

Recommendation: Accept Italics

This district will maintain a personnel file for each employee. Each personnel file will contain any and all job-related conduct and performance materials relevant to the evaluation of the employee.

Timely notice will be given to the employee of all materials placed in the personnel file. The employee will have the right to attach a rebuttal to any materials that are objected to by the employee *within thirty (30) days of receipt of notice of such placement.*

Personnel files are confidential with the exception of information contained in the file pertaining to public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace, and employing agency.

Within twenty (20) business days after receipt of a statement signed by an employee or former employee, any and all material contained in the personnel file related to job performance or job related conduct of an employee may be disclosed in good faith to another Idaho district, so long as the statement provides the appropriate consent for the release of documents and further releases this school district and its employees from any liability for providing the requested information.

Documentation relating to the job performance or job-related conduct of an employee includes the following:

- All annual evaluations;
- Letters of reprimand or direction;
- Letters of commendation or award;
- Disciplinary actions and documentation of disciplinary investigations;
- Recommendations for probation, notices of probation, and notices of removal from probation;
- Recommendations for termination or nonrenewal;
- Notices of termination or nonrenewal;
- Notices from the Idaho Professional Standards Commission or other similar state agency of action taken against an individual's certificate; and
- Any rebuttal documentation filed by the employee related to any of the above documents.

An employee has the right to access his or her own personnel file upon request and will be provided copies of materials contained in the file. However, an employee is not entitled to access letters of recommendation or material used to screen and test for employment.

Upon separation from employment with the district, all documents from any other file, including an investigative file, will be moved into the former employee’s personnel file. The requirement to submit investigative files to the personnel file will not be construed to be a waiver of the attorney client privilege. Names of any student, fellow employees or complainants, other than the employee’s administrative supervisor or administrative author of a document, will be redacted prior to the record being moved into the personnel file.

The former employee will be provided a copy of the documents and written notice of the inclusion of the information into his or her personnel file to the former employee’s last known address. The former employee will be permitted the opportunity to file a rebuttal to the new documents placed into the personnel file. If an ongoing personnel investigation was taking place, the contents of the district’s investigative file will be forwarded to the professional standards commission when the district submits the report required pursuant to section 33-1208A, Idaho Code.

In the event the district elects to enter into a resignation or severance agreement with an employee, no provision in the agreement will allow for the suppressing of information concerning negative job performance, or allow for expunging information regarding unethical conduct from the district’s personnel, investigative, or other files regarding the employee. This does not, however, restrict the expungement of information from a personnel file about alleged verbal or physical abuse or sexual misconduct that has not been substantiated.



LEGAL REFERENCE:

Idaho Code Sections

- 9-340C(1) – Records Exempt from Disclosure – Personnel Records, Personal Information, Health Records, Professional Discipline
- 33-517 – Noncertificated Personnel
- 33-518 – Employee Personnel Files
- 33-1210 – Information on Past Job Performance

ADOPTED: October 23, 2013

AMENDED:

FIRST READING: February 25, 2015

**Language in text set forth in italics is optional.*