

PERSONNEL RECORDS AND FILES

Code **GBJ** Issued **3/05**

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

Maintenance of records

The superintendent or his/her designee will maintain personnel records on each employee.

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

- 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
- application records
- contracts
- information, records and documents collected to handle an employee's payroll account
- all other records kept about an employee

An employee's personnel file will be kept at the district office. The district will maintain health records and medical records in a separate file to protect confidentiality.

Responsibility for personnel files

The superintendent or his/her designee will have the overall responsibility for maintaining and preserving the confidentiality of an employee's personnel file and for granting or denying access to personnel files in accord with board policies and administrative practices.

Employee's access to his/her personnel file

Each employee has the right to review the contents of his/her personnel file. The employee must contact the personnel office in advance to schedule an appointment to review his/her file. The employee does **not** have the right to review references and recommendations provided to the district on a confidential basis. Copies of personnel documents will be provided on a per copy basis at the employee's expense.

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 district will comply with the provisions of the Immigration and Naturalization Service (INS) Regulations under the Act by requiring employees of the district 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 district will maintain completed Form I-9 in a file separate from other personnel records in order to prevent unauthorized review of personnel files.

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The district 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 7/1/75; Revised 8/13/91, 11/12/02, 3/8/05

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].
2. P.L. 104-191 - Health Insurance Portability and Accountability Act, 45 C.F.R. Sections 160.101-.312, 164.102-.534.

B. S. C. Code, 1976, as amended:

1. Section 30-4-10, et seq. - Freedom of Information Act, especially Sections 30-4-20 and 30-4-40.
2. Section 30-2-10, et seq. - Family Privacy Protection Act of 2002.