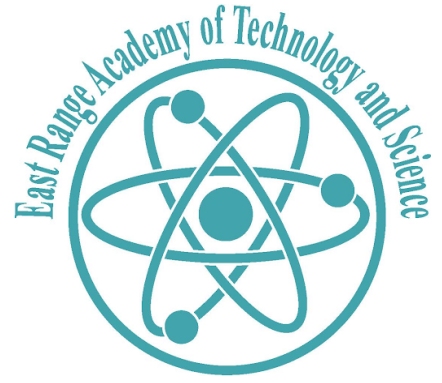


Board Policy
403



Public and Private Personnel Data

Adopted: October 2015 Revised: October 2018

I. PURPOSE

The purpose of this policy is to provide guidance to school employees regarding the data the school collects and maintains regarding its personnel.

II. GENERAL STATEMENT OF POLICY

- A. All data on individuals collected, created, received, maintained or disseminated by the school, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school.
- B. All other data on individuals is private or confidential.

III. DEFINITIONS

- A. "Public" means that the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to school staff who need it to conduct the business of the school.
- C. "Confidential" means the data is not available to the subject.
- D. "Personnel data" means data on individuals collected because they are or were employees of the school, applicants for employment, volunteers for the school, or members of or applicants for an advisory board or commission. Personnel data include data submitted to the school by an employee as part of an organized self-evaluation effort by the school to request suggestions from all employees on ways to cut costs, make the school more efficient, or to improve school operations. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.
- E. "Finalist" means an individual who is selected to be interviewed by the school board for a position.

- F. “Protected health information” means individually identifiable health information transmitted in electronic form by a school acting as a healthcare provider. “Protected health information” excludes health information in education records covered by FERPA and employment records held by a school in its role as employer.

IV. PUBLIC PERSONNEL DATA

- A. The following information on employees, including volunteers and independent contractors, is public:

- Name;
- Employee identification number, which may not be the employee’s social security number;
- Actual gross salary;
- Salary range;
- Contract fees;
- Actual gross pension;
- The value and nature of employer-paid fringe benefits;
- The basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
- Job title;
- Job description;
- Education and training background;
- Previous work experience;
- Date of first and last employment;
- The existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
- The final disposition of any disciplinary action, as defined in Minn. Stat. §13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the school;
- The terms of any agreement settling any dispute arising out of the employment relationship, including director buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
- Work location;
- Work telephone number;
- Honors and awards received;
- Payroll time sheets or other comparable data that are used only to account for employee’s work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee’s reasons for the use of sick or other medical leave or other not public data; and
- City and county of residence.

- B. The following information on applicants for employment or to an advisory board/commission is public:
- Veteran status;
 - Relevant test scores;
 - Rank on eligible list;
 - Job history;
 - Education and training; and
 - Work availability.
- C. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
- D. Names and home addresses of applicants for appointment to and members of an advisory board/commission are public.
- E. Regardless of whether there has been a final disposition as defined in Minn. Stat. § 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. § 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

V. PRIVATE PERSONNEL DATA

- A. All other personnel data are private and will only be shared with school staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.
- B. Data pertaining to an employee's dependents are private data on individuals.
- C. Data created, collected or maintained by the school to administer employee assistance programs are private.
- D. The school may display a photograph of a current or former employee to prospective witnesses as part of the school's investigation of any complaint or charge against the employee.
- E. The school may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:
- The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
 - A pre-petition screening team conducting an investigation of the employee under Minn. Stat. § 253B.07, Subd. 1; or

- A court, law enforcement agency or prosecuting authority.
- F. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- G. A complainant has access to a statement provided by the complainant to the school in connection with a complaint or charge against an employee.
- H. When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the complainant or other witnesses if the school determines that the employee's access to that data would:
- Threaten the personal safety of the complainant or a witness; or
 - Subject the complainant or witness to harassment.
 - If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.
- I. The school shall make any report to the board of teaching or the state board of education as required by Minn. Stat. § 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. § 122A.20, Subd. 2.
- J. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the unemployment insurance program under Minn. Stat. Ch.268.
- K. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that are relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report.
- L. The identity of an employee making a suggestion as part of an organized self-evaluation effort by the school to cut costs, make the school more efficient, or to improve school operations is private.
- M. Health information on employees is private unless otherwise provided by law. To the extent that the school transmits protected health information, the school will comply with all privacy requirements.

VI. PERSONNEL FILE PROCEDURES

- A. **Destroying Files:** The school may destroy personnel files as provided for by law. The Minnesota Department of Administration has established a records retention schedule.

Under this schedule, school districts are generally required to retain personnel files until (6) years after the employee's termination.

