

## PERSONNEL RECORDS

The School Department 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 school district;
- 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 required by those institutions; and
- F. Degrees received and dates degrees were awarded.

### Confidential Information

As required by law a;; 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 examination or evaluation of all applicants for employment;
- B. Medical information of any kind, including information pertaining to diagnosis or treatment of medical 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. Except as provided by the section on Directory Information, 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.

The School Unit must maintain the following confidential employee records separated 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 disciplinary action taken with respect to an employee by the school Board shall not be included within any category of confidential information.

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

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 one day's notice from an employee or former employee, provide the employee or former employee or his/her duly authorized representative(s) with an opportunity to review 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. Access to confidential college placement records and letters of reference will be granted only to the Superintendent / Designee.

### **Access to Personnel Files**

Access to a personnel file may be given to the following persons without 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 school Board members.

Relevant portions may be summarized for and/or shared with the school Board by the superintendent when consideration is being given to performance evaluation and continuation of employment and disciplinary action; and

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

No other person shall have access to a personnel file except under the following circumstances:

- A. When the employee gives written consent to 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. When subpoenaed or under court order.

### **Records Management**

The superintendent shall charge a staff member with the overall responsibility for maintaining and preserving the confidentiality of personnel files. This staff member shall be responsible for granting or denying access to records on the basis of the above guidelines.

Full and appropriate written reports are to be maintained in personnel files to document implementation of and compliance with federal and state laws and regulations and school Board policies regarding evaluations of staff. Once it is determined by established procedures that such a document is to be placed in a personnel file, it is to so remain permanently.

### **Records Retention**

The School Unit will retain all personnel records and files in accordance with the applicable laws and regulations.

**Legal References:** 20-A MRSA § 6101  
20-A MRSA § 13015  
20-A 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 Information

Adopted:            August 23, 2006