

litigation or has an interest in such litigation:

(1) FMCS, or any component thereof;

(2) Any employee or former employee of FMCS in their official capacity;

(3) Any employee or former employee of FMCS in their capacity where the Department of Justice or FMCS has agreed to represent the employee;

(4) The United States, a Federal agency, or another party in litigation before a court, adjudicative, or administrative body, upon the FMCS General Counsel's approval.

(h) To any federal agency, organization, or person for the purposes of performing audit or oversight operations related to the operation of this system of records as authorized by law, but only information necessary and relevant to such audit or oversight function.

(i) To appropriate agencies, entities, and persons when (1) FMCS suspects or has confirmed that there has been a breach of the system of records, (2) FMCS has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, FMCS (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with FMCS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(j) To another Federal agency or Federal entity, when FMCS determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(k) To disclose to the Office of Government Ethics in response to an ethics program audit, questionnaire, survey, or any other compliance inquiry directed to FMCS.

(l) To disclose information to any source when necessary to obtain information relevant to a conflict-of-interest investigation or determination.

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

These records are maintained in paper and electronic form in locations only accessible to authorized personnel.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

These records are retrieved by the name or other programmatic identifier assigned to an individual.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

In accordance with the NARA's General Records Schedule (GRS) 2.8 Employee Ethics Records, these records are retained for six years after filing, except when filed by or with respect to a nominee and the nominee ceases to be under consideration for the position. If any records are needed in an ongoing investigation, they will be retained for the duration of the investigation. Records are destroyed by shredding or deleting.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Records are located in a locked file storage area or stored electronically in locations requiring agency network access via username and password. FMCS buildings are guarded and monitored by security personnel, cameras, ID checks, and other physical security measures.

#### **RECORD ACCESS PROCEDURES:**

Individuals wishing to request access to their records should contact the Office of General Counsel (OGC). Individuals must provide the following information for their records to be located and identified: (1) Full name, (2) Address, and (3) A reasonably identifying description of the record content requested. See 29 CFR 1410.3, Individual access requests.

#### **CONTESTING RECORDS PROCEDURES:**

Records are updated on a periodic basis; most record corrections can be handled through established administrative procedures. Contact the Office of General Counsel (OGC) for contesting records under the provisions of the Privacy Act. See 29 CFR 1410.6, Requests for correction or amendment of records, on how to contest the content of any records.

#### **NOTIFICATION PROCEDURES:**

See 29 CFR 1410.3(a), Individual access requests.

#### **EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

#### **HISTORY:**

This amended SORN deletes and supersedes the SORN published on the **Federal Register** on October 27, 2021, at 86 FR 59387.

Dated: August 23, 2022.

**Anna Davis,**

*Deputy General Counsel.*

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## **FEDERAL MEDIATION AND CONCILIATION SERVICE**

### **Modification to FMCS Commercial Receivables Process**

**AGENCY:** Federal Mediation and Conciliation Service (FMCS).

**ACTION:** Notice of payment method for FMCS services and/or products.

**SUMMARY:** The Federal Mediation and Conciliation Service (FMCS), is issuing this notice to inform the public that it is modifying its commercial receivables process to require payment through *Pay.gov*. This requirement will enable FMCS to reduce check processing costs to the agency.

**DATES:** This change to the payment process is effective August 26, 2022.

**FOR FURTHER INFORMATION CONTACT:** Will Shields, 202-606-3635, [wshields@fmcs.gov](mailto:wshields@fmcs.gov).

**SUPPLEMENTARY INFORMATION:** FMCS is an independent federal agency tasked by Congress to provide mediation, conciliation, and voluntary arbitration services in the private and federal sectors. In service of its mission, non-federal sources reimburse FMCS for certain expenses including, but not limited to, processing FOIA requests under 29 CFR 1401; requests for arbitrator panels, under 29 CFR 1404; and labor relations training. Commercial receivables are typically paid in the form of physical checks sent to the agency and processed by Treasury's Administrative Resource Center (ARC), which charges FMCS a processing fee per transaction.

In 2023, FMCS expects to receive more than 6,000 commercial receivables. The costs associated with processing commercial receivables has necessitated FMCS to move to *Pay.gov*. If *Pay.gov* submission creates an undue hardship, payees may contact [payments@fmcs.gov](mailto:payments@fmcs.gov) to explain the circumstances and receive assistance.

Dated: August 22, 2022.

**Anna Davis,**

*Deputy General Counsel.*

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