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# NATIONAL ARCHIVES

**Date:** June 12, 2018  
**Appraiser:** Galen R. Wilson, ACNR  
**Agency:** General Records Schedules (GRS)  
**Subject:** DAA-GRS-2018-0002

**AMR 6/12/18**

## INTRODUCTION

### Schedule Overview

GRS 2.3: Employee Relations Records

### Additional Background Information

This schedule reorganizes coverage of records by this same GRS number as approved under DAA-GRS-2015-0007 and published in GRS Transmittal 28. The new organization takes greater advantage of opportunity to amalgamate similar records with the same retention under unified items. New records proposed as additions to this schedule are items 0009 (Merit Systems Protection Board case files) and 0011 (Federal Labor Relations Authority case files).

Former GRS 2.3, item 035 (DAA-GRS-2015-0007-0011), EEO reports and employment statistics files, has been removed from this schedule as it is now covered under GRS 5.7, item 050, Mandatory reports to external Federal entities regarding administrative matters.

### Overall Recommendation

I recommend approval of this schedule.

## APPRAISAL

### **Item 0001 (GRS 2.3, item 010): Employee relations programs' administrative records.**

This item gathers similar records previously scheduled for the same retention period under six previous items.

### Proposed Disposition

Temporary

### Appropriateness of Proposed Disposition

Appropriate

### Appraisal Justification

\*Has little or no research value. These are administrative records.

\*Previously approved as temporary:

GRS 2.3, item 010 (DAA-GRS-2015-0007-0001)

GRS 2.3, item 020 (DAA-GRS-2015-0007-0004)

GRS 2.3, item 030 (DAA-GRS-2015-0007-0006)

GRS 2.3, item 040 (DAA-GRS-2015-0007-0012)

GRS 2.3, item 070 (DAA-GRS-2015-0007-0019)

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GRS 2.3, item 080 (DAA-GRS-2015-0007-0021)

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. This is the same retention period previously approved for all these records under DAA-GRS-2015-0007.

**Media Neutrality**

Approved

**Item 0002 (GRS 2.3, item 020): Reasonable accommodation case files.**

**Item 0003 (GRS 2.3, item 030): Dislocated worker program case files.**

**Item 0004 (GRS 2.3, item 040): Telework/alternate worksite program case files.**

Administrative records tracking general progress of all three programs mentioned in the item titles are scheduled by a single item (0001, above). But these programs' individual case files must be scheduled separately because their retention periods and disposition instructions vary. Yet they are similar enough in purpose, function, and content to be evaluated in tandem here.

Item 0003 has one significant difference from the item it supersedes (former GRS 2.3, item 071). That item had an exclusion "Military records (must be scheduled by DoD organizations)." DoD did, in fact, schedule records of its electronic "Automated Stopper and Referral System" under DAA-0330-2014-0021-0001. This item specifically superseded GRS 1, item 33r, which GRS 2.3, item 071 (displaced employee program case files), also superseded. New proposed item 0003 removes that exclusion. GRS exclusions should not be created simply because an agency has scheduled the same records independently. DoD may request to continue using its own item once this schedule is approved.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records document the administrative processes of enrolling and tracking employee participation in programs intended to maximize efficiency and/or job satisfaction.

\*Previously approved as temporary:

Item 0002: GRS 2.3, item 021 (DAA-GRS-2015-0007-0005)

Item 0003: GRS 2.3, item 071 (DAA-GRS-2015-0007-0020)

Item 0004: GRS 2.3, item 081 (DAA-GRS-2015-0007-0022)

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Retention of item 0003 (030) has been slightly increased from "when employee is no longer eligible" to "1 year after employee eligibility for program expires" on the grounds that it is wise to retain records for a short period after closure to ensure that potential mistakes can be fixed. It's not easy to reassemble a case file unfortunately shredded (or deleted from an e-directory) in error.

**Media Neutrality**

Approved

**Item 0005 (GRS 2.3, item 050): Harassment complaint case files.**

This item was previously titled "Anti-harassment complaint case files." It has been renamed to reflect the fact that records may be created in response to anti-harassment policies, but complaints by definition concern harassment, not anti-harassment. There is no government-wide anti-harassment policy. Rather, agencies are encouraged to issue such policies individually. The Equal Employment

Opportunity Commission (EEOC) issued Management Directive 715 in 2003, stating that model EEO programs must issue policies and procedures for addressing all forms of harassment. However, EEOC's website<sup>1</sup> in 2017 decries the fact that such policies have been slow to materialize.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records are administrative in nature.

\*Previously approved as temporary:

GRS 2.3, item 041 (DAA-GRS-2015-0007-0013)

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. These records were new to the GRS per DAA-GRS-2015-0007-0013, and were assigned retention of 7 years after close of case. The new item schedules these for 3 years in keeping with records of complaints settled by other informal resolution processes. Longer retention for these records is possible if the agency finds a business need for them or if the complaint is ultimately settled under a different, more formal, process. Seven-year retention for records of all complaints alleging harassment is excessive.

