

request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(12) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy stored in file folders, on computers and in handwritten logs for Human Resources. Summary data of records are also maintained in a computerized tracking system.

RETRIEVABILITY:

Records are indexed alphabetically by organization and year.

SAFEGUARDS:

Access to and use of these records are limited to those persons with a "need-to-know" and whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Computers are password protected for individuals with access. All data bases are designed with stringent security measures to control individual users' ability to access and alter records within the system.

RETENTION AND DISPOSAL:

Records are retained for three (3) years after the grievance case is closed, and are then destroyed, as set forth in the General Records Schedule 1, Civilian Personnel Records, Item 30(a).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Labor Relations Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2W300, Washington, DC 20202. See the Appendix at the end of this system notice for additional system managers.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to records regarding you in this system of records,

contact the system manager at the address listed above and follow the steps outlined in the Notification Procedure. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record in this system of records, contact the system manager at the address listed above. Your request must meet the requirements of the regulations at 34 CFR 5b.7, including proof of identity.

RECORD SOURCE CATEGORIES:

Information in this system of records is supplied from the following sources: Directly by the individual filing the grievance, from information supplied by the individual, by testimony of witnesses, employee representatives, Department employees or officials.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix to 18-05-05

Additional System Locations and System Managers

Director, Human Resources Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202.

Employee Relations Team, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2E233, Washington, DC 20202-4737.

U.S. Department of Education, Regional Personnel Office O'Neill Federal Building, 10 Causeway Street, Room 1095 Boston, MA 02222.

U.S. Department of Education, Regional Personnel Office 75 Park Place, 12th Floor, New York, NY 10007.

U.S. Department of Education, Regional Personnel Office 3535 Market Street, Room 16300, Philadelphia, PA 19104.

U.S. Department of Education, Regional Personnel Office 61 Forsyth Street, SW, Suite 18T55, Atlanta, GA 30303.

U.S. Department of Education, Regional Personnel Office 111 N. Canal Street, Room 1084, Chicago, IL 60606.

U.S. Department of Education, Regional Personnel Office 1999 Bryan Street, Suite 2710, Dallas, TX 75201-6817.

U.S. Department of Education, Regional Personnel Office 10220 North Executive Hills Boulevard, 9th Floor, Kansas City, MO 64153.

U.S. Department of Education, Regional Personnel Office 1244 Speer Boulevard, Room 353, Denver, CO 80204-3582.

U.S. Department of Education, Regional Personnel Office 50 United Nations Plaza, Room 207, San Francisco, CA 94102-4987.

U.S. Department of Education, Regional Personnel Office 915 Second Avenue, Room 3388, Seattle, WA 98174-1099.

18-05-06

SYSTEM NAME:

Grievance Records Filed under Procedures Established By Labor-Management Negotiations.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Labor Relations Group, Office of Management, U.S. Department of Education, 400 Maryland Ave., SW., Room 2C136, Washington, DC 20202-4754.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on present and past bargaining unit employees of the Department covered by the Collective Bargaining Agreement between the Department and American Federation of Government Employees Council 252.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a variety of records relating to an employee's grievance filed under procedures established by labor-management negotiations including employee's name, Social Security number, grade, job title, testimony of witnesses, material placed into the record to support the decision, the arbitrator's decision, the arbitrator's report, and a record of an appeal to the Federal Labor Relations Authority.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7101.

PURPOSE(S):

The information in this system is used to make determinations and to document a decision made on a grievance filed by an employee under the negotiated grievance procedures. Information from this system may be used by Department officials for preparing statistical summary or management reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the

Act, under a computer matching agreement.

(1) *Agency Disclosure.* The Department may disclose information from this system to the Office of Personnel Management, Merit Systems Protection Board (including its Office of Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Systems Impasses Panel) to facilitate their administrative or enforcement functions.

(2) *Disclosure for Use by Other Law Enforcement Agencies.* The Department may disclose information to any Federal, State, local, or foreign agency or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility within the receiving entity's jurisdiction.

