

REQUEST FOR RECORDS DISPOSITION AUTHORITY (See Instructions on reverse)		LEAVE BLANK (NARA use only)	
TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NWML) 8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001		JOB NUMBER <i>NI-058-04-5</i>	
1. FROM (Agency or establishment) Department of Treasury		DATE RECEIVED <i>August 10, 2004</i>	
2. MAJOR SUBDIVISION Internal Revenue Service (IRS)		NOTIFICATION TO AGENCY In accordance with the provisions of 44 U.S.C 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approval" or "withdrawn" in column 10.	
3. MINOR SUBDIVISION Office of Associate Chief Counsel (General Legal Services)			
4. NAME OF PERSON WITH WHOM TO CONFER Daniel W. Bennett, IRS Records Officer Francis C. Inserra, Technical Assistant to Associate Chief Counsel		5. TELEPHONE (202) 283-9359 (202) 283-7934	DATE <i>1-6-05</i>
5. AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>5</u> pages(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, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, <input checked="" type="checkbox"/> is not required; <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.		ARCHIVIST OF THE UNITED STATES <i>John W. Paul</i>	
DATE August 2, 2004	SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i> Daniel W. Bennett		TITLE IRS Records Officer National Office, OS:A:RE:SC Washington, DC 20224
7. ITEM NO.	8. DESCRIPTION OF ITEM OF PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	<p>Records Control Schedule 13 [old RCS 6] for the Chief Counsel.</p> <p>Modify Items 1 and 10</p> <p>Records Control Schedule 15 (old RCS 8) for Regional and District Counsel Office</p> <p>Cancel Items 39, 40, 41, and 42</p> <p>The records covered by the change to this Schedule are restricted to those created and accumulated in the Office of Associate Chief Counsel (General Legal Services - GLS), including its area offices in the field. On January 16, 2000, the Regional Counsel General Legal Services activities were absorbed by the new Associate Chief Counsel (General Legal Services), which is headquartered in Washington, D.C. The field GLS activities are now component activities within the Office of the Associate Chief Counsel (General Legal Services).</p> <p>Organizational Background</p> <p>General Legal Services (GLS) is a component of the Office of Associate Chief Counsel. GLS provides legal advice and assistance, makes determinations and renders advisory opinions on labor-management relations, personnel, and discrimination matters; in the negotiation of collective bargaining agreements; on damage suits filed against officials and employees for acts done in their official capacity and removal petitions pertaining to such</p> <p><i>Colony, DR, NWMLA</i></p>		

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suits; concerning officials and employees under investigation by state and local authorities for official acts; on administrative claims and suits filed under the Federal Tort Claims Act, the Federal Claims Collection Act, the Military and Civilian Employees= Claims Act, and other claims settlement authorities; under the conflict of interest statutes, ethical standards, and rules of conduct as to the propriety of acts involving employees and former employees, including practice rules; on matters concerning contract formation and administration (including the review of solicitation and contract files for legal sufficiency); and with respect to other non-tax laws, regulations, and decisions governing housekeeping in the management of Federal agencies, including fiscal matters, garnishments, and intellectual property. GLS represents the Internal Revenue Service and its officials in bids protest and contracts appeal proceedings, and in hearings in representation, unfair labor practice, arbitration, adverse action, discrimination, agency grievance, and other employee appeals; in administrative claims proceedings; and in proceedings under Treasury Circular 230.

Proposed Disposition

The attached requests revised dispositions for Closed Legal Case Files and other specified records in all of the functional units of the General Legal Services organization.

These revisions incorporate the records of, and address the concerns of, the field functions, which have varying desires and capabilities to store even short-term temporary records. The revised schedule will provide a common standard for closed case files that is flexible enough to meet local needs and capabilities but rigorous enough to maintain records maintenance discipline.

The revision cancels the previously approved dispositions of all General Legal Services items scheduled in RCS 15 (IRM 1.15.15, specifically Items 39, 40, 41, and 42) for field and district operations and requests the merging of those RCS 15 Items 39 and 42 into RCS 13/Item 10 (IRM 1.15.1/Item 10) which are now identical for National Office. Consequently, the National Office functions will now incorporate field and district functions.

General Legal Services Briefs and Decisions (Item 42) never had a parallel in National Office. The Area Counsels make no distinction between closed case materials and briefs they file and decisions they receive or make. These are all kept in the same file. Thus in records control and maintenance practice, they do not use Item 42 and this should be eliminated. Temporary notes in both 1.15.13 and 1.15.15 will explain the changes.

Additionally, the purpose is to eliminate all GLS items from the Regional Counsel RCS (IRM 1.15.15 Exh. 1), which while maintaining a disposition instruction that is nearly identical to the National office for closed GLS legal case files, also provides for certain administrative and other items (numbers 40-42 captioned

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on the attached for reference) not specifically described in the National Office Schedule, including:

- Form M-6201 (Case Files Control Card)
- Form 5560 (Workload Report Form)
- Office of Chief Counsel General Legal Services Monthly Workload Report
- Regional Counsel Quarterly Statistical Report of General Legal Services cases

The last item on the list is now obsolete.
The third item on the list has been replaced by automated forms.

