

**ACTIVE ITEMS.** These items, unless subsequently superseded, may be used by the agency to disposition records. It is the responsibility of the user to verify the items are still active.

**INACTIVE ITEMS.** These items may no longer be used to disposition records. They are superseded, obsolete, filing instructions, describe non-records, or were lined off and not approved at the time of scheduling. References to more recent schedules are provided below as a courtesy. Some items may be annotated on the schedule.

**(P) Permanent**

**(T) Temporary**

<b>ITEM</b>	<b>STATUS</b>	<b>WHY INACTIVE</b>
1	Inactive (T)	superseded by DAA-0480-2022-0001-0001
2	Active (T)	
3	Inactive (T)	superseded by DAA-0480-2022-0001-0006
4	Inactive (T)	superseded by DAA-0480-2022-0001-0007
5	Inactive (T)	superseded by DAA-0480-2022-0001-0008
6a	Active (P)	
6b	Inactive (T)	superseded by DAA-0480-2022-0001-0009
7	Inactive (T)	superseded by DAA-0480-2022-0001-0010
8a	Active (P)	
8b	Inactive (T)	superseded by DAA-0480-2022-0001-0011
9a	Active (P)	
9b	Inactive (T)	superseded by DAA-0480-2022-0001-0012
10	Inactive (P)	superseded by DAA-0480-2022-0001-0013
11a	Inactive (P)	superseded by DAA-0480-2022-0001-0015
11b	Active (T)	
12	Inactive (T)	superseded by DAA-0480-2022-0001-0016
13	Active (T)	
14		
	Inactive (T)	superseded by DAA-0480-2022-0001-0018
15	Active (T)	
16a	Inactive (P)	superseded by DAA-0480-2022-0001-0019
16b		
	Inactive (P)	superseded by DAA-0480-2022-0001-0020
17		
	Inactive (T)	superseded by DAA-0480-2025-0001-0001
18	Active (T)	

19a	Inactive (T)	superseded by DAA-0480-2022-0001-0021
19b	Inactive (T)	superseded by DAA-0480-2022-0001-0022
20	Active (T)	
21	Active (T)	
22	Active (T)	
23a	Inactive (T)	superseded by DAA-0480-2022-0001-0023
23b	Inactive (T)	superseded by DAA-0480-2022-0001-0024
24	Inactive (T)	superseded by DAA-0480-2022-0001-0026
25a	Inactive (P)	superseded by DAA-0480-2022-0001-0027
25b	Inactive (T)	superseded by DAA-0480-2022-0001-0028
25c1	Inactive (P)	superseded by DAA-0480-2022-0001-0028
25c2	Active (T)	
26	Active (T)	
27	Active (T)	
28	Active (T)	
29	Inactive (T)	superseded by DAA-0480-2022-0001-0025
30	Inactive (P)	superseded by DAA-0480-2022-0001-0025
31	Inactive (T)	superseded by DAA-0480-2022-0001-0025
32	Active (T)	
33a1	Inactive (T)	superseded by DAA-0480-2022-0001-0030
33a2	Inactive (T)	superseded by DAA-0480-2022-0001-0030
33b1	Active (T)	
33b2	Inactive (T)	superseded by DAA-0480-2022-0001-0029
34	Active (T)	
35a	Active (P)	
35b	Inactive (T)	superseded by DAA-0480-2022-0001-0031
36a	Active (P)	
36b	Inactive (T)	superseded by DAA-0480-2022-0001-0032
37a	Inactive (T)	superseded by DAA-0480-2022-0001-0033
37b	Inactive (T)	superseded by DAA-0480-2022-0001-0034
37c	Active (T)	
37d	Active (T)	
38a	Inactive (T)	superseded by DAA-0480-2022-0001-0035
38b	Active (T)	
38c	Active (T)	
38d	Active (T)	

**REQUEST FOR RECORDS DISPOSITION AUTHORITY**  
(See Instructions on reverse)

LEAVE BLANK

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

JOB NO N1-146-86-1

DATE RECEIVED 9/2/86

1 FROM (Agency or establishment)  
**Federal Labor Relations Authority**

NOTIFICATION TO AGENCY

2 MAJOR SUBDIVISION  
**Office of the Comptroller**

In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. If no records are proposed for disposal, the signature of the Archivist is not required.

3 MINOR SUBDIVISION  
**Budget and Administrative Services Division**

4 NAME OF PERSON WITH WHOM TO CONFER

5 TELEPHONE EXT

DATE

ARCHIVIST OF THE UNITED STATES

**Diane Brady, Records Officer**

**382-0745**

**9-14-87**

*[Signature]*

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 31 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached

A GAO concurrence  is attached, or  is unnecessary

B DATE	C SIGNATURE OF AGENCY REPRESENTATIVE	D TITLE
8-29-86	<i>[Signature]</i>	Chief, Budget and Admin. Services

7 ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARS USE ONLY)
	RECORDS PERTAINING TO THE FEDERAL LABOR RELATIONS AUTHORITY: HEADQUARTERS OFFICE OF GENERAL COUNSEL AND REGIONAL OFFICES FEDERAL SERVICE IMPASSES PANEL		
			<u>50 items</u>

*copies to agency, NCF, NCA, NCI*

*TRE 9-16-87*

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
REQUEST FOR RECORDS DISPOSITION AUTHORITY

Records of the Authority

Office of the Executive Director

The records maintained in the Office of the Executive Director reflect the organization, policies, methods, procedures, functions, planning, funding, staffing and similar managerial areas involved in the executive direction of the Federal Labor Relations Authority. The Executive Director reports directly to the Chairman and is the key coordinating point for all contacts with oversight groups such as the Congress, Office of Management and Budget, the General Accounting Office, Office of Personnel Management, General Services Administration, etc.

1 Subject Files

These records document the FLRA working relationship with such oversight groups and the development of policies, plans, reports, directives, studies, etc., required for budgeting, staffing, accounting, and other related managerial activities necessary to comply with regulations and other requirements of such oversight groups.

The records also reflect the development of policy, procedures, regulations, etc., involved in implementing and carrying out the statutory responsibilities of FLRA including the Federal Service Impasses Panel, and the Office of the General Counsel. The records document relationships with labor organizations, federal agencies, professional organizations, the academic community and other groups.

Not Selected for Permanent Retention.

Cut off at the end of the fiscal year.

Do not send to the Federal Records Center (FRC).

Dispose of when 7 years old.

2 Legislative History Files

These records cover the period from 1967 to 1978 and relate primarily to the predecessor agency -- "Federal Labor Relations Council". Includes such items as the Legislative History of the Executive Order, meetings of of President's Review Committee, Reports of Review Committee Study Groups, Chairman Hampton's House Testimony, Judicial Review of the Executive Order, General Review Procedure, General Review Witnesses PosAitions, Public Hearings and related documents.

Not Selected for Permanent Retention.

Do not send to FRC.

Dispose of when no longer needed for reference purposes.

