

# Policy

BOARD OF EDUCATION  
HORTONVILLE AREA SCHOOL DISTRICT

OPERATIONS  
8320 / Page 1 of 3

## PERSONNEL RECORDS

Maintaining accurate personnel records is critical to effective human resource management and to the Board satisfying its legal obligations. In addition, such records frequently contain confidential information that must be managed appropriately. Accordingly, the Board has developed the following policy relating to personnel records.

### District Records Custodian (DRC) Responsibilities

The DRC will maintain a personnel file, a payroll file, an I-9 file, and a medical file for each employee. The files will be maintained in separate, secure locations. Supervisors and other administrators should forward all personnel records, I-9 records, payroll records, and medical records to the DRC to ensure that they are properly filed and maintained. Supervisors and other administrators should not maintain files containing an employee's personnel records, payroll records, I-9 records, or medical records. The DRC will also ensure that the following personnel records, if applicable, are maintained in separate, secure files:

- A. Criminal conviction history requests and reports
- B. Employee assistance program records
- C. Employee relations complaints including, for example, discrimination complaints
- D. Investigative and deliberative records relating to employee relations matters
- E. Privileged and confidential communications including, but not limited to, attorney-client communications.

Any individual who reviews personnel records will sign and date a log, which shall be kept in a secure location.

### Content of Personnel Record Filers

The content of the files maintained by the District shall be determined by the DRC consistent with the requirements of State and Federal law and sound principles of human resource management.

### Third-Party Access to Personnel Records – Confidentiality

It is the Board's policy to respect individual privacy and to maintain in confidence all information and records pertaining to employees to the extent practicable in keeping with the Board's interest. Information in the employee's personnel file, medical file, payroll file, I-9 file and all other employment-related files will not be disclosed to any third party without an employee's written consent, except to meet the legitimate business needs of the Board or as required by law (e.g. subpoena or public record request). Further, neither the Board nor any individual employed by the Board shall access an employee's personnel records except for legitimate business purposes.

# Policy

## Address Confidentiality Program

Employees who are verified participants in the Safe at Home/Address Confidentiality Program administered by the Wisconsin Department of Justice shall be permitted to use their substitute assigned address for all District purposes. The Board shall only list the address designated by the Wisconsin Department of Justice to serve as the employee's address in any personnel records, personnel files, or staff directories. Further, the Board shall use the employee's substitute assigned address for any and all communications and correspondence between the Board and the employee. The employee's actual/confidential residential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without a legitimate purpose. The intentional disclosure of an employee's actual/confidential residential address is prohibited.

## Access to Personnel Documents, Employee and Designated Representative

### A. **Covered Documents**

Upon the written request of an employee or former employee (the "employee"), the District shall permit the employee to inspect any personnel documents which are used or which have been used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records.

Provided, however, that the employee has no right to inspect the following:

1. Records relating to the investigation of possible criminal offenses committed by that employee
2. Letter of reference for that employee
3. 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 document
4. Materials used by the District 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 District's planning purposes
5. 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
6. Records relevant to any other pending claim between the District and the employee which may be discovered in judicial proceeding
7. Medical records that the District believes would have a detrimental effect on the employee

In this instance, the District may release the medical records to the employee's physician or through a physician designated by the employee, in which case the physician may release the medical records to the employee or to the employee's immediate family.

# Policy

## B. Request and Review Procedure

The District shall grant at least two (2) requests by an employee in a calendar year, to inspect the employee's records as provided in this policy, and consistent with State law.

The District shall provide the employee with the opportunity to inspect the employee's records within seven (7) working days after the employee makes the request for inspection. The inspection shall take place at a location reasonably near the employee's place of employment and during normal working hours. If the inspection during normal working hours would require an employee to take time off from work, the District may provide some other reasonable time for the inspection. In any case, the District may allow the inspection to take place at a time other than working hours or at a place other than where the records are maintained if that time or place would be more convenient for the employee. The records will be reviewed in the presence of the DRC or a designee.

The employee shall not make any alterations or additions to the record nor remove any material from the record. A copy of the employee's request to review personnel records shall be filed in the employee's personnel file.

## C. Designated Representative

An employee may designate a representative to inspect the employee's personnel records. The designation shall be in writing. The District shall allow such a designated representative to inspect that employee's personnel records in the same manner as the employee is permitted to inspect them under this guideline.

## D. Copy Charges

The District will charge employees who wish to copy or receive a copy of records a reasonable fee for providing copies, which may not exceed the actual cost or reproduction.

### Personnel Record Correction

If an employee disagrees with any information contained in the personnel records, 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 record. The employee's statement shall be included whenever that disputed portion of the personnel record is released to a third party as long as the disputed record is part of the file.

### Retention of Records

The District has adopted the General Records Schedule for Wisconsin Public School District and Related Records through the Wisconsin DPI.

### Legal References:

103.13, Wis. Stats.; 165.68, Wis. Stats.

The Americans with Disabilities Act of 1990

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