
Preservation of Separating, Transferring or Separated Personnel Records

Directive No: CIO 2155-P-04.1

*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated 07/07/2005*

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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

This Procedure addresses the preservation of separating or separated personnel records in accordance with the Federal Records Act. It also addresses the preservation of records for personnel that are 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. The audience also includes contractors and grantees when records management responsibilities are included in their contract or statement of work.

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

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- e. OMB Circular A-130 – Management of Federal Information Resources
- f. U.S. EPA, National Security Emergency Preparedness Policy (Order 2040.1a1)
- 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 (M-12-18), August 24, 2012
- k. Presidential Memorandum: Transition to Electronic Records (M-19-21), June 28, 2019

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 all records and maintaining them based on the instructions in the appropriate records schedule. This preservation responsibility exists whether or not the information is 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 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 list of RLOs go to: http://intranet.epa.gov/records/contact_us.html. The Enterprise Content Management System (ECMS) is the Agency's official recordkeeping system. For more information on ECMS go to <https://usepa.sharepoint.com/sites/oei/ermd/ECMS/SitePages/Home.aspx>.

Additional and superseding requirements apply if the personnel have documents or records that are subject to a litigation hold. All information, including 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.

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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 3110-2, *Employee Separation Certification*, 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 an 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 3110-2 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 RLO or records contact for that office. For a list of IMOs go to:

https://usepa.sharepoint.com/sites/oei_Community/CIOSAC/Documents/Admin/Member%20List/Official%20CIO%20SAC-SIO-IMO-SITL%20List.pdf

B. Other EPA Employees

1. A separating EPA employee completes EPA Form 3110-2, *Employee Separation Certification* (required and managed by the Office of Human Resources), 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 EPA employee, supervisor or designee, and the RLO or designee, should sign EPA Forms 3110-2 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 3110-2, *Employee Separation Certification* 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 must complete EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*. Upon

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completion, the form must be maintained by the RLO. The originating office RLO must also notify ECMS Help Desk (ecms@epa.gov) to move the transferring staff's ECMS registration to the new program/region.

III) Separated/Transferred Personnel

For separated/transferred personnel who have properly identified and transferred their records and completed and signed the required 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 complete the required EPA Form 3110-49 prior to separating or transferring, 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 non-records, transitory and personal material, which will not be captured. The records of the Senior Official identified during the review should be placed into a recordkeeping system and preserved under the appropriate records schedule. .
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.

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 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*, must be maintained by the RLO.

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7. 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 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 and all other EPA employees complete EPA Form 3110-2, *Employee Separation Certification*, and EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*. Senior Officials and all other employees that are transferring complete EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*. Senior Officials should have the forms signed by either their Information Management Officer or his/her designee, and all other EPA employees should have their supervisor and RLO initial, sign and date the forms.

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Supervisors

Supervisors who are responsible for managing EPA staff in Headquarters and Regional offices are responsible for ensuring that their staff that are separating complete EPA Form 3110-2, *Employee Separation Certification*, and EPA Form 3110-49, *EPA Records Management Checklist for Separating, Transferring and Separated Personnel*. EPA staff that are transferring only complete EPA Form 3110.49. 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 3110-2, *Employee Separation Certification*, 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 or transferred employees that did not complete EPA Form 3110-49 prior to leaving the Agency or organization, supervisors use the form 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.

8. RELATED INFORMATION

1. CIO 2155.4, EPA Interim Records Management Policy.
2. Additional documents, including forms, guidance, and other relevant information are maintained on EPA's records management website: <http://intranet.epa.gov/records>.
3. International Standard ISO 15489-1:2001 – Information and Documentation – Records Management – Part 1: General.
4. International Standard ISO/TR 15489-2:2001 – Information and Documentation – Records Management – Part 2: Guidelines.
5. CIO 2156.0, Policy – Preservation of Separated Personnel's Electronically Stored Information Subject to Litigation Holds.
6. Required procedures and implementation guidelines are found on the records management Intranet website: <http://intranet.epa.gov/records>.
7. [EPA Form 3110-2, Employee Separation Certification](#)
8. [EPA Form 3110-49, EPA Records Management Checklist for Separating, Transferring, and Separated Personnel](#)

9. DEFINITIONS

Agency Records Officer: A person assigned responsibility by the Agency head for overseeing the Agency-wide records management program.

Contractors: Individuals or employers who enter into a contract with an Agency to perform a specific job, supply labor and materials, or for the sale of products and services.

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

Grantees: Recipients who accept an award of financial assistance from a federal agency.

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:

https://ofmpub.epa.gov/sor_internet/registry/termreg/searchandretrieve/termsandacronyms/search.do

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10. WAIVERS

No waivers will be granted.

11. MATERIAL SUPERSEDED

CIO 2155-P-04.0, Preservation of Separating, Transferring or Separated Personnel's Records in Accordance with the Federal Records Act

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

12. CONTACTS

For further information, please contact the National Records Management Program (NRMP) at (202) 566-1494.

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and Chief Information Officer
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