Labor Standards Investigations

Core Data

RDA Number:	11147
Effective Date:	2016-02-25
Record Series Abstract:	This record series contains information and documentation obtained in conjunction with Labor Standards investigations of the Child Labor Act, Wage Regulations Act, Tennessee Lawful Employment Act, and Non-Smoker Protection Act. This record series is generated from Labor Standards inspections performed in the field by Labor Standards Inspectors and maintained both in paper and electronic format. Documentation may include wage complaints, notarized statements from claimants, notarized statements from Employer, correspondence, Inspection reports, 15 day request for information letter, 7 day request for information letter, certified letters, penalty orders, initial orders, final orders, first past due notices, second past due notices, letter to the Attorney General\'s office for collections or bankruptcy, receipt of payment letters, and/or closing reports.
Record Series Active:	Yes
Cut Off at End of:	Other
Total Retention Years:	5
Total Retention Months:	0
Retention End Action:	Destroy
Disposition Notes:	Records are maintained for five (5) years with paper copies after completion of the Labor Standards investigation. After five (5) years, the records may be destroyed unless there is pending litigation. If pending litigation, the records may be destroyed five (5) years after the conclusion of the litigation process. The records will be stored at 220 French Landing Drive, Floor 2B, Nashville, TN 37243. Inspectors\' reports are generated on the Labor Standards Computer Program, but a paper copy is printed off and maintained in paper format. The current size of the Labor Standards database at the present time is approximately 110MB.
RDA Signed Agency Form:	

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Worksheet (A)

Record Location:	Labor Standards Unit - 220 French Landing Drive, Floor 2B - Nashville, TN 37243
File Arrangement:	Alphabetical according to Fiscal Year
Media Format Generated:	Paper
Media Format Generated Summary:	
Media Format Stored:	Paper
Media Format Stored Summary:	
Date Range:	to
Agency:	Dept. of Labor & Workforce Development
Allotment Code:	337.06
Annual Accumulation:	12 cu. ft.
Current Volume:	70 cu. ft.

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Worksheet (B)

Record Value:	Administrative Legal
Audit Requirements:	State
Information Shared Outside the State:	No
Shared Agencies:	
Essential Record:	Yes - Duplicate
Confidential:	No
Does this record series contain sensitive information?:	No
Agency Retention:	5 years
Retention Legal Citation:	T.C.A. Sections 50-2-103, 50-5-101, 50-5-112, 50-1-701, 50-1-703, 39-17-1801, and 39-17-1806. Retention period - Five (5) years per policy of State Audit
Record Sample PDF:	2090.sample.pdf

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Electronic Records Plan Inventory

System Name:	SmartSearch
Hardware Description:	The SmartSearch application resides in the VMWare shared environment at STS\'s Data Center South. The application is accessed via a client that is installed on the desktop of the users. The Desktops all have the Windows 7 Operating System.
Software Description:	The SmartSearch application resides in the VMware shared environment at STS\'s Data Center South. The application is accessed via a client that is installed on the desktop of the users. The Desktops all have the Windows 7 Operating System.
System Location:	STS Data Center South, Smyrna, TN
Backup Procedures:	Standard STS Data Center back up procedures are in place. Backups are taken nightly and stored on-site until weekly back up is taken to Iron Mountain back up storage facility.
Disaster Recovery:	The SmartSearch application resides at the Data Center and is backed up nightly. Backups are stored off-site weekly. Bronze Level Disaster Recovery is used for SmartSearch. Recovery in a disaster could take between one (1) to three (3) weeks.
Data Migration Description:	The SmartSearch data resides in an SQL database located at the Data Center. If there were a need for migration, it could be done by a DBA and the SmartSearch System Administrator.
Metadata Description:	company name, establishment name, FEIN, Individual\'s name, City and County, Inspector\'s name, and PEN_FLG(Y/N)

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	RDA Comments
Records Management Division (RMD)	**2016-01-07** Please clarify cut off and business process. Please research any federal audits if available. Update 1-14-16: agency clarified the cut of and business process.
Tennessee State Library and Archives	**2016-01-07** TSLA concurs with RMD comment. Update 1-19-16: TSLA concurs with changes provided by agency.
Comptroller Audit Review	**2016-01-07** Audit concurs with RMD comments.
Agency Records Officer	**2016-01-13** The cut off period is at the conclusion of the investigation and administrative process. As a result of the investigation, correspondence is sent by administrative staff to the employer if the investigation shows that the employer is non-compliant. Penalties may also be assessed against non-compliant employers. The administrative process is concluded either by (1.) the employer paying the penalty, (2.) a warning being issued against the employer, or (3.) a contested case hearing being conducted. After one (1) of these events occurs, a closing report will be created to close the file and complete the administrative process. The records are then stored primarily in paper format but also scanned and stored electronically in the SmartSearch computer system for five (5) years. The records are stored in alphabetical order according to the fiscal year in which the investigation was conducted. There have been no federal audits.
RMD Director	**2016-01-19** RDA 11147 is a request for a new RDA. The retention period will be five years and destroy. The format will be in paper. Electronic copies may be generated but the agency is indicating that the paper record will be the primary format. Recommend approval of request to create RDA 11147.
Public Records Commission	**2016-02-25** PRC approves RDA 11147.