

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		JOB NUMBER <i>N1-174-02-02</i>	
TO: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received <i>08/12/2002</i>	
1. FROM (Agency or establishment) U.S. Department of Labor		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
2. MAJOR SUBDIVISION Office of the Solicitor			
3. MINOR SUBDIVISION			
4. NAME OF PERSON WITH WHOM TO CONFER Cecilia M. Holmes	5. TELEPHONE NUMBER 202-693-5405	DATE <i>7-12-04</i>	ARCHIVIST OF THE UNITED STATES <i>John W. Paul</i>
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>13</u> page(s) are not needed now for the business for 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 <i>8/12/02</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>		TITLE <i>Records Officer</i>
7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	<i>Please see attached.</i>		
<i>cc Agency NA, NAWMD, NAWME, NAWMA, NAWET</i>			

*final version of schedule approved by AD 3/24/03*

## Comprehensive Records Schedule

### Office of the Solicitor

The Office of the Solicitor (SOL) provides the Secretary of Labor and agencies within the Department, its clients, with the legal services required to accomplish the mission of the Department and the priority goals established by the Secretary while ensuring that the Department itself complies with applicable laws and regulations.

SOL independently litigates in U.S. district courts, courts of appeals and before Administrative Law Judges and administrative appellate bodies; SOL serves as co-counsel to the Solicitor General in DOL-related litigation in the U.S Supreme Court and assists the Justice Department and local U.S. Attorney offices in case preparation and trial. SOL supports DOL regulatory activities through the review of rules and provides assistance in the preparation of notices and regulations. SOL also provides oral and written interpretations and opinions to client agencies concerning more than 100 statutes, which the Department administers and or enforces.

SOL coordinates the Department's legislative program and reviews proposed legislation, assists in drafting legislation, prepares testimony and reports on proposed legislation as requested by Congress and the Office of Management and Budget, assists in the preparation of annual reports to Congress, and provides legal advice to international organizations including the International Labor Organization. SOL also serves as in-house counsel to the Department on a variety of matters including labor-management relations and ethics.

These functions are assigned to the Immediate Office (currently eleven (11) in number) exercising national-office functions and located in Washington, D.C area. Currently there are fifteen field offices (15) in number) and seven (7) branch offices and the Office of Administration, Management and Litigation Support:

- Immediate Office
- Division of Black Lung Benefits
- Division of Civil Rights
- Division of Employee Benefits
- Division of Employment and Training Legal Services
- Division of Fair Labor Standards
- Division of Labor-Management Laws
- Division of Legislation and Legal Counsel
- Division of Mine Safety and Health
- Division of Occupational Safety and Health
- Division of Plan Benefits Security
- Division of Special Appellate and Supreme Court Litigation
- Office of Administration, Management and Litigation Support

Boston Regional Office  
New York Regional Office  
Philadelphia Regional Office; Arlington, Virginia Branch Office  
Atlanta Regional Office; Birmingham, Alabama and Nashville, Tennessee  
Branch Offices  
Chicago Regional Office; Cleveland, Ohio Branch Office  
Dallas Regional Office  
Kansas City Regional Office; Denver, Colorado Branch Office  
San Francisco Regional Office; Los Angeles, California and Seattle, Washington  
Branch Offices

This comprehensive records schedule applies to program records for all of the offices listed above and supersedes all previous records schedules for the individual offices.

1. Advice and Opinion Files. Correspondence, memoranda, testimony, reports, studies, reference materials and other similar records pertaining to proposed and existing statutes, programs, and regulations that client agencies of the Office of the Solicitor are charged with administering/enforcing. Files are arranged by statutory or Code of Federal Regulations citations, alphabetically by folder title, subject matter, or file type index and/or chronologically. Files may be maintained in the national, regional and/or branch offices.

Supersedes: NC1-174-81-2, items, 1 and 2; NN 174-095, items 4 and 6; NN-174-094, item 1; N-174-093, items 2, 4a; NN-174-092, item 1; NN-174-091, items 1 and 2; NN-174-090, item 1; NN-174-087, item 3; NN-174-086/ items 1,3; II-NNA-1730/ items 1, 2, 4, 10a,b, 11,13,15, 18b, 24.

a. Immediate Office of the Solicitor.

PERMANENT. Maintained in the immediate Office of the Solicitor. Cut off at the end of each fiscal year. Transfer to the National Archives in 10 year blocks when 20 years old. (e.g., 2001-2010 records will be transferred in 2031).

