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### PERSONNEL RECORDS

Orderly administration of the District and compliance with state and federal law require the compilation of information about all employees of the District. The Board also believes that the orderly operation and administration of the District requires the retention of records reflecting upon each employee's qualifications for employment and employment history with the District.

The Board recognizes that there is a distinction between those personnel records which are clearly a matter of public concern, and those which must be considered privileged until such time as they are opened to the public by the Commissioner of Education or the Courts. As such, records maintained in personnel files of the District are not public records, and are not open to inspection except as otherwise provided herein and as otherwise provided by the provisions of the New Jersey Open Public Records Act.

The Superintendent or his/her designee will be responsible for the custody and maintenance of personnel records. A single, central file of documents will be maintained. An employee's personnel file will be maintained in accordance with the appropriate Records Retention Schedule promulgated by the New Jersey Bureau of Records Management. In that regard, the Superintendent or his/designee will consult with the Board Attorney as to which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The Superintendent or his/her designee and the Board Attorney will also be responsible for limiting administrative records to those which are consistent with New Jersey and federal law.

Employee health records shall be maintained in strict confidentiality by the District. Staff emergency contact cards for all employees shall be maintained by the chief school administrator and updated annually.

#### Access to Personnel Files

Personnel records may be inspected by school administrators to the extent that such inspection is required in the performance of the administrator's duties and responsibilities. In accordance with federal law, the Superintendent or his/her designee will establish procedures to release information upon request regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents/guardians for any teacher or paraprofessional who is employed by a school receiving Title I funds and who provides instruction to their children.

An employee may inspect his/her personnel file provided that the employee requests such access in writing to the Superintendent or his/her designee, reviews the record in the presence of the administration designated to maintain it, makes no alteration or addition

to the file, does not remove any materials from the file, and signs a log attached to the file indicating the date on which it was inspected. Except in unusual circumstances, employee access to their respective personnel records will be granted only during regular business hours of the District. An employee may hand copy any portion of his/personnel file, and may also receive photocopies of the records upon payment of the appropriate copying costs as established in the schedule of fees for production of public records under the Open Public Records Act.

An employee may appeal to the Superintendent the inclusion or exclusion of records or for a review of the accuracy of any record in his/her personnel file. Any such appeal must be made in writing. The Superintendent will render a decision on the appeal within ten (10) business days from the day that he/she received the written appeal. The Superintendent's decision will be in writing and delivered to the employee, and the person responsible for maintaining the employee's file. Except as otherwise provided by an applicable collective bargaining agreement, the employee may appeal the Superintendent's decision to the Board, and the Board will render a decision on an appeal at its next regularly scheduled meeting. The Board's decision will be in writing and will be sent to the employee by the Board Secretary. A copy of the Board's decision will also be sent to the person responsible for maintaining the employee's file. A decision by the Board may be appealed to the Commissioner of Education in accordance with the New Jersey Administrative Code.

Board members may have access to confidential information in the personnel files of only those employees recommended for or subject to an employment action requiring a vote of the Board, or where access is essential for the performance of the Board members' duties. Board member access to personnel file is limited to the relevant portion of the file only, and is available only through the Superintendent or his/her designee.

### **Contents of Personnel Files**

As noted above, a personnel file will be assembled and maintained for each person employed in the District. Each file will contain, at a minimum, the following documents where appropriate:

1. The employee's current correct name, address, telephone number, and birthdate;
2. Application form, including transcripts of all academic work, records of prior military service, and other supporting documents;
3. Annual employment contract and/or annual salary notice, signed by the employee;
4. Any Certificates and/or licenses required for employment;
5. Documentation of fulfillment of requirements for any change in salary classification;
6. Income tax forms;
7. Retirement registration;
8. Hospitalization forms;

9. Annuity forms;
10. Rate of compensation;
11. 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;
12. Assignment to positions, including position title and building to which assigned;
13. Completed evaluations;
14. Reports of disciplinary incidents;
15. Date of tenure
16. Records of special awards, commendations, or distinctions;
17. Oath of allegiance; and
18. Reports of any physical and mental examinations required for cause.

No information will be placed in any employee's file that does not pertain to the employee's position in the District, and the performance of his/her job responsibilities.

Date: April 29, 1997

Date Revised: February 28, 2011

**Legal References:**

N.J.S.A. 18A:6-7	Oaths of persons employed in teaching capacities
N.J.S.A. 18A:6-7a	Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
N.J.S.A. 18A:6-11	Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
N.J.S.A. 47:1A <i>et seq.</i>	Examination and copies of public records ("Open Public Records Act")
N.J.S.A. 47:3-15 <i>et seq.</i>	Destruction of Public Records Law
N.J.A.C. 6A:32-6.1 <i>et seq.</i>	School Employee Physical Examinations
N.J.A.C. 12:100-4.2	Safety and health standards for public employees occupational exposure to blood borne pathogens

29 CFR 1910.1030 - Blood borne Pathogen Standard

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 *et seq.*

Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

Citizens for Better Education v. Camden Bd. of Ed., 124 N.J. Super. 523 (App. Div. 1973)

Trenton Times Corp. v. Trenton Bd. of Ed., 138 N.J. Super. 357 (App. Div. 1976)

Nero v. Hyland, 76 N.J. 213 (1978), *rev'd* 146 N.J. Super. 46 (App. Div. 1977), 136 N.J. Super. 537 (Law Div. 1975)

Brick Township Education Association v. Brick Township Bd. of Ed., 1974 S.L.D. 111

Sayreville Education Association v. Sayreville Bd. of Ed., S.L.D. 197

White v. Galloway Township Bd. of Ed., 1977 S.L.D. 900, *aff'd* St. Bd. 1977 S.L.D. 903

Witchel v. Cannici and the Passaic Bd. of Ed., 1966 S.L.D. 159

Mendell v. Cimmino and the Kinnelon Bd. of Ed., 1970 S.L.D. 185

Cordano v. Weehawken Bd. of Ed., 1974 S.L.D. 316, appeal dismissed St. Bd. 1974 S.L.D. 323

Horner v. Kingsway Regional Board of Education, 1990 S.L.D. 752

Lacey Township Board of Education v. Lacey Township Education Association, 130 N.J. 312 (1992)

Beatty v. Chester 1999 S.L.D. August 31

Ciambrone v. Bloomingdale 2000 S.L.D. May 7

**Possible**

**Cross References:**

3570	District records and reports
4111	Recruitment, selection and hiring
4112.4	Employee health
4115	Supervision
4116	Evaluation
4211	Recruitment, selection and hiring
4212.4	Employee health
4215	Supervision
4216	Evaluation
5141.4	Child abuse and neglect