

BURNS SCIENCE AND TECHNOLOGY CHARTER SCHOOL

A FLORIDA CORPORATION NOT FOR PROFIT

Mission Statement

Where students are inspired & prepared for the 21st Century

Policy on Employee Personnel Files

The school board shall maintain employee personnel files in accordance with Florida Statutes and Florida State Board of Education Administrative Rules.

Employee personnel files are maintained according to the following provisions:

I. Maintenance of Personnel Files

A. Personnel files include the following materials where appropriate: job applications, oath of loyalty, records of appointment, transfer, leave of absence, resignation and/or separation; teaching certificates, evaluations, contracts, authorizations for salary payments and salary adjustments, college and university transcripts, verification of previous employment, and such other materials as permitted by Florida Statutes and Florida State Board of Education Administrative Rules.

B. No anonymous letters or anonymous materials will be placed in the personnel file. C.

The personnel file may not include derogatory materials except those pertaining to work performance or such other matters that may be cause for discipline, suspension or dismissal.

D. Materials related to work performance, discipline, suspension, or dismissal will be placed in the personnel file according to the following provisions:

1. Such materials must be in writing and signed by a person competent to know the facts or make the judgment.

2. No such materials may be placed in a personnel file unless they have been reduced to writing within 45 days, exclusive of the summer vacation period, of the school system administration becoming aware of the facts reflected in the materials. Additional information relating to such written materials previously placed in the file may be appended to such materials to clarify or amplify as needed.

3. A copy of such materials shall be provided to the employee either (a) by certified mail, return receipt requested, to his/her address of record; or (b) by personal delivery to the employee. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with the contents.

4. The employee has the right to answer in writing any such materials in his/her personnel file, and such answer will be attached to the file copy. A copy of the written answer will be provided to the employee's principal. The employee may request that the principal or his/her designee make an informal inquiry regarding materials in his/her personnel file which the employee believes to be false. The official making the inquiry shall append a written report of his findings to the materials. A copy of such written report shall be provided to the employee.

E. Personnel files maintained by a principal or department administrator shall contain only those materials of which the original or a copy is on file in the employee's personnel file maintained in the personnel department, or materials related to an evaluation in progress.

II. Access to Personnel Files

A. Employee Access to His/hers Own Personnel File

1. An employee, or any person designated in writing by the employee, may review the employee's personnel file in the personnel department office, by appointment, during regular office hours, under the supervision of the principal.
2. Upon written request, an employee shall be afforded a copy of any materials in the file at a cost no greater than 5¢ per page.

B. Public Access to Personnel files

1. Employee files are open to public inspection except as follows:
 - a. No employee evaluations completed prior to July 1, 1983 are open to the public.
 - b. No employee evaluation completed on or after July 1, 1983 shall be open to the public until the end of the school year immediately following the school year which the evaluation is made.
 - c. Payroll deduction records of an employee shall be confidential and not open to the public.
 - d. Any complaint and any materials relating to an investigation or a complaint against an employee shall be confidential until the conclusion of the preliminary investigation ceases to be active. An investigation shall be presumed to be inactive if no finding relating to probable cause is made within sixty (60) days after the complaint is made.
 - e. Employee medical records, including psychiatric and psychological records, shall be confidential; provided, however, at any hearing relative to an employee's competency or performance, the hearing officer or panel shall have access to such records.
 - f. No materials derogatory to the employee shall be open to inspection until 10 days after the employee has been notified as specified in 1. d. above.

2. A request by anyone other than the employee to examine an employee's personnel file must be made in writing. A written notice will be sent to a currently active employee when access to his/her personnel file has been requested. The personnel file will be made available for examination by appointment, during regular office hours, under the supervision of the principal or designee. Only those records which are open to public inspection will be made available for examination.

The principal or designee shall furnish copies of documents from an employee's personnel file upon written request. The written request must indicate the employee's name and specify the documents to be reproduced. The school board may charge a fee commensurate with the actual cost of copying the requested documents. Only those documents which are open to public inspection by law will be allowed to be reproduced.

3. A record shall be maintained in the employee's personnel file each time it is reviewed. This record shall include the name of the person reviewing the file, date of review and identification of any document(s) reproduced from the file. A copy of this record will be sent to the employee if currently employed.

C. Official Access to Personnel files

1. All aspects of each employee's personnel file, including material otherwise closed to public examination, shall be open to inspection at all times by school board members and the principal or their respective designees in the exercise of their respective duties.
2. All aspects of each employee's personnel file, including material otherwise closed to public examination, shall be made available to law enforcement personnel in the conduct of a lawful criminal investigation.


- D. All inquiries about, or request for access to, employee personnel files shall be referred to the chief personnel officer or designee.

Legal Authority:

230.22(2); 230.32(3), Florida Statutes

ADOPTED by action of the Board of Directors of the Burns Science and Technology Charter School, Inc. at its regular meeting on 10-29-13

Secretary


Gary Bittle Chair, Board of Directors