)	
TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		JOB NUMBER	NI-174-01-3
1. FROM (Agency or establishment) <i>Department of Health and Human Services</i> U.S. DEPARTMENT OF LABOR		DATE RECEIVED	03/26/01
2. MAJOR SUBDIVISION OFFICE OF THE SOLICITOR		NOTIFICATION TO AGENCY	
3. MINOR SUBDIVISION OFFICE OF THE SOLICITOR		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
4. NAME OF PERSON WITH WHOM TO CONFER CECILIA M. HOLMES	5. TELEPHONE (202) 693-5405	DATE	ARCHIVIST OF THE UNITED STATES WITHDRAWN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 13 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 2/23/01	SIGNATURE OF AGENCY REPRESENTATIVE <i>Maureen Hill</i>	TITLE <i>Departmental Records Officer</i>
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7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
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Comprehensive Records Schedule

Office of the Solicitor

The Office of the Solicitor (SOL) provides the Secretary of Labor and agencies within the Department, its clients, with the 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 Law Judges and administrative appellate bodies; SOL serves as co-counsel to the Solicitor General in DOL-related litigation in the U.S. Supreme Court and assists the Justice Department and local U.S. Attorney 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 also provides oral and written interpretations and opinions to client agencies concerning the more than 100 statutes which the Department 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 to international organizations including the International Labor Organization. SOL also serves as "House Counsel" to the Department on a variety of matters including labor-management relations and ethics.

These functions are assigned to the Immediate Office, eleven (11) divisions located in Washington, D.C., eight (8) regional offices, seven (7) branch offices and the Office of Administration, Management and Litigation Support:

- Immediate Office
- Division of Black Lung Benefits
- Division of Civil Rights
- Division of Employee Benefits
- Division of Employment and Training Legal Services
- Division of Fair Labor Standards
- Division of Labor-Management Laws
- Division of Legislation and Legal Counsel Plan Benefits Security
- Division of Mine Safety and Health

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Division of Occupational Safety and Health
 Division of Plan Benefits Security
 Division of Special Appellate and Supreme Court Litigation
 Office of Administration, Management and Litigation Support

Boston Regional Office
 New York Regional Office
 Philadelphia Regional Office; Arlington Branch Office
 Atlanta Regional Office; Birmingham Branch Office; Nashville Branch Office
 Chicago Regional Office; Cleveland Branch Office
 Dallas Regional Office
 Kansas City Regional Office; Denver Branch Office
 San Francisco Regional Office; Los Angeles Branch Office; Seattle Branch
 Office

This comprehensive records schedule applies to program records for all of the offices listed above and supersedes all previous records schedules for the individual offices.

1. Advice and Opinion Files. Correspondence, memoranda, testimony, reports, studies, reference materials and other similar records pertaining to proposed and existing statutes, programs, and regulations that client agencies of the Office of the Solicitor are charged with enforcing. Files are arranged by statutory or Code of Federal Regulations citations, alphabetically by folder title, subject matter, or file type index and/or chronologically. Files may be maintained in the national, regional and/or branch offices.

Supersedes: NC1-174-81-2, items,1 and 2; NN174-095, items 4 and 6; NN-174-094, item 1; N-174-093, items 2, 4a; NN-174-092, item 1; NN-174-091, items 1 and 2; NN-174-090, item 1; NN-174-087, item 3; NN-174-086/ items 1,3; II-NNA-1730/ items 1, 2, 4, 10a,b,11,13,15,18b, 24;.

- a. Immediate Office of the Solicitor: record keeping copy (paper) files.

PERMANENT. Maintained in the Office of the Solicitor. Cut off at the end of each fiscal year. Transfer to the National Archives in 10 year blocks when 20 years old. (e.g., 2001-2010 records will be transferred in 2031).

Total volume: 0 cubic feet
 Annual accumulation: .2 cubic feet

- b. All other offices: Record keeping copy (paper) of files concerning significant opinions and advice, which (1) resulted in a major legal

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precedent, or (2) involved a complex and/or novel issue, or (3) involved intense public interest or controversy that usually is reflected in a high degree of media attention.

PERMANENT: Cut off at end of each Congress for legislative matters and at the end of each fiscal year for all other matters. Retire to off site storage 10 years after cutoff or when no longer needed for current business. Transfer to FRC on termination of program.

