

GRS 2.8, Employee Ethics Records

This file contains three documents. The Draft Schedule contains the proposed text of the new GRS in publication format. The Draft Appraisal Memorandum provides additional background explanation and includes the appraiser's justification for the retention decisions proposed in the schedule. Also included are drafts of new questions to be added to the current FAQ.

THE SCHEDULE IS NOT APPROVED FOR USE.

National Archives and Records Administration
Office of the Chief Records Officer
GRS Team
January 24, 2025

GENERAL RECORDS SCHEDULE 2.8: Employee Ethics Records

This schedule covers records documenting the activities of executive branch agency ethics program offices.

Definitions

Final action: The last action taken on a record before the disposition clock begins. It is sometimes referred to as the cutoff. For example, an ethics officer making a final determination is the final action regarding an employee's request for outside employment approval. Agency ethics officials are responsible for implementing the appropriate final action for each record type. **See the GRS 2.8 Frequently Asked Questions for further guidance on identifying the final actions for records covered by this schedule.**

Exclusions:

1. Records pertaining to the legislative branch and judicial branch ethics programs.
2. Records related to the Hatch Act, the Whistleblower Protection Act, procurement integrity, and other areas often associated with, but not expressly under, the authority of executive branch ethics programs.
3. Consolidated lists of financial disclosure report filers, lists of individuals requesting outside employment and activities approval, and other types of ethics-related consolidated or summarized lists. Ethics-related lists that are used solely for the purpose of tracking and controlling ethics records should be disposed of in accordance with GRS 4.1.010, Tracking and Control Records. Lists that are used for purposes other than tracking and controlling ethics records should be disposed of in accordance with the disposition for the underlying records as listed in this schedule or as otherwise scheduled.
4. Ethics training records. Use GRS 2.6.020, Employee Training Records.
5. This schedule does not apply to records the OGE creates and receives for government-wide oversight purposes. It does apply to their own agency ethics office records.

Item	Records Description	Disposition Instruction	Disposition Authority
010	General ethics program records Records created and maintained to coordinate and manage an agency's ethics program. Records relate to the development, review, implementation, and interpretation of proposed or established executive branch standards of ethical conduct and other ethics regulations; conflict of interest and other ethics-related statutes and Executive Orders; and any agency supplemental standards of ethical conduct and other agency ethics-related regulations and directives. Includes but is not limited to:	Temporary. Destroy 6 years after final action, but longer retention is authorized if required for business use.	DAA-GRS-2024-XXXX-XXXX

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Item	Records Description		Disposition Instruction	Disposition Authority
	<ul style="list-style-type: none">Records documenting the review of proposed or established ethics-related statutes and regulations by ethics program officials, including copies of proposed legislation, comments, and all related records.Determinations, including advice and counseling to individual employees, and supporting records.Records relating to requests under agency supplemental standards of ethical conduct for prior approval of outside employment and activities. <p><i>Supersedes:</i> <i>DAA-GRS-2016-0006-0001 (GRS 2.8, item 010) - 6 years</i></p>			
020	No change			
030	No change			
031	Reports of payments accepted from non-federal sources	<p>Supporting documentation Documentation, such as statements and forms, used to complete the submitted reports.</p> <p>Note: This item applies when supporting documentation is managed separately from the related records. If supporting documentation is filed with the related records, the supporting documentation should be destroyed along with the related records.</p> <p><i>Supersedes:</i> <i>DAA-GRS-2014-0005-0004 (GRS 2.8, item 031) - 1 year</i></p>	Temporary. Destroy 1 year following submission of the report to OGE, but longer retention is authorized if required for business use.	DAA-GRS-2024-XXXX-XXXX

