

U.S. Department of Labor

**Office of the Assistant Secretary
for Administration and Management
Washington, D.C. 20210**



FEB 17 2016

Mr. Laurence Brewer
Acting Chief Records Officer for
the United States Government
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408-0001

Dear Mr. Brewer:

In response to the August 24, 2012, joint memorandum from the Office of Management and Budget and the National Archives and Records Administration on Managing Government Records Directive, I am submitting the Department of Labor's Senior Agency Official Annual Report.

Should you have any questions, please have your staff contact Rachel Vera, Departmental Records Management Officer, at 202-693-7289 or dolrecordsmanagementoffice@dol.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Michael Kerr", written over a horizontal line.

T. Michael Kerr
Assistant Secretary for
Administration and Management

Enclosure



Senior Agency Official for Records Management FY 2015 Annual Report

The *Managing Government Records Directive (M-12-18)* requires Senior Agency Officials (SAOs) for Records Management to provide an annual report to NARA. This report demonstrates how your organization is achieving the goals of the *Directive* and other important initiatives as identified by NARA.

NARA uses the reports to determine the overall progress of the Federal Government in meeting the goals of the *Directive*, including implementing proper email management and transitioning to electronic recordkeeping. Additionally, NARA uses the report for information sharing purposes to provide best practices and model solutions with Federal agencies.

The reporting period begins on November 16, 2015, and reports are due back to NARA no later than COB January 29, 2016.

Please note that NARA will post a version of your 2015 SAO report on the NARA website. This action is in the interest of transparency in Government and to promote collaboration and communication among agencies. Please let us know whether there is a specific justification as to why your report cannot be publicly shared (in whole or in part).

Instructions for Reporting

- This template covers progress through fiscal year (FY) 2015.
- Please be brief and precise in your answers. Limit answers to each question to no more than 500 words.
- Please complete the eight questions/items on the following pages and send the report to prmd@nara.gov. Include the words "SAO annual report" and your agency's name in the subject line of the email.
- If you are responsible for records management in multiple agencies, components, or bureaus, please determine how you will submit reports to NARA. While NARA prefers a comprehensive report, you may submit separate reports for each component.

Provide the following information (required):

Name of SAO: T. Michael Kerr

Position title: Assistant Secretary for Administration and Management

Address: U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210

Office telephone number: 202-693-4040

1. What are the agencies, components, or bureaus covered by this report and your position as SAO?

Please list them below:

The Department of Labor (DOL)

1. Adjudicatory Boards (ARB, BRB, ECAB)
2. Administrative Law Judges (OAU)
3. Assistant Secretary for Policy (ASP)
4. Bureau of International Labor Affairs (ILAB)
5. Bureau of Labor Statistics (BLS)
6. Employee Benefits Security Administration (EBSA)
7. Employment and Training Administration (ETA)
8. Office of the Executive Secretariat (Exec. Sec.)
9. Mine Safety and Health Administration (MSHA)
10. Office of the Assistant Secretary for Administration and Management (OASAM)
11. Office of the Chief Financial Officer (OCFO)
12. Office of Congressional and Intergovernmental Affairs (OCIA)
13. Office of Disability Employment Policy (ODEP)
14. Office of Federal Contract Compliance Programs (OFCCP)
15. Office of the Inspector General (OIG)
16. Office of Labor-Management Standards (OLMS)
17. Office of Public Affairs (OPA)
18. Occupational Safety and Health Administration (OSHA)
19. Office of the Solicitor (SOL)
20. Office of Workers' Compensation Programs (OWCP)
21. Veterans' Employment and Training Service (VETS)
22. Women's Bureau (WB)
23. Wage and Hour Division (WHD)
24. Ombudsman

2. Is your agency going to meet the *Directive* goal to manage all email records in an accessible electronic format by December 31, 2016? (*Directive Goal 1.2*)

Yes No

2a) *Provide a list of actions your agency, components, or bureaus have taken to meet this goal. Include specific information on your progress regarding:*

- *establishing formally approved email policies,*
- *use of any automated systems for capturing email,*
- *providing access / retrievability of your email,*
- *establishing disposition practices for agency email (either destroy in agency or transfer to NARA), and*
- *possible implementation of the Capstone approach for applicable agency email.*

DOL formed an interdisciplinary group of subject matter experts (SMEs) (including, SAO Programmatic Support, Office of the Chief Information Officer (OCIO), Records Management, and Office of the Solicitor (SOL)) to explore the email records management requirements, as well as the capabilities of the existing Office365 cloud email platform. After determining what capabilities the system could handle, DOL met with NARA officials. NARA agreed that the system capabilities were compatible with using Capstone.

