

NLRB-21

System name:

Judicial Case Management System-Pending Case List (JCMS-PCL) and Associated Headquarters Files.

Security Classification:

None.

System location:

Records are stored on paper and electronic media at Agency Headquarters, Office of the Executive Secretary, 1099 14th Street, NW., Washington, DC 20570. Additionally, pursuant to the Agency's flexiplace and telecommuting programs, or due to official travel, JCMS-PCL may also be accessed from alternative worksites via the Internet, including employees' homes. Associated Headquarters Files (or copies of such files) also may be temporarily located at alternative worksites. All appropriate safeguards will be taken at these sites.

Category of individuals covered by system:

Individual Respondents in unfair labor practice cases before the members of the National Labor Relations Board ("the Board"); individual Employers in representation cases before the Board; current and former Agency employees assigned to cases.

Categories of records in the system:

(1) Summary information of unfair labor practice and representation cases before the Board (such as names of parties, case status, and Agency personnel assignments) is maintained in an electronic case tracking system, JCMS-PCL.

(2) Associated Headquarters Files are paper records established and maintained for processing unfair labor practice and representation proceedings before the Board. These records include the Official Case Records maintained in the Agency's Headquarters. The paper records are administrative and court records (such as unfair labor practice charges, unfair labor practice complaints and answers, representation petitions, briefs, motions and orders), correspondence, legal research memoranda, and other related documents. These records include the names of parties, and Agency employees assigned to the cases.

JCMS-PCL and Associated Headquarters Files may include parties' home addresses and home telephone numbers, if such information is provided to the Agency. Portions of these records include civil investigatory and law enforcement information.

Authority for maintenance of the system:

29 U.S.C. 159, 160, 161; 44 U.S.C. 3101; and the Government Performance and Results Act of 1993, Pub.L. 103-62, 107 Stat. 285 (codified in sections of Titles 5, 31, and 39 of the U.S. Code).

Purpose:

JCMS-PCL is an electronic case tracking system used by the Offices of the Board (Members and their staffs, the Office of Representation Appeals, the Office of the Solicitor, and the Office of the Executive Secretary) to facilitate the accurate and timely collection, retrieval, and retention of information regarding the processing of unfair labor practice and representation cases before the Board. The information and activities tracked by the system may be generated by the parties' filing of briefs, motions, and other documents, or by deliberative, analytical processes undertaken by Board employees assigned to cases. This database stores current and historical information, and is used to generate data for managing the Agency's case processing and resources, creating the Agency's budget, preparing monthly and annual reports of casehandling activities, and providing requested statistical reports to the public. Limited information from JCMS-PCL is imported into NLRB-25, the Case Activity Tracking System (CATS), which is a system of records that tracks cases for the Agency's Regional Offices. Party and party-representative contact information from JCMS-PCL is also made available to the public on the Agency's Web site at <http://www.nlr.gov>.

Associated Headquarters Files are paper files maintained to adjudicate or otherwise resolve matters handled by the Board. These records include the Official Case Records maintained in the Agency's Headquarters. Other offices of the Agency, including the Division of Judges located at Agency Headquarters and the Division of Enforcement Litigation's Appellate Court Branch, also use these records for case processing purposes. JCMS-PCL and Associated Headquarters Files may also be used to assist in evaluating Agency employees.

Routine uses of records maintained in the system, including, including categories of users and the purpose of such uses:

The standard routine uses applying to this system are listed in the General Prefatory Statement to this document.

Disclosure to consumer reporting agencies:

None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is maintained on paper and electronic media.

Retrievability:

Data may be retrieved by the names of individual Respondents in unfair labor practice cases before the Board; names of individual Employers in representation cases before the Board; names of current and former Agency employees assigned to cases; as well as by non-personal identifiers, such as case numbers assigned by the Agency.

Safeguards:

Access to Agency working and storage areas is restricted to Agency employees who have a need to use the information in order to perform their duties, custodial personnel, Federal Protective Service personnel, and other contractor and security personnel. All other persons are required to be escorted in Agency areas. Associated Headquarters Files are maintained in staffed or locked areas during working hours. The facilities are protected from unauthorized access during non-working hours by the Federal Protective Service or other security personnel. Those Agency Headquarters employees who telecommute and may possess Associated Headquarters Files (or copies of such files) at alternative worksites or who may access JCMS-PCL from alternative worksites are instructed as to keeping such information in a secure manner.

Electronic system-based access controls are in place to prevent data misuse. Access to electronic information is controlled by administrators who determine users' authorized access based on each user's office and position within the office. Access criteria, procedures, controls, and responsibilities are documented and consistent with the policies stated in a memorandum titled "NLRB Access Control Standards, Password Management," and dated January 23, 2002. All network users are also warned at the time of each network login that the system is for use by authorized users only, and that unauthorized or improper use is a violation of law.

Retention and Disposal:

JCMS-PCL information will be retained and disposed of in accordance with appropriate Agency schedules that will be submitted to the National Archives and Records Administration (NARA) for its approval. Associated Headquarters Files are disposed of in accordance with the Agency's Disposition Standards Records, as approved by NARA.

System manager and address:

Executive Secretary, National Labor Relations Board, Room 11600, 1099 14th Street, NW., Washington, DC 20570-0001.

Notification procedures:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, an individual may inquire as to whether this system contains a record pertaining to such individual by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR Sec.102.117a(a) (as newly designated in accompanying proposed amended regulations).

Record access procedure:

For records not exempted under 5 U.S.C. 552a(k)(2) of the Privacy Act, an individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager in accordance with the procedures set forth in 29 CFR Sec. 102.117a(b) and (c) (as newly designated in accompanying proposed amended regulations).

Contesting record procedure:

For records not exempted under 5 U.S.C. Sec. 552a(k)(2) of the Privacy Act, an individual may request amendment of a record in this system pertaining to such individual by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR 102.117a(d) (as newly designated in accompanying proposed amended regulations).

Record source categories:

For records not exempted under 5 U.S.C. Sec. 552a(k)(2) of the Privacy Act, record source categories include parties in unfair labor practice and representation cases; party representatives; witnesses in Board proceedings; and individual Agency employees. Record source categories also include documents relating to the processing of unfair labor practice or representation cases by the Board, such as unfair labor practice charges and complaints, representation petitions, administrative law judge determinations, Board decisions, and decisions from United States courts of appeal. JCMS-PCL also receives electronic data from NLRB-22, JCMS-eRoom.

Exemptions claimed for the system:

Pursuant to 5 U.S.C. 552a(k)(2), the Agency has exempted portions of this system, including records relating to requests pursuant to Section 10(j) of the NLRA (29 U.S.C. 160(j)), requests to pursue federal court contempt proceedings, and certain requests that the Board initiate litigation or intervene in non-Agency litigation, from the following provisions of the Privacy Act: 5 U.S.C. Sec. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).