

Maintenance of Personnel Records and Access

Maintenance of Records

The administration office maintains a personnel file in the office of the superintendent for each employee it employs. The personnel file includes the following sections:

1. Evaluation section: The evaluation section shall include all complaints against and commendations of the employee, written suggestions for corrections and improvements, and evaluation reports made by the administration.
2. Supplementary section: The supplementary section shall include teacher certificates, health certificates, standard test scores, academic records, pre-employment references, application forms, current address and telephone number.
3. Correspondence: Bids on job postings; letters during personnel season.

Additions to the Evaluation Section

No complaint, commendation, suggestion, or evaluation may be placed in the evaluation file unless it meets the following requirements:

1. The comment is signed by the person making the complaint, commendation, suggestion, or evaluation; and
2. The superintendent or employee's principal has notified the employee by letter or in person that the comment is available in the superintendent's office for inspection prior to its placement in the employee's evaluation section.

The employee may offer a denial or explanation of the complaint, commendation, suggestion, or evaluation, and any such denial or explanation shall become a part of the employee's evaluation section.

It shall be the duty of the personnel department to provide the employee with their file for review of any contents. The employee may review their file alone, or may have their representative accompany them during the review. The employee may obtain copies of any part or all of their file. A staff member of the personnel department shall accompany the employee during the review.

Personnel records are accessible only to the superintendent, assistant superintendent, principal, and the employee's immediate supervisor, and the personnel department staff involved in handling personnel records for Clay County Schools. No other person may have access to employee's personnel file except under the following circumstances:

1. When the employee gives written consent to the release of their records. The written consent must specify the records to be released and to whom they are to be released. Each request for consent must be handled separately. Blanket permission for release of information shall not be accepted.
2. When subpoenaed or under court order.

Access to personnel records by board of education members, the board's agents and/or legal representatives, shall only be granted during the execution of official board business.

Each employee is responsible for the complete and accurate filing of the following items in the appropriate offices of the county:

- Application of employment form
- Contact information
- College transcripts
- Letters of recommendation, or placement files
- Fingerprint/Background Check results
- Drug test results
- Drug Free Form
- Professional Certification Licensure and Endorsements
- Verification of teaching / professional experience outside of Clay County Schools, when applicable
- All service personnel shall have a "verification of years of employment" which means the number of years which an employee classified as service personnel has been employed by a board in any position including services in the armed forces of the United States, if the employee were employed at the time of his/her induction.

Information from Personnel Files; Access to Information That May Be Released

The following information contained in an employee's personnel files may be released without the consent of the employee to the members of the general public upon request:

- Name
- Address and Telephone Number
- Date of Original Employment
- Current Title and/or Position
- Current Assignment
- Salary or Rate of Pay

Information in Personnel Files: Access to Information That is Deemed Confidential

The following information when contained in a personnel file shall be deemed confidential and shall not be released to the public:

- References
- Evaluations
- Insurance Records
- Complaints and Suggestions for Correction or Improvement
- Health Records
- Records of Administrative or Disciplinary Actions

Confidential Information Inspection

Information in the personnel file considered confidential shall not be open for inspection, except for the following:

- The superintendent and the administrative staff, when authorized by the superintendent or his/her designee, shall have the right to inspect an employee's entire personnel record.
- Personnel records shall be released pursuant to a lawfully issued court order or subpoena or pursuant to a request for production of documents made under the Rules of Civil Procedure in pending litigation.
- Release of confidential information will be made in compliance with the Freedom of Information Act, West Virginia Code § 29B-1-1.

Procedures

The superintendent shall be the records manager for personnel files and shall have the overall responsibility for maintaining and preserving the confidentiality of personnel files. He/she may, however, designate another official to perform the records manager's duties for him/her.

The records manager is responsible for granting or denying access to records based on these regulations.

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