

PART 2054 - EMPLOYMENT

Subpart V - Basic Personnel Records and Files System

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PART 2054 - EMPLOYMENT

Subpart V - Basic Personnel Records and Files System

§ 2054.1051 General.

Under the provisions of Executive Order 12107, Official Personnel Folders (OPFs) and Merged Records Personnel Folders (MRPFs) are designated as the property of the U.S. Office of Personnel Management (OPM). The OPM Operating Manuals, "The Guide to Personnel Recordkeeping" and "The Guide to Processing Personnel Actions," contain instructions for the establishment, maintenance, and transfer of the OPFs, MRPFs, the Employee Performance File (EPF), and the Employee Medical Folder (EMF). This Instruction supplements OPM's and the U.S. Department of Agriculture (USDA) instructions and describes the Rural Development procedures and methods for establishing, maintaining, transferring, and disposing of OPFs and related "For Official Use Only" records.

§ 2054.1052 Definitions.

- (a) Official Personnel Folder, Standard Form 66 (SF-66). A folder that contains records and documents related to civilian employment, as defined in Title 5 U.S.C., and is established for each employee in an organization of the Federal Government.
- (b) Employee Medical Folder, Standard Form 66-D (SF-66D). A separate folder that contains all occupationally related civilian employee medical records created during the course of an individual's Federal civilian service.
- (c) Merged Records Personnel Folder, Standard Form 66-C. A folder that contains records and documents related to employment under both the civil service personnel systems and other Federal personnel systems (i.e., FBI, State Department, and Post Office).
- (d) Employee Performance File, Item # 212. An envelope (which may be ordered from the Rural Development Warehouse in Granite City, Illinois) maintained on the left side of the OPF/MRPF that contains performance appraisals and related records created during Federal service. As an alternative, servicing Human Resources offices may establish a separate folder in which to maintain the EPF envelope.

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(e) Disclosure. To provide an individual's records or data to someone other than the individual data subject.

(f) Long-term records. Documents placed on the right-hand side of the OPF (formerly referred to as "permanent" records). Only documents authorized by OPM may be placed on the right side of the OPF. Long-term records are kept for the life of the folder. When an employee separates from Federal service, the folders are stored by the National Archives and Records Administration (NARA), National Personnel Records Center (NPRC) in St. Louis, Missouri, until retention requirements expire. Folders are retained for 65 years from date of last separation from Federal employment.

(g) Temporary Records. Documents placed on the left-hand side of the OPF record that, in most cases, are not sent with the OPF but may be returned to the employee or destroyed either after the individual leaves the agency or in accordance with the records and dispositions schedule.

(h) Personnel Action. The record of any action processed to appoint, affect, or separate an employee by use of Standard Form 52, "Request for Personnel Action," Standard Form 50/50-B, "Notification of Personnel Action," or other document approved by OPM.

§ 2054.1053 The Chronological Journal File (CJF).

Servicing Human Resources offices may, at their option, establish and maintain a CJF. The CJF consists of copies of Standard Form 50/50-B, "Notification of Personnel Action" and should be arranged in the following order:

(a) Fiscal year.

(b) Within the fiscal year by the following categories:

(1) Accessions.

(2) Changes.

(3) Separations.

(c) The Standard Form 50/50-B's should be filed in the CJF as they are received from the National Finance Center (NFC). Personnel action documents will be retained no longer than 2 years after the effective date.

§ 2054.1053 (Con.)

(d) In accordance with 5 CFR 293.106, the files will be stored in metal filing cabinets, which are locked when the records are not in use, or in a secured room. Alternative storage facilities may be used provided they furnish an equivalent or greater degree of security than these methods. Except for access by the data subject, only employees whose official duties require access shall be allowed to handle and use personnel records. To the extent feasible, entry into the personnel record storage areas shall be similarly limited.

§ 2054.1054 [Reserved]

§ 2054.1055 Responsibility.