**Media Neutrality**

Approved

**Item 0006 (GRS 2.3, item 060): Administrative grievance, disciplinary, performance-based, and adverse action case files.**

This item merges three separate items in the previous GRS 2.3. All three had identical retention: "Destroy no sooner than 4 years but no later than 7 years after case is closed." Those items are merged in the new item because of the shared retention period and because of the similarity in how the processes are carried out. These processes may look alike to the untrained eye, but they are far from interchangeable. Each is governed by separate rules and each applies to unique situations in the workplace. A Federal administrative grievance is a procedure for resolving grievances of employees who are not members of a bargaining unit (as opposed to those who are in a union, see item 0010 below). Most Federal disciplinary or adverse actions fall into one of three categories: suspension for misconduct, removal for misconduct, and removal for performance deficiencies.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records are administrative in nature.

\*Previously approved as temporary:

GRS 2.3, item 060 (DAA-GRS-2015-0007-0017)

GRS 2.3, item 061 (DAA-GRS-2015-0007-0018)

GRS 2.3, item 062 (DAA-GRS-2015-0007-0023)

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Prior to 1992, these records were retained for a flat 4 years. In that year, the Office of Personnel Management (OPM) requested this be changed to the unusual "no sooner than 4 years but no later than 7 years after case is closed" to

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<sup>1</sup> [https://www.eeoc.gov/federal/model\\_eeo\\_programs.cfm](https://www.eeoc.gov/federal/model_eeo_programs.cfm), harvested September 28, 2017.

accommodate agencies requesting permission to retain grievance and adverse action files longer than 4 years. This was codified in N1-GRS-92-1. This flexible retention, when first suggested by OPM, was challenged by NARA as an insupportable variance from the norm. By 2015, it had become tradition. The appraisal memorandum for DAA-GRS-2015-0007, which superseded N1-GRS-92-1, indicated that OPM seemed disinterested in revisiting the question of whether a flat retention period could be reestablished.

**Media Neutrality**

Approved

**Item 0007 (GRS 2.3, item 070): Alternative Dispute Resolution (ADR) case files: Informal process.**

**Item 0008 (GRS 2.3, item 071): Alternative Dispute Resolution (ADR) case files: Formal process.**

ADR refers to any means of settling disputes outside of the courtroom. It includes early neutral evaluation, negotiation, conciliation, mediation, and arbitration. The Equal Employment Opportunity webpage<sup>2</sup> describes *Federal ADR* as “a process in which a [neutral] third party assists the disputants in reaching an amicable resolution through the use of various techniques.” The Administrative Dispute Resolution Act of 1990 required each Federal agency to establish a policy on ADR use.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records are administrative in nature.

\*Previously approved as temporary:

Item 0007: GRS 2.3, item 011 (DAA-GRS-2015-0007-0002)

Item 0008: GRS 2.3, item 012 (DAA-GRS-2015-0007-0003)

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Retention periods have not changed since these items, with slightly different wording, were approved under DAA-GRS-2015-0007.

**Media Neutrality**

Approved

**Item 0009 (GRS 2.3, item 080): Merit Systems Protection Board (MSPB) case files.**

This new item is in response to a request from NARA’s General Counsel, which was incredulous that the GRS had not already long since addressed these records. Certain types of personnel actions may be appealed to MSPB per the Civil Service Reform Act (5 CFR 1201.3). MSPB holds the official records of any case it adjudicates. But records of and about the case are necessarily created at the agency employing a person who files a complaint with MSPB.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records are administrative in nature. The official records at MSPB are scheduled as temporary under N1-479-93-1, item 1.

**Adequacy of Proposed Retention Period**

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<sup>2</sup> <https://www.eeoc.gov/federal/adr/>, harvested September 27, 2017.

Adequate from the standpoint of legal rights and accountability. The retention mirrors that of informal ADR, labor arbitration, and informal EEO case files. The short retention also reflects the fact that these records are essentially agency copies of records in corresponding case files at MSPB, retained for 7 years per N1-479-93-1.

**Media Neutrality**

Approved

**Item 0010 (GRS 2.3, item 090): Labor arbitration (negotiated grievance procedure) case records.**

Every negotiated labor agreement contains a negotiated grievance procedure (NGP), the exclusive procedure for resolving bargaining unit employee grievances falling within its coverage. NGP allows for the concerns/complaints of employees and the union to be heard and addressed by management. If NGP fails to reach an agreed settlement, the case can proceed to binding arbitration. OPM outlines the NGP process but does not carry out or oversee that process once invoked. Various agency web pages direct which personnel-action case types should be solved using an in-house NGP process *versus* those to be adjudicated through MSPB, EEOC, or OPM.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records are administrative in nature.

