

A Practical Guide to Developing Records Disposition Schedules

One of the most important things stressed by the National Archives and Records Administration (NARA) evaluation of EPA's records program was that we should revise and implement our records disposition schedules. In fact, all of Section III of the evaluation was devoted to revising and applying the schedules.

It's the Law

There are a number of laws governing the destruction, retirement, and archiving of Federal records. These are covered in a NARA publication called *Federal Records Management. Laws and Regulations* and are summarized in a pocket piece put out by NARA called *Records Management and the Law*. The essence of these laws as they pertain to destroying, retiring, or archiving records is that:

A record is any document (electronic or paper) that is produced or received in the course of conducting Agency business. All records must have disposition schedules. All disposition schedules must be approved by NARA. Federal employees must comply with the provisions of all schedules. Federal employees may destroy Federal records only in accordance with NARA approved schedules.

So there is no way around it - your Program **MUST** have and use NARA approved records disposition schedules.

It is entirely possible (although unlikely) that all the records in your Program are covered by the general Agency-wide (or HQ-wide or Region-wide) schedules. However, this must be determined by interviewing the people in your Program to find out what kinds of

records they produce and/or receive in the course of fulfilling their jobs (missions). If there are any types of records which are **UNIQUE** to your Program **OR DO NOT** fall into one of the categories of records (called "record series") that already have a disposition schedule, you will need to develop and obtain approval for a disposition schedule to cover those record types.

There are Benefits

Although this may sound like just another bureaucratic hassle, there are real, tangible benefits to your Program from having and using records disposition schedules:

First, using realistic records schedules can help alleviate the problems caused by natural pack rats who want to keep "everything." The schedules indicate when records should be thrown out, retired or archived. They should not be kept in the office longer than the schedules indicate. This can free up valuable office space.

Second, using realistic records schedules also guards against disposing of record material too soon. Sometimes records are no longer of value to the office that created or maintained them, but they may still be valuable to someone else. This type of consideration is (or should be) incorporated into the schedules when they are developed by including a sufficiently large schedule review loop.

Third, using realistic records schedules takes the guess-work out of cleaning out files at the end of the year. This saves time on what can be a tedious task.

Finally, using realistic records schedules helps avoid having to fulfill FOIAs and other requests unnecessarily. If requested documents have been legally dispositioned per the schedules, no one can hold the former custodian responsible for not having the documents. In addition to providing valuable legal protection, this also saves valuable staff time and resources.

The operative word in the aforementioned benefits is "realistic," and the only way to make the schedules realistic is to obtain program staff input during their development.

So how do you go about developing schedules for your program's records? As you might expect, this must be coordinated with the National Records Management Program (NRMP) within the Information Management Systems Division (IMSD) of the Office of Information Resources Management (OIRM). The NRMP, in turn, is responsible for coordinating with NARA.

Developing Records Schedules in the Programs - Lessons Learned

The Office of Solid Waste and Emergency Response (OSWER) and the NRMP have completed most of this process for the RCRA and CERCLA programs. As a result of going through this process, they have come up with a baker's dozen list of lessons learned which should help guide you in developing effective, realistic schedules for your program:

1. Define the scope

Determine whether to revise schedules for a Program or a set of organizations (e.g., for the RCRA program which spans OSW, OWPE, OE and other organizations or just OSW). Either can work. Doing it for a set of offices is somewhat easier since there is a finite, clearly defined universe. However, we chose to do it for a whole program. We wanted to mirror the Superfund efforts already underway and, more importantly, needed to be able to reconcile information we gathered on custody, official record ownership, usage, etc. across offices and particularly between HQ and the regions.

