

NLRB-4

System name:

Claim Records.

Security classification:

None.

System location:

Director, Division of Administration, NLRB, 1099 14th Street, NW, Washington, DC 20570-0001.

Categories of individuals covered by the system:

Individuals filing claims under the Federal Tort Claims Act of 1946; the Military Personnel and Civilian Employees' Claims Act of 1964; claims filed under 41 CFR 101-39.4, Interagency Fleet Management Systems, Accidents and Claims; and claims under contracts with rental car companies.

Categories of records in the system:

Records may include reports of accidents or other events causing damage or loss; data bearing upon the scope of employment of motor vehicle operators; statements of witnesses; claims for damage or loss; investigations of claims, including doctors' reports, if any; police reports; rental agreements; repair estimates; records on disposition of claims; and information related to the above.

Authority for maintenance of the system:

28 U.S.C. 2671 et seq.; 29 U.S.C. 153(d), 154(a) and (b); 31U.S.C. 3701 et seq.

Purpose(s):

These records document the initiation, investigation, and disposition of claims filed with the NLRB.

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

The records, or information contained therein may be disclosed to:

1. The Department of Justice for use in litigation when either:

(a) The NLRB or any component thereof; (b) any employee of the NLRB in his or her official capacity; (c) any employee of the NLRB in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States Government where the NLRB determines that litigation is likely to affect the NLRB or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the NLRB to be relevant and necessary to the litigation, provided that in each case the Agency determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

2. A court, a magistrate, administrative tribunal, or other adjudicatory body in the course of presenting evidence or argument, including disclosure to opposing counsel or witness in the course of civil discovery, litigation, or settlement negotiations, or in connection with criminal law proceedings, when: (a) The NLRB or any component thereof; or (b) any employee of the NLRB in his or her official capacity; (c) any employee of the NLRB in his or her individual capacity, where the NLRB has agreed to represent the employee; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and determines that disclosure is relevant and necessary to the litigation and that the use of such records is therefore deemed by the NLRB to be for a purpose that is compatible with the purpose for which the records were collected.

3. Investigators utilized by the Agency to obtain information relevant to a claim against the Agency.

4. Other agencies, offices, establishments, and authorities, whether Federal, State, or local, authorized or charged with the responsibility to investigate, litigate, prosecute, enforce, or implement a statute, rule, regulation, or order, where the record or information, by itself or in connection with other records or information, indicates a violation or potential violation of law, whether criminal, civil, administrative, or regulatory in nature, and whether arising by general statute, or particular program statute, or by regulation, rule, or order issued pursuant thereto.

5. A Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the written request of the constituent about whom the record is maintained.

6. Individuals who need the information in connection with the processing of an appeal, grievance, or complaint.

7. Officials of labor organizations recognized under 5 U.S.C. Chapter 71, when disclosure is not prohibited by law; and the data is normally maintained by the Agency in the regular course of business and is reasonably available and necessary for full and proper discussion, understanding and negotiation of subjects within the scope of collective bargaining. The forgoing shall have the identical meaning as 5 U.S.C. 7114(b)(4) as interpreted by the FLRA and the courts.

8. An arbitrator to resolve disputes under a negotiated grievance arbitration procedure.

Disclosure to consumer reporting agencies:

None.

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

Storage:

Maintained on forms, documents, and other papers.

Retrievability:

Alphabetically by name.

Safeguards:

Maintained in a file cabinet within the office of the Director, Division of Administration. During duty hours files are under the surveillance of personnel charged with the custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal:

Claims reports involving pecuniary liability are destroyed 10 years after the close of the fiscal year in which final action was taken. All other claims reports are destroyed 3 years after the close of the fiscal year in which final action was taken.

System manager(s) and address:

Director, Division of Administration, NLRB, 1099 14th Street, NW, Washington, DC 20570-0001.

Notification procedures:

An individual may inquire as to whether this system contains a record pertaining to him or her by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR 102.117(f).

Record access procedures:

An individual seeking to gain access to records in this system pertaining to him or her should contact the System Manager in accordance with the procedures set forth in 29 CFR 102.117 (g) and (h).

Contesting record procedures:

An individual may request amendment of a record pertaining to such individual maintained in this system by directing a request to the System Manager in accordance with the procedures set forth in 29 CFR 102.117(i).

Record source categories:

Claimants, investigators, and witnesses.