\*Previously approved as temporary:

GRS 2.3, item 052 (DAA-GRS-2015-0007-0016)

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. These records were scheduled for 5-year retention in 1977. The 2015 job carried that retention forward. The 1977 appraisal stated that the disposition was based on the Civil Service Commission records schedule for its case files. If NARA appraised that 1977 item today, it would doubtless allow a shorter retention at agencies where NGP is an administrative function than at the agency where it is a mission function (CSC, which was dissolved in 1979). As noted above, there is no longer any central place where all NGP cases are adjudicated. The proposed 3-year retention standardizes NGP cases with other personnel-action cases adjudicated through other, parallel processes.

**Media Neutrality**

Approved

**Item 0011 (GRS 2.3, item 100): Federal Labor Relations Authority (FLRA) case files.**

The FLRA fields unfair labor practice charges, arbitration appeals, and requests for impasse assistance from both agencies and unions.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records are administrative in nature. The “official copy” of most case files (at FLRA, where they document agency mission) are temporary under N1-146-86-1, items 6b, 7, 8b, 9b, 35b, and 36b. It is unnecessary to deem those files’ administrative counterparts as anything other than temporary.

\*Captured elsewhere in permanent records:

N1-146-86-1, items 6a, 8a, 9a, 35a, 36a

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. This time frame matches that of several other items in this schedule documenting similar types of records. The FLRA retains its corresponding case files permanently or for 3 years after close of case, depending on subject matter, per various items in N1-146-86-1.

**Media Neutrality**

Approved

**Item 0012 (GRS 2.3, item 110): EEO discrimination complaint case files: Informal process.**

**Item 0013 (GRS 2.3, item 111): EEO discrimination complaint case files: Formal process.**

Federal staff who feel their employing agency has violated their civil rights by discriminating against them because of their race, children, national origin, religion, sex, age, disability, sexual orientation, gender identity, genetic information, or retaliation for reporting, participating in, and/or opposing a discriminatory practice, may bring a complaint to the Equal Employment Opportunity Commission (EEOC). The EEOC hears cases that originate within private industry workplaces as well.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records are administrative in nature.

\*Previously approved as temporary:

Item 0012: GRS 2.3, item 031 (DAA-GRS-2015-0007-0007)

Item 0013: GRS 2.3, item 032 (DAA-GRS-2015-0007-0008)

Item 0012: GRS 2.3, item 033 (DAA-GRS-2015-0007-0009)

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Retention periods have not changed for two superseded items (former GRS 2.3, items 031 and 032) since approved under DAA-GRS-2015-0007. Retention of the third (former GRS 2.3, item 033) has been increased from 2 to 3 years to bring this small subset of personnel dissatisfactions (EEO case files that did not result in an EEO complaint) into unified retention with every other ruffled-feather situation solved in a low-key, informal fashion.

**Media Neutrality**

Approved

**Item 0014 (GRS 2.3, item 120): Records documenting contractor compliance with EEO regulations.**

This item description is brought forward from DAA-GRS-2015-0007 without edit. The title has been slightly revised (from "EEO compliance review files") for clarity. These records are created because, as noted above, EEOC has authority over both Federal and commercial workplaces. Therefore, it is incumbent on Federal agencies to monitor that their commercial contractors comply with the law.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records are administrative in nature.

\*Previously approved as temporary:

GRS 2.3, item 034 (DAA-GRS-2015-0007-0010)

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Seven-year retention has been in place since 1977.

**Media Neutrality**

Approved

**Item 0015 (GRS 2.3, item 130): Labor management relations agreement negotiation records.**

This item updates former GRS 2.3, item 050, to remove reference to offices responsible for negotiations. This alteration assumes that only such offices are likely to have these records. This item also supersedes former item 051, records held in all other offices (destroy when no longer needed for business), by the following logic. Such material could only exist in the hands of other agency executives tapped to be part of the negotiating team. This material does not belong to the offices to which those loaned executives report. When negotiations conclude, the office responsible for labor relations should retrieve such records as might exist among members of the negotiating team, and consolidate them into a single unit.

**Proposed Disposition**

Temporary

**Appropriateness of Proposed Disposition**

Appropriate

**Appraisal Justification**

\*Has little or no research value. The records are administrative in nature.

\*Previously approved as temporary:

GRS 2.3, item 050 (DAA-GRS-2015-0007-0014)

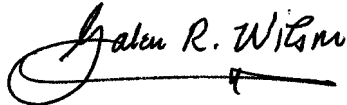
GRS 2.3, item 051 (DAA-GRS-2015-0007-0015)

**Adequacy of Proposed Retention Period**

Adequate from the standpoint of legal rights and accountability. Five-year retention has been in place since 1977.

**Media Neutrality**

Approved



GALEN R. WILSON  
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