



CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NGB-J1
DISTRIBUTION: A

CNGBI 1400.25, Vol. 293
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NATIONAL GUARD SUPERVISOR'S EMPLOYEE WORK FOLDER PROGRAM

References: See Enclosure B.

1. Purpose.

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction is to establish policy and assign responsibilities regarding the National Guard (NG) Technician Personnel Program in accordance with (IAW) reference a.

b. Volume. This volume provides policy and procedures for the maintenance of automated and manual records under the NG Supervisor's Employee Work Folder Program IAW references a through j.

2. Cancellation. None.

3. Applicability. This instruction applies to all NG employees and their supervisors in the States, Territories, and District of Columbia.

4. Policy. It is NG policy to manage the performance of and maintain information on supervised employees under the NG Supervisor's Employee Work Folder Program IAW the references.

a. Supervisor's Employee Work Folder. The Supervisor's Employee Work Folder consists of records at, or near, the work site, depending on conditions such as availability of secure storage containers; facilities for private counseling; distances between the work site, crew office, and supervisor's or manager's office; climate; and availability of transportation. Employee records include:

UNCLASSIFIED

(1) Supervisor's Employee Brief. Generated by the Defense Civilian Personnel Data System with appointment action or as required.

(2) Performance-Related Records. Maintain performance-related records for no more than three years, unless otherwise required by law or policy (that is, litigation hold). Records include critical elements, ratings of record, records to track performance, documents concerning reconsideration or appeal of performance-related matters, performance improvement plans, and memoranda or notations of performance counseling.

(3) Conduct-Related Records. Maintain conduct related records in accordance with applicable law and policy. Only letters of reprimand contain specific disposition dates. Maintain letters of reprimand for one to three years, unless circumstances or applicable collective bargaining agreements (CBAs) require other timeframes. Supervisors do not need to keep copies of adverse action records once the action is complete. Notations on the Supervisor's Employee Brief are sufficient.

(4) Leave Schedules. Ensure timely use of annual leave by maintaining leave schedules.

(5) Forms and Correspondence. Keep copies of correspondence or forms related to training until training is completed or no longer relevant based upon a good faith determination by the supervisory chain of command. Keep copies of Standard Form (SF) 52, "Request for Personnel Action."

c. Safeguarding and Disposition. Dispose of a Supervisor's Employee Work Folder when:

(1) A supervisor leaves the organization. Retain the Supervisor's Employee Work Folder for the gaining supervisor.

(2) An employee moves to a different organization at the same work location. The losing supervisor sends the complete, up-to-date Supervisor's Employee Work Folder to the gaining supervisor.

(3) An employee is transferred to another NG State, servicing Human Resource Office (HRO), or agency. Destroy the losing Supervisor's Employee Work Folder after 90 days unless otherwise required by law, regulation, or policy.

(4) An employee is separated for any reason other than entrance into military service or an adverse action. Destroy the losing Supervisor's Employee Work Folder after 90 days unless otherwise required by law, regulation, or policy.

(5) An employee retires from Federal civilian service. The employee may review and retain a copy of his or her folder before the Supervisor's Employee Work Folder is destroyed.

(6) An employee is separated as a result of an adverse action. The Employee Brief and any supporting documents contained in the Supervisor's Employee Work Folder are destroyed when all deadlines have passed for a potential grievance, Merit System Protection Board appeal, Alternative Dispute Resolution proceeding, Equal Employment Opportunity complaint, or unfair labor practice charge. HRO and Judge Advocate General (JAG) advice should be obtained before destruction. Management must verify there are no pending litigation holds or administrative actions prior to destruction.

d. Reprimands. Unless otherwise specified in a CBA, destroy reprimands and oral admonishments maintained in the Supervisor's Employee Work Folder after two years from date of notice of decision to reprimand or for oral admonishment unless the records are subject to a litigation hold or some other administrative discovery process (that is, pursuant to an Equal Employment Opportunity complaint, Merit System Protection Board Appeal, grievance, or unfair labor practice charge).

e. Admonishment. The supervisor will state the date on which the admonition and reply will be expunged, absent continuation or repetition of the misconduct.

f. Civilian Personnel Position Descriptions. Documents required for the position (for example, copies of licenses, professional accreditation, certificates documenting proficiency with equipment or tools used) may be retained until updated.

g. Awards. Copies of documents supporting an award or commendation may be kept until an action is completed.

h. Prohibited Records. Prohibited records include items in Table 1. These records cannot be maintained in the Supervisor's Employee Work Folder.