Date span: 1998 - present  
Total volume: ca. 1 cubic feet  
Annual accumulation: 2 cubic feet

b. All other offices:

(1) Significant Opinions and Advice Files

Files concerning significant opinions and advice, which (1) resulted in a major legal precedent, or (2) involved a complex and/or novel issue, or (3) involved intense public interest or controversy that usually is reflected in a high degree of media attention.

**PERMANENT:** Cut off at end of calendar year in which opinion/advice has been rendered. Retire to off site storage 10 years after cutoff. Transfer to NARA 20 years after cut off.

**Date span:** 1975 to present except  
1995 to present (Employment and Training Services Division)  
1992 to present –Atlanta

**Total volume:** 227 cubic feet - National Office  
**Annual accumulation:** 4.5 cubic feet

**Total Volume** 428 cubic feet - Regional/Branch Offices  
**Annual accumulation:** 3.4 cubic feet

(2) Non-significant opinions.

**TEMPORARY.** Maintain in office. Destroy after 20 years.

**Note:** Segregation of files into significant and non-significant categories will be done by the individual SOL office maintaining the records. Files should not be transferred to off-site storage until a designation of significant or non-significant has been made.

(3) Reference files. Copies of documents in significant or non-significant opinions and advice files described in above maintained because of continuing interest on the part of a particular party or group.

**TEMPORARY.** Maintain in office. Destroy when no longer needed.

(4) Attorney Working Files. Files relating to opinions and advice files, including working drafts, attorney notes, reference materials, and related documentation whose value does not warrant inclusion in SOL official files.

**TEMPORARY.** Maintain in office. Destroy when no longer needed.

**2. Rulemaking Records.** Copies of proposed regulations, memoranda, correspondence, and background materials relating to DOL's official rulemaking. Arranged by assigned project name. Files may be maintained in the national, regional and/or branch offices.

**Supersedes:** NC1-174-81-2/item 3; NN-174-095, items 6a and b; NN-174-093/items 4a and b; NN-174-087/item 3; NN-174-086/ item 3a and b.

a. Official correspondence relating to DOL rulemaking. Includes correspondence between SOL and OMB, internal agency correspondence and correspondence with

interested parties. NOTE: The records in this file are not part of the agency's official rulemaking file.

TEMPORARY. Cut off at the end of the calendar year. Maintain in office. Destroy 10 years after cut off.

b. Attorney Working Files include working drafts, attorney notes, reference materials, routine administrative records, copies of material from agency rulemaking record, and related documentation.-

TEMPORARY. Maintain in office. Destroy when no longer needed.

c. Reference files. Copies of documents from rulemaking files which need to be maintained in the office for an extended period of time because of continuing interest on the part of a particular party or group.

TEMPORARY. Maintain in office. Destroy when no longer needed.

3. Litigation Case Files. Papers, including but not limited to, briefs and other pleadings, relating to cases litigated on behalf of the Solicitor's Office client agencies before administrative law judges, review commissions and the courts, exclusive of papers furnished by client agencies, which are returned to the client agencies for maintenance in those offices' official files. Files may be maintained in the national, regional and/or branch offices.

Supersedes: NC1-174-81-2/ items 4a1, 2, 3, 4b, 1,2, 3, 4, 5; NN-174-094/ items 2a,2b; NN174093/ items, 4a, b, 5a, b ; NN-174-092/items, 2a, b; NN-174-090/ items 2a, b; NN-

174-089/ Items 3a, b; NN-174-087/ items 2a ,b; NN-174-086/ items 2a,b, 3a, b, II-NNA-1730/ items,14,c,d,

a. Significant litigation case files which are deemed historically important because they meet one or all of the following criteria: (1) resulted in a major legal precedent or (2) involved a complex and or novel issue or (3) involved intense public interest or controversy usually reflected in a high degree of media attention are retained permanently. Files are arranged in alphabetical order by subject or case name.

Date span: 1997 to present except  
1975 to present (Plan Benefits Division)  
1989 to present (Employment and Training Legal Services Division)  
2000 to present (Chicago)

Total volume: 324 cubic feet - National Offices

Annual accumulation: 66 cubic feet

Total volume: 154 cubic feet - Regional/Branch Offices

Annual accumulation: 23 cubic feet

**PERMANENT:** Cut off file at the end of the calendar year in which case is closed. Maintain in office 3 years. Retire to off site facility 3 years after cut off. Transfer to NARA 20 years after cut off.

b. Non-significant litigation case files. These are files that do not meet the criteria in 3.a., above. These include injunction and non-injunction case files.

(1) Non-significant litigation case files in the Chicago and New York regional offices

(a) Non-injunctive cases.

**TEMPORARY.** Cut off at the end of the calendar year.

Transfer to off site storage 2 years after cut off. Destroy 3 years after cut off.

