



POLICY 3.08

4-C I recommend that the Board adopt the proposed **new** Policy 3.08, entitled “District Personnel Files.”

[Contact: Melinda Wong, PX 47530.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on December 9, 2009.
- It is necessary for the orderly operation of the School District to prepare and maintain personnel information for the retention of appropriate files bearing upon employees of the District. This policy is to ensure that employee information maintained in personnel files is accurate, relevant, and safe from improper disclosure and complies with applicable laws.
- At the December 9, 2009 meeting, the motion was made to add the following language at line 58: “Any other information which is exempt from disclosure pursuant to State or Federal law.” The following language was removed from line 76: “, if given or known,”.
- Per School Board Policy 3.01, if a provision of this policy conflicts with a provision of a ratified collective bargaining agreement, the specific provision of the negotiated contract takes precedence over the terms of this policy for employees in that particular bargaining unit.

POLICY 3.08

DISTRICT PERSONNEL FILES

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3 1. Purpose. It is necessary for the orderly operation of the School District to
4 prepare and maintain personnel information for the retention of appropriate files
5 bearing upon employees of the District. This policy is to ensure that employee
6 information maintained in personnel files is accurate, relevant, and safe from
7 improper disclosure and complies with applicable laws.

- 8 2. **Policy Statement.**The School Board recognizes its responsibility to maintain
9 accurate personnel records and files and to protect the confidentiality and privacy
10 of any personnel records determined to be exempt and confidential by Florida laws
11 or other laws. Thus, an official personnel file will be maintained by the
12 Superintendent or designee for each person employed by the District. For the
13 purposes of this policy, the term "personnel file" shall mean all records, information,
14 data, or materials maintained by the District, in any form or retrieval system
15 whatsoever, with respect to an employee, which is uniquely applicable to that
16 employee whether maintained in one or more locations.

- 17 a. Personnel files shall include the following information where appropriate:
 - 18 i. Only materials pertaining to the employee's work performance, discipline,
19 suspension or dismissal will be placed in the employee's personnel file. In
20 accordance with s. 1012.31, Florida Statutes, such materials shall be
21 reduced to writing in the time period required by law, executed by a
22 person competent to know the facts or make a judgment; and provided by
23 copy to the employee in the manner as required by law. The employee
24 has the right to answer in writing any such materials and shall be afforded
25 due process rights as outlined in s. 1012.31, Fla. Statutes.

 - 26 ii. Personnel files shall not contain anonymous letters or anonymous
27 materials. Derogatory materials relating to an employee's conduct,
28 service, character or personality shall not be placed in the employee's
29 personnel file except for materials specifically referenced in the above
30 paragraph.

 - 31 iii. No documents or other materials may be removed from an employee's
32 personnel file unless by court order, or due to inadvertent misfiling.

- 33 3. **Access to Personnel Files.**
 - 34 a. Public Access. The personnel file of each School Board employee,
35 regardless of location in the school system, is open to inspection and available
36 for review to any person requesting to do so, except for personnel records

37 which are currently provided by law to be confidential and excluded from
38 public inspection as follows:

39 i. Any complaint and any material relating to the investigation of a complaint
40 against an employee until the conclusion of the preliminary investigation,
41 or until such time as the preliminary investigation ceases to be active as
42 defined in Florida Statutes.

43 ii. Employee evaluations prepared pursuant to Florida Statutes, State Board
44 of Education rules, or School Board policies shall be confidential until the
45 end of the school year immediately following the school year during which
46 each evaluation is made.

47 iii. Employee evaluations prepared prior to July 1, 1983.

48 iv. Payroll deduction records of employees.

49 v. Employee medical records, including medical claims, psychiatric and
50 psychological records; provided however, at any hearing relative to an
51 employee's competency or performance, the hearing officer or panel shall
52 have access to such records.

53 vi. Materials derogatory to the employee until ten (10) days after the
54 employee has been notified, by certified mail or hand delivery, pursuant to
55 s. 1012.31, Florida Statutes, as now or hereafter amended.

56 vii. Any information in a report of injury or illness filed pursuant to Florida
57 Statutes that would identify an ill or injured employee.

58 viii. Any other information which is exempt from disclosure pursuant to State
59 or Federal law.

60 b. Employee Access. An employee, or any person designated in writing by the
61 employee, may review the employee's personnel file during the regular
62 business hours of the District.

63 c. Official Access. The following persons shall have access to the complete
64 personnel file of each employee at all times.

65 i. School Board members, the Superintendent or designee, and school
66 principals or designees in the exercise of their respective duties.

67 ii. Law enforcement personnel in the conduct of a lawful criminal
68 investigation.

69 iii. School Board Attorney and other attorneys for the School Board, as

70 designated representatives on matters of District business.

71 iv. The Internal Auditor, when such inspection is pertinent to carrying out his
72 or her respective duties, or as otherwise specifically authorized by the
73 Audit Committee or the School Board.

74 4. Maintenance of Access Records. A record shall be maintained in the
75 employee's file each time it is reviewed. This record shall include the name of the
76 person, ~~if given or known,~~ reviewing the file, date of the review and identification of
77 any document(s) reproduced from the file.

78 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41, 1001.42, 1001.22, 1012.23
79 LAWS IMPLEMENTED: Fla. Stat. §§ 112.08(7), 441.85(10), 1001.43, 1012.31; 34 CFR
80 99 (FERPA), 45 CFR 164 (HIPAA)
81 HISTORY: __/___2010

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.08 and finds it legally sufficient for development by the Board.

Attorney

Date