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| 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 N1-369-07-1 | DATE RECEIVED 1/8/07 |
| 1. FROM (Agency or establishment) U. S. Department of Labor | | NOTIFICATION TO AGENCY | |
| 2. MAJOR SUBDIVISION Employment and Training Administration | | 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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10 | |
| 3. MINOR SUBDIVISION Office of Foreign Labor Certification | | | |
| 4. NAME OF PERSON WITH WHOM TO CONFER | 5. TELEPHONE | DATE | ARCHIVIST OF THE UNITED STATES |
| Dottie Chester | 202-693-2755 | | WITHDRAWN |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 <u>6</u> 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, <input checked="" type="checkbox"/> is not required; <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested. | | | |
| DATE | SIGNATURE OF AGENCY REPRESENTATIVE | TITLE | |
| 12-22-06 | <i>[Signature]</i> | Dir. Departmental Records Officer | |
| 7. ITEM NO. | 8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION | 9. GRS OR SUPERSEDED JOB CITATION | 10. ACTION TAKEN (NARA USE ONLY) |
| | Office of Foreign Labor Certification See attached schedule description. | N1-369-96-1 | |

1. Description of the Labor Certification Case Files

The Department of Labor's Office of Foreign Labor Certification (OFLC) administers alien labor certification and attestation programs for the Department of Labor. These programs represent the first step in the admission of foreign workers under several programs that are currently operating and others that have been closed.

The following represents the composition of the alien employment certification and attestation case files that are both paper and electronic:

- a. Labor Certification Program (Pre 3/28/05) case files contain ETA 750 A and B; prevailing wage determination; proof of printed, radio, media or electronic advertisements; recruitment reports; notice of filing(paper).
- b. Program Electronic Review Management (PERM) (Post 3/28/05) case files contain Certification Notification or letter; denial notification or letter; ETA Form 9089. In the event of an audit, case files may also contain: employee contracts; prevailing wage; proof of licensure, education, training, proof of printed, radio, media or electronic advertisements; recruitment reports; notice of filings; special recruitment statement supporting alien's education/professional qualifications; special recruitment final report showing support/recommendation of alien; and proof of business existence(paper and electronic).
- c. Schedule A case files contain both Form ETA 750 Part A and B from approximately 1997- 2005; and PERM form 9089 beginning in March 28, 2005.(These files are returned from the Department of Homeland Security–US Citizenship and Immigration Service(USCIS) to the Department of Labor for final retirement)(paper). This is done per the regulation 20 CFR Chapter V. 656.15(F).
- d. H-1B, H-1B1, E-3 (Labor Condition Application for Specialty Occupations and as Fashion Models of

Exceptional Ability) case files contain forms ETA 9035, ETA 9035E, ETA 9035CP(paper).

- e. D-1 (Crewmember Certification) case files contain Form ETA 9033 or ETA 9033-A and attachments (if any) paper).
- f. H-1C (Nurses in Disadvantaged Areas) case files contain Form ETA 9081; copies of the hospital's Form HCFA 2552 from the 1994 cost reporting period filed with Department of Homeland Security (DHS); a copy of each of the facility's H-1C petitions (if any) to USCIS along with the USCIS approval notices(if any)(paper).
- g. Strike Certification Files contain information from organizations requesting certification of strikes. The files include a "Response to Strike Certification Request" and any documentation. These files cross both permanent and temporary programs (paper).

Disposition: Temporary

All cases are closed after final determination of the case. These files will be held at the National Processing Centers for six months after closure. After a file has been closed for six months it will then be sent to the Federal Records Center (FRC) where it is stored for four years six months, and then destroyed five years after the case is closed. Box lists or manifests will then be kept at the NPCs for all cases that have been archived at Federal Records Centers.

2. H-2A (Temporary Labor Certification - Nonimmigrant Agricultural)

H-2A (Temporary Labor Certification -Nonimmigrant Agricultural) case files contain Form ETA 750 A and ETA 790 with attachments; housing inspections from State Workforce Agencies (SWA); recruitment results; proof of newspaper advertisements placement (and radio announcement if applicable) and copy of ads; workers' compensation proof of coverage from employer; general correspondence such as request for changes in date of need, number of workers, extensions; copy of payment of certification fee; copies of acceptance letter and certification letter and any other letters sent to employer(paper).

Disposition: Temporary

H2A cases are closed after final determination of the case. These files will be held at the National Processing Centers for 12 months after closure. After the case is closed and held for 12 months, then it will then be sent to the Federal Records Center (FRC) where it is stored for four years, and then destroyed five years after the case is closed. Box lists or manifests will then be kept at the NPCs for all cases that have been archived at Federal Records Centers.

3. H2B Labor Certification Case Files

H-2B (Temporary Labor Certification – Nonimmigrant Non-agricultural) case files contain certification letter; contracts; methods of recruitment; prevailing wage determination and ETA 750 Part A; proof of all levels of advertisements; notice of filing; special recruitment statement supporting alien's education/professional qualifications (paper). Box lists or manifests will then be kept at the NPCs for all cases that have been archived at Federal Records Centers.

