

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 631 ERRDS, DEPARTMENT OF WORKFORCE SOLUTIONS

1.18.631.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives
[1.18.631.1 NMAC - Rp, 1.18.631.1 NMAC, 08/03/2009]

1.18.631.2 SCOPE: department of workforce solutions
[1.18.631.2 NMAC - Rp, 1.18.631.2 NMAC, 08/03/2009]

1.18.631.3 STATUTORY AUTHORITY: Section 14-3-6 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.631.3 NMAC - Rp, 1.18.631.3 NMAC, 08/03/2009]

1.18.631.4 DURATION: permanent
[1.18.631.4 NMAC - Rp, 1.18.631.4 NMAC, 08/03/2009]

1.18.631.5 EFFECTIVE DATE: August 3, 2009 unless a later date is cited at the end of a section.
[1.18.631.5 NMAC - Rp, 1.18.631.5 NMAC, 08/03/2009]

1.18.631.6 OBJECTIVE: To establish a records disposal schedules for the orderly management and retirement of records necessary for carrying out the Public Records Act per Section 14-3-6 NMSA 1978.
[1.18.631.6 NMAC - Rp, 1.18.631.6 NMAC, 08/03/2009]

1.18.631.7 DEFINITIONS:

A. "Administrator" means the state records administrator (Section 14-3-2 NMSA 1978).
B. "Agency" means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).

C. "Archives" means the state archives of the commission of public records.

D. "Disposition" means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).

E. "Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity, and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts or other material summarized in final or other form and which have no value once action has been taken; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.

F. "Public record" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein (Section 14-4-2

G. "Records custodian" means the statutory head of the agency using or maintaining the records or the custodian's designee.

H. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

I. "Records retention and disposition schedule" means rules adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

J. "Retention" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

K. "Unemployment insurance litigation file" means a legal file created pursuant to an action filed in the courts, (state, federal and bankruptcy) related to unemployment insurance (UI) benefits and tax issues.

[1.18.631.7 NMAC - Rp, 1.18.631.7 NMAC, 08/03/2009]

1.18.631.8 ABBREVIATIONS AND ACRONYMS:

- A. "DOB" stands for date of birth.
- B. "DWS" stands for department of workforce solutions.
- C. "NMAC" stands for New Mexico administrative code.
- D. "NMSA" stands for New Mexico statutes annotated.
- E. "SHARE" stands for statewide human resources, accounting and management reporting system.
- F. "SSN" stands for social security number.
- G. "STO" stands for state treasures office.
- H. "UI" stands for unemployment insurance.
- I. "USC" stands for United States code.
- J. "WIA" stands for work investment act.

[1.18.631.8 NMAC - N, 08/03/2009]

1.18.631.9 INSTRUCTIONS:

- A. For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.
- B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.
- C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.
- D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.
- E. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.
- F. The descriptions of file are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.
- G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.
- H. Access to confidential documents and confidential files shall be only by authorization of agency, attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.
- I. All records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5, 14-1-6 NMSA 1978).
- J. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media (i.e., machine readable records). In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically over-written on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.18.631.9 NMAC - Rp, 1.18.631.9 NMAC, 08/03/2009]

1.18.631.10 - 100 [RESERVED]

1.18.631.101 BANK CASH PICK-UP LOG:

- A. **Program:** financial management
- B. **Maintenance system:** chronological by date generated, then numerical by receipt number

C. Description: log created to track the bank deposits picked up by carrier service. Log may include pick up date, carrier service signature, total dollar amount per bag (i.e., cash, checks, bank account deposit slips etc.), total amount of all bags picked up, time, date, etc.

D. Retention: until audit report released for fiscal year in which deposit was made
[1.18.631.101 NMAC - Rp, 1.18.631.277 NMAC, 08/03/2009]

1.18.631.102 DEPARTMENT OF HEALTH AND HUMAN SERVICES PAYMENT MANAGEMENT SYSTEM CASH REPORT FILES:

A. Program: financial management

B. Maintenance system: chronological by date created

C. Description: quarterly reports generated by the federal department of health and human services system that shows cumulative cash expenditures. File may include federal cash transaction reports (PMS 272 & 272A), statement of cash accountability (PMS 272B), error correction document (PMS 272C), major program statement (PMS 272E), correspondence, etc.

D. Retention: four years after acceptance of audit report
[1.18.631.102 NMAC - Rp, 1.18.631.303 NMAC, 08/03/2009]
[Note: report is generated from a federal system]

1.18.631.103 FINANCIAL STATUS REPORTS (SF9130):

A. Program: financial management

B. Maintenance system: chronological by date generated

C. Description: financial status report showing the status of monies received by federal grant recipients generated from the department of health and human services system. Report may show federal agency and organizational unit within the federal agency to which report is submitted, federal grant or other identifying number assigned by federal agency, recipient organization, employer identification number, recipient account number or identifying number, funding grant period, current expenditures, cumulative expenditures, un-liquidated obligations, authorized obligational authority, unexpended-unbigoted balances, etc.

D. Retention: four years after close of state fiscal year in which created
[1.18.631.103 NMAC - Rp, 1.18.631.305 NMAC, 08/03/2009]

1.18.631.104 - 110 [RESERVED]

1.18.631.111 APPEALS TRIBUNAL DAILY SCHEDULES:

A. Program: appeals tribunal

B. Maintenance system: chronological by hearing date

C. Description: schedule of appeal hearings for unemployment insurance claims. Schedule may show date, claimant name, SSN, time, hearing mode, administrative law judge assigned, docket number, etc.

D. Retention: two years after appeal hearing conducted

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC, Section 552a (i.e., social security number).
[1.18.631.111 NMAC - Rp, 1.18.631.383 NMAC, 08/03/2009]

1.18.631.112 DECISIONS OF APPEALS TRIBUNAL:

A. Program: appeals tribunal

B. Maintenance system: chronological by year

C. Description: decision rendered by appeal tribunal regarding determinations on unemployment compensation benefits and employer unemployment insurance tax. Decision may show claimant or appellant name, employer name, SSN, date of determination, date appeal filed, date and place of hearing, parties present, issue and law, statement of facts, conclusions of law, decision, administrative law judge name and signature, etc.

D. Retention:

(1) **Appeals tribunal hearing tapes:** 18 months after appeal decision rendered

(2) **All other records:** five years after date appeal decision rendered

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC, Section 552a (i.e., social security number) and Section 51-1-32 NMSA 1978 (i.e., benefit rights).
[1.18.631.112 NMAC - Rp, 1.18.631.384 NMAC, 08/03/2009]

1.18.631.113 - 120 [RESERVED]

1.18.631.121 APPRENTICESHIP PROGRAM STANDARD FILES:

- A. Program:** apprenticeship
 - B. Maintenance system:** chronological by calendar year, then numerical by program number
 - C. Description:** records concerning the proposed program standards and the final approved standards that are presented to the apprenticeship council for the approval of apprenticeship programs. File may include selection procedure, work experience, work schedule, evaluation, etc.
 - D. Retention:** one year after close of calendar year in which standard canceled or suspended
- [1.18.631.121 NMAC - Rp, 1.18.631.990 NMAC, 08/03/2009]

1.18.631.122 APPRENTICESHIP AGREEMENTS:

- A. Program:** apprenticeship
 - B. Maintenance system:** alphabetical by apprentice surname
 - C. Description:** records concerning apprenticeship (i.e., plumbing, welding, masonry etc.) agreements regarding wage and length of program periods. Agreements may include agreement date, name of local apprenticeship standards, apprentice name, DOB, trade, term of apprenticeship, probationary period, credit for previous trade experience, term remaining, other conditions, gender, SSN, ethnicity, signature, etc.
 - D. Retention:** 10 years after termination of agreement
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number).
- [1.18.631.122 NMAC - Rp, 1.18.631.991 NMAC, 08/03/2009]

1.18.631.123 REPORT ON APPRENTICESHIP ACTIONS:

- A. Program:** apprenticeship
 - B. Maintenance system:** alphabetical by apprentice surname
 - C. Description:** record concerning the progression and status of apprentices who are enrolled in apprenticeship programs. Report may include name and address of program sponsor, apprentice's name, SSN, trade, effective date, action taken, signature of chairman, date, etc.
 - D. Retention:** five years after close of apprenticeship
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number).
- [1.18.631.123 NMAC - Rp, 1.18.631.992 NMAC, 08/03/2009]

1.18.631.124 APPRENTICESHIP COMPLIANCE FILES:

- A. Program:** apprenticeship
 - B. Maintenance system:** chronological by fiscal year, then numerical by program number
 - C. Description:** records used to ensure programs are adhering to standards established by the council. File may include compliance review format, application announcement notice, correspondence, etc.
 - D. Retention:** five years after a compliant review conducted
- [1.18.631.124 NMAC - Rp, 1.18.631.993 NMAC, 08/03/2009]

1.18.631.125 - 130 [RESERVED]

