



THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-4000

PERSONNEL MANAGEMENT  
AND PERSONNEL

7 AUG 1992

MEMORANDUM FOR: See Distribution

SUBJECT: Merged Records Personnel Folder--Memorandum of Understanding (MOU)

This is to request implementation of the attached recordkeeping MOU approved by DoD, OPM, and the National Archives and Records Administration (NARA). The MOU covers the ownership, maintenance and retention of personnel and medical records of employees moving between DoD civil service and NAF positions under benefit portability provisions of DoD 1401.1-M, Appendix F, and the Portability Act.

My January 21 memo requested you begin using the Merged Records Personnel Folder (MRPF) to ensure complete documentation of creditable service for employees moving between employment systems under coverage of the Portability Act. The MOU on the use of MRPFs was developed by DoD and OPM and incorporates comments received from the Military Departments and NARA.

Under the MOU, the personnel records of employees moving between NAF and civil service who are covered by portability benefits are combined in the MRPF, Standard Form 66-C. Medical records are combined in the Employee Medical Folder (EMF), Standard Form 66-D. Actual ownership of a record remains with the employment system which created the record. An employee's MRPF and EMF will be maintained by the employing NAFI or civil service agency in accordance with the requirements of FPM Supplement 293-31 and the MOU.

An FPM Bulletin alerting other federal agencies to the use of the MRPF will be issued by OPM. Questions on the MOU may be directed to Donna Trantum at 703-696-4664 or Autovon 226-4664.

A handwritten signature in black ink, appearing to read "Thomas F. Garnett, Jr.", written over a horizontal line.

Thomas F. Garnett, Jr.  
Director, Personnel Management  
(Civilian Personnel Policy/Equal Opportunity)

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EXCHANGE SERVICE

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE U.S. OFFICE  
OF PERSONNEL MANAGEMENT, THE NATIONAL ARCHIVES AND  
RECORDS ADMINISTRATION, AND THE DEPARTMENT OF DEFENSE  
NONAPPROPRIATED FUND EMPLOYMENT SYSTEM

I. GENERAL

This constitutes an agreement between the U.S. Office of Personnel Management (OPM), the National Archives and Records Administration (NARA), and the Department of Defense's Nonappropriated Fund (NAF) employment system concerning:

- A. The ownership, maintenance, and retention of personnel and medical records of individuals who have moved between Civil Service and NAF positions within the Department of Defense (DOD) under the provisions of the Portability of Benefits for Nonappropriated Fund Employees Act (P.L. 101-508) and the DOD Employee Benefit Portability Program. The Portability Act and the DOD policy implementing the Act apply to employees who move between nonappropriated fund (NAF) and civil service employment systems within DOD without a break in service of more than 3 calendar days. The Portability Act and implementing regulations are effective retroactively to January 1, 1987.

These employees have service creditable in both the civil service system subject to the Civil Service regulations administered by OPM (under title 5, U.S.C. authority) and in the NAF employment system subject to DOD 1401.1-M, "Personnel Policy Manual for NAFIs," and DOD Component implementing regulations. These various authorities are denoted "systems" in this memorandum.

- B. The granting of access to, disclosure from, and amendment of records in Official Personnel Folders (OPF's), NAF Official Personnel Folders (NAFOPF's), Merged Records Personnel Folders (MRPF's), Employee Medical Folders (EMF's), and NAF Employee Medical Folders (NAFEMF's) of individuals who have moved between DOD Civil Service and NAF positions under the benefit portability provisions of the Portability Act and the DOD Employee Benefit Portability Program.
- C. The exchange of personnel documents and data between several Privacy Act systems of records with all disclosures made in full accordance with the Privacy Act.
- D. Procedures to be followed by the National Personnel Records Center (NPRC) when responding to requests for access to, providing information from, or disposition of the MRPF's of separated employees when:

- (1) the MRPF contains documents created during both Civil Service and NAF employment; and
- (2) a request is received for transfer of an MRPF (SF 66-C) or EMF (SF 66-D) between systems.

