

NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-155-11-003

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 11/29/2023

ACTIVE ITEMS

These items, unless subsequently superseded, may be used by the agency to disposition records. It is the responsibility of the user to verify the items are still active.

All items except those listed below are active.

SUPERSEDED AND OBSOLETE ITEMS

The remaining items on this schedule may no longer be used to disposition records. They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling. References to more recent schedules are provided below as a courtesy. Some items listed here may have been previously annotated on the schedule itself.

Item 2A is superseded by DAA-0155-2022-0001-0001

Item 4 is superseded by DAA-GRS-2016-0002-0001

Item 5b is inactive

Item 9 is inactive because it was a one-time disposition instruction

Request for Records Disposition Authority

(See Instructions on reverse)

Leave Blank (NARA Use Only)

To National Archives and Records Administration (NIR) Washington, DC 20408	
1 From (Agency or establishment) U S Department of Labor	
2 Major Subdivision Wage and Hour Division	
3 Minor Subdivision	
4 Name of Person with whom to confer Dan Daly	5 Telephone (include area code) (202) 693-0731

Job Number NI-155-11-3	
Date Received 2/1/11	
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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	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 26 Dec 2013	Archivist of the United States

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 12 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 has been requested

Signature of Agency Representative 	Title Agency Records Officer (Alternate)	Date (mm/dd/yyyy) 01/20/2011
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7. Item Number	8. Description of Item and Proposed Disposition	9. GRS or Superseded Job Citation	10. Action taken (NARA Use Only)
1	See attached schedule for agency Mission Records		

Wage Hour Division Simplified Mission Records Schedule

The Wage and Hour Division (WHD) administers programs to provide for the execution of the Department of Labor's responsibilities under the Fair Labor Standards Act (FLSA), Davis-Bacon and related Acts (DBRA), McNamara O'Hara Service Contract Act (SCA), Walsh-Healey Public Contracts Act (PCA), Contract Work Hours and Safety Standards Act (except safety and health provisions), the Copeland Act, the Migrant Seasonal Agricultural Worker Protection Act (MSPA), the Family and Medical Leave Act, and labor standards provisions of various other statutes, including the National Foundation on Arts and Humanities Act, Title III of the Consumer Credit Protection Act (CCPA), the Immigration Reform and Control Act (IRCA), and the Employee Polygraph Protection Act (EPPA).

The Wage and Hour Division is headed by an Administrator who reports directly to the Secretary of Labor.

Because the records created and received are in a variety of media and formats this schedule is media neutral and permits the retention and disposition of records in any media (36 CFR 1228.24(b)(3)), unless item disposition instructions specify otherwise. Temporary records in electronic formats will be maintained by WHD throughout their life cycle. Permanent electronic records should be maintained and transferred in a medium and format acceptable to NARA in accordance with standards set forth in federal regulations.

Unless otherwise specified, the record cut-off is at the end of each calendar year.

This schedule covers records that document the performance of agency mission functions and activities.

Item 1: Back Wages and Civil Money Penalties

Records documenting receipt, processing, transfer or disbursal of back wages and civil money penalties received by WHD. These include, but are not limited to, proof of receipt by WHD of back wage funds or civil money penalties, records documenting the disposition of those funds, acknowledgment of receipt of back wages by employees, claims by surviving heirs for back wage due a deceased employee, disposition of back wages converted to the U.S. Treasury, and forms required by the Treasury Department or other departments or entities.

Disposition: Temporary. If the official recordkeeping copy is:

Paper: Destroy 3 years after date of last action.

Electronic: Delete 3 years after date of last action.

Item 2: Certification / Registration

a. Applications, certifications and registrations for all Division programs. These include, but are not limited to, records for the Full Time Student, Student Learner, Patient Worker, Workers with Disabilities, Sheltered Workshop, Farm Labor Contractor and Farm Labor Contractor Employee programs.

Disposition: Temporary. If the official recordkeeping copy is:

Paper: Transfer to Federal Records Center 2 years after last certificate action (approval, denial, or revocation). Destroy 3 years after transfer.

Electronic: Delete five years after last certification action (approval, denial, or revocation).

b. Certification / Registration for full-time students employed in any retail or service establishment, or in agriculture, with applicant base-year data for the period May 1973 through April 1974. (29 U.S.C. 214(b)(1)(B)(iii) and 29 C.F.R. 519.6(g))

Disposition: Temporary. Cut off annually at end of calendar year. Destroy 20 years after the statute is amended.

