

REQUEST FOR RECORDS DISPOSITION AUTHORITY

(See Instructions on reverse)

TO NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR)
WASHINGTON, DC 20408

1. FROM (Agency or establishment)

Department of Labor

2. MAJOR SUBDIVISION

Office of the Secretary

3. MINOR SUBDIVISION

Office of Administrative Law Judges

4. NAME OF PERSON WITH WHOM TO CONFER 5. TELEPHONE

P. J. Soto

202-693-7542

LEAVE BLANK (NARA use only)

JOB NUMBER

N1-174-00-4

DATE RECEIVED

8/7/00

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.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

12-20-01

ARCHIVIST OF THE UNITED STATES

John W. Paul

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 5 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; or has been requested.

DATE

7/28/00

SIGNATURE OF AGENCY REPRESENTATIVE

Maureen Hill

TITLE

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 GRS OR SUPERSEDED JOB CITATION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)

Please see the attached.

cc. to Agency & 12/20/01 + NAWMWA 1/7/02

Office of the Administrative Law Judges (OALJ)

The Office of the Administrative Law Judges and its seven District Offices preside over formal hearings and render decisions for over 80 labor-related statutes and regulations in accordance with the Administrative Procedures Act. The Administrative Procedures Act requires the application of the principles of due process a process similar to hearing civil cases in court.

1. General Correspondence Files

Office copies of correspondence of all types, arranged chronologically without regard to subject or content, used primarily as a reading or reference file.

- a. Recordkeeping Copy: **Temporary.** Maintained in the office. Cut off files at the end of the calendar year. Destroy 2 years after cut off
- b. Electronic copies created on electronic mail and word processing systems. Delete after recordkeeping copy has been produced or when no longer needed for updating, revising or official business.

2. Congressional Correspondence Files

Communications and correspondence received and responded to from Congress, Congressional Committees, and the White House. These files are related to the adjudication of cases and other program activities.

- a. Recordkeeping Copy: **Temporary.** Maintained in the office. Cut off files at the end of the calendar year. Destroy 2 years after cut off.
- b. Electronic copies created on electronic mail and word processing systems. Delete after recordkeeping copy has been produced or when no longer needed for updating, revising or official business.

3. Official Case Files

Records that contain information and pertinent data gathered from case files and court filings, necessary to hear and decide cases. These cases may result in court decisions, which interpret legislation or regulations. These case files may contain letters of transmittal, administrative files which delineate the case events prior to arrival in the Office of Administrative Law Judges (OALJ), transcripts with exhibits, motions, briefs, decisions, orders, and all other official correspondence dealing with the case. *Supersedes NCI-174-81-3, Item 1*

CASE FILES WHERE THE OALJ IS THE OFFICIAL CUSTODIAN:

These "Traditional" cases arise under the following statutes: Administrative Procedure Act, 5 U.S.C. 553, 554, 556, 557, 571 et seq., Age Discrimination Act of 1975, 42 U.S.C. 6103; 29 C.F.R. Part 34; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.; 29 C.F.R. Part 34; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-1; 29 C.F.R. Part 31; Clean Air Act, 42 U.S.C. 7622;