(3) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, executive order, rule, regulation, or order issued pursuant thereto.

(4) *Freedom of Information Act (FOIA) Advice Disclosure.* The Department may disclose records to the Department of Justice and the Office of Management and Budget if the Department concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(5) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(6) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(7) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

(8) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c) and (d) of this routine use under the conditions specified in those paragraphs:

- (i) The Department of Education, or any component of the Department; or
- (ii) Any Department employee in his or her official capacity; or
- (iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;
- (iv) Any Department employee in his or her individual capacity where the agency has agreed to represent the employee; or
- (v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components;
- (vi) The arbitrator that the Department and AFGE Council 252 contracts to hear arbitration hearings as the result of invocation of arbitration under the collective bargaining agreement between them.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, the

Department may disclose those records as a routine use to the DOJ.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, The Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Parties, counsels, representatives and witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department may disclose those records as a routine use to the party, counsel, representative or witness.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy and a list of individual names is maintained in electronic media.

RETRIEVABILITY:

Records are retrievable by file number which are cross-referenced by individual names.

SAFEGUARDS:

When not in use by authorized persons, these records are stored in metal file cabinets stored within the secured suite of the Labor Relations Group. Access to and use of these records are limited to personnel who have a need for the records in the performance of their duties.

RETENTION AND DISPOSAL:

Records are destroyed 5 years after final resolution of case.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Labor Relations Group, Office of Management, U.S. Department of Education, 400 Maryland Ave., SW., Room 2C136, Washington, DC 20202-4754.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, provide the system manager with your name, approximate date of grievance, and management

component and/or individual against whom the grievance was filed. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to a record in this system, contact the system manager at the above address. Your request must meet the requirements of the at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of records regarding you in this system, contact the system manager at the above address and reasonably identify the record and specify the information contested. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained directly from information supplied by the individual; testimony of witnesses, union officials, or by Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

18-05-07

SYSTEM NAME:

Unfair Labor Practice Records.

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Labor Relations Group, Office of Management, U.S. Department of Education, 400 Maryland Ave., SW., Room 2C136, Washington, DC 20202-4754.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on present and past Department employees and union officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a variety of records relating to an unfair labor practice charge including the employee's name, Social Security number, grade, job title, employment history and a variety of work and personnel records associated with the charges and required under proceedings established by 5 U.S.C. 7101 and Department of Labor Regulations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7101.

PURPOSES:

The information in this system is used in the processing, investigation and litigation of unfair labor practice charges that may be filed by the AFGE Council 252, any of the AFGE Local offices located at Department Headquarters and each of 10 regional offices and by bargaining unit employees of the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Act, under a computer matching agreement.

(1) *Agency Disclosure.* The Department may disclose information from this system to the Office of Personnel Management, Merit Systems Protection Board (including its Office of Special Counsel), Equal Employment Opportunity Commission, and the Federal Labor Relations Authority (including the General Counsel of the Authority and the Federal Systems Impasses Panel) to facilitate their administrative or enforcement functions.

(2) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(3) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c) and (d) of this routine use under the conditions specified in those paragraphs:

- (i) The Department of Education, or any component of the Department; or
- (ii) Any Department employee in his or her official capacity; or
- (iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;

(iv) Any Department employee in his or her individual capacity where the agency has agreed to represent the employee; or

(v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components;

(vi) The arbitrator that the Department and AFGE Council 252 contracts to hear arbitration hearings as the result of invocation of arbitration under the collective bargaining agreement between them.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Parties, counsels, representatives and witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department may disclose those records as a routine use to the party, counsel, representative or witness.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy and a list of individual names are kept on electronic media.

RETRIEVABILITY:

Records are retrievable by file number which are cross-referenced by individual names.

SAFEGUARDS:

When not in use by authorized persons, these records are stored in metal file cabinets stored within the secured suite of the Labor Relations Group. Access to and use of these records are limited to personnel who have a need for the records in the performance of official duties.