

InterMountain Education Service District

Code: **GBL**
Adopted: 2/08/06
Readopted: 1/19/11
Orig. Code(s): GBL

Personnel Records

An official personnel file will be established for each person employed by the ESD. 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 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, ESD 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 superintendent office to inspect the contents of his/her personnel file on any day the superintendent 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. ESD administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the personnel office;
8. Attorneys for the ESD or the ESD's designated representative on matters of ESD business;

9. The disciplinary records¹ of an ESD employee convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 and may be released to any person upon request. Prior to the release of disciplinary records the ESD shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or an ESD 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, an ESD shall provide the records of investigations of suspected child abuse by an ESD 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 342.850](#)

[ORS 652.750](#)

[OAR 581-024-0245](#)

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):

EH - Electronic Data Management

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