DEPARTMENT OF LABOR
ADMINISTRATION
LEGAL AFFAIRS DIVISION

Program Records Retention and Disposition Schedule

The Program Records Retention and Disposition Schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records of the

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do not and will not have further official use or value for administrative, research, or reference purposes after the respective retention periods specified herein. The Department of Cultural Resources consents to the destruction or other disposition of these records in accordance with the retention and disposition instructions specified in this schedule. The agency agrees to comply with 07 NCAC 04M. 0510 when deciding on a method of destruction. Electronic records will be destroyed so that the data and metadata are overwritten, deleted, or unlinked in such a way that the records may not be practicably reconstructed. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

The Department of Labor and the Department of Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow them to be destroyed when *"administrative/reference value ends."* The Department of Labor hereby agrees that it will establish and enforce internal policies setting minimum retention periods for records with this disposition instruction. Without the establishment of internal policies, the agency is not authorized by the Department of Cultural Resources to destroy these records. For those record series scheduled to be microfilmed, the Department of Labor will be responsible for cost of microfilm production.

The Department of Labor and the Department of Cultural Resources concur that the long-term and/or permanent preservation of electronic records require additional commitment and active management by the agency. The Department of Labor agrees to comply with all policies, standards, and best practices published by the Department of Cultural Resources regarding the creation and management of electronic records.

E-mail messages sent or received by Executive Branch agencies shall be retained for 5 years pursuant to Executive Order No. 12 (issued May 21, 2013 by Governor Pat McCrory). Any e-mail messages requiring retention longer than 5 years, including those with permanent historical value, shall be designated with specific retention periods in this program records schedule. Public records including electronic records not listed in this schedule or in the *General Schedule for State Agency Records* are not authorized to be destroyed.

The Department of Labor agrees to destroy, transfer or dispose of records in the manner and the times specified herein. This schedule is to remain in effect until superseded.

August 29, 2014 Mark Holland

APPROVAL RECOMMENDED

Karissa Sluss, Chief Records Officer
Department of Labor

Jane Ammons Gilchrist, General Counsel
Department of Labor

Sarah E. Koonts, Director
Division of Archives and Records

Cherie Berry, Commissioner
Department of Labor

Susan W. Klutz, Secretary
Department of Cultural Resources

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ITEM 50113. BANKRUPTCY DOCUMENTS FILE

Official and reference copies of records in paper and electronic formats, including e-mail, relating to bankruptcy case files potentially affecting the department and/or persons on behalf of whom the department is acting. Records include bankruptcy forms, correspondence, closing notices, financial statements, hearing notices, orders, and other related documents. (Comply with applicable provisions of G.S. 105-129; G.S.105-241; G.S. 105-228.5; G.S.105-259; G.S. 105-262; G.S. 126-22; G.S. 126-23; G.S. 126-24; G.S. 132-1.1NCAC T17-C1-S1C.0503; IRS 1075, Exhibit 3; and Internal Revenue Code, Section 6103 regarding confidentiality of taxpayer and personnel records.)

DISPOSITION INSTRUCTIONS: Destroy in office immediately, if quality control measures reveal no action needed to be taken by the department. For cases affecting the department and requiring legal action, transfer records to the applicable Departmental Bureau File (Item 50114) and forward necessary paperwork to the Attorney General's Office, Labor Section, for appropriate action.

ITEM 50114. DEPARTMENTAL BUREAU FILE

Records in paper and electronic formats, including e-mail, specifically relating to legal action and research affecting the Commissioner and/or various bureaus or divisions of the department. Files may include accident/fatality related documents, administrative actions, articles, bankruptcies, cases, certificates and permits issued by individual bureaus, codes and standards, complaints, contract drafts, copies of statutes, correspondence, disputes, enforcement letters, ethics compliance documents, impact assessments, inspections, investigations, legal interpretations/applications and opinions, legislation, mediations, memoranda, newspaper clippings, notice of disposition, penalty calculations, policies, reports, revocations and/or suspensions, service agreements, settlement agreements, shut-down orders, studies, subpoenas, training, variances, and other related documents. All files are entered into Legal Affairs File List (Electronic) (Item 50115). (Comply with G.S. 132-1.2 regarding confidentiality of trade secrets and with applicable provisions of G.S. 132-1.10 regarding confidentiality of personal identifying information.)

