

FCC/OGC-3

SYSTEM NAME:

Adjudication of Internal Complaints against Employees.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of General Counsel (OGC), Federal Communications Commission (FCC), 445 12th Street, SW, Room 8-C743, Washington, DC 20554.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any Federal Communications Commission (FCC) employee who is the subject of a complaint investigation involving internal personnel actions or activities, i.e., discrimination, grievance, political activity, separation, or adverse action.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records involve internal personnel disputes that have reached the hearing stage, and may include correspondence, memoranda, transcripts of hearings, briefs, pleadings, investigative reports, and decisions of hearing examiners and Commissioners.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

[5 U.S.C. 301](#).

PURPOSE(S):

These records are used by staff attorneys in the General Counsel's office in settlement negotiations with opposing parties; records are also used in preparation for hearings before an administrative body or a court of appropriate jurisdiction.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information about individuals in this system of records may routinely be disclosed under the following conditions:

1. Adjudication and Litigation – where by careful review, the agency determines that the records are both relevant and necessary to litigation and the use of such records is deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records, these records may be used by a court or adjudicative body in a proceeding when: (a) the agency or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States Government is a party to litigation or has an interest in such litigation;
2. Law enforcement and Investigation – where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be shared with appropriate Federal, State, or local authorities either for purposes of obtaining additional information relevant to a FCC decision or for referring the record for investigation, enforcement, or prosecution by another agency;
3. Congressional Inquiries – when requested by a Congressional office in response to an inquiry by an individual made to the Congressional office for their own records;
4. Government-wide Program Management and Oversight – when requested by the National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906; when the U.S. Department of Justice is contacted in order to obtain that department’s advice regarding disclosure obligations under the Freedom of Information Act; or when the Office of Management and Budget is contacted in order to obtain that office’s advice regarding obligations under the Privacy Act.
5. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by the agency –disclosure may be made to a Federal, State, local, or foreign agency maintaining civil, criminal, or other relevant enforcement records, or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the retention of an employee or other personnel action (other than

hiring), the retention of a security clearance, the letting of a contract, or the issuance or retention of a grant or other benefit;

6. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by other than the agency – disclosure may be made to a Federal, State, local, foreign, tribal, or other public authority of the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire records if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action; and

7. Labor Relations – A record from this system may be disclosed to officials of labor organizations recognized under 5 U.S.C. Chapter 71 upon receipt of a formal request and in accord with the conditions of 5 U.S.C. 7114 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose for which the records were collected.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

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

STORAGE:

The information is stored in file folders.

RETRIEVABILITY:

Records are retrieved by the name of the subject individual in the investigation.

SAFEGUARDS:

Records are maintained in file cabinets in an office that is secured at the end of each business day. Since only one or two staff persons routinely access this record system, unauthorized examination during business hours would be easily detected.

RETENTION AND DISPOSAL:

Records are kept for five years after the closure of each case. They are then shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Office of General Counsel (OGC), Federal Communications Commission (FCC), 445 12th Street, SW, Room 8-C743, Washington, DC 20554.

NOTIFICATION PROCESS:

Address inquiries to the system manager.

RECORD ACCESS PROCEDURE:

Address inquiries to the system manager.

CONTESTING RECORD PROCEDURE:

Address inquiries to the system manager.

RECORD SOURCE CATEGORIES:

Claimants, co-workers of subject individual, other supervisors, classification experts, and other persons involved in the case.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.