

## **Personnel Records**

An official personnel file is established for each person employed at the school. A staff member's personnel file may contain such information as applications for employment, references, records relative to compensation, payroll deductions, evaluations, complaints and written disciplinary actions. All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed. Employees may submit a written response to any materials placed in their personnel file. Personnel records do not include records of an individual relating to the conviction, arrest or investigation of conduct constituting a violation of the criminal laws of this state or another state or the United States, confidential reports from previous employers or records maintained in compliance with ORS 351.065 (Personnel records). All records containing 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. All personnel records are considered confidential and not open to public inspection. Access to personnel files is limited to use and inspection only by the following or as otherwise required by law:

1. The individual employee, an employee or designee may arrange an appointment with the administrator to inspect the contents of his/her personnel file at any time.
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 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. Attorneys for the school or the designated representative on matters of school business
6. The disciplinary records of a school 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 school shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or an employee who is the subject of the disciplinary record

Upon request from a law enforcement agency, the Department of Human Services or the Teachers Standards and Practices Commission, the school shall provide the records of investigations of suspected child abuse by a school employee. The director 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 director 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

Within 45 days after receipt of an employee's request, an employer shall provide reasonable opportunity for the employee to inspect, at the place of employment or place of work assignment, the personnel records of the employee that are used or have been used to determine the employees qualification for employment, promotion, additional compensation, employment termination or other disciplinary action. Within 45 days after receipt of the employee's request, the employer shall furnish a certified copy of the records. Upon termination of employment, the employer shall keep the terminated employee's personnel records for not less than 7 years. Within the 60-day period, the employer shall provide the employee with a certified copy of the records within 45 days of receiving the employee's request. After the 60-day period, the employer shall provide the certified copy within 45 days of receiving the employee's request if the employer has the records at the time of the request

END OF POLICY

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**Legal Reference(s):**

[ORS 338.115](#)