Office of Case Management (OCM)

The Office of Case Management is responsible for the management of the Authority's case processing program involving arbitration, negotiability, representation and unfair labor practice cases; case document and tracking operations; related studies and analyses; and the publication of technical assistance materials. Responsibilities include: assuring completeness of decision packages, maintenance of recordation of case flow, coordinating with

Members' Offices, and the Executive Director to assure the accurate tracking of cases. OCM contacts with management, union officials, other FLRA employees, and members of the Federal labor relations community are to provide information concerning status of cases and FLRA procedures.

### 3 OCM Workload and Case Tracking Records

These are forms, reports, memoranda, and other papers documenting caseload processing, employee productivity, staffing, status of cases, weekly and monthly tickler files, active and closed case reports, monthly case processing reports and similar records.

Not Selected for Permanent Retention.

Cut off at the end of the fiscal year.

Do not send to FRC.

Dispose of when 2 years old.

### 4 OCM Subject Files

These files consist of correspondence, memoranda, forms, reports and similar records that document OCM operations, procedures, working methods, policies, studies, staffing, problems with external relationships (Congressional mail, GAO, OPM, etc.) and similar records relating to organization, management, and administrative matters that are common to most agencies. Examples are subjects such as budget, procurement, travel, inventory, time and attendance, incentive awards, employee appraisal, etc.

Not Selected for Permanent Retention.

Cut off at the end of the fiscal year.

Dispose of when 5 years old.

### 5 Foreign Service Case Files

These are cases submitted to the Foreign Service Labor Relations Board. Staff work for case processing is done by FLRA following FSLRB regulations (which are similar to FLRA regulations) and are processed in the same general procedure. Therefore, the type of documentation is similar, consisting of original requests, petitions, or charges with related back-up documents, copies of service or acknowledgement letters, appeals, briefs, copy of minutes, final decisions and similar related records.

Not Selected for Permanent Retention.

Cut off closed cases at the end of the fiscal year.

Transfer to FRC 1 fiscal year after case is closed or when volume warrants.

Dispose of 3 years after cutoff.

### 6 Arbitration Case Files

These cases contain documentation relating to the processing of Exceptions to Arbitration Awards. Either party to arbitration, the Union or Agency may file an exception to an arbitrator's award. An exception is a self contained document which sets forth a statement of the grounds on which review is requested and is accompanied by detailed supporting documentation such as the Arbitration Award, Citation of Authority, copies of rules and regulations, job descriptions, memorandum of agreements, post-hearing briefs, statements of position, and a variety of similar items justifying or opposing the exception. Acknowledgement and certification of service letters, withdrawal letters, Order Dismissing Exceptions, Extension of Time Requests, Case Docket Sheet, Case Summary Sheet and FLRA Decision are examples of other types of documents.

Note: Transcripts of Hearings with Exhibits and related material are maintained as a separate series because of their bulk, but are an essential part of the case file and are to be matched up and retired together with the case file.

Criteria for Permanent Retention.

Arbitration case files that illustrate significant developments in the administration of The Federal Service Labor-Management Relations Statute (Chapter 71 of Title 5 of the U.S. Code and Related Amendments to 5 USC 5596(b)-the Back Pay Act) or otherwise represent the most important cases considered by OCM in a given year and are selected according to the following factors:

- (1) The nature of the substantive or procedural issues involved which constitute a landmark or lead case;
- (2) The intensity of public interest and comment;
- (3) The impact upon the local or national economy of the actions giving rise to the case;
- (4) The unique character of the issues or procedures involved such as demonstrating the Agency's resourcefulness;
- (5) The case's influence on the development of principles, precedents, policies, or standards of judgment in such matters as the meaning of unfair labor practices; the implications of bargaining in good faith; the determination of what constitutes undue interference, restraint, or coercion; the unit appropriate for purposes of collective bargaining; and the problem of inclusion in bargaining units of supervisory employees; or
- (6) The numbers of workers affected or the size of the establishment shall not be regarded alone as a criterion of importance, but attention should be given to the preservation of the history of the efforts to organize a given industry.

Selected criteria for Arbitration case files are to be applied by the Office of Case Management or designated FLRA official before the transfer of such files to a Federal Records Center. Permanent case files are to be retired to the Federal Records Center separately from case files of temporary value.

a. Selected for Permanent Retention.

Permanent.

Cut off closed cases at the end of the fiscal year.

Transfer to FRC 1 fiscal year after case is closed.

Offer to NARA when 7 years after cut off.

Rate of Accumulation = 6" per year.

Volume on Hand = 0

b. Not selected for permanent retention. Cut off closed cases at the end of the fiscal year. Transfer to FRC 1 fiscal year after case is closed. Dispose of when 3 years old.

7 Negotiability Case Files

These files result from FLRA processing disputes between unions and agencies over the negotiability of a matter proposed to be bargained. They include such items as the petition for review with attachments substantiating the petition, acknowledgement and service letters, statements of position and responses, deficiency letters, Decisions and Orders of FLRA, with certificate of service and other related documents.

Not selected for permanent retention. Cut off close cases at the end of the fiscal year. Transfer to RC 1 fiscal year after case is closed. Dispose of 3 years after cut off.

## 8 Representation Case Files

These files are cases that have been sent to the Authority from the Office of the General Counsel. The representation petitions are presented for review in hearings before an FLRA employee. A final decision is issued by a Regional Director. If the Authority grants review the Regional Director forwards the transcript of the hearing and exhibits to the Authority. Note: Transcripts of Hearings with Exhibits and related material are maintained as a separate series because of their bulk, but are an essential part of the case file and are to be matched up and retired together with the case file. The various types of petitions are as follows:

Exclusive Recognition (RO Petition); Decertification Petition (DR Petition); Agency Representation Petition (RA Petition); Clarification of Unit or Amendment of Certification/Recognition (CU and AC Petitions); Unit Consolidation (UC Petition); National Consultation Rights (NCR Petition); Consultation Rights on Government-Wide Rules or Regulations (CR Petition); and Dues Allotment (DA Petition).

Selected criteria for Representation case files are to be applied by the Office of Case Management or designated FLRA official before the transfer of such case files to a Federal Records Center. Permanent case files are to be retired to the Federal Records Center separately from case files of temporary value.

Criteria for Permanent Retention. Authority Case files that illustrate significant developments in the administration of the Federal Service Labor-Management Relations Statute (Chapter 71 of Title 5 of the U.S. Code and Related Amendments to 5 USC 5596(b)-the Back Pay Act) or otherwise represent the most important cases considered by the Authority in a given year and are selected according to the following factors:

- (1) The nature of the substantive or procedural issues involved which constitute a landmark or lead case;
- (2) The intensity of public interest and comment;
- (3) The impact upon the local or national economy of the actions giving rise to the case;
- (4) The unique character of the issues or procedures involved such as demonstrating the Agency's resourcefulness;
- (5) The case's influence on the development of principles, precedents, policies, or standards of judgment in such matters as the meaning of unfair labor practices; the implications of bargaining in good faith; the determination of what constitutes undue interference, restraint, or and the problem of inclusion of bargaining units of supervisory employees or;
- (6) The numbers of workers affected or the size of the establishment shall not be regarded alone as a criterion of importance, but attention should be given to the preservation of the history of the efforts to organize a given industry.

a. Selected for Permanent Retention.

