

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

TO: **GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408**

1. FROM (AGENCY OR ESTABLISHMENT)
Merit Systems Protection Board

2. MAJOR SUBDIVISION

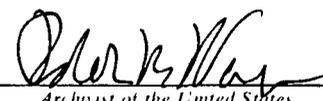
3. MINOR SUBDIVISION

4. NAME OF PERSON WITH WHOM TO CONFER

Lois Schwartz

5. TEL EXT

653-7159

LEAVE BLANK	
JOB NO	NCL-146-85-2
DATE RECEIVED	1-31-85
NOTIFICATION TO AGENCY	
In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10	
<u>3/27/85</u> Date	 Archivist of the United States

6. CERTIFICATE OF AGENCY REPRESENTATIVE

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 8 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

A Request for immediate disposal.

B Request for disposal after a specified period of time or request for permanent retention.

C. DATE <u>1/31/85</u>	D. SIGNATURE OF AGENCY REPRESENTATIVE 	E. TITLE Clerk of the Board
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7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>The attachment consists of a comprehensive listing of MSPB program records for which disposition authority is requested. The case files described in items 8, 9, 11 and 12 will contain a small number of cases which set forth new principles of law or policy or are of unusual significance or public interest. The selection of these cases for retention as Federal Archives will be made by the Deputy Clerk (Legal) of the Board at the time of issuance of the Board's Final Order. The Deputy Clerk (Legal) will be guided in his/her determination by the Board's indication of whether the final decision is to be issued under the Clerk's signature and whether the final decision is considered newsworthy (see attached Decision Sheet). The cases that are selected for permanent retention will be marked distinctively as permanent records and when retired to the Records Center will be boxed separately from the other case files. This procedure will be detailed in the agency's File Maintenance and Disposition Manual of which the records schedule will be a part.</p> <p>GAO concurrence is attached.</p>		<u>29 items</u>

*Copies sent to Agency, NNS, NNI, NNF, NNB ENC,
3-29-85; MFP*

MERIT SYSTEMS PROTECTION BOARD
RECORDS DISPOSITION SCHEDULES

Part I: Records Disposition Schedule for Program Records

A. **GENERAL RECORDS**

1. Subject Files

Files at all organizational levels consisting of correspondence, reports, and other records not related to specific appeal cases but rather to the daily work of the agency in program areas. Excluded are general records of a purely administrative nature which are covered by General Records Schedule 23, Item 1.

Cut off annually. Destroy when five (5) years old. Transfer to Federal Records Center when two (2) years old if volume warrants its.

2. Congressional Correspondence Files

Congressional inquiries pertaining to employee appeal cases.

Destroy when three (3) years old.

3. 'Todays News' files

Reproduced copies of press clippings relating to MSPB activities. This represents an informative file of how the agency was covered in the press. Arranged chronologically.

Destroy when no longer needed for reference.

4. 'News of Merit' files

One copy of the internal newsletter published by the agency relating to various issues of interest to agency staff. (One inch every year.)

Permanent. Offer in ten (10) year blocks when twenty (20) years old.

5. Annual Report File

Agency copy of submission of annual report to Congress (approximately 1 cubic foot every 10 years).

Permanent. Offer to National Archives in 10 year blocks when 20 years old.

6. Photograph File

Prints and negatives of agency staff, functions, and events.

- a. Official portraits of senior agency officials. (Less than 1 cubic foot a year)
- b. Other photographs.

Permanent. Offer to National Archives in 10 year blocks when 20 years old.

Destroy when one (1) year old or no longer needed.

7. Video Cassette Files

Agency sponsored internal and administrative training programs that do not reflect the mission of the agency. Included are "role play" sessions, management and supervisory instruction, etc. (GRS 21/31).

Destroy when obsolete or no longer needed.

B. CASE FILE RECORDS

This grouping of records is related to actions taken by the Merit Systems Protection Board under the Civil Service Reform Act and other laws, and to appeal actions taken under the laws, rules and regulations of the U.S. Civil Service Commission in effect prior to January 11, 1979 which fall within the jurisdiction of the Merit Systems Protection Board.