Item 3: Documentation of Enforcement Interventions

a. Documentation of enforcement interventions conducted under all of the laws enforced by the Wage and Hour Division. These records include, but are not limited to, case files, reports and supporting documentation for interventions including full investigations, limited investigations, self-audits, desk audits, and conciliations. Also includes correspondence between Joint Review Committee, Regional Director, and Regional Attorney concerning potential litigation.

Disposition: Temporary. If the official recordkeeping copy is:

Paper: Transfer to Federal Records Center 3 years after final action. Dispose of 12 years after final action.

Electronic: Delete 12 years after final action.

b. Documentation of Significant Enforcement Interventions. These include, but are not limited to, enforcement interventions that set precedents, investigations that lead to new laws or amendments to existing laws, are the subject of substantive litigation when the court decision results in modification of interpretations of laws, result in modification to enforcement policy, or that draw substantive public interest.

Disposition: Permanent. Cut-off at the end of calendar year. Transfer paper records to the National Archives in 5 year blocks when most recent records are 15 years old. Pre-accession electronic records when five years old and transfer legal custody to the National Archives when 15 years old.

Item 4: Freedom of Information Act

Freedom of Information Act requests files, appeals files, control files, reports files, and administrative files documenting responses to requests for information under the Freedom of Information Act. This includes the original request, copy of the reply, and all related correspondence and supporting files responding to the request, including denials and appeals. Also includes files maintained to track and control requests, responses, and appeals; reports and records, recurring reports and one-time information requirements relating to agency FOIA implementation, and files relating to the inadvertent release of privileged information to unauthorized parties

Disposition: Temporary. If the official recordkeeping copy is:

Paper: Transfer to Federal Records Center 2 years after final action. Destroy seven years after final action.

Electronic: Delete 7 years after final action.

Item 5: Outreach and public contact

a. Plain language guidance published and distributed to provide employers, employees, and others with clear and easy-to-understand information about the Wage and Hour Division, the laws enforced by the agency, and how to comply with those laws. These materials provide context relating to interpretation and enforcement of the various requirements and include publications, posters, press releases.

Disposition: Temporary. Cut-off at the end of calendar year. Destroy or delete after 16 years.

b. Significant and Controlled Correspondence. These include, but are not limited to, original incoming correspondence from employers, employees, and others concerning WHD or the laws enforced by the Division that require more than routine action or response, a policy decision, or special compilation or research for reply; correspondence to and from members of Congress relating to matters in

which they are interested or for constituents requesting information or service from the Department; communications to and from other offices of the Department of Labor; and correspondence with other government departments and agencies.

Disposition: Temporary. If the official recordkeeping copy is:

Paper: Cut-off annually at end of calendar year. Transfer to Federal Records Center after 3 years. Destroy after 12 years. **(Supersedes N1-155-96-1)**

Electronic: Cut-off annually at end of calendar year. Delete after 12 years. **(Supersedes N1-155-96-1)**

- c. Recordings of incoming calls to the agency from external customers made for purpose of supervisory assistance.

Disposition: Temporary. Cut-off annually at end of calendar year. Delete after 3 years.

Item 6: Sanctioned Employers / Significant Violators

Records created or received relative to actions to sanction employers, including but not limited to debarment, denial or revocation of registration or certificates under any of the programs administered by Wage and Hour, and employers who are subject to consent decrees and injunctions. These records include all reports, forms, and correspondence not included in documentation of enforcement interventions.

Disposition: Temporary. If the official recordkeeping copy is:

Paper: Transfer to FRC two years after final action. Destroy five years after final action.

Electronic: Delete 5 years after final action.

Item 7: Training Programs and Presentations

Training programs and presentations created by WHD for staff and external customers.

NOTE: These records do not include reports on plans and accomplishments relating to training of WHD staff (investigators, managers and support staff), correspondence concerning conferences and meetings, copies of agendas, regional conference materials, other conferences and meetings, correspondence concerning specific trainees, and training aids, which are scheduled under the Administrative and Management Records Schedule, Item 1.

- a. Mission-related training materials (Record-copy).

Substantive training programs and presentations created by WHD for staff and external customers relating to interpretation and enforcement of Wage and Hour laws. These include the official record keeping copy of manuals, syllabuses, textbooks, and

other training aids developed by the agency; printed materials, lesson plans, slide shows, and Webinars.

Disposition: Temporary. Cut-off inactive records after course or material is superseded. Destroy or delete records 16 years after file closure.

b. Routine (non-substantive) training materials (Record-copy).

Record copy of training materials used for personnel, administrative, and management training unrelated to the mission of the agency.

