

(DISTRICT/ISD)

PERSONNEL FILES AND RECORDS

Policy/Guidelines – SAMPLE

PERSONNEL FILES

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate papers bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The Board of Education requires that sufficient records exist to ensure an employee's qualifications for the job held; compliance with Federal, State, and local benefit programs; conformance with District rules; and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Michigan.

The Board delegates the maintenance of an employee personal information system to the Superintendent, Business Manager, and/or (Other Designated Person).

A single central file shall be maintained.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file. Employees shall provide necessary information for their personnel files. If providing the requested information is optional, employees shall be informed of their right to decline to supply the information.

Personnel records shall not be available to Board members and school administrators except as may be required in the performance of their jobs.

Any employee who inappropriately releases information, or uses confidential information for personal reasons, will be disciplined in accordance with established policies and procedures. If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information in accordance with applicable procedures or refer the requestor to the employee's immediate supervisor.

Personnel wishing to review their own records shall:

- A. review the record in the presence of the administrator designated to maintain said records or designee;
- B. make no alterations or additions to the record nor remove any material therefrom;
- C. sign a log attached to the file indicating date and person reviewing.

Personnel wishing to appeal material in their record as to its accuracy, completeness, relevance, or timeliness shall make a request in writing to the administrator delegated to maintain the records and specify therein:

- A. name and date;
- B. material to be appealed;
- C. reason for appeal.

The responsible administrator shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law.

If the appeal does not resolve the disagreement, the employee may submit a written statement, not exceeding five (5) sheets of 8 ½ X 11 inch paper, explaining the employee's position. This written statement shall be kept in the employee's file.

The Superintendent shall prepare administrative guidelines defining which personnel records are to be maintained and the procedures for their maintenance and review.

PERSONNEL RECORDS

Certain information concerning District employees is confidential, to be reviewed on a need-to-know basis and only under conditions which guarantee protection of both management's right to access information and the employee's right to unnecessary invasion of privacy. Most information in the personnel files, however, is not confidential and is available for inspection in accordance with State law.

Initial Employment

Upon employment, each employee is to submit for the:

A. Personnel File

1. a completed employment application form
2. a copy of certification, if applicable
3. transcripts, if applicable
4. completed "right to know" forms

B. Payroll File

1. W-4 forms
2. retirement registration
3. completed forms for life and disability insurance without the medical examination portion
4. completed annuity forms
5. payroll deduction authorization
6. accumulated sick leave, if applicable
7. I-9 forms

C. Confidential File

1. applications for health insurance
2. record of a recent physical examination
3. history of any medical treatment/conditions

4. criminal history record check
5. results of drug tests

Professional staff members shall also be responsible upon employment, for providing a complete transcript of their education and records of all prior teaching experience.

All information concerning employees' health status, including mental or physical examinations and treatments are to be kept in a confidential file. Access is limited to the employee, the employee's supervisor, the Superintendent and other central office administrators who have a supervisory relationship to the employee, and others authorized by law.

Contents

During the period of employment the following data shall be maintained in personnel files:

- A. current correct name, address, and telephone number
- B. current data on education completed, including transcripts of all academic work
- C. an accurate record of work experience
- D. proof of fulfillment of requirements for change in salary classification
- E. current data pertaining to certificates required by the State
- F. record of assignments
- G. proof of discharge from military service
- H. rate of compensation
- I. completed evaluations
- J. disciplinary incidents
- K. special awards or distinctions
- L. letters and other correspondence received concerning a staff member, providing the correspondence is relevant to his/her employment

The following information **shall not be** included in the personnel file:

- A. Employee references supplied to an employer if the identity of the person making the reference would be disclosed.
- B. Materials relating to the employer's staff planning with respect to more than one (1) employee, including salary increases, management bonus plans, promotions, and job assignments.
- C. Medical reports and records made or obtained by the employer if the records or reports are available to the employee from the doctor or medical facility involved.
- D. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

- E. Information that is kept separately from other records and that relates to an investigation by the employer pursuant to policy.
- F. Records limited to grievance investigations which are kept separately and are not used for the purposes provided in this subdivision.
- G. Records maintained by an educational institution which are directly related to a student and are considered to be education records under Section 513(a) of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.

Records kept by an executive, administrative or professional employee that are kept in the sole possession of the maker of the record, and are not accessible or shared with other persons. However, a record concerning an occurrence or fact about an employee kept pursuant to this subparagraph may be entered into a personnel record if entered not more than six (6) months after the date of the occurrence or the date the fact becomes known.

Employees who wish to review their own personnel file shall:

- A. request access;
- B. review the record in the presence of the administrator designated to maintain said records or designee;
- C. make no alterations or additions to the record nor remove any material therefrom;
- D. sign and date a log attached to the file.

Employees who wish copies of material in their personnel file shall receive such copies free of charge.

Employees wishing to appeal material in their record shall make a request in writing to the Superintendent and specify therein:

- A. name and date;
- B. materials to be appealed;
- C. reason for appeal.

The Superintendent shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law.

If the appeal does not resolve the disagreement, the employee may submit a written statement, not to exceed five (5) 8 ½ X 11 inch paper, explaining the employee's position. This written statement shall be kept in the employee's file.

The Superintendent shall maintain a written record of any persons other than the employee who have had access to each employee's file.

Although most information in personnel files is a matter of public record, only verification of employment should be provided by telephone request. Any other information about an employee should be requested in writing or in person, and addressed to the District Records Officer (DRO). Prior to releasing any information from a personnel file to a requesting party, the file is to be reviewed and any disciplinary reports, letters of reprimand, or other disciplinary action more than four (4) years old are to be deleted. If any disciplinary reports are to be released, a written notice is to be sent to the employee on or before the day the information is released. Neither the deletions referred to above, nor the written notice is necessary if the release is ordered in a legal action or arbitration.

REQUEST TO INSPECT AND REVIEW PERSONNEL FILE

Name: _____

I am requesting access to review and inspect my Personnel File.

The specific records I wish to review are: _____

Signature

Date

REQUEST FOR AMENDMENT TO PERSONNEL RECORD

Employee: _____

After reviewing the record, I believe some of the information is:

- _____ Misleading
- _____ Inaccurate
- _____ Incomplete
- _____ Other

Please explain: _____

I would like the following information added: _____

I would like the following information removed: _____

Signature

Date

**NOTICE OF ACTION REGARDING REQUESTED AMENDMENT
TO PERSONNEL RECORDS**

Date: _____

Dear _____:

We have investigated your complaint that certain data in your files is misleading, inaccurate, or incomplete and your request to amend this data.

It is our decision that your complaint is (un)justified and we will (not) make the requested amendment(s).

(IF DATA IS TO BE CHANGED)

We will make the following modifications as we agreed upon:

(IF DATA IS NOT TO BE CHANGED)

We will not make any changes since we believe that the data as presently recorded is correct/appropriate/complete for the following reason(s).

However, you have the right to request a records hearing during which the merits of your position and that of the District will be examined. If this action does not resolve the disagreement, you have the right to place in the records a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the District. This statement shall be maintained by the District as part of your file as long as the contested portion of the record is maintained.

If you elect to request the hearing, please return the attached request within _____ days. If you have any questions about any aspects of this matter, please call me at (Area Code) (Phone Number) for further information or clarification.

Sincerely,

Superintendent

Copies:
District Records Officer
Association President