8. Appellate Jurisdiction Cases

Reform Act appeal case files involving actions appealable to the MSPB pursuant to 5 C.F.R. 1201.3. These files customarily include the petition for appeal; the agency's response, including a copy of its file in the matter; hearing notices, lists of witnesses to testify; hearing transcript and exhibits; post-hearing briefs; and initial decision of the Board. If a petition for review is filed or the Board reopens a case on its

Close the case when order or decision is issued or when compliance is obtained. Break closed cases annually. Retire to Federal Records Center one year after break or earlier if volume presents a space problem, providing the reference activity is not excessive.

- a. Permanent. Those case files that set forth new principles of law or policy or are of unusual significance or public interest. Offer to National Archives in ten (10) year blocks when twenty (20) years old. Those cases not accepted by the National Archives, destroy when no longer needed for reference. (Approximately 2 cubic feet a year.)

own motion, the file also includes the petition for review and response of the opposing party; or reopening order and briefs filed in connection with it; and the Opinion and Order of the Board. If any party has intervened in the case, the file also includes motion to intervene; orders granting or denying intervention; briefs filed by the intervenor and the other parties in response to the intervention brief. The case file may also include amicus briefs, and requests of extensions of time and the Board's ruling on the request. Finally, the file may contain correspondence related to the case, such as memos from the OGC, letters requesting the status of the matter, and responses; and requests for information or copies of material in the file, and the responses, etc. The file may also include evidence of compliance with the Board's decision or order.

9. Original jurisdiction cases as defined in 5 C.F.R. 1201.2.

These files contain complaints, responses, motions, briefs and other pleadings filed by the parties to the case; all Board Orders on motions and procedural matters, such as briefing schedules, hearing dates, etc.; hearing transcript and exhibits; related correspondence; the Board's final decision and order on the matter; and evidence of compliance with the Board's ruling, if required.

- b. Destroy all other case files when six (6) years old.

Close the case when order or decision is issued or when compliance is obtained. Break closed cases annually. Retire to Federal Records Center one year after break or earlier if volume presents a space problem, providing the reference activity is not excessive.

- a. Permanent. Those case files that set forth new principles of law or policy or are of unusual significance or public interest. Offer to National Archives in ten (10) year blocks when twenty (20) years old. Those cases not accepted by the National Archives, destroy when no longer needed for reference. (Approximately 2 cubic feet a year.)
- b. Destroy all other case files when six (6) years old.

10. Pre-Reform Act cases.

Appeal case files for actions in which the underlying personnel action took place prior to January 11, 1979 and which are appealable to the MSPB. These files customarily include the notice of appeal; the agency's response, including a copy of its file in the matter; hearing notices and lists of witnesses to testify; hearing transcript and exhibits; post-hearing briefs, if any; and the decision in the matter. If reopening and reconsideration is requested, the file also contains the request for reconsideration; the opposing party's response; and the Board's decision in the matter. The file may contain related correspondence such as Congressional inquiries, and responses; letters requesting the status of the case, and responses; letters requesting material from the file, and responses, etc. The file may also include evidence of compliance with the Board's decision or Order.

Close when the final order or decision is issued or evidence of compliance is received. Break closed cases annually. Retire to Federal Records Center one year after break, or earlier if volume presents a space problem, providing that the reference activity is not excessive. Destroy six (6) years after break.

11. Review of regulations cases arising under 5 C.F.R. 1203.

These files customarily include the request for review of regulations; the Board's Order granting or denying the request; all pleadings and briefs filed in the case; the Board's final ruling on the matter; and evidence of compliance with the Board's ruling, if required.

Close the case when order or decision is issued or when compliance is obtained. Break closed cases annually. Retire to Federal Records Center one year after break or earlier if volume presents a space problem, providing the reference activity is not excessive.

a. Permanent. Those case files that set forth new principles of law or policy or are of unusual significance or public interest. Offer to National Archives in ten (10) year blocks when twenty (20) years old. Those cases not accepted by the National Archives, destroy when no longer needed for reference. (Approximately 2 cubic feet a year.)

b. Destroy all other case files when six (6) years old.

12. Litigation cases decided by the Board for which judicial review was sought by the appellant(s) or OPM.

These files customarily contain the administrative record before the Board (see items 8-11); all pleadings and briefs filed in the litigation; correspondence with the opposing party, the Department of Justice or the U.S. attorney; and the rulings of the court.