Cut off closed cases at the end of the fiscal year.  
Transfer to FRC 3 fiscal years after case is closed  
Offer to NARA 7 years after cut off.  
Rate of Accumulation = 6" per year  
Volume on Hand = 1 foot

b. Not selected for Permanent Retention. Cut off closed cases at the end of the fiscal year. Transfer to FRC 1 fiscal year after case is closed. Dispose of when 3 years old.

(Continued on next page)

## 9 Unfair Labor Practice Cases (ULP)

These are cases that have been sent to the Authority after hearings by the Administrative Law Judges (ALJ) or received from regional offices for decision based on a stipulation of facts. They include ALJ Decisions, Exceptions to the Decision, briefs, cross exceptions and opposition to exceptions, recommendations to the Authority, FLRA Decisions and Orders, and similar or related material such as transcripts of hearings and exhibits; or only the stipulation and related facts and FLRA Decisions with supporting documentation.

Note: Transcripts of Hearings with Exhibits and related material are maintained as a separate series because of their bulk, but are an essential part of the case file and are to be matched up and retired together with the case file.

Criteria for permanent retention. PATCO case (3-CO-105), and other Unfair Labor Practice case files that illustrate significant developments in the administration of The Federal Service Labor-Management Relations Statute (Chapter 71 of Title 5 of the U.S. Code and Related Amendments to 5 USC 5596(b)-the Back Pay Act) or otherwise represent the most important cases considered by OCM in a given year and are selected according to the following factors:

- (1) The nature of the substantive or procedural issues involved which constitute a landmark or lead case;
- (2) The intensity of public interest and comment;
- (3) The impact upon the local or national economy of the actions giving rise to the case;
- (4) The unique character of the issues or procedures involved such as demonstrating the Agency's resourcefulness;
- (5) The case's influence on the development of principles, precedents, policies, or standards of judgment in such matters as the meaning of unfair labor practices; the implications of bargaining in good faith; the determination of what constitutes undue interference, restraint, or coercion; the unit appropriate for purposes of collective bargaining; and the problem of inclusion in bargaining units of supervisory employees; or
- (6) The numbers of workers affected or the size of the establishment shall not be regarded alone as a criterion of importance, but attention should be given to the preservation of the history of the efforts to organize a given industry.

Selected criteria for Unfair Labor Practice case files are to be applied by the Office of Case Management or designated FLRA official before the transfer of such case files to a Federal Records Center. Permanent case files are to be retired to a Federal Records Center separately from case files of temporary value.

### a. Selected for permanent retention.

Cut off closed cases at the end of the fiscal year.  
Transfer to FRC 1 fiscal year after case is closed.  
Offer to NARA 7 years after cut off.  
Rate of Accumulation = 6" per year.  
Volume on Hand = 1 foot

b. Not selected for permanent retention. Cut off closed cases at the end of the fiscal year. Transfer to FRC 1 year after case is closed. Dispose of when 3 years old.

#### 10 Policy Statement Case Files (PS Case Files)

These files are created in processing requests to the Authority asking for the issuance of general statements of policy or guidance under 5 U.S.C. 7105(a)(1). The files consist of the request which contains a statement of the problem together with pertinent background information, statement of standards on which the request is based, statement of the positions of all parties involved, identity of other known interested parties and identification of other pending cases or proceedings bearing on the problem. Related documentation consists of such items as notices published in the Federal Register, comments from interested parties, analysis of comments, internal staff memos, the FLRA Decisions and Orders, and similar or related documents.

#### Selected for permanent retention.

Permanent.

Cut off closed cases at the end of the fiscal year.

Transfer to FRC 1 fiscal year after case is closed.

Offer to NARA 7 years after cut off.

Rate of accumulation = 6" per year.

Volume on Hand = 1 foot

#### 11 Publications Files

Record Copy - These are record sets of FLRA publications such as Reports of Case Decisions, FSIP Releases and Administrative Law Judge Decisions of FLRA, (The Administrative Law Judge Decisions and Orders encompass exceptions filed with the Authority and which are not issued under an Authority Case Number since they are without precedential significance. They are issued under a covering order of the Authority using the original case number assigned in the region and contain the statement "the findings, conclusions, and recommendations in such ALJ decisions constitute, without precedential significance, findings, conclusions, decisions and orders of the Authority).

Other FLRA publications include: Decisions of the Federal Labor Relations Authority bound volumes, The Federal Service Labor-Management Relations Statute, A Guide to the Federal Service Labor Management Relations Statute, Annual Report of the Federal Labor Relations Authority and the Federal Service Impasses Panel, Subject-Matter Index and Table of Cases (Covering Cases Reported in FSIP Panel Releases), Citator Decisions of the Federal Labor Relations Authority, Subject Matter Indexes (Decisions of the Federal Labor Relations Authority), Chapter XIV - Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel (Rules and Regulations), and News Releases relating to the statutory functions of FLRA.

#### Selected for Permanent Retention.

Permanent.

Cut off at the end of the fiscal year or when applicable.

Offer to NARA in 5 year blocks when 10 years old.

Rate of Accumulation = 2 feet per year

Volume on Hand = 12 feet

All other copies. Dispose of when obsolete, superseded, or when no longer needed for reference purposes (*Non-record material*)

#### Office of the Administrative Law Judges (ALJ)

The Administrative Law Judges (ALJs) hear unfair labor practice complaints prosecuted by the Regional Offices. They issue decisions containing findings of facts, conclusions of law and recommended actions. The ALJ Decision and

Order and complete case file is sent to the Authority for review and publication. If neither party files exception, the ALJ Decisions become non-precedential decisions and orders of the Authority and are published by the Authority in: "Administrative Law Judge Decisions Report." Exceptions to ALJ decisions are filed with the Authority.

#### 12 ALJ Decision Case File

Since the complete Unfair Labor Practice case file (including transcript of the hearing, exhibits, briefs, motions, etc.) is sent to the Authority, the ALJ keeps minimum documentation on completed cases. Each file contains a copy of the ALJ Decision and Order, Notice of Transmittal of Decision, Memoranda to the FLRA, and Service Sheets and mail receipts showing the parties that were sent copies of the ALJ Decision and Order.

Not selected for permanent retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 4 years old.

#### 13 ALJ Case Control Files

These are files created in maintaining control over ALJ cases from receipt of case to completion. Some examples are FLRA Form 142 - Docket Card; FLRA Form 78 - Case Assignment Card; FLRA Form 77 - Change in Status Card; and local unnumbered forms such as Hearing Report, Closed Case Report, Decisions Log and similar or related documents.

