

Regulation

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy 800.02
Responsible Office: HUMAN RESOURCES

PERSONNEL RECORDS

A. PURPOSE

To establish procedures governing the maintenance of personnel records.

B. DEFINITION

1. The personnel record is the file(s) maintained by the Division of Human Resources for each school system employee. In general, the personnel record shall include the following:
 - a. The official personnel file (OPF), which contains the employment application and the applicable contents outlined in C 1 below;
 - b. A sealed folder containing evidence of background investigations and other confidential information such as FMLA leave applications and other medical documents;
 - c. A folder containing employee benefit election forms, beneficiary designations, applications for the State Retirement System and any other forms required to provide employees benefits and programs to which they are entitled;
 - d. An I-9 form which serves as evidence of an employee's eligibility to work in the United States and which will be kept separately from the remainder of the personnel record for audit purposes; and
 - e. Electronic records maintained by the Division of Human Resources and related to employment with AACPS.
2. The personnel action form (PAF) is the document used by the Division of Human Resources to memorialize changes in employment status or salary, upon written request from an authorized staff member (typically a principal/supervisor or division head).

C. CONTENTS

1. An OPF shall, at a minimum, include the employment application form. For positions requiring any of the following, the OPF shall also include: letters of recommendation, verification of education and previous experience, references, and verification of references.
2. During the continued period of employment, additional information will be included in the personnel record to document: a completed employment contract, where applicable; completed forms required during new employee processing (e.g., Nepotism Policy form, Notice of Drug & Alcohol Policy, Child Abuse Video Acknowledgement form, Employee Handbook Receipt form, and Guidelines for Communicable Diseases); completed performance ratings; PAFs; disciplinary matters; special awards or distinctions; tuition reimbursements; exit interviews or surveys; and termination records.
3. In general, items listed in Section II (A)(1)-(5) shall constitute the personnel record. Items 1-3 will be maintained together and in the secured area designated for personnel records. Items 4 and 5 shall be maintained separate and apart from the others.
4. The specific contents of each OPF may vary depending upon the requirements in place at the time of their employment and any change of requirements thereafter.
5. Changes to employee records that are made for groups of employees and implemented electronically, such as annual salary increases and benefit elections made online, will not be documented in hard copy in the employee's personnel record. The Division of Human Resources will ensure that electronic records are available for review and inspection.
6. Any actions that affect the status, position, or pay of any employee, shall be conveyed to the Division of Human Resources by the use of a Personnel Action Form (PAF). This form is the communication link between supervisors and the administrative offices. Copies of the PAF will be filed in the OPF as a permanent record of the action.
7. No unfavorable information will be placed in the personnel record of an employee without the employee's knowledge and the signature of the administrator submitting the information. The signature of the employee on an unfavorable entry means only that the employee has seen the entry and knows that the entry is now part of the personnel record of that employee. If the employee refuses to sign the unfavorable information, the administrator must have a witness sign a statement indicating that the employee was given the

opportunity to review the unfavorable information and refused to acknowledge and/or sign it. The witness must initial each page of the information presented to the employee for review. If the employee is unavailable to sign the unfavorable information, a copy must be sent to the employee by certified mail. The mail receipt will be attached to the item in the personnel record of the employee.

D. CONFIDENTIALITY

1. Information contained within the personnel record is considered confidential except as provided by law or policy.
2. Personnel records will be maintained in locked, secured areas with access limited to those who have a need for such access. Employee information maintained in electronic form will be safeguarded according to standards of security established by the Division of Technology.

E. ACCESS

1. All employees, or designee authorized by employees, have the right to review all items in their personnel record except confidential references pertaining to original employment or promotion.
2. Only AACPS personnel with a legitimate need to have access to information shall be granted access to personnel records. This includes a manager or supervisor considering the hire of a former employee or transfer of a current employee. It is the responsibility of the Director of Human Resources to determine whether an employee requesting to review a personnel record has a legitimate need to access the information. An access log shall be kept in each personnel record to which access has been granted. The name of any person outside of the Division of Human Resources who accesses the log and the date of access shall be recorded on the log.
3. Personnel records are to be reviewed in the Division of Human Resources and may not be taken outside the Division without the authorization of the Director of Human Resources.
4. A request with reasonable notice shall be made to the Division of Human Resources by an employee who desires to review material in his or her personnel record. The contents of the record, excluding that information provided on a confidential basis, may then be reviewed by the employee in the presence of a designated representative of the Division of Human Resources.
5. Representatives of government or law enforcement agencies, in the course of their business, may be allowed access to personnel records. The decision will

be made by the Director of Human Resources in response to a request, a legal subpoena, or court order.

6. During the conduct of an authorized audit, the designated auditor may be allowed to access personnel records.

F. RETENTION

Personnel records shall be retained in accordance with state and federal law and regulations. In the absence of state or federal requirements, AACPS shall retain personnel records for a minimum of five (5) years beyond the final date of employment.

Regulation History: *Developed by Superintendent 12/1/08*
 Reviewed by Board of Education 3/4/09
 Issued 3/4/09

Note previous regulation history: Previously issued on 3/1/06.