Disposition: Temporary

H-2B cases are closed after final determination of the case. These files will be held at the National Processing Centers for 12 months after closure. After the case is closed and held for 12 months, then it will then be sent to the Federal Records Center (FRC) where it is stored for four years, and then destroyed five years after the case is closed. Box lists or manifests will then be kept at the NPCs for all cases that have been archived at Federal Records Centers.

4. Backlog Elimination Files

Only backlog files are being held in the Backlog Elimination Centers (BECs), Dallas and Philadelphia, which will be closing at the end of fiscal year 2007 (September 30, 2007). The BECs are processing and closing cases. The closed cases will be retired to an appropriate Federal Records Center. Box lists or manifests will then be kept at the NPCs for all cases that have been archived at Federal Records Centers.

Disposition: Temporary

After the closing of the BECs, the cases remaining will be shipped to the National Processing Centers (NPCs), Atlanta and Chicago, for closing and preparation for archiving. After a file has been closed for six months it will then be sent to the Federal Records Center (FRC) where it is stored for four years six months, and then destroyed five years after the case is closed. Box lists or manifests will then be kept at the NPCs for all cases that have been archived at Federal Records Centers.

5. Program Electronic Review Management (PERM)

The Program Electronic Review Management (PERM) is a program developed and maintained by PROTECH. It is a computerized system that allows the external user (employer) to apply for labor certifications electronically for Department of Labor programs. This system allows employers and/or their agents to submit data relevant to the filing of a Form ETA 9089. The purpose of the program and associated database includes establishment and management of a common registration process, central archiving of electronic data, the processing of form data, and tracking of case events and dates by OFLC NPC staff.

Database Schedule

A full system backup of the PERM network servers is conducted every Friday night. From Monday through Thursday, an incremental backup is run. The backups are then copied to an offsite tape pool, ensuring that there is a local and offsite copy of all data. The offsite tapes are then sent to a secure storage facility the following week. One full backup a month is labeled and designated for archival. The tapes are labeled and stored in the computer room. Every Monday, an authorized network employee releases a weekly tape to a representative from the off-site storage company. The off-site storage company, Records Management, Incorporated (RMI), is located at 7726 Southern Drive, Springfield, VA 22150.

Agency: Employment and Training Administration (ETA) Office of Foreign Labor Certification (OFLC).

Name of System: PERM Online (web-based), and Paradox client/server system.

Unit: OFLC provides executive direction and guidance to regional offices, NPCs and BECs in the collection of employer and employee information for labor certifications.

Purpose of the system: Supports the regional, NPCs, and BECs function of complying with federal requirements to maintain documentation of labor certification applications and attestations.

â . Inputs: Electronic and paper applications (ETA 750, ETA 9089, etc.) consisting of employer data and documentation related to viable employment opportunities, and specific alien employees.

Disposition

- i. Data in the PERM databases are saved on backup tapes weekly. The backup tapes are maintained on a four-week revolving cycle and are stored monthly, quarterly, and annually. Tapes in ETA are contained within an ADIC 100 Tape library. Typically the offsite copies populate five tapes. These tapes have bar coded labels that allow them to be tracked automatically by the backup software. Full, monthly backups are stored off-site at RMI for a retention period of not less than two (2) years. Weekly, incremental backups are stored off-site for a retention period of one (1) month. Weekly media are returned from off-site storage on a weekly basis and reused. The first full backup of the month is labeled for archive; all other tapes are recycled for weekly use.**
- ii. Paper applications, certifications and accompanying letters are made part of the case file.**

b .Master File: The software program used to store data is Veritas Netbackup. There is also Paradox client/server system and PERM Online (web-based system) that lists job opportunity, organizational profile, agent /attorney, wage information, recruitment information, alien description, and alien work experience. Systems contain records created from 1995 to present. One database record is created for each applicant. However, applicants can have multiple records in the system. The primary key pertaining to applications is the case number. For registration information, the primary key is the employer's Federal EIN (FEIN) number.

Disposition: Temporary case and registration data (described under Inputs) are the primary files saved within the PERM system.

As described in Inputs, these data are backed-up weekly and archived for a period not less than two (2) years and not more than five (5) years. Then the data is over written. The system documentation is then destroyed.

c. Outputs: Labor certifications, approved attestations, and letters

Paper Copy - Applications, certifications, approved attestations, letters with electronic signatures, and reports.

i. Disposition: Temporary, Store on site for six months after case closes; send them to Federal Records Center for four years six months. Destroy at the end of five calendar years.

ii. Applications, certifications, approved attestations, letters with electronic signatures become part of the case files and are disposed of in accordance with the previously stated guidelines in (i).

d. System Documentation:

Codebooks, record layout and other system documents are on file with the Department of Labor's technology office, PROTECH.

Disposition: Temporary. Cutoff when system is replaced. PROTECH will maintain the materials for 5 calendar years after the system is turned off. Then the data is over written, and the system documentation is destroyed.

Privacy Act System DOL/ETA-7, Employer Application and Attestation File For Permanent and Temporary Alien Workers.