

Personnel Records

An official personnel file will be established for each person employed by the district. Personnel 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 procedures 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 an employee'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.

Each employee shall have the right to review the contents of his/her own personnel file in the presence of a witness from the personnel office except that all confidential material supplied by outside agencies concerning an original employment may be removed from the file and shall not be subject to review by the employee. The employee may request a third party to accompany him/her in such review.

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 office to inspect the contents of his/her personnel file on any day the 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. 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. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the personnel office;

8. Attorneys for the district or the district's designated representative on matters of district business;
9. The disciplinary records¹ 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 or 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 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 Oregon Department of Human Services or the Teacher Standards and Practices Commission, a district shall provide the records of investigations of suspected abuse of a child by a district employee.

The superintendent may permit persons other than those specified above to use and to inspect personnel 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.

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 342.143](#)
[ORS 342.850](#)
[ORS 652.750](#)
[ORS 339.370 to -339.400](#)

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

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