(b) Injunctive cases.

**TEMPORARY.** Cut off at the end of the calendar year. Transfer to off site storage 2 years after cut off. Destroy 10 years after cut off.

(2) Non-significant litigation case files in the Dallas regional office

(a) Non-injunctive cases.

**TEMPORARY.** Cut off at the end of the calendar year. Destroy 3 years after cut off.

(b) Injunctive cases.

**TEMPORARY.** Cut off at the end of the calendar year. Maintain in office. Destroy 15 years after cut off.

(3) Non-significant case files in all other regional offices.

**TEMPORARY:** Apply appropriate retention period based on program area retention schedule described below.

(4) Non-significant litigation case files in the Special Appellate and Supreme Court Litigation (SASCL) Division

**TEMPORARY:** Cut off at the end of the calendar year in which case is closed. Maintain in office. Destroy 5 years after cut off.

(5) Non-significant litigation case files in the Occupational Safety and Health Division

TEMPORARY. Cut off at the end of the calendar year in which case is closed. Maintain in office. Destroy 10 years after cut off.

(6) Non-significant litigation case files in the Employee Benefits Division

(a) Non-signification litigation case files.

TEMPORARY. Cut off at the end of the calendar year in which case is closed. Maintain in office. Destroy 3 years after cut off.

(b) Non-participation files concerning Longshore and Harbor Workers' Compensation Act litigation which the Employee Benefits Division monitors but does not participate.

TEMPORARY. Cut off at end of calendar year in which litigation is final. Maintain in office. Destroy 3 years after cut off.

(7) Non-significant litigation case files in the Black Lung Division.

(a) Files for cases in which the Benefits Review Board has issued a final decision which has not been appealed.

TEMPORARY. Cut off at the end of the month in which the decision is issued. Maintain in office. Destroy 3 years after cut off.

(b) Files for cases in which a United States Court of Appeals has issued a final decision which is unpublished.

TEMPORARY. Cut off at end of the calendar year in which case is closed. Maintain in office. Destroy 5 years after cut off.

(c) Files for cases in which a United States Court of Appeals has issued a final decision which has been published.

TEMPORARY. Cut off at the end of the calendar year in which case is closed. Maintain in office. Destroy 20 years after cut off.

(8) Non-significant litigation case files in the Civil Rights Division.

TEMPORARY. Cut off at the end of the calendar year in which case is closed. Maintain in office-site storage for 8 years. Destroy 10 years after cut off.

(9) Non-significant litigation case files in the Wage and Hour Division.

TEMPORARY. Cut off at the end of the calendar year in which case is closed. Maintain in office. Destroy 10 years after cut off.

(10) Non-significant litigation case files in the Mine Safety and Health Division.

(a) Files maintained in the National Office.

TEMPORARY. Cut off at the end of the calendar year in which case is closed. Maintain in office. Destroy 5 years after cut off.

(b) Files maintained in regional offices.

TEMPORARY. Cut off at the end of the calendar year in which case is closed. Maintain in office. Destroy 5 years after cut off.

(11) Non-significant litigation case files pertaining to ERISA enforcement in the Plan Benefits Security Division and the Regional Offices.

(a) Injunction files maintained in the National Office

TEMPORARY. Cut off files at the end of the calendar year in which case is closed. Maintain in office. Transfer to off site storage 1 year after cut off. Destroy 10 years after cut off.

(b) Injunction files maintained in the Kansas City Regional Office.

TEMPORARY. Cut off at the end of the calendar year in which case is closed. Maintain in office. Transfer to off site storage 3 years after cut off. Destroy 10 years after cut off.

(c) Injunction files maintained in all other Regional Offices.

TEMPORARY. Cut off at the end of the calendar year in which case is closed. Maintain in office. Transfer to off site storage 1 year after cut off. Destroy 10 years after cut off.

(d) Non-injunction files maintained in all offices.

TEMPORARY. Cut off files at the end of the calendar year in which case is closed. Maintain in office. Transfer to off site storage 1 year after cut off. Destroy 5 years after cut off.

(e) Case files of amicus participation in or monitoring of private litigation.

TEMPORARY. Cut off files at the end of the calendar in which participation is declined or case is closed. Maintain in office. Transfer to off site storage 1 year after cut off. Destroy 3 years after cut off.

(f) Tax information obtained from the Internal Revenue Service under provisions of 18 U.S.C. 6103 and used for litigating cases. Procedures based on IRS regulations and 26 USC 6103.

TEMPORARY. Destroy upon completion of use.

(12) Non-significant litigation case files in the Employment Training and legal Services Division, the Fair Labor Standards Division and the Division of Labor-Management Laws.