The provisions of this MOU apply only to NPRC processing of MRPF's and EMF's. This MOU does not cancel previous agreements between DOD Components and NPRC concerning the servicing of NAFOPF's and NAFEMF's stored at NPRC.

- E. Consultation and cooperation in the establishment and revision of personnel processing and recordkeeping procedures which affect the MRPF or EMF.

## II. DEFINITIONS

**Access** means providing an individual's records (or copies thereof) to that individual or to a representative designated in writing by that individual.

**Amendment** means correction, addition, deletion, or destruction of any part of an individual's record.

**Data Subject** means the individual to whom the information pertains and by whose name or other individual identifier the information is retrieved.

**Disclosure** means providing personal review of a record, or a copy thereof, to someone other than the data subject or other than the data subject's authorized representative or legal guardian.

**DOD Components** means the Office of the Secretary of Defense, the Military Departments (Army, Navy, and Air Force), the Defense Agencies, and the Army and Air Force Exchange Service.

**Employee Medical Folder (EMF--SF 66-D)** means a file containing occupationally-related civilian employee medical records created during the course of an individual's Federal civilian service under a personnel system subject to title 5, U.S.C. as well as another agency's occupational medical records created under a separate personnel system when the agency has entered into an MOU agreement with OPM and NARA.

**Merged Records Personnel Folder (MRPF--SF 66-C)** means a file that is the subject of an agency/OPM/NARA recordkeeping MOU and that contains personnel records related to civilian employment under both the Civil Service system and one or more non-Civil Service Federal personnel

systems, or to civilian employment under one or more non-Civil Service Federal personnel systems only.

**NAF Employee Medical Folder (NAFEMF)** means a file containing occupationally-related civilian employee medical records created during an individual's DOD NAF employment.

**NAF Instrumentality (NAFI)** means an integral DOD organizational entity through which (a) an essential Government function is performed, and (b) other DOD organizations are provided or assisted in providing morale, welfare, and recreational programs. The NAFI is established and maintained individually or jointly by the Heads of the DOD Components.

**NAF Official Personnel Folder (NAFOPF)** means a file containing records and documents relating to DOD NAF employment.

**NAF records** means personnel records created by DOD instrumentalities that are subject to NAF policy.

**Official Personnel Folder (OPF--SF 66)** means a file containing records and documents related to civilian employment under title 5, U.S.C.

**OPM records** means personnel records created by Federal agencies that are subject to OPM regulations (Title 5, Code of Federal Regulations).

**Third Party Request** means a request for information about an individual, by someone other than that individual from outside the agency creating or owning the individual's record and other than an individual specifically authorized by the data subject to receive the information.

**Transcript of Service** means an employee's work history that is prepared with and limited to data releasable under 5 CFR 293.311(a) and 5 U.S.C. 552a(b)(2), respectively, for title 5 and NAF employees. For the purpose of this MOU and filing in the MRPF, NAF chooses to prepare Transcripts of Service in accordance with OPM procedures and data release criteria given at 5 CFR 293.311(a).

### III. CONTROL OF PERSONNEL AND MEDICAL RECORDS

A Civil Service employee's Official Personnel Folder (OPF) (SF 66) is part of the OPM Government-wide Privacy Act system of records known as OPM/GOVT-1, General Personnel Records, and is under the jurisdiction and control of OPM. Documents retained in the OPF (SF 66) are subject to the requirements of title 5, United States Code; title 5, Code of Federal Regulations; and the Federal Personnel Manual (FPM), as well as appropriate agency or departmental regulations.

The Merged Records Personnel Folder (MRPF) (SF 66-C) consists of either the combined records of service under the Civil Service system and another personnel system, or records only of non-Civil Service systems. The Civil Service records in such a Folder are included in the OPM/GOVT-1 Privacy Act system.

