

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.

(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.

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 SYSTEMS:

STORAGE:

Records are maintained in hard copy and electronic media after transcription from hard copy.

RETRIEVABILITY:

Records are retrievable by name.

SAFEGUARDS:

Records are stored in electronic databases stored in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

According to the National Archives and Records Administration's General Records Schedules, records are maintained for 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Labor Relations Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, 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 or individual or both 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 regulations 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:

- (1) Supplied directly by the individual, or
- (2) Supplied by union officials, or
- (3) Supplied by Department officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix to 18-05-08

Additional system Locations

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

Informal Dispute Resolution Center, Office of Hearings and Appeals, U.S. Department of Education, L'Enfant Plaza, Room 2100A, Washington, DC 20202.

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

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

Regional Personnel Office, U.S. Department of Education, Wanamaker Building, 100 Penn Square East, Suite 503, Philadelphia, PA 10107.

Regional Personnel Office, U.S. Department of Education, 61 Forsyth Street, SW, Suite 8T55, Atlanta, GA 30303.

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

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

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

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

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

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

18-05-09

SYSTEM NAME:

Voluntary Leave Transfer (VLT) Program.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Director, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2W300, Washington, DC 20202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on Department of Education employees seeking voluntary donations of annual leave from other federal employees in order to cover leave shortfalls brought about by documented medical emergencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of written applications of employees seeking assistance from the program, medical statements certifying need, agency approvals or denials, leave donation records, leave transfer records, supervisor/timekeeper approvals, payroll notification records, leave program termination records, and other related documents. Most of these records contain individual Social Security numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 100-566; 5 CFR 630.913.1.

PURPOSE(S):

The information contained in this system is used for the purposes of determining program eligibility and for documenting voluntary transfers of leave to program recipients.

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) *Program Disclosures.* The Department may disclose records to (1) the Office for Personnel Management in order to respond to requests for information or other official inquiries;

and (2) the staff of the Department of Interior responsible for preparation of payroll documents,

(2) *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.

(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.

(3) *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.

(4) *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.

(5) *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.

(6) *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 the 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.

(7) *Labor Organization Disclosure.* A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(8) *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.

(9) *Contract Disclosure.* If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

DISCLOSURE TO CONSUMER PROTECTION 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 stored in file folders in a manual filing system.

RETRIEVABILITY:

Records are retrievable by name of program recipient.

SAFEGUARDS:

Access to and use of these records are limited to personnel whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for one year after the end of the year in which the file is closed and are then destroyed.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2W300, Washington, DC 20202.

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 regulations 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 provided by the individual to whom it applies, is derived from information he or she supplied or is obtained from information supplied by others.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THIS ACT:

None.

18-05-10

SYSTEM NAME:

General Performance Appraisal System (GPAS).

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Human Resources Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2E300, Washington, DC 20202-4737. See the Appendix at the end of this system notice for additional system locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The U.S. Department of Education (Department), General Performance Appraisal System (GPAS) contains the performance appraisal of all Department employees in General Schedule (GS), General Merit (GM), Administratively Determined (AD), and prevailing rate plans.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Department GPAS software holds two categories of data on employees participating in Department's performance appraisal process. These records include:

(1) Personnel data, such as name, social security number, organizational entity, supervisor, position title, series and grade; and

(2) Performance appraisal data: GPAS Employee Performance Agreement, evaluation standards, list of evaluators, scores and comments.

Hard copies of an employee's GPAS Employee Performance Agreement,

Rating of Record, and any required comments are maintained in an Employee Performance File (EPF). These files are located in cabinets in a locked secure room with Department employees' Official Personnel Folders.

Hard copies of the "Summary Evaluation and Comments Reports", are generated by the GPAS System/Group Administrator. These reports are treated with utmost confidentiality. They are provided to the employee's supervisor and shared with the employee, approving official and with other appropriate management employees on a "need-to-know" basis. The GPAS System/Group Administrator retains a hard copy of the Summary and Comments Reports for each employee for one year.

The GPAS System/Group Administrator maintains hard copies of the feedback and comments reports for one year.

Hard copies of the GPAS Employee Performance Agreement, Rating of Record, and any required comments are maintained in the employee's Employee Performance File for four years.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 43; Title 5, Code of Federal Regulations (CFR), part 430, Performance Management, subparts A and B.

PURPOSE(S):

The information in this system is used to generate feedback reports on employees which are taken into consideration when the employee's supervisor provides the summary rating incorporated in the "Rating of Record," which is the official rating document placed in an employee's Employee Performance File (EPF).

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

The 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 purpose 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) *Employment-Related Disclosures.* The Department may disclose records to Department supervisors and other management personnel on a "need-to-know" basis. The records may be used as a basis for, or in conjunction with,

Reduction-in-Force, performance-based actions, within-grade actions, adverse actions, decisions regarding retention of employees during probationary period, recognition, promotions, reassignments and other appropriate personnel actions. When the Official Personnel Folder (OPF) and EPF of a GPAS employee are sent to another agency or to the National Personnel Records Center, the Servicing Personnel Office shall include all Ratings of Record that are four years old or less, any required comments, and the associated GPAS Employee Performance Agreements in the EPF.

(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 prosecute 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) *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 or 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