Servicing Human Resources offices are responsible for the proper establishment and maintenance of all OPFs, MRPFs, EPFs, and EMFs, for employees under their jurisdiction. These folders, as appropriate, will be maintained for each active employee in the manner described by the OPM Operating Manual, "The Guide to Processing Personnel Actions," and this Instruction. The EPF will be maintained as indicated in § 2054.1061 of this Instruction. The EMF will be maintained as indicated in § 2054.1066 of this Instruction. Each servicing Human Resources office will determine the employees who will have access to its personnel records. The confidential nature of certain material must be protected, as provided in § 2054.1067 of this Instruction. An employee or former employee may examine his/her OPF and related personnel records as provided in Chapter 6 of the OPM Operating Manual, "The Guide to Personnel Recordkeeping." OPM requires that necessary safeguards be taken to control the review of restricted material, including examination papers, and material attached to the application, medical certificates, and other documents pertaining to an employee's medical history, confidential questionnaires, and other information furnished in confidence.

§ 2054.1056 Maintenance.

(a) General. Records of individual employees of Rural Development will be maintained in the OPF, MRPF, EPF, and EMF. Only official codes authorized by NPRC are permitted on the front of the folders. Do not add any other markings, notations, or tabs to the folders.

(1) Personnel folder labels. White labels will be used for all personnel folders. The labels must have the following three items:

(i) Name. Type the employee's full name exactly as it appears on Standard Form 50/50-B (last name first).

(ii) Date of Birth. Type the date of birth in month, day and year order, in six numbers with dashes between the day, month and year. Example: January 14, 1994, is typed as 01-14-94.

(iii) Social Security Number (SSN). Type employee's SSN directly under the name. Show the SSN for all United States citizens and for all foreign nationals serving in the United States and non-foreign areas as listed in 5 CFR 591.202. Use "FNO" instead of the SSN for foreign nationals serving in locations other than the 50 states or nonforeign areas listed in 5 CFR 591.202. Examples:

Doe, Jane R. 01-06-34
SSN 999-99-9999

Smith, Mary J. 06-21-60
FNO

(2) Storage of folders. Folders for active employees will be kept in metal locked cabinets in a single alphabetical series. When an active employee is separated, except by transfer, his/her folder will be removed from the current files and re-filed in a location for separated folders.

(b) Arrangement of material within folders. Material to be filed in personnel folders will be divided into two sections, long-term documents and temporary documents, and will be acco-fastened to the positions of the upper right or lower left side of the folder as indicated in Chapter 3 of the OPM Operating Manual, "The Guide to Personnel Recordkeeping."

(1) Right side (upper right) - long-term documents. The right side of the personnel folder is reserved for long-term documents. ONLY documents authorized by OPM may be placed on the right side of the folder. In general, these include documents representing a formal action which constitute the official record or make a substantial contribution to an employee's status and service. These documents are listed in Chapter 3 of the OPM Operating Manual, "The Guide to Personnel Recordkeeping" together with filing instructions. Documents must be filed in chronological order by effective date with the most recent effective date on top. When forms have no effective date, file them by completion date. When more than one form has the same effective date, file them in any order within the effective date.

§ 2054.1056(b) (Con.)

(2) Left side (lower left) - temporary documents. In general, this includes documents leading to a formal action but not constituting a record of it and not making a substantial contribution to the employee's status and service. During the time the official folder remains in the custody of the servicing Human Resources office, correspondence and forms of a temporary nature will be destroyed in accordance with the OPM Operating Manual, "The Guide to Processing Personnel Actions." Examples of documents placed on the left side of the OPF are:

- (i) Completed Standard Form 52, except where it is used as the official document or contains the employee's resignation,
- (ii) Completed Option Form (OF) 8, "Position Description," and the official position description, (Revised 08-23-06, PN 401.)
- (iii) Letters of reprimand (retained no longer than 2 years), and
- (iv) Standard Form 1152, "Description of Beneficiary for Unpaid Compensation."

