

PERSONNEL RECORDS AND FILES

Code **GBJ** Issued **12/01**

Purpose: To establish the basic structure for maintenance of and access to personnel files.

Maintenance of records

The director will maintain a personnel file on each employee.

The personnel file will include all records and documents collected by the center concerning the employee. It will include, but not be limited to, any of the following records that are retained by the center.

- performance evaluations
- commendations for, and complaints against, the employee made by the administration
- written suggestions for corrections and improvements made by the administration
- teaching credentials
- transcripts
- pre-employment references
- application records
- all other records kept about an employee

The personnel file will be kept in the business office or in the office of the director. **The center will maintain health records and medical records in a separate file to protect confidentiality.**

Additions to the personnel file

No performance evaluation, complaint or suggestion for improvement may be placed in the personnel file unless it meets the following requirements.

- The document must be signed and dated by the administrator making the performance evaluation, complaint or suggestion for improvement.
- The employee must have an opportunity to review the information or receive a copy of the performance evaluation, complaint or suggestion prior to placement in the employee's personnel file.

The employee will sign or initial the performance evaluation, complaint or suggestion and any such denial or explanation will become a part of his/her personnel file.

General access to a personnel file

The center will permit access to a employee's personnel file to the following persons on a routine basis without consent of the employee about whom the file is maintained.

- those center officials involved in the evaluation process of the individual
- the board if its examination of the file relates to the duties and responsibilities of the board regarding promotion, demotion, suspension or dismissal of the employee

PAGE 2 - GBJ - PERSONNEL RECORDS AND FILES

No other person may have access to a personnel file except under the following circumstances.

- when the employee gives written consent to the release of his/her personnel file. (The written consent must specify the records 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.)
- when lawfully subpoenaed or under court order

Responsibility for the personnel files

The director will have the overall responsibility for maintaining and preserving the confidentiality of an employee's personnel files. The director may, however, designate another school official to perform these duties for him/her.

The director or his/her designee is responsible for granting or denying access to records on the basis of this policy.

Employee's access to personnel file

Each employee has the right to review the contents of his/her personnel file. The employee does **not** have the right to review references and recommendations provided to the center on a confidential basis.

Personnel records/information for payroll purposes

The center keeps information, records and documents collected by the center to handle an employee's payroll account in a file separate from records noted above. The center limits access to this information to those persons involved in the payroll process.

Required immigration form

The Immigration Reform and Control Act of 1986 prohibits employers from hiring aliens not legally eligible to work in the United States. The center will comply with the provisions of the Immigration and Naturalization Service (INS) Regulations under the Act by requiring employees of the center to complete an INS Form I-9.

All newly hired employees must complete the form no later than three business days following their first working day. If an individual is unable to provide the required document or documents to complete the Form I-9 within the three-day period, the individual must present a receipt for the application of the document or documents within three days of the hire and present the required document or documents within 21 days of the hire.

The center will maintain completed Form I-9 in a file separate from other personnel records in order to prevent unauthorized review of personnel files.

The center requires three days notice prior to inspection of Form I-9 by an authorized service officer.

The center will retain Form I-9 for three years after the date of hire or one year after the date the individual's employment is terminated, whichever is later.

Adopted 12/18/01

PAGE 3 - GBJ - PERSONNEL RECORDS AND FILES

Legal references:

A. Code of Federal Regulations:

1. Final regulations issued by INS in response to passage of the Immigration Reform and Control Act of 1986 (P.L. 99-603) [Federal Register, May 1, 1987].

B. South Carolina Code of Laws, 1976 as amended:

1. Section 30-4-10, et seq. - Freedom of Information Act, especially Sections 30-4-20 and 30-4-40.