

DEPARTMENT OF ENERGY (DOE) 2.3: Employee Relations Records

Records documenting activities related to managing relationships between the DOE/DOE contractor, its employees, its unions, and bargaining units. Records include the apprenticeship program. The records are those maintained by offices dealing with employee relations functions, regardless of office placement in organizational structure.

Note: Refer to GRS 2.3 for all other Employee Relations records not addressed in this schedule.

Item	Records Description	Disposition Instruction	Disposition Authority
010	<p>Apprenticeship Program Records</p> <p>Apprenticeship program records include but are not limited to:</p> <ul style="list-style-type: none">• policies and procedures• reporting requirements• tracking participation• compliance documents <p>Apprenticeship employee records on individuals that have successfully completed all aspect of the program or those that terminate or are terminated prior to completion of the program. Records include, but are not limited to:</p> <ul style="list-style-type: none">• external training classroom• practical instruction records• reports of progress• correspondence• testing and evaluations• other pertinent information developed during the apprenticeship term <p>Citation</p> <p>29 CFR <i>Labor</i></p>	<p>Temporary. Destroy 6 years after collective bargaining agreement (CBA) is no longer in effect OR after final payment is made to the contract in which the CBA applies, whichever is longer.</p>	DAA-0434-2020-0012-0001

Item	Records Description	Disposition Instruction	Disposition Authority
	<ul style="list-style-type: none"> 29 CFR 1602.20 <i>Recordkeeping and Reporting Requirements under Title VII, the ADA and GINA – Apprenticeship Recordkeeping – Records to be made or kept</i> 29 CFR 1602.21 <i>Recordkeeping and Reporting Requirements under Title VII, the ADA and GINA – Apprenticeship Recordkeeping – Preservation of records made or kept</i> 		
020	<p>Labor Management Relations Agreement Negotiation and Administrative Records (Contractor)</p> <p>Records relating to the negotiated agreements and general relationship between contractor management, employee unions and other groups. Records include, but are not limited to:</p> <ul style="list-style-type: none"> negotiation agreements collective bargaining agreement requests to bargain bargaining session records/notes correspondence reports seniority rosters union organizing drives meeting minutes <p>Note: Deviation to GRS 2.3, item 130, which does not apply to contractor records.</p>	<p>Temporary. Destroy 6 years after final payment is made to the contract in which the record applies.</p>	DAA-0434-2020-0012-0002
030	<p>Labor Arbitration (negotiated grievance procedure) Case Records (Contractor)</p> <p>Case files for labor arbitration related to the Collective Bargaining Agreement (CBA). Records include but are not limited to:</p> <p>Labor Arbitration Records</p> <ul style="list-style-type: none"> workplace disputes processed under negotiated grievance procedures and settled by either agreement or binding arbitration <p>Note: Deviation to GRS 2.3, item 090, which does not apply to contractor records.</p>	<p>Temporary. Destroy 6 years after final payment is made to the contract in which the CBA applies.</p>	DAA-0434-2020-0012-0003

Item	Records Description	Disposition Instruction	Disposition Authority
040	<p>National Labor Relations Board (NLRB) Case Files (Contractor)</p> <p>Records of cases filed under provisions under the National Labor Relations Act concerning representation, unfair labor practices, and review of arbitration awards. Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • records of representation proceedings <ul style="list-style-type: none"> ○ petitions, notice of petitions, cross-petitions, motions ○ records documenting adequate showing of interest ○ challenges to the status of a labor organization ○ records of meetings, hearings, and prehearing conferences ○ statements of witnesses ○ dismissals of petitions ○ decisions, orders ○ certification or decertification • records of unfair labor practices proceedings <ul style="list-style-type: none"> ○ charges/allegations of unfair labor practices, amendments, and supporting evidence ○ records of charges/allegations investigations, including subpoenas ○ motions, responses, stipulations ○ records of hearings ○ records of decisions and settlements • records of review of arbitration awards • reports and documentation on NLRB charges and resolutions/outcomes <p>Note: Deviation to GRS 2.3, item 100, which does not apply to contractor records where the NLRB would apply.</p>	<p>Temporary. Destroy 6 years after final payment is made to the contract.</p>	<p>DAA-0434-2020-0012-0004</p>

GENERAL RECORDS SCHEDULE (GRS) 2.3: Employee Relations Records

This schedule covers records documenting activities related to managing relationships between the agency, its employees, and its unions and bargaining units. Additional copies of these records, when held by supervisors or managers in program offices, are supervisory files covered under GRS 2.2, item 080.

Agencies must offer any records created prior to January 1, 1921, to the National Archives and Records Administration (NARA) before applying disposition instructions in this schedule.