Not selected for permanent retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 5 years old.

#### 14 ALJ Subject Files

Correspondence, memoranda, publications, forms, reports, and similar records that document the procedures, working methods, opinions, recommendations, etc. relating to the administrative management of the Office of Administrative Law Judges. Also, included are time and attendance records, purchase orders and numerous routine administrative records.

Not selected for permanent retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 7 years old.

#### 15 "Chron" File of Chief Administrative Law Judge

*(Non-record material)*

Most of the file copies are personnel and general administrative files. Also included are outgoing correspondence, reports, forms, and similar documents originated or signed by the Chief, Administrative Law Judges. The topics encompass planning, staffing, workload, productivity, budget, etc.

Not selected for permanent retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 2 years old.

(Non-record material)

### Records of the Office of the Solicitor

The Office of the Solicitor represents the Federal Labor Relations Authority in all litigation in the U.S. District Courts, U.S. Circuit Courts of Appeal and (in certain cases) the U.S. Supreme Court. This office advises the Authority on legal issues involving case decisions or policy statements under the Statute; and on other questions dealing with the impact of other statutes, orders, decisions, legislation or regulations on the Authority's operations. Court cases require initial research and the preparation of pleadings, memoranda and briefs for filing in the court. Major advice requests on legal questions related to the Statute or to administrative operations of the FLRA require research and written responses and are generally treated in the same manner as court cases.

### 16 Litigation Case Files

These court cases contain a variety of documents covering the life span of the case from the "Petition for Review" or "Application for Enforcement of Order" to the court's "final decision" and "notice of entry of judgment" or court order "dismissing appeal." Example of documents in the case file are: Petition for Review, Certified List (of documents in the Authority case file), various types of Motions, Petitioner's Brief, Notice of Court of Hearing Date, Final Court Opinion, Rehearing Petition, Respondents Brief, Joint Appendix, and similar or related documents.

Selected criteria for Litigation Case files are to be applied by the Office of the Solicitor or designated FLRA official before the transfer of such case files to a Federal Records Center. Permanent case files are to be retired to a Federal Records Center separately from case files of temporary value.

#### Criteria for Permanent Retention.

All material pertaining to the Professional Air Traffic Controllers Organization (PATCO) case (FLRA case no. 3-CO-105) and other Office of the Solicitor case files that illustrate significant developments in the administration of The Federal Labor-Management Relations Statute (Chapter 71 of Title 5 of U.S. Code and Related Amendments to 5 USC 5596(b)-the Back Pay Act) or otherwise represent the most important or unique cases considered by the Solicitor in a given year and are selected according to the following factors:

1. First impression or important cases in the Federal sector labor relations;
2. Cases which generate substantial media attention and/or public or scholarly interest; or
3. Cases which establish a precedent for changes in FLRA procedures.

#### a. Selected for Permanent Retention.

Permanent.

Cut off closed cases at the end of the fiscal year.  
Transfer to FRC 5 fiscal years after case is closed.  
Offer to NARA 10 years after cut off.  
Rate of Accumulation = 6" per year.  
Volume on Hand = 2 feet

Not Selected for Permanent Retention.

All other case files.

Cut off at the end of the fiscal year.

Transfer to FRC 5 fiscal years after case is closed.

Dispose of 10 years after cut off.

17 Major Advice Requests

These files document the legal opinions, interpretations, etc. given by the Solicitor's Office on major requests for advice concerning impact of legislation, Executive Orders, court decisions, etc. on the Statute or on administrative operations. The files contain the original request, research memorandum, together with background papers, and reply to requestor.

Cut off at the end of the fiscal year.

Transfer to the FRC 5 fiscal years after case is closed.

Dispose of 10 years after cut-off.

18 Subject Files

These files are used primarily for reference purposes. They include: correspondence, publications, memoranda, forms, reports and similar records that document the procedures, working methods, policy, opinions, recommendations etc. relating to legal matters, litigation, Congressional inquiries, proposed legislation, FOIA, Privacy, regulatory directives and similar items involved with the operation of the Solicitor's office.

Not Selected for Permanent Retention.

Review annually.

Dispose when obsolete, superceded or no longer needed for administrative purposes.

Federal Service Impasses Panel (FSIP)

The Federal Service Impasses Panel (FSIP) is a separate entity within the FLRA. The Panel's mission is to assist federal agencies and federal employee unions in resolving impasses that arise in labor negotiations. After all mediation efforts have been exhausted by the two parties involved and the Federal Mediation and Conciliation Service (or other third party), the FSIP assists the parties in resolving the impasse. FSIP staff investigate requests for assistance, arranges informal meetings, conducts factfinding and arbitration hearings. The Office also analyzes written submissions and drafts reports, makes recommendations and prepares final decisions for review and approval by the Panel Members.

The FSIP has jurisdiction to resolve disputes under the Panama Canal Act of 1979 (which may include foreign national employees of the U.S. Government) and the Federal Employees Flexible and Compressed Work Schedule Act of 1982 (Concerning an Agency's decision to terminate or not establish a flexible or compressed schedule).

The records of the Federal Service Impasses Panel can be grouped into the major categories of:

1. Case Files;
2. Subject Files (including "Chron" Files);
3. Publications Files; and
4. Technical Reference Files.

## 19 FSIP Case Files

These files contain the various documents created by and received by the Panel in the process of resolving impasse disputes. The type and volume of the documents vary considerably depending on the number and complexity of the issues involved and the procedures followed for the resolutions of the impasse. For example, if jurisdiction is declined by the Panel or the request for assistance is withdrawn prior to procedural determination then the volume of records in the case file is usually kept at a minimum, consisting of the original request, statements of service, copies of letters, reports or other documents substantiating the positions of the parties, background on negotiations and mediation sessions previously held, memos for record and of telephone calls by FSIP staff; and closing letters approving withdrawal or declining jurisdiction.

Note: Retire a copy of related "Annual Subject Matter Index and Table of Cases" along with FSIP case files.

Two sets of FSIP case files are maintained by the Panel:

### a. "Working" Case Files

The "Working" case file is maintained by the FSIP staff member assigned to the case and contains essentially the types of documents described above. Also, included are internal copies of staff memos and drafts of decisions. Closed cases are kept by the Panel's office manager.

Not Selected for Permanent Retention.

Cut off closed cases at the end of the fiscal year.

Do not send to FRC.

Hold for 1 fiscal year after cut off date - spot check for completeness of "Official" File, and destroy.

### b. "Official" Case File

The "Official" Case file is maintained by the secretary to the Executive Director and essentially duplicates the material in the "Working" case file with the exception of internal staff memos and memos for record which are only kept in the working file so the "Official" file can be open to the public at all times in answer to FOIA requests.

Not Selected for Permanent Retention.

Cut off closed cases at the end of the fiscal year.

Transfer to FRC 1 fiscal year after cut off date.

Dispose of 4 years after cut off.