The first and second items on the list are still in use. No specific provisions for scheduling these items were made in the former RCS 106 (for National Office GLS). These have been historically treated as General Control Records and Workload reports under former RCS 106, Item 1 (as amended). The retention period of "2 Years, or when the material is obsolete or superceded" was different in the Regional Counsel RCS. Retention periods for the latter were longer in Regional Counsel Offices, but without purpose.

See the attached sheets.

**Item Nos. 39-42, IRM 1.15.15 Exh 1
(provided for reference)**

[Strike Out All Items and Supply Transitional Reference to Item Nos .1 and 10 of IRM 1.15.13 Exh. 1]

Description of Records	Authorized Disposition
<p>39. Closed Regional Legal Case Files produced in cases handled by the General Legal Services function.</p> <p>(1) Significant cases selected by a GS-15 or above in the Office of the Chief Counsel.</p> <p>(2) Other than significant cases. [Note: See Item No. 10 IRM 1.15.13 Exh. 1]</p>	<p>(a) Destroy 20 years after case is closed.</p> <p>(b) Retire to Federal Records Center 1 year after case is closed.</p> <p>(a) Destroy 5 years after case is closed.</p> <p>(b) Retire to Federal Records Center 1 year after case is closed.</p>
<p>40. Control Records. Form M-6201 Case Record (or equivalent)—control card records on all types of cases pending or closed in the General Legal Services function.</p> <p>(1) Significant cases selected by a GS-15 or above in the Office of the Chief Counsel.</p> <p>(2) Other than significant cases. [Note: See Item No. 1 IRM 1.15.13 Exh. 1]</p>	<p>(a) Destroy 20 years after case is closed.</p> <p>(a) Destroy 5 years after case is closed.</p>
<p>41. Reports. Form 5560, Office of Chief Counsel General Legal Services Monthly Workload Report; Regional Counsel Quarterly Statistical Report of General Legal cases. [Note: See Item No. 1 IRM 1.15.13 Exh. 1]</p>	<p>(1) Destroy after 4 years.</p>
<p>42. Copies of General Legal Services Briefs and Decisions. (Excludes selected briefs which shall be retained.) [Note: See Item No. 10 IRM 1.15.13 Exh. 1]</p>	<p>(1) Destroy 10 years after case is closed.</p> <p>(2) Retire to Federal Records Center 3 years after case is closed.</p>

Item No.	Series Description	Authorized Disposition	NARA Job No.
1.	<p>ADMINISTRATIVE FILES Consisting of copies of personnel records, budget papers, and Internal Revenue Service directives; copies of reports, including work, progress, statistical, and narrative; copies of correspondence and other materials used for convenience of reference; and controls such as work flow and location controls and receipts for records loaned and borrowed. <i>Note: This item includes records previously scheduled under 1.15.15 Items 40 and 41 (former RCS 8, Items 40 and 41).</i></p>	<p>Cutoff files end of fiscal year. Destroy 2 years after cutoff or when files are obsolete or superseded, whichever occurs first. <i>Note – At the direction of Office Head files requiring further retention may be moved to current year.</i></p>	NEW

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10. CLOSED LEGAL CASE FILES

NEW

Pertaining to non-tax civil and criminal matters in the General Legal Services organization including all area offices. (previous Job No. NC1-58-81-11, Item 10).

Note: This item includes records previously scheduled under 1.15.15 Items 39 and 42 (former RCS 8, Items 39 and 42).

- (1) Significant Cases selected by a GS-15, or above, in the Office of the Chief Counsel, including Office of Associate Chief Counsel or employees under the supervision thereof.

Close cases annually.
Retire to servicing Records Center 1 year after close of case.

Destroy 20 years after the close of the case.

Note: The office may elect to retain cases on premises for a period of no longer than 10 years, space available. Cases may be selected for retention on premises longer than 10 years on an exception basis by a GS-15 or above in the Office of Chief Counsel.

- (2) Electronic copies of memoranda, papers, and other records (stored on personal computers and/or laptops, for personal use in word processing, e-mail, and similar application software formats) that are associated with Significant Cases for which the official files are to be maintained in paper format.

Destroy immediately when material is superseded, obsolete, or no longer needed for reference or 20 years after close of case, whichever occurs first.

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(3) Other than Significant Cases

Close cases annually.
Retire to servicing Records Center 1 year after close of case. Space permitting, cases may be retained on the premises.
Destroy 5 years after the close of case.

(4) Electronic copies of memoranda, papers, and other records (stored on personal computers and/or laptops, for personal use in word processing, e-mail, and similar application software formats) that are associated with other than Significant Cases for which the official files are to be maintained in paper format.

Destroy immediately when material is superceded, obsolete, or no longer needed for reference or when 5 years after close of case, whichever occurs first.

Electronic Mail and Word Processing System Copies

Electronic copies of records created on electronic mail and word processing or other electronic systems and used solely to generate a record keeping copy of the records covered by the other items on this schedule. Also includes electronic copies of records created on electronic mail and word processing and other electronic systems that are maintained for updating, revision, or dissemination.

- a. Copies having no further administrative value after the recordkeeping copy has been produced - including copies maintained by individuals in personal files, personal electronic files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.

Disposition: Temporary. Destroy/delete within 180 days after the recordkeeping copy has been produced.

- b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Disposition: Temporary. Destroy/delete when dissemination, revision, or updating is completed.

* This item is added to cover copies of Administrative Files in this schedule and w/ concurrence of agency records officer.

TT
8/18/04