2. Obtain top management support first!

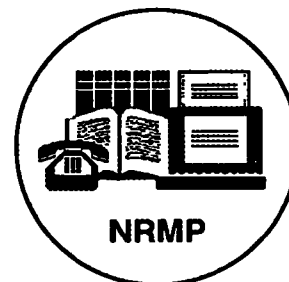
The definition of "top" should be based on the scope of schedules you are revising. A variety of approaches are possible. For example, have the Office SIRMO (who is ultimately charged with the responsibility of records management within your Office) write a memo to top management explaining the necessity and benefits of revising the schedules. Or you can make a presentation to top management covering this information. You may need to make a presentation to top management's key subordinates first to obtain their buy-in. Whatever you do, be sure to sell the "benefits" (such as those mentioned above) to be reaped by top management and their organization. Lay out the schedule development plan which would include identifying interviewees, sending a letter and information to interviewees, interviewing program technical staff and management, developing drafts, and reviewing as described below. Be sure to pin down when a letter encouraging or requiring cooperation will go out from top management. (Be prepared to draft it yourself.)

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7 Steps For Developing Records Disposition Schedules

The following are steps in the records disposition schedule approval process (from an NRMP handout circulated at the Records Management Working Meeting held in Chicago on June 9-10 1992).

- 1) Program develops disposition schedules with substantive input from technical program staff and management, or program provides the NRMP with sufficient information to do so.
- 2) The NRMP reviews schedules and suggests changes as necessary.
- 3) The NRMP returns schedules to program for approval if changes are made. Program suggests interested parties to review. All schedules are approved by at least the AAsip in the which the submitting program is located, Office of General Council (OGC) and Office of Administration and Resources Management (OARM).
- 4) The NRMP circulates schedules for formal concurrences (Green Border if necessary) by interested programs.
- 5) The NRMP submits schedules to National Archives, if necessary, (i.e., if there are substantive changes in the title, description, retention or disposition).
- 6) The NRMP negotiates changes with the National Archives and Records Administration (NARA) and EPA if necessary.
- 7) The approved schedules are distributed.



3. Get expert records management contractor assistance

One advantage to using a contractor is that revising the schedules then gets established as a formal project and is more likely to be completed. Using records management experts will also shorten the lead time for the project, since experienced contractors know the right questions to ask and can pick up on the nuances that spell the difference between useable and difficult to use schedules. Also they can provide examples to interviewees on how similar problems (e.g., determining retention periods) have been handled with similar records. Ideally, find a contractor with a good understanding of your program and the terminology used in it. This minimizes any information gaps that could crop up during the interviews.

4. Use local contractors

Since any program-wide schedule development project will probably require a lot of interviews, and since meetings can be cancelled at a moment's notice, it is helpful to use local contractors. We found it next to impossible to block out time for an out-of-town contractor to come in for in-person interviews. This was unfortunate since an interviewer can gain valuable information by what they see in an office and from non-verbal clues that surface during the interview.

5. Target your interviews

If one thing is the crux of the whole project, this is it! Work with people targeted by top management (and records champion(s) within the targeted organization(s)) to determine key interviewees. Usually, the best bets are branch chiefs, section chiefs, and key technical people in branches or sections. There is a tendency for people to want to shove records management down to the next person on the totem pole. It is important to obtain input from technical program staff and managers, so don't let them pass the buck. Keep in mind that there is a happy medium between interviewees who are too high up to know sufficient details about the records and how they are used, and those who are not high enough up to be familiar with the content, use and significance of the records. Also, the more people interviewed, the more contractor hours are expended.

6. Do your homework

Don't go into the interviews cold. Do background research to find out as much as you can about the

types of records an organization might have before the interview. The EPA library can provide such things as organizational mission statements and organizational charts, relevant laws, previous records schedules, program training materials, etc. By understanding what an organization is charged to do, you will have a fairly good idea of the types of records it is likely to produce. Bring a list of potential record series to the interview to help initiate the conversation.

7. Pick your sources

Be wary of allowing one portion of an organization to speak for the rest. It is rarely the case that one group knows what records are produced throughout an organization, let alone the appropriate retention values and the significance of each type of record. However, we did have a case where one division was responsible for the docket, budget, contracting, and communications within a whole office. After extensive research and careful discussions with this one division, we found that most of the documentation produced by the office seemed to flow through this one division. As a result, we did not interview anyone from any other divisions. Of course, the proof will be in the implementation and whether additional series are unearthed after the schedules are in place.