Disposition: Temporary. Cut-off inactive records after course or material is superseded. Destroy 3 years after file closure.

c. All other copies (non-record copies).

Disposition: Temporary. Destroy when no longer needed.

Item 8: Wage Determinations

Prevailing wage determinations and related actions under the Davis-Bacon Act and the Service Contract Act. These records include wage determination, dockets, surveys, background materials, correspondence, collective bargaining agreements, conformances, and other related and supporting materials.

Disposition: Temporary. If the official recordkeeping copy is:

Paper: Transfer to Federal Records Center based on business requirements. Destroy 20 year after final action.

Electronic: Delete 20 years after final action.

Item 9: Public Contract Act Minimum Wage Determination Hearing Records Prior to 1963

Disposition: Temporary. Transfer to Federal Records Center based on business requirements. Destroy after 55 years.

Item 10: Substantive agreements with other entities.

Substantive agreements with other entities (including federal, state, and local agencies) which establish collaborative relationships to promote compliance with laws of common concern through information sharing and joint enforcement interventions.

Disposition: Permanent. Cut-off at the end of calendar year. Transfer paper records to the National Archives in 5 year blocks when most recent records are 15 years old. Pre-accession electronic records when five years old and transfer legal custody to the National Archives when 15 years old.

Previously Scheduled	Record Name	Big Bucket / Sub Bucket	Previous Retention	Proposed Retention	New SF 115 Number
New item – replaces 4 items listed below	Back Wages and Civil Money Penalties	Mission / Back Wages & CMPs	Various – see below.	Temporary - PAPER: Destroy after 3 years. ELECTRONIC: Delete after 3 years.	1
NI-155-90-2 - Item 10 a	Back Wage Collection and Disbursement System (BCDS) - BCDS Data Input	Mission / Back Wages & CMPs	Temporary: Destroy copies of input from three months from receipt	Delete this item – the system retired when replaced by Back Wage Financial System (BWFS)	1
NI-155-90-2 - Item 10 b	Back Wage Collection and Disbursement System (BCDS) - BCDS Documentation	Mission / Back Wages & CMPs	Temporary: Retain documentation in National and Regional Offices through life of system.	Delete this item – the Back Wage Collection and Disbursement System (BCDS) is no longer in use.	
NI-155-90-2 - Item 10 c	Back Wage Collection and Disbursement System (BCDS) - BCDS Reports replaced by Back Wage Financial System (BWFS)	Mission / Back Wages & CMPs	Temporary Destroy when no longer needed.	Delete this item – schedule under “Back Wages and Civil Money Penalties”	1
NI-155-90-2 - Item 10 d	Back Wage Collection and Disbursement System (BCDS) - BCDS Magnetic Media Information – replaced by Back Wage Financial System (BWFS)	Mission / Back Wages & CMPs	Temporary. Destroy magnetic tape when three fiscal years old	Delete this item – schedule under “Back Wages and Civil Money Penalties”	1
NC-155-75-1	Certification / Registration	Mission / Certificates	Various – see below	Temporary - PAPER. Transfer to Federal Records Center 2 years after last certificate action (approval, denial, or revocation). Destroy 3 years after transfer ELECTRONIC: Delete five years after last certification action (approval, denial, or revocation).	2 a

Previously Scheduled	Record Name	Big Bucket / Sub Bucket	Previous Retention	Proposed Retention	New SF 115 Number
New Item	Certification / Registration for full-time students employed in any retail or service establishment, or in agriculture, with applicant base-year data for the period May 1973 through April 1974. (29 U.S.C. 214(b)(1)(B)(iii) and 29 C.F.R. 519.6(g))	Mission / Certificates		Temporary. Cut off annually at end of calendar year. Destroy 20 years after the statute is amended.	2 b
NC-155-75-1 Item 1	National Office Certification File	Mission / Certificates	Transfer to the Federal Records Center Certification file material when two years old. Destroy when 14 years old	Delete this item - schedule under "Certification / Registration"	2 a
NC-155-75-1 Item 2 a	National Office files on Regional Certification - Applications and Certificates	Mission / Certificates	Destroy three months after review or when no long needed.	Delete this item - schedule under "Certification / Registration"	2 a
NC-155-75-1 Item 2 b	National Office files on Regional Certification - Full-time student applications and certificates	Mission / Certificates	Transfer to the Federal Records Center when two years old. Destroy when 7 years-old.	Delete this item - schedule under "Certification / Registration"	2 a
NC-155-75-1 Item 2 c	National Office files on Regional Certification - Sheltered workshop applications and certificates.	Mission / Certificates	Retire to records center after three years. After 20 years offer to National Archives.	Delete this item - schedule under "Certification / Registration"	2 a
NC-155-75-1 Item 2 d	National Office files on Regional Certification - Correspondence not of policy nature	Mission / Certificates	Break file every four years. Destroy 3 years after break of file.	Delete this item - schedule under specific issue or under general correspondence (Use Administrative - Big Bucket Item 1)	
NC-155-75-1 Item 2 e	National Office files on Regional Certification - Correspondence of policy nature	Mission / Certificates	Retire to records center after three years. After 20 years offer to National Archives.	Delete this item - schedule under "Certification / Registration"	2 a
NC-155-75-1 Item 3 a	Sheltered Workshop Advisory Committee Files	Policy / Briefings & Hearings	Permanent. Retain 20 years and then offer to National Archives	Delete this item - schedule under Policy Records Schedule - "Briefings, Hearings, and Meetings of Special Committees" (Permanent).	Policy - Item 2

Previously Scheduled	Record Name	Big Bucket / Sub Bucket	Previous Retention	Proposed Retention	New SF 115 Number
NC-155-75-1 Item 3 b	Sheltered Workshop Advisory Committee Correspondence Files	Policy / Briefings & Hearings	Permanent. Transfer to Federal Records Center two years after expiration of last year of member's appointment. After 20 years offer to National Archives.	Delete this item - schedule under Policy Records Schedule - " Briefings, Hearings, and Meetings of Special Committees " (Permanent)	Policy – Item 2
NC-155-75-1 Item 3 c	Section 14 Workshop Files	Mission / Enforcement Interventions	Permanent. Retain three years or until another investigation has been made (whichever is longer). Transfer to Federal Records Center.	Delete this item - schedule under "Documentation of Enforcement Interventions"	3
NC-155-75-1 Item 4 a	Patient Worker Program Files	Mission / Certificates	No retention established	Delete this item - schedule under "Certification / Registration"	2 a
NC-155-75-1 Item 4 b	Patient Worker Program Files	Mission / Certificates	No retention established	Delete this item - schedule under specific issue or under general correspondence (Use Administrative Big Bucket)	
NC-155-75-1 Item 4 c	Patient Worker Program Case Files	Mission / Enforcement Interventions	No retention established	Delete this item - schedule under "Documentation of Enforcement Interventions"	3
WHD.NN.168.43.01.a	Documentation of Enforcement Interventions (Renamed from "Investigation case files")	Mission / Enforcement Interventions	Transfer to local FRC 3 years after closing date of last investigation. Dispose of 9 years later.	Temporary - PAPER: Transfer to Federal Records Center 3 years after final action. Dispose of 12 years after final action. ELECTRONIC: Delete 12 years after final action.	3 a
New Item	Documentation of Significant Enforcement Interventions	Mission / Enforcement Interventions		Permanent. Cut-off at the end of calendar year. Transfer paper records to the National Archives in 5 year blocks when most recent records are 15 years old. Pre-accession electronic records when five years old and transfer legal custody to the National Archives when 15 years old.	3 b

Previously Scheduled	Record Name	Big Bucket / Sub Bucket	Previous Retention	Proposed Retention	New SF 115 Number
GRS 14 Items 11 thru 15 and Item 36	Freedom of Information Act	Mission / Freedom of Information Act	Various, but none longer than 6 years after final action.	Temporary - PAPER: Transfer to Federal Records Center two years after final action. Destroy seven years after final action. ELECTRONIC: Delete seven years after final action.	4
New Item	Outreach Materials	Mission / Outreach		Temporary. Cut-off at the end of calendar year. Destroy or delete after 16 years.	5 a
NI-155-96-1	Significant and Controlled Correspondence	Mission / Outreach & Public Contact	Temporary. Break file at end of calendar year. Retail files in office for 3 calendar years, then retire to the Federal Records Center. Destroy file when 12 calendar years old.	Temporary. PAPER: Cut-off annually at end of calendar year. Transfer to Federal Records Center after 3 years. Destroy after 12 years. ELECTRONIC: Cut-off annually at end of calendar year. Delete after 12 years.	5 b
New Item	Recordings of incoming calls	Mission / Outreach		Temporary. ELECTRONIC: Cut-off annually at end of calendar year. Delete after 3 years.	5 c
New Item	Employer Sanctions	Mission / Employer Sanctions		Temporary. PAPER: Transfer to FRC after two years, destroy after five years. ELECTRONIC: Delete after five years.	6
New Item	Training Programs and Presentations –Missson Related Training Materials	Mission / Training		Temporary. . Cut-off inactive records after course or material is superseded. Destroy or delete 16 years after file closure	7a
New Item	Training Programs and Presentations- Routine (non-substantive) training materials	Mission / Training		Temporary. Cut-off inactive records after course or material is superseded. Destroy 3 years after file closure.	7b

