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	U. S. DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: PER-32 Transmittal Number: 511 Date: 1/24/89

Subject: Maintenance of Unofficial Personnel Records by Operating Officials

Approval: Title: Deputy Director

1. Purpose. The Privacy Act of 1974 (5 U.S.C. 552a) imposes restrictions and conditions on the maintenance of records containing any information about individuals and that are otherwise subject to the provisions of the Act. The purpose of this directive is to define the unofficial personnel records which may be maintained for personnel management purposes by Office of Surface Mining Reclamation and Enforcement (OSMRE) supervisors, managers, or administrative officers. These records are separate and distinct from the Employee Performance File (EPF), Official Personnel Folder (OPF) and service records maintained by the servicing personnel offices.

2. Definitions. None.

3. Policy/Procedure.

a. Concept. The basic policy on maintenance of unofficial personnel records containing information about an individual is as follows:

(1) Personnel records are maintained with the full knowledge of the employee and must be relevant and necessary for supervisors, managers or administrative officers to perform their required personnel management functions.

(2) Information used in making any determination about an employee must be timely, accurate, relevant, and complete to assure fairness to the employee.

(3) Appropriate administrative, technical, and physical safeguards must be maintained to ensure the security and confidentiality of the information. Whenever personnel records are not under the personal control of an authorized person (e.g, supervisor, manager or administrative officer/assistant), they must be stored in a steel locked filing cabinet, desk, or secured room. A Privacy Act Notice must be posted where the records are maintained.

(4) These records are subject to review by the employee with the following exception:

Recommendations for awards (documentation will be made available to the employee only after final disposition is made of the action).

(5) If an employee makes a formal, written request under the Privacy Act to gain access to, or amend his/her unofficial personnel records, the request must be handled in accordance with the Department's Privacy Act Directive (383 DM 6) and regulation (43 CFR 2, Subpart D). Any proposed denial of access or amendment may be made only by the Personnel Officer (PO) or Servicing Personnel Office (SPO), with the concurrence of the OSMRE Privacy Act Officer [43 CFR 2.64(b) and 2.72(b)]

b. Restrictions. The following specific restrictions are imposed on personnel records being maintained by operating offices:

(1) Information contained in this system will not be disclosed to any Department of the Interior (DOI) employee except those who need the information in carrying out the performance of their official duties. Information will not be disclosed to any source outside the DOI without specific knowledge and prior approval of the employee and servicing personnel office. An accounting of all disclosures outside the Department must be maintained in accordance with 383 DM 7.7 and 43 CFR 2.57. The exception to this is requests under the Freedom of Information Act which must be processed in accordance with departmental regulation 43 CFR Part 2, Subpart B and OSMRE Directive INF-3 dated July 9, 1985.

(2) Information indicated below will not be maintained:

(a) Data relating to race, creed, color, national origin, sex or age; or

(b) Data which describes how an individual exercises his/her rights guaranteed by the First Amendment to the Constitution (i.e, religious, political beliefs, etc.).

(3) Medical information will not be maintained except as it is required to ensure health or safety of the employee or the performance of assigned duties and responsibilities. For example, records on medical or physical limitation which affect an employee's job performance may be maintained.

c. Responsibilities.

(1) The PO and SPOs will serve as the authority for the collection and maintenance of personal information in all personnel systems of records; will issue instructions for their maintenance and use; will assist supervisors and administrative officers in their use; and will periodically review these systems of records to ensure regulatory compliance in their establishment, maintenance, and use.

(2) Operating offices will promptly report any proposed new or changed systems, automated or manual, containing any information on OSMRE employees to the PO and SPO. The report will contain detailed information regarding the content and use of personnel information systems. The PO and SPO will notify the OSMRE Privacy Act Officer of such changes so that the appropriate Privacy Act Systems of Records Notices may be published/revised in the Federal Register.

d. Authorized Records. The following records are established in conformance with the Department of Interior Privacy Act System (Interior/OS-79) and Office of Personnel Management System Notices (OPM/GOVT-1 and 2).

