

# **Schedule 45-4**

## **DEPARTMENT OF LABOR**

### **OFFICE OF LEGAL COUNSEL AND LEGISLATIVE AFFAIRS**

**April 17, 2019**

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

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

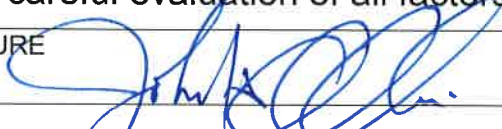
SCHEDULE	<b>45-4</b>
AGENCY, BOARD OR COMMISSION	<b>DEPARTMENT OF LABOR</b>
DIVISION, BUREAU OR OTHER UNIT	<b>OFFICE OF LEGAL COUNSEL AND LEGISLATIVE AFFAIRS</b>
Supersedes Edition of October 31, 2012	

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

**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

*4/4/2019*

**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

*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



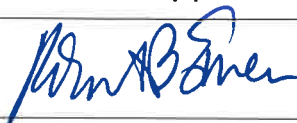
DATE

*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

*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.
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 the 2<sup>nd</sup> to 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 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.

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

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

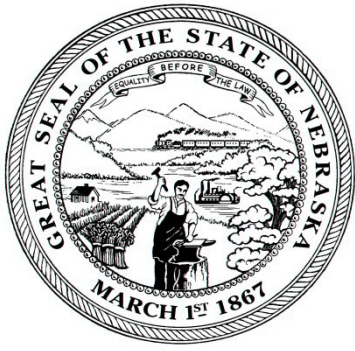
Retention requirements are for all records, regardless of the media on which they reside, unless otherwise noted.

Supersedes Edition of October 31, 2012

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
45-4-1	<b>ADMINISTRATIVE HEARINGS</b>	Unofficial records of NDOL administrative hearings. Each file includes correspondence, notices and decisions.	<p><b>ORIGINAL RECORD:</b> Scan to Network 90 days after final disposition and dispose of after image verification</p> <p><b>NETWORK RECORD:</b> Delete 1 full calendar year after final disposition</p> <p><b>SECURITY CD:</b> Create prior to network deletion and transfer to State Records Center; destroy after 5 years OR as determined by Legal Counsel (whichever is later)</p> <p><b>CD WORK COPY:</b> 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)</p>	Official record is owned by the Nebraska Appeal Tribunal
45-4-3	<b>AGREEMENTS AND CONTRACTS</b>	Contracts entered into between the Department of Labor and other entities.	<p><b>ORIGINAL RECORD:</b> 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</p> <p><b>NETWORK RECORD:</b> Delete 5 years after completion, fulfillment, expiration or voiding OR as determined by Legal Counsel (whichever is later)</p> <p><b>SECURITY CD:</b> 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)</p> <p><b>CD WORK COPY:</b> 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)</p>	
45-4-4	<b>BANKRUPTCIES</b>	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.	<p><b>ORIGINAL RECORD:</b> Forward to Department of Labor, Program Division, 30 days after bankruptcy court closes its file</p>	
45-4-5	<b>CORRESPONDENCE AND MEMOS</b>	Correspondence and memos regarding the day to day operations of the Department of Labor, including requests for the release of information.	<p><b>ORIGINAL RECORD:</b> Transfer to State Records Center after 2 years; destroy after 8 years</p>	

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.	<b>ORIGINAL RECORD:</b> 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.	<b>ORIGINAL RECORD:</b> Scan to network after close of the 2nd session or subsequent special session; dispose of after image verification <b>NETWORK RECORD:</b> Delete 2 years after close of the 2nd session or subsequent special session <b>SECURITY CD:</b> 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) <b>CD WORK COPY:</b> 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.	<b>ORIGINAL RECORD:</b> 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.	<b>ORIGINAL RECORD:</b> Scan to Network 90 days after final disposition and dispose of after image verification <b>NETWORK RECORD:</b> Delete after 1 year <b>SECURITY CD:</b> Create prior to Network deletion and transfer to State Records Center; destroy after 5 years OR as determined by Legal Counsel (whichever is later) <b>CD WORK COPY:</b> 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.	<b>ORIGINAL RECORD:</b> Scan to Network 90 days after final disposition and dispose of after image verification <b>NETWORK RECORD:</b> Delete after 1 year <b>SECURITY CD:</b> Create prior to Network deletion and transfer to State Records Center; 5 years OR as determined by Legal Counsel (whichever is later) <b>CD WORK COPY:</b> 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	<b>LITIGATION- MISCELLANEOUS (FORECLOSURES, PERSONNEL ISSUES, ESTATE CLAIMS, SUBPOENAS, ETC.)</b>	Pleadings and documents regarding various litigation issues affecting the Department of Labor on file through various Nebraska courts and federal courts.	<b>ORIGINAL RECORD:</b> Scan to Network 90 days after final disposition and dispose of after image verification <b>NETWORK RECORD:</b> Delete after 1 year <b>SECURITY CD:</b> Create prior to Network deletion and transfer to State Records Center; destroy after 5 years OR as determined by Legal Counsel (whichever is later) <b>CD WORK COPY:</b> 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	<b>LITIGATION-TAX</b>	Pleadings and documents on appeal from decisions of the Nebraska Appeal Tribunal concerning an employer's tax account.	<b>ORIGINAL RECORD:</b> Scan to Network 90 days after final disposition and dispose of after image verification <b>NETWORK RECORD:</b> Delete after 1 year <b>SECURITY CD:</b> Create prior to Network deletion and transfer to State Records Center; destroy after 5 years OR as determined by Legal Counsel (whichever is later) <b>CD WORK COPY:</b> 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	<b>NATIONAL AND REGIONAL TRANSMITTALS (PROPOSED AND CERTIFIED)</b>	Copies of court decisions regarding benefit appeals, passed legislative bills, and regulatory proposals and adoptions.	<b>ORIGINAL RECORD:</b> Destroy 2 years after transmittal	<ul style="list-style-type: none"> <li>•Federal Form MA 8-7 and attached documents are used for certified correspondence</li> <li>•Federal Form MA 4-104A and attached documents are used for proposed correspondence</li> </ul>
45-4-14	<b>REGULATIONS</b>	Regulatory changes on behalf of the Department of Labor, including correspondence, hearing notices, recordings etc.	<b>SIGNED REGULATION:</b> 1 signed original of the regulation must be kept PERMANENTLY <b>ORIGINAL RECORD:</b> Destroy after 4 years if revised <b>AUDIO RECORDINGS:</b> Destroy after 4 years if revised	Official record is on file with the Secretary of State
45-4-16	<b>W.I.O.A. MONITORING UNIT</b>	Paperwork and correspondence monitoring and evaluation program effectiveness of W.I.O.A. programs administered by the Nebraska Department of Labor.	<b>ORIGINAL RECORD:</b> 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)	



# NEBRASKA SECRETARY OF STATE RECORDS DISPOSITION REPORT

Send to: Records Management Division  
 440 S. 8<sup>th</sup> Street, Suite 210  
 Lincoln, NE 68508-2294 402-471-2559  
[sos.recordsmanagement@nebraska.gov](mailto:sos.recordsmanagement@nebraska.gov)

Approved records retention schedules serve as the legal authority to dispose of records regardless of the media on which they reside. Nebraska revised statute §84-1212.02 requires agencies to report records dispositions on forms provided by the State Records Administrator. Use this form to meet that requirement.

<b>1. AGENCY &amp; DIVISION</b>	
<b>2. SCHEDULE NUMBER(S) ONLY- AGENCY SPECIFIC SCHEDULE OR GENERAL RECORDS SCHEDULE</b>	
<b>3. RECORD MEDIUM</b> PAPER <input type="checkbox"/> ELECTRONIC <input type="checkbox"/> OTHER <input type="checkbox"/> _____	
<b>4. FINAL DISPOSTION METHOD</b>	
<b>5. VOLUME OR FILE SIZE OF RECORDS DISPOSED</b>	
<b>6. OPTIONAL DETAILS FOR ELECTRONIC AND PAPER RECORDS</b> (list whatever level of detail you will want to keep for future use to document what specifically you deleted/destroyed):	
<b>7. SIGNATURE</b> PRINTED NAME _____	<b>DATE</b>
SIGNATURE _____	

## INSTRUCTIONS

1. Enter the agency and division.
2. Enter the records schedule item number(s) that provide authority to dispose of records. The schedule number is either the agency specific schedule and/or the general records schedule. If you are disposing of records from the general records schedule, enter either 24 for local agencies or 124 for state agencies.
3. Choose the record medium being disposed of.
4. Please describe how final disposal was accomplished such as trash, recycled, shredded, deleted, etc.
5. For paper records, report the total volume of records disposed. One standard size storage box (15x10x12) is one cubic foot. For electronic records, report the total file size deleted. An estimate of total volume is fine.
6. Use the optional details for electronic and paper records section to list the level of detail you want to keep for future use to document what specifically was deleted/destroyed.
7. Sign and date the form and send it to the Records Management Division at the address above. Retain a copy for your records in accordance with schedule 24-71 for local agencies and 124-100 for state agencies.