

## PERSONNEL

### Personnel Records

#### A. Confidentiality of Files

The School Board will generally protect the confidentiality of personnel files, personnel references, academic credits and other similar documents, but reserves the right to release such information in accordance with law and written School Board policy or regulation.

~~In the event that~~ If an employee or former employee engages in conduct which becomes the subject of public concern as reported in the news media, or such person otherwise discloses matters related to ~~his/her~~ employment to the news media, the School Board authorizes the Superintendent or designee to disclose accurate and relevant information regarding such person's actions and employment.

#### B. Definition of Personnel Files

"Personnel file" means, for the purposes of this Policy, ~~any and all~~ memoranda, entries or other documents included in the employee's file as maintained in the central school administration office or in any file on the employee maintained within a school in which the employee serves. The term "official personnel file" shall only pertain to that personnel file maintained by the Department of Human Resources.

#### C. Contents of Files

1. The official personnel file of an active employee should include the following:
  - Original application or resume resulting in employment;
  - Employment Agreements;
  - Evaluations, Observations, and Assessments including rebuttal information submitted by the employee;
  - Correspondence to include letters of expectation, written reprimands, conference /commendation summaries, commendation letters, transfer/promotion requests, academic leave & military leave orders;
  - Performance Improvement Plans;
  - Contract information;
  - Change of name or address;
  - Certification/licensure information;
  - DMV transcripts;

- Salary supplement or stipend information;
- Handbook and policy acknowledgements;
- Sick leave bank membership

Except for the documents identified above, only material deemed relevant to the employment status shall be added to the official personnel file.

2. The following are not part of the official personnel file, but will be maintained in separate; confidential files:

- Immigration (I-9) forms;
- Documents in the grievance process;
- Discrimination, EEOC, and employee relations investigation case files;
- Records of arrests, convictions, background investigations, or security clearance information;
- Recruitment and selection records;
- Letters of recommendation for employment and/or references on applicants;
- Medical records, including ADA accommodation requests and Short-term and Long-term disability claims;
- Drug and Alcohol test results;
- Information regarding Workers' Compensation claims and Accident Investigations;
- Copies of state and federal withholding forms (housed in the Payroll Office);
- Benefits enrollment forms (housed in the Consolidated Benefits Office);
- Exit interviews;
- Unemployment Compensation material.

#### **D. Access to File**

1. Access by the Employee

a. **When or how to review**

An employee may review the contents of ~~his/her~~their personnel file during regular office hours and at the convenience of the employee charged with the ~~safe-~~keeping~~safe~~ keeping of the records or may review by mail if the employee makes a written request with proper identification that the School Division has reasonable assurance to be accurate.

b. **Charges**

A reasonable charge may be imposed if copies must be made and/or delivered to the requestor.

c. **Persons accompanying reviewer**

An employee reviewing the file in person may be accompanied by a person of choice.  
~~An employees reviewing the files in person may be accompanied by a another person of his/her choosing.~~

d. **Challenging accuracy of records**

If the employee gives notice ~~that he/she wishes~~ to challenge, correct or explain information in his/her personnel records, the School Division will investigate the concern and document the current status of the information.

- 1) If the information is found to be incomplete, inaccurate, not pertinent, not timely, or not necessary to be retained, it will be corrected or purged from the records.
- 2) The School Division retains the authority to determine what information is necessary and pertinent to be included in personnel files subject to the employee's right to appeal that decision in accordance with this Policy.
- 3) The employee may not use this procedure to ~~appeal:~~appeal test scores; decisions to hire; promote; demote; non-renew; dismiss; or otherwise discipline an employee; evaluations or observations where discretion was fairly exercised by the person conducting such evaluations or observations; wages or benefits; work assignments; or other matters subject to grievance procedures.
- 4) The School Division reserves the right to maintain records removed from personnel files in confidential files for the purpose of demonstrating compliance with this Policy or applicable law or regulation. If material is removed from a personnel file, the School Division will furnish past recipients of information from these records with notification that the items has been purged or corrected. The School Division will make reasonable efforts to confirm that such notification was received.
- 5) If the School Division's investigation of the employee's complaint, does not resolve the dispute, the employee may file a statement of not more than 200 words setting forth ~~his/her~~ position. Such statement will be attached to the disputed record and will be provided to any past recipients of the disputed record. Review and challenge of personnel files will be done in accordance with applicable law or regulation, as amended.

2. Access by Other Persons

a. **Access with permission of the Employee**

Upon written permission by the employee, other persons shall be permitted to review the employee's personnel file. A new authorization shall be required for each review.

**b. Access without consent of the Employee**

The following persons may review an employee's personnel file without the consent of the employee:

- 1) Administrators and supervisors who have line responsibility over the employee.
- 2) School Board Members, when acting as a whole or through Committees and review is necessary for a pending matter.
- 3) A person with a court order, valid subpoena; or
- 4) Other persons authorized by federal or state law or regulation.

**E. Disclosure of Employment-Related Information to Specific Current or Specific Prospective Employers**

1. In response to an inquiry made by a specific current or a specific prospective employer, the Superintendent or his designee may provide accurate information concerning the professional conduct, job performance, and/or reasons for separation or discipline of a current or former employee. At the Superintendent's or ~~his~~ designee's discretion, the information will be released in accordance with regulations developed by the Superintendent and may be limited ~~to:~~ 1) whether the employee is eligible for rehire; 2) whether the employee was terminated, resigned, or retired; or 3) whether the employee left for personal reasons. A current or former employee's entire personnel record may be released to a specific current or specific prospective employer upon receipt from the employee of a signed Release of Information form.
2. School Board employees are prohibited from providing a recommendation of employment for any employee, contractor, or agent if it is known, or there is probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or adult student in violation of the law.

**Editor's Note**

*For Disclosure of personal information upon resignation, see Policy 4-16.*

**Legal Reference**

Code of Virginia § 2.2-3700 et seq., as amended. The Virginia Freedom of Information Act.

Code of Virginia § 2.2-3800 et seq., as amended. The Government Data Collection and Dissemination Practices Act.

Code of Virginia § 8.01-46.1 as amended. Disclosure of employment-related information; presumptions; causes of action; definitions.

**Related Links**

School Board Policy 4-16

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APPROVED AS TO  
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