

Schedule 45-11

DEPARTMENT OF LABOR

LABOR STANDARDS PROGRAM

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

45-11

AGENCY, BOARD OR COMMISSION

DEPARTMENT OF LABOR

DIVISION, BUREAU OR OTHER UNIT

LABOR STANDARDS PROGRAM

Supersedes Edition of April 21, 2015

**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

DATE

[Handwritten Signature]
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

[Handwritten Signature]
Doyen Koutung

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

[Handwritten Signature]
Diana Harper

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

[Handwritten Signature]
Ann Boman

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.

**Records Management Division
3242 Salt Creek Circle
Lincoln, NE 68504
402-471-2559**

SCHEDULE 45-11
DEPARTMENT OF LABOR
LABOR STANDARDS PROGRAM
April 17, 2019

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

Supersedes Edition of April 21, 2015

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
45-11-1	CONTRACTOR REGISTRATION & EMPLOYEE CLASSIFICATION RECORDS - CITATION FILES	Citation files are maintained on contractors who violate the Contractor Registration and Employee Classification Acts. These files contain the all investigative materials and evidence, citation letter and citation amount.	10 years after citation date	<ul style="list-style-type: none"> ●Files are maintained in Lincoln Office ●Contractor Registration Act, Section 48-2114 R.R.S. 1943
45-11-2	CONTRACTOR REGISTRATION RECORDS - EMPLOYEE CLASSIFICATION ACT RECORDS & INVESTIGATIVE FILES	Files are maintained on Contractors that register under the Contractor Registration Act. These files include proof of workers' compensation insurance, their signed application and a copy of their registration certificate.	ORIGINAL RECORD: 5 years ELECTRONIC RECORD: Backup daily; 5 years SECURITY BACKUP: 5 years	<ul style="list-style-type: none"> ●Files are maintained in Lincoln Office ●Contractor Registration Act, Section 48-2114 R.R.S. 1943
45-11-3	CONTRACTOR REGISTRATION RECORDS-INVESTIGATION FILES	Investigation files are maintained on work sites and complaints from consumers.	3 years after investigation is complete	Files are maintained in Lincoln Office
45-11-4	EMPLOYMENT CERTIFICATES FOR MINORS-CERTIFICATION OF AGE FORMS	Copies of school-issued certification of age forms to children ages 16-18.	2 years after date of issuance	Files are maintained in Lincoln Office
45-11-5	EMPLOYMENT CERTIFICATES FOR MINORS-EMPLOYMENT CERTIFICATES ISSUED	Copies of child labor employment certificates filed pursuant to Chapter 48, Article 3, R.R.S. 1943. Statutes apply only to minors under 16 years of age.	1 year after expiration	Files are maintained in Lincoln Office
45-11-6	EMPLOYMENT CERTIFICATES FOR MINORS-INDEX, EMPLOYER	Numerical index files are maintained on employers issued special permits for employment of children under 16 years of age to be employed past 10 p.m.	5 years	Files are maintained in Lincoln Office
45-11-7	EMPLOYMENT CERTIFICATES FOR MINORS-SPECIAL PERMITS	Employers are issued special permits which allow them to employ children past 10 p.m.	3 years	Files are maintained in Lincoln Office
45-11-8	EMPLOYMENT CERTIFICATES FOR MINORS-STATISTICS, CHILD LABOR	Statistics are gathered quarterly on the number of employment certificates, certification of age forms, and special permits issued to children. Information is included in the agency budget narrative.	3 years	
45-11-9	FARM LABOR CONTRACTORS ACT-FARM LABOR CONTRACTORS LICENSING AND CERTIFICATION	Files are maintained on Farm Labor Contractors. Includes licensing, certification and bonding records. Licenses, certificates and bonds are renewed annually. Licenses are issued each April.	ORIGINAL RECORD: 5 years ELECTRONIC RECORD: Backup annually; 5 years SECURITY BACKUP: 5 years	Files are maintained in Lincoln Office
45-11-10	FARM LABOR CONTRACTORS ACT-FARM LABOR CONTRACTORS LICENSING, CERTIFICATION, INVESTIGATION AND INSPECTION INDEX FILE	Index file is maintained electronically for all farm labor contractor licenses, certifications, investigations and inspections.	ELECTRONIC RECORD: Backup after each use; 10 years SECURITY BACKUP COPY: 10 years	Electronic file is maintained in Lincoln Office

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
45-11-11	FARM LABOR CONTRACTORS ACT- INVESTIGATION AND INSPECTION REPORTS ON FARM LABOR CONTRACTORS	Farm Labor Contractors are investigated and inspected for compliance with the law, which results in written reports.	5 years after investigation is complete	Files are maintained in Lincoln Office
45-11-12	INVESTIGATION RECORDS- INVESTIGATION AND INSPECTION REPORTS	Investigations and inspections are conducted to see that various types of labor laws are enforced. These include minimum wage, wage payment & collection, child labor, service letter, lunch period, right to work, medical examination and other miscellaneous laws.	5 years after investigation is complete	Reports are filed numerically and are maintained in the Lincoln Office
45-11-13	INVESTIGATION RECORDS- INVESTIGATION INDEX FILE	Electronic investigative index file is maintained on all minimum wage, child labor, service letter, lunch period, right to work, medical examination and other miscellaneous law investigations and inspections and their dispositions.	ELECTRONIC RECORD: Backup after each use; 10 years after investigation is complete SECURITY BACKUP COPY: 10 years after investigation is complete	Files are maintained in Lincoln Office
45-11-14	INVESTIGATION RECORDS- INVESTIGATION REPORTS, VETERAN'S PREFERENCE AND VETERAN'S REEMPLOYMENT	State and political subdivisions are investigated upon receipt of complaints from veterans and National Guards members.	5 years after investigation is complete	Files are maintained in Lincoln Office
45-11-15	NON-ENGLISH SPEAKING EMPLOYEES RECORDS-WRITTEN STATEMENTS	Files are maintained on Non-English Speaking Employees. Written statements are signed by the employee and the employer regarding compliance with the Non-English Speaking Employees Law.	1 year	Files are maintained in Lincoln Office
45-11-16	PRIVATE EMPLOYMENT AGENCY RECORDS-COMPLAINT INVESTIGATION INDEX FILE	Electronic index file is maintained for all private employment agency complaints and their dispositions.	ELECTRONIC RECORD: Backup for each use; 3 years SECURITY BACKUP COPY: 3 years	Files are maintained in Lincoln Office
45-11-17	PRIVATE EMPLOYMENT AGENCY RECORDS-INVESTIGATION AND INSPECTION REPORTS, PRIVATE EMPLOYMENT AGENCIES	Files are maintained on any Private Employment Agency that is inspected or investigated.	3 years	Files are maintained in Lincoln Office
45-11-18	PRIVATE EMPLOYMENT AGENCY/PROFESSIONAL EMPLOYER ORGANIZATION RECORDS-EMPLOYMENT AGENCY AND PEO LICENSING FILES	Files are maintained on private employment agencies and Professional Employer Organizations. Includes licensing and bonding records. Licenses are renewed annually.	3 years	Files are maintained in Lincoln Office