The 2016 Operating plan includes the following two milestones:

Records Management Milestone: Establish electronic mail management policy and procedures in accordance with M-12-18, Government Records Management Directive.

OCIO: Define and begin to implement an electronic records management plan, enabling DOL agencies to manage permanent and temporary email records in an accessible electronic format in accordance with M-12-18, Government Records Management Directive.

This group has established the technical requirements for implementation of Capstone and is in the process of establishing the policy and procedures for the use of Capstone Department-wide.

- 2b) *Provide a list of the actions your agency, components, or bureaus plan to take in 2016 to meet this goal.*

OASAM/Records Management and OCIO will provide policy guidance and training on the transition to and implementation of the Capstone approach to email retention and records management. Agency Records Officers will identify their agency's Capstone official's positions by completing and submitting Form NA 1005 to the DOL Records Officer.

OCIO will update the Initial Network Access Request and Permanent Account Deletion Request Forms. Going forward, Agency Records Officers must sign these OCIO Forms when an agency requests the creation and deletion of a DOL network account. Agency Records Officers must ensure that the email accounts for employees are designated according to the role-based retention categories of three (3), seven (7) or fifteen (15) year retentions, and when employment concludes, emails will be retained in compliance with the appropriate retention periods.

OASAM/Records Management will incorporate the above-mentioned changes to DOL's email retention and records management policy and practices into a revised DLMS 1, Records Management, Chapter 400 – Records Management Program, Section 431. Email Records.

3. Has your agency taken actions to implement the 2014 amendments to the *Federal Records Act* requiring Federal employees to copy or forward electronic messages (including email, texts, chats, and instant messaging) that are federal records from their non-official accounts to official accounts within 20 days?

Yes No

Please provide a brief description of the actions taken, such as establishing policies and providing training.

- On December 22, 2014, the Departmental SAO emailed all DOL employees addressing the new changes to the Federal Records Act Amendments of 2014 (PL 113-187).
- On December 22, 2014, the policy "Use of Personal Email Accounts" was posted on DOL's intranet site, Labornet.
- On January 21, 2015, the Departmental Records Officer addressed all agency records officers on the new changes to the Federal Records Act during their formal monthly meeting.

- On June 6, 2015, the Departmental Records Officer updated the formal training slides for the New Employee Briefing to add the new changes to the Federal Records Act.

4. Describe your agency's internal controls for managing electronic messages (including email, texts, chats, and instant messaging) of the agency head and other executives (including appropriate advisers, and other senior management staff).

- On January 25, 2013, Guidelines Governing Disposition of Federal Records when Leaving the Department of Labor was revised and issued to all Agency Heads and Agency Records Officers. These guidelines provide records transfer, disposal, and obtaining copies of records procedures when senior officials are planning to leave the Department that must be addressed to departing personnel by the Departmental or Agency Records Officer. The guidelines provide forms to document the appropriate actions taken.
- On August 8, 2014, the Department of Labor Manual Series (DLMS) 1 – RECORD MANAGEMENT, Chapter 400 – Records Management Program, Section 429 provides guidance on Electronic Records and Information Systems. Current policy guidance states: “At this time DOL has determined Instant Messaging will not be used to create records.” The instant messaging has been disabled from capturing chatting history from employee accounts.
- In June 2015, the Departmental Records Officer updated the formal training slides for the New Employee Briefing to address Social Media and later with the Presidential and Federal Records Act Amendments of 2014.
- In April 2015, the Departmental Records Officer updated DOL's annual Records Management Training for Everyone to address email records and records of departing personnel.

5. Is your agency going to meet the *Directive* goal to submit records schedules to NARA for all existing paper and other non-electronic records by December 31, 2016? (*Directive Goal 2.5*)

Yes No

5a) *Provide a list of the actions your agency, components, or bureaus have taken to meet this goal.*

Currently, the Department of Labor has over 250 approved agency records schedules and approximately 35 new schedules in various phases of their coordination and approval process.

