

Schedule 45-4

DEPARTMENT OF LABOR

OFFICE OF LEGAL COUNSEL AND LEGISLATIVE AFFAIRS

May 4, 2010

Nebraska Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508
(402) 471-2559

**REQUEST FOR APPROVAL
OF RECORDS RETENTION
AND DISPOSITION SCHEDULE**

**TO: STATE RECORDS ADMINISTRATOR
STATE OF NEBRASKA**

SCHEDULE

45-4

AGENCY, BOARD OR COMMISSION

DEPARTMENT OF LABOR

DIVISION, BUREAU OR OTHER UNIT

**OFFICE OF LEGAL COUNSEL AND
LEGISLATIVE AFFAIRS**

**Supersedes Edition of October 27, 2007;
Supersedes Schedule 45-2, Items 45-2-4-1, 45-2-4-2
and 45-2-3-3**

PART I – AGENCY STATEMENT:

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE

TITLE

Commissioner of Labor

DATE

4-28-10

PART II – APPROVAL OF STATE ARCHIVES:

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE

DATE

4/29/2010

PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:

The attached schedule has been reviewed, all audit material has been properly identified, and this schedule is approved as submitted.

SIGNATURE

DATE

4/29/10

PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE

DATE

May 4 / 2010

RMA 01005D

INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

DISPOSING OF RECORDS

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives**. The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Nebr. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

Please remember to retain the blank form for future use.

NON-SCHEDULED RECORDS

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

SCHEDULE UPDATE

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to discard records when their useful life has ended.

QUESTIONS

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Specialist in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

**Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508-2294
402-471-2559**

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SCHEDULE 45-4 – DEPARTMENT OF LABOR – OFFICE OF LEGAL COUNSEL AND LEGISLATIVE AFFAIRS

45-4-1 ADMINISTRATIVE HEARINGS

Unofficial records of NDOL administrative hearings. Each file includes correspondence, notices, and decisions. The official record is owned by the Nebraska Appeal Tribunal.

ORIGINAL RECORD: Scan to CD; dispose of 1 year after final disposition.

SECURITY CD: Transfer to the State Records Center; dispose of after 4 years.

CD WORK COPY: Dispose of after 4 years.

45-4-2 ADVISORY COUNCIL MEETINGS (OBSOLETE MAY 26, 2009)

Records of all Advisory Council meetings. Each file includes notices, correspondence, agendas, meetings materials, minutes and tape recording of meeting.

ORIGINAL RECORD: Scan to CD and dispose of after 4 years.

AUDIO RECORDINGS: Dispose of after 4 years.

SECURITY CD: Transfer to the State Records Center and dispose of after 4 years.

CD WORK COPY: Dispose of after 4 years.

45-4-3 AGREEMENTS AND CONTRACTS

Contracts entered into between the Department of Labor and other entities.

Transfer to the State Records Center after 1 year. Dispose of 5 years after completion, fulfillment, or voiding of contract, subject to review by the State Archives for possible accession.

45-4-4 BANKRUPTCIES

Bankruptcy documents and pleadings filed in US Bankruptcy Courts on employers, businesses and claimants who have filed for bankruptcy and owe the Nebraska Department of Labor unemployment taxes, unemployment benefits, or other fees.

Forward to Department of Labor, Program Division, 30 days after bankruptcy court closes its file.

45-4-5 CORRESPONDENCE AND MEMOS

Correspondence and memos regarding the day to day operations of the Department of Labor, including requests for the release of information.

Transfer to the State Records Center after 2 years; dispose of after 8 years.

45-4-6 HUMAN RELATIONS ISSUES

Personnel Board grievances, Union grievances, NEOC and EEOC complaints and related documents.

Transfer to the State Records Center after 2 years; dispose of after 5 years.

45-4-7 LEGISLATION

Proposed and adopted legislation, including notes and correspondence pertinent to the bills.

ORIGINAL RECORD: Scan to CD and dispose of paperwork after the close of the 2nd session or subsequent special session.

SECURITY CD: Transfer to the State Records Center; dispose of after 10 years.

CD WORK COPY: Dispose of after 10 years.

45-4-8 LIENS

Liens filed on employers, businesses and individuals for delinquent unemployment taxes. Original filings are maintained by the Secretary of State, Nebraska County Courts, and Nebraska Register of Deeds.

Forward to Department of Labor, Program Division, upon release, termination or expiration of lien.

45-4-9 LITIGATION-BENEFITS

Pleadings and documents on appeal from decisions of the Nebraska Appeal Tribunal regarding an individual's right to unemployment benefits. Official record is on file with various Nebraska courts.