29 C.F.R. Part 24; Comprehensive Employment and Training Act, 29 U.S.C. 801-999 (Supp. V 1981); 20 C.F.R. Part 676 (1990); Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610; 29 C.F.R. Part 24; Contract Disputes Act, 41 U.S.C. 601 et seq.; 41 C.F.R. Part 29-60; 48 C.F.R. 2933.203.70; Contract Work Hours and Safety Standards Act, 40 U.S.C. 327 et seq.; 29 C.F.R. Part 6; Copeland Act, 40 U.S.C. 276c; 29 C.F.R. Part 6; Davis-Bacon Act, as amended, 40 U.S.C. 276a- 276a-7; 29 C.F.R. Part 6, Debt Collection Act of 1982, 31 U.S.C. 3711(f); 29 C.F.R. Part 20, Title IX of the Education Amendments of 1972, 20 U.S.C. 1682; 29 C.F.R. Part 34; Employee Polygraph Protection Act of 1988, 29 U.S.C. 2005; 29 C.F.R. Part 801, Subpart E; Employee Retirement Income Security Act of 1974, 29 U.S.C. 1132 and 1135; 29 C.F.R. Parts 2560 and 2570; Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851; 29 C.F.R. Part 24; Equal Access to Justice Act, 5 U.S.C. 504; 29 C.F.R. Part 16; Executive Order No. 11,246, as amended, 3 C.F.R. 339 (1964-1965 Comp.); reprinted in 42 U.S.C. 2000e app.; 41 C.F.R. Parts 60-1 and 60-30; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 211(d); 29 C.F.R. Part 530, Subpart E; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 214(c), 29 C.F.R. Part 525; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 216(e); 29 C.F.R. Part 580; Federal Unemployment Tax Act, 26 U.S.C. 3303(b)(3), 3304(c); Federal Unemployment Tax Act (addressing agreements under the Trade Act of 1974, as amended), 26 U.S.C. 3302(c)(3); 20 C.F.R. Part 617; Federal Water Pollution Control Act, 33 U.S.C. 1367; 29 C.F.R. Part 24; Job Training Partnership Act, 29 U.S.C. 1576; 20 C.F.R. Part 627; Labor-Management Reporting & Disclosure Act of 1965, 5 U.S.C. § 7120; 29 C.F.R. Part 458; McNamara-O'Hara Service Contract Act, as amended, 41 U.S.C. 351 et seq.; 29 C.F.R. Part 6; Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1813, 1853; 29 C.F.R. Part 500, Subpart F; National Apprenticeship Act, 29 U.S.C. 50; 29 C.F.R. Parts 29 and 30, Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3803; 29 C.F.R. Part 22; Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793; 41 C.F.R. Part 60-741, Subpart B; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; 29 C.F.R. Part 32; Reorganization Plan No. 14 of 1950; and 29 C.F.R. Part 6; Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges, 29 C.F.R. Part 18; Safe Drinking Water Act, 42 U.S.C. 300j-9(i); 29 C.F.R. Part 24; Single Audit Act of 1984, 31 U.S.C. 7505; OMB Circular Nos. A-128 and A-110; 29 C.F.R. Part 96, SubPart 96.6; Social Security Act, 42 U.S.C. 503; 20 C.F.R. Part 601; Solid Waste Disposal Act, 42 U.S.C. 6971; 29 C.F.R. Part 24; Surface Transportation Assistance Act, 49 U.S.C. 31105; 29 C.F.R. Part 1978; Toxic Substances Control Act, 15 U.S.C. 2622; 29 C.F.R. Part 24; Vietnam Era Veterans Readjustment Assistance Act, as amended, 38 U.S.C. 4211, 4212; 41 C.F.R. Part 60-250, Subpart B; Wagner-Peyser Act, as amended, 29 U.S.C. 49 et seq.; 20 C.F.R. Part 658; Walsh-Healey Public Contracts Act, as amended, 41 U.S.C. 38; 41 C.F.R. Part 50-203; Workforce Investment Act of 1998, Pub.L. 105-220, 112 Stat. 939; other statutes, executive orders and regulations providing for an administrative law judge hearing as they may become applicable in the future. **These cases may**

contain information applicable to Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4). Supersedes NCI-174-81-3, Item 1 (a).

for which OALJ is the custodian and which is returned to

- a. Recordkeeping Copy: **Permanent**. Precedent Setting Cases that meet at least one of the following criteria:

*
Case was reviewed by the Supreme Court
Case was reviewed by the Courts of Appeals

- ~~1. Case was argued before the Supreme Court.~~
- ~~2. Case received significant or substantial (National or Regional) Media attention.~~
- ~~3. Chief Judge designates case as setting important precedent for a specific case area.~~