TEMPORARY. Cut off at the end of the calendar year in which case is closed. Maintain in office. Transfer to offsite storage after 2 years. Destroy 5 years after cut off.

(13) Non-significant litigation case files in the Legislation and Legal Counsel Division.

TEMPORARY. Cut off at the end of the calendar year in which the case is closed. Maintain in office. Destroy 7 years after cut off.

c. Reference files. Copies of documents from litigation case files which are closed but which need to be maintained in the office for an extended period of time because of continuing interest on the part of a particular party or group.

TEMPORARY. Maintain in office. Destroy when no longer needed.

d. Attorney Working Files. Files include working drafts, attorney notes, reference materials, routine administrative records, and related documentation whose value does not warrant inclusion in SOL official files. Files may also include reference copies of briefs and significant motions, record copies of which are maintained in the case files.

TEMPORARY. Maintain in office. Destroy when no longer needed.

Note: Segregation of cases into significant and non-significant categories must be done by the individual SOL office maintaining the records at the time the records are cut off. Files may not be transferred to a record center until a designation of significant or non-significant has been made.

4. Correspondence. Incoming and outgoing correspondence that are not related to a specific case. This includes routine correspondence with members of the public.

TEMPORARY. Cut off at the end of the each calendar year. Maintain in office.  
Destroy 3 years after cut off.

5. Recommendations to and Decisions by Solicitor/Deputy Solicitors on recommendations to file appeals or amicus briefs. Includes memorandums and letters containing recommendations for decisions on filing appeals or amicus brief and correspondence with Department of Justice and/or Solicitor General stating the Department's recommendations for and/or decision on filing appeals or amicus briefs. Files are maintained in the immediate Office of the Solicitor.

TEMPORARY. Maintain in office. Cut off at the end of each calendar year.  
Destroy 3 years after cut off.

6. Directives. Solicitor's directives to legal staff concerning office policies and procedures maintained chronologically in the immediate office of the Solicitor.

a. Record keeping copy (paper).

PERMANENT. Cut off at the end of each calendar year. Retire to off site storage 10 years after cut off. Transfer to National Archives 20 years after cut off.

Total volume: 0 cubic feet  
Annual accumulation: .2 cubic feet

b. All other copies.

TEMPORARY. Destroy when superceded.

c. Directives background files. Consists of drafts, notes, and reference materials used to develop directives.

TEMPORARY. Destroy when directive has been published and distributed.

d. Reference files. Copies of materials from directives background files maintained solely for reference.

TEMPORARY. Destroy when no longer needed.

7. Chronological correspondence files of the Solicitor, Deputy Solicitors and members of the immediate office of the Solicitor. Maintained chronologically in the immediate office of the Solicitor.

Supersedes: NC1-174-83-3/ items 1, 2; NC1 -74-96-5/ item 1

TEMPORARY. Cut off at the end of each -calendar year. Destroy 5 years after cut off.

8. Activity Reports. Copies of weekly activity reports prepared by SOL divisions and regions and copies of weekly activity reports provided by the Front Office to the Office of the Secretary.

TEMPORARY. Maintain in office. Destroy after 3 years.

9. Calendars. Copies of computer generated calendars for the Solicitor and Deputy Solicitors.

TEMPORARY. Maintain in office. Destroy after 3 years.

10. Articles. Copies of articles written by the Solicitor or members of the Immediate Office of the Solicitor.

TEMPORARY. Maintain in office. Destroy after 10 years.

11. Speeches and Congressional testimony of the Solicitor, Deputy Solicitors and members of the immediate office of the Solicitor. Maintained chronologically in the immediate Office of the Solicitor.

PERMANENT. Maintain in office. Cut off at the end of each calendar year. Transfer to the National Archives in 10 year blocks when 20 years old. (E.g. 2001-2010 records will be transferred in 2031).

Total volume: 0 cubic ~~feet~~  
Annual accumulation: .2 cubic ~~feet~~

12. Brief and Litigation-related Pleadings Banks. Electronic copies of selected briefs and other litigation-related materials which attorneys and paralegals in any SOL office may maintain as convenience copies to make research and writing new briefs easier. Record keeping copies of such materials are included in the record keeping files scheduled in items 1 through 3 above.

TEMPORARY. Maintain in office. Destroy when no longer needed.

13. Time Distribution (TD) System. The Time Distribution (TD) software system was developed to provide the Office of the Solicitor a standardized method for capturing and tracking the time each attorney or paralegal spends on their various workload assignments. This system, when combined with the SOLAR system, provides a

method for determining how SOL resources are used.

a. Input: Data is entered manually by the attorneys on a daily basis. Data entered into the TD system is for the purpose of recording the time spent by SOL attorneys and paralegals in providing legal services. Data collected is used to analyze the volume, diversity, trends and impact of the workload in SOL divisions and field offices.

