

18-05-05

SYSTEM NAME:

Grievances Filed Formally Under the Administrative
Grievance Procedure.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Human Resources Group, Office of Management, U.S.
Department of Education, 400 Maryland Avenue, SW., Washington,
DC 20202. See the Appendix at the end of this system notice for
additional locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on nonbargaining unit
employees of the Department regardless of type of appointment,
who individually or as a group, request personal relief in a
matter of concern or dissatisfaction which is subject to the
control of Department management. This includes former employees
of the Department for whom a remedy can be provided as well as
applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information or documents relating to the grievance and
personal relief sought, materials used in consideration of the
grievance, and correspondence related to disposition of the
grievance, including but not limited to the formal grievance,

fact finder's report, final decision, and all other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302.

PURPOSE(S):

The information contained in this system is to consider and settle matters of dissatisfaction or concern of covered individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Act, under a computer matching agreement.

(1) Disclosure for Use by Other Law Enforcement Agencies. The Department may disclose information to any Federal, State, local, or foreign agency or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory,

investigative, or prosecutive responsibility within the receiving entity's jurisdiction.

(2) Enforcement Disclosure. In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, executive order, rule, regulation, or order issued pursuant thereto.

(3) Litigation and Alternative Dispute Resolution (ADR) Disclosures.

(a) Introduction. In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c) and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department of Education, or any component of the Department; or

(ii) Any Department employee in his or her official capacity; or

(iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;

(iv) Any Department employee in his or her individual capacity where the agency has agreed to represent the employee; or

(v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) Disclosure to the DOJ. If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) Administrative Disclosures. If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) Parties, counsels, representatives and witnesses. If the Department determines that disclosure of certain records to a party, counsel, representative or witness in an administrative

proceeding is relevant and necessary to the litigation, the Department may disclose those records as a routine use to the party, counsel, representative or witness.

(4) Employment, Benefit, and Contracting Disclosure.

(a) For Decisions by the Department. The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) For Decisions by Other Public Agencies and Professional Organizations. The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(5) Employee Grievance, Complaint or Conduct Disclosure.

The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: Complaint, grievance, discipline or competence determination proceedings. The disclosure may only be made during the course of the proceeding.

(6) Labor Organization Disclosure. A component of the Department may disclose records to a labor organization if a contract between the component and a labor organization recognized under Title V of the United States Code, Chapter 71, provides that the Department will disclose personal records relevant to the organization's mission. The disclosures will be made only as authorized by law.

(7) Freedom of Information Act (FOIA) Advice Disclosure.

The Department may disclose records to the Department of Justice and the Office of Management and Budget if the Department concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(8) Disclosure to the Department of Justice (DOJ). The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an

audit, inspection, or other inquiry related to the programs covered by this system.

(9) Contract Disclosure. If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(10) Research Disclosure. The Department may disclose records to a researcher if an appropriate official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to maintain Privacy Act safeguards with respect to the disclosed records.

(11) Congressional Member Disclosure. The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the

written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(12) Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support. The Department may disclose records to OMB as necessary to fulfill CRA requirements.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Not applicable to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy stored in file folders, on computers and in handwritten logs for Human Resources. Summary data of records are also maintained in a computerized tracking system.

RETRIEVABILITY:

Records are indexed alphabetically by organization and year.

SAFEGUARDS:

Access to and use of these records are limited to those persons with a "need-to-know" and whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Computers are password protected for

individuals with access. All data bases are designed with stringent security measures to control individual users' ability to access and alter records within the system.

RETENTION AND DISPOSAL:

Records are retained for three (3) years after the grievance case is closed, and are then destroyed, as set forth in the General Records Schedule 1, Civilian Personnel Records, Item 30(a).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Group, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2E314, Washington, DC 20202. See the Appendix at the end of this system notice for additional system managers.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURES:

If you wish to gain access to records regarding you in this system of records, contact the system manager at the address listed above and follow the steps outlined in the Notification Procedure. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record in this system of records, contact the system manager at the address listed above. Your request must meet the requirements of the regulations at 34 CFR 5b.7, including proof of identity.

RECORD SOURCE CATEGORIES:

Information in this system of records is supplied from the following sources: Directly by the individual filing the grievance, from information supplied by the individual, by testimony of witnesses, employee representatives, Department employees or officials.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix to 18-05-05 Additional System Locations and System
Managers

Director, Human Resources Group, Office of Management, U.S.
Department of Education, 400 Maryland Avenue, SW., Washington,
DC 20202.

Employee Relations Team, Office of Management, U.S.
Department of Education, 400 Maryland Avenue, SW., Room 2E233,
Washington, DC 20202- 4737.

U.S. Department of Education, Regional Personnel Office
O'Neill Federal Building, 10 Causeway Street, Room 1095 Boston,
MA 02222.

U.S. Department of Education, Regional Personnel Office 75
Park Place, 12th Floor, New York, NY 10007.

U.S. Department of Education, Regional Personnel Office
3535 Market Street, Room 16300, Philadelphia, PA 19104.

U.S. Department of Education, Regional Personnel Office 61
Forsyth Street, SW, Suite 18T55, Atlanta, GA 30303.

U.S. Department of Education, Regional Personnel Office 111
N. Canal Street, Room 1084, Chicago, IL 60606.

U.S. Department of Education, Regional Personnel Office
1999 Bryan Street, Suite 2710, Dallas, TX 75201-6817.

U.S. Department of Education, Regional Personnel Office
10220 North Executive Hills Boulevard, 9th Floor, Kansas City,
MO 64153.

U.S. Department of Education, Regional Personnel Office
1244 Speer Boulevard, Room 353, Denver, CO 80204-3582.

U.S. Department of Education, Regional Personnel Office 50
United Nations Plaza, Room 207, San Francisco, CA 94102-4987.

U.S. Department of Education, Regional Personnel Office 915
Second Avenue, Room 3388, Seattle, WA 98174-1099.