(1) Operating or Supervisory Work Folders. Supervisors or administrative officers having personnel management responsibilities (authority to request or take a personnel action such as recruitment, promotion, evaluation, or disciplinary action) may maintain the records described below.

(a) An unofficial work folder on an employee may be maintained as the supervisor's source of data to initiate request for personnel action to schedule training, etc. The folder may contain personal information and correspondence pertaining to requests of plans for changes in assignment, resumes of pertinent experience and education, performance appraisals, training or career development plans, and other records of this type which are necessary to perform officially required personnel management functions. Copies of permanent personnel records (SF-50, Notification of Personnel Action; SF-171, Application of Federal Employment; SF-182, Request, Authorization, Agreement and Certification of Training) may also be maintained in the work folder.

(b) Supervisory work folders may not be maintained in a SF-66, Official Personnel Folder. The SF-66 is used only by the SPOs.

(c) When an employee leaves OSMRE the supervisory work folder will be screened by the supervisor/manager or administrative officer/assistant to ensure that it contains no material that should be filed in the OPF. Documents determined to be official OPF material, or documents that are questionable will be forwarded to the appropriate SPO for disposition. The work folder is then destroyed in accordance with the requirements of 383 DM 8.8, Disposal of Privacy Act Records and OSMRE Temporary Directive No. 88-16, Records Management Manual, Section 301-07, Duplicate Personnel Files.

(d) When an employee is transferred to another operating office within OSMRE, the supervisory work folder may be forwarded to the new office or destroyed.

(2) Supervisory Discussion Records. A record of significant discussions or events which could result in a future action (such as a commendation, disciplinary action, denial of within-grade-increase, reduction in grade or removal) may be maintained only by the supervisor.

(a) This record should note informal and formal discussions between the supervisor and the employee in chronological order. This information may be used as background and justification for future actions. Notations and comments about the discussions should not be documented without the awareness of the employee. The employee's name must be entered at the top of the document used to record discussions or events. It is recommended, as good management practice, that the employee read and initial the notation. This action documents the fact that the employee is aware of the event and the notation. If the employee refuses to acknowledge the notation, the refusal should be noted with the employee's comments (these comments may be a rebuttal of the supervisor's notations) and witnessed in the presence of the employee if possible.

(b) Subjects of discussions and events that may be documented include, but are not limited to:

1) Employee performance in relation to performance standards (continuing evaluation as well as scheduled reviews);

2) Employee conduct (such as tardiness, leave abuse, or debt complaints);

3) Training and education needs and plans;

4) Career development.

(c) Discussion records are to be destroyed as specified below.

1) When a change in supervisor occurs unless action is pending or anticipated based on the events described in the record. In this case, the documents will be forwarded to the appropriate SPO. The employee must be informed that the notations are being forwarded to the SPO.

2) When the supervisor determines that the records are no longer necessary (e.g., at the end of an annual rating/evaluation period).

e. Records Duplication . It is not intended that the Operating or Supervisory Work Folders be a duplication of the OPF or EPF. The OPF and EPF are the only official repository for: the records and reports of personnel actions and performance standards and appraisals effected during an employee's Federal service; and the documents and papers required in connection with these actions. However, the records in this directive should be disposed of in accordance with OSMRE Temporary Directive No. 88-16, Records Management Manual, Section 301-07, Duplicate Personnel Files.

4. Reporting Requirements. None

5. References.

a. Office of Personnel Management (OPM) Federal Personnel Manual (FPM), Chapter 293, Personnel Records and Files.

b. FPM Supplement 293-31, Basic Personnel Records and Files System.

c. DOI, Departmental Manual, Part 370 DM Chapter 293, Personnel Records and Files.

d. OPM System Notice, OPM/GOVT-1, General Personnel Records.

e. OPM System Notice, OPM/GOVT-2, Employee Performance File System Records.

f. OSMRE Temporary Directive No. 88-16, Records Management Manual.

6. Effect on Other Documents. None

7. Contact. Branch of Personnel Policy and Evaluation (202) 343-1010.