

## **8320 PERSONNEL RECORDS**

The Board of Education believes that the orderly operation of the school district requires the retention of all records bearing upon an employee's qualifications for employment and employment history.

The Board requires that sufficient records be compiled and maintained to demonstrate an employee's qualifications for the position assigned; compliance with federal, state, and local benefit programs; conformity to district rules; the proper conduct of evaluations; and the employee's entitlement, as appropriate, to tenure and seniority.

The Superintendent or designee shall consult with the board attorney regarding which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The Superintendent or designee and the board attorney shall be responsible for limiting access to administrative records to those that are consistent with New Jersey and Federal law.

The Superintendent or designee shall establish the necessary regulations for maintaining both public and confidential employee records.

- A. The public file shall consist of an alphabetic index of those presently employed by the district in whatever capacity. . A Board of Education and private agencies that provide educational services by means of public funds shall make employee records and information available for public access pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act, but in accordance with N.J.S.A. 18A: 6-129,(d) and 121.(d), and as provided in Policy and Regulation 8320 – Section
- B. The confidential file shall consist of an individual personnel folder and other computerized records. The information in these files shall include all records mandated by state and federal law; evaluation of performance; original application filed by the employee, original salary and increments; date of tenure; notations of commendation and disciplinary actions consistent with law.

Confidential personnel records may be inspected by school administrators to the extent that such inspection is required in the performance of the administrator's duties.

**OPERATIONS  
8320  
Personnel Records**

**M**

**Page 2 of 2**

Board members may have access to confidential information in the personnel files of only those employees recommended for or subjected to an employment action requiring a vote of the Board or where access to the information is essential for the performance of the Board member's duties. Board member access to personnel files is limited to the relevant portion of the file and is available only through the Superintendent. Board members may freely inspect employment applications filed by candidates for district positions.

An employee may inspect his or her personnel file provided that the employee requests such access in writing, reviews the record in the presence of the administrator designated to maintain the file, makes no alteration or addition to the file nor removes any material from it, and signs a log attached to the file indicating the date on which it was inspected.

An employee may appeal to the Superintendent the inclusion or exclusion of records or for appropriate administrative review of the accuracy of any record in his or her personnel file.

The Superintendent shall prepare rules enumerating the records to be maintained for each employee of this district, including, as a minimum and as appropriate to the position, the completed application form, employee verification forms, employment contract(s), a copy of the employee's qualifying certification, transcripts, report of an employment physical examination, oath of allegiance, criminal background check, income tax forms, retirement registration, hospitalization forms, annuity forms, rate of compensation, attendance record, assignments to positions, completed evaluations, reports of disciplinary incidents, records of special awards or distinctions, and reports of special physical and mental examinations.

N.J.S.A. 18A:18A-14.2

N.J.S.A. 18A:40-19

N.J.S.A. 18A:66-32

N.J.S.A. 47:1A-1 et seq.

N.J.A.C. 6A:32-4.3

Approved: November 16, 2004

Revised: February 5, 2019

Revised: December 8, 2020

**R 8320 PERSONNEL RECORDS**

A. Content of Record

1. A personnel file shall be assembled and maintained for each person employed by this district. Each file shall contain the original or copies, as appropriate, of the following documents regarding the employee:
  - a. The employee's current correct name, address, telephone number, and birthdate;
  - b. Application form, including transcripts of all academic work, records of prior military service, and other supporting documents;
  - c. Annual employment contract and/or annual salary notice, signed by the employee;
  - d. Certificates and/or licenses required for employment;
  - e. Documentation of fulfillment of requirements for any change in salary classification;
  - f. Income tax forms;
  - g. Retirement registration;
  - h. Health Insurance forms;
  - i. Annuity forms;
  - j. Rate of compensation;
  - k. Attendance record, including the starting and ending dates of all leaves of absence, whether the leave was paid or unpaid, and the purpose for which such leaves were granted;
  - l. Assignment to positions, including position title and building to which assigned;
  - m. Completed evaluations;
  - n. Reports of disciplinary incidents;
  - o. Records of special awards, commendations, or distinctions;

