

PERSONNEL FILES

The District maintains a complete personnel record for every employee (certificated and support personnel). Much of the information contained in employee personnel files is confidential and access to such files should be limited to the Superintendent, Principal, the employee, the employee's designee or representative, and school districts requesting information based upon Idaho Code 33-1210.

A log of those persons other than the Superintendent, Principal or other administrative staff, will be kept indicating the date and time of inspection, name of person requesting access, description of the records copied, if any, and the initials of the person providing the access and/or copies requested.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school. Access to other information contained in the personnel records of District employees is governed by Policy 401.03 – Personnel Records.

In accordance with State law including Idaho Code 33-1210, not later than twenty (20) days after receiving a request the District shall release information regarding job performance or job related conduct to school districts requesting such information for hiring purposes.

The District shall maintain official District files for employees.

An employee's official file shall be kept in the District Office. It shall, at a minimum, contain the following records:

1. Application Materials
2. Contracts of Employment
3. Communications from the Administration
4. Performance Evaluations
5. Rebuttals to Performance Evaluations
6. Parental Input Materials
7. Written Reprimands
8. Original Statements/Releases to/from Hiring School Districts

9. Original Acknowledgement of Receipt of Professional Liability Insurance Providers List
10. A Copy of the Employee's Job Description Signed by the Employee
11. A Signed Acknowledgement that the Employee has Received a Copy of the District's Sexual Harassment Policy
12. A Signed Acknowledgement that the Employee has Received a copy of the District's E-mail and Internet Use Policy
13. Documentation of Additional Training Received, Course Work Completed, In-Service Attended, etc.

The file may contain notes and observations. Letters of recommendation will be kept in a separate, sealed file maintained by the Superintendent. Personal notes of supervisors need not be placed in the file, but may be maintained in the supervisor's own file(s).

Each employee will be provided written notice of all materials placed in an employee's personnel file. Notice shall be provided within ten (10) days of placement of information in the employee's file or, if possible, presented to the employee prior to placement in the file. An employee will have the opportunity to attach a rebuttal to any information placed in the employee's personnel file. An employee will have seven (7) days (from the date written notice of placement) to attach a statement or notification of rebuttal.

Upon request, an employee or the employee's designee or representative will have access to the employee's personnel file and will be provided copies, upon request within a reasonable period of time. The request, inspection, and/or copying of the file will be logged indicating the date and time, name of person requesting access, description of the records copied, if any, and the initials of the person providing the access and/or copies requested.

RECORD KEEPING REQUIREMENTS UNDER THE FAIR LABOR STANDARDS ACT

In addition to the information to be placed in an employee's personnel file set forth hereinabove, any and all payroll information required by the Fair Labor Standards Act shall also be kept for each employee as follows:

1. Records required for ALL employees:
 - A. Name in full (same name as used for Social Security)
 - B. Employee's home address, including zip code
 - C. Date of birth if under the age of 19
 - D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss)

- E. Time of day and day of week on which the employee's work week begins
- F. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.)
- G. Any payment made which is not counted as part of the "regular rate"
- H. Total wages paid each pay period
- I. I-9

2. Additional records required for non-exempt employees:

- A. Regular hourly rate of pay during any week when overtime is worked;
- B. Hours worked in any work day (consecutive twenty-four-(24)-hour period);
- C. Hours worked in any work week (or work period in case of 207[k]);
- D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week, but excluding premium pay for overtime);
- E. Total overtime premium pay for a work week;
- F. Date of payment and the pay period covered;
- G. Total deductions from or additions to wages each pay period;
- H. Itemization of dates, amounts and reason for the deduction or addition, maintained on an individual basis for each employee;
- I. Number of hours of compensatory time earned each pay period;
- J. Number of hours of compensatory time used each pay period;
- K. Number of hours of compensatory time compensated in cash, the total amount paid and the dates of such payments;

PROCEDURES FOR RELEASING PERSONNEL RECORDS TO HIRING SCHOOL DISTRICTS

- 1. No later than twenty (20) days after receiving a request from a hiring School District under the provisions of Idaho Code 12-1210 the District shall provide the information requested and make available to the hiring School District copies of all documents in the past or current employee's personnel file relating to job performance or job related conduct. Note – The District may provide records in electronic format.
- 2. No Board member or District employee shall enter into any agreement that has the effect of suppressing information about negative job performance by a present or former employee or expunge information about performance or misconduct from any document in an employee personnel file.

3. In fulfilling a request from a hiring School District, the District may choose to expunge information from an employee’s personnel file relating to alleged verbal or physical abuse or sexual misconduct that has not been substantiated.
4. In fulfilling a request from a hiring School District, the District shall expunge information from an employee’s personnel file on any materials for which disclosure would violate FERPA, HIPAA, or any other applicable federal law. The District shall also redact student names from investigative or other documentation in the employee’s/former employee’s file as well as any medical documentation.
5. No District employee who in good faith discloses information to the hiring School District either in writing, printed material, electronic material, or orally shall be held civilly liable for the disclosure.

Policy Cross Reference:

Board Policy 401.01	Affirmative Action Personnel Procedures and Statement
Board Policy 805.02	Personnel Records
Board Policy 401.28	Sexual Harassment in the Workplace
Board Policy 502.17	District-Provided Access to Electronic Information, Services, and Networks

Legal Reference:

29USC 201, et seq.	Fair Labor Standards Act
Idaho Code §33-517	Non-certificated Personnel
Idaho Code §33-518	Employee Personnel Files
Idaho Code §33-1210	Information on Past Job Performance

Policy History:

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