(3) Records and documents prohibited from being filed in the OPF or MRPF. Prohibited documents are records that must never be placed in a personnel folder. The prohibition may come from law, such as the Privacy Act, or from regulations such as 29 CFR, Labor. Prohibited documents are listed in the tables of Chapter 3 of the OPM Operating Manual, "The Guide to Personnel Recordkeeping."

§ 2054.1057 [Reserved]

§ 2054.1058 Transferring Official Personnel Records and Folders.

(a) Requesting records and folders (OPFs, MRPFs, and EMFs) for prior service. Servicing Human Resources offices must request the personnel records and folders for new employees with prior Federal civilian service when the employee begins work. Where and how to request prior service depends on the type of prior service the employee had and whether she or he currently is a Federal employee. Generally, the records and folders will be requested from the last servicing Human 5

Resources office if not more than 90 days have elapsed since termination of employment, or from the NPRC if more than 90 days have elapsed. Follow the instructions in Chapter 2 of the OPM Operating Manual, "The Guide to Personnel Recordkeeping" for guidance on establishing interagency personnel records, identifying prior Federal civilian service, requesting records for prior service, and reviewing and combining personnel folders, medical folders and performance records.

(1) Requesting records and Official Folders from another Human Resources office. Servicing Human Resources should not request an employee's folder until after the appointment date. When arrangements have been made for the transfer (or appointment without a break in service) of an employee from another Human Resources office or for reemployment within 90 days after separation, request the records or folder by using an extra copy of the SF-52, the SF-50 used to effect the transfer, or by memorandum as desired. Be sure the name, title, and address of the requesting Human Resources office representative are included in the memorandum. If an extra copy of SF-52 or SF-50 is used, include the address of the requesting Human Resources office on the form.

(2) Requesting Official Folders from NPRC. To request any personnel folder(s), send a completed SF-127, "Request for Official Personnel Folder" in duplicate, to the National Archives and Records Administration, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118-4126. To request any medical folder(s), send a completed SF-184, "Request for Employee Medical Folder" to the same address.

(3) Requests for EMFs. When a former Federal employee is re-employed, and the Human Resources office believes an EMF exists, either at the last employing agency or at the NPRC, the designated Human Resources representative will request the EMF no sooner than 30 days after the date of the new appointment. (5 CFR 293.510) No EMFs will be routinely retrieved during the initial review process except when authority exists for the agency to require a medical evaluation prior to reaching a decision on employability. EMFs are transferred by the NPRC only to the designated Human Resources representative shown on the request form.

§ 2054.1058 (Con.)

(b) Retention in the Agency. Folders of separated employees must be retained for at least 30 days after separation. (5 CFR 293.307) Human Resources offices may normally retain the OPF for up to 90 days after the effective date of the employee's separation, resignation, or removal to collect all outstanding documents. Folders may be retained longer when administratively necessary, e.g., retirement, death-in-service, or allegation of discrimination cases.

(c) Transferring records and folders.

(1) When an employee transfers to another agency or Human Resources office, the records should be sent to the new agency or office within 5 days of the request. If the employee is leaving Federal service, send the personnel records to the NPRC. Chapter 7 of the OPM Operating Manual, "Guide to Personnel Recordkeeping," describes the procedures used to transfer records.

(2) Under normal circumstances, the servicing Human Resources office should send the personnel folder, including performance records and the medical folder, to the NPRC within 90 days after the employee separates from Federal service. Servicing Human Resources offices may need to retain the folders for more than 90 days under circumstances such as the following:

(i) *A retirement or death claim is being processed.* Keep the folder for 120 days after separation or until notified that the claim has been processed.

(ii) *The agency expects to reemploy the person shortly after the separation.* Keep the folder as long as the agency reasonably expects to reemploy the person.

(iii) *The employee separated under conditions that provide reemployment or restoration rights (for example, separation to enter the military service or due to compensable injury).* Keep the folder until the employee returns or reemployment/restoration rights expire.