**OPERATIONS  
R 8320  
Personnel Records**

**M**

Page 2 of 5

- p. Oath of allegiance;
  - q. Reports of routine physical examinations;
  - r. Reports of physical and mental examinations required for cause
  - s. Employee Verification (NJ Public Law 2018, Chapter 5)
- 2. No information will be placed in an employees' file that does not pertain to the employee's position in this district and the performance of the employee's duties.
  - 3. The content of personnel files will be reviewed periodically by the Human Resources Specialist and material no longer required will be destroyed.
- B. Custodian of Personnel Records
- 1. The Superintendent or designee is custodian of all personnel records.
  - 2. Personnel records shall be maintained in the office of the Human Resources Specialist, who shall be records manager responsible for the day-to-day maintenance of the files and for supervising access to the files.
- C. Notice of Content of Files
- 1. Each employee shall be informed of the content of his or her personnel file upon request. Each employee will be notified of the inclusion in his or her file of any document that was not received from the employee or at the direction of the employee.
    - a. No evaluation form will be placed in a personnel file until it has been reviewed and signed by the employee.
    - b. No copy of a memorandum or letter sent by an administrator or other school official to an employee will be placed in the employee's file unless the original and copy include the notation "cc: Personnel File" or other clear indication of the author's intention to place the memorandum or letter in the employee's file.
    - c. No report or letter or memorandum from any source, other than documents referred to in C1b above, may be placed in an employee's file until a copy of the same has been delivered to the employee.

D. Employee Access to Personnel Records

1. Each employee shall be granted access to his or her personnel file in accordance with these regulations, except as may have been negotiated with the employee's majority representative.
2. Written request for access shall be submitted to the Human Resources Specialist. Except in unusual circumstances, access shall be granted only during the regular working hours of the office in which the file is kept.
3. The employee shall review the record in the presence of the Human Resources Specialist or designee and, at the employee's request, a representative of the employee.
4. No alteration or addition or deletion may be made to the file, except that the employee may append to any document in the file his or her comment on that document.
5. The employee may hand copy any portion of his or her file and may receive photocopies of records on payment of the copying fees established for copies of public records.

E. Appeal of Content of the File

1. The employee may appeal to the Superintendent the exclusion or inclusion of any portion of his or her personnel file or the accuracy of any information in the file.
2. An appeal must be made in writing on a form available in the office of the Superintendent.
3. The Superintendent shall render a decision on the appeal as soon as possible, but not later than ten working days from the time the written appeal is submitted. The Superintendent's decision shall be in writing and shall be delivered to the employee and the records manager responsible for the employee's file.
4. Except as may be otherwise provided by contract negotiated with the employee's majority representative, the appellant may appeal the Superintendent's decision to the Board; a decision of the Board may be appealed to the Commissioner of Education.

F. Access by Board Members and School Officials

1. Personnel files may be inspected by school officials only as required in the discharge of their professional or statutory duties and to the extent required in the discharge of those duties.
2. Personnel files may be inspected by Board members when such inspection relates to the Superintendent's recommendation of a candidate for employment, promotion, transfer, dismissal, or discipline.
3. Much of the information included in an employee's file is confidential; access to the employee's file for professional reasons necessarily imposes on the person reviewing the file the duty to respect the confidentiality of the record.

G. Public Access to Employee Records and Information

1. A Board of Education and private agencies that provide educational services by means of public funds shall make employee records and information available for public access, pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act, but in accordance with N.J.S.A. 18A:6-120(d) and 121.(d) in accordance with N.J.A.C. 6A:32-4.3 and as outlined in this Regulation.
2. In accordance with the provisions of N.J.S.A. 47:1A-10, notwithstanding the provisions of N.J.S.A. 47:1A-1 et seq. or any other law to the contrary, the personnel or pension records of any individual in the possession of a public agency, including but not limited to, records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that:
  - a. An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received shall be a government record;
  - b. Personnel or pension records of any individual shall be accessible when required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by the State of New Jersey or the United States, or when authorized by an individual in interest; and

**OPERATIONS  
R 8320  
Personnel Records**

**M**

**Page 5 of 5**

- c. Data contained in information which disclose conformity with specific experiential, educational, or medical qualification required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record.
3. Information related to the evaluation of a particular employee shall be maintained by the school district, be confidential, and not be accessible to the public pursuant to N.J.S.A. 47:1A-1 et seq., as amended and supplemented, in accordance with N.J.S.A. 18A:6-120.d and 18A:6-121.d.

In Effect: November 16, 2004

Revised: February 5, 2019

Revised: December 8, 2020