

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 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.

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 which may result in disciplinary action shall be considered a permanent part of the 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 evaluation, disciplinary action or complaint will be placed in a teacher's personnel file unless the teacher has received a copy of the document signed by both parties.

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

1. The individual employee. An employee may arrange to inspect the contents of his/her personnel file, in the presence of a district staff member, on any day the district office is open for business
2. A member of the Board, the comptroller or auditor, in the presence of a district staff member, when such inspection is pertinent to carrying out their respective duties as specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection.
3. The superintendent and principal.
4. Attorneys for the district on matters of district business.
5. The disciplinary records¹ 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

¹Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

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.

6. 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.

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

END OF POLICY

Legal Reference(s):

[ORS 342.850](#)

[ORS 652.750](#)

OSEA v. Lake County School District, Case No. C-202-83, 8 PECBR 7837 (1985); rev'd, 81 Or App 623 (1986); order on remand, 9 PECBR 9501 (1987); aff'd, 93 Or App 481 (1988).

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).

Cross Reference(s):

EH - Data Management