

Policy GBJ Personnel Records and Files

Issued 4/17/00/21

Maintenance of Records

The superintendent will maintain a personnel file on each employee.

The personnel file will include all records and documents collected by the district concerning the employee. It will include, but not be limited to, any of the following records that are retained by the district:

- performance evaluations
- commendations for, and complaints against, the employee made by the administration
- written suggestions for corrections and improvements made by the administration
- teaching credentials
- transcripts
- application records
- contracts
- all other personnel records kept about an employee

The personnel file will be kept in the office of human resource services. The district will maintain health records and medical records in a separate file to protect confidentiality.

Pre-employment records, such as the application, pre-employment references, or comments from interviews, are confidential, and access to this information is limited to the superintendent and authorized personnel within the office of human resource services. Pre-employment records will be kept in the office of the superintendent human resource services in a separate file.

Additions to the Personnel File

No performance evaluation, complaint, or suggestion for improvement may be placed in the personnel file unless it meets the following requirements:

- The document must be signed and dated by the administrator making the performance evaluation, complaint, or suggestion for improvement.
- The employee must have an opportunity to review the information or receive a copy of the performance evaluation, complaint, or suggestion prior to placement in the employee's personnel file.

The employee may offer a written rebuttal of the communication, and any such rebuttal or explanation will become a part of his/her personnel file. The rebuttal should be submitted within 10 working days from the date of receipt of the communication. The request should be signed by the employee and addressed to the appropriate administrator.

After a period of one year, the employee may request the removal of formal written warnings or reprimands previously submitted to the personnel file. The request must be submitted to the immediate supervisor and should include the rationale for the request. The superintendent will ensure the development of processes and guidelines for request and removal.

General Access to a Personnel File

The district will permit access to an employee's personnel file to the following persons on a routine basis without consent of the employee about whom the file is maintained:

- employee's school principal/immediate supervisor
- superintendent or his/her designee
- those school officials involved in the evaluation process of the individual (the evaluation file only).
- school board if its examination of the file relates to the duties and responsibilities of the board regarding promotion, demotion, suspension, or dismissal of the employee

No other person may have access to a personnel file except under the following circumstances:

- when the employee gives written consent to the release of his/her personnel file (The written consent must specify the records to be released and to whom they are to be released. Each request for consent must be handled separately; blanket permission for release of information will not be accepted.)
- when lawfully subpoenaed or under court order

Responsibility for the Personnel Files

The superintendent will have the overall responsibility for maintaining and preserving the confidentiality of an employee's personnel files. The superintendent may, however, designate another school official to perform these duties for him/her.

The superintendent or his/her designee is responsible for granting or denying access to records on the basis of this policy.

Employee's Access to Personnel File

Each employee has the right to review the contents of his/her personnel file upon written request to the chief human resources officer. The employee does **not** have the right to review pre-employment documents, including, but not limited to, references and recommendations provided to the district on a confidential basis.

The district maintains electronic personnel files. Upon receipt of the employee's request, the district will print one copy of the file for review. Should the employee wish to obtain copies, a fee of ~~\$0.15~~ will be assessed. Access will be provided within 48 hours of the request, barring extenuating circumstances which will be communicated to the employee.

Former employees will not have access to the personnel files after he/she leaves employment with the district, except for instances of subpoena or mandatory compliance or through provisions of the Freedom of Information Act (FOIA).

Personnel Records/Information for Payroll Purposes

The district keeps information, records, and documents collected by the district to handle an employee's payroll account in a file separate from records noted above. The district limits access to this information to those persons involved in the payroll process.

Use of Personal Information for Commercial Solicitation

The district will provide notice to all persons who request employee records that obtaining or using public records for commercial solicitation is illegal.

Required Immigration Form

The Immigration Reform and Control Act of 1986 prohibits employers from hiring aliens not legally eligible to work in the United States. The district will comply with the provisions of the Department of Homeland Security regulations under the act by requiring employees of the district to complete a U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9.

All newly hired employees must complete the I-9 form no later than three business days following their first working day. If an individual is unable to provide the required document or documents to complete the Form I-9 within the three-day period, the individual must present a receipt for the application of the document or documents within three days of the hire and present the required document or documents within 21 days of the hire.

The district requires three business days' notice prior to inspection of Form I-9 by an authorized service officer.

The district will retain Form I-9 for three years after the date of hire or one year after the date the individual's employment is terminated, whichever is later.

Health Insurance Portability and Accountability Act (HIPAA)

The district qualifies as a health plan, a hybrid entity under the Health Insurance Portability and Accountability Act of 1996, and is therefore subject to HIPAA privacy laws and regulations. The district will maintain all protected health information in accordance with the law. Protected health information does not include individually identifiable health information in employment records held by the district in its role as an employer.

Protected health information will only be available to designated employees who need to have access to those records in their employment capacity with the district and with other authorized entities. The district will train all employees who may have contact with protected health information on the law and the district's procedures and guidelines as necessary and appropriate for the employee's position. Any employee failing to comply with the law or district procedures may be subject to discipline or termination.

The district will maintain full personnel files for a minimum of 15 years. After this time, the district may purge files with the exception of pay and employment records and documentation in accordance with the district's document retention processes. After 15 years, pay and employment records will be maintained in accordance with the district's document retention processes.

Adopted 12/11/12; Revised 6/11/13, 4/25/17; 00/00/21

Legal References:

Federal Law:

Health Insurance Portability and Accountability Act, [Pub.L.104-191](#), 110 Stat. 1936.

Illegal Immigration Reform and Immigrant Responsibility Act of 1996, [8U.S.C.A.Section1101](#), *et seq.*

Immigration Reform and Control Act of 1986, [8U.S.C.A.Section274a.2](#) and [1324a](#).

S. C. Code, 1976, as amended:

[Section30-2](#)-300, *et seq.* - Prohibits disclosure of social security number.

[Section30-4](#)-10, *et seq.* - Freedom of Information Act, especially Sections 30-4-20 and 30-4-40.

Richland County School District One