1.18.631.131 NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS SECRETARY DECISIONS:

- A. Program:** board of review
 - B. Maintenance system:** numerical by docket number
 - C. Description:** records concerning administrative appeal from the appeal tribunal (lower authority) to the cabinet secretary and board or review (higher authority) pursuant to section 51-1-8 NMSA 1978. Record may include claimant name, claimant's SSN, employer name, appeal number, decision, secretary signature, etc.
 - D. Retention:** 10 years after date of decision
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 5 USC, Section 552a (i.e., social security number) and Section 51-1-32 NMSA 1978 (i.e., benefit rights).
- [1.18.631.131 NMAC - Rp, 1.18.631.111 NMAC, 08/03/2009]

1.18.631.132 BOARD OF REVIEW DECISIONS:

A. Program: board of review
B. Maintenance system: numerical by docket number
C. Description: records concerning board of review decisions on unemployment insurance claim and tax appeals. Decision may include claimant name, claimant's SSN, employer name, appeal number, lower appeal number, decision, board signature, board minutes etc.

D. Retention:

(1) **Original board of review decision and board minutes that the board does not determine should be a part of the department precedent manual:** 10 years from date of decision

(2) **Original board of review decision and board minutes that the board designates as part of the precedent manual maintained without claimant name and social security number:** permanent

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC, Section 552a (i.e., social security number) and Section 51-1-32 NMSA 1978 (i.e., benefit rights).

[1.18.631.132 NMAC - Rp, 1.18.631.112 NMAC, 08/03/2009]

[Note: permanent records will be kept at agency]

1.18.631.133 UNEMPLOYMENT INSURANCE LITIGATION FILES:

A. Program: office of the secretary legal section
B. Maintenance system: alphabetical by appellant surname
C. Description: records concerning **an action filed in the courts, (state, federal and bankruptcy) related to unemployment insurance benefits and tax issues.** File may contain unemployment insurance related pleadings, correspondence, memoranda, claimant information (i.e., SSN, address), employer identification number, etc.

D. Retention: five years after case closed

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number) and Section 51-1-32 NMSA 1978 (i.e., benefit rights).

[1.18.631.133 NMAC - Rp, 1.18.631.121 NMAC, 08/03/2009]

1.18.631.134 - 140 [RESERVED]

1.18.631.141 FOREIGN CERTIFICATION FILES:

A. Program: foreign labor
B. Maintenance system: chronological by calendar year, then alphabetical by employer name
C. Description: records concerning the hiring of legal foreign labor for seasonal and peak load work. File may include application for foreign labor employment certification (ETA 750) copy, federal employer identification number, resume copy, job advertisement copy, recruitment results, correspondence, etc.

D. Retention: three years after close of calendar year in which work completed

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number).

[1.18.631.141 NMAC - Rp, 1.18.631.781 NMAC, 08/03/2009]

1.18.631.142 - 160 [RESERVED]

1.18.631.161 WORK OPPORTUNITY TAX CREDIT PARTICIPANT FILES:

A. Program: work opportunity tax credit
B. Maintenance system: chronological by year, then numerical by social security number
C. Description: records concerning the federally mandated program incentive for employers to hire at risk employees (i.e., convicted felons, social security recipients, TANNIF recipients, DVR recipients, etc). File may include individual characteristics for work opportunity tax credit form (ETA 9061), conditional certification (ETA 9062), employer certification (ETA 9063), pre-screening and certification request (Form 8850), verification documents, (i.e., employees name, SSN, DOB), judgment and sentence letter, US military discharge (DD 214), ineligibility form, etc.

D. Retention:

(1) **Eligible:** four years from the date of certification

(2) **Ineligible:** one year after ineligibility is determined

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number).
[1.18.631.161 NMAC - N, 08/03/2009]

1.18.631.162 - 190 [RESERVED]

1.18.631.191 HUMAN RIGHTS DIVISION INVESTIGATION CASE FILES:

- A. Program:** human rights
- B. Maintenance system:** chronological by date, then numerical by case number
- C. Description:** records concerning discrimination claims against an employer. File may include initial claim, mediation, settlement agreement, medical documentation, employer's policy and procedures, interview notes, orders, transcripts, findings, etc.
- D. Retention:** 10 years after close of claim, then transfer to archives for review and final disposition
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 59A-46-27NMSA 1978 (confidentiality of medical information and limitation of liability).
[1.18.631.191 NMAC - Rp, 1.18.631.950 NMAC, 08/03/2009]

1.18.631.192 – 200 [RESERVED]

