

**MEMORANDUM OF UNDERSTANDING AMONG
THE OFFICE OF PERSONNEL MANAGEMENT, THE NATIONAL
ARCHIVES AND RECORDS ADMINISTRATION, AND THE
DEPARTMENT OF VETERANS AFFAIRS**

I. COVERAGE

This constitutes an agreement among the U.S. Office of Personnel Management, the National Archives and Records Administration, and the Department of Veterans Affairs regarding personnel and medical records for individuals who have been employed both under title 5 United States Code and under title 38 United States Code. Specifically, the agreement concerns:

- A. The ownership, maintenance, and retention of personnel and medical records covering employment under both authorities.
- B. Procedures for accessing and amending records for individuals who have been employed under both authorities.
- C. Consultation and cooperation in establishing and revising personnel recordkeeping procedures that might impact this agreement.

II. RECORDS UNDER A SINGLE EMPLOYMENT SYSTEM

Records of employment under title 5 United States Code are under the jurisdiction of the U.S. Office of Personnel Management. General employment records are filed in an Official Personnel Folder (Standard Form 66); medical records are filed in an Employee Medical Folder (Standard Form 66-D). An Official Personnel Folder is established for each individual appointed under the title 5 employment system; an Employee Medical Folder may or may not be established depending on the specific requirements of the position to which the individual has been appointed. Procedures for establishing, maintaining, and disposing of these folders are in part 293 of title 5, Code of Federal Regulations, and in OPM's Operating Manual, THE GUIDE TO PERSONNEL RECORDKEEPING. The Office of Personnel Management has published systems of records under the Privacy Act of 1974, as amended, that cover maintenance and release of information from each of these Folders. The Official Personnel Folder is covered by OPM/GOVT-1; the Employee Medical Folder is covered by OPM/GOVT-10. Official Personnel Folders and Employee Medical Folders of separated employees are transferred to the National Archives and Records Administration's National Personnel Records Center under procedures in section 1228.154 of title 36, Code of Federal Regulations.

Records of employment under title 38 United States Code are under the jurisdiction of the Department of Veterans Affairs. General employment records may be filed in a Merged Records Personnel Folder (Standard Form 66-C); medical records may be filed in an Employee Medical Folder (Standard Form 66-D). Procedures for establishing,

maintaining, and disposing of these records are issued by the Department of Veterans Affairs. The Department of Veterans Affairs has systems of records covering title 38 personnel records, 76VA05, and title 38 employee medical records, 08VA05. Merged Records Personnel Folders and Employee Medical Folders of separated title 38 employees are transferred to the National Personnel Records Center under procedures in section 1228.154 of title 36, Code of Federal Regulations.

Personnel and medical records documenting employment under a single employment system, i.e., employment only under title 5 or only under title 38, will be handled under procedures established for that employment system. This agreement does not alter any of the recordkeeping procedures applicable to such records.

III. EXCHANGE OF RECORDS

The Office of Personnel Management and the Department of Veterans Affairs agree to transfer Official Personnel Folders, Merged Records Personnel Folders, and Employee Medical Folders under their jurisdiction. When an individual currently employed under either title 5 or title 38 accepts an appointment under the other employment system, the current employing office will transfer the appropriate folder(s) to the next employer, as requested.

The National Personnel Records Center will honor requests from Federal agencies for the loan or transfer of an Official Personnel Folder, Merged Records Personnel Folder, or Employee Medical Folder covering title 5 and/or title 38 employment. These requests must follow the standard procedures established by the National Personnel Records Center.

A. Personnel Records. If an individual with previous service under the title 38 employment system is appointed to a position under title 5, the employing agency will document the title 5 service in the same Merged Records Personnel Folder created under the title 38 employment. The title 5 records will be added to the title 38 records. The title 5 employing agency will not change or remove any of the title 38 records.

If an individual with previous service under title 5 is appointed to a position under title 38, the Department of Veterans Affairs will create a Merged Records Personnel Folder, remove all of the records from the Official Personnel Folder, and place them in the newly created Merged Records Personnel Folder. The title 38 records will be added to that Merged Records Personnel Folder.

B. Medical Records. When an Employee Medical Folder has been established for an individual under either title 5 or title 38 employment, that folder will be used for all future service. The title 5 and title 38 records will be added to the single folder.

