

PERSONNEL RECORDS AND FILES

- 1.0 The Board directs the Superintendent to maintain records of current and former employees, in the Office of the Superintendent, in accordance with state and federal laws and regulations.
- 2.0 Directory Information: A record of employee directory information will be made available to any person. Directory information will include the following:
 - 2.1 Name of employee;
 - 2.2 Date(s) of employment by the school department;
 - 2.3 Regular and extra-curricular duties, courses, subjects taught, and any other responsibilities since the start of employment by the school unit;
 - 2.4 Post-secondary education institution(s) attended;
 - 2.5 Major and minor field(s) of study as required by those institutions; and
 - 2.6 Degrees received and dates degrees were awarded.
- 3.0 Confidential Information: All information not classified as directory about an employee, applicant for employment or an employee/applicant's immediate family will be kept confidential if it relates to the following:
 - 3.1 All information, working papers, and examinations used in the evaluation or selection of applicants for employment;
 - 3.2 Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
 - 3.3 Performance evaluations, personal references, and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character compiled and maintained for employment purposes;
 - 3.4 Credit information;
 - 3.5 The personal history, general character, or conduct of the employee or any member of the employee's immediate family;
 - 3.6 Complaints, charges of misconduct, replies thereto, and memoranda and other materials pertaining to disciplinary actions. In the event that a disciplinary item is placed in an employee's personal file, written notice of such action will be provided to the employee;
 - 3.7 Social Security number;
 - 3.8 Any teacher action plan and support system documents and reports maintained for certification purposes; and
 - 3.9 Criminal history record information.
- 4.0 Personnel Files: Personnel files will contain a cumulative history of the staff member's employment, including formal or informal employee work evaluations and reports relating to the employee's character, credit, work habits, compensation, and benefits.
 - 4.1 Personnel files will be kept at the Superintendent's Office

- 5.0 Other Confidential Personnel Records: The Scarborough School Department must maintain the following confidential employee records separate from the personnel files:
- 5.1 Medical information of any kind; and
 - 5.2 Teacher action plan and support system documents and reports maintained for certification purposes.
- 6.0 Disciplinary Action Information: Any written record of a decision involving an employee disciplinary action by the School Board will not be included with any category of confidential information.
- 7.0 Procedures for Review of Personnel Files: For the purpose of this section, a personnel file will include, but not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation, and benefits which the Superintendent has in his/her possession.
- 8.0 The Superintendent will, upon written request and within ten (10) business days, provide the employee, former employee, or his/her duly authorized representative(s) with an opportunity to review and copy his/her personnel files.
- 8.1 An employee, former employee, and/or a duly authorized representative may review such files during normal office hours.
 - 8.2 Costs for copying any records will be assessed in accordance with Board Policy KDB: Public's Right to Know/Freedom of Access.
 - 8.3 Access to confidential college placement records and letters of reference will be granted only to the Superintendent/designee.
- 9.0 Access to Personnel Files: Access to personnel files will be delegated to the following persons without the consent of the employee.
- 9.1 The Superintendent/designee, the employee's building administrator or other supervisor(s).
- 10.0 Personnel files are not accessible to individual School Board members.
- 10.1 Relevant portions of a personnel file may be summarized and/or shared with the Board by the Superintendent when consideration is being given to performance evaluation, continuation of employment, or disciplinary action.
 - 10.2 Access to personnel files will not be granted to any other persons except under the following circumstances:
 - 10.1.a When the employee gives written consent for the release of his/her records. The written consent must specify the record(s) 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; and
 - 10.1.b When subpoenaed or under court order.

10.1.c To a person or persons representing the department in an administrative or legal proceeding involving an employee(s).

11.0 Records Management: The Superintendent has overall responsibility for maintaining and preserving the confidentiality of all employee/applicant records. The Superintendent may designate a staff member who will be responsible for granting or denying access to records according to the guidelines in this policy.

12.0 Written reports will be maintained in personnel files to document compliance with federal and state laws and regulations and Board policies regarding employee evaluations. Once a document is properly placed in a personnel file, it will remain in the file permanently.

13.0 Records Retention: The School Department will retain all personnel records and files in accordance with applicable laws and regulations.

Legal Reference: 20-A MRSA §§ 6101; 13015
26 MRSA § 631
Chapter 10, Rules for Disposition of Local Government Records (Maine State Archives)
42 U.S.C. (Americans with Disabilities Act of 1990)
29 U.S.C. 2611 et seq. (Family and Medical Leave Act of 1993)

Cross Ref: KDB – Public’s Right to Know/ Freedom of Information

Adopted: August 6, 1998

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