

Personnel Records

An official personnel file will be established for each person employed by the district. Files will be maintained in the human resources or superintendent's office under adequate protection at all times.

All records containing employee medical condition information will be kept in a separate, confidential file. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent or designee 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 any disciplinary actions to be placed in their personnel file. Employees may submit a written response to any materials 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.

No files will be removed from their central location for personal inspection and will be inspected under the supervision of a human resources staff member.

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

1. The individual employee. An employee may, upon written request, arrange with the human resources office to inspect the contents of his/her personnel file. An employee wanting a hard copy of his/her personnel file should give 24 hours written notice to the human resources office;
2. The superintendent or persons acting for and under the direction of the superintendent, or by others authorized in writing by the superintendent and/or the individual concerned;
3. The 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. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential;
5. District administrators and supervisors who currently or prospectively supervise the employee;
6. Human resources staff with a legitimate purpose as part of their job responsibilities;
7. Attorneys for the district or the district's designated representative on matters of district business.

Disciplinary records of a district employee convicted of a crime listed in Oregon Revised Statute (ORS) 342.143 are not exempt from disclosure under ORS 192.501 and 192.502 and shall 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 the child, a crime victim or a district employee who is not the subject of the disciplinary record.

Upon request from a law enforcement agency, the Oregon Department of Human Services or the Teacher Standards and Practices Commission, the district shall provide the records of investigations of suspected abuse of a child by district employees.

The superintendent may permit persons other than those specified above to use and to inspect personnel records when, in their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case the appropriateness and extent of such access.

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

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).

Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

ACA - Americans with Disabilities Act

EH - Electronic Data Management