Total volume: 227 cubic feet - National Office
Annual accumulation: 4.5 cubic feet

Total Volume 428 cubic feet - Regional/Branch Offices
Annual accumulation: 304.5 cubic feet

Note: Segregation of files into significant and non-significant categories should be done by the individual SOL office maintaining the records. Files should not be transferred to off site storage until a designation of significant or non-significant has been made.

c. Non-significant opinions and advice.

1. Occupational Safety and Health and Mine Safety and Health Division files.

TEMPORARY. Maintained in office. Purge files annually to destroy any unneeded materials and records. Cut off at the end of each fiscal year. Destroy 20 years after cut off.

2. Files of potentially continuing interest - approximately one or two non-significant files per year per office which are closed but which need to be maintained in the office for an extended period of time because of potentially continuing interest on the part of a particular party or group.

TEMPORARY. Maintained in office. Destroyed after 20 years.

3. All other files.

TEMPORARY. Maintained in office. Purge files annually to destroy any unneeded materials and records. Cut off at the end of each fiscal year. Destroy 5 years after cut off.

d. Working Files. Files include working drafts, speeches, attorney notes, reference materials, routine administrative records, and related documentation whose value does not warrant inclusion in SOL official files.

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TEMPORARY. Maintained in office. Destroy when no longer needed.

- e. Electronic version of copies created on word processing and electronic mail applications.

TEMPORARY. Delete after record keeping copy has been produced.

2. Regulation Files. Files that pertain to regulations, opinions, and exemptions. They are arranged by assigned project name or number and are maintained separately from the program file. They consist of files of copies of proposed regulations, memoranda, correspondence, and background materials. Files may be maintained in the national, regional and/or branch offices.

Supersedes: NC1-174-81-2/item 3; NN-174-095, items 6a and b; NN-174-093/items 4a and b; NN-174-087/item 3; NN-174-086/ item 3a and b.

- a. Record keeping copy (paper). TEMPORARY.
 1. Mine Safety and Health files. Maintain in office. Cut off when assigned project is completed. Destroy after 25 years.
 2. Civil Rights files. Maintain in office. Cut off when assigned regulation becomes effective. Destroy 5 years after regulation is no longer in effect.
 3. Plan Benefits Security Division files. Maintain in office. Cut off when regulation, advisory opinion or exemption is issued or, if not issued, when assigned project is completed. Destroy 7 years after cut off.
 4. All other files. Cut off upon completion of project. Retire to off site storage 10 years after cut off. Destroy 25 years after cut off.
- b. Working Files. Files include working drafts, attorney notes, reference materials, routine administrative records, copies of material from rulemaking record and related documentation whose value does not warrant inclusion in SOL official files.

TEMPORARY. Maintain in office. Destroy when no longer needed.

- c. Files of potentially continuing interest - approximately one or two non-significant files per year per office which are closed but which need to be maintained in the office for an extended period of time because of continuing interest on the part of a particular party or group.

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TEMPORARY. Maintained in office. Destroy after 25 years.

- d. Electronic copies created using word processing and electronic mail applications.

TEMPORARY. Delete after record keeping copy is produced.

3. Litigation Case Files. Papers, including briefs and other pleadings, relating to cases litigated on behalf of the Solicitor's Office client agencies before administrative law judges, review commissions and the courts, exclusive of papers furnished by client agencies. Files may be maintained in the national, regional and/or branch offices.

Supersedes: NC1-174-81-2/ items 4a1, 2, 3, 4b,1,2, 3, 4, 5; NN-174-094/ items 2a,2b; NN174093/ items, 4a, b, 5a, b ; NN-174-092/items, 2a, b; NN-174-090/ items 2a, b; NN-174-089/ Items 3a, b; NN-174-087/ items 2a ,b; NN-174-086/ items 2a,b, 3a, b, II-NNA-1730/ items,14,c,d,

- a. **Working Files.** Files include working drafts, attorney notes, reference materials, routine administrative records, and related documentation whose value does not warrant inclusion in SOL official files. Files may also include reference copies of briefs and significant motions, record copies of which should be maintained in the case files.

TEMPORARY. Maintain in office. Destroy when no longer needed.

