

Request for Records Disposition Authority

Records Schedule Number DAA-0174-2018-0001

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 Administrative Law Judges

Minor Subdivision Office of Administrative Law Judges

Schedule Subject Alternative Dispute Resolution Programs

Internal agency concurrences will be provided Yes

Background Information Administrative law judges from the United States Department of Labor's Office of Administrative Law Judges (OALJ) preside over 80 distinct types of hearings arising under a variety of statutes, executive orders, and regulations. The office's mission is to render fair, just and equitable decisions under the governing law and the facts of each individual case. OALJ's Washington, D.C. location houses both the OALJ headquarters and a district office. District offices are also located in Boston, Massachusetts; Cherry Hill, New Jersey; Cincinnati, Ohio; Covington, Louisiana; Newport News, Virginia; Pittsburgh, Pennsylvania; and San Francisco, California.

OALJ offers free court-sponsored alternative dispute resolution (ADR) services to assist parties in negotiating a resolution to their case while preserving the statutory right to a hearing before an impartial judge. Specifically, OALJ has two types of ADR services: a settlement judge program and a mediation program. These programs involve dispute resolution proceedings, as defined in the Administrative Dispute Resolution Act of 1996 (the ADR Act), 5 U.S.C. §§ 571-584, pertaining to cases pending before OALJ. Most types of cases within OALJ's jurisdiction are eligible for these ADR programs, though any resultant settlement or consent findings may require approval by the presiding ALJ.

Both programs are staffed by OALJ employees trained in ADR, who serve as neutrals pursuant to the ADR Act. OALJ's settlement judges are administrative law judges (ALJs) within our national and district offices who conduct settlement conferences as an ancillary activity as their hearing schedules permit, while OALJ's mediation program

is managed by a senior attorney based in the national office who specializes in mediation. Thus, ADR records may be maintained by settlement judges, mediators, and their support staff in the national office or district offices.

Two general categories of records are covered by this schedule: (1) records containing confidential information protected from disclosure under the ADR Act; (2) records that are related to OALJ's ADR services, but do not contain confidential information as defined in the ADR Act. . See 5 U.S.C. § 571(5) (definition of "dispute resolution communication") and § 574 (confidential communications with neutral). To ensure the confidentiality of ADR Act protected information, ADR records are maintained by the neutral in a separate and secure file area within their offices, and access is restricted to OALJ employees serving as ADR neutrals and ADR program administrators, as appropriate under the ADR Act.

Item Count

| Number of Total Disposition Items | Number of Permanent Disposition Items | Number of Temporary Disposition Items | Number of Withdrawn Disposition Items |
|-----------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| 4 | 0 | 4 | 0 |

GAO Approval

Outline of Records Schedule Items for DAA-0174-2018-0001

| Sequence Number | |
|-----------------|--|
| 1 | Non-Confidential ADR Case Records Disposition Authority Number: DAA-0174-2018-0001-0001 |
| 2 | Confidential ADR Case Records. Disposition Authority Number: DAA-0174-2018-0001-0002 |
| 3 | ADR Programmatic Records. Disposition Authority Number: DAA-0174-2018-0001-0003 |
| 4 | Working Files Disposition Authority Number: DAA-0174-2018-0001-0004 |

Records Schedule Items

| Sequence Number | |
|-----------------|--|
| 1 | <p>Non-Confidential ADR Case Records</p> <p>Disposition Authority Number DAA-0174-2018-0001-0001</p> <p>Non-Confidential ADR case records may include an agreement to use OALJ's ADR services, confidentiality agreements, documentation of the settlement or discontinuance of the ADR case, and related correspondence.</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</p> <p>Transfer to Inactive Storage WARNING: ADR case records will not to leave the Office of Administrative Law Judges. Close file when ADR proceeding is discontinued.</p> <p>Retention Period Destroy immediately after appeal process is complete.</p> <p>Additional Information</p> <p>GAO Approval Not Required</p> |
| 2 | <p>Confidential ADR Case Records.</p> <p>Disposition Authority Number DAA-0174-2018-0001-0002</p> <p>Confidential case records contain information provided to an ADR neutral by a party or prepared by an ADR neutral that are protected from disclosure by the ADR Act, 5 U.S.C. § 574. Confidential ADR case records may include statements of a party's position, settlement demands and offers, draft settlement agreement language, or statements of the ADR's neutral's impressions on the case, among other materials.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> |

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| 3 | 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 |
| | Transfer to Inactive Storage | WARNING: ADR case records will not to leave the Office of Administrative Law Judges. Place in inactive closed file when the ARD proceeding or outreach effort is discontinued. |
| | Retention Period | When a settlement is reached, confidential records are retained until the underlying proceeding is resolved (such as approval of the settlement by the presiding ALJ where such approval is required) and then destroyed. Where a settlement is not reached, confidential records are retained until dispute resolution proceeding is terminated and then destroyed. |
| | Additional Information | |
| | GAO Approval | Not Required |
| | ADR Programmatic Records. | |
| | Disposition Authority Number | DAA-0174-2018-0001-0003 |
| | <p>ADR programmatic records relate to the general practices, policies, and large scale operation of OALJ's settlement judge program and mediation program. These records may include non-confidential materials such as blank public forms used to facilitate ADR proceedings, internal training materials on OALJ's ADR services, and statements with general information about ADR proceedings or OALJ's program; or confidential materials, such as reports tracking the status of outreach efforts or ADR proceedings, to the extent that such documents identify a particular dispute and reveal information protected under the ADR Act, 5 U.S.C. § 574.</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 | | |

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|---|--|--|
| 4 | Cutoff Instruction | End of Calendar Year. |
| | Transfer to Inactive Storage | WARNING: ADR case records will not to leave the Office of Administrative Law Judges. |
| | Retention Period | Destroy when no longer needed |
| | Additional Information | |
| | GAO Approval | Not Required |
| | Working Files | |
| | Disposition Authority Number | DAA-0174-2018-0001-0004 |
| | Working files constitute the non-record keeping copy of any records falling under the other items in this schedule. Working files may include rough drafts, electronic copies of documents created on electronic mail or word processing systems, and other materials used to prepare a record-keeping document. | |
| | 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. |
| | Transfer to Inactive Storage | WARNING: ADR case records will not leave the Office of Administrative Law Judges. |
| | Retention Period | Destroy when no longer needed |
| | Additional Information | |
| | GAO Approval | Not Required |

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 |
|------------|------------------------|------------------|---|--|
| 06/06/2018 | Certify | Rachel Vera | U.S. Dept of Labor, Records Management Officer | Office of the Assistant Secretary for Administration and Management - Business Operations Center |
| 12/07/2018 | Submit for Concurrence | David Weber | Senior Appraisal Archivist | National Archives and Records Administration - Records Management Services |
| 12/12/2018 | Concur | Sebastian Welch | Supervisory Archivist Specialist | National Archives and Records Administration - ACR4 |
| 12/17/2018 | Concur | Margaret Hawkins | Director of Records Management Services | National Records Management Program - ACNR Records Management Services |
| 12/18/2018 | Approve | David Ferriero | Archivist of the United States | Office of the Archivist - Office of the Archivist |