

Schedule 45-4

DEPARTMENT OF LABOR

OFFICE OF LEGAL COUNSEL AND LEGISLATIVE AFFAIRS

April 17, 2019

Nebraska Records Management Division
3242 Salt Creek Circle
Lincoln, NE 68504
(402) 471-2559

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

SCHEDULE

45-4

AGENCY, BOARD OR COMMISSION

DEPARTMENT OF LABOR

DIVISION, BUREAU OR OTHER UNIT

**OFFICE OF LEGAL COUNSEL AND
LEGISLATIVE AFFAIRS**

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

Supersedes Edition of October 31, 2012

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

DATE

Commissioner of Labor

4/4/2019

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

Dagmar Kocurek

4/9/2019

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

Dawn Haefliger

4/15/19

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

Don B. Emen

4/17/2019

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. This retention schedule, which is approved by the State Records Administrator, provides 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. Unless there is pending or on going, legal action, records request, or audit.
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** (Neb. Rev. Stat. §82-105). The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Neb. 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 located on the Secretary of State Records Management website. https://appengine.egov.com/apps/ne/sos_records_disposition_report. This report establishes that the destruction was performed in your normal course of business.

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 the Records Management Specialist in Records Management. They will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

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402-471-2559**

SCHEDULE 45-4
DEPARTMENT OF LABOR
OFFICE OF LEGAL COUNSEL AND LEGISLATIVE AFFAIRS
April 17, 2019

Retention requirements are for all records, regardless of the media on which they reside, unless otherwise noted.

Supersedes Edition of October 31, 2012

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
45-4-1	ADMINISTRATIVE HEARINGS	Unofficial records of NDOL administrative hearings. Each file includes correspondence, notices and decisions.	ORIGINAL RECORD: Scan to Network 90 days after final disposition and dispose of after image verification NETWORK RECORD: Delete 1 full calendar year after final disposition SECURITY CD: Create prior to network deletion and transfer to State Records Center; destroy after 5 years OR as determined by Legal Counsel (whichever is later) CD WORK COPY: Create prior to network deletion and held in Legal Counsel's Office; destroy after 5 years OR as determined by Legal Counsel (whichever is later)	Official record is owned by the Nebraska Appeal Tribunal
45-4-3	AGREEMENTS AND CONTRACTS	Contracts entered into between the Department of Labor and other entities.	ORIGINAL RECORD: Scan signed agreement/contract to Network upon signing. Transfer to the State Records Center 1 year after completion, fulfillment, expiration or voiding; destroy after 5 years NETWORK RECORD: Delete 5 years after completion, fulfillment, expiration or voiding OR as determined by Legal Counsel (whichever is later) SECURITY CD: Create prior to network deletion and transfer to the State Records Center; destroy after 5 years OR as determined by Legal Counsel (whichever is later) CD WORK COPY: Create prior to network deletion and held in Legal Counsel's Office; destroy after 5 years OR as determined by Legal Counsel (whichever is later)	
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.	ORIGINAL RECORD: 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.	ORIGINAL RECORD: Transfer to State Records Center after 2 years; destroy after 8 years	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
45-4-6	HUMAN RELATIONS ISSUES	Personnel Board grievances, Union grievances, NEOC and EEOC complaints and related documents.	ORIGINAL RECORD: Transfer to the State Records Center after 2 years; destroy after 5 years	
45-4-7	LEGISLATION	Proposed and adopted legislation, including notes and correspondence pertinent to the bills.	ORIGINAL RECORD: Scan to network after close of the 2nd session or subsequent special session; dispose of after image verification NETWORK RECORD: Delete 2 years after close of the 2nd session or subsequent special session SECURITY CD: Create prior to network deletion and transfer to the State Records Center; destroy after 10 years OR as determined by Legal Counsel (whichever is later) CD WORK COPY: Create prior to network deletion and held in Legal Counsel's Office; destroy after 10 years OR as determined by Legal Counsel (whichever is later)	
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.	ORIGINAL RECORD: 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.	ORIGINAL RECORD: Scan to Network 90 days after final disposition and dispose of after image verification NETWORK RECORD: Delete after 1 year SECURITY CD: Create prior to Network deletion and transfer to State Records Center; destroy after 5 years OR as determined by Legal Counsel (whichever is later) CD WORK COPY: Create prior to Network deletion and held in Legal Counsel's Office; destroy after 5 years OR as determined by Legal Counsel (whichever is later)	Official Record is on file with various Nebraska Courts
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.	ORIGINAL RECORD: Scan to Network 90 days after final disposition and dispose of after image verification NETWORK RECORD: Delete after 1 year SECURITY CD: Create prior to Network deletion and transfer to State Records Center; 5 years OR as determined by Legal Counsel (whichever is later) CD WORK COPY: Create prior to Network deletion and held in Legal Counsel's Office; 5 years OR as determined by Legal Counsel (whichever is later)	Official Record is on file with various Nebraska Courts

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
45-4-11	LITIGATION-MISCELLANEOUS (FORECLOSURES, PERSONNEL ISSUES, ESTATE CLAIMS, SUBPOENAS, ETC.)	Pleadings and documents regarding various litigation issues affecting the Department of Labor on file through various Nebraska courts and federal courts.	ORIGINAL RECORD: Scan to Network 90 days after final disposition and dispose of after image verification NETWORK RECORD: Delete after 1 year SECURITY CD: Create prior to Network deletion and transfer to State Records Center; destroy after 5 years OR as determined by Legal Counsel (whichever is later) CD WORK COPY: Create prior to Network deletion and held in Legal Counsel's Office; destroy after 5 years OR as determined by Legal Counsel (whichever is later)	Official Record is on file with various Nebraska Courts
45-4-12	LITIGATION-TAX	Pleadings and documents on appeal from decisions of the Nebraska Appeal Tribunal concerning an employer's tax account.	ORIGINAL RECORD: Scan to Network 90 days after final disposition and dispose of after image verification NETWORK RECORD: Delete after 1 year SECURITY CD: Create prior to Network deletion and transfer to State Records Center; destroy after 5 years OR as determined by Legal Counsel (whichever is later) CD WORK COPY: Create prior to Network deletion and held in Legal Counsel's Office; destroy after 5 years OR as determined by Legal Counsel (whichever is later)	Official Record is on file with various Nebraska Courts
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.	ORIGINAL RECORD: Destroy 2 years after transmittal	•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
45-4-14	REGULATIONS	Regulatory changes on behalf of the Department of Labor, including correspondence, hearing notices, recordings etc.	SIGNED REGULATION: 1 signed original of the regulation must be kept PERMANENTLY ORIGINAL RECORD: Destroy after 4 years if revised AUDIO RECORDINGS: Destroy after 4 years if revised	Official record is on file with the Secretary of State
45-4-16	W.I.O.A. MONITORING UNIT	Paperwork and correspondence monitoring and evaluation program effectiveness of W.I.O.A. programs administered by the Nebraska Department of Labor.	ORIGINAL RECORD: 5 years after the date the final expenditure report is submitted to the US DOL, OR 5 years after any litigation, claim, negotiation or other pending action has been resolved (whichever is later)	