

EPA INFORMATION PROCEDURES

EPA Classification No.: CIO 2155-P-04.0	CIO Approval Date: 12/23/2014
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*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005*

PRESERVATION OF SEPARATING, TRANSFERRING OR SEPARATED PERSONNEL'S RECORDS IN ACCORDANCE WITH THE FEDERAL RECORDS ACT

1. PURPOSE

This Procedure is designed to ensure that all records as defined in the Federal Records Act, independent of media and format, created or received by EPA employees who are separating, transferring or have separated from an employment relationship with EPA, are preserved in accordance with their records schedules.

2. SCOPE AND APPLICABILITY

This Procedure addresses the preservation of separating or separated personnel's records in accordance with the Federal Records Act. It also addresses personnel transferring from one EPA Program Office or Region to another. This procedure should be implemented consistently with any other applicable information preservation requirements or procedures.

3. AUDIENCE

The audience for this Procedure includes all EPA organizations, officials, and employees who manage Agency records, as appropriate.

4. BACKGROUND

The Federal Records Act of 1950, as amended, establishes the framework for records management programs at federal agencies. It requires that all federal agencies make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. These records are public property and must be managed according to applicable laws and regulations.

5. AUTHORITY

- a. [44 U.S.C. Chapter 31 – Records Management by Federal Agencies \(Federal Records Act\)](#)
 - b. [44 U.S.C. Chapter 33 – Disposal of Records](#)
 - c. [44 U.S.C. Chapter 35 – Coordination of Federal Information Policy](#) (Paperwork Reduction Act of 1980, as amended, Paperwork Reduction Reauthorization Act of 1995, and Government Paperwork Elimination Act)
 - d. [OMB Circular A-123](#) – Management's Responsibility for Internal Control
 - e. [OMB Circular A-130](#) – Management of Federal Information Resources
 - f. U.S. EPA, National Security Emergency Preparedness Policy (Order 2040.1a1)
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- g. U.S. EPA, Uniform Continuity of Operations (COOP) Plan Policy (Order 2030.1)
 - h. Federal Emergency Management Agency (FEMA) Federal Preparedness Circular 65 – Federal Executive Branch Continuity of Operations (COOP)
 - i. Presidential Memorandum, Managing Government Records, November 28, 2011
 - j. Memorandum for the Heads of Executive Departments and Agencies and Independent Agencies, from Office of Management and Budget and National Archives and Records Administration, Managing Government Records Directive, August 24, 2012
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6. PROCEDURE

All records created or received by EPA personnel must be managed in accordance with all federal and EPA records management policies. The Agency has a responsibility to satisfy requirements for capturing any records and maintaining them based on the instructions in the appropriate records schedule. This preservation responsibility exists whether or not the information is also subject to a litigation hold or other preservation requirement.

Prior to separating from the Agency or transferring to another organization within the Agency, all personnel are responsible for ensuring that any records for which they are responsible have been properly identified and saved into an Agency recordkeeping system (“recordkeeping system”) or have been properly turned over to a supervisor or successor. If this does not occur prior to separation, the Agency requires that the separated or transferred employee’s records be forwarded to a supervisor or successor for capturing into a recordkeeping system. The records of Senior Officials that have not been saved into a recordkeeping system must be turned over to the Records Liaison Officer (RLO) or records contact for capturing into a recordkeeping system. For a complete list of Agency RLOs go to: http://intranet.epa.gov/records/contact_us.html.

Additional and superseding requirements apply if the personnel have documents or records that are subject to a litigation hold. All electronically stored information (ESI) subject to a litigation hold created or received by EPA personnel who have separated/transferred or will be separating from an employment relationship with EPA must be preserved. Therefore, all records schedules must be suspended for records subject to a litigation hold, until the litigation hold is lifted. See the *CIO Policy for Preservation of Separated Personnel’s Electronically Stored Information Subject to Litigation Hold* and any implementation procedures for more information on the preservation of ESI of separated employees subject to litigation hold requirements.

I) Separating Personnel

Before separating from the Agency, personnel should follow all separation guidance (including any specific Regional or Program guidance) along with the instructions below.

A. Senior Officials

1. A separating Senior Official must complete EPA Form 3110-1, *Employee Separation Checklist*, and EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, which ensures that all potential records (paper and electronic) have been properly identified and saved into a recordkeeping system or that they were properly turned over to a RLO or records contact.
 2. A separating Senior Official, his/her records contact or RLO, and his/her Information Management Officer (IMO) or their designee, sign EPA Forms 3110-1 and 3110-49, thereby certifying to the best of their knowledge that all records were properly identified and saved into a recordkeeping system or that they were properly turned over to the Records Liaison Officer or records contact for that
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office. For a list of Agency IMOs go to:

<http://intranet.epa.gov/oei/imitpolicy/qic/documents/qic-sio-sc-imo-list.pdf>

B. Other EPA Employees

1. A separating or transferring EPA employee completes EPA Form 3110-1, *Employee Separation Checklist*, and EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, which ensures that all potential records (paper and electronic) have been identified and properly transferred into a recordkeeping system or properly turned over to a supervisor or successor. EPA Form 3110-49 also requires the identification of any current audits, congressional inquiries, Freedom of Information Act (FOIA) requests and litigation holds to which the employee is subject.
2. A separating or transferring EPA employee, supervisor or designee, and the RLO or designee, should sign EPA Forms 3110-1 and 3110-49, and thereby certify to the best of their knowledge that all records were properly identified and saved into a recordkeeping system or that they were properly turned over to a supervisor or successor.

Upon completion, EPA Form 3110-1, *Employee Separation Checklist* must be maintained by the Office of Human Resources and the completed EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, must be maintained by the RLO.

II) Transferring Personnel

Transferring personnel are required to follow the same procedure identified above for Separating Personnel.

III) Separated Personnel

For separated/transferred personnel who have properly identified and transferred their records and completed and signed the required EPA Form 3110-1, *Employee Separation Checklist*, and EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, no additional procedures are needed. For personnel who did not properly identify and transfer their records and/or complete the required EPA Forms 3110-1 and 3110-49 prior to separating, the Agency requires that their records be captured in a recordkeeping system using the instructions below.

A. Senior Officials

1. For Senior Officials who separated/transferred without completing the required actions and paperwork for preserving the records that were in their custody, the IMO or his/her designee, in consultation with the RLO and the records contact for that office, uses EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, to review all documents and records for which the Senior Official was responsible and of which the IMO or their designee is aware. When possible, the IMO or his/her designee should cull out non-records, transitory and personal material, which will not be captured. The records of the Senior Official identified during the review should be preserved under the appropriate records schedule and placed into a recordkeeping system.
2. The IMO or his/her designee in consultation with the RLO and the records contact, sign EPA Form 3110-49 and thereby certify to the best of their knowledge that all records were properly identified and saved into a recordkeeping system.

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B. Other EPA Employees

1. For EPA employees other than Senior Officials who separated/transferred without completing the required actions and paperwork for preserving the records that were in their custody, the supervisor or designee uses EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, to review all documents and records for the employee. When possible, the supervisor or designee must cull out non-records, transitory and personal material, which will not be captured. The reviewer should also preserve records under the appropriate records schedule and place them into a recordkeeping system.
2. The supervisor or designee and the RLO or designee sign EPA Form 3110-49 and thereby certify to the best of their knowledge that all records were properly identified and saved into a recordkeeping system.

Upon completion, EPA Form 3110-1, *Employee Separation Checklist* must be maintained by the Office of Human Resources and the completed EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, must be maintained by the RLO.

7. RELATED DOCUMENTS

1. CIO 2155.2, EPA Interim Records Management Policy.
2. EPA Records Management Manual.
3. Additional documents, including forms, guidance, and other relevant information are maintained on EPA's records management Web site. [<http://www.epa.gov/records/>]
4. International Standard ISO 15489-1:2001 – Information and documentation – Records management – Part 1: General.
5. International Standard ISO/TR 15489-2:2001 – Information and documentation – Records management – Part 2: Guidelines.
6. CIO 2156.0, Policy – Preservation of Separated Personnel's Electronically Stored Information Subject to Litigation Holds

8. ROLES AND RESPONSIBILITIES

Information Management Officers (IMOs)

Information Management Officers (IMOs) or their designees are responsible for assisting in the preservation of records for separating, transferring and separated Senior Officials. IMOs are management officials responsible for the oversight of the information resources management within their organizations.

1. For separating Senior Officials, IMOs review the completed Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, and sign and date the form.
 2. For separated Senior Officials who did not complete the required actions and paperwork for preserving their records, the IMO or his/her designee in consultation with the RLO and the records contact for that office, uses EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, to review all documents and records for which the Senior Official was responsible. When possible, the reviewer(s) should cull out non-records, transitory and personal material, which will not be captured. The IMO or
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his/her designee signs EPA Form 3110-49 and thereby certifies to the best of his/her knowledge that all records were properly identified and saved into a recordkeeping system.

Records Liaison Officers (RLOs) or Records Contacts

1. RLOs and Records Contacts assist in the final processing of forms for separating, transferring and separated personnel and assist in ensuring their records are properly saved. The RLOs review, sign and date completed EPA 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, for separating, transferring and separated personnel, including Senior Officials, and assist as needed in the proper disposition of their records.
2. The RLOs maintain the completed, certified form 3110-49 in accordance with Schedule 0568 or appropriate subsequent schedule.

