

REQUEST FOR RECORDS DISPOSITION AUTHORITY		JOB NUMBER <i>NI-399-10-1</i>	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received <i>10/26/09</i>	
1 FROM (Agency or establishment) U S Department of Transportation		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
2 MAJOR SUBDIVISION Federal Railroad Administration			
3 MINOR SUBDIVISION Office of Chief Counsel			
4 NAME OF PERSON WITH WHOM TO CONFER <i>Michele Geary</i>	5 TELEPHONE NUMBER (202) 493-6129	DATE <i>9-14-12</i>	ARCHIVIST OF THE UNITED STATES <i>WITHDRAWN</i>
6 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>4</u> page(s) are not needed now for the business for 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 type="checkbox"/> is not required <input type="checkbox"/> is attached, or <input type="checkbox"/> has been requested			
DATE <i>9/16/09</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Michele Geary</i>		TITLE Records Officer
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
1	Railroad Litigation System The Railroad Litigation System (RLS) is used by the Office of Chief Counsel (RCC) to track cases that require workflow management. The tracking system generates confirmation letter that the petition was received, milestones based on type of cases, and e-mail alerts for upcoming due dates. Types of cases implemented in RLS <ul style="list-style-type: none"> • Locomotive Engineer Review Board (LERB) • Equal Employment Opportunity (EEO) • HazMat • Federal Court • Individual Liability Locomotive Engineer Review Board (LERB) A railroad engineer employed by a railroad decides he or she has been wrongly decertified or denied certification. The engineer can petition the Locomotive Engineer Review Board (LERB) to have the decertification overturned. If the LERB decision is unsatisfactory, the process continues in the Initial		

Complaint or Appeal Process The Board is composed of at least three employees of the FRA selected by the Administrator 49 CFR 240.401(c) The Board members are individuals from FRA's Office of Safety staff with background, knowledge and experience relevant to the work of the Board RCC acts as counsel to the LERB

Equal Employment Opportunity (EEO)

An employee registers a complaint with the FRA Office of Civil Rights (OCR) At this informal stage, the RCC attorney may be required to represent the agency in mediation or write a settlement agreement After a formal complaint is filed and a request for hearing made, the RCC attorney becomes responsible for managing the process which can include either a hearing before an EEOC administrative judge or a Federal court trial

HazMat

Violations of the hazardous materials transportation law (49 USC chapter 51) that result in the assessment of civil penalties by the FRA against the shipper/carrier/other respondent

Federal Court

Some safety violations are considered to be criminal, and need to be processed through a Federal District Court (rather than the FRA administrative process) FRA discovers and investigates criminal violations, then makes a determination to refer to the DOJ or the DOT OIG Once the case has been referred, FRA consults with DOJ or OIG as the case proceeds FRA personnel cases may also be in Federal court as either EEO cases or appeals from the Merit System Protection Board

Enforcement – Individual Liability Files

Regional Warning Letters, Chief Counsel Warning Letters, Civil Penalty Cases, Disqualification Cases

a. Inputs

Disposition **Temporary** Data is hand keyed into RLS tracking system from petition paperwork and other sources

b Master file
(1) **LERB**

Case Files(Print) N1-399-08-02/12

Disposition **Temporary** Delete files 30 years after case closes

(2) **EEOC**

Case Files(Print) N1-399-07-21/22

Disposition **Temporary** Delete per legal requirements of GRS-1, 29 CFR 1614 and FRA/AFGE Local 2814 Collective Bargaining Agreement, as applicable

(3) **Hazmat**

Case Files (Print) N1-399-08-02/2

i Closed Civil Penalty Violation Cases – Hazardous Materials

Disposition **Temporary** Close files at the end of the fiscal year in which the case is closed Delete files at the end of the following calendar year unless civil penalty or settlement amount is unpaid

ii Hazmat order or settlement agreement with major railroads

Disposition **Temporary** Delete 3 years after case closure unless fine or settlement amount has not been paid

(4) **Federal Court**

Case Files (Print) N1-399-08-02/13

i Litigation Files – Landmark

Disposition **Temporary** Delete 50 years after case closure Paper files are transferred to NARA for permanent retention

ii Litigation Files – Routine

Disposition **Temporary** Delete 3 years after legal work product is completed or when no longer needed, whichever is later

(5) **Enforcement – Individual Liability Files**

Case Files (Print) N1-399-08-02/6

Disposition **Temporary** Delete 35 years after case closure

c **Outputs**

Board, Attorney, and Management Reports

Disposition **Temporary** Delete when the agency determines that they are no longer needed for administrative, legal, audit, or other operational purposes

d System Documentation Regardless of medium system specifications, file specifications, codebooks,

record layouts, user guides, output specifications, and any other system specifications relating to the files

Disposition **Temporary.** Delete when superseded or obsolete, or upon authorized deletion of the system