The Employee Medical Folder (EMF) (SF 66-D) is part of the OPM Government-wide Privacy Act system of records known as OPM/GOVT-10, Employee Medical Files, and is under the control and jurisdiction of the Office of Personnel Management (OPM). Civil Service documents retained in the EMF (SF 66-D) are subject to the same authorities described above for the OPF.

NAF personnel records in NAFOPF's and MRPF's are subject to the requirements of DOD 1401.1-M, "Personnel Policy Manual for Nonappropriated Fund Instrumentalities," and Component regulations and are under the control and jurisdiction of the appropriate DOD Component.

NAF medical records in NAFEMF's or EMF's are subject to the Privacy Act of 1974 as administered by the appropriate DOD Component's system of medical records and are under the control and jurisdiction of the DOD Component.

#### IV. REPOSITORY OF RECORDS

NARA, National Personnel Records Center (NPRC) located at 111 Winnebago Street, St. Louis, Missouri 63118, is the authorized repository for the personnel and medical records of most former Federal employees. NPRC will retain separated employee OPF's, MRPF's and EMF's under OPM's control. The NAFOPF's and NAFEMF's of separated DOD NAF employees are retained at the NPRC. NAF records disposition is in accordance with the official records disposition schedule for DOD Nonappropriated Fund Employee Personnel Records as approved by NARA.

NPRC is responsible for the maintenance, retention, and disposition of these records in accordance with DOD NAF or OPM procedures (as supplemented by relevant MOUs).

NPRC will accept records only if they are filed in the appropriate folder (SF 66-C, Merged Records Personnel Folder and SF 66-D, Employee Medical Folder) and contain the proper identification of the former employee; i.e., name (last, first, middle initial), date of birth (month, day, year), and social security number.

NPRC will accept agency-submitted loose miscellaneous documents for filing in an MRPF or EMF only if transmitted with a letter providing

the name, date of birth, social security number, and date of separation of the former employee.

Records must be forwarded to NPRC in a sealed envelope, a standard records carton, or similar container. All records must be addressed to: National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118.

If documents are improperly filed in MRPF's, or EMF's, or if NPRC determines that an improper folder has been used to retain these records, NPRC will return such document or folder to the submitting agency for corrective action.

#### V. ESTABLISHMENT AND MAINTENANCE OF FOLDERS

Title 5, U.S.C. Section 2105(c) exempts DOD NAFIs from the provisions of Executive Order 12107, "Relating to the Civil Service Commission and Labor-Management in the Federal Service," which designated Civil Service employees records in the OPF in Federal agencies as property of OPM. DOD NAF is not bound by OPM rules and regulations governing the establishment, maintenance, and retention of OPF's and EMF's, and is therefore not required to use the same folders (SF 66 for the OPF and SF 66-D for the EMF) to house its records. DOD NAF intends to use OPM-designated folders (SF 66-C MRPF and SF 66-D EMF) to retain the records of employees who have moved from a DOD civil service position to a DOD NAF position and whose civil service employment is creditable under the provisions of the DOD NAF Employee Benefit Portability Program. DOD NAF retains legal custody of NAF personnel and medical records for the life of the records, even after merged into an MRPF.

The DOD will use the MRPF and EMF to retain the records of employees who have moved from DOD NAF positions to DOD civil service positions and whose NAF service is covered under the provisions of the Portability of Benefits for Nonappropriated Fund Employees Act.

Once an MRPF is established for an employee, the file will be used to retain the employee's records in all subsequent NAF and civil service employment. OPM and DOD NAF regulations will be used to determine an employee's creditable service in future civil service and NAF employment.

An employee's MRPF and EMF will be maintained by the employing NAFI or civil service agency in accordance with requirements of FPM Supplement 293-31, DOD NAF regulations, and this MOU.

#### VI. TRANSFER OF RECORDS

When an employee moves from a DOD NAF position to a DOD civil service position under the provisions of the Portability Act (that is, after

January 1, 1987 and without a break in service of more than 3 calendar days), the employing NAFI will transfer the employee's NAF personnel and medical records to the employing DOD civil service office upon request. The employing office will combine the employee's NAF records and the employee's OPF records in an MRPF (SF 66-C). The employee's medical records will be combined in an EMF (SF 66-D).