- b. Record keeping copy (paper) for significant cases which (1) resulted in a major legal precedent or (2) involved a complex and or novel issue or (3) involved intense public interest or controversy usually reflected in a high degree of media attention are retained permanently. Files are arranged in alphabetical order by subject.

PERMANENT: Cut off file at the end of the fiscal year when case is closed. Transfer to off site facility 3 years after cut off. Transfer to NARA 20 years after cut off.

Total volume: 324 cubic feet - National Offices

Annual accumulation: 66 cubic feet

Total volume: 154 cubic feet - Regional/Branch Offices

Annual accumulation: 23 cubic feet

Note: Segregation of cases into significant and non-significant categories should be done by the individual SOL office maintaining the records at the time the records are cut off. Files should not be transferred to a record center until a designation of significant or non-significant has been made.

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- c. Non-significant litigation cases.
1. Non-significant cases in the Chicago and New York regional offices
 - (a) Non-injunctive cases. TEMPORARY. Cut off at the end of the fiscal year. Transfer to off site storage 2 years after cut off. Destroy 3 years after cut off.
 - (b) Injunctive cases. TEMPORARY. Cut off at the end of the fiscal year. Transfer to off site storage 2 years after cut off. Destroy 10 years after cut off.
 2. Non-significant cases in the Dallas regional office
 - (a) Non-injunctive cases. TEMPORARY. Cut off at the end of the fiscal year. Destroy 3 years after cut off.
 - (b) Injunctive cases. TEMPORARY. Cut off at the end of the fiscal year. Destroy all file documents except for the actual injunction signed by the court 3 years after cut off. Destroy injunction signed by the court 15 years after cut off.
 3. SASCL (Special and Supreme Court Litigation) Division record keeping copy (paper).

TEMPORARY. Cut off at the end of the fiscal year. Transfer to off site storage 3 years after cut off or when no longer needed for current business. Destroy 10 years after cut off.
 4. Occupational Safety and Health Division litigation record keeping copy (paper).
 - (a) Appellate court case files related to judicial review of OSHA rulemaking decisions.

TEMPORARY. Maintain in office. Destroy after 20 years.
 - (b) Appellate and OSHRC briefs and significant motions prepared in the Division of Occupational Safety and Health.

TEMPORARY. Maintain in office. Cut off at the end of the fiscal year. Destroy 20 years after cut off.
 5. Record keeping copy (paper) of correspondence, memoranda, pleadings and other documents relating to civil, criminal and

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administrative litigation or to claims other individual matters for which the Employee Benefits Division has responsibility.

TEMPORARY. Cut off when case or matter is closed. Transfer to off site storage facility 2 years after cut off. Destroy 7 years after cut off.

6. Record keeping copy (paper) of non-participation files concerning Longshore and Harbor Workers' Compensation Act litigation in which the Employee Benefits Division elects not to participate.

TEMPORARY. Cut off when litigation is final. Destroy 3 years after cut off.

7. Record keeping copy (paper) of chronological correspondence files, maintained separately for those signed by the Employee Benefits Associate Solicitor and by the Deputy Associate Solicitor.

TEMPORARY. Maintain in office. Cut off at the end of each fiscal year. Destroy 10 years after cut off.

8. Record keeping copy (paper) of records of checks in payment of the Federal Employees' Compensation Act statutory obligation to refund.

TEMPORARY. Maintain in office.

- (a) For regional offices, destroy 3 years after the end of the fiscal year in which the check is received.
- (b) For all other offices, destroy 10 years after the end of the fiscal year in which the check is received.

9. Record keeping copy (paper) of copies of briefs, including those of opposing attorneys, and significant motions prepared while litigating cases to be used as a resource in regard to Employee Benefits cases.

TEMPORARY. Maintain in office. Cut off at end of fiscal year. Destroy after 10 years.

10. Record keeping copy (paper) of complaints filed in courts that are sent to the Department of Labor because of the reporting requirement contained in Section 502h of the Employment

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Retirement Income Security Act.

TEMPORARY. Cut off at end of the fiscal year in which complaint is received. Transfer to offsite storage 1 year after cut off. Destroy 3 years after cut off.

11. Record keeping copy (paper) of Administrative Law Judge files for Black Lung Benefits Act cases.

TEMPORARY. Cut off when case is closed. Transfer to offsite storage 1 year after cut off. Destroy 3 years after cut off.

