

REQUEST FOR RECORDS DISPOSITION AUTHORITY (See Instructions on reverse)		LEAVE BLANK (NARA use only)	
TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		JOB NUMBER 71-174-06-2	
1. FROM (Agency or establishment) U.S. Department of Labor		DATE RECEIVED 11-21-2005	
2. MAJOR SUBDIVISION Office of the Secretary		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
3. MINOR SUBDIVISION Administrative Review Board		DATE 3/2/07	
4. NAME OF PERSON WITH WHOM TO CONFER Mr. Frank Clubb	5. TELEPHONE 202-693-6234	ARCHIVIST OF THE UNITED STATES [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 <u>4</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 11/21/05	SIGNATURE OF AGENCY REPRESENTATIVE [Signature]	TITLE Records Officer

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	SEE ATTACHED		

SA 3/8/07 copies sent to Agency / NARA

SF-115 Form

Description of the Office of the Administrative Review Board (ARB):

The ARB is located in the Department of Labor, and has been delegated authority and assigned responsibility to act for the Secretary of Labor in review or on appeal of legal cases for over 40 labor related statutes.

File Types:

1. General Adjudicative Files

Office copies of correspondence of all types, arranged chronologically without regard to subject or content; used primarily as reading or reference files for administrative purposes

Temporary: Close each file when its corresponding ARB final decision has been issued. Destroy file 10 years after cutoff.

*Before destroying a file, check to determine whether the corresponding ARB decision is online or in the decision binders. If it is not in either location, keep the decision (file it in the corresponding decision binder (see #3). If the decision is online or in a decision binder, discard the entire file (the decision included).

2. Judges' Working Files

Files of the judges' working papers, such as briefs, typically arranged in chronological order; used for reference purposes when drafting decisions. These are maintained in the judges' offices.

Temporary: Close each working file after ARB decision has been issued. Destroy when no longer needed for administrative or reference needs.

3. Decision Binders

Binders contain paper copies of decisions, organized by statute. Decisions are filed chronologically. These binders are kept in the ARB Office. The official record copy is held by the Office of Administrative Law Judges (OALJ).

Temporary: Destroy when no longer needed for business purposes.

4. Chronological File Binders

Files contain all signed documents such as mailings and Freedom of Information Act requests; the types of documentation kept in these binders is more extensive than that kept in the administrative files; divided by date.

Temporary: Cut-off file binders at the end of the calendar year. Destroy 5 years after cut-off.

* Before destroying the binders, make sure that ARB has copies of the decisions in the "decision binders" (see #3) or online.

5. Correspondence (Briefing) Files

Files contain the legal briefs from both parties along with other correspondence; these briefs are incorporated into the final case record when the case is closed.

Temporary: Close correspondence file when a decision has been issued for the associated case, and incorporate contents into the official case record (see #6).

6. Official Case Records

Official case records contain information and pertinent data gathered from court filings necessary to hear and decide cases. They may contain letters of transmittal and other administrative documents that delineate the case events prior to the case's arrival in the ARB such as transcripts, exhibits, motions, briefs, orders, decisions, and other official correspondence relevant to the case. For storage purposes at the National Records Center, the case records are divided into six sections: Immigration, Service Contract Act, Davis Bacon and Wage and Hour Division, Non-Environmental Whistleblower, and Environmental Whistleblower Cases, and Other Cases.

If the case was initially appealed from the OALJ, the ARB is not the official custodian of the case record, and the case record will be returned to the OALJ. However, if the case was not appealed from the OALJ (see #6a and 6b), the ARB is the official custodian of the record. Records for which the ARB is the official custodian are kept for three years. Then, they are sent to the National Records Center to be held for 15 years, after which they are discarded.

THE ARB IS THE OFFICIAL CUSTODIAN OF CASE RECORDS WITHOUT OALJ NUMBERS; THESE CASES TYPICALLY INCLUDE RECORDS BROUGHT UNDER THE FOLLOWING STATUTES:

6a. Davis Bacon and Wage and Hour Division Cases arising under the:

Davis-Bacon Act, 40 U.S.C. 276a-276a-7; the Contract Work Hours and Safety Standards Act, 40 U.S.C. 327 et seq.; the Copeland Act, 40 U.S.C. 276c; the Reorganization Plan No. 14 or 1950; and 29 C.F.R. Parts 1,3,5,6, Subpart C;

6b. Service Contract Act cases arising under the:

McNamara-O'Hara Service Contract Act, 41 U.S.C. 351 et seq. (SCA)

Temporary: Close case record after both the final decision is issued and the case has not been appealed. Cut-off closed case files at end of calendar year. Transfer closed case record to the Federal Records Center three years after cut-off. Destroy case files eighteen years after closure.

Note: There is a possibility that a few Official Case Files for which ARB is the official custodian (Davis Bacon and Wage and Hour Cases and Service Contract Cases) may be worthy of permanent retention if they significantly interpret Department of Labor regulations, reflect significant developments, or attract extensive public attention. These should be brought to the attention of NARA via a SF-115, Request for Disposition Authority, so that they can be appraised and appropriate disposition authorized. The appraisal process of these records will include a determination of the appropriate medium for transfer of any records determined to be permanent.