When a DOD civil service employee moves to a DOD NAF position under the provisions of the DOD Employee Benefits Portability Program (that is, after January 1, 1987, and without a break in service of more than 3 calendar days), the employing civil service office will forward the employee's OPF and EMF to the NAFI upon request. The NAFI will combine the employee's civil service personnel records with the employee's NAF personnel records and place them in an MRPF (SF 66-C). The employee's medical records will be combined in an EMF (SF 66-D).

When an employee for whom a Federal Agency maintains an MRPF and EMF transfers to an Executive Branch Department or agency of the Federal government, to a DOD NAFI, or to another non-title 5 Federal agency, the employer will transfer the MRPF to the new employing agency upon request. Before the MRPF and EMF are forwarded, the employer will remove from the MRPF any temporary records (except performance appraisals and plan(s)) properly filed in the MRPF and any temporary records properly filed in the EMF. The employer also will insure that all documents in the MRPF and EMF are complete and correct in accordance with requirements of FPM Supplement 293-31, BASIC PERSONNEL RECORDS AND FILES SYSTEM and NAF regulations.

When an agency receives an MRPF that contains NAF records, these records will remain in the MRPF (SF 66-C).

When an individual separates from NAF or Civil Service employment and is not transferring to another Federal agency, the employing agency will forward the MRPF and EMF to NPRC.

## VII. ACCESS TO PERSONNEL RECORDS

### A. Data Subject Access Requests

When an agency receives a request from a current employee, who was formerly employed by DOD NAF or another non-title 5, U.S.C. agency, to review or obtain a copy of his/her MRPF, the agency will make arrangements with the employee to establish when the MRPF can be reviewed or when copies of the MRPF can be made available.

When NPRC receives a former NAF employee's request for a copy of a specific document, information, or transcript from a NAF record retained in his/her MRPF, NPRC will provide the requester with the requested copy, information, or transcript of service.

When the NPRC receives a former NAF employee's request for a complete copy of his/her MRPF and the MRPF contains records created under both NAF and title 5 authorities, NPRC will forward the request and the MRPF to the U.S. Office of Personnel Management, OPF/EMF Access Unit, for appropriate action, and notify the requester of the referral. OPM will provide the requester with a copy of his/her title 5, U.S.C. records. OPM will then forward the request and the MRPF to the applicable DOD Component for appropriate action regarding its NAFI records, and notify the requester of the referral. Addresses for the DOD Components are:

- Army and Air Force Exchange Service, HQ - AFFES  
ATTN: PE-P, P.O. Box 660202, Dallas, TX 75266-0202
- Department of the Air Force, HQ AFMWRSA/MWSE, Randolph  
AFB, TX ~~78150-5000~~ 7000 XHC
- Department of Navy, OCPM, Code 02N, Room 1205, 800 N.  
Quincy St., BTC #1, Arlington, VA 22203-1998  
(NOTE: Request for Marine Corps records should be addressed  
to this Department of Navy office.)
- Department of the Army, NAF Personnel Division, Human  
Resources, HQDA (CFSC-HR-P) Room 1N39, Hoffman Building #2,  
2461 Eisenhower Avenue, Alexandria, VA 22331-0523.

When an MRPF contains NAFI records, title 5 records, and records created by another non-title 5, U.S.C. agency, OPM will provide the requester copies of any title 5 records and then forward the MRPF and request to the applicable DOD Component (address above) for appropriate action regarding NAFI records. OPM will notify the requester of the referral. When the appropriate NAFI has responded to the request regarding its NAF records, the NAFI will forward the request and the MRPF to the next DOD Component or other non-title 5 agency after responding to the appropriate NAF portion of the records. The last non-title 5 agency responding to the request will return the MRPF to NPRC for retention.