PROHIBITED RECORDS
Copies of SF 50, "Notice of Personnel Action," once the Supervisor's Employee Brief has been posted
Security investigative records or reports
Pre-employment vouchers or telephone inquiry notations
Letters of indebtedness
Medical records, including injury compensation forms
SF 181, "Ethnicity and Race Identification"
SF 256, "Self-identification of Disability"
Photographs of personnel
Ancillary training certificates
Résumés

Table 1. Prohibited Records

i. Other Authorized Records. Supervisors should review local CBAs to determine whether there are additional restrictions on the type of records that may be maintained in the Employee Work Folder for bargaining unit employees. Personal notes maintained as memory aids are not considered official agency records and are not subject to the Privacy Act because they are:

- (1) Retained for the personal use of the supervisor.
- (2) Retained or discarded solely as the supervisor sees fit.
- (3) Not circulated or shown to anyone else.

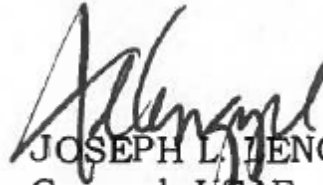
5. Definitions. None.

6. Responsibilities. See Enclosure A.

7. Summary of Changes. This is the initial publication of CNGBI 1400.25, Vol. 293.

8. Releasability. This instruction is approved for public release; distribution is unlimited. Obtain copies through <www.ngbpd.cngbi.army.mil>.

9. Effective Date. This instruction is effective upon publication and must be reissued, canceled, or certified as current every five years.



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Enclosures:

- A -- Responsibilities
- B -- References
- GL -- Glossary

ENCLOSURE A

RESPONSIBILITIES

1. HRO. HROs, under the authority, direction, and control of The Adjutants General and the Commanding General of the District of Columbia NG, will:
 - a. Provide required automated records.
 - b. Issue instructions for upkeep and use.
 - c. Train and assist supervisors in their use of the Supervisor's Employee Work Folder.
 - d. Caution users that maintenance of these records requires discretion and good judgment.
 - e. Caution users to provide access to these records only as permitted IAW reference f.
 - f. Coordinate all subpoena and other discovery requests for personnel records with the servicing NG JAG before releasing any records. This will ensure compliance with all applicable laws and regulations.
2. Higher-Level Reviewer. The higher-level reviewer will ensure that records are kept at the lowest practicable supervisory level within the organization.
3. Employee. An employee who disagrees with the accuracy of or otherwise deems improper an entry in the employee's Supervisor's Employee Work Folder has the right to meet with the supervisor to discuss the entry and request its deletion or change.
 - a. The employee may submit a written response to the entry, which shall be placed in the Folder immediately following the entry.
 - b. If the entry is not deleted or changed, the employee may grieve the entry IAW negotiated grievance procedures when appropriate.
4. Supervisors. Supervisors will:
 - a. Comply with this instruction and ensure that records are maintained to protect employee privacy.
 - b. Implement procedures to ensure safekeeping and secure storage of personnel records in a manner that protects against casual access.

- c. Ensure NG officials or others outside the NG have access only when appropriate and will not violate personal privacy.
- d. Allow employees to review the Supervisor's Employee Work Folder that pertains to them upon request. Employees wishing to provide access to their file to another person must provide the supervisor with written authorization.
- e. Disclose records only to other officials or employees who have a need for access to the record in the performance of their duties.
- f. If in receipt of a subpoena or other discovery request demanding personnel records, coordinate release with the HRO and servicing JAG before sharing any records. This will ensure compliance with all applicable laws and regulations.

ENCLOSURE B

REFERENCES

- a. CNGB Instruction 1400.25A, 10 October 2017, “National Guard Technician Personnel Program”
- b. DoD Instruction 1400.25, 01 December 1996, “DoD Civilian Personnel Management System”
- c. Office of Personnel Management Operating Manual, Update 13, 01 June 2011, “The Guide to Personnel Recordkeeping”
- d. Title 5 Code of Federal Regulations, Part 293, “Personnel Records”
- e. CNGB Instruction 5001.01, 05 December 2016, “National Guard Bureau Records Management Program”
- f. Title 5 United States Code (U.S.C.), Section 552a, “The Privacy Act,” “Records Maintained on Individuals”
- g. 10 U.S.C. § 10508, “National Guard Bureau: General Provisions”
- h. CNGB Memorandum, 16 February 2017, “Designation of the Adjutants General to Appoint, Employ, and Administer National Guard Employees”
- i. Public Law (P.L.) 114-328, 23 December 2016, “National Defense Authorization Act for Fiscal Year 2017”
- j. P.L. 114-92, Section 1053, 25 November 2015, “The National Defense Authorization Act for Fiscal Year 2016”

GLOSSARY

PART I. ACRONYMS

CBA	Collective bargaining agreement
CNGB	Chief of the National Guard Bureau
HRO	Human Resources Office
IAW	In accordance with
JAG	Judge Advocate General
NG	National Guard
NGB-J1	Manpower and Personnel Directorate
SF	Standard Form

PART II. DEFINITIONS

Employees -- Excepted service Title 32 dual status employees and Title 5 National Guard excepted and competitive service employees defined in reference i.