

PERSONNEL RECORDS

Present and past employees shall have access to their personnel files and records which are maintained by the Albemarle County Public School Division. No separate employee files shall be maintained which are not available for that employee's inspection.

If information relative to employment is requested by banks or other establishments or individuals, written permission from the employee to release such information is required, except to comply with a judicial order, a lawfully issued subpoena, the Virginia Freedom of Information Act (~~Virginia~~ Code ~~§ -section~~ 2.2-3700 et seq.), or other law or court order. The employee will be notified of the request for records.

The superintendent is responsible for maintaining a system of personnel records for all employees of the School Board. Personnel files of all school board employees may be produced and maintained in digital or paper format.

Teacher performance indicators, or other data used to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise is confidential but may be disclosed (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher, or (iii) as otherwise required by state or federal law. Nothing in this policy prohibits the release of or limits the availability of nonidentifying, aggregate teacher performance indicators or other data.

Adopted: July 1, 1993

Amended: December 8, 1997; August 9, 2007; September 12, 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§2.2-3700 et seq., 2.2-3800 et seq.,
~~Sections~~ 22.1-295.1 and 40.1-28.7:4

Cross Ref.: GBLA, Third Party Complaints Against Employees

PROCEDURES FOR COMPLIANCE - PERSONNEL RECORDS

- A. The official personnel file shall be defined as the employment file containing personal information relevant to the individual's employment which is maintained in the Department of Human Resources.

The file maintained in the Department of Human Resources shall be the only file which is to be considered official and complete. Employment materials related to wage and salary, employee selection, evaluation, letters of reprimand or commendation, and placement shall be contained in this file. Supervisors are responsible for forwarding all such documents to the Director of Human Resources/Designee for inclusion in the official file.

- B. Confidentiality of Files

All personnel files shall be maintained as confidential. The School Board shall establish no separate file that is not available for the employee's inspection, unless school division policy and/or applicable law require such files to be kept confidential.

- C. File Contents

Subsequent to the date of employment, no material derogatory to an employee's conduct, service, character, or personality shall be placed in his/her personnel file unless the employee has had an opportunity to review the material. The employee shall be given the opportunity to acknowledge that he has reviewed the material by affixing his/her signature. A statement will be included on the document stating, This signature in no way indicates agreement with the contents of this document but only that I have received a copy of it. If the employee refuses to sign the document, the supervisor shall have someone witness the fact that the document was given to the employee and sign a statement attesting to their witnessing. The document should then be forwarded to the Director of Human Resources. The employee also shall have the right to submit a written answer to such material, and the Director of Human Resources/Designee shall review the answer and shall attach it to the file copy. In no instance should employees be asked to sign documents which are incomplete. References, transcripts, placement folders, and other materials that are received on the basis of pledged confidentiality as a part of the pre-employment procedure shall not be considered as part of the file material for purposes of this section and section D which follows.

- D. Review of Contents

An employee shall have the right, upon request, to review the contents of his/her personnel file.

E. Access to Personnel Files

The Director of Human Resources/Designee will be held responsible for assuring that only authorized individuals have access to the personnel files. The following individuals shall have general access to the files: (1) Superintendent of Schools; (2) Director of Human Resources; (3) Assistant Superintendents; and (4) Human Resources staff. The following individuals shall be designated as having regular access to a limited number of official personnel files: (1) Individual employees or former employees after demonstrating identity; (2) Immediate supervisors shall have access to only the files of employees under their authority.

The Board, at its request, may review the personnel file of an employee in executive session at a Board meeting. In such instances either the Superintendent or Director of Human Resources will deliver the file to the Board.

There shall be no access to or dissemination of material from an official personnel file to any individual or organization not having regular access unless a Voluntary Release of Information Form has been signed by the employee and the requesting individual or organization.

F. Removal of Documents

Only the Superintendent of Schools/Designee, in conjunction with the Director of Human Resources, shall have the authority to remove a document from a personnel file. After a period of five years from the date on which a document was placed in a personnel file has elapsed, requests for removal of a document from an individual's file may be made in writing to the Director of Human Resources who will consult with the Superintendent on the request.

A decision will be rendered in writing to the employee and, if removal of the document is approved, the document will be forwarded to the employee.

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