1.18.631.201 WAGE DECISION FILE:

- A. Program:** public works
- B. Maintenance system:** chronological by year, then alphabetical by county, then numerical by file number
- C. Description:** records concerning contractors inquiring into using public funds for building purposes. File may include letter of request, addition and data back-up sheet, minimum wage rates, wage rate form letter, etc.
- D. Retention:** four years from date of decision
[1.18.631.201 NMAC - Rp, 1.18.631.961 NMAC, 08/03/2009]

1.18.631.202 PUBLIC WORKS VIOLATION FILES:

- A. Program:** public works
- B. Maintenance system:** chronological by year, then alphabetical by contractor name
- C. Description:** investigative file opened on potential violators found on jobsites receiving "public working funds" (i.e., payroll, wage and hour). File may include letter of violation copy, violation resolution, correspondence, etc.
- D. Retention:** seven years after close of file
[1.18.631.202 NMAC - Rp, 1.18.631.962 NMAC, 08/03/2009]

1.18.631.203 PUBLIC WORKS APPEALS BOARD FILES:

- A. Program:** public works
- B. Maintenance system:** chronological by date of hearing
- C. Description:** records documenting appeal hearings on violations (i.e., payroll, wage and hour) committed by contractors or contracting agencies. File may include appeal, briefs, exhibits, transcripts, decisions, notice of hearing, surveys, correspondence, etc.
- D. Retention:** seven years from date of appeal board decision
[1.18.631.203 NMAC - Rp, 1.18.631.960 NMAC, 08/03/2009]

1.18.631.204 PUBLIC WORKS WAGE RATE SURVEY HEARING FILES:

- A. Program:** public works
- B. Maintenance system:** chronological by date of hearing
- C. Description:** records concerning annual public hearings that determine the wage rates for the succeeding calendar year. File may include notice of public works survey for voluntary submission of private wage rate data, notice of hearing, transcript of hearing, decision, correspondence, etc.
- D. Retention:** seven years after date of hearing or date of appeal
[1.18.631.204 NMAC - Rp, 1.18.631.965 NMAC, 08/03/2009]

1.18.631.205 PUBLIC WORKS MINIMUM WAGE VIOLATION REGISTER:

- A. Program:** public works
 - B. Maintenance system:** chronological by state fiscal year, then alphabetical by company name
 - C. Description:** register containing information about companies accused of violating the use of public work funds. Register may include notification date, contractor information (i.e., name, address etc.), dollar amounts, type of violation (i.e., payroll, wage and hour), certification number, decision number, general letter date, penalty letter date, debarment letter date, amount settled, etc.
 - D. Retention:** seven years after close of the state fiscal year in which created
- [1.18.631.205 NMAC - Rp, 1.18.631.963 NMAC, 1/11/2010]
[All violation documentation can be found in the wage decision file, 1.18.631.201 NMAC.]

1.18.631.206 - 210 [RESERVED]

1.18.631.211 PRE- AUTHORIZATION CERTIFICATES:

- A. Program:** student labor
 - B. Maintenance system:** chronological by month created
 - C. Description:** records concerning state required certificates for children working in the film industry. Certificate may include project name, employer name, employers address, child's information (i.e., name, address, DOB, and gender) parent or guardian signature, information on certified trainer or technician, trust fund account information, background check information on trainers and teachers, etc.
 - D. Retention:** two years after date of issuance or cancellation
- [1.18.350.211 NMAC - N, 08/03/2009]

1.18.631.212 WORK PERMITS:

- A. Program:** student labor
 - B. Maintenance system:** chronological by date issued
 - C. Description:** records concerning permits required by the state for children under the age of 16 seeking employment. Permit may show county, date issued, gender, student name, address, age, date of birth, evidence of age, employer name and address, work description, rate of pay, parent or guardian signature, employer signature, issuing officer signature, title, address, etc.
 - D. Retention:** two year after date of issuance or until canceled
- [1.18.631.212 NMAC - Rp, 1.18.631.995 NMAC, 08/03/2009]

1.18.631.213 - 220 [RESERVED]

1.18.631.221 UNEMPLOYMENT INSURANCE CLAIMS SYSTEM:

- A. Program:** unemployment insurance
 - B. Maintenance system:** numerical by primary key
 - C. Description:** system allows individuals to register for unemployment insurance and also maintains information for employee wage credits for determination of unemployment benefits. Data may include employer information (i.e., account number, name, address, etc.), employee information (i.e., name, SSN, etc.), wage information (i.e., quarterly wages paid, benefits paid, taxes paid, etc.), amount due, corrections, etc.
 - D. Data retention:** seven years after date of final disposition of case
 - E. Confidentiality:** Portions of this record may be confidential pursuant but not limited to 5 USC, Section 552a (i.e., social security number) and Section 51-1-32 NMSA 1978 (i.e., benefit rights).
 - F. Input:** All records used as input for the UI claims system are electronically entered by the web or through a UI claims call center. Electronic information may include employer account number, wage information, amount due and corrections.
 - G. Output:** Because the *UI claim benefit system* is a data-based system, regularly scheduled and ad hoc reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of the reports include *statement current benefits paid, liability claim determination, warrants of levy and liens, continue wage claim reports, agent summary weekly report, etc.*
- [1.18.631.221 NMAC - N, 08/03/2009]