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Item	Records Description		Disposition Instruction	Disposition Authority
040	No change			
050	Ethics program review records Records relating to OGE reviews of agency compliance with executive branch ethics laws and regulations in areas such as financial disclosure, education and training, and advice and counseling. This includes OGE program review reports, notes and background materials produced during OGE program reviews, agency 60-day response letters, and other follow-up records sent to OGE on the resolution of program deficiencies. <i>Supersedes:</i> <i>DAA-GRS-2014-0005-0006 (GRS 2.8, item 050) - 6 years</i>		Temporary. Destroy 6 years after final action, but longer retention is authorized if required for business use.	DAA-GRS-2024-XXXX-XXXX
060	Financial disclosure forms and reports Executive Branch Personnel Financial Disclosure Forms and Reports (public and confidential), filed in accordance with the Ethics in Government Act, as amended (5 U.S.C. § 131), including the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act) (Pub. L. 112-105). Includes, but is not limited to: <ul style="list-style-type: none">● OGE Form 278 (formerly SF 278),● OGE Form 278e,● OGE Form 450,● OGE Optional Form 450-A,● OGE Optional Form 450 reports,● Alternative or additional financial disclosure reports and related records.	Individuals not confirmed by the U.S. Senate Legal Citation: 5 U.S.C. § 13107, 5 CFR 2634.603 and 5 CFR 2634.604 <i>Supersedes:</i> <i>DAA-GRS-2014-0005-0007 (GRS 2.8, item 060) - 1 year</i> <i>DAA-GRS-2014-0005-0011 (GRS 2.8, item 070) - 1 year</i> <i>DAA-GRS-2014-0005-0013 (GRS 2.8, item 080) - 1 year</i>	Temporary. Destroy 1 year after final action. Records may be kept longer if needed for active investigation. This disposition instruction is mandatory; deviations are not allowed.	DAA-GRS-2024-XXXX-XXXX
061		All other reports, including for individuals confirmed by the U.S. Senate Legal Citation: 5 U.S.C. § 13107, 5 CFR 2634.603, 5 CFR 2634.604, and 5 CFR 2634.905	Temporary. Destroy 6 years after final action. Records may be kept longer if needed for active investigation. This disposition instruction is mandatory; deviations are not allowed.	DAA-GRS-2024-XXXX-XXXX

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Item	Records Description		Disposition Instruction	Disposition Authority
		<i>Supersedes:</i> <i>DAA-GRS-2014-0005-0008 (GRS 2.8, item 061) - 6 years</i> <i>DAA-GRS-2014-0005-0012 (GRS 2.8, item 071) - 6 years</i> <i>DAA-GRS-2014-0005-0013 (GRS 2.8, item 072) - 6 years</i> <i>Supersedes:</i> <i>DAA-GRS-2014-0005-0015 (GRS 2.8, item 081) - 6 years</i>		
062		Periodic transaction reports OGE 278-T forms filed by reporting individuals in accordance with the STOCK Act of 2012, and related records. Note: if the reports are filed with related records, such as an OGE Form 278, then they should be destroyed along with the related records. Legal Citation: STOCK Act, Pub. L. 112-105 <i>Supersedes:</i> <i>DAA-GRS-2014-0005-0009 (GRS 2.8, item 062) - 7 years</i>	Temporary. Destroy 7 years after receipt. This disposition instruction is mandatory; deviations are not allowed.	2DAA-GRS-2024-XXXX-XXXX
063	No change			
070	SUPERSEDED (Confidential financial disclosure reports: not confirmed by the US Senate) [DAA-GRS-2014-0005-0012 will be superseded by GRS 2.8, item 060.]			

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Item	Records Description		Disposition Instruction	Disposition Authority
071	SUPERSEDED (Confidential financial disclosure reports: all other reports) [DAA-GRS-2014-0005-0013 will be superseded by GRS 2.8, item 061.]			
072	SUPERSEDED (OGE Optional Form 450-A Reports) [DAA-GRS-2014-0005-0013 will be superseded by GRS 2.8, item 061.]			
080	SUPERSEDED (Alternative or additional financial disclosure reports and related records: not confirmed by the US Senate) [DAA-GRS-2014-0005-0014 will be superseded by GRS 2.8, item 060.]			
081	SUPERSEDED (Alternative or additional financial disclosure reports and related records: all other reports) [DAA-GRS-2014-0005-0015 will be superseded by GRS 2.8, item 061.]			
090	Financial disclosure supporting documentation Supporting documentation used to review and verify the filer's report submission. Includes records such as: <ul style="list-style-type: none">• reviewer's notes• background research reports• memorialized verbal comments of filer in response to reviewer questions <i>Supersedes:</i> <i>DAA-GRS-2014-0005-0016 (GRS 2.8, item 090) - 6 years</i>		Temporary. Destroy 6 years after the individual has filed their final financial disclosure report. Records may be kept longer if needed for active investigation.	DAA-GRS-2024-XXXX-XXXX
100	Ethics agreements records Records documenting the review and issue of ethics agreements used to remedy the appearance of potential or actual financial conflicts of interest. Includes: <ul style="list-style-type: none">• review of recusals, resignations, reassignments, and divestitures• determinations• authorizations• waivers• waivers of disqualifications	Agreements for employees who do not file financial disclosure reports <i>Supersedes:</i> <i>DAA-GRS-2014-0005-0017 (GRS 2.8, item 100) - 6 years</i>	Temporary. Destroy 6 years after final action. Records may be kept longer if needed for active investigation. Longer retention is authorized if needed for business use.	DAA-GRS-2024-XXXX-XXXX
101		Agreements for employees who file financial disclosure reports. <i>Supersedes:</i>	Temporary. Destroy when the final financial disclosure report is destroyed. Records may be kept longer if needed for active investigation.	DAA-GRS-2024-XXXX-XXXX

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Item	Records Description		Disposition Instruction	Disposition Authority
	Note: Ethics Pledges and associated waiver certifications are filed in the political appointee's Official Personnel Folder or equivalent folder.	<i>DAA-GRS-2014-0005-0018 (GRS 2.8, item 101) - with related records</i>	Longer retention is authorized if needed for business use.	
110	Legal Expense Fund (LEF) Records Records documenting the creation and termination of trusts, and reporting of contributions and expenditures under the Legal Expense Fund (LEF) program. Legal Citation: 5 C.F.R. 2635.1004-1008	LEF trusts that are approved Filings that include the acceptance of a final trust document.	Temporary. Destroy 7 years after trust termination, but longer retention is authorized if required for business use.	DAA-GRS-2024-XXXX-XXXX
111		LEFs that are denied or withdrawn Filings that are withdrawn or denied prior to the acceptance of a final trust document.	Temporary. Destroy 3 years after denial or withdrawal, but longer retention is authorized if required for business use.	DAA-GRS-2024-XXXX-XXXX
120	Certificates of Divestiture Records documenting the review and issuance of Certificates of Divestiture. Legal Citation: 5 C.F.R. part 2634, subpart J	Requests that are approved	Temporary. Destroy 6 years after approval, but longer retention is authorized if required for business use.	DAA-GRS-2024-XXXX-XXXX
121		Requests that are denied or withdrawn	Temporary. Destroy 3 years after denial or withdrawn status, but longer retention is authorized if required for business use.	DAA-GRS-2024-XXXX-XXXX



Office of the Chief
Records Officer for the
U.S. Government

Date: December 2, 2024
Appraiser: ACR
Agency: General Records Schedules (GRS)
Subject: DAA-GRS-2025-000X

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INTRODUCTION

Schedule Subject

GRS 2.8, Employee Ethics Records

Additional Background Information

NARA is revising GRS 2.8, Employee Ethics Records, to create new items for the records of two programs that fall under the oversight of the Office of Government Ethics (OGE): Legal Expense Fund (LEF) records and Certificates of Divestiture. The items will cover those records managed in individual agency Ethics' Offices.

Additionally, this schedule revises multiple other items to establish machine implementable final disposition authority language, and to merge items that are similar and have the same final disposition. Other minor administrative changes are also proposed, as outlined below.

As with earlier iterations of GRS 2.8, this schedule does not apply to the program records of the OGE. Copies of the same records filed with OGE for oversight purposes will need to be scheduled on an OGE agency schedule.

The appraiser consulted with the OGE in the drafting of this schedule.

Overall Recommendation

Approval of the attached schedule is recommended based on NARA Directive 1441 Appraisal Policy of the National Archives and Records Administration.

APPRAISAL

Item 0001 (GRS 2.8, 010): General Ethics Program Records

Item 0002 (GRS 2.8, 031): Reports of payments accepted from non-federal sources - Supporting Documentation

Item 0003 (GRS 2.8, 050): Ethics Program Review Records

Item 0006 (GRS 2.8, 062): Financial disclosure forms and reports - Periodic Transaction Reports

Item 0007 (GRS 2.8, 090): Financial disclosure supporting documentation

Item 0008 (GRS 2.8, 100): Ethics Agreements Records - Agreements for employees who do not file financial disclosure reports

Item 0009 (GRS 2.8, 101): Ethics Agreements Records - Agreements for employees who file financial disclosure reports

Proposed Disposition: Temporary

Appropriateness of Proposed Disposition: Appropriate.

Superseded items:

- DAA-GRS-2016-0006-0001 (GRS 2.8, item 010): General Ethics Program Records
- DAA-GRS-2014-2005-0004 (GRS 2.8, item 031): Reports of payments accepted from non-federal sources - Supporting Documentation
- DAA-GRS-2014-0005-0006 (GRS 2.8, item 050): Ethics Program Review Records
- DAA-GRS-2014-0005-0009 (GRS 2.8, item 062): Public Financial Disclosure Forms - Periodic Transaction Reports
- DAA-GRS-2014-0005-0016 (GRS 2.8, item 090): Financial disclosure supporting documentation
- DAA-GRS-2014-0005-0017 (GRS 2.8, item 100): Ethics Agreements Records - Agreements for employees who do not file financial disclosure reports
- DAA-GRS-2014-0005-0018 (GRS 2.8, item 101): Ethics Agreements Records - Agreements for employees who file financial disclosure reports.