Item	Records Description	Disposition Instruction	Disposition Authority
010	<p>Employee relations programs' administrative records.</p> <p>Records documenting routine activities related to programs such as reasonable or religious accommodation, displaced employees, telework/alternative worksite opportunities, anti-harassment, Alternative Dispute Resolution (ADR), Equal Employment Opportunity (EEO), and other avenues for settling disputes. Includes:</p> <ul style="list-style-type: none"> • program-related correspondence • copies of statutes, regulations, directives, and instructions • timetables and guidelines for processing case files and appealing decisions • planning records • meeting minutes • program evaluations and reports to senior management • statistical records tracking program participation and participants • records tracking programs' compliance with relevant Executive Orders and other requirements • records arranging for outside mediator and facilitator involvement in case settlements <p>Exclusions:</p> <ol style="list-style-type: none"> 1. Records specific to individual cases (covered by items 020 to 111 in this schedule). 2. Reports to external oversight agencies (covered by GRS 5.7, item 050). 3. Records created by offices responsible for monitoring employee relations programs government-wide (must be scheduled individually by responsible offices). 	<p>Temporary. Destroy when 3 years old, but longer retention is authorized if required for business use.</p>	DAA-GRS-2022-0001-0001

Item	Records Description	Disposition Instruction	Disposition Authority
020	Reasonable or religious accommodation case files. Individual employee files created, received, and maintained by EEO reasonable accommodation, diversity/disability programs, employee relations coordinators, supervisors, administrators, or Human Resource specialists containing records of requests for religious accommodation, reasonable accommodation and/or assistive technology devices and services that have been requested for or by an employee. Includes: <ul style="list-style-type: none"> • request, approvals and denials • notice of procedures for informal dispute resolution or appeal processes • forms, correspondence, records of oral conversations • policy guidance documents • medical records • supporting notes and documentation 	Temporary. Destroy 3 years after employee separation from the agency or all appeals are concluded whichever is later, but longer retention is authorized if required for business use.	DAA-GRS-2022-0001-0002
030	Dislocated worker program case files. Includes applications, registrations, supporting documentation.	Temporary. Destroy 1 year after employee eligibility for program expires, but longer retention is authorized if required for business use.	DAA-GRS-2018-0002-0003
040	Telework/alternate worksite agreements. Telework and alternate worksite agreements between the agency and employee and other related documentation, such as questionnaires.	Temporary. Destroy when superseded or obsolete, but longer retention is authorized if required for business use.	DAA-GRS-2023-0003-0001
050	Harassment complaint case files. Records of complaints regarding unwelcome workplace conduct, filed in accordance with agency policies and procedures. Includes: <ul style="list-style-type: none"> • complaint, correspondence, notes, forms, and supporting material • records of investigation, statements of witnesses • determination as to whether harassment occurred 	Temporary. Destroy 7 years after close of case, but longer retention is authorized if required for business use.	DAA-GRS-2018-0002-0005

Item	Records Description	Disposition Instruction	Disposition Authority
	<ul style="list-style-type: none"> documentation of preventive or corrective measures <p>Note: If a harassment complaint is settled via the EEO, ADR, or grievance process, its records are scheduled under the item specific to that process.</p>		
060	<p>Administrative grievance, disciplinary, performance-based, and adverse action case files.</p> <ul style="list-style-type: none"> Records of grievances filed by covered entities (for instance, employees who are not members of a bargaining unit). Includes: <ul style="list-style-type: none"> statement of grievance, supporting documentation, and evidence statements of witnesses, records of interviews and hearings examiner's findings, recommendations, decisions Records of disciplinary and performance-based actions against employees. Includes: <ul style="list-style-type: none"> performance appraisal, performance improvement plan, and supporting documents recommended action, employee's reply records of hearings and decisions records of appeals Records of adverse actions (suspension, removal, reduction in grade, reduction in pay, or furlough) against employees. Includes: <ul style="list-style-type: none"> proposed adverse action, employee's reply statements of witnesses records of hearings and decisions letters of reprimand records of appeals <p>Note 1: Letter of reprimand filed in an employee's Official Personnel File is scheduled by GRS 2.2, item 041.</p> <p>Note 2: Per OPM, each agency must select one fixed retention period, between 4 and 7 years, for all administrative grievance, adverse action, and performance-based action case files. Agencies may not use different retention periods for individual cases.</p>	<p>Temporary. Destroy no sooner than 4 years but no later than 7 years (see Note 2) after case is closed or final settlement on appeal, as appropriate.</p> <div style="border: 2px solid red; padding: 5px;"> <p>DOE Business Use: Destroy 4 years after case closed or final settlement on appeal.</p> </div>	DAA-GRS-2018-0002-0006

