

Request for Records Disposition Authority

(See Instructions on reverse)

To National Archives and Records Administration (NIR)
Washington, DC 20408

1 From (Agency or establisher title)

U S. Department of Labor

2 (1) Division

Employment and Training Administration

3 (2) Section

Office of Foreign Labor Certification

4 Name of Person with whom to confer

Renata Adjibodou

5 Telephone number (if applicable)

202-693-3126

Leave Blank (NARA Use Only)

Job Number

N1-369-11-1

Date Received

12/30/10

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disposition request including amendments is approved except for items that may be marked disposition not approved or withdrawn in column 10.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

18 June 12 [Signature]

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 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 under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies

is not required is attached has been requested

Signature of Agency Representative

[Signature]

Title

Departmental Records Per

Date (month/year)

12-28-2010

7 Item Number

8 Description of Item and Proposed Disposition

9 GRS or Supervised Job Citation

10 Action taken (NARA Use Only)

U S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Employment-Based Immigration
Foreign Labor Certification Records

- 1 Foreign Labor Certification Application Case Files (see attached description)
- 2 OFLC Data Systems (see attached description)
- 3 Paradox Database (see attached description)

**U.S. Department of Labor
Employment and Training Administration
Office of Foreign Labor Certification
Employment-Based Immigration – Foreign Labor Certification Records
in the OFLC National Office and its National Processing Centers**

Background:

Employment of foreign workers in the United States (U S) is governed by the Immigration and Nationality Act (INA) The process of hiring foreign workers normally requires approval from several government agencies Under the INA, the Secretary of Labor has certain responsibilities with respect to the admission of foreign workers into the U S in order to perform certain work activities authorized by INA On behalf of the Secretary of Labor, the Office of Foreign Labor Certification (OFLC), an office under the Employment & Training Administration (ETA) provides national leadership and policy guidance and administers the labor certification programs

In most instances where a U S employer seeks to hire foreign workers it must first obtain a labor certification from OFLC before filing a petition with the Department of Homeland Security (DHS), United States Citizenship and Immigration Service (USCIS) The labor certification fulfills the Secretary's statutory responsibility to certify that qualified U S workers are not available for the job opportunity offered to the foreign worker, and that the foreign worker's employment will not adversely affect the wages and working conditions of similarly employed U S workers

OFLC fulfills the following specific objectives on an ongoing basis

- Processing labor certification applications for employers seeking to bring foreign workers into the United States on a permanent or temporary basis
- Processing Prevailing Wage Determination requests that are reviewed to inform employer's of the prevailing wage for occupations being advertised in the area of intended employment
- Responding to Congressional and Freedom of Information Act (FOIA) correspondence regarding such applications
- Maintaining paper and electronic records of applications, data, correspondence, and other material
- Providing information to the public, including aggregate data, through its website

While the National Office of OFLC is located in Washington D C , it is supported by three National Processing Centers (NPCs) located in Atlanta, Georgia, Chicago, Illinois, and Washington, D C respectively, and the State Workforce Agencies (SWAs)

- The Atlanta NPC processes permanent labor certification applications filed since March 28, 2005 under the new, streamlined PERM program, which are submitted directly to the Atlanta NPC and electronically through the Department's PERM Case Management system, including applications for Professional Athletes
- The Chicago NPC processes temporary program applications filed under the H-2A agricultural labor certification program, H-2B nonagricultural labor certification

programs, as well as Labor Condition Applications (LCA) including H-1B, H-1B1, and E-3 visa categories. The LCA applications are filed electronically through OFLC's iCert Portal System (<http://icert.doleta.gov/>)

- The National Prevailing Wage Center (NPWC) processes Prevailing Wage Determination Requests submitted directly to the NPWHC and electronically through OFLC's iCERT Portal System (<http://icert.doleta.gov/>). Federalized processing Prevailing Wage Determination Requests (PWD) became effective January 1, 2010 for the following programs: H-1B, H-1B1 (Chile/Singapore), H-1C (if reauthorized by Congress), H-2B, E-3 (Australia) programs, and the permanent labor certification program (PERM)
- The SWAs are responsible for certain aspects of the H-2A temporary agricultural program, which includes
 - Determination of prevailing wage or Adverse Wage Rate for H-2A agricultural program
 - Reviewing ETA Form 790, Agricultural and Food Processing Clearance Order, and
 - Conducting housing inspections
- The Certifying Officer makes the determination regarding the approval of foreign labor certifications

Note: The disposition instructions apply to records regardless of physical form or characteristics. Records may be maintained in any format or any medium. The records are media neutral unless otherwise noted herein

This schedule supersedes NARA Job Citation N1-369-96-1, Item 1. Alien Employment Certification Case Files.

1. **Foreign Labor Certification (FLC) Application Case Files.** Labor Certification Applications filed with OFLC by sponsoring employers and/or their representatives to request foreign labor certification, or documents and written communications submitted to OFLC in support of one or more applications. OMB approved Form numbers for OFLC applications and supporting forms include, but are not limited to ETA Forms 232, 232A, 750A, 750B, 790, 9033, 9033-A, 9035 (or 9035E) and instructions, 9081, 9089 and instructions, 9127, 9141, 9142 and appendices. Forms and/or form numbers may change as needed to administer OFLC's programs. Contents of the OFLC Case Files such as applications, communications with employers, and employer responses to DOL requests for information are scanned into the OFLC archived and scanned database system.