Over the last 3 years, records management staff have identified 141 transfers stored at the Federal Records Centers comprised of approximately 3,516 cubic feet of unscheduled records. All records have been mapped to their approved schedules or are now currently being scheduled through the Electronic Records Archives (ERA).

5b) *Provide a list of the actions your agency, components, or bureaus plan to take in the future to meet this goal.*

The Departmental and Agency Records Officers will continue to provide guidance and assistance through monthly meetings, office visits, hands on training, and periodical reviews.

While some of our agencies are fully compliant with the requirement, some agencies have hired contact support to augment their records staff to meet the requirement. While the remaining agencies have decided to work with the Departmental Records Officer to obtain the training and tools required to meet the December 31, 2016 deadline.

6. Is your agency going to meet the *Directive* goal to manage all permanent electronic records in an electronic format by December 31, 2019? (*Directive Goal 1.1*)

Yes No

6a) *Provide a list of the actions your agency, components, or bureaus have taken to meet this goal. Include specific information on your progress regarding:*

- *establishing formally approved electronic records policies,*
- *use of any automated systems for capturing electronic records,*
- *providing access / retrievability of your electronic records, and*
- *establishing disposition practices for agency electronic records.*

In addition to meeting regularly with interdisciplinary group of Subject Matter Experts (SMEs), the Department's Records Management Office has initiated the revision of the

Department's records management directive DLMS 1 – RECORD MANAGEMENT, Chapter 400 – Records Management Program, (last revised: August 8, 2014). The pending revision will include capturing of electronic records, access, retrievability, and disposition. SME support will also determine the requirements for access to these records based upon roles and responsibilities of employees. This will also assist the Department in meeting goals identified in Question 2a.

6b) *Provide a list of the actions your agency, components, or bureaus plan to take in the future to meet this goal.*

DOL's interdisciplinary group of SMEs identified in Question 2a will continue to meet regularly in order to identify and leverage the existing capabilities to help support, establish and validate processes available to manage all permanent electronic records, electronically, wherever possible. Additionally, the group will determine the approximate amount of data storage required based upon current document load, identify an appropriate repository for long-term storage (cloud, removable storage, pre-accessioning to NARA etc.), user permissions and responsibilities, legal hold and search perimeters, as well as the cost analysis of the required budgetary resources.

7. Please provide any insight to your agency's efforts to implement the *Managing Government Records Directive* and the transition to a digital government.

Provide a brief description, including any positive or negative outcomes, challenges, and other obstacles.

DOL has numerous challenges which include:

- Funding shortfall and limited resources to purchase, establish and train personnel to use a Records Information Management System;
- Agency Records Officer turnover which affects continuity;
- Updating over 250 agency records schedules to be media neutral;
- Providing guidance on alternatives for the preservation of emails;
- Establishing standard measures and controls to ensure email records are being preserved accordingly throughout DOL agencies; and
- Establishing a standard process to periodically audit email accounts throughout DOL agencies

8. With regard to records management, is your agency preparing for the upcoming change in Presidential administration?

Yes No

- 8a) *Provide a list of the actions your agency, components, or bureaus have taken to ensure records of departing senior officials will be appropriately managed during the upcoming change in Presidential administration.*

The Department has written policy “Guidelines Governing Disposition of Federal Records when Leaving the Department of Labor” that applies to all agencies assigned. The Department’s Records Management Office validates that agencies are meeting their departure briefing requirements at least annually by requesting required forms indicating when the briefing took place and any other information related to the transfer or release of records.

- 8b) *Provide a list of the actions your agency, components, or bureaus plan to take in the future to ensure records of departing senior officials will be appropriately managed during the upcoming change in Presidential administration, including ensuring that federal records are not improperly removed from the agency.*

The Department’s Records Management Office will continue to monitor agencies in the departure requirements and work with the Office of the Solicitor and the Office of the Chief Information Office in continual improvement in the capture of these official records. Additionally, the Departmental Records Officer has begun the process of updating the DLMS 1 – RECORD MANAGEMENT, Chapter 400, Records Management Program, to include updated policy and guidance necessary to enhance to the records management program.