## 20 FSIP Subject Files

These files consist of correspondence, forms, reports, memoranda, instructions, studies, and similar records pertaining to policies, functions, program operations and administration of the FSIP.

These subject files document the origins, development, and day to day management of FSIP organization, plans, policies, methods and procedures. The files include such topics as reports of activities, speeches, press releases, advice from Solicitor, Chairman's correspondence with Congress, Film on Factfinding, Floor Charts, Guide to Fact Finding procedures, Interim Regulations, Federal Register Comments, Panel Members - biographical data and photos, panel meetings, FSIP Policy Decision, Final offer procedures, public sector impasse procedures, background statistics and similar subjects.

Not Selected for Permane. Retention.

Cut off at the end of the fiscal year.

Do not send to FRC.

Dispose of when no longer needed for administrative purposes.

## 21 FSIP Chron Files (Non-record material)

These are retained copies of communications and documents created by FSIP and signed by the Executive Director or routed thru him for approval, review, or information.

Dispose of when no longer needed for administrative purposes.

## 22 FSIP Technical Reference Files

The final action of the Panel is not subject to appeal yet FSIP has been referred to as the "court of last resort" or the "supreme court" of federal labor-management relations. In order to assure adequate in depth research, the Panel maintains a wide variety of publications, reports, periodicals, etc. relating to the broad area of labor-management relations, with special emphasis on mediation, arbitration and negotiation. In addition to material from many Federal agencies such as Defense Department, Merit Systems Protection Board, Department of Labor, National Labor Relations Board, Office of Personnel Management, State Department, etc. copies are maintained of decisions of the Administrative Law Judges, FLRA and pertinent District, Circuit, and Supreme Court Decisions, and similar material.

Not Selected for Permanent Retention.

Review annually.

Destroy when superseded or obsolete.

## Foreign Service Impasse Disputes Panel (FSIDP)

The Foreign Service Impasse Disputes Panel assists in resolving impasses arising under the Foreign Service Act of 1980.

The staff of the Federal Service Impasses Panel provides administrative and professional support to the FSIDP and generally follows the working methods and procedures used in FSIP cases. The major exception is that parties involved with the impasse are not required to go thru the Federal Mediation and Conciliation Service and as a result, initial emphasis by FSIDP is given to mediation.

Case files of the Foreign Service Impasses Disputes Panel are maintained as a separate series of records but other records relating to administrative management are incorporated in the subject files of FSIP since the Panel staff supports FSIDP.

## 23 FSIDP Case Files

These files contain documents received and created by the Impasses Dispute Panel in the process of resolving impasse disputes arising from collective bargaining under the Foreign Service Act of 1980. Since the procedural determinations and methodology of FSIDP are similar to the FSIP the type of documentation has the same characteristics as the FSIP case files; i.e.: original request for assistance, service letters, documents substantiating positions of parties and background of negotiation, written submissions, exhibits, transcripts, proposals, internal staff memoranda; etc. and FSIDP closing documents such as Decision and Order, Declining to Assert Jurisdiction, Approval of Withdrawal Request, etc.

a. "Working" Case File

Cut off closed cases at the end of the fiscal year.

Do not send to FRC.

Hold for 1 fiscal year after cut off date - spot check to assure completeness of "Official" file and destroy.

b. "Official" Case File

Cut off closed cases at the end of the fiscal year.

Transfer to FRC 1 fiscal year after cut off date.

Dispose of 3 years after transfer to FRC.

Office of the General Counsel (OGC)

Background

The General Counsel of the Federal Labor Relations Authority has the independent authority to investigate unfair labor practice charges (ULP) and to prosecute complaints before the Authority. The General Counsel also is responsible for FLRA's regional offices located in Boston, New York City, Washington, D.C., Atlanta, Chicago, Dallas, Denver, Los Angeles, and San Francisco. The processing of ULP cases and representation cases originate in the regional offices. Regional Directors, in addition to processing ULP cases, have the delegated authority to investigate representation petitions, to determine units of employees appropriate for collective bargaining, and to supervise or conduct elections.

Records of the General Counsel

Outlined below are the files maintained by the immediate Office of the General Counsel (OGC). They consist of correspondence, forms, reports, memoranda, regulations, studies, publications and other records pertaining to the major functions, programs, and policies of the OGC, and to the management and operation of its Headquarters and in the Regional operations.

The records reflect the working relationships of the Office of the General Counsel with the other elements of FLRA. In addition, they document OGC relations with external organizations such as the White House, General Accounting Office, Congress, other federal agencies, labor organizations, bar associations, etc.

24 Subject Files

The majority of these files contain routine administrative records. Also included are files that document the development of the Office of the General Counsel methods, procedures and policies in establishing and managing the OGC functions in both Headquarters and Regional offices.

In addition, the files contain correspondence, memoranda, personnel records, miscellaneous forms and reports such as procurement, printing, travel, time and attendance, incentive awards, space assignment and other routine administrative files. They also include such topics as organizational structure, delegations of authority, staffing patterns, congressional testimony, minutes of staff meetings, transitional problems, regional office realignment, regional correspondence, regional trip reports, report on blocked cases, quality reviews of regional offices, speeches, news releases, Request for General Rulings, OGC confirmation hearings, budget and oversight hearings and similar subjects relating to program operations and management.

Not Selected for Permanent Retention.

Cut off at the end of the fiscal year.

Transfer to the FRC 3 fiscal years after cut off.

Dispose of 7 years after cut off.

25 OGC Directives, Handbooks, Manuals, and Publications (Record copies)

a. OGC Directives

Directives issued by the Office of the General Counsel, which document the procedures, policy, functions, etc. of the OGC. Examples of directives are General Counsel numbered memoranda, Regional Office memoranda, Advice Memoranda and similar documents used to disseminate information on OGC operations or decisions.

Selected for Permanent Retention.

Permanent.

Cut off at the end of the fiscal year.

Transfer to FRC 5 fiscal years after cut off.

Offer to NARA in 5 year blocks when 20 years old. (For example, offer 1987-1991 in 2012).

Rate of Accumulation = 6" per year

Volume on Hand = 1 foot

b. Handbooks, Manuals and Annual Reports

Examples of handbooks and manuals are the Office of the General Counsel Unfair Labor Practice Case Processing Manual, Representation Case Processing Manual Office of the General Counsel Year End Report, Report on Case Handling Developments of the Office of the General Counsel, and Classified Index of Disposition of ULP Charges by the General Counsel of the Federal Labor Relations Authority (Advice Memoranda Appeals Letters).

Selected for Permanent Retention.

Permanent.

Offer to NARA in 5 year blocks when 20 years old. (For example, offer 1987-1991 in 2012).

Rate of Accumulation = 6" per year

Volume on Hand = 1 foot

c. OGC Publications

Examples of publications are the "Classified Index of Disposition of ULP Charges" (which are available to the public and maintained in Regional office libraries), "Quarterly Report on Case Handling Developments of the Office of General Counsel" and similar publications related to OGC operations.

Record Copy.

Permanent.

