

NLRB-15

System name: Employee Counseling Services Program Records.

Security classification:

None.

System location:

Personnel Branch, NLRB, 1099 14th Street, NW, Washington, DC 20570.

Categories of individuals covered by the system:

Current and former NLRB employees who have been counseled or otherwise treated for alcohol or drug abuse or for personal or emotional health problems.

Categories of records in the system:

Records in this system include documentation of visits to employee counselors, psychologists, and physicians (Federal, State, local government, or private) and the assessment, diagnosis, recommended treatment, results of treatment, and other notes or records of discussions held with the employee, as well as family members of the employee, which may be made by the counselor. Additionally, records in this system may include documentation of treatment by a private therapist or a therapist at a Federal, State, local government, or private institution.

Authority for maintenance of the system:

5 U.S.C. 7901; 21 U.S.C. 1101 et seq.; 29 U.S.C. 153 (a) and (d), 154.

Purpose(s):

These records are used to document the nature of the individual's problem and progress and to record an individual's participation in and the results of community or private sector treatment or rehabilitation programs.

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

These records and information in these records may be disclosed to:

1. The Department of Justice for use in litigation when either (a) the Agency or any component thereof, or (b) any employee of the Agency in his or her official capacity, or (c) any employee of the Agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or

(d) the United States where the Agency determines that litigation is likely to affect the Agency 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 Agency 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 or other adjudicative body before which the Agency is authorized to appear, when either (a) the Agency or any component thereof, (b) any employee of the Agency in his or her official capacity, (c) any employee of the Agency in his or her individual capacity, where the Agency has agreed to represent the employee, or (d) the United States where the Agency determines that litigation is likely to affect the Agency or any of its components, is a party to litigation or has an interest in such litigation, and the Agency determines that disclosure of the records to a court or other adjudicative body is compatible with the purpose for which the records were collected.

3. Qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient identities in any manner (when such records are provided to qualified researchers employed or contracted by the Agency, all patient identifying information shall be removed).

Note: Disclosure of these records beyond officials of the Agency having a bona fide need for them or to the person to whom they pertain, is rarely made as disclosures of information pertaining to an individual with a history of alcohol or drug abuse must be limited in compliance with the restriction of the Confidentiality of Alcohol and Drug Abuse Patient Records regulations, 42 CFR part 2. Records pertaining to the physical and mental fitness of employees are, as a matter of Agency policy, afforded the same degree of confidentiality and are generally not disclosed.

Disclosure to consumer reporting agencies:

None.

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

Storage:

These records are maintained in file folders.

Retrievability:

These records are retrieved by the name of the individual on whom they are maintained.

Safeguards:

These records are maintained in locked file cabinets labeled confidential with access strictly limited to employees directly involved in the Agency's Employee Assistance Program.

Retention and disposal:

Files are destroyed 3 years after termination of counseling. The records are destroyed by shredding.

System manager(s) and address:

Chief, Special Programs and Services Unit, Personnel Branch, Room 533, NLRB, 1099 14th Street, NW, Washington, DC 20570.

Notification procedure:

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(e).

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(f).

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(h).

Record source categories:

Information in this system of records comes from the individual to whom it applies, the supervisor of the individual if the individual was referred by the supervisor, the Employee Assistance Program Coordinator, or staff member whom records the counseling session, and therapists or institutions providing treatment.