1.18.631.222 STATE OFFICE CLAIM FILES:

- A. Program:** unemployment insurance

B. Maintenance system: chronological by calendar year, then numerical by social security number

C. Description: records concerning unemployment insurance claims for individuals receiving temporary partial wage replacement for a limited time period. File may include claim for benefits-intrastate (ES-400), claim for benefits-unemployment compensation for federal employees (ES-400), claim for benefits-unemployment compensation for ex-military personnel (ES-400), claimant's and employer's statement (ES-442), initial interstate claim (IB-1), initial interstate claim-unemployment compensation for federal employees (IB-1), claim for benefits-combined wage claim intra-state (IB-4), request for transfer of wages inter-state arrangement for combining employment and wages (IB-4), report on determination of combined wage claim (IB-5), statement of benefits paid to combined wage claimants (IB-6), wage reconsideration (ES-414R), notice to employer of claim determination (ES-957), notice of initial determination of benefits (ES-405), notice of claim determination (ES-484), notice of collection BPC (NCA), BPC request to county clerk to record warrant of levy and lien, warrant of levy and lien, sheet summary, acknowledgment of debt, employment and wage verification request (ES-454-A), earning information sheet for audit of UI claim (ES-454-F), request for claim investigation (ES-1612), report for investigation (ES-1613), non-fraud report of investigation (ES-1613-NF), job search verification form (BPC-JBRCH), overpayment fields earning non-fraud (BPC-NF), weekly certification (ES-408), repayment control receipt, change of address notification, test development reports, correspondence, etc.

D. Retention:

- (1) **Approved claims:** seven years after close of calendar year in which claim closed
- (2) **Denied claims:** one year after close of calendar year in which claim closed

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number) and Section 51-1-32 NMSA 1978 (i.e., benefit rights).
[1.18.631.222 NMAC - Rp, 1.18.631.503, 504 - 506, 509, 514 - 516, 538 - 540 NMAC, 08/03/2009]

1.18.631.223 AGENT SUMMARY WEEKLY REPORTS:

A. Program: unemployment insurance

B. Maintenance system: chronological by date report generated

C. Description: reports containing the count and status of claims reported to the United States department of labor. Report may include initial claim, transfer claim, re-opened claims, weeks claimed, etc.

D. Retention: five years after date report is generated

[1.18.631.223 NMAC - Rp, 1.18.631.431 NMAC, 08/03/2009]

1.18.631.224 TRADE ADJUSTMENT FILES:

A. Program: unemployment insurance

B. Maintenance system: numerical by social security number

C. Description: records concerning individuals receiving job skill training because their jobs were outsourced. File may include request for determination of entitlement to *trade adjustment assistance-trade readjustment assistance* (ETA 855), request for employment information (ETA 855A), determination of entitlement for *trade adjustment assistance-trade readjustment assistance* (ETA 857), job prospect classification eligibility requirements form, claimant affidavit and request for retroactive benefits form, weekly certification (ES 408), claim for benefits (ES 400), fact finding report school attendance report (IB 11), etc.

D. Retention: five years after close of calendar year in which file closed

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number) and Section 51-1-32 NMSA 1978 (i.e., benefit rights).
[1.18.631.224 NMAC - N, 08/03/2009]

1.18.631.225 TRADE ADJUSTMENT ASSISTANCE, WORK SEARCH, RELOCATION FILES:

A. Program: unemployment insurance

B. Maintenance system: numerical by social security number

C. Description: records concerning relocation and educational assistance for individuals transitioning from out-sourced jobs. Portions of file are input to the *unemployment insurance claims system*, 1.18.631.221 NMAC. File may include contract, waiver form, payment documentation (i.e., invoices, warrant copies, etc.) correspondence, etc.

D. Retention: six years after submission of final expenditure report

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number).