Cut off at the end of the fiscal year.

Transfer to FRC 3 fiscal years after cut off.

Offer to NARA in 5 year blocks when 20 years old. (For example, offer 1987-1991 in 2012)

Rate of Accumulation = 6" per year

Volume on Hand = 2 feet

Other copies. Dispose of when publication is superseded, canceled, or no longer needed for reference or administrative purposes. (non-record)

26 Records of Assistant General Counsel (AGC) for Legal Policy  
Advice Case Files (Non-record material)

These are copies of records also contained in Regional Office case files and elsewhere created in the process of determining legal policy and furnishing advice on matters relating to the Unfair Labor Practice and Representation issues. Advice to Regional Offices is furnished upon request or on the basis of observed need by the Assistant General Counsel for Legal Policy. Communications involving legal advice, policy, and litigation are also exchanged with organizational elements of the Authority (ALJ, Solicitor, FSIP, etc.) as well as with other federal agencies.

Examples of these records are:

- a. Advice case files containing Regional office requests for advice, replies thereto, together with samples of suggested agreements, and related background research or work papers. Related records are advice log sheets, case assignment sheets, advice submission reviews, etc.
- b. Numbered General Counsel Advice Memoranda, Informational Advice Memoranda and similar documents transmitting legal advice or policy.
- c. Memorandum upon Issuance of Complaint together with the related Complaint and Notice of Hearing issued by the Regional Offices; Briefs to Administrative Law Judges (ALJ) and Analysis of ALJ Decisions submitted by Region; and related items pertaining to cases being researched or reviewed.

Not Selected for Permanent Retention.

Do not send to FRC.

Dispose of when no longer needed for administrative or reference purposes.

27 Research Reference File

These files are maintained by the Assistant General Counsel for Legal Policy researching labor law and carrying out the function of keeping current on labor law decisions that may impact on OGC such as FLRA decisions on Unfair Labor Practices and current or pending litigation. The files consist of current Authority, FSIP and ALJ decisions that have not been published or indexed. Material is also received from the Solicitor regarding court cases of various types. Material is maintained on decisions and procedures of the National Labor Relations Board, Merit Systems Protection Board, Department of Labor, Department of Defense and other agencies. In addition, a variety of commercial publications and periodicals are maintained (Federal Labor Relations Reports, Government Employee Relations Report, Labor Relations Reporter, etc.)

Not Selected for Permanent Retention.

Review annually.

Do not send to FRC.

Dispose of material when no longer needed for administrative or reference purposes.

28 Subject Files of Assistant General Counsel for Legal Policy

This file contains mostly routine administrative material such as reference material, publications, and reports related to cases held in the regional offices. Also included are correspondence, memoranda, reports and similar records.

Not Selected for Permanent Retention.

Do not send to FRC.

Dispose of when no longer needed or when 7 years old whichever is sooner.

Records of Assistant General Counsel for Appeals

These are files created in the process of reviewing appeals received from a charging party which requests the General Counsel to review the Regional Director's refusal to issue a complaint. A charging party may also request the General Counsel to review a Regional Director's approval of a unilateral settlement agreement. The key documents are maintained in case files arranged by region and case number.

29 Appeals Case Files

In addition to the final decision of the Assistant General Counsel for Appeals, these files contain the appeal and supporting data received from the charging party; along with pertinent documentation received from the Regional Director, such as dismissal letters, investigative reports and related material having a bearing on the regions decision to dismiss the charge. In some cases documents relating to other cases researched, informal memos or notes of conversations and similar documents supporting the final decision of the Assistant General Counsel for Appeals are in the case files.

Not Selected for Permanent Retention.

Cut off closed cases at the end of the fiscal year.

Transfer to FRC 3 fiscal years after case is closed.

Dispose of when 7 years old.

30 Appeals Letters

These are numbered letters setting forth the decision rendered by the Office of the General Counsel on appeals made by charging parties.

Selected for Permanent Retention.

Permanent.

Cut off at the end of the fiscal year.

Do not send to FRC.

Offer to NARA in 5 year blocks when 20 years old. (e.g, offer 1987-1991 in 2012).

Rate of accumulation = 6" per year.

31 Appeals Case Control Cards

These cards are used as an index to record appeal case actions assigned throughout the Office of the General Counsel's Office of Appeals by region and case number. The cards are updated periodically to show the existence of a formal file on the case and the final disposition of a case file when the case closes.

Not Selected for Permanent Retention.

Do not send to FRC.

Dispose of cards 7 years after case is closed.

Records of Assistant General Counsel (AGC) for Field Management

The major function of the Assistant General Counsel for Field Management is to supervise and review the work of the regional offices to assure economy and efficiency in methods and procedures and to assure an acceptable degree of

uniformity in decisions related to the processing of Unfair Labor Practice charges and Representation petitions, and to furnish advice and technical assistance as needed based upon field inspections and review of key documents submitted to the Office of the General Counsel by regional offices.

### 32 Field Management Subject Files

These files are maintained by personnel of the Assistant General Counsel for Field Management in supervising those Regional Office operations related to the processing of Unfair Labor Practice charges and Representation petitions. Separate files series are kept for each region. The subjects are arranged in alphabetical sequence by the type of document or action involved. The bulk of the files consist of documents submitted by the Regional Offices as various actions are taken on individual cases. They provide the basis for the Office of the General Counsel to evaluate the correctness and uniformity of decisions, the quality of the documentation, the timeliness of action, and qualitative factors related to the processing of charges and petitions. They provide one of the primary means for monitoring the overall effectiveness of regional operations and of specific types of activities such as pre-trial briefs, briefs to the ALJ, compliance, settlement agreements, etc. The files also contain correspondence giving Assistant General Counsel comments on specific documents, requesting clarification or information; notations as to telephone conversations or areas to check on during field inspections; and correspondence from other sources both within and outside FLRA relating both to cases and to general supervisory topics such as details, performance appraisals, etc.

Not Selected for Permanent Retention.

Cut off at the end of the fiscal year.

Transfer to Records Center 3 fiscal years after cut off and dispose of when 7 years old.

### Office of the General Counsel

#### Office of Financial and Program Analysis

This office is responsible for preparing the annual budget for the Office of the General Counsel and for monitoring funds allotted for Office of the General Counsel use in both Headquarters and Regional Offices. It is also responsible for monitoring Regional Office cases through all stages of processing and for measuring the productivity and performance of the OGC staff by means of monthly statistical reports, quantitative program analysis and special reports as needed.

### 33 Case Tracking and Productivity Files

These are reports, correspondence, and other papers documenting case load processing, employee productivity, disposition of cases, and monthly workloads in Headquarters and Regional Offices.

a. Feeder Reports. Submitted by Regional Offices and operational Headquarters units. Includes Unfair Labor Practice and Representation Docket Logs, monthly Overage Case and Overage Compliance Reports, monthly Casehandling Summary and various similar reports.

#### 1. Monthly Reports.

Cut off at the end of the fiscal year.