IV. ACCESS TO RECORDS

Personnel records documenting an individual's service under both the title 5 and title 38 employment systems will be in a single Merged Records Personnel Folder. Employee medical records under both the title 5 and title 38 employment systems will be in a single Employee Medical Folder. Records in such Folders will be available to officials in the current employing agency as needed in the performance of their official duties.

All other requests for access to documents in the Merged Records Personnel Folder or Employee Medical Folder will be processed under the guidance applicable to those records. The procedures in OPM's Operating Manual, THE GUIDE TO PERSONNEL RECORDKEEPING and the provisions of the OPM/GOVT-1 and OPM/GOVT-10 Privacy Act systems of records will apply to any request for title 5 records. The provisions of the 76VA05 and 08VA05 Privacy Act systems of records will apply to any request for title 38 records. The office responsible for processing the request will be determined according to the following procedures. Requests not addressed to the appropriate office will be referred and the requestor will be notified of the referral.

A. Individuals who have separated from Federal employment. The National Archives and Records Administration and the National Personnel Records Center will process requests for both title 5 and title 38 records.

B. Individuals currently employed in the Department of Veterans Affairs. The Director, Department of Veterans Affairs Shared Service Center at 3401 SW 21st Street, Topeka, Kansas 66604 will process requests for both title 5 and title 38 records.

C. Individuals currently employed under title 5 and not covered above. The current employing office will process requests for both title 5 and title 38 records.

V. AMENDMENT OF RECORDS

Requests to amend records in a Merged Records Personnel Folder or Employee Medical Folder containing records created under both the title 5 and title 38 employment systems will be processed under the guidance applicable to the system under which the records were created. The procedures in OPM's Operating Manual, THE GUIDE TO PERSONNEL RECORDKEEPING and the provisions of the OPM/GOVT-1 and OPM/GOVT-10 Privacy Act systems of records will apply to any request to amend title 5 records. The provisions of the 76VA05 and 08VA05 Privacy Act systems of records will apply to any request to amend title 38 records. The office responsible for processing the request will be determined according to the following procedures. Requests not addressed to the appropriate office will be referred and the requestor will be notified of the referral.

A. Individuals who have separated from Federal employment. The request to amend title 5 records will be processed by the Assistant Director for Workforce Information,

Office of Personnel Management, 1900 E Street, NW., Washington DC 20415. The request to amend title 38 records will be processed by the Director, Department of Veterans Affairs Shared Service Center at 3401 SW 21st Street, Topeka, Kansas, 66604. If a request applies to records under both systems, the office receiving the request will refer that portion of the request with a copy of the file material to the appropriate office.

B. Individuals currently employed in the Department of Veterans Affairs. The Director, Department of Veterans Affairs Shared Service Center will process requests for both to title 5 and title 38 records.

C. Individuals currently employed under title 5 and not covered above. The current employing office will process any request applying to the title 5 records. The office will then refer any request applying to title 38 records along with the Merged Records Personnel Folder and/or Employee Medical Folder to the Director, Department of Veterans Affairs Shared Service Center.

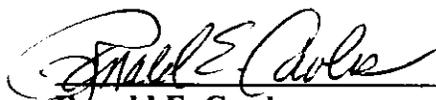
VI. CONSULTATION ON RECORDKEEPING ISSUES

The Office of Personnel Management, Department of Veterans Affairs, and National Archives and Records Administration will work closely to resolve any recordkeeping issues that may arise under this Memorandum. Each agency will inform the others of any new or revised recordkeeping procedures that are relevant to the exchange of personnel information or the maintenance and use of Official Personnel Folders, Merged Records Personnel Folders, and Employee Medical Folders.



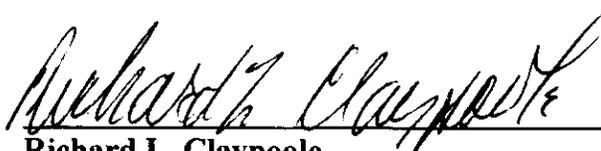
Andrew P. Klugh
Assistant Director for Workforce Information
U.S. Office of Personnel Management

4/15/98
Date



Ronald E. Cowles
Deputy Assistant Secretary for Human Resources Management
Department of Veterans Affairs

2/23/98
Date



Richard L. Claypoole
Assistant Archivist for Regional Records Services
National Archives and Records Administration

5/7/98
Date