Item	Records Description		Disposition Instruction	Disposition Authority
070	Alternative Dispute Resolution (ADR) case files. Includes: <ul style="list-style-type: none"> • agreements to use ADR • records of intake and process • records of settlement or discontinuance of case • parties' written evaluations of the process 	Informal process. Records not associated with another employee dispute, complaint or grievance process.	Temporary. Destroy 3 years after case is closed, but longer disposition is authorized if required for business use.	DAA-GRS-2018-0002-0007
071		Formal process. Records generated in response to a referral from another dispute, grievance or complaint process, such as EEO complaints or grievances.	Temporary. Destroy 7 years after case is closed, but longer retention is authorized if required for business use.	DAA-GRS-2018-0002-0008
080	Merit Systems Protection Board (MSPB) case files. (FEDERAL ONLY) Civil Service Reform Act appeal case files involving actions appealable to MSPB per 5 CFR 1201.3. May include: <ul style="list-style-type: none"> • petitions for appeal, agencies' responses to petitions • hearing notices, transcripts, testimony, briefs, and exhibits • MSPB initial decisions • petitions for review, responses of opposing party to petition • orders granting or denying intervention • MSPB final opinions, orders, and decisions Exclusion: Corresponding case files at MSPB (must be scheduled by MSPB).		Temporary. Destroy 3 years after final resolution of case, but longer retention is authorized if required for business use.	DAA-GRS-2018-0002-0009
090	Labor arbitration (negotiated grievance procedure) case records. (FEDERAL ONLY) Records of workplace disputes processed under negotiated grievance procedures and settled by either agreement or binding arbitration. <div style="border: 1px solid red; padding: 5px; margin: 10px 0;"> Utilize DOE 2.3, item 030 for Contractor Labor Arbitration Case Files </div> <div style="border: 1px solid red; padding: 5px;"> DOE Privacy Act System of Record – DOE-1 – Grievance Records: Current and former DOE employees including National Nuclear Security Administration (NNSA) employees, consultants, board members, and applicants. </div>		Temporary. Destroy 3 years after close of case, but longer retention is authorized if required for business use.	DAA-GRS-2018-0002-0010

Item	Records Description	Disposition Instruction	Disposition Authority
100	<p>Federal Labor Relations Authority (FLRA) case files. (FEDERAL ONLY)</p> <p>Records of cases filed under provisions of the Federal Labor Relations Act concerning representation, unfair labor practices, negotiability, and review of arbitration awards. May include:</p> <ul style="list-style-type: none"> • records of representation proceedings <ul style="list-style-type: none"> ○ petitions, notice of petitions, cross-petitions, motions ○ records documenting adequate showing of interest ○ challenges to the status of a labor organization ○ records of meetings, hearings, and prehearing conferences ○ statements of witnesses ○ dismissals of petitions ○ decisions, orders • records of unfair labor practices proceedings <ul style="list-style-type: none"> ○ charges/allegations of unfair labor practices, amendments, and supporting evidence ○ records of charges/allegations investigation, including subpoenas ○ complaints by FLRA Regional Director ○ motions, responses, stipulations ○ records of hearings ○ records of decisions and settlements • records of negotiability proceedings <ul style="list-style-type: none"> ○ petitions for review ○ records of post-petition conferences ○ agencies' statements of position, unions' responses, and agencies' counter-responses ○ records of post-petition conferences ○ decisions, orders • records of review of arbitration awards <ul style="list-style-type: none"> ○ exceptions to arbitrators' award rendered pursuant to arbitrations ○ oppositions to exceptions ○ determination of grounds for review ○ decisions, orders <p>Exclusion: Corresponding case files at FLRA (must be scheduled by FLRA).</p>	<p>Temporary. Destroy 3 years after final resolution of case, but longer retention is authorized if required for business use.</p>	<p>DAA-GRS-2018-0002-0011</p>

Item	Records Description		Disposition Instruction	Disposition Authority
110	EEO discrimination complaint case files. Includes: <ul style="list-style-type: none"> intake sheet summary report 	Informal process. Records of cases that do not result in an EEO complaint, and cases resulting in a complaint but resolved prior to the formal process stage.	Temporary. Destroy 3 years after resolution of case, but longer retention is authorized if required for business use.	DAA-GRS-2018-0002-0012
111	<ul style="list-style-type: none"> notes supporting documentation correspondence 	Formal process. Records at originating agency generated in response to formal complaints resolved within the agency, by the Equal Employment Opportunity Commission, or by a U.S. Court. Includes records gathered in the preliminary informal process, complaints, exhibits, withdrawal notices, copies of decisions, and records of hearings and meetings. Exclusion: Corresponding case files at EEOC (must be scheduled by EEOC).	Temporary. Destroy 7 years after resolution of case, but longer retention is authorized if required for business use.	DAA-GRS-2018-0002-0013
120	Records documenting contractor compliance with EEO regulations. Reviews, background documents, and correspondence relating to contractor employment practices.		Temporary. Destroy when 7 years old, but longer retention is authorized if required for business use.	DAA-GRS-2018-0002-0014
130	Labor management relations agreement negotiation records. (FEDERAL ONLY) Records relating to negotiations with labor unions. Includes: <ul style="list-style-type: none"> negotiation agreements requests to bargain bargaining session records/notes correspondence, memoranda, forms reports other records relating to the negotiated agreements and general relationship between management, employee unions and other groups <div style="border: 2px solid red; padding: 5px; width: fit-content; margin: 10px auto;">Utilize DOE 2.3, item 020 for Contractor Labor Management Relations Agreement Negotiation Records</div>		Temporary. Destroy 5 years after expiration of agreement or final resolution of case, as appropriate, but longer retention is authorized if required for business use.	DAA-GRS-2018-0002-0015