~~a. **Paper-based copy of OFLC Case Files**~~

~~**Disposition TEMPORARY** Cut off files when a final determination is made and the case is closed. Paper files retained on site for period of six (6) months from date of final determination. Six months following final determination, OFLC will continuously scan or otherwise convert paper records into OFLC Archive and Scan database(s). Destroy paper records~~

~~after the information has been converted to an electronic medium and verified, or when no longer needed for legal or audit purposes (GRS 20, Item 2 (a)(4))~~

b **Recordkeeping Copy. Scanned images of OFLC Case Files.**

(1) **Disposition. TEMPORARY.** Upon approval of this schedule, delete/destroy closed case files older than five (5) years old. Cut off files at the end of the fiscal year in which a final determination is made and the case is closed. Delete five (5) years after cutoff.

c **All other reference materials (hard copy or electronic)** Consists of Permanent and Temporary worker team discussion notes, meeting notes, drafts, documents, e-mails, data, etc.

(2) **Disposition. TEMPORARY.** Cut off files at the end of the fiscal year in which a final determination is made and the case is closed. Delete/destroy five (5) years after cutoff.

2 **OFCL Data Systems:** OFCL Data Systems consist of the following databases Philadelphia Backlog Elimination Center Database, Dallas Backlog Elimination Center database, Foreign Labor Certification PERM Case Management System, Foreign Labor Certification H-2A Administration System, Foreign Labor Certification H-2B Administration System and LCA Legacy System and the iCERT Portal System. Data systems may change as needed to administer OFCL's programs.

a **System Access: Web Access Portal** Public web portal on DOLETA.gov provide access to Foreign Labor Certification Main Menu, log-in dialogue boxes, navigational buttons to access functional elements and reference materials. Consists of graphical, written, and/or audio content, style sheets, scripts, and code supporting functionality of the web application.

(3) **Disposition. TEMPORARY** Delete/destroy screen shots and other elements when no longer needed for administrative/operational needs.

~~b **Inputs:**~~

~~(1) **UserID and Passwords** Files created to monitor password and user identification administration. Also includes information on system usage, log-in and audit trails.~~

~~**Disposition. TEMPORARY** Delete/destroy when the agency determines they are no longer needed for administrative, legal, audit, or other operational purposes. (GRS 20, Item 1c)~~

(2) **Scanned Applications.** Paper applications received and scanned into a database

(4) **Disposition. TEMPORARY.** Cut off at the end of the year in which a final determination is made and the case is closed Delete/destroy electronic record five (5) years after cutoff

(3) **Electronic FLC applications.** Applications entered into the Foreign Labor Certification (FLC) web portal and applications maintained in the OFLC case management system

(5) **Disposition. TEMPORARY** Cut off at the end of the year in which a final determination is made and the case is closed Delete/destroy electronic record five (5) years after cutoff

c **Master Files – Database** Aggregate and disclosure data for Permanent and Temporary work program files

(1) **Aggregate disclosure data from 2006 through 2009**

(6) **Disposition. PERMANENT.** Cut off at the end of the year in which a final determination is made and the case is closed Transfer immediately to the National Archives upon approval of this records retention schedule

(2) **Aggregate disclosure data from 2010 – present**

(7) **Disposition. PERMANENT.** Cut off at the end of the year in which a final determination is made and the case is closed Transfer files to the National Archives three (3) years after cutoff

~~d **Outputs** Copy of FLC applications filed on-line using the web-based portal, status queries, ad-hoc reports, and copies of hard copy applications scanned into the database~~

~~**Disposition. TEMPORARY.** Delete when the agency determines they are no longer needed for administrative, legal, audit, or other operational purposes (GRS 20, Item 6)~~

~~e **System Documentation.** Data systems specifications, file specifications, codebooks, record layouts, user guides, output specifications, and final reports (regardless of medium) relating to a master file, database or other electronic records~~

~~(1) Documentation relating to electronic records that are scheduled for destruction in a NARA-approved agency schedule~~

~~**Disposition. TEMPORARY.** Destroy or delete upon authorized deletion of the related electronic records or upon the destruction of the output of the system if the output is needed to protect legal rights, whichever is later (GRS 20, Item 11(a)(1))~~

~~(2) Documentation relating to electronic records that are scheduled for permanent retention in a NARA-approved agency schedule~~

~~**Disposition. PERMANENT** Transfer to the National Archives with the permanent electronic records to which the documentation relates
(GRS 20, Item 11(a)(2))~~

3. **Paradox Database** OFLC database allows OFLC personnel access to information on labor certification applications filed prior to 2005

a **System Access: Paradox Database** is used for internal purposes only Data base is located on OFLC shared drive, access is available through employee log-in Access to specific database is provided by ETA Office of Information Systems and Technologies

~~b. **Inputs:**~~

~~(1) **UserID and Passwords** Files created to monitor password and user identification administration Also includes information on system usage, log in and audit trails~~

~~**Disposition. TEMPORARY** Delete/destroy when the agency determines they are no longer needed for administrative, legal, audit, or other operational purposes (GRS 20, Item 1e)~~

c. **Master Files-Database.** Aggregate and disclosure data for Permanent and Temporary program labor certification applications

(1) **1990-2005**

~~**Disposition. PERMANENT.** Transfer to the National Archives immediately upon approval of this schedule~~

d. **Outputs** Case specific information of applications filed through SWAs, screenshots regarding case events and final determination

~~**Disposition. TEMPORARY.** Delete when the agency determines they are no longer needed for administrative, legal, audit, or other operational purposes (GRS 20, Item 6)~~

~~e. **System Documentation.** Data systems specifications, file specifications, codebooks, record layouts, user guides, output specifications, and final reports (regardless of medium) relating to a master file, database or other electronic records~~

~~Documentation relating to electronic records that are scheduled for permanent retention in a NARA-approved agency schedule~~

~~**Disposition. PERMANENT** Transfer to the National Archives with the permanent electronic records to which the documentation relates
(GRS 20, Item 11(a)(2))~~