ORIGINAL RECORD: Scan to CD; dispose of 1 year after final disposition.

SECURITY CD: Transfer to the State Records Center; dispose of after 4 years.

CD WORK COPY: Dispose of after 4 years.

45-4-10 LITIGATION-COLLECTIONS

Pleadings and documents on appeal in courts throughout Nebraska concerning the collection of overpaid unemployment benefits or delinquent unemployment taxes. Official record is on file with various Nebraska courts.

ORIGINAL RECORD: Scan to CD; dispose of 1 year after final disposition.

SECURITY CD: Transfer to the State Records Center; dispose of after 4 years.

CD WORK COPY: Dispose of after 4 years.

45-4-11 LITIGATION-TAX

Pleadings and documents on appeal from decisions of the Nebraska Appeal Tribunal concerning an employer's tax account. Official record is on file with various Nebraska courts.

ORIGINAL RECORD: Scan to CD; dispose of 1 year after final disposition.

SECURITY CD: Transfer to the State Records Center; dispose of after 4 years.

CD WORK COPY: Dispose of after 4 years.

45-4-12 LITIGATION-MISCELLANEOUS (FORECLOSURES, PERSONNEL ISSUES, ESTATE CLAIMS, SUBPOENAS, ETC.)

Pleadings and documents regarding various litigation issues affecting the Department of Labor on file throughout various Nebraska courts and federal courts. Official record is on file with various Nebraska courts.

ORIGINAL RECORD: Scan to CD; dispose of 1 year after final disposition.

SECURITY CD: Transfer to the State Records Center; dispose of after 4 years.

CD WORK COPY: Dispose of after 4 years.

45-4-13 NATIONAL AND REGIONAL TRANSMITTALS (PROPOSED AND CERTIFIED)

Copies of court decisions regarding benefit appeals, passed legislative bills, and regulatory proposals and adoptions. Federal Form MA 8-7 and attached documents are used for certified correspondence. Federal Form MA 4-104A and attached documents are used for proposed correspondence.

Dispose of 3 years after transmittal.

45-4-14 REGULATIONS

Regulatory changes on behalf of the Department of Labor, including correspondence, hearing notices, recordings, etc. Official record is on file with the Secretary of State.

ORIGINAL RECORD: Maintain one originally signed regulation permanently.

Dispose of remaining paperwork after 4 years.

AUDIO RECORDINGS: Dispose of after 4 years.

45-4-15 W.I.A. POLICY AND PROCEDURE

Paperwork and correspondence establishing Workforce Investment Act (W.I.A.)

Issuances and Policies and the annual State Plan.

Dispose of 3 years after the date the annual expenditure report containing the final expenditures for such program year is submitted to the US DOL, OR 3 years after any litigation, claim, negotiation, audit or other pending action has been resolved, whichever is later.

45-4-16 W.I.A. MONITORING UNIT

Paperwork and correspondence monitoring and evaluation program effectiveness of Workforce Investment Act programs administered by the Nebraska Department of Labor.

Dispose of 3 years after the date the final expenditure report is submitted to the US DOL, OR 3 years after any litigation, claim, negotiation or other pending action has been resolved, whichever is later.

NOTE

1. These records may be disposed of after the required retention period provided the audit of the Comprehensive Annual Financial Report (CAFR) is complete and any required federal audit is complete, and all related audit comments have been resolved. Check with the organization that performed the audit, either the Auditor of Public Accounts or the federal cognizant agency, if there is a question whether resolution is complete.

RECORDS DISPOSITION REPORT

TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8TH STREET SUITE 210 LINCOLN, NE 68508-2294	AGENCY
	DIVISION
	SUB-DIVISION

REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

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DATE	SIGNATURE
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SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.

RMA 03006D

VOLUME ESTIMATING GUIDE

(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)

Container	Cubic Feet	Weight (lbs)	Sheets of Paper (8.5" x 11")	Electronic Data Equivalent
			1	20 Kb
			52	1 Mb (1024 Kb)
			53,687	1 Gb (1024 Mb)
N/A	N/A	2,204 lbs (1 metric ton)	220,000	4.1 Gb
Records center carton	1 Cu. Foot	16.66 lbs	1,667	32 Mb
Vertical File Cabinet, 4 drawer letter-size	6 Cu. Feet	100 lbs	10,000	190 Mb
Vertical File Cabinet, 4 drawer legal-size	8 Cu. Feet	133.3 lbs	13,333	254 Mb
About a pickup load	50 Cu. Feet	7,500 lbs	748,638	14 Gb