Separating/Transferring EPA Employees

Separating or transferring EPA employees are required to review all documents and records for which they are responsible prior to their departure. All records should be captured in an Agency approved recordkeeping system. All non-record material should be properly disposed of as required by all other existing preservation requirements. Separating Senior Officials complete EPA Form 3110-1, *Employee Separation Checklist*, and EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, and have the forms signed by either their Information Management Officer or his/her designee. All other EPA employees complete EPA Form 3110-1, *Employee Separation Checklist*, and EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, and have their supervisor and RLO initial, sign and date the forms.

Supervisors

Supervisors who are responsible for managing EPA staff in Headquarters and Regional offices are responsible for ensuring that their staff complete EPA Form 3110-1, *Employee Separation Checklist*, and EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*. They must assist in the preservation of records for separating, transferring and separated staff who are not Senior Officials.

1. For separating or transferring employees, supervisors review the completed EPA Form 3110-1, *Employee Separation Checklist*, and EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, and initial, sign and date the forms.
2. For separated employees, supervisors use EPA Form 3110-1, *Employee Separation Checklist*, and EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, to aid in the review of all documents and records for which the employee was responsible. Supervisors must ensure to the best of their knowledge that any records that were in the employee's possession are properly saved in an Agency recordkeeping system and non-records are properly disposed. Supervisors complete and sign Form 3110-49 for the employee who has separated without completing the form.

9. DEFINITIONS

Cull: Any sorting activity whether automated or manual that removes non-records, transitory and personal material from the official records.

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Personnel: EPA employees with an employee ID.

Recordkeeping System: A manual or automated system in which records are collected, organized, and categorized to facilitate their preservation, retrieval, use, and disposition.

Records Contact: A person responsible for overseeing records management activities within an organizational unit in a Headquarters, Regional or Field office in cooperation with the RLO.

Records Liaison Officer (RLO): A person responsible for overseeing a records management program in a Headquarters, Regional or Field office in cooperation with the Agency Records Officer.

Senior Official: Senior officials include: Presidential appointees; Deputies (e.g., Principal, Assistant, etc.) and Special Counsels or Trusted Advisors of Presidential appointees and Senior Executive Service (SES) personnel, in addition to Senior Level and Scientific Professionals (SL/ST).

Separated Personnel: EPA employees with user and email accounts on EPA networks, who no longer are employed by EPA, whether by retirement, permanent transfer to another federal agency, public or private organization, or any other situation in which an employment relationship with EPA is severed.

Separating Personnel: EPA employees with user and email accounts on EPA networks, who have given notice and are in the process of leaving the Agency, whether by retirement, permanent transfer to another federal agency, public or private organization, or any other situation in which an employment relationship with EPA is severed.

Separation: Permanent severing of employment relationship with EPA, whether by retirement, permanent transfer to another federal agency, public or private organization, or any other situation in which an employment relationship with EPA is severed.

Transferring Personnel: EPA employee who physically moves from one building to another, from one position to another, or is reassigned to another organization within the Agency temporarily (e.g., detail assignments) or permanently (e.g., reassignments, reorgs). Transfer may also include transferring from EPA to another federal agency.

Additional definitions are found on EPA's Terminology Services website:
http://ofmpub.epa.gov/sor_internet/registry/termreg/home/overview/home.do

10. WAIVERS

No waivers will be granted.

11. RELATED PROCEDURES, STANDARDS AND GUIDANCE

Required procedures and implementation guidelines are found on the records management Intranet Website. [intranet.epa.gov/records/]

12. MATERIAL SUPERSEDED

EPA Form 1340-8, Senior Agency Officials and Political Appointees Separation or Transfer Records Checklist.

13. ADDITIONAL INFORMATION

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For further information, please contact the Office of Environmental Information, Office of Information Collection at (202) 566-1630.



Renee P. Wynn
Acting Assistant Administrator for Environmental Information
and Acting Chief Information Officer
U.S. Environmental Protection Agency

ALL PERSONNEL ARE REQUIRED TO COMPLETE THIS CHECKLIST AND EPA FORM 3110-1 BEFORE SEPARATING FROM EPA OR TRANSFERRING TO ANOTHER PROGRAM OFFICE OR REGION WITHIN EPA. ALL PERSONNEL ARE REMINDED THERE ARE ADDITIONAL RESPONSIBILITIES TO MAINTAIN ANY INFORMATION THAT MAY BE SUBJECT TO A LITIGATION HOLD. EMPLOYEES AND SUPERVISORS MUST FOLLOW SEPARATE CLEARANCE PROCEDURES FOR LITIGATION HOLDS.

