

June 26, 2017

For Board Discussion at the next scheduled Board Meeting

Recommended Action: Rescind Policy 3210, Employee District Personnel Records.

Background Information: In 2015, District Policy 3220 District Records: Restrictions and Access, underwent significant legal review and revision for compliance with Sections 63G-2-101 et seq., of the Utah Code Annotated, the Government Records and Management Act. It was subsequently updated and revised.

In contrast, District Policy 3210, remains on the District's Policy page and should be rescinded as all regulatory compliance items are satisfied in Policy 3220. District Policy a 3210 was adopted in October of 1996. While I recommend the Board rescind the policy in whole, if the Board wishes to retain paragraph 2.2 (the only unique guidance not found in Policy 3220) that paragraph, highlighted in red, should simply be added to Policy 3220.

~~3210 Employee District Personnel Records~~

Files and Records Management Washington County School District

~~1. Purpose:~~

~~To provide for the orderly review, maintenance, and retention of employee personnel records.~~

~~2. Policy:~~

~~2.1. Upon request, the employee will be allowed to inspect his or her own District personnel file, and to copy all or portions of said file, to the extent permitted by law.~~

~~2.2. The employee has the right to request removal of file materials from the District Personnel file which he or she feels are not justified and which are not indicated in section 3.1 if, after four years from the date of the material(s), there have been no additional similar incidents. These materials will be removed to a restricted incident file which only the Superintendent, Personnel Director, and Elementary or Secondary Director can access.~~

~~2.2.1. The weight of credibility of dated information must be carefully assessed by the "trier," when presented as part of a disciplinary hearing.~~

~~2.3. The employee shall have the right:~~

~~2.3.1. To answer any material filed in the District personnel file and his or her answer shall be reviewed by the personnel director and attached to the file copy.~~

~~2.3.2. To read and to sign the actual copy to be filed of any unfavorable entry that shall be placed in a District personnel file. Only documented statements shall be filed. Refusal to sign shall be noted on the document by the supervisor's and one other person's signatures.~~

3. Procedure:

3.1. Elimination of Personnel File Materials.

3.1.1. Warning notices, suspension notices, dismissal notices, or any other documentation of disciplinary action, or similar derogatory materials, shall be withdrawn from the District personnel file and be destroyed by the District supervisor when the employee can demonstrate to the satisfaction of the District supervisor that the documentation is not accurate, or that the discipline involved is not warranted by the facts and circumstances of the situation.

3.1.1.1. If the issue is not resolved satisfactorily with the District supervisor, the employee may request a hearing with the Superintendent or designee.

3.2. No record(s) shall be removed from an employee's personnel file if the material(s) involves any of the following:

3.2.1. Conduct which violates any provision of federal, state or local law.

3.2.2. Sexual contact with a student or other person under the age of 18.

3.2.3. Conduct involving the use or control of illegal drugs or alcohol.

3.2.4. Conviction of a crime related to the educator's job.

3.2.5. Other conduct which has been the cause for disciplinary action and which is determined by the Superintendent, in consultation with, and agreement of, the Association President, to be of a serious nature sufficient to justify retaining the records. (note: record to be kept of such instances for renegotiation, if needed, after one year)

3.3. Reserve. (2-8-05)

3.4. Retention of Records.

3.4.1. Notwithstanding the foregoing, the District has the right to place in the District personnel files any information which state or federal law requires be kept such as application for employment, pre-employment recommendations and records, Social Security information, allegation or any violation of a person's civil rights, dates of employment, compensation and benefits, and the results of any employee background check (recognizing that such background check is to be kept confidential.)

3.4.2. Personnel files shall be maintained in the District office for the duration of the employee's employment with the District, and for such other periods of time as approved from time to time by the state records committee of the State of Utah. After such time, the files may be destroyed. Files may be transferred to microfiche, etc., at any time.