(iv) *The employee is placed on a reemployment priority list.* Keep the folder until the employee's name is removed from the list.

(v) *The employee has an ongoing appeal, grievance, complaint, or similar process.* Keep the folder until the process is resolved.

(vi) *The employee is entitled to severance pay.* Keep the folder until the employee is rehired or severance pay expires.

(3) Personnel records and folders that are shipped or mailed should be securely packaged and sealed. Single folders should be sent in an envelope. Use a padded envelope or standard shipping box (such as FedEx) instead of a standard mailing envelope to provide greater protection in the mailing process. Include a list of employee names and SSNs for each folder mailed. Folders can be sent by regular first class mail but it is recommended that certified, return receipt mail be used since this procedure is less expensive than reconstructing lost files.

(d) Retirement and death cases. When an employee retires or dies, there are special requirements in processing the separation. Refer to the OPM Operating Manual, "The CSRS and FERS Handbook for Personnel and Payroll Offices," for processing instructions for these actions.

(e) Records erroneously left out after transfer of folder(s). When long-term documents that should have been in the folder(s) are discovered after the folders have been mailed, send them immediately to the new Human Resources office or the NPRC. Attach the documents to a cover letter that specifies whether the records should be part of the personnel or medical folder. The following information must be included:

- (1) Employee name;
- (2) Social Security Number;
- (3) Date of Birth;
- (4) Date of Separation;
- (5) Reference to the date the folder was originally sent; and
- (6) The name and address of the Human Resources representative submitting the records.

§ 2054.1058 (Con)

(f) Notice to employees. Advise separated employees how they can request copies of documents in their personnel and medical folders. See Chapters 6 and 7 of the OPM Operating Manual, "The Guide to Personnel Recordkeeping." A sample written notice for separated employees is included in Chapter 7.

§§ 2054.1059 - 2054.1060 [Reserved]

§ 2054.1061 Employee Performance File System (EPFS) Records.

The EPFS consists of all performance appraisals, performance plans, awards, and other performance related records.

(a) Purpose. The EPFS provides for maintenance of all performance-related records used not only by Rural Development but also by other Federal agencies. The records are used: (1) to assist rating officials in monitoring and rating performance; (2) to provide employees with information on their actual performance or matters affecting performance and on how, if necessary, their performance can be improved; and (3) as a basis for decisions involving pay, assignments, reassignments, promotions, rewards, training, retention standing in reduction-in-force, demotions, removals, and remedial actions.

(b) Location of records. Performance records, including performance appraisals, plans, and supporting documentation can be filed as follows:

(1) The records may be filed on the left-hand side of the OPF in an envelope acco-fastened to the bottom of the OPF. The envelope should always remain on top of all other documentation on the temporary side of the OPF.

(2) The records may be filed in an envelope acco-fastened to the bottom of the left-hand side a separate folder labeled in accordance with § 2054.1056(a)(1) of this instruction. File the folder immediately behind the OPF.

(3) Performance appraisals and plans may be stored electronically in Rural Development's automated Human Resources system only if there is no additional supporting documentation that must be filed manually with the records (e.g., paper production records used to justify a rating).

(c) Contents of the EPF. The envelope will contain copies of the following:

- (1) Performance appraisals and plans;
- (2) Awards with documentation;
- (3) General letters of appreciation;
- (4) Relevant records created during appeals (this does not include actual appeal documentation);
- (5) Any documents concerning the denial of a Within-Grade-Increase (WGI) or reflecting that a request for reconsideration of a WGI denial has been made and its outcome (the actual request-for-reconsideration file is established as a separate file and is not part of the EPFS); and
- (6) Any records relating to conduct matters that agency officials believe are so interrelated to performance as to warrant retention in the EPF. Care must be exercised that such records are not relied upon when taking a performance-based action as defined in 5 CFR 432.

