

# Rules and Regulations

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Parts 293 and 410

RIN 3206-AH94

#### Personnel Records and Training

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing final regulations governing personnel records and Federal employee training. The regulations amend a statement about maintaining individual employee training records and clarify agency authority for training employees outside the United States.

**DATES:** This rule becomes effective on September 16, 1998.

**FOR FURTHER INFORMATION CONTACT:** For 5 CFR Part 293 information: Linda Brick on 202-606-1126, fax 202-606-1719, or email lbrick@opm.gov. For 5 CFR 410 information: Judith Lombard on 202-606-2431, fax 202-606-2394, or email jmlombar@opm.gov.

**SUPPLEMENTARY INFORMATION:** OPM published proposed regulations in the April 1, 1998, *Federal Register* (63 FR 15787) for a 60-day public comment period. Comments were received from six sources. Three specifically addressed the change in 5 CFR § 293.403(b)(3); none specifically addressed the proposal to add a section to 5 CFR part 410 clarifying agency authority for training employees outside the continental United States; two favorable comments addressed the entire proposed regulatory change, and one agency responded with no comment.

(1) *Training Records.* Two agencies and an individual commented specifically on the proposed rule to

remove a parenthetical sentence in 5 CFR § 293.403(b)(3) (47 FR 3080). The parenthetical sentence provides for records of training of 8 hours or more to be placed in an employee's Official Personnel File. The two agencies agreed with deleting the sentence. The individual objected, commenting that training records should be maintained as official records in an employee's Official Personnel File.

Since publication of the U.S. Office of Personnel Management *Guide to Personnel Recordkeeping*, March 15, 1996, (available from the Superintendent of Documents, U.S. Government Printing Office, or from the U.S. Office of Personnel Management's website at <http://www.opm.gov/feddata/html/opf.htm>), training documents are no longer maintained as permanent records in an employee's Official Personnel Folder. Since the parenthetical sentence in 5 CFR § 293.403(b)(3) refers to a non-existent recordkeeping requirement, and is no longer accurate, we believe it needs to be deleted.

(2) *Training Outside the United States.* No comments were received specifically on the proposed rule to add a section on training outside the continental United States clarifying agency authority in this area. Two agencies, responding to the proposed rule in its entirety, supported the addition. A new section, designated as 5 CFR § 410.302(f), will be added to 5 CFR part 410 and will read as follows:

The head of each agency shall prescribe procedures, as authorized by section 402 of Executive Order No. 11348, for obtaining U.S. Department of State advice before assigning an employee who is stationed within the continental limits of the United States to training outside the continental United States that is provided by a foreign government, international organization, or instrumentality of either.

#### Regulatory Flexibility Act

I certify that these regulations will not have significant economic impact on a substantial number of small entities because they affect only Federal employees and agencies.

## List of Subjects

### 5 CFR Part 293

Archives and records, Freedom of information, Government employees, Health records, and Privacy.

### 5 CFR Part 410

Education, Government employees. U.S. Office of Personnel Management.

**Janice R. Lachance,**  
*Director.*

Accordingly, the Office of Personnel Management is amending 5 CFR Part 293 and 5 CFR Part 410 as follows:

## PART 293—PERSONNEL RECORDS

### Subpart D—Employee Performance File System Records

1. The authority citation for subpart D of 5 CFR Part 293 continues to read as follows:

**Authority:** 5 U.S.C. 552a and 5 U.S.C. 4305 and 4315; E.O. 12107 (December 28, 1978); 5 U.S.C. 1103, 1104, and 1302; 3 CFR 1954-1958 Compilation; 5 CFR 7.2; E.O. 9830, 3 CFR 1943-1948 Compilation.

#### § 293.403 [Amended]

2. Section 293.403 paragraph (b)(3) is amended by removing the parenthetical sentence.

## PART 410—TRAINING

3. The authority citation for part 410 continues to read as follows:

**Authority:** 5 U.S.C. 4101, *et seq.*; E.O. 11348, 3 CFR, 1967 Comp., p. 275.

4. Section 410.302 is amended by adding a new paragraph (f) to read as follows:

#### § 410.302 Responsibilities of the head of an agency.

\* \* \* \* \*

(f) The head of each agency shall prescribe procedures, as authorized by section 402 of Executive Order No. 11348, for obtaining U.S. Department of State advice before assigning an employee who is stationed within the continental limits of the United States to training outside the continental United States that is provided by a foreign government, international organization, or instrumentality of either.

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