Close the case when order or decision is issued or when compliance is obtained. Break closed cases annually. Retire to Federal Records Center one year after break or earlier if volume presents a space problem, providing the reference activity is not excessive.

a. Permanent. Those case files that set forth new principles of law or policy or are of unusual significance or public interest. Offer to National Archives in ten (10) year blocks when twenty (20) years old. Those cases not accepted by the National Archives, destroy when no longer needed for reference. (Approximately 2 cubic feet a year.)

b. Destroy all other case files when six (6) years old.

13. Case memoranda.

These are memoranda to the Board prepared by the Office of Appeals staff who prepared the draft decision in the case and/or the Office of the General Counsel. These memoranda customarily contain summaries of the facts and a discussion of the issues of law arising in the case. They may be brief or extensive in nature, depending upon the case. In some instances, the memoranda merely recommend that the Board approve the draft decision for the reasons outlined in the decision, in others they may go beyond the draft decision by including discussion of questions of fact or law not found in the decision as well as options the Board may select in deciding the case. The memoranda accompany the working file and proposed order for the Board's signature.

Destroy when the draft order is approved and signed, unless the memoranda contains research valuable as reference for similar cases. If the memoranda does contain valuable reference material, file it under the subject of interest.

NOTE: This item was approved by NARS December 8, 1982, Job No. NCI-146-83-1 without the addition of ". . . and/or the Office of the General Counsel." in the first sentence of the item description. The item is resubmitted as now written for disposal approval.

14. Board Order Compliance Reports

Reports and related records pertaining to agencies' compliance with Board Order in cases where the appellant has a right of redress by action of the Board.

Destroy six (6) years after compliance is completed.

15. Appeals Case Log Files

Log used in transmitting cases to Board, and in preparing production reports. This item also includes case control cards used previously.

Destroy when purpose has been served.

16. Appeals Case Control Files

Cards, computer reports and equivalent records on incoming cases referred to the Board. Files are used to control the processing of the cases within the Agency.

Destroy when six (6) years old or sooner if purpose has been served.

17. Case Production Reports

Individual attorney and total office work production records relating to the processing of cases. GRS 23, item 1.

Destroy when three (3) years old.

18. Case Docket Cards

Cards on individual cases decided by the Board for which judicial review was sought by the appellant(s). Cards contain basic information on each case regarding case status, documents filed in case, etc.

Destroy two (2) years after court actions is closed.

19. Case Tracking System File

An automated system which contains basic background information on individual cases referred to the Board for action. Data elements also include information on case processing progress from the time it is received in the Region until it is closed by Board action or, if applicable, by court ruling.

Erase adjudicatory data on individual cases six (6) years after case is closed by Board or, if applicable by court action. Separate processing data on case closure and destroy when purpose has been served. GRS, item 21.

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20. The United States Merit Systems Protection Board Reporter (MSPR).

One copy consisting of a printed text of all decisions of the Merit Systems Protection Board including a Table of Cases; citations to Federal Statutes; Regulations and Rules; a words and phrases index; and a Table of Short Denials and Dismissals arranged chronologically. Less than one foot a year.

Permanent. Offer to the National Archives in five (5) year blocks when latest record is five years old.

C. **MERIT SYSTEMS REVIEW AND STUDIES RECORDS**

21. Merit Systems Studies Files

Files consist of reports, reviews, monographs and related records on MSPB surveys, reviews and investigations pertaining to Federal Agencies' conformance with merit principles. This MSPB function is based on statutory mandate contained in the Civil Service Reform Act of 1978. These reports are printed by the Government Printing Office.

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| a. | One copy of each report, review, monograph, and publication produced by the Agency. (2 cubic feet a year). | Permanent. Offer to the National Archives in five (5) year blocks when most recent record is five (5) years old. |
| b. | Copies of records described in 21 a. above. | One copy to be maintained in MSPB library. Destroy other copies when no longer needed. |
| c. | General Correspondence and other records produced in connection with MSPB reviews and studies. | Destroy when five (5) years old. |
| d. | Machine readable records pertaining to specific studies/reviews undertaken by the Operations Division of MSRS. | Offer tapes/disks to the National Archives when study/review is completed. If offer is refused, erase/destroy when no longer needed for administrative uses. |