#### B. Third-Party Access Requests

When an agency receives a third-party request for access to an employee's personnel records retained in an MRPF, and the requester has not obtained authorization from the data subject for release of his/her records, the agency will prepare a Transcript of Service containing data releasable under 5 CFR 293.311(a) for the title 5 records and under 5 U.S.C. 552a(b)(2) for the NAF records, and forward the transcript to the requester. For information from other than title 5 and NAF records, the agency will refer the requester to the record-controlling agency for a response, and notify the requester of the referral.

When an agency receives a third-party request for access to an employee's personnel records that are retained in an MRPF, and the requester has obtained authorization from the data subject for release of his/her records, the agency will treat the request as if it were made by the data subject (see section VII.A. above).

When NPRC receives a request from a third party for a Transcript of Service of NAF records retained in an MRPF, and the requester has not provided written authorization from the data subject, NPRC will furnish the following information: former employee's name, effective dates of actions, and types of personnel actions (position title or occupation, pay plan, series, grade/step/salary, last employing agency and, if specifically requested by a prospective non-Federal employer: date, nature of action, tenure, civil service status, and the length of service in the agency and the Government as shown on the relevant Notification of Personnel Action).

When NPRC receives a request from a third party for information or a copy of a specific document from the MRPF of a former NAF employee and the requester has provided written authorization from the data subject, NPRC will furnish the appropriate document or information. If the document or information cannot be found, NPRC will refer the request to the appropriate DOD Component and notify the requester of the referral.

When NPRC receives a request from a third party for a copy of the complete MRPF or EMF of a former NAF employee who is deceased and the request or documents in the record contain proof of death, NPRC will forward the request and record to the appropriate DOD Component responsible for responding to requests, and notify the requester of the referral.

When NPRC receives a request from a third party for a copy of a specific document, information, or Transcript of Service from the MRPF of a former NAF employee who is said to be deceased and the request or record contains proof of death, NPRC will provide a copy of the specific document, information, or Transcript of Service to the requester.

When NPRC receives a request without proof of death from a third party for information from the MRPF of a former NAF employee who is said to be deceased, NPRC will furnish only the information releasable under 5 CFR 293.311(a). NPRC will inform the requester that proof of death (obituary, death certificate, etc.) is needed before further information may be released.

For all other requests from a third party for a copy or review of any part of an MRPF or EMF of a former NAF employee, NPRC will provide the

request and the record to the appropriate DOD Component responsible for responding to requests, and notify the requester of the referral.

#### VIII. DATA SUBJECT REQUESTS FOR CORRECTION OR AMENDMENT OF RECORD

Requests for correction or amendment of personnel records by a currently employed title 5, U.S.C. employee will be processed by the current employing agency to meet the requirements of OPM's regulations (5 CFR 297). However, when the request involves correction or amendment of a NAF record, the agency will forward the request and the MRPF to the appropriate DOD Component at the address in section VII.A. above for appropriate action. The agency will notify the employee of the referral. After processing the data subject's request, the DOD Component will return the MRPF to the current employing agency for retention.

When NPRC receives a request from a former NAF employee for amendment of his/her NAF record(s), and the records are in an MRPF, NPRC will forward the MRPF to the appropriate DOD Component at the address in section VII.A. above for appropriate action. NPRC will notify the requester of the referral.

#### IX. AGENCY REQUESTS FOR TRANSFER OF PERSONNEL RECORDS

When a DOD Civil Service agency is hiring a current DOD NAF employee under the provisions of the Portability Act, the agency will forward a copy of the appointment SF 50, along with the agency's return address, to the appropriate employing DOD Component Civilian Personnel office (see section VII.A above) to request the employee's NAFOPF or MRPF. The DOD Component NAFI employing office will forward the NAFOPF or MRPF within 5 work days from the date the request is received.

When a DOD NAFI is hiring a current DOD civil service employee under the provisions of the DOD Employee Benefit Portability Program, the DOD NAFI will forward a copy of the appointment document along with the DOD NAFI's return address, to the appropriate DOD civil service Civilian Personnel Office to request the employee's OPF or MRPF. The DOD civil service employing office will forward the OPF or MRPF within 5 work days from the date the request is received.

When NPRC receives a request from a Federal agency for the loan or transfer of a former NAF employee's MRPF, NPRC will forward the MRPF to the agency. NPRC will honor such requests only if the agency has submitted an SF 127, Request for Official Personnel Folder.

#### X. REQUESTS FROM INVESTIGATORS

When an agency receives a request from a Federal investigator who produces investigative credentials that are issued by the agency

(i.e., FBI, CIA, DIA, NSA, DIS, DEA, OPM, Postal Inspector) for on-site review of a former employee's records that are retained in an MRPF, and the MRPF contains NAF records, the agency will furnish the records to the investigator for review. The agency will account for disclosure of the NAF record to the investigators.

When NPRC receives a request from a Federal investigator who produces investigative credentials that are issued by the agency (i.e., FBI, CIA, DIA, NSA, DIS, DEA, OPM, Postal Inspector) for on-site review of a former employee's records that are retained in an MRPF, and the MRPF contains title 5 and NAF records, NPRC will furnish the MRPF to the investigator for review at NPRC. Title 5 records can be reviewed off-site only by contacting OPM's Assistant Director for Workforce Information. An investigator who wishes off-site review of that portion of an MRPF containing NAF records must have a letter from the appropriate DOD NAF Component's Civilian Personnel Director at the address in Section VII. A. above specifically authorizing that person's MRPF to be provided for review. Any charge-outs from NPRC for off-site review will be documented in the MRPF with an SF 127.

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for

A private investigator under contract with a Federal agency to review on-site an MRPF containing records of a former NAF employee must present documentation that indicates he/she is acting in an official capacity to conduct an investigation. The private investigator also must have from both the appropriate DOD NAF Component's Civilian Personnel Director (address shown in Section VII.A.) and the Assistant Director for Workforce Information, OPM, a letter authorizing NPRC to provide the data subject's MRPF for review. An agency or NPRC will not release the MRPF for review of title 5 or NAF records unless they receive these documents from the private investigator.

#### XI. CONGRESSIONAL REQUESTS

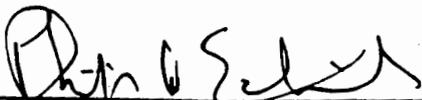
When an agency or NPRC receives a request from either a member of Congress or a Congressional Committee for disclosure of NAF records contained in an MRPF, the agency or NPRC will forward both the request and the MRPF to the appropriate DOD NAF Component at the address in section VII.A. above for response. The agency or NPRC will notify the requester of the referral.

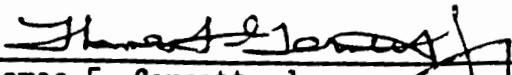
#### XII. ACCOUNTING OF DISCLOSURES

The NPRC, the OPM staff, and the employing NAFI will account for the disclosure of each record released as prescribed by the Privacy Act [5 U.S.C. 552a(c)] and place the record of disclosure in the MRPF or EMF, respectively. The accounting will show: the information that was released, the date that it was released, to whom it was released, who released it, and who requested or authorized the release.

XV. PROCEDURES AND REGULATIONS TO IMPLEMENT THIS MEMORANDUM

It is agreed that the OPM, NARA, and DOD may issue regulations and procedures to implement this Memorandum of Understanding (MOU). The coordinators agree that they will consult concerning the development and issuance of such regulations and procedures and that, when such regulations or procedures are issued, a copy will be furnished to the other parties to this agreement.

 6/25/92  
Philip A. D. Schneider Date  
Assistant Director for Workforce Information  
U.S. Office of Personnel Management

 6/30/92  
Thomas F. Garnett, Jr. Date  
Director, Workforce Relations  
ODASD (Civilian Personnel Policy/EO)  
Department of Defense

 7/29/92  
David F. Peterson Date  
Assistant Archivist for Federal Records Centers  
National Archives and Records Administration