12. Record keeping copy (paper) of Benefit Review Board files for Black Lung Benefits Act cases.

TEMPORARY. Cut off when final decision is issued. Transfer to offsite storage 1 year after cut off. Destroy 3 years after cut off.

13. Record keeping copy (paper) of Court of Appeals and Supreme Court files for Black Lung Benefits Act cases.

TEMPORARY. Maintain in office. Cut off when final decision is issued. Destroy 5 years after cut off.

14. Record keeping copy (paper) for Civil Rights case files and Wage-Hour enforcement cases in which an injunction was obtained that are not deemed significant under Item 3.b.

TEMPORARY. Maintain in office. Cut off upon final court determination. Destroy 10 years after cut off.

15. Record keeping copy (paper) for non-significant Mine Safety and Health cases:

- (a) Litigation files, including trial and appellate.

TEMPORARY. Maintain in office. Cut off upon final court determination.

- (i) For regional offices, destroy 3 years after cut off.

- (ii) For all other offices, destroy 5 years after cut off.

- (b) Investigatory files which are declined (no further action taken on the case).

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TEMPORARY. Cut off when declined. Transfer to off site storage 1 year after cut off. Destroy 3 years after cut off.

(c) Criminal referrals.

TEMPORARY. Cut off at the end of each fiscal year. Transfer to off site storage 2 years after cut off. Destroy 3 years after cut off.

16. Record keeping copy (paper) of code section 6103 files obtained from the Internal Revenue Service.

TEMPORARY. Maintain in office. Destroy when no longer needed for current business.

17. Record keeping copy (paper) of Employee Retirement Income Security Act non-administrative litigation files for cases resulting in an injunction.

TEMPORARY. Cut off when case is closed.

(a) Kansas City regional office: Transfer to off site storage 3 years after cut off. Destroy 10 years after cut off.

(b) Other offices: Transfer to offsite storage 1 year after cut off. Destroy 10 years after cut off.

18. Record keeping copy (paper) of Employee Retirement Income Security Act non-administrative litigation files for cases not resulting in an injunction. Files are maintained in either the national or regional offices.

TEMPORARY. Cut off when case is closed. Transfer to off site storage 1 year after cut off. Destroy 5 years after cut off.

19. Record keeping copy (paper) of case files for Plan Benefits Security Division amicus participation in private litigation involving matters impacting the Employee Retirement Income Security Act.

TEMPORARY. Cut off when amicus participation is declined or case is closed, whichever comes first. Transfer to off site storage 1 year after cut off. Destroy 3 years after cut off.

20. Files of potentially continuing interest - approximately one or two

non-significant files per year per office which are closed but which need to be maintained in the office for an extended period of time because of continuing interest on the part of a particular party or group.

TEMPORARY. Maintained in office. Destroyed after 20 years.

21. Record keeping copy (paper) for all other (non-significant) records.

TEMPORARY. Cut off upon final court determination. Retire to off site storage 2 years after cut off. Destroy 5 years after cut off.

22. Electronic copies created using word processing and electronic mail applications.

TEMPORARY. Delete when record keeping copy has been produced.

4. Decisions by Solicitor/Deputy Solicitors on recommendations to file appeals or amicus briefs. Files are maintained in the immediate office of the Solicitor.

- a. Record keeping copy (paper).

TEMPORARY. Maintain in office. Cut off at the end of each fiscal year. Destroy 3 years after cut off.

- b. Electronic copies created using word processing and electronic mail applications.

TEMPORARY. Delete when record keeping copy has been produced.

5. Directives issued by Solicitor. Maintained chronologically in the immediate office of the Solicitor.

- a. Record keeping copy (paper). PERMANENT. Cut off at the end of each fiscal year. Retire to off site storage 10 years after cut off. Retire to National Archives 25 years after cut off.

Total volume: 0 cubic feet
Annual accumulation: .2 cubic feet

- b. Electronic copies created using word processing and electronic mail applications.

TEMPORARY. Delete when record keeping copy has been produced.

6. Articles, periodic reports and chronological correspondence files of the Solicitor, Deputy Solicitors and members of the immediate office of the Solicitor. Maintained chronologically in the immediate office of the Solicitor.