(d) Retention of records.

- (1) Performance appraisals (including the performance plan documenting the elements and standards) will be retained in the EPF for 4 years (5 years for Senior Executive Service employees). Outdated appraisals may be either shredded or returned to the employee (clearly marked as an obsolete record).
- (2) All appraisals (non-SES employees only) supporting a demotion or removal for unacceptable performance must be removed from the EPF if the Agency decides not to take action because of the employee's improved performance, and the employee's performance continues to be acceptable for one year. The removal of the appraisal at the end of a year of acceptable performance (i.e., from the date of the notice of proposed removal or demotion) must be accomplished no later than 30 calendar days following the end of that year.
- (3) Performance-related documents needed in connection with an ongoing administrative, negotiated, quasi-judicial, or judicial proceeding may be retained for as long as necessary.

§ 2054.1061(d) (Con.)

(4) Records may be retained in connection with an appeal, grievance, or complaint for as long as necessary.

(5) Records may be removed as the result of a settlement, grievance procedure, or other administrative action approved by management.

(6) Records may be removed as a result of a court order. When changes or removal of performance-related records are necessary, they shall be made as soon as possible, but not more than 30 calendar days after the final decision is rendered.

(e) Disposition of records.

(1) "Summary" or "ratings of record" appraisals that are 4 years old or less must be taken out of the EPF (or printed from the electronic file) and attached to the left side of the OPF to be forwarded to the next servicing Human Resources office. In accordance with 5 CFR 293.405, the losing office will purge records that are more than 4 years old. Additionally, the losing supervisor will provide an employee who changes positions during an appraisal period with an interim rating covering performance in the former position. The Interim rating must always accompany the OPF.

(2) All other EPF records are to be destroyed.

§§ 2054.1062 - 2054.1065 [Reserved]

§ 2054.1066 Employee Medical Folder.

(a) Purpose. The EMF, Standard Form 66-D, provides a uniform method to retain long-term operational medical records for Federal employees. This record must "travel" with the employee throughout his/her Federal service. Records maintained in the EMF are part of a Government-wide Privacy Act system and must be maintained in accordance with 5 CFR 297.

(b) Contents. The EMF contains the following documents:

(1) Medical records created in connection with the Agency's request to OPM for permission to pass over a preference eligible, when the permission is denied and the applicant is subsequently hired. In cases where the applicant is not a preference eligible and the Agency obtains additional medical data to determine whether the applicant can perform the duties of the position, such medical records also are to be included in the EMF.

(2) Records created/submitted when demonstrating that the applicant qualifies for appointment under special authorities regarding employment of persons with severe physical or mental disabilities.

(3) Medical records created during employment as a result of a condition of employment or as a result of an on-the-job occurrence, including:

(i) Records necessary to demonstrate that the employee continues to meet the medical standards for the position, e.g., periodic hearing, sight, or physical examinations.

(ii) Records to support placement of the employee in a light duty status or which lead to some other temporary accommodation made by the agency, e.g., a detail because of a medical condition.

(iii) Records created under the agency's employee health monitoring program.

(iv) Occupational illness/accident/injury records when no claim is filed for worker's compensation with the Office of Worker's Compensation Programs (OWCP). The OWCP case file is not covered under the EMFS and is stored separately.

(4) Records created during the separation process include those used as the basis for an agency-initiated separation, those created for an application for disability retirement, and those created when the employee dies in service. (Records involved in a granted disability retirement or in a death will also become part of the OPM/CENTRAL-1, Civil Service Retirement and Insurance Records system. This system contains records on all Federal employees and are both controlled and maintained by OPM.)

Such records include those:

(i) That demonstrate the person is no longer capable of meeting the medical standards of the position, there is no other position available for the person, and no other accommodation can be made;

(ii) Used in reaching a decision for the Agency to initiate a request for disability retirement;

§ 2054.1066(b)(4) (Con.)

