

NLRB-5

System name:

Employment and Performance Records, Attorneys and Field Examiners.

Security classification:

None.

System location:

Office of Executive Assistant, Division of Operations Management; Board Members' Offices; Office of Representation Appeals; Office of the Solicitor, NLRB, 1099 14th Street, NW, Washington, DC 20570-0001. Washington and Field Offices are authorized to maintain the records or copies of the records for current and former NLRB employees of that office. See attached appendix for addresses of the Washington and Field Offices.

Categories of individuals covered by the system:

Current and former Attorneys and Field Examiners in offices under the general supervision of the General Counsel; current and former Attorneys employed on Board Members' Staffs, in the Office of the Solicitor, and in the Office of Representation Appeals.

Categories of records in the system:

Records may include copies of employment applications, copies of personnel records, educational transcripts, resumes, employment interview reports, evaluation reports, career development appraisals, recommendations concerning promotion, copies of the official personnel file, correspondence, memoranda, and other relevant information.

Authority for maintenance of the system:

5 U.S.C. 4301 et seq.; 29 U.S.C. 153(D), 154, 159, 160.

Purpose(s):

These records document employee actions and performance appraisals.

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

2. 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.

3. 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 foregoing shall have the identical meaning as 5 U.S.C. 7114(b)(4) as interpreted by the FLRA and the courts.

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

5. 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.

6. 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.

7. A court, 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 interest in such litigation, and determines that such 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.

Disclosure to consumer reporting agencies:

None.

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

Storage:

Maintained on paper including forms, letters, and memoranda, and on electronic automated media.

Retrievability:

Alphabetically by name.

Safeguards:

Maintained in file cabinets. During duty hours cabinets are under the surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions. Computer records can be accessed only through use of confidential procedures and passwords. Disks are limited to those with access codes and are stored in a locked room during and after duty hours.

Retention and disposal:

Retained and disposed of in accordance with applicable General Records Schedules issued by the National Archives and Records Administration, and the Office of Personnel Management.

System manager(s) and address:

1. Attorneys and Field Examiners under supervision of the General Counsel--Executive Assistant, Division of Operations Management, NLRB, 1099 14th Street, NW., Washington, DC 20570-0001.
2. Attorneys under supervision of a Board Member--Chief Counsel to that Board Member, NLRB, 1099 14th Street, NW, Washington, DC 20570-0001.
3. Attorneys under supervision of the Director, Office of Representation Appeals--Director, Office of Representation Appeals, NLRB, 1099 14th Street, NW., Washington, DC 20570-0001.
4. Attorneys under supervision of the Solicitor--Solicitor, 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 appropriate 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 appropriate 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 appropriate System Manager in accordance with the procedures set forth in 29 CFR 102.117(i).

Record source categories:

The individual, the Personnel Branch, educational institutions, interviewers, evaluators, references, previous employers and supervisors.