

# GBJ - Personnel Records and Files

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M.S.A.D. #35 shall maintain records of current and former employees in the Office of the Superintendent in accordance with state and federal laws and regulations.

### **Directory Information**

As required by law, a record of directory information for each employee shall be open to inspection and copying by any person. Directory information shall contain:

- A. Name of employee;
- B. Date(s) of employment by MSAD #35;
- C. Regular and extra-curricular duties, courses, subjects taught, and any other responsibilities since the start of employment by the school unit;
- D. Post-secondary education institution(s) attended;
- E. Major and minor field(s) of study as recognized by those institutions; and
- F. Degrees received and dates degrees were awarded.

### **Confidential Information**

As required by law, all information (except Directory Information) about an employee, applicant for employment or an employee/applicant's immediate family shall be kept confidential if it relates to the following:

- A. All information, working papers, and examinations used in the evaluation or selection of applicants for employment;
- B. Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
- C. Performance evaluations, personal references and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character compiled and maintained for employment purposes;

D. Credit information;

E. The personal history, general character or conduct of the employee or any member of the employee's immediate family;

F. Complaints, charges of misconduct, replies thereto and memoranda and other materials pertaining to disciplinary action;

G. Social Security number;

H. Any teacher action plan and support system documents and reports maintained for certification purposes; and

I. Criminal history record information.

### **Personnel Files**

Personnel files will contain a cumulative history of the staff member's employment, including formal or informal employee work evaluations and reports relating to the employee's character, credit, work habits, compensation, and benefits.

### **Other Confidential Personnel Records**

M.S.A.D. #35 must maintain the following confidential employee records separate from the personnel files:

A. Medical information of any kind; and

B. Teacher action plan and support system documents and reports maintained for certification purposes.

### **Disciplinary Action Information**

Any written record of a decision involving an employee disciplinary action by the Board shall not be included within any category of confidential information.

### **Procedures for Review of Personnel Files by Employees**

This section pertains to review of personnel files by an employee, former employee, or his/her authorized representative. For the purpose of this section, a personnel file shall include, but not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits that are maintained by the school unit for employment purposes.

A. The Superintendent shall, upon written request and within two business days, provide the employee, former employee, or his/her duly authorized representative(s) with an opportunity to review and copy his/her personnel file, if the Superintendent has a personnel file for that

employee.

B. Reviews of personnel files shall take place at the location where the personnel files are maintained and during normal office hours.

C. The cost of any copying is to be paid by the person requesting the copy.

D. Access to confidential college placement records and letters of reference will be granted only to the Superintendent/designee.

### **Access to Personnel Files by Persons Other Than Employees**

Access to personnel files may be given to the following persons without the consent of the employee.

A. The Superintendent or his/her designee, the employee's principal or other supervisor(s). Personnel files are not accessible to individual Board members.

Relevant portions of a personnel file may be summarized and/or shared with the Board by the Superintendent when consideration is being given to performance evaluation, continuation of employment or disciplinary action.

B. The general public shall have access only to the Directory Information as outlined above.

Access to personnel files will not be granted to any other persons except under the following circumstances:

A. When the employee gives written consent for the release of his/her records. The written consent must specify the record(s) to be released and to whom they are to be released. Each request for consent must be handled separately; blanket permission for release of information will not be accepted; and

B. Upon advice of counsel, when subpoenaed or under court order.

### **Records Management**

The Superintendent has overall responsibility for maintaining and preserving the confidentiality of all employee/applicant records. The Superintendent may designate a staff member who shall be responsible for granting or denying access to records according to the guidelines in this policy.

Written reports shall be maintained in personnel files to document compliance with federal and state laws and regulations and Board policies regarding employee evaluations. Once a document is properly placed in a personnel file, it shall remain in the file permanently.

### **Records Retention**

M.S.A.D. #35 will retain all personnel records and files in accordance with applicable laws and regulations.

Legal Reference: 20-A MRSA § 6101

20-A MRSA § 13015

26 MRSA § 631

Chapter 10, Rules for Disposition of Local Government Records (Maine State Archives)

Americans with Disabilities Act of 1990, 42 U.S.C.

Family and Medical Leave Act of 1993, 29 U.S.C. 2611 et seq.

Cross Reference: GBJC - Retention of Application Materials

KDB - Public's Right to Know/Freedom of Access

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