

## Personnel Records

An official personnel file will be established for each person employed by the district. Such files will be maintained in the district's human resources department. Information will be kept confidential. No files will be removed from their central location for personal inspection.

All records containing employee medical condition information such as workers' compensation reports and release/permission to return to work forms will be kept confidential in a separate file from personnel records. Such records will be released only in accordance with requirements of the Americans with Disabilities Act or other applicable law.

The superintendent will be responsible for establishing regulations regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions to be placed in their personnel file. All charges resulting in disciplinary action shall be considered a permanent part of the teacher's personnel file and shall not be removed for any reason. Employees may submit a written response to any materials placed in their personnel file.

Except as provided below, or required by law, district employees'<sup>1</sup> personnel records will be available for use and inspection by only the following authorized individual(s):

1. The individual employee. An employee or designee may arrange with the human resources department to inspect the contents of his/her personnel file on any day the personnel services department is open for business;
2. Others designated in writing by the employee;
3. The comptroller or auditor, when such inspection is pertinent to carrying out his/her respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A member of the Board, designated by the Board, when relevant to personnel actions then under consideration by the entire Board;
5. The superintendent, his/her secretary and members of the central administrative staff;
6. District administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the personnel services department;
8. Attorneys for the district or the district's designated representative on matters of district business;
9. Upon receiving a request from a prospective employer issued under Oregon Revised Statute (ORS) 339.374(1)(b), the ESD, pursuant to ORS 339.378(1), shall disclose the requested information if it has or has had an employment relationship with a person who is the subject of the request, no later than 20 days after receiving such request. The records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined in ORS 192.311. The ESD may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1)
10. Law enforcement officers conducting an investigation requested by the superintendent, the Oregon Department of Human Services, the Teacher Standards and Practices Commission, or the Oregon Department of Education, in conducting an investigation related to suspected abuse or suspected sexual conduct, to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;

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<sup>1</sup> Includes former employees

11. Upon request from a prospective employer (or from a former employee to share information with a prospective employer), authorized ESD officials may disclose information about a former employee's job performance to a prospective employer and such disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was knowingly false or deliberately misleading, was rendered with malicious purpose or violated any civil right of the former employee protected under ORS 659 or ORS 659A. An employee may view the contents of their own personnel file as noted in #1 above.

The superintendent may permit persons other than those specified above to use and inspect employee records when, in their opinion, the person requesting access has a legitimate official purpose. The superintendent will determine in each case the appropriateness and extent of such access.

Release of personnel records to parties other than those listed above, will be in-line with the ESD's public records procedures

## **END OF POLICY**

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### **Legal Reference(s):**

ORS 30.178  
ORS 339.370-339.374  
ORS 339.378  
ORS 339.388  
ORS 342.143  
[ORS 342.850](#)  
[ORS 652.750](#)  
ORS Chapter 659  
ORS Chapter 659A  
[OAR 581-024-0245](#)

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).  
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112(2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).