8. Get a champion

Coordinate efforts to obtain interviews with "records champions" (i.e., advocates) within the targeted program offices/divisions. People seem to respond better to others within their own office (especially their managers) than to those outside their office.

9. Get involved

Don't expect to divorce yourself from the process. Setting up interviews can be next to impossible if you rely solely on the contractor conducting the study. (See note 3). Many people do not return calls to others outside their organization unless they know the caller. You'll need to be up to speed on the purpose and the process for the informal briefings that occur while setting up interviews as well as for the major presentations to management. Continue to sell "benefits" of doing the records schedule revision!

10. Provide interviewees with a few materials before the interview.

Here are a few examples of materials we found useful:

- ◆ A copy of the memo from top management stating the purpose of the project and why their participation

is needed (i.e., why program and technical people need to be interviewed not just secretaries and paraprofessionals).

- ◆ A straw list of possible series for the program office/division. A good contractor can prepare this from organizational charts, mission statements, old records schedules, laws, regulations, training materials, etc. pertaining to the program.

- ◆ The NRMP diagram "*What is a Record?*" Unfortunately, many people at EPA are unaware of their legal, records management responsibilities and are unsure of what a record is. This diagram helps sort out what constitutes official records from what are personal papers and other non-record material (like technical reference) so that your interviews can focus on true records.

- ◆ A sample of an old/current records schedule and sample of a new records schedule. Most people in EPA have never heard of a records disposition schedule, much less know it's purpose or what one looks like. (In fact, most haven't even heard of the word "disposition.") Note in a cover letter that the format is changing, and that the new format will provide more information which will assist us in our overall records management effort.

Note: It is NOT recommended that you send all the old/current schedules. They are bulky, and if the pre-interview package is too thick, your interviewees may not read ANY of the material. In addition, it could cause confusion since the old/current schedules are out of date (and we need fresh thinking on the subject anyway).

11. In interviews, ask interviewees to focus on unique, program specific records that wouldn't be found in other parts of EPA.

Common materials already covered by schedules include administrative materials, rulemaking dockets, policy making materials, contracting records, special studies, reports to Congress, etc. Be sure to unearth electronic records as well. Know the schedules that have already been rewritten in draft form and what will and won't fit under these series.

The existing drafts can be obtained from the NRMP. For the unique types of records, ask your interviewees:

- ◆ For what are the records used? What's their purpose?

- ◆ What laws or regulations form the basis of the activity that produces the record?
- ◆ What other organizations (inside and outside EPA) use them or have copies?
- ◆ Who is or should be responsible for (have custody or ownership over) the official record.
- ◆ A) How long are records active (i.e., needed in the office).
B) After that, how long do they need to be infrequently accessed (i.e., less than one retrieval per FRC-sized box per month).
C) Do they need to be kept permanently (i.e. greater than 50 years).

[Points B and C will help indicate when and whether things should be sent to the FRC and/or Archives respectively.]

- ◆ How are the records physically and logically organized currently?

12. Make sure you leave time for actually writing the schedules and for plenty of reviews.

Be sure to separate out Program Specific Guidance from Agencywide Guidance information for inclusion in the appropriate sections on the new schedule format since NARA will not need the former. Multiple reviews by the program are extremely important. Although people may not be used to thinking of their records in terms of record series and certainly not in terms of disposition schedule verbiage, they will still be able to pick up errors and point out missing information when they review the schedules.

13. When the schedules are ready for Green Border, make sure to work with the NRMP.

Keep in mind that the more you have involved the relevant organizations in preparing the draft schedules prior to Green Border, the more likely they are to be approved in that process with few additional revisions. This goes for the National Records Management Program (NRMP) as well. Mike Miller, NRMP Manager, will be happy to review your draft schedules at any point in the process and give you valuable feedback. You can contact him at (202) 260-5911, or on dmail:Miller.Michael.OIRM. For further information contact Manker R. Harris (contractor), at (202) 260-5272. ❖

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