

**LYON COUNTY SCHOOL DISTRICT**

**BOARD POLICY**

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**GAC**

*CONFIDENTIAL INFORMATION*

The District will identify the types of personnel information and employment records that it will keep confidential and identify the positions that might appropriately be granted access to such confidential data on a need-to-know or business-related basis.

The Superintendent/designee will identify the confidential information and records and designate what positions will have access to those records and information.

Reference: 29 CFR 1630.14, NRS 239B.030

Policy #GAC  
Revised 11/26/13

*CONFIDENTIAL INFORMATION – ADMINISTRATIVE REGULATIONS*

The following types of personnel information and employment records concerning current employees, former employees, and applicants for employment that the District maintains are confidential are as follows:

1. All information related to an employment application including, but not limited to, letters of reference, résumés, or his/her status as an applicant for employment.
2. All information that the District received or compiled concerning the qualifications of an applicant or an employee including, but not limited to, reports by employers, law enforcement officials, or other individuals concerning the hiring, promotion, performance, conduct, or background of applicants or employees.
3. Ratings, rankings, scoring sheets, or remarks by members of an evaluation board or individual interviewers concerning an applicant, or results from any testing or employment screening process.
4. Materials used in examinations, including answers, rating guides, score sheets, etc., on any written exam or rating criteria for interviews.
5. Information in an employee's file or record of employment which relates to his/her
  - a. Performance;
  - b. Conduct, including any proposed or imposed disciplinary action taken;
  - c. Race, color, religion, ethnic identity or affiliation, age, gender, marital status, pregnancy, number and names of dependents, military/veteran status, living arrangements, membership in any organization, sexual orientation, domestic partnership, national origin, ancestry, genetic information, disability, gender identity or expression, political affiliation, date of birth, membership in the Nevada National Guard, or social security number;
  - d. Past or present home address, telephone number, post office box, or relatives;
  - e. All information concerning the voluntary or involuntary termination of an employee, other than the dates of actual employment.
6. The name of an employee's/former employee's designated beneficiary.
7. All medical information concerning an employee or applicant including, but not limited to
  - a. Pre-employment and post-employment medical and psychological examinations;
  - b. Disability and documentation relating to reasonable accommodation requested or granted;
  - c. Drug testing;
  - d. Genetic information;
  - e. Pregnancy, health care provider's certification and other communication;
  - f. Any other medical information that an employee or applicant has voluntarily provided or the District has requested.

8. All confidential medical information shall be kept in files segregated from other personnel and employment records. Access to such files shall be strictly limited to those with a demonstrable need-to-know. This would include
  - a. Supervisors and managers, regarding necessary restrictions and accommodations in the employee's duties;
  - b. First aid and safety personnel;
  - c. Government officials investigating compliance with the ADA, on request;
  - d. State workers' compensation office officials; and
  - e. Insurance company employees when the company requires a medical examination to provide health or life insurance (29 CFR §1630.14(c)(1)).
9. Notations on attendance sheets that an employee took sick leave are not a confidential record.
10. The District shall keep all information and documents pertaining to an investigation separate from other personnel and employment records ensuring privacy of all employees, witnesses, and other individuals involved. Access is limited to only those individuals with a demonstrable business need-to-know.

Grievance files that include notices, notes, and decisions of appeal will be maintained in a separate file with limited access to only those individuals with a demonstrable business need-to-know.

## **ACCESS TO CONFIDENTIAL INFORMATION**

Access to confidential records is restricted to the following, unless specifically provided in a separate policy.

1. The names of members of an evaluation panel shall not be released, nor shall tests that are governed by confidentiality agreements be released. Access to the materials for an examination and information relating to an applicant that is relevant to a decision to hire that person (Items 1-4) is limited to
  - a. Employees with a business need-to-know the information in order to fulfill the responsibilities assigned by the District;
  - b. The District's Superintendent/designee, Human Resources Director, or their designee;
  - c. Persons authorized pursuant to any state or federal law or court order (i.e., governmental/legal/auditing/investigating agencies);
  - d. Counsel retained by or on behalf of the District; and
  - e. Any other parties with whom the District has a contractual relationship in order to enable the District to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the District.
2. Access to an employee's personnel-related confidential file containing those items listed above (Items 5-9), is limited to
  - a. The employee;

- b. The employee's representative when s/he presents a current signed authorization from the employee;
  - c. The employee's administrator or manager/supervisor with a need-to-know, or as needed for a reasonable accommodation and human resources;
  - d. Persons authorized pursuant to any state or federal law or court order;
  - e. Counsel retained by or on behalf of the District; and
  - f. Any other parties with whom the District has a contractual relationship in order to enable the District to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the District.
3. Access to an employee's personnel-related confidential file containing those items listed above in Item 10 is limited to:
- a. The employee's administrator or manager/supervisor, human resources director/manager, or his/her designee;
  - b. Persons authorized pursuant to any state or federal law or court order;
  - c. Counsel retained by or on behalf of the District; and
  - d. Any other parties with whom the District has a contractual relationship in order to enable the District to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the District.

## **DISPOSAL OF EMPLOYEE RECORDS**

NRS 239B.030 states that government agencies shall ensure that personal information, defined as social security numbers, driver's license numbers, or bank account numbers, required to be maintained by state or federal statute and received after January 1, 2007, be maintained in a confidential manner.

If the agency has records containing personal information which is not required by specific state or federal statute and the information was received prior to January 1, 2007, the information must be obliterated or removed from documents and computer systems on or before January 1, 2017.

As of June 1, 2005, and in compliance with the Fair and Accurate Credit Transactions (FACT) Act Disposal Rule, the District shall dispose of sensitive information derived from consumer reports to ensure there will be no unauthorized access to – or use of – any confidential information. "Consumer Reports" are defined as reports which contain information from a consumer reporting company, such as reports obtained from third party agencies who conduct employment background checks on behalf of the District.

Sensitive information includes any and all documents which contain employee information which can include:

- Employee name,
- Social security number,
- Driver's license number,
- Phone number,

- Physical address,
- E-mail address, and
- Any other personal identifiers.

The District shall dispose of sensitive information by shredding or burning any and all papers and by destroying or erasing all electronic files or media which contain personal information. In addition, the District shall, in accordance with good personnel practices, properly dispose of any records containing employee personal or financial information. An electronic record must be destroyed in accordance with the applicable schedule in a manner that ensures the information cannot be retrieved or reconstructed, including, without limitation, overwriting, degaussing and the physical destruction of the storage media.

The District will determine whether the disposal of consumer report documents will take place by utilizing an internal process and equipment or by procuring the services of a document destruction contractor to dispose of material that is specifically identified as consumer report information. The District will exercise due diligence to ensure that a contractor disposes of documents as required by law. Due diligence may consist of requiring the disposal company be certified by a recognized trade association to ensure the disposal company complies with the disposal rule requirements.

Reference: 29 CFR 1630.14, NRS 239B.030