Reason for rescheduling: NARA is rescheduling these items to clean up the final disposition language, primarily to establish machine implementable language. Some additional administrative changes were also made, including updating legal citations and creating new notes for implementation clarity.

Appraisal Justification:

- The records do not meet the appraisal criteria for permanent preservation. The records relate to the day-to-day operation of an administrative activity in federal agencies related to personnel ethics matters.
- Records have been previously appraised as temporary.

Adequacy of Proposed Retention Period: Adequate from the standpoint of legal rights and accountability. The final dispositions of these items have not fundamentally changed; they have been updated to establish machine implementable language, primarily to change the trigger to “final action.”

Media Neutrality: Approved.

Item 0004 (GRS 2.8, 060): Financial Disclosure Forms and Reports - Individuals not confirmed by the U.S. Senate

Item 0005 (GRS 2.8, 061): Financial Disclosure Forms and Reports - All other reports, including for individuals confirmed by the U.S. Senate

Proposed Disposition: Temporary

Appropriateness of Proposed Disposition: Appropriate.

Superseded items:

- DAA-GRS-2014-0005-0007 (GRS 2.8, 060): Public financial disclosure reports - Reports for individuals filing in accordance with the Ethics in Government Act, as amended (5 U.S.C. app.), including the Stop Trading on Congressional Knowledge Act of 2012 (STOCK Act) (Pub. L. 112-105), and not subsequently confirmed by the U.S. Senate
- DAA-GRS-2014-0005-0011 (GRS 2.8, 070): Confidential financial disclosure reports - Reports for individuals not subsequently confirmed by the U.S. Senate
- DAA-GRS-2014-0005-0013 (GRS 2.8, 080): Alternative or additional financial disclosure reports and related records - Reports for individuals not subsequently confirmed by the U.S. Senate
- DAA-GRS-2014-0005-0008 (GRS 2.8, 061): Public financial disclosure reports - all other reports
- DAA-GRS-2014-0005-0012 (GRS 2.8, 071): Confidential financial disclosure reports - all other reports
- DAA-GRS-2014-0005-0013 (GRS 2.8, 072): OGE Optional Form 450-A reports
- DAA-GRS-2014-0005-0015 (GRS 2.8, 081): Alternative or additional financial disclosure reports and related records - all other reports

Reason for rescheduling: The current version of GRS 2.8 separates out non-public filings from public filings. The new version merges these together, along with other related reports, since they all had the same final disposition. The proposed new language is also now machine implementable.

Appraisal Justification:

- The records do not meet the appraisal criteria for permanent preservation. The records relate to the day-to-day operation of an administrative activity in federal agencies related to personnel ethics matters.
- Records have been previously appraised as temporary.

Adequacy of Proposed Retention Period: Adequate from the standpoint of legal rights and accountability. The final dispositions of these items have not fundamentally changed; they have been updated to establish machine implementable language, primarily to change the trigger to “final action.”

Media Neutrality: Approved.

Item 0010 (GRS 2.8, item 110): Legal Expense Fund (LEF) Records - LEF trusts that are approved

Item 0011 (GRS 2.8, item 111): Legal Expense Fund (LEF) Records - LEFs that are denied or withdrawn

The LEF program was established by law in 2023 under the oversight of the OGE. These records facilitate the reporting of the establishment of legal funds to support public officials during litigation related to their official duties. Similar to the other records on GRS 2.8, these records will be found government-wide, and are appropriate for inclusion on this GRS.

Proposed Disposition: Temporary

Appropriateness of Proposed Disposition: Appropriate.

Superseded items:

- N/A

Reason for rescheduling:

Appraisal Justification:

- The records do not meet the appraisal criteria for permanent preservation. The records relate to the day-to-day operation of an administrative activity in federal agencies related to personnel ethics matters. Records document routine administrative functions, rather than an agency's core mission. LEF records cover a government-wide program, and may be found within all federal agencies.

Adequacy of Proposed Retention Period: Adequate from the standpoint of legal rights and accountability. Since LEF records are financial in nature, NARA and OGE agreed that a 7 year retention of approved trusts was appropriate, as it is in line with the need to maintain such records for audit purposes. The 3 years for withdrawn files was agreed upon to meet general business needs and aligns with other types of records that are never fully acted upon; it meets the business needs in case another filing occurs within that time period.

Media Neutrality: Approved.