THE ARB IS NOT THE OFFICIAL CUSTODIAN OF CASE RECORDS BROUGHT UNDER THE FOLLOWING STATUTES; THESE RECORDS ARE SENT BACK TO THE APPROPRIATE RECORD KEEPING ORGANIZATION (Typically the Office of Administrative Law Judges) ONCE THEY ARE CLOSED OR APPEALED FOR DISPOSITION IN ACCORDANCE TO NARA APPROVED RECORDS SCHEDULE:

6c. Non-environmental Whistleblower Cases:

The Surface Transportation Assistance Act, 15 U.S.C. 2622, 29 C.F.R. Part 24 (STAA); Energy Reorganization Act of 1974, 42 U.S.C. 5851 (ERA); Wendell H. Ford Aviation Investment and Reform Act, 49 U.S.C. 42121 (AIR-21); Sarbanes-Oxley Act of 2002, U.S.C. 1514A (SOX)

6d. Environmental Whistleblower Cases:

Safe Drinking Water Act, 42 U.S.C 300j-9(i), 29 C.F.R. Part 24 (SDW); Solid Waste Disposal Act, 42 U.S.C. 6971, 29 C.F.R. Part 24 (SWD); Toxic Substances Control Act, 15 U.S.C. 2622, 29 C.F.R. Part 24; Clean Air Act, 42 U.S.C. 7622, 29 C.F.R. Part 24 (CLA); Federal Water Pollution Control Act, 33 U.S.C. 1367, 29 C.F.R. Part 24 (WPC); Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610, 29 C.F.R. Part 24 (CERCLA)

6e. Immigration Cases:

The Contract Work Hours and Safety Standards Act, 40 U.S.C. 327 et seq.; 29 C.F.R. Parts 4,5,6, Subparts B,D,E; Immigration and Nationality Act 8 U.S.C. 1182(M), 29 C.F.R. Part 504, Subpart E; 20 C.F.R. Part 655, Subpart I; 8 U.S.C. 1182(n); 29 C.F.R. Part 507, Subpart I; 20 C.F.R. Part 655, Subpart I; 8 U.S.C. 1188; 29 C.F.R. Part 501, Subpart C; and 8 U.S.C. 1288(c); 29 C.F.R. Part 506, Subpart G (INA); Immigration Act of 1990, Pub. L 101-649, Sec 221(a); 29 C.F.R. Part 508, Subpart K; 20 C.F.R. Part 655, Subpart K; Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1813, 1853; 29 C.F.R. Part 500, Subpart F; and the Labor Condition Application (LCA)

6f. Other Cases:

The Age Discrimination Act of 1975, 42 U.S.C. 6103; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000-1, 29 C.F.R. Part 31; The Comprehensive Employment and Training Act, 29 U.S.C. 801-999 (Supp. V 1981), 20 C.F.R. Part 676 (1990); Title IX of the Education Amendments of 1971, 20 U.S.C. 1682; The Employee Polygraph Protection Act of 1988, 29 U.S.C. 2005, 29 C.F.R. Part 801; The Equal Access to Justice Act, 5 U.S.C. 504, 29 C.F.R. Part 16; Executive Order No. [11,246, 3 C.F.R. 339 (1964-1965 Comp.), reprinted in 42 U.S.C. 2003 app.; 41 C.F.R. Part 60-1 and 60-30]; The Fair Labor Standards Act of 1938, [29 U.S.C. 203(m), 29 C.F.R. Part 531; 29 U.S.C. 221(d), 29 C.F.R. Part 530, Subpart E; 29 U.S.C. 214(c), 29 C.F.R. Part 525; and 29 U.S.C. 216(e), 29 C.F.R. Part 580]; The Federal Unemployment Tax Act, 26 U.S.C. 3302(c)(3), 20 C.F.R. Part 617, 26 U.S.C. 3303(b)(3), 26 U.S.C. 3304(c); The Job Training Partnership Act, 29 U.S.C. 1576, 20 C.F.R. Part 627 (JTPA); The National Apprenticeship Act, 29 U.S.C. 50, 29 C.F.R. Parts 29 and 30; The Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3803, 29 C.F.R. Part 22; The Rehabilitation Act of 1973, Section 503, 29 U.S.C. 793, 41 C.F.R. Part 60-741, Subpart B; Section 504, 29 U.S.C. 794, 29 C.F.R. Part 32; The Single Audit Act of 1984, 31 U.S.C. 7505, OMB Circular Nos. A-128 and A-110, 29 C.F.R. Part 96; Social Security Act, 42 U.S.C. 503, 20 C.F.R. Part 601; Vietnam Era Veterans Readjustment Assistance Act, 38 U.S.C. 4211, 4212, 41 C.F.R. Part 60-250, Subpart B; The Wagner-Peyse Act, 29 U.S.C. 49 et seq., 20 C.F.R. Part 658; Walsh-Healey Public Contracts Act, 41 U.S.C. 38, 41 C.F.R. Part 50-203

7. Electronic Mail and Word Processing System Copies

Electronic copies of records that are created and used solely to generate a recordkeeping copy of the records covered by the other items in this schedule. Also, includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

1. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.

Destroy/delete within 180 days after the recordkeeping copy has been produced

2. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Destroy/delete when dissemination, revision, or updating is completed.