[1.18.631.225 NMAC - Rp, 1.18.631.801 NMAC, 08/03/2009]

1.18.631.226 TRADE ADJUSTMENT ASSISTANCE REPORT FILES:

- A. Program:** unemployment insurance
 - B. Maintenance system:** chronological by date report generated
 - C. Description:** report concerning progress of participants and status of assistance funding. File may include copies of waiver report number 9027, training waivers issues and revoked, correspondence, etc.
 - D. Retention:** six years after submission of final expenditure report
- [1.18.631.226 NMAC - Rp, 1.18.631.802 NMAC, 08/03/2009]

1.18.631.227 ADJUSTMENT OF CONTRIBUTIONS AND WAGE FILE MAINTENANCE FORM:

- A. Program:** unemployment insurance
 - B. Maintenance system:** chronological by date, then numerical by batch number
 - C. Description:** form used to transfer wages and payments from one employer to another and to correct data entry errors. Form may include employer name, tax rate, transaction code, date, account number, quarter and year, exempt wages, taxable wages, amount paid, batch number, total wage transfer, individual wage transfer, etc.
 - D. Retention:** four years after close of calendar year in which adjustment made.
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 51-1-32 NMSA 1978 (i.e., benefit rights).
- [1.18.631.227 NMAC - Rp, 1.18.631.583 NMAC, 08/03/2009]

1.18.631.228 UI AUDIT FILES:

- A. Program:** unemployment insurance
 - B. Maintenance system:** chronological by date, then numerical by employer identification number
 - C. Description:** records of audits performed on employers to ensure compliance with state statutes. File may include audit findings, employer audit report (ES-801A), audit schedules, etc.
 - D. Retention:** three years after close of calendar year in which audit completed
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 51-1-32 NMSA 1978 (i.e., benefit rights).
- [1.18.631.228 NMAC - Rp, 1.18.631.562 NMAC, 08/03/2009]

1.18.631.229 EMPLOYER FILES:

- A. Program:** unemployment insurance
 - B. Maintenance system:** chronological by calendar year, then numerical by employer identification number
 - C. Description:** records concerning employers registered with the department of workforce solutions for tax and unemployment contribution purposes. File may include employer audit report (ES-801A), report to determine liability (ES-802), request to place delinquent amount in uncollectible suspense (ES-813), notice of employer contribution rate (ES-952), notice of employer eligibility (ES-1741), tax audit assignments, warrants of notification of delinquency and application of lien or levy, release of warrant, correspondence, etc.
 - D. Retention:** four years after close of calendar year in which accounts closed
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 51-1-32 NMSA 1978 (benefit rights).
- [1.18.631.229 NMAC - Rp, 1.18.631.574 NMAC, 08/03/2009]

1.18.631.230 EMPLOYERS QUARTERLY WAGE AND CONTRIBUTION REPORTS (ES-903A):

- A. Program:** unemployment insurance
- B. Maintenance system:** chronological by report date
- C. Description:** tax report submitted by employers that lists employee's wages, so that taxes can be calculated. Report may include date received, employer's number, tax rate, quarter ending date, due date, federal internal revenue service number, batch number, date deposited, total wages, excess wages, taxable wages, tax due, interest due, late report penalty, late payment penalty, amount of remittance, employee's SSN, employee name, current quarter wages, signatures, etc.
- D. Retention:** five years after close of calendar year in which report filed
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number).and Section 51-1-32 NMSA 1978 (i.e., benefit rights).

[1.18.631.230 NMAC - Rp, 1.18.631.587 NMAC, 08/03/2009]

1.18.631.231 QUARTERLY NOTICE OF POTENTIAL BENEFIT CHARGES (ES-952Q):

- A. Program:** unemployment insurance
 - B. Maintenance system:** chronological by calendar year, then numerical by employer identification number
 - C. Description:** state mandated notification sent to employers of potential benefit charges. Notice may include date issued, period date for which benefit charges are applicable to account, employer number, claim date, claimant name, SSN, base period wages, benefit charges, employer name and address, date liable, etc.
 - D. Retention:** five years after benefit charges become effective
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number) and Section 51-1-32 NMSA 1978 (i.e., benefit rights).
- [1.18.631.231 NMAC - Rp, 1.18.631.600 NMAC, 08/03/2009]

1.18.631.232 STATEMENT TO CORRECT INFORMATION REPORTED ON FORM ES-903A (ES-903C):

- A. Program:** unemployment insurance
 - B. Maintenance system:** chronological by date processed
 - C. Description:** form completed by employers correcting wages reported, taxes due, penalties and interest. Form may include transaction code, excess wages, taxable wages, amount paid, date, account number, quarter and year, employer name, explanation, type of remittance, examined by, date of deposit, etc.
 - D. Retention:** four years after close of calendar year in which adjustment was made
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 51-1-32 NMSA 1978 (i.e., benefit rights).
- [1.18.631.232 NMAC - Rp, 1.18.631.589 NMAC, 08/03/2009]