Supersedes: NC1-174-83-3/ items 1, 2; NC1 1-84-96-5/ item 1

- a. Record keeping copy (paper). TEMPORARY. Cut off at the end of each fiscal year. Destroy 10 years after cut off.
- b. Electronic copies created using word processing and electronic mail applications.

TEMPORARY. Delete when record keeping copy has been produced.

7. Speeches and testimony of the Solicitor, Deputy Solicitors and members of the immediate office of the Solicitor. Maintained chronologically in the immediate office of the Solicitor.

- a. Record keeping copy (paper).

PERMANENT. Maintained in the office of the Solicitor. Cut off at the end of each fiscal year. Transfer to the National Archives in 10 year blocks when 20 years old. (e.g., 2001-2010 records will be transferred in 2031).

Total volume: 0 cubic feet
Annual accumulation: .2 cubic feet

- b. Electronic copies created using word processing and electronic mail applications.

TEMPORARY. Delete when record keeping copy has been produced.

8. Brief and Litigation-related Pleadings Banks. Electronic copies of selected briefs and other litigation-related materials which attorneys and paralegals in any SOL office may maintain as convenience copies to make research and writing new briefs easier. Record keeping copies of such materials are included in the record keeping files scheduled in items 1 through 3 above.

TEMPORARY. Maintained in the Office of the Solicitor. Destroyed when no longer needed.

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GOVERNMENT INFORMATION LOCATOR SERVICE (GILS)

9. **Time Distribution (TD) System.** The Time Distribution (TD) software system was developed to provide the Office of the Solicitor a standardized method for capturing and tracking the time each attorney or paralegal spends on their various workload assignments. This system, when combined with the SOLAR system, provides a method for determining how SOL resources are used.

TEMPORARY. Maintained in the Office of the Solicitor. Destroyed when no longer needed.

10. **Solicitor's Office Legal Activity Reporting (SOLAR) System.** The Solicitor's Office Legal Activity Reporting (SOLAR) software system is a database designed to track all significant legal activities referred to the various components of the Office of the Solicitor. Each office is responsible for entering the information related to its workload items. The system includes information that describes the item, such as the statute or program involved; the nature of the activity—litigation, regulation, or opinion; and the type of activity—e.g., administrative case, bankruptcy case, proposed regulation, correspondence, etc. SOLAR also tracks the status of the workload item. Data from this system is combined with data from the time distribution system to determine how and for what types of work SOL resources are used.

TEMPORARY. Maintained in the Office of the Solicitor. Destroyed when no longer needed.

11. **Hardware and Software Tracking System (HAST) System.** The Hardware and Software Tracking System (HAST) is a database designed to track hardware and software under the control of the Office of the Solicitor. It provides management with equipment acquisition, location, and disposal information. It is used for performing equipment inventories of SOL Information Technology (IT) assets.

TEMPORARY. Maintained in the Office of the Solicitor. Destroyed when no longer needed.

12. **Annual Freedom of Information Act (FOIA) Reports.** Pursuant to the Electronic Freedom of Information Act Amendments of 1996, SOL maintains its FY 1996 and later Annual Report submissions to the Department of Justice on the Department of Labor Home Page: <http://www2.dol.gov/dol/sol/public/foia/reports.htm>

The following required elements for annual FOIA reports to Congress are specified in the statute, as amended:

- (1) The number of requests for records pending before the agency as of the end of the fiscal year.

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- (2) The median number of days that such requests had been pending before the agency as of that date.
- (3) The number of requests for records received by the agency.
- (4) The number of requests that the agency processed.
- (5) The median number of days taken by the agency to process different types of requests.
- (6) The number of determinations made by the agency not to comply with requests for records made to the agency.
- (7) The reasons for each such determination.
- (8) A complete list of all statutes that the agency relies upon to authorize the agency to withhold information under subsection (b)(3).
- (9) A description of whether a court has upheld the decision of the agency to withhold information under each such statute.
- (10) A concise description of the scope of any information withheld under each such statute.
- (11) The number of appeals made by persons under subsection (a)(6).
- (12) The result of such appeals.
- (13) The reason for the action upon each appeal that results in a denial of information.
- (14) The total amount of fees collected by the agency for processing requests.
- (15) The number of full-time staff of the agency devoted to processing requests for records under the Act.
- (16) The total amount expended by the agency for processing such requests.

TEMPORARY. Maintained in the Office of the Solicitor. Destroyed when no longer needed.

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