

## PERSONNEL RECORDS & FILES

Admin. Reg. HRS-14  
~~August, 2010~~ April, 2017

### I. Maintenance of Personnel Records and Files.

- A. The Superintendent or his/her designees shall ~~District Office will~~ maintain an official personnel files ~~for on~~ each employee consistent with document retention schedules as required by law.
- B. The personnel files shall ~~will~~ include all records and documents collected by the BCSD administration concerning the employee including, but not be limited to, the following retained by the BCSD:
1. informal and formal job performance evaluations;
  2. commendations for, and complaints against, the employee made by the administration;
  3. written suggestions for corrections and improvements made by the administration;
  4. teaching credentials;
  5. transcripts;
  6. pre-employment references;
  7. application records
  8. contracts and/or letters of agreement;
  9. information, records, and documents collected to handle an employee's payroll account; and
  10. all other personnel records kept about an employee.
- C. An employee's personnel file shall ~~will~~ be kept in the Office for Human Resource Services. ~~The BCSD shall~~ ~~District will~~ maintain health records and medical records, an employee's Form I-9, and payroll/financial records in separate files to protect confidentiality.
- ~~C.D.~~ Pre-employment records, such as pre-employment references or comments from interviews, are confidential. Access to this information is limited to the Superintendent and/or his/her designees. Pre-employment records shall be maintained as set forth in this Administrative Regulation or as designated by the Superintendent.

**II. Additions to the Personnel File.** No performance evaluation, discipline notice, complaint, or suggestion for improvement shall be placed in an employee's personnel file unless (1) it has been signed and dated by the administrator making the evaluation, complaint, or suggestion or providing the notice, (2) it has been reviewed by and/or a copy provided to the employee prior to placement in the employee's personnel file, and (3) if the document is a performance evaluation, the employee has signed the evaluation, or if the document is a discipline notice, complaint, or suggestion, the employee is provided an opportunity for response, which shall also be placed in the employee's personnel file.

**H.III. Responsibility for and Access to Personnel Files.**

A. The Superintendent delegates to the Chief Administrative and Human Resource Services Officer ("CAHRO") ~~will have~~ the overall responsibility for maintaining and preserving the confidentiality of all BCSD an employee's personnel files and/or for granting or denying access to personnel files in accord with federal and state laws and BCSD District policies, Administrative Regulations, and/or procedures. ~~In his/her absence, the Director of Certified Personnel and Teacher Quality will assume this responsibility.~~

B. The CAHRO is responsible for granting or denying access to an employee's personnel file in accordance with this Administrative Regulation.

C. The BCSD permits 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:

1. Appropriate Human Resources Department staff;

~~1-2.~~ The employee's Principal or immediate supervisor;

~~2-3.~~ The Superintendent or his/her designee;

4. School officials involved in the employee's evaluation process;

5. The Board of Education is its examination of the file related to the duties and responsibilities of the Board regarding promotion, demotion, suspension, or dismissal of the employee; and

~~3-6.~~ Attorneys acting on behalf of the BCSD.

~~B-D.~~ No other person may have access to a personnel file except in the following circumstances:

1. When the employee provides written consent to the release of his/her personnel file. The employee's written release shall specify the records to be released and to

whom they are to be released. Each request shall be handled separately, and blanket permissions to release records shall not be accepted or acted upon;

2. When the BCSD is requested to provide such records pursuant to lawfully issued subpoena;

3. When directed to provide pursuant to court order; and/or

4. When produced under an appropriate protective order during or as a result of litigation by or against the BCSD.

**IV. Employee's Access to His/Her Personnel File.** Each employee has the right to review the contents of his/her personnel file upon written request. -The employee must contact the Office of Human Resource Services to schedule an appointment. ~~-The employeeA staff member does~~ shall not have the right to review references and recommendations provided to the ~~BCSDDistrict~~ on a confidential basis. -Copies of personnel documents will be provided on a per copy basis at the employee's expense.

**V. Amendment of Records.** An employee may submit a written request to the CAHRO to amend records of disagreement in the employee's personnel file. The decision of the CAHRO, which shall be provided in writing to the requesting employee, shall be final. If the request is denied, the employee's recourse shall be to place a concise statement of disagreement in his/her personnel file.

**III.VI. Required Immigration Form.** The BCSD shall comply with the provisions of the Immigration Reform and Control Act of 1986. The BCSD shall comply with the provisions of the Immigration and Naturalization Services ("INS") regulations under the Act by requiring all BCSD employees to complete the forms required by Federal law.

Adopted: July 1, 2002

Revised: May, 2005; August, 2010; April, 2017

Legal References:

- A. Code of Federal Regulations
  - 1. C.F.R. 8 USC 1101 - Immigration Reform and Control Act of 1986
- B. South Carolina Code, 2004, as amended
  - 1. Section 30-4-10, *et seq.* – Freedom of Information Act
  - 2. Section 30-2-10, *et seq.* – Family Privacy Protection Act of 2002