

REGULATION

UNION COUNTY
EDUCATIONAL
SERVICES COMMISSION
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R 8320 PERSONNEL RECORDS

A. Content of Record

1. A personnel file shall be assembled and maintained for each person employed by this Commission. Each file shall contain the original or copies, as appropriate, of the following documents regarding the employee:
 - a. The employee's current correct name, address, telephone number, and birthdate;
 - b. Application form, records of prior military service, and other supporting documents;
 - c. Annual employment contract and/or annual salary notice, signed by the employee;
 - d. Certificates and/or licenses required for employment;
 - e. Documentation of fulfillment of requirements for any change in salary classification;
 - f. Retirement registration;
 - g. Hospitalization forms;
 - h. Rate of compensation;
 - i. Attendance record, including the starting and ending dates of all leaves of absence, whether the leave was paid or unpaid, and the purpose for which such leaves were granted;
 - j. Assignment to positions, including position title and building to which assigned;
 - k. Completed evaluations;
 - l. Reports of disciplinary incidents;
 - m. Records of special awards, commendations, or distinctions;
 - n. ~~Oath of allegiance;~~
 - on.. Reports of employment physical examinations; and

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p.o. Reports of physical and mental examinations required for cause.

2. No information will be placed in an employees' file that does not pertain to the employee's position in this Commission and the performance of the employee's duties.

B. Custodian of personnel records

1. The Superintendent is custodian of all personnel records.
2. Personnel records shall be maintained in the office of the ~~personnel assistant~~ **Executive Secretary for Personnel**, who shall be records manager responsible for the day-to-day maintenance of the files and for supervising access to the files.

C. Notice of Content of Files

1. Each employee shall be informed of the content of the personnel file.
2. Each employee will be notified of the inclusion in his or her file of any document that was not received from the employee or at the direction of the employee.
 - a. No evaluation form will be placed in a personnel file until it has been reviewed by the employee.
 - b. No copy of a memorandum or letter sent by an administrator or other school official to an employee will be placed in the employee's file unless the original and copy include the notation "cc: Personnel File" or other clear indication of the author's intention to place the memorandum or letter in the employee's file.
 - c. No report or letter or memorandum from any source, other than documents referred to in ¶C2b above, may be placed in an employee's file until a copy of the same has been delivered to the employee.

D. Employee access to personnel records

1. Each employee shall be granted access to his or her personnel file in accordance with these regulations, except as may have been negotiated with the employee's majority representative.

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2. Written request for access shall be submitted to the Superintendent. Except in unusual circumstances, access shall be granted only during the regular working hours of the office in which the file is kept at a time which will not frustrate the administration of the office.
 3. The employee shall review the record in the presence of the Executive Secretary for Personnel and, at the employee's request, a representative of the employee.
 4. No alteration or addition or deletion may be made to the file, except that the employee may append to any document in the file his or her comment on that document.
 5. The employee may hand copy any portion of his or her file and may receive photocopies of records on payment of the copying fees established for copies of public records.
- E. Appeal of content of the file
1. The employee may appeal to the Superintendent the exclusion or inclusion of any portion of his or her personnel file or the accuracy of any information in the file.
 2. An appeal must be made in writing to the Superintendent.
 3. The Superintendent shall render a decision on the appeal as soon as possible, but not later than ten days from the time the written appeal is submitted. The Superintendent's decision shall be in writing and shall be delivered to the employee and the records manager responsible for the employee's file.
 4. Except as may be otherwise provided by contract negotiated with the employee's majority representative, the appellant may appeal the Superintendent's decision to the Board; a decision of the Board may be appealed to the Commissioner of Education.
- F. Access by Board Members and School Officials
1. Personnel files may be inspected by school officials only as required in the discharge of their professional or statutory duties and to the extent required in the discharge of those duties.
 2. Personnel files may be inspected by Board members when such inspection relates to the Superintendent's recommendation of a candidate for employment, promotion, transfer, dismissal, or discipline.
 3. Much of the information included in an employee's file is confidential; access to the employee's file for professional reasons necessarily imposes on the person reviewing the file the duty to respect the confidentiality of the record.

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~~G. Computerized records~~

- ~~1. Computerized personnel records may include only the following information about an employee:
 - ~~a. Name, address, and telephone number;~~
 - ~~b. Social security number;~~
 - ~~c. Current assignment;~~
 - ~~d. Work experience;~~
 - ~~e. Employment date;~~
 - ~~f. Salary and step on the guide;~~
 - ~~g. Certification;~~
 - ~~h. Attendance; and~~
 - ~~i. Emergency contact information.~~~~
- ~~2. Computerized information may be used only for the following purposes:
 - ~~a. Payroll;~~
 - ~~b. An employee's individual employment record; and~~
 - ~~c. Studies, reports, or surveys conducted by the Commission or a governmental agency and authorized by the Superintendent, provided that such studies, reports, or surveys do not identify specific employees.~~~~

G. Public Access to Employee Records and Information

- 1. A Board of Education and private agencies that provide educational services by means of public funds shall make employee records and information available for public access, pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act, but in accordance with N.J.S.A. 18A:6-120(d) and 121.(d) in accordance with N.J.A.C. 6A:32-4.3 and as outlined in this Regulation.**

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2. In accordance with the provisions of N.J.S.A. 47:1A-10, notwithstanding the provisions of N.J.S.A. 47:1A-1 et seq. or any other law to the contrary, the personnel or pension records of any individual in the possession of a public agency, including but not limited to, records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that:
 - a. An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received shall be a government record;
 - b. Personnel or pension records of any individual shall be accessible when required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by the State of New Jersey or the United States, or when authorized by an individual in interest; and
 - c. Data contained in information which disclose conformity with specific experiential, educational, or medical qualification required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record.
3. Information related to the evaluation of a particular employee shall be maintained by the school district, be confidential, and not be accessible to the public pursuant to N.J.S.A. 47:1A-1 et seq., as amended and supplemented, in accordance with N.J.S.A. 18A:6-120.d and 18A:6-121.d.

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Adopted: