

REQUEST FOR RECORDS DISPOSITION AUTHORITY (See Instructions on reverse)		LEAVE BLANK	
TO: GENERAL SERVICES ADMINISTRATION NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408		JOB NO. NCL-174-81-2	DATE RECEIVED 2-28-85
1. FROM (Agency or establishment) U.S. Department of Labor		NOTIFICATION TO AGENCY	
2. MAJOR SUBDIVISION Office of the Secretary		In accordance with the provisions of 44 U.S.C 3303a the disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. If no records are proposed for disposal, the signature of the Archivist is not required.	
3. MINOR SUBDIVISION Office of the Solicitor			
4. NAME OF PERSON WITH WHOM TO CONFER Lydia G. Leeds	5. TELEPHONE EXT. 523-6863	DATE 3/26/85	ARCHIVIST OF THE UNITED STATES <i>Robert B. [Signature]</i>
6. CERTIFICATE OF AGENCY REPRESENTATIVE			

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 3 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, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached.

A. GAO concurrence: is attached; or is unnecessary.

B. DATE Feb. 20, 1985	C. SIGNATURE OF AGENCY REPRESENTATIVE <i>Harriet P. Graham</i>	D. TITLE Departmental Records Officer
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7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARS USE ONLY)
	<p>Records Schedule for Divisions of the Office of the Solicitor, Department of Labor, that Advise Client Agencies Empowered to Enforce Specific Legislation</p> <p>The Solicitor is the chief law officer of the Department of Labor. The Solicitor provides legal services for the Department, co-ordinates and directs legal proceedings arising under the laws administered by the Department. These and other functions are assigned to eleven divisions:</p> <ol style="list-style-type: none"> 1. Division of Fair Labor Standards 2. Division of General Legal Services 3. Division of Employment and Training Legal Services 4. Division of Legislation and Legal Counsel 5. Division of Labor Management Laws 6. Division of Civil Rights 7. Division of Occupational Safety and Health 8. Division of Employees' Benefits 9. Division of Plan Benefits Security 10. Division of Mine Safety and Health 11. Division of Special Litigation <p>These divisions are located in Washington, D.C. The Office of the Solicitor also provides legal services through offices located in various regions throughout the continental United States and Puerto Rico. *Litigative case files handled by those offices involving laws that client agencies of SOL Divisions are empowered to enforce are covered by this schedule.*</p>		<p>*Clarifying sentence authorized by NARA letter to DOL of 12/31/85 and DOL letter to NARA of 1/24/86* 11 items</p>

~~PROPOSED~~ RECORDS SCHEDULE FOR DIVISIONS OF THE SOLICITOR OF LABOR THAT ~~THAT~~ ADVISE A CLIENT AGENCY OR AGENCIES THAT ARE EMPOWERED TO ENFORCE SPECIFIC LEGISLATION

1. Program Precedent Files

Correspondence, memoranda and reference material pertaining to statutes and regulations that the client agency or agencies of the division is charged with enforcing. Files consists of opinions and advice concerning statutes and regulations that are in effect, and memoranda, correspondence, and reference material concerning proposed statutes and regulations. Most files are arranged by statutory or Code of Federal Regulations citations, but some are arranged alphabetically by folder title.

Temporary: Purge file annually to destroy duplicate material and unneeded records. These records are not eligible for transfer to a Federal Records Center.

2. Opinion Digest

A compilation of the significant opinions that have been issued by a Division. (Note: The only known compilation that is covered by this series is the Labor Management Law Division's compilation of its significant opinions pertaining to the Labor Management Reporting and Disclosure Act.) VQH 4 feet, AA 2 inches.

Permanent: Transfer to the Archives in 10 year blocks when 20 years old.

3. Regulation Files

Case files that pertain to regulations, opinions and exemptions. They are arranged by assigned project and are maintained separately from the Program Precedent File. Consists of copies of proposed regulations, memoranda, correspondence, and background material.

Temporary: Cut off file when assigned project is completed. Transfer to FRC 10 years after cut off. Destroy 25 years after cut off.

4. Litigation Case Files

Papers relating to cases litigated on behalf of a division's client agency before administrative law

judges, review commissions, and the courts, exclusive of papers furnished by client agencies.

A. Case Files of the Civil Rights Division

- (1) 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 that usually is reflected in a high degree of media attention. Segregation of cases into significant and nonsignificant categories should be done by Civil Rights Division no later than two years after cut off of inactive files. Files should not be transferred to a record center until a designation of significant or nonsignificant has been made.

Permanent: When case is closed, place in inactive file. Cut off inactive file at close of fiscal year. Transfer to WNRC ² five years after cut off. Offer to NARS 20 years after cut off.

- (2) Non-significant cases. Segregation of cases into significant and nonsignificant categories should be done by Civil Rights Division no later than two years after cut off of inactive files. Files should not be transferred to a records center until a designation of significant or nonsignificant has been made.

When case is closed, place in inactive file. Cut off inactive file at close of fiscal year. Transfer to FARC 2 years after cut off. Destroy 10 years after cut off.

- (3) Reference copies of briefs and significant motions. The record copies of those documents should be maintained in the case file.

Temporary: Purge file annually to destroy any unneeded material. This material is not eligible for transfer to a Federal Records Center.

B. Case Files of other SOL Divisions that advise a client agency or agencies.

- (1) Injunctive cases in which an injunction was obtained.

Temporary: When case is closed, place in inactive file. Cut off inactive file at close of fiscal year. Transfer to FARC 2 years after cut off. Destroy 10 years after cut off.

- (2) OSHA Cases

Temporary: Place in inactive file when all right of appeal have expired. Cut off inactive file at end of each fiscal year. Destroy one year after cut off.

- (3) All other cases

Temporary: When case is closed, place in inactive file. Cut off inactive file at close of fiscal year. Transfer to FARC when 2 years after cut off. Destroy 5 years after cut off.

- (4) Briefs and Significant Motions File

Copies of briefs and significant motions prepared while litigating case. File may also include briefs of opposing attorneys.

Temporary: Purge file annually to destroy any unneeded material that is more than 10 years old. These records are not eligible for transfer to a Federal Records Center.

5 Section 502h ERISA Complaint Files

Copies 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 Retirement Income Security Act.

Temporary: Cut off at the end of the fiscal year in which complaint is received. Destroy one year after cut off.