

NLRB-7

System name: Grievances, Appeals, Complaints, and Related Litigation Records.

Security classification:

None.

System location:

Records are authorized to be maintained for current and former NLRB employees in all Agency offices.

Categories of individuals covered by the system:

Current and former employees of the Agency.

Categories of records in the system:

Records may include formal or informal grievances, appeals, and complaints, together with information and documents related thereto; letters or notices to the individual; records of hearings when conducted; material placed in the file to support or contradict the decision or determination on such grievance, appeal, or complaint; affidavits or statements; testimonies of witnesses; investigative reports; related correspondence and recommendations; and records on court proceedings, arbitration, or subsequent litigation.

Authority for maintenance of the system:

5 U.S.C. 7101 et seq.; 5 U.S.C. 7501 et seq.; 5 U.S.C. 7701 et seq.; 29 U.S.C. 153(d), 154.

Purpose(s):

These records document the employee grievance process within the NLRB, and also contain material gathered and used in representing the Agency in other appeals, complaints, and litigation.

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

The records, or information therefrom, are disclosed to:

1. Agency officials and employees who have a need for the records or information in the performance of their duties.
2. Individuals who have a need for the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

3. An arbitrator for use in arbitrating a grievance or complaint.
4. The Department of Justice for use in litigation 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 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.
5. 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.
6. Officials of labor organizations recognized under Pub. L. 95- 454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
7. A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the subject individual.
8. The appropriate Federal (including offices of Inspector General), State, or local government agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.
9. Individuals making general requests for statistical information (without personal identification of individuals).

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, letters, memoranda, and other similar papers.

Retrievability:

Alphabetically by name of individual or party filing a grievance, claim, or complaint.

Safeguards:

Access to and use of the records are limited to those persons whose official duties require such access until the records are required to be made public in support of an Agency action or position. These records are maintained in file cabinets which during duty hours are under the surveillance of personnel charged with custody of the records and after duty hours are behind locked doors.

Retention and disposal:

Placed in inactive file when case is closed. Destroyed 3 years after the end of the fiscal year in which the case is closed.

System manager(s) and address:

1. To those employees under supervision of the General Counsel--Deputy General Counsel, NLRB, 1099 14th Street, NW, Washington, DC 20570.
2. To those employees under supervision of the Board--Deputy Executive Secretary, 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 appropriate 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 appropriate 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 appropriate System Manager in accordance with the procedures set forth in 29 CFR 102.117(h).

Record source categories:

Information in this system is obtained from the individual to whom the record pertains; Agency officials; affidavits, statements, and record testimony of individuals; and other documents and memoranda relating to the grievance, appeal, or complaint.