- B. **Official Personnel File:** The school should maintain one official personnel file for each employee. Supervisors may maintain building or "working" files on employees, but these files are not official unless signed by the employee and supervisor. An arbitrator will generally not consider any information that has not been placed in the official personnel file. Also, if an employee requests to see all data the school maintains on him or her, the employee will have the right to see any information in these "unofficial" personnel files.
- C. **Importance of Documentation:** It is very important that supervisors document all inappropriate conduct by and warnings given to employees. Form 403-D should be used and signed by both employee and supervisor. This form requires description of the incident(s); any disciplinary action, constructive feedback, or improvement plan administered; and employee acknowledgement of any additional pages attached to the report. This documentation should ultimately be placed in the employee's official personnel file. Employees should receive a copy of the document and be given notice that it will be placed in their official personnel file. If an employee refuses to sign a disciplinary form, the supervisor and another administrator will sign, date, and note the refusal.
- D. **Submitting Rebuttal Information:** Teachers have the right to submit for inclusion in their personnel file written information in response to any information contained in their file. (Minn. Stat. §122A.40, subd. 19)
- E. **Use of Disciplinary Records to Inform Hiring Decisions:** The East Range Academy School Board annually evaluates employee performance data. The Board may ask to view an employee's official personnel file. For evaluation purposes, the prior (60) calendar months of disciplinary records may be used, as referenced in Minnesota Statute 181.967 subdivision 3.

Multiple Classifications

If Minn. Stat. Ch. 13, or any other state or federal law classifies data on individuals as both private and confidential, the data are private.

Change in Classifications

The school shall change the classification of data in its possession if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

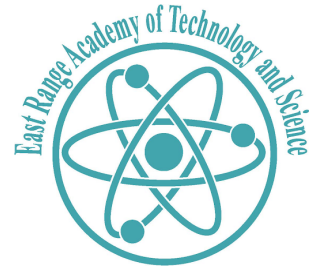
Responsible Authority

The school has designated the Director or interim Director(s) as the authority responsible for personnel data.

Addenda

Employee Authorization for Release of Personnel File Information, and Employee Disciplinary Record Report

Employee Authorization for Release of Personnel File Information



Employee Name: _____

Date of Birth: ____/____/____

I hereby authorize the release of confidential personnel file information held by my employer as indicated in the checkboxes below:

✓		✓	
<input type="checkbox"/>	Employment Dates	<input type="checkbox"/>	Performance Evaluations
<input type="checkbox"/>	Salary	<input type="checkbox"/>	Contact Information
<input type="checkbox"/>	Benefit Information	<input type="checkbox"/>	Warnings and/or Disciplinary Actions
<input type="checkbox"/>	Position	<input type="checkbox"/>	Complaints
<input type="checkbox"/>	Duties	<input type="checkbox"/>	Notes on Attendance or Tardiness
<input type="checkbox"/>	Hours Worked	<input type="checkbox"/>	Awards/Recognition
<input type="checkbox"/>	Reason for Leaving		

This form is the employee's full and sufficient authorization, pursuant to Minn. Stat. §13.05, Subd. 4, and Minn. Rules 1205.1400, Subp. 4, to make publicly available all information indicated.

I understand that I may revoke this consent in writing at any time. By Minn. Stat. §13.05 this authorization will automatically expire one (1) year from the date of authorization. A photocopy of this authorization will be treated in the same manner as an original.

Employee Signature

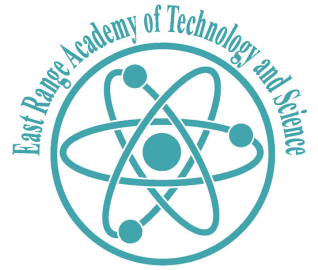
Date Submitted

Director or Designee Signature

Date Received/Authorized

EMPLOYEE DISCIPLINARY RECORD REPORT

Form 403-D



Adopted: 10-01-2018

Employee Name: _____

Date(s) of Incident(s): _____

Description of Incident(s): _____ *attach additional page(s) if needed*

Disciplinary Action(s), Constructive Feedback and/or Improvement Plan Given to Employee: _____
attach additional page(s) if needed

Within ten (10) school days of the incident, both the supervisor and employee must sign and date this completed form. Signatures acknowledge that the above information was discussed. This document will be placed in the employee's permanent file. Refer to Policy 403 for more information.

_____ Director or Supervisor Signature	_____ Date	_____ # of pages attached
_____ Employee Signature	_____ Date	Employee should initial all attached pages
_____ Administrator Signature (<i>in event of employee refusal</i>)	_____ Date	