Previously Scheduled	Record Name	Big Bucket / Sub Bucket	Previous Retention	Proposed Retention	New SF 115 Number
New Item	Training Programs and Presentations – Other copies (non-record copies)	Mission / Training		Temporary. Destroy when no longer needed.	7c
New Item	Wage Determinations	Mission / Wage Determinations	Various – see Wage Determination items below	Temporary. PAPER: Transfer to Federal Records Center based on business requirements. Destroy 20 year after final action. ELECTRONIC: Delete 20 years after final action.	8
NI-155-90-001 item 1	Service Contract Act Wage Determinations	Mission / Wage Determinations	Transfer to local FRC on an annual basis one year after withdrawal from active use in the issuance of wage determinations under the Service Contract Act. Destroy 10 years after withdrawal.	Delete this item. Schedule under "Wage Determinations"	8
NI-155-90-001 Item 2 a	Davis-Bacon Act Prevailing Wage Determinations	Mission / Wage Determinations	Transfer to local Federal Records Center after one calendar year. Destroy 20 years after withdrawal.	Delete this item. Schedule under "Wage Determinations"	8
NI-155-90-001 Item 2 b	Davis-Bacon Act Prevailing Wage Determination Surveys	Mission / Wage Determinations	Transfer to local Federal Records Center when six months old. Destroy when 20 years old.	Delete this item. Schedule under "Wage Determinations"	8
NI-155-90-001 Item 2 c	Davis-Bacon Act Prevailing Wage Determinations Collective Bargaining Agreements	Mission / Wage Determinations	Transfer to local Federal Records Center when six months old. Destroy when 20 years old.	Delete this item. Schedule under "Wage Determinations"	8
NI-155-90-2 Item 7 a	Wage Determination Automated Tracking System (WDATS) - WDATS DATA Support	Mission / Wage Determinations	Destroy paper copies of request forms after microfiche is completed. Destroy microfiche when microfiche is 5 fiscal years old.	Delete this item. Schedule under "Wage Determinations"	8
NI-155-90-2 Item 7 c	Wage Determination Automated Tracking System (WDATS) - Hard Copy Reports	Mission / Wage Determinations	Destroy when no longer needed.	Temporary. Destroy magnetic tapes when they become one fiscal year old.	8

Previously Scheduled	Record Name	Big Bucket / Sub Bucket	Previous Retention	Proposed Retention	New SF 115 Number
NI-155-90-2 Item 8 a	Wage Determination Automated Survey Data System (WD-ASDS) - WD-ASDS Data Support	Mission / Wage Determinations	Survey data is destroyed when a new survey for the particular area covered by the old survey, is completed and approved. Because of storage space concerns, hardcopies, of surveys are sent from the National Office to the federal records center after six months. The discs are destroyed one fiscal year later. The hardcopies should be destroyed when they reach 20 fiscal years of age.	Delete this item. Schedule under "Wage Determinations"	8
NI-155-90-2 Item 8 c	Wage Determination Automated Survey Data System (WD-ASDS) - WD-ASDS Hard Copy Reports	Mission / Wage Determinations	Destroy when no longer needed.	Delete this item. Schedule under "Wage Determinations"	8
NI-155-90-2 Item 9 a	Wage Determination Generation System (WDGS) - WDGS Data Support	Mission / Wage Determinations	Documents and other materials used to generate wage determinations under the Davis-Bacon Act and the Service Contract Act.	Delete this item. Schedule under "Wage Determinations"	8
Not previously scheduled (NOTE: this item was in a proposed records schedule that was never approved by NARA)	Public Contract Act Minimum Wage Determination Hearing Records Prior to 1963	Mission / Wage Determinations	Temporary. Destroy after 75 years (withdrawn)	Temporary. Transfer to Federal Records Center based on business requirements. Destroy after 55 years	9
New Item	Substantive agreements with other entities.	Mission / Agreements		Permanent. Cut-off at the end of calendar year. Transfer paper records to the National Archives in 5 year blocks when most recent records are 15 years old. Pre-accession electronic records when five years old and transfer legal custody to the National Archives when 15 years old.	10