DISPOSITION INSTRUCTIONS: Transfer final agreements and materials prepared for department bureaus/divisions/programs to appropriate bureau responsible for disposition. Scan in office paper records. Destroy in office paper copies of scanned records after 5 days and when all quality control procedures have been completed. Destroy in office electronic records after 5 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office 5 years after completion of action and resolution of issues involved.

ITEM 50115. LEGAL AFFAIRS FILE LIST (ELECTRONIC) FILE

Electronic data records concerning the receipt or creation of new files within the division. Files utilize an internal divisional numerical filing system and records are logged according to the responsible bureau.

DISPOSITION INSTRUCTIONS: Purge data fields in office 5 years after entry if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, purge data fields after completion of action and resolution of issues involved.

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ITEM 50116. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FILE

Reference copies of records in paper and electronic format relating to contested cases before the Occupational Safety and Health Review Commission. Files include compliance officer availability dates, hearing calendars, hearing memoranda, and hearing status databases. Scan paper documents, and send documents electronically to compliance office, supervisors, Planning, Statistics and Information Management Bureau, and/or Occupational Safety and Health Review Commission, as required.

DISPOSITION INSTRUCTIONS: Scan in office paper records. Destroy in office paper copies of scanned records after 5 days and when all quality control procedures have been completed. Destroy in office electronic records after 1 year if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office 5 years after completion of action and resolution of issues involved.

ITEM 50117. DEPARTMENT OF MOTOR VEHICLE FILES

Records in paper and electronic format relating to driver's license records or vehicle information. File includes results of Department of Motor Vehicle database searches, correspondence, driver's license numbers and other personal information. (Comply with applicable provisions of G.S. 132-1.10 regarding confidentiality of personal identifying information.)

DISPOSITION INSTRUCTIONS: Destroy paper copies of records in office 5 years after termination of employment and no litigation, claim, audit, or other official action involving the record has been initiated. If official action has been initiated, destroy in office 5 years after completion of action and resolution of issues involved or 5 years after termination of employment, whichever occurs later. Purge data fields in office 5 years after termination of employment if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, purge data fields after completion of action and resolution of issues involved or 5 years after termination of employment.

ITEM 50118. RULEMAKING FILE

Records in paper and electronic formats, including e-mail, concerning rulemaking activities of the Department. File includes all written comments received, a transcript or recording of any public hearing held on the rule, any fiscal note that has been prepared for the rule, any written explanation made by the agency for adopting the rule, notice of text, submission for permanent rule, and verbatim adoptions. File may also include correspondence, mailing lists, memoranda, research, and any other information relevant to rulemaking actions.

DISPOSITION INSTRUCTIONS: Retain in office permanently.

ITEM 50119. WAGE AND HOUR LITIGATION FILE

Records in paper and electronic formats, including e-mail, concerning the investigation of wage and hour complaints. File includes activity reports, correspondence, investigator’s notes, investigative reports, notices of completion of investigation, reference copies of completed complaint forms, and other related records. Select files are referred to Legal Affairs Division for litigation review and possible referral to Attorney General’s Office for litigation. File may also include original Confession of Judgment filing by the Attorney General’s Office and affidavits, notes or summaries added by the Legal Affairs Division. (Comply with applicable provisions of G.S. 132-1.4 regarding confidentiality of criminal investigations and criminal intelligence information.).

DISPOSITION INSTRUCTIONS: Destroy in office after 5 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.

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ITEM 50120. EMPLOYMENT DISCRIMINATION LITIGATION FILE

Records in paper and electronic formats, including e-mail, concerning the investigation of employment discrimination complaints. File includes activity reports, correspondence, investigator's notes, investigative reports, notices of completion of investigation, reference copies of completed complaint forms, and other related records. Select files are referred to Legal Affairs Division for litigation review and possible referral to Attorney General's Office for litigation. File may also include notes or summaries added by the Legal Affairs Division.

DISPOSITION INSTRUCTIONS: Destroy in office after 5 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.