

## **Personnel Records**

An official personnel file will be established for each person employed by the district. Such files will be maintained in a central location. All applications from unsuccessful applicants for employment shall be exempt from disclosure by reason of ORS 192.502(2) and (4).

All records containing employee medical condition information such as workers' compensation reports and release/permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

No files will be removed from their central location for personal inspection.

The superintendent will be responsible for establishing regulations regarding the control, use, safety, and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints, and written disciplinary actions to be placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee or designee may arrange with the human resources office to inspect the contents of his/her personnel file on any day the human resources office is open for business;
2. Others designated in writing by the employee;
3. The comptroller or auditor, when such inspection is pertinent to carrying out his/her respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential;
4. A Board member when specifically authorized by Board action. Information will be kept confidential;
5. The superintendent or designee;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the human resources office as directed by the director of human resources;

8. Courts and public agencies with the power of subpoena and attorneys for the district when relevant to the performance of their respective duties.
9. The disciplinary records<sup>1</sup> of a district employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or 192.502 and may be released to any person upon request. Prior to the release of disciplinary records the district shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a district employee who is not the subject of the disciplinary record.
10. Upon request from a law enforcement agency, the Department of Human Services or the Teachers Standards and Practices Commission, a district shall provide the records of investigations of suspected child abuse by a district employee.

The superintendent may permit persons other than those specified above to use and to inspect employee records when, in his/her opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case the appropriateness and extent of such access. Reimbursement for copies requested shall be borne by the party requesting copies.

Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a court order.

END OF POLICY

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**Legal Reference(s):**

[ORS 342.850](#)  
[ORS 652.750](#)  
[ORS 342.143](#)  
[ORS 339.370 - 339-375](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

**Cross Reference(s):**

ACA - Americans with Disabilities Act

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<sup>1</sup>Disciplinary records is defined as records related to a personnel discipline action or materials or document supporting that action.