Item 0012 (GRS 2.8, item 120): Certificates of Divestiture - Requests that are approved**Item 0013 (GRS 2.8, item 121): Certificates of Divestiture - Requests that are denied or withdrawn**

Although not a new program, these records were identified as missing from the GRS during reappraisal, and determined to be appropriate for inclusion due to their government-wide prevalence. These records document instances where an agency can direct an employee to sell, or otherwise divest, an asset in order to avoid a conflict of interest or the appearance of one.

Proposed Disposition: Temporary

Appropriateness of Proposed Disposition: Appropriate.

Superseded items:

- N/A

Reason for rescheduling:

Appraisal Justification:

- The records do not meet the appraisal criteria for permanent preservation. The records relate to the day-to-day operation of an administrative activity in federal agencies related to personnel ethics matters. Records document routine administrative functions, rather than an agency's core mission. Certificates of Divestiture are government-wide in use and filings, and may be found within all federal agencies.

Adequacy of Proposed Retention Period: Adequate from the standpoint of legal rights and accountability. The dispositions are based on OGE internal analysis of the business needs to maintain these records within agency ethics offices, especially since these records have been created for years now. NARA agrees that it protects agencies and individuals appropriately.

Media Neutrality: Approved.

Frequently Asked Questions about GRS 2.8, Employee Ethics Records

Updated: March 2025

1. What is the “final action” described in the disposition instructions?

While agency ethics officers should know what the final action for each record type is based on OGE guidance and regulatory requirements, the chart below is provided to assist agencies with implementation. It further defines the final action for items and series on this GRS.

<i>Item</i>	<i>Specific Record Type</i>	<i>What are the Final Actions?</i>
010	Records documenting the review of proposed or established ethics-related statutes and regulations by ethics program officials, including copies of proposed legislation, comments, and all related records.	1) The ethics regulatory review has concluded; <u>and</u> 2) Any active investigation has ceased.
	Determinations, including advice and counseling to individual employees, and supporting records.	1) The provision of advice was provided to the employee; <u>and</u> 2) Any active investigation has ceased.
	Records relating to requests under agency supplemental standards of ethical conduct for prior approval of outside employment and activities.	1) A determination regarding outside employment was made; <u>or</u> 2) A determination regarding outside employment is no longer in effect or applicable; <u>and</u> 3) Any active investigation has ceased.
050	Ethics program review records	1) All outstanding ethics program review deficiencies have been resolved; <u>or</u> 2) The documentation for the next program review has been filed.
060	Financial disclosure forms and reports,	1) The nominee is no longer under

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	Individuals not confirmed by the U.S. Senate: OGE Form 278 (formerly SF-278), OGE Form 278e, OGE Form 450, OGE Optional Form 450-A	consideration for the position; <u>and</u> 2) Any active investigation has ceased.
061	Financial disclosure forms and reports, All other reports, including those Individuals confirmed by the U.S. Senate: OGE Form 278 (formerly SF-278), OGE Form 278e, OGE Form 450, OGE Optional Form 450-A	1) The OGE 278, OGE Form 278e, OGE Form 450, and / or OGE Form 450-A have been received by the agency; <u>and</u> 2) The nominated individual was confirmed by the U.S. Senate; <u>and</u> 3) Any active investigation has ceased.
	Financial disclosure forms and reports, All other reports, including those individuals confirmed by the U.S. Senate: OGE Optional Form 450 Reports.	1) The OGE Optional Form 450 Report has been received by the agency in association with the OGE Form 450-A; <u>and</u> 2) The nominated individual was confirmed by the U.S. Senate; <u>and</u> 3) Any active investigation has ceased.
100	Ethic Agreement Records: Agreements for employees who do not file financial disclosure reports	1) The waiver or other agreed-upon determination or action has been issued or undertaken; <u>or</u> 2) The agreement is no longer in effect; <u>and</u> 3) Any active investigation has ceased.

2. Why do items 060 and 061 include both public and confidential records and reports?

The GRS is primarily concerned with final disposition. Although they may have differing access restrictions, the record types themselves are generally the same and have the same final disposition and retention period whether public or confidential.

Agencies are still responsible for adhering to other regulations and requirements related to confidential reports, and must protect those records that are confidential appropriately. As such, public and confidential records should still be managed separately, even with the common disposition authority number.

3. Items 031 and 090 pertain to “supporting documentation.” What if we file the supporting documentation with the related records?

If your agency is filing the supporting documentation with the related records, you may either dispose of them along with the related records (according to the disposition authority for the related records) or dispose of them according to the individual “supporting documentation” item. This supports the varying ways that agencies may be managing these types of records.

4. Who can we contact for more information or clarification?

Questions about the GRS itself should be directed to GRS_Team@nara.gov. Questions about the Office of Government Ethics (OGE), their oversight, and their requirements, should be directed to that agency.