1.18.631.233 TAX ACCOUNTING-REFUND VOUCHERS, "H" AND "V" WARRANT REGISTER, WEEKLY REPORT (TA4130):

- A. Program:** unemployment insurance
 - B. Maintenance system:** chronological by fiscal year, then numerical by employer identification number
 - C. Description:** register report of warrants used to pay all claims and refund or credit an employer's account for overpayment of unemployment insurance. Register and warrant may include date, account number, business name, claimants name, tax, interest, penalties, total amounts, check number, issue date, etc.
 - D. Retention:** six years after close of fiscal year in which created
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 51-1-32 NMSA 1978 (i.e., benefit rights).
- [1.18.631.233 NMAC - Rp, 1.18.631.608 NMAC, 08/03/2009]

1.18.631.234 UNEMPLOYMENT INSURANCE TAX SYSTEM:

- A. Program:** unemployment insurance
- B. Maintenance system:** numerical by primary key
- C. Description:** system used by employers to register for the purpose of reporting wages and determining UI taxes. Data may include employer information (i.e., account number, name, address, etc.), employee information (i.e., name, SSN, etc.), quarterly wages paid, amount due (i.e., taxes, interest, penalties, etc.), corrections (i.e., adjustments to erroneous information, etc.), etc.
- D. Retention:**
 - (1) **Employers quarterly wage and contribution reports (ES-903A) data:** five years after calendar year in which wages reported
 - (2) **Statement to correct information reported on form ES-903A (ES-903C) data:** four years after calendar year in which adjustment was made
 - (3) **Employer file data:** four years after close of calendar year in which terminated
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 5 USC, Section 552a (i.e., social security number) and Section 51-1-32 NMSA 1978 (i.e., benefit rights).
- F. Input:** Records used as input to the *UI Tax System* are filed in the *employers quarterly wage and contribution reports (ES-903A)* 1.18.631.228 NMAC, *statement to correct information reported on form ES-903A*

(ES-903C) 1.18.631.232 NMAC. Information for the UI tax system are electronically entered in via the web, keyed in by tax unit staff or by call center

G. Output: Because the UI tax system management system is a data-based system, regularly scheduled and ad hoc reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of the reports include *statement of account report, tax credit fund report, delinquency list report, ten day notices report, warrant of levy-lien report, production report, etc.*

[1.18.631.234 NMAC - N, 08/03/2009]

1.18.631.235 – 240 [RESERVED]

1.18.631.241 WAGE CLAIM FILES:

A. Program: wage and hour
B. Maintenance system: chronological by fiscal year, then numerical by claim number
C. Description: records documenting a claim against an employer for unpaid wages. File may include statement of wage claim, copy of employer notification, case status sheet, correspondence, settlement agreements, etc.

D. Retention: four years after close of fiscal year in which claim closed

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number).

[1.18.631.241 NMAC - Rp, 1.18.631.980 NMAC, 08/03/2009]

1.18.631.242 WAGE CLAIM REGISTER:

A. Program: wage and hour
B. Maintenance system: chronological by date filed
C. Description: report generated for department secretary that lists all wage claims and the status of each one. Register may include claims filed, claims closed, closing status, etc.

D. Retention: one year after register created

[1.18.631.242 NMAC - Rp, 1.18.631.981 NMAC, 08/03/2009]

1.18.631.243 - 250 [RESERVED]

1.18.631.251 MONITORING AND EVALUATION REPORT FILES:

A. Program: workforce grant auditing
B. Maintenance system: chronological by federal fiscal year, alphabetical by program number
C. Description: reports concerning evaluations conducted on state and federal workforce programs (e.g., employment trainings programs). File may include contract reviews, time agreements, corrective actions of sub-grantees and field officer, participant information (i.e., SSN, DOB, etc.), copies of pay stubs, etc.

D. Retention: three years after close of federal fiscal year in which created

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number)

[1.18.631.251 NMAC - Rp, 1.18.631.941 NMAC, 08/03/2009]

1.18.631.252 - 260 [RESERVED]

1.18.631.261 WORKFORCE INVESTMENT ACT FILES:

A. Program: workforce services
B. Maintenance system: chronological by year, then numerical by social security number
C. Description: records concerning individuals receiving employment and training services through the state of New Mexico (i.e., occupational training, tuition, etc.). File may include application for program, determination of eligibility, copy of social security card, copy of birth certificate, employability development plan, etc.

D. Retention: three years after close of file

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number) and 51-1-32 NMSA 1978 (i.e., benefit rights).