Do not send to FRC.

Dispose of monthly reports when 1 year old.

2. Quarterly Reports.

Cut off at the end of the fiscal year.

Do not send to FRC.

Dispose of quarterly reports when 2 years old.

(This standard applies to the record copy only. All other copies shall be treated as nonrecord material.)

b. Production Statistics Files. Reports and Analysis prepared by Office of Financial and Program Analysis. Examples are the "Monthly Statistical Summary" which gives by region in depth detailed analysis of Office of the General Counsel operations covering such items as case intake, dispositive actions, overage cases, pending cases, merit factors, median age, settlement rates, productivity indices, monthly report "Complaints Pending More than 60 days", the "Summary of Elections and Hearings pending by Region" and other similar statistical or narrative reports and analyses.

1. Monthly Reports.

Cut off at the end of the fiscal year.

Do not send to FRC.

Dispose of monthly reports when 1 year old.

2. Annual Reports.

Cut off at the end of the fiscal year.

Do not send to FRC.

Dispose of when 10 years old.

Note: Significant statistics are included in the FLRA Annual Report.

34 Financial and Program Analysis Reference Files and Manuals

Files and manuals involving the operation of the financial management operations and case tracking and statistical reporting system of the Office of the General Counsel.

Do not send to FRC.

Dispose of when no longer needed for administrative purposes.

Regional Office Records (OGC)

35 Unfair Labor Practice Case Files (ULP)

These are cases that originate when charges of Unfair Labor Practices are filed in FLRA Regional Offices by labor unions or federal agencies. ULP case files begin with the filing of charges (FLRA Form 22, Charge Against the Agency or FLRA Form 23, Charge Against the Labor Organization) along with evidence and documentation supporting the charge. The regional office issues an opening letter to all interested parties and informs them of the name of the investigator assigned to the case and other pertinent information; or if appropriate, issues a notification of deficient charges. This is followed by responses to the charges and subsequent investigation by regional personnel.

The investigation usually involves personal interviews as well as correspondence and telephone calls, all of which are documented in the case folder along with any additional evidence and signed affidavits. Other documents created are the report of investigation, withdrawal requests (FLRA Form 43), withdrawal approval letters, unilateral and bilateral settlement agreements such as FLRA Form 57 and 58, motions to be posted (FLRA Forms 54,

55 and 56), letters approving agreements, requests for advice from the General Counsel and replies thereto, letters dismissing the charge, appeals to the General Counsel challenging the dismissal, Orders from the Assistant General Counsel for Appeals dismissing the appeals or remanding to the region.

If both parties agree on the facts but not on the settlement, no complaint is issued; instead a stipulation of facts is sent directly to the Authority for decision. If the charge has merit but no agreement or settlement is reached, the Regional Director issues a Complaint and Notice of Hearing (CNOH), with the hearing to be held before an Administrative Law Judge (ALJ). Additional documents then created are: replies to the Complaint, subpoenas of various types, pre and post hearing orders, motions, and briefs, transcripts of hearing, exhibits, decisions of the ALJ, and analysis of and exceptions to the decisions of the ALJ.

Decisions of the ALJ flow to the Authority for review and issuance of final Decision and Order of the Authority. If the final order involves compliance or enforcement, or results in litigation, documents relating to these items will be in the case file.

Note: Transcripts of Hearings with Exhibits and related material are maintained as a separate series because of their bulk, but are an essential part of the case file and are to be matched up and retired together with the case file.

Selected criteria for Unfair Labor Practice Case files are to be applied by the Office of the General Counsel or designated FLRA official before the transfer of such case files to a Federal Records Center. Permanent case files are to be retired to a Federal Records Center separately from case files of temporary value.

Criteria for permanent retention. PATCO case file material and other Office of the General Counsel case files that illustrate significant developments in the administration of The Federal Service Labor-Management Relations Statute (Chapter 71 of Title 5 of the U.S. Code and Related Amendments to 5 USC 5596(b)-the Back Pay Act) or otherwise represent the most important cases considered by OGC in a given year and are selected according to the following factors:

- (1) The nature of the substantive or procedural issues involved which constitute a landmark or lead case;
- (2) The intensity of public interest and comment;
- (3) The impact upon the local or national economy of the actions giving rise to the case;
- (4) The unique character of the issues or procedures involved such as demonstrating the Agency's resourcefulness;
- (5) The case's influence on the development of principles, precedents, policies, or standards of judgment in such matters as the meaning of unfair labor practices; the implications of bargaining in good faith; the determination of what constitutes undue interference, restraint, or coercion; the unit appropriate for purposes of collective bargaining; and the problem of inclusion in bargaining units of supervisory employees; or

(6) The number of workers affected or the size of the establishment shall not be regarded alone as a criterion of importance, but attention should be given to the preservation of the history of the efforts to organize a given unit.

a. Selected for Permanent Retention.

Cut off closed cases at the end of the fiscal year.  
Transfer to FRC 3 fiscal years after case is closed.  
Offer to NARA 7 years after cut off.  
Rate of Accumulation = 6" per year  
Volume on Hand = 2 feet

b. Not selected for Permanent Retention. Cut off closed cases at the end of the fiscal year. Transfer to FRC 3 fiscal years after case is closed. Dispose of when 7 years old.

36 Representation Case Files (R-Cases)

These files are created during the processing of the various types of representation petitions filed with Regional Offices by agencies, employees, or labor organizations. The most common petitions filed relate to Recognition (RO files), Clarification of Unit (CU), and Amendment of Certification (AC). Examples of others less frequently filed are Agency Representations (RA), Unit Consolidation (UC), Decentralization (DR), Dues Allotment (DA), and National Consultation Rights (NCR).

Processing steps are similar to the ULP cases with the exception that hearings are held before an FLRA employee rather than an ALJ and the Regional Director's final decisions and orders are not published. The cases are opened by the filing of a Petition. Following receipt of the Petition and replies thereto, an investigation is conducted by the Regional Office.

The decision and disposition of the case can result in the approval of a consent election agreement, notice of hearing, issuance of a report granting the petition or the withdrawal or dismissal of the petition.

Final decision authority has been delegated to the Regional Directors and there is no routine standard review by the National Office of OGC. Review of decisions occur only when petitioner submits application for review to the Authority based on specifically defined grounds, within 60 days of the date of the Regional Director's Decision and Order.

Examples of documents typically found in Representation case files are petitions opening the case (such as FLRA Forms 21, 24, 25 and 26) accompanied by documents supporting the petition. Following this are replies to the petition, reports of investigation, interested party and intervenor letters, reports on consent meetings, consent election agreements, report of investigation on showing of interest (FLRA Form 52), withdrawal requests (FLRA Form 43), withdrawal letters and dismissal letters. Documents created during Hearings are similar to those in ULP Hearings consisting of exhibits, motions, orders, transcripts of hearings, post hearing decisions and orders and similar or related documents.

