Personnel Records

This is the readable version of the official PDF. The PDF is the official record.

Amity School District 4J

Code: GBL

Adopted: 2/8/89

Revised/Readopted: 6/24/92, 12/9/92, 12/10/97, 12/14/05

11/18/2020

An official personnel file will be established for each person employed by the district. Personnel files will be maintained in a central location.

All records containing employee medical condition information such as workers' compensation reports and release or permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The superintendent will be responsible for establishing procedures regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of the teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee may arrange with the district office to inspect the contents of their personnel file on any day the district office is open for business;
2. Others designated by the employee in writing may arrange to inspect the contents of the employee's personnel file in the same manner described above;
3. The comptroller or auditor, when such inspection is pertinent to carrying out their respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The superintendent and members of the central administrative staff designated by the superintendent;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the district office;

8. Attorneys for the district or the district's designated representative on matters of district business.

9. Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The district may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);
10. Upon request from a law enforcement agency, the Oregon Department of Human Services, the Teachers Standards and Practices Commission, or the Oregon Department of Education in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination.

The superintendent may permit persons other than those specified above to use and to inspect personnel records when, in their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case, the appropriateness and extent of such access.

Release of personnel records to parties other than those listed above, will be in line with [Board policy KBA – Public Records

END OF POLICY

Legal Reference(s):

- ORS 339.370 – 339.374
- ORS 339.388
- ORS 342.143
- ORS 342.850
- ORS 652.750
- OAR 581-022-2405

OSEA v. Lake County School District, Case No. C-202-83, 8 PECBR 7837 (1985); rev'd, 81 Or. App. 623 (1986); order on remand, 9 PECBR 9501 (1987); aff'd, 93 Or. App. 481 (1988).

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12112; 29 CFR Part 1630 (2019); 28 CFR Part 35 (2019).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 200ff-1 (2018).