[1.18.631.261 NMAC - N, 08/03/2009]

1.18.631.262 VIRTUAL ONE STOP SYSTEM:

A. Program: state administrative
B. Maintenance system: numerical by primary key
C. Description: case management system used to maintain information on the trade adjustment, workforce services and veterans programs. The system also maintains information concerning employment opportunities (i.e., employment searches, applicant information, resume postings, employer job postings, etc.). Data may include applicant information (i.e., name, date of birth, social security number, address, employment history, education history, etc.) and employer information (i.e., name, address, federal identification number, etc.) job posting data, trade adjustment files data, workforce investment act files data, intensive service files data, etc.

D. Retention:

- (1) **Trade adjustment files data:** five years after close of calendar year in which file closed
- (2) **Workforce investment act files date:** three years after program termination
- (3) **Intensive Service Files:** five years from date of discontinue
- (4) **Applicant data:** 20 years after last date of activity
- (5) **Employer data:** 10 years after last date of activity
- (6) **Job posting data:** one year after posting closed

E. Confidentiality: Portions of this record may be confidential pursuant but not limited to Section 9-26-14 NMSA 1978 (disclosure of information) and USC 26, Section 6109 (identifying numbers).

F. Input: Records used as input to the *virtual one stop system* are filed in the *workforce investment act files 1.18.631.261 NMAC employers quarterly wage and contribution reports (ES-903A) 1.18.631.228 NMAC, statement to correct information reported on form ES-903A (ES-903C) 1.18.631.232 NMAC*. Information for the virtual one stop system are electronically entered in via the web, keyed in via staff and by employers through self-service accounts.

G. Output: Because the virtual one stop system is a data-based system, regularly scheduled and ad hoc reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of the reports include *participant counts report, exitors reports, performance report, etc.* [1.18.350.262 NMAC - N, 08/03/2009]

1.18.631.263 INTENSIVE SERVICE FILES:

A. Program: veterans program
B. Maintenance system: alphabetical by surname
C. Description: records concerning employment assistance for veterans with employment barriers (i.e., housing assistance, clothing assistance, educational assistance, etc.). Files may include referral form, training documents (i.e., certifications, licenses, diplomas, etc.), case notes, resume copy, assessments, correspondence, discharge papers-report of separation (DD214), etc.

D. Retention: five years from date of service discontinued

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to Section 5 USC Section 552a (i.e., social security number) and Section 14-6-1 NMSA 1978 (i.e., health information). [1.18.350.263 NMAC - N, 08/03/2009]

1.18.631.264 - 300 [RESERVED]

1.18.631.301 QUALITY CONTROL AUDIT CASE FILE:

A. Program: quality control
B. Maintenance system: chronological by federal fiscal year and week assigned
C. Description: records concerning internal audits conducted on unemployment insurance benefit claim records. File may include earning verifications, last employer information, determination of investigation, claimant questionnaire, statement of facts, employer information transmittal, benefits payment information, registration and work search, separation information, statement of understanding, fact finding report, correspondence, etc.

D. Retention: five years after close of the federal fiscal year in which audit completed [1.18.631.301 NMAC - Rp, 1.18.631.681 NMAC, 1/11/2010]

HISTORY OF 1.18.631 NMAC:

Pre-NMAC Filing History: The material in this part was derived from that previously filed with the State Records Center under:

SRC Rule 71-15, Records Retention and Disposal Schedule for Commission on Human Rights, filed 11/29/71,
SRC Rule 74-10, Records Retention and Disposal Schedule Employment Agency Board, filed 4/29/74,
SRC 77-11, Records Retention and Disposal for Human Rights Commission, filed 12/16/77,
SRC Rule 80-6, General Retention and Disposition Schedule for CETA Records, filed 4/25/80,
SRC Rule 82-11, Records Retention and Disposition Schedule for Human Rights Commission, filed 5/4/82,
SRC Rule 84-07, Records Retention and Disposition Schedule for Employment Security Department Employment and Training Division Job Training Participation Act, filed 8/28/84,
SRC Rule No. 84-06, Records Retention and Disposition Schedule for Labor and Industrial Commission, filed 5/1/84,
SRC Rule No. 90-06, Records Retention and Disposition Schedule for New Mexico Department of Labor, filed 4/24/90; and SRC Rule No. 91-05, Records Retention and Disposition Schedule for Workers Compensation Administration, filed 12/13/91.

History of Repealed Material:

1.18.631 NMAC, ERRDS, Department of Labor, filed 3/12/2002 - Repealed effective 08/03/2009