Deletion approved by RO by telephone, 10/25/01

Cutoff case file when the appeal process is complete. Transfer the case file to the National Archives 3 years after the appeal process is complete

- b. All other case files: **Temporary**. For all cases not identified as Permanent under the criteria in (a) above, cutoff case file when the appeal process is complete. Transfer the case file to the Federal Records Center or off-site storage facility 3 years after the appeal process is complete. Destroy case file 15 years after cut off.
- c. Electronic copies created on electronic mail and word processing systems. Delete after recordkeeping copy has been produced or when no longer needed for updating, revising or official business.

4. CASE FILES WHERE THE OALJ IS NOT THE OFFICIAL CUSTODIAN:

These case files includes Black Lung, Longshore, and Immigration cases arise under the following statutes: Title IV of the Federal Mine Safety and Health Act of 1977, as amended, 33 U.S.C. 901 et seq.; 20 C.F.R. Parts 410, 718, 725 and 727; Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(15)(H), 1184 and 1186; 29 C.F.R. Part 501, Subpart C; Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(15)(H), 1182, 1184, 1188, 1288(c); 20 C.F.R. Part 655; Immigration and Nationality Act, as amended, 8 U.S.C. 1182(a)(5)(A); 20 C.F.R. Part 656; and Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901 et seq. (and its extensions Defense Base Act, Outer Continental Shelf Lands Act, District of Columbia Workmen's Compensation Act, 36 D.C. Code 501 et seq.; Nonappropriated Fund Instrumentality's Act); 20 C.F.R. Parts 701, 702 and 704; other statutes, executive orders and regulations providing for an administrative law judge hearing as they may become applicable in the future. **These cases may contain information applicable to Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4). Supersedes NCI-174-81-3, Item 1 (b)**

- a. Recordkeeping Copy: **Temporary**. Transfer the official file to the appropriate DOL component for further processing following the applicable guidelines in the Code of Federal Regulations cited above.

* Changes approved by DOL AO via email on 12/10/01. Xuy

- b. Electronic copies created on electronic mail and word processing systems. Delete after recordkeeping copy has been produced or when no longer needed for updating, revising or official business.
5. **Judge's Working Files.**
Files of judges' working papers arranged by case number or name and used in the drafting of decisions, attorney fee requests and appeals.
- a. Recordkeeping Copy: **Temporary.** Cutoff and destroy working files when the appeals process is complete.
 - b. Electronic copies created on electronic mail and word processing systems. Delete after recordkeeping copy has been produced or when no longer needed for updating, revising or official business.
6. **OALJ's Decisions Library**
Paper copies of final decisions issued by OALJ in cases maintained in the National Office. The library is used as an internal research tool to OALJ and the public.
- a. Recordkeeping Copy: **Permanent.** Close out files when final decisions have been rendered. Maintained in the office library. Transfer the copy of the OALJ final decision to National Archives 30 years after the final decision has been issued.
 - b. Electronic copies of records created on electronic mail and word processing systems. Delete after recordkeeping copy has been filed in OALJ's library.
7. **Manuals**
- 1. Judges' Benchbook, a research tool to be used as an aid in adjudicating cases before the OALJ (1992,1994, and 1997)
 - 2. Judges' Handbook, a reference guides for judges (1998).
 - 3. Technical Manual, a resource guide for the support staff in processing cases (1992).
- a. Recordkeeping Copy: **Permanent.** Transfer one copy of each manual and updates to the National Archives in 2001. Total storage size is approximately two (2) cubic feet. Thereafter, transfer manuals and updates every 3 years, e g. FY 2001 – FY 2003, are transferred to the National Archives in FY 2004.

- b. Electronic copies created on electronic mail and word processing systems. Delete after recordkeeping copy has been produced or when no longer needed for updating, revising or official business.