Other forms used include: FLRA Form 27 - Certification of Results of Election; FLRA Form 28 - Certification of Representative; FLRA Form 29 - Certification of Consolidation of Units. FLRA Forms 30 and 31 - Notice to Employees from FLRA; FLRA Form 46 - Notice of Representation Hearing, FLRA Form 49 - Approval of Request to Withdraw Petition, and similar related forms.

Note: Transcripts of Hearings with exhibits and related material are maintained as a separate series because of their bulk, but are an essential part of the case file and are to be matched up and retired together with the case file.

Selected criteria for Representation Case files are to be applied by the Office of the General Counsel or designated FLRA official before transfer of such case files to a Federal Records Center. Permanent case files are to be retired to a Federal Records Center separately from case files of temporary value.

Criteria for Permanent Retention. Ft. Sill, Oklahoma (Teamsters Case) and other Office of the General Counsel Representation case files that illustrate significant developments in the administration of the Federal Service Labor-Management Relations Statute (Chapter 71 of Title 5 of the U.S. Code and Related Amendments to 5 USC 5596(b)-the Back Pay Act) or otherwise represent the most important cases considered by OGC in a given year and are selected according to the following factors:

- (1) The nature of the substantive or procedural issues involved which constitute a landmark or lead case;
- (2) The intensity of public interest and comment;
- (3) The impact upon the local or national economy of the actions giving rise to the case;
- (4) The unique character of the issues or procedures involved such as demonstrating the Agency's resourcefulness;
- (5) The case's influence on the development of principles, precedents, policies, or standards of judgment in such matters as the meaning of unfair labor practices; the implications of bargaining in good faith; the determination of what constitutes undue interference, restraint, or coercion; the unit appropriate for purposes of collective bargaining; and the problem of inclusion in bargaining units of supervisory employees; or
- (6) The numbers of workers affected or the size of the establishment shall not be regarded alone as a criterion of importance, but attention should be given to the preservation of the history of the efforts to organize a given industry.

a. Selected for Permanent Retention.

Cut off closed cases at the end of the fiscal year.  
Transfer to FRC 3 fiscal years after case is closed.  
Offer to NARA 7 years after cut off.  
Rate of Accumulation = 6" per year.  
Volume on Hand = 1 foot

b. Not selected for Permanent Retention. Cut off closed cases at the end of the fiscal year. Transfer to FRC 1 fiscal year after case is closed. Dispose of when 3 years old.

Note: Transcripts of Hearings, and exhibits are to be matched up and retired at the same time as related case files.

### 37 Litigation Administrative Files

The records listed below are created in the Regional Attorney's office in the process of preparing for and prosecuting cases before an Administrative Law Judge (ALJ) of the Authority. Pre-hearing briefs are prepared by attorneys and reviewed by the regional attorney. Formal documents are assembled for use in the trial and an index and description of documents are prepared. Dates and space for the Hearing must be determined and reserved in coordination with the ALJ. An Order is issued scheduling the hearing and a request prepared for the reporting and transcription service. When cancellations or changes in hearing dates occur all parties must be notified. Calendars and logs are prepared to control cases scheduled for trial, post hearing briefs, analysis of ALJ decisions, exception to ALJ decisions and similar or related documents are prepared.

#### a. Trial Control Files

These are created in the process of keeping control of the actions involved in litigation cases. They include such items as the monthly calendar (and changes), List of Subpoena's issued, List of Appeal Cases, and similar or related documents.

Not Selected for Permanent Retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 2 years old.

#### b. Transcription Service Files

These are files created in the process of ordering, controlling, and accepting transcripts of hearings. They consist of such items as FLRA Form 95 "Request for Reporting and Transcription Service," transcript reports, transcript report log, and similar documents with related correspondence. Key documents are sent to FLRA Headquarters as the basis for payment to contractors.

Not Selected for Permanent Retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 3 years old.

#### c. Compliance Files

These files consist of logs, copies of decisions, correspondence and related material documenting actions taken to implement or monitor compliance with enforcement of Authority on Court decisions, or Compliance with agreements arrived at thru unilateral, bilateral or other types of settlements.

Not Selected for Permanent Retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 4 years old.

#### d. Regional Attorney Chron File *(Non-record material)*

These are copies of key documents created in the process of prosecution of complaints before an Administrative Law Judge (ALJ). They include copies of Complaint and Notice of Hearing, Approved Settlement Agreement, Briefs to the

ALJ, Briefs to the Authority, Subpoenas, and similar documents. These duplicate documents filed in case files and are retained to facilitate reference to specific documents related to the prosecution of cases rather than review the complete case file.

Not Selected for Permanent Retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 1 year old.

### 38 Program Management Files

These records consist of documents of a general nature that relate to the primary program of processing Unfair Labor Practice (ULP) and Representation cases that have been filed in the regional office. They may be maintained as a separate series and in some cases part of a subject file.

#### a. Program Support Records

These program related files are either of insufficient import to be placed in case files or are kept separate for ease of reference. For example, they consist of: assignment letters, reassignment letters, auxiliary requests to and from other regions, charges and petitions sent to and received from other regions, orders transferring cases between regions, and similar documents, together with related logs or registers.

Not Selected for Permanent Retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 2 years old.

#### b. ULP and "R" Case Chron Files

*(Non-record material)*

These files consist of documents that relate to specific Unfair Labor Practice or Representation cases and are duplicate copies of material in the case files, but are filed as separate series by type of document. This filing arrangement facilitates management use when individual documents are of interest rather than the complete case file, assists in reconstructing a case when case files are misplaced, and facilitates analysis and review of specific topics or actions for given time periods. A separate folder is set up for each type of document created and material is filed chronologically within the folder. They include such items as Briefs to the Administrative Law Judge, Briefs to the Authority, Complaints and Notice of Hearing (CNOH), Exceptions to the Decisions of the Administrative Law Judge, Motions, Orders, Requests for Advice (to Office of General Counsel) and similar documents created in the processing of ULP and Representation cases.

Not Selected for Permanent Retention.  
Review annually.  
Do not send to FRC.  
Dispose of when obsolete or no longer needed for administrative purposes.

#### c. Workload and Productivity Reports

These are reports showing various types of data related to workload, staffing, and productivity. Examples are Daily Employee Work Report, Biweekly Staff Report, Biweekly Case Report, Overage Case Report and Dispositive Action (FLRA

Form 20), Monthly Report Disposition of Litigative Cases, and related or similar documents.

Not Selected for Permanent Retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 2 years old.

d. Case Control Records

These are various records established to maintain control and to record case flow and key actions during the lifetime of the case. Examples are Case Docketing Log, FLRA Form 67 - ULP Case Record Card, FLRA Form 68 - Representation Case Record Card, FLRA Form 144 - Unfair Labor Practice Docket, FLRA Form 145 - Universal Representation Docket and similar or related documents.

Not Selected for Permanent Retention.  
Cut off at the end of the fiscal year.  
Do not send to FRC.  
Dispose of when 5 years old.