TEMPORARY. Maintain in office. Destroy when no longer needed.

b. Data: Time and activity data (statute, client, nature of matter, nature of activity, task code, comp hours, comments)

TEMPORARY. Maintain in office. Destroy when no longer needed.

c. Output: Reports are generated for individual and office activity. Reports are run monthly, annually, and ad hoc.

TEMPORARY. Maintain in office. Destroy when no longer needed.

d. Documentation. This system is well documented (user's manual, system's manual, etc.)

TEMPORARY. Maintain in office. Destroy when no longer needed.

14. Solicitor's Office Legal Activity Reporting (SOLAR) System. The Solicitor's Office Legal Activity Reporting (SOLAR) software system is a database designed to track all significant legal activities referred to the various components of the Office of the Solicitor. Each office is responsible for entering the information related to its workload items. The system includes information that describes the item, such as the statute or program involved; the nature of the activity/litigation, regulation, or opinion; and the type of activity, e.g., administrative case, bankruptcy case, proposed regulation, correspondence, etc. SOLAR also tracks the status of the workload item. Data from this system is combined with data from the time distribution system to determine how and for what types of work SOL resources are used.

a. Input: The SOLAR docket clerk enters data manually as legal activities are assigned to SOL. This system tracks all significant legal activities referred to the various components of SOL. This system provides staff and managers the ability to identify upcoming deadlines and action dates relating to specific workload items. In addition, the data collected in this system is used to assist in preparing budgets and distributing SOL resources. SOLAR data is used in conjunction with the TD data to determine resources and assist in office management.

TEMPORARY. Maintain in office. Destroy when no longer needed.

b. Data: SOLAR Number, Date Received, Title, Statute/Program, Client, Nature of Matter, Specific Activity, Party Status, Reference Trail Number, Source, Primary Number, State Code, Supervisor, Assigned Attorney, Date Assigned, Associate Attorney, Citation/SSN/Control Number, Docket Number, Court ID, Assigned Judge, Farm Workers, Potential Claim, Successful Outcome, Liquidated Damages, Status Code, Restitution Date, Restitution Amount, Restitution Employee Count, Recovery Date, Recovery Amount, Refund, Surplus, Tickler Action Date, Tickler Completion Date, Tickler Description, Docket Date, Docket Description, Referred To, Referred Date, Return Date. Not all fields are completed for each entry, many of them are completed if applicable or are optional.

TEMPORARY. Maintain in office. Destroy when no longer needed.

c. Output: Various standards reports can be run from the SOLAR system providing status information about the legal matters that SOL is working on. Customized reports can also be run by the user if desired.

TEMPORARY. Maintain in office. Destroy when no longer needed.

d. Documentation: This system is fully documented (user's manual and system's documentation).

TEMPORARY. Maintain in office. Destroy when no longer needed.

15. Hardware and Software Tracking System (HAST) System. The Hardware and Software Tracking System (HAST) is a database designed to track hardware and software under the control of the Office of the Solicitor. It provides management with equipment acquisition, location, and disposal information. It is used for performing equipment inventories of SOL Information Technology (IT) assets.

a. Input: Data is entered manually when hardware and software is purchased by SOL.

TEMPORARY. Maintain in office. Destroy when no longer needed.

b. Data: Serial numbers, SOL ID number, date purchased, license information, office located, value, etc.

TEMPORARY. Maintain in office. Destroy when no longer needed.

c. Output: Reports can be run as needed.

TEMPORARY. Maintain in office. Destroy when no longer needed.

d. Documentation: This system has adequate system's documentation.

TEMPORARY. Maintained in office. Destroy when no longer needed.

16. Annual Freedom of Information Act (FOIA) Reports. Pursuant to the Electronic Freedom of Information Act Amendments of 1996, SOL maintains its FY 1996 and later Annual Report submissions to the Department of Justice on the Department of Labor Home Page: <http://www2.dol.gov/dol/sol/public/foia/reports.htm>. Hard copies of the report and the incoming questions are maintained in the office.

TEMPORARY: Cut off at the end of the calendar year. Maintain hard copies in office. Destroy 3 years after cut-off.

17. Electronic Mail and Word Processing System Copies for all series included in this SF 115 in the Office of the Solicitor, Department of Labor

a. 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.

DELETE within 180 days after the recordkeeping copy has been produced.

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

DELETE when dissemination, revision, or updating is complete.