PERSONNEL BACKGROUND INFORMATION

Name: _____ Job Title: _____ Date: _____

Employment Status: EPA Employee

ALREADY SEPARATED WILL BE SEPARATING Approximate date of Separation: _____

ALREADY TRANSFERRED WILL BE TRANSFERRING Approximate date of Transfer: _____

Supervisor: _____ Office: _____ Records Liaison Officer: _____

Brief description of job duties: _____

Describe major records that you maintain (i.e., contracts or grants documents, inspection reports, etc.) _____

POTENTIAL RECORD SOURCES TO BE REVIEWED

Each box below must be initialed by the employee, supervisor, and RLO or their designee. If not applicable, boxes should be marked as N/A.

Electronic Documents & Records on all media should be transferred to an EPA recordkeeping system (including email, hard drives, portable electronic storage devices, LAN, servers, collaboration tools, etc.)		Completed (Initial Below)			Paper Documents & Records and Working Documents of completed, ongoing and pending activities (including special projects and workgroups).		Completed (Initial Below)		
		Emp	Supv* IMO	RLO			Emp	Supv* IMO	RLO
1.	Email records including accounts such as private/personal or secondary (group and/or special purpose) email accounts				8.	Program File Rooms (i.e., RCRA, Air, Water, etc.) and Federal Records Center (FRC) <i>Initialed by Records Contact/Designee.</i> • Returned all files checked out • Submitted new records to be filed			
2.	Portable electronic storage devices (CDs, DVDs, USBs, floppies, etc.) <i>(List in comments)</i>				9.	Superfund Records Center <i>initialed by Superfund Records Contact/Designee</i> • Returned all files checked out • Submitted new records to be filed			
3.	PDA's (i.e. BlackBerry, Windows Phone, iPhone, cell phone, etc.)				10.	Employee's Workspace Checked for Records and transferred to another employee • If not transferred, who will transfer? <i>(List name in comments.)</i>			
4.	Local Area Network Files				11.	Confidential Business Information <i>initialed by Document Control Officer (DCO)</i> • Returned all files checked out (TSCA, FIFRA, RCRA, other) • Request by supervisor submitted to terminate CBI Authorized Access			
5.	Local hard drive and records on personal computer				12.	Identify current FOIA requests assigned to you by name/number, list in comments.			
6.	Shared drive(s) <i>(List the drives in comments.)</i>				13.	Identify and preserve current or potential litigation hold materials by name/number for which you have been or may be identified as a custodian. List name/number in comments. <i>Initialed by Litigation Holds Contact.</i>			
7.	Lotus Notes and Microsoft Office Collaboration Tools (e.g., Quickr, SharePoint, One Drive, etc.) <i>(List the tools in comments.)</i>				14.	Identify and preserve existing audit or Congressional inquiry materials for which you have been or may be identified as a custodian by name/number in comments.			

COMMENTS: For any items requiring additional notation or if any box above is left blank, you must provide explanation.

CERTIFICATIONS

To the best of my knowledge, I certify that all U.S. Government documentary materials, in any format, have been identified and transferred to the appropriate recordkeeping system or person and that the statements made on this Checklist are true, accurate, and complete.

1. Employee (signature) _____ (print name) _____ Date: _____

2. Supervisor (signature) _____ (print name) _____ Date: _____

OR in the Case of Senior Officials

IMO/designee (signature) _____ (print name) _____ Date: _____

3. RLO/designee (signature) _____ (print name) _____ Date: _____

INSTRUCTIONS

This Checklist is to be utilized as detailed in *EPA Information Procedures on Preservation of Separating, Transferring or Separated Personnel's Records in Accordance with the Federal Records Act*. The purpose of the Checklist is to help EPA personnel identify all potential locations of records in their custodianship. For personnel who have separated, the supervisor/manager should review the person's records first, when at all possible.

PERSONNEL BACKGROUND INFORMATION SECTION to be completed by Employee or Supervisor.

For the statement "**Describe major records that you maintain,**" if the individual does not have specific records management responsibilities, "routine recordkeeping responsibilities" may be entered.

POTENTIAL RECORD SOURCES TO BE REVIEWED SECTION

Personnel, Supervisor/Designee, Records Liaison Officer (RLO)/Designee must all initial the Checklist for each numbered item.

1. Initial in the "completed" box next to each description to note that records have been identified, captured in an approved recordkeeping system or transferred to another employee, or enter "N/A" if that item is not applicable for that individual. (Not every description will be applicable to all personnel, i.e., not all personnel have an EPA provided Blackberry, iPhone, etc..)
2. If any box is left blank, provide explanation in the Comment field.
3. For items requesting additional notations, use the Comment field, noting the item number being clarified.
4. RLO/designee is responsible to resolve any item which has not been initialed. Final resolution should be noted on the Checklist when completed.

CERTIFICATIONS SECTION

If the individual has already separated from EPA, insert "N/A-already separated" on the Employee signature line.

This completed, certified Checklist should be maintained by the local Records Liaison Officer/Designee in accordance with Schedule 0568 or appropriate subsequent schedule.