(iii) Provided by the employee in connection with an application for disability retirement.

(iv) Resulting when the employee dies in service.

(c) Drug testing records under Executive Order 12564, Drug Free Workplace. These records are created when an employee undergoes a drug-screening test under USDA's guidelines. (The USDA Drug-Free Workplace Plan sets forth the objectives, policies, procedures, and implementation guidelines to achieve a drug-free workplace.) Such records: (1) are subject to the Privacy Act; (2) are, generally, part of the EMF; and (3) will be maintained in accordance with Departmental guidelines. Employee Medical Folders that are transferred to other agencies may not include any drug testing records created under this Executive Order.

(d) Designated Manager of EMFs. The designated servicing Human Resources office representative or Medical Officer will control the requesting of EMFs and requests for disclosure of records from the EMFs. Disclosure will only be made as defined in 5 CFR Chapters 293, 294, 297, and RD Instructions 2015-E and 2018-F.

(e) Location of records. The physical location for retention of EMF records must be a locked metal cabinet separate from the OPFs.

(f) Transferring EMFs. No EMF will be routinely forwarded unless requested in accordance with the OPM Operating Manual, "The Guide to Personnel Recordkeeping," and 5 CFR Chapter 293. The EMF will only be forwarded to the designated representative. Verify that the appropriate names and titles are included on all requests. The EMF will be transferred as follows:

(1) When an employee transfers to another Federal agency, the EMF must be transferred to the gaining agency at the same time as the employee's OPF. The EMF is to be addressed only to the gaining agency's designated Human Resources representative, or other designated manager of the EMFS. (5 CFR 293.510) (If an employee transfers and the requesting agency does not ask for an existing EMF, notify that agency that an EMF exists, but do not transfer it until a proper request is received.)

(2) When an employee separates from the Federal service, the EMF must be forwarded to the NPRC with the OPF, in accordance with 5 CFR 293.307. (The folders must be retained for 30 working days, and may normally be retained for a maximum of 90 days.) The NPRC will destroy the records 75 years after birth date of employee; 60 years after date of the earliest document in the folder, if the date of birth cannot be ascertained; or 30 years after latest separation, whichever is latest.

(3) When Rural Development re-employs a former Federal employee, and the agency believes that an EMF exists, either at the last employing agency or at the NPRC, the agency will request the EMF, but no sooner than 30 days after the date of the new appointment. No EMFs will be routinely retrieved during the initial review process except when authority exists for the agency to require a medical evaluation prior to reaching a decision on employability. (5 CFR 293.510)

(g) Retention of records.

(1) Medical records evolving from an employee's use of the Employee Assistance Program are not to be retained in the EMF unless requested by the employee.

(2) Temporary records must not be placed in a newly created EMF for a separating employee and must be removed from an already existing EMF before its transfer to another agency or to the NPRC. Such records must be disposed of in accordance with the General Records Schedule (GRS) 1, Item 21, Employee Medical Folder (EMF), issued by the National Archives and Records Administration (NARA) in accordance with 5 CFR 293.511.

(3) Occupational medical records considered to be long-term records must be maintained for the duration of employment in accordance with the OPM Operating Manual, "The Guide to Personnel Recordkeeping." Therefore, upon separation, the records must be provided to the employee's new servicing Human Resources office or they must be transferred to the NPRC.

(h) Disposition of records. EMFs will be forwarded to either the new servicing Human Resources office or to the NPRC in accordance with 5 CFR 293.510 and § 2054.1058(c) of this Instruction.

§ 2054.1067 Disclosure of records from OPFs, EPFs, and EMFs.

Request for disclosure of records from the OPFs, EPFs, MRPFs, and EMFs under the Privacy Act and the Freedom of Information Act (FOIA) will be handled as defined in RD Instructions 2015-E and 2018-F, and 5 CFR 293.311, 5 CFR 294, and 5 CFR 297.

§§ 2054.1068 - 2054.1100 [Reserved]

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