

Personnel Records (Administrative Rule)

Code #526.00AR

Personnel files shall be located in the Tri-County Area School District. Personnel files shall include general employment information concerning the employee, evaluations of the performance of the employee and responses by the employee, copies of licenses or certificates, training records, copies of letters or memoranda to or about the employee, and other pertinent information concerning an individual's employment in the District.

All Tri-County Area School District personnel may have access to their own personnel file and have the privilege of examining all documents contained therein except as specifically provided herein. The employee shall provide District Office personnel with a request to review his/her personnel file in writing. Provisions for the employee to review his/her personnel file shall be made within seven (7) working days. Such requests for inspection of the employee's personnel file are unlimited, unless deemed administratively burdensome (in which case inspection may be limited to two requests per calendar year.) The right of the employee or the employee's representative to inspect records includes the right to copy or receive a copy of records. A reasonable charge for such copies may be levied.

The inspection of an employee's personnel file by an employee or a representative designated by the employee in writing shall occur on the premises where the personnel file is located and maintained, and in the presence of the District Administrator or his/her designee. The inspection shall occur during normal working hours unless some other reasonable time for inspection is agreed upon between the District and the employee.

If the employee disagrees with any information contained in his or her personnel file, a removal or correction of that information may be mutually agreed upon by the District and the employee. If an agreement cannot be reached, the employee may submit a written statement explaining the employee's position. The District shall attach the employee's statement to the disputed portion of the personnel file. The employee's statement shall be included whenever that disputed portion of the personnel file is released to a third party as long as the disputed record is part of the file.

The right of the employee or the employee's designated representative to inspect his or her personnel file includes the right to inspect any personal medical records concerning the employee in the employer's files as provided by law.

The right of the employee or the employee's designated representative to inspect his or her personnel file does not apply to:

- **Records relating to the investigation of possible criminal offenses committed by the employee.**
- **Letters of reference for that employee.**
- **Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test.** *(Example: Employers need not disclose the test document itself but must disclose the employees' score.)*
- **Materials used by the employer for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions, and job assignments or other comments or ratings used for the employer's planning purpose.** *(Example: This does not refer to employee evaluations but to other materials that may reference a specific employee or employee's performance and ability that are used by the employer for staff management planning. This section allows for employers to plan for promotions, job assignments, salary increases, bonuses, and other matters affecting employment and allow them to make and keep a record of comments and recommendations about particular employees without having to disclose such records upon request).*
- **Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.** *(Example: If an investigation is undertaken in response to an allegation of sexual harassment and notes of the investigation which may include personal interviews with victims and/or witnesses are placed in the accused's personnel file, information of a personal nature about one individual could appear in the personnel file of another. This information should not be disclosed to the employee but should be removed from the personnel file prior to inspection by the employee.)*
- **Records relevant to any other pending claim between the employer and the employee which may be discovered in a judicial proceeding.** *(Litigation or administrative proceedings - Example: If the employee was terminated and filed a lawsuit for wrongful discharge, the employer is not required to disclose the employee's personnel file without a formal request through the litigation discovery process. The same would be true if an administrative proceeding were initiated involving a worker's compensation claim or if a discrimination complaint were filed.)*

Except for confidential papers or credentials from college or university placement bureaus or by commercial placement agencies, no information shall be placed in the employee's file without the employee's knowledge.

Access to an employee's personnel file may be given to the following person(s) without the consent of the employee:

- The District Administrator.
- The employee's immediate supervisor.
- Payroll or confidential secretarial personnel.
- School Board member - if it relates to his/her duties as a Board member.

No other person may have access to an employee's 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; and each request must be handled separately since blanket permission for release of information shall not be accepted).
- When subpoenaed or under court order.
- When the employee has been given notice of a public records request and opportunity to object to the request under Wis. Stat. §19.356.

A sequenced log of access to each personnel file shall be maintained noting the person, reason, and date of access to that file.

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