

6Gx53-3.006 PERSONNEL FILE:

The term "personnel file" means all employee records, information, data, or materials maintained by the School Board, whether maintained in one or more locations and in any form or retrieval system whatsoever.

I. Records Custodian: The Board has charged the Assistant Superintendent of Human Resource Services with the duties and responsibilities attached to the records custodian and as such the Assistant Superintendent shall be responsible for the proper maintenance of all personnel files.

II. Records: Personnel files, excluding exemptions, are subject to inspection and examination by any person desiring to do so, at a reasonable time, under reasonable conditions, and under the supervision of the records custodian or designee:

A. Inspection and Examination: The records custodian shall record those persons reviewing the file each time it is reviewed. Said record shall be maintained in the personnel file.

1. School Board Personnel: The personnel files shall be open to inspection at all times by members of the School Board, the Superintendent and the Superintendent's administrative team, in the exercise of their respective duties.

2. Law Enforcement Personnel: The personnel files shall be made available to law enforcement personnel conducting a lawful criminal investigation.

3. Employee: Upon request, the employee or any persons designated in writing by the employee shall be permitted to examine the employee's personnel file and shall be permitted to reproduce any document in the file subject to cost as outlined in the annual fee schedule.

B. Exemptions:

1. Complaints: Any material relating to the investigation of a complaint against an employee shall be confidential until such time as the preliminary investigation is concluded or until such time as the preliminary investigation ceases to be active.

2. Evaluations: Evaluations prepared after July 1, 1983 shall be open for inspection excepting the most current evaluation which shall be maintained as confidential until the end of the school year immediately following the school year in which the evaluation was made.

3. Derogatory Materials: No derogatory materials shall be open to inspection until ten (10) days after the employee has received copies of such materials.

4. Payroll Deductions: Payroll deduction records shall be confidential.

5. Medical Records: Medical records to include psychiatric and psychological records shall be confidential. However, at any competency or performance hearing, the hearing officer or panel shall have access to such records.

C. Duplicated Copies: Duplicated copies shall mean new copies produced by duplicating.

1. Copies of Personnel File: Upon request, the records custodian shall furnish copies of non-exempt materials upon payment of the "actual cost" of duplication, the cost of material and supplies used to duplicate such information.

2. Fee Schedule: The Superintendent shall recommend a fee schedule for the production of such information on an annual basis.

a. Special Service Charge: If the nature or volume of the documents requested to be inspected, examined, or copied is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the School Board, a special service charge may be charged in addition to the actual cost of duplication.

b. Cost Incurred: The special service charge shall be reasonable and shall be based on the cost actually incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service, or both.

III. Derogatory Materials: No derogatory documents, which shall include anonymous materials, relating to an employee's conduct, service, character, or personality shall be placed in the personnel file of such employee except as provided for herein.

A. Requirements: Prior to placing any document pertaining to work performance, discipline, suspension, or dismissal in the employee's personnel file, the facts must be reduced to writing within forty-five (45) days of notice thereof, exclusive of the summer vacation period, and must be signed by the person competent to know the facts or make the judgment, with a copy forwarded to the employee by certified mail, return receipt requested, or personal delivery.

1. Related Information: Additional related information may be filed and attached to the documents previously placed in the personnel file in order to clarify or amplify them as needed.

2. Notification: The employee must be furnished a copy of any related documents by certified mail, return receipt requested, or by personal delivery.

B. Employee Response: Employees may respond to any document placed in the personnel file on or after July 1, 1983. The response shall be attached to the previously filed document and maintained in the personnel file.

C. Employee Request for Inquiry: The employee may also request the Superintendent or designee to make an informal inquiry regarding any document placed in the employee's personnel file which the employee believes to be false. The Superintendent or designee shall attach a written report of the findings to the document under inquiry.

The School Board of Polk County, Florida
Policy 3.006

Statutory Authority: Florida Statutes 1001.32, 1001.41, 1001.42, and 1001.43

Law Implemented: Florida Statute, Chapter 1012, Personnel

Adopted: July 26, 1972

Readopted: January 18, 1992

Amended:

May 30, 2006