

ARTICLE XV -- PERSONNEL FILES

PERSONNEL FILES MAINTENANCE

A. Pursuant to Florida Statutes, Chapter 231.291 Personnel Files -- Public school system employee personnel files shall be maintained according to the following provisions:

1. Except for materials pertaining to work performance or such other matters that may be cause for discipline, suspension, or dismissal, under laws of this state, no derogatory materials relating to an employee's conduct, service, character, or personality shall be placed in the personnel file of such employee.

No anonymous letter or anonymous materials shall be placed in the personnel file.

2. Materials relating to work performance, discipline, suspension, or dismissal must be reduced to writing and signed by a person competent to know the facts or make the judgment.
 - a. No such materials may be placed in a personnel file, unless they have been reduced to writing within 45 calendar days, exclusive of the summer vacation period, of the school system's administration becoming aware of the facts reflected in the materials.
 - b. Additional information related 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 to be added to an employee's personnel file 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 its contents.
4. The employee shall have the right to answer, in writing, any such materials in a personnel file, as of July 1, 1983, as well as any such materials filed thereafter, and the answer shall be attached to the file copy. The employee shall have the right to request that the Superintendent or his/her designee make an informal inquiry regarding material in his/her personnel file which the employee believes to be false. The official making the inquiry shall append a written report of

his/her findings to the material.

5. Upon request, the employee, or any person designated, in writing, by the employee, shall be permitted to examine the personnel file. The employee shall be permitted, conveniently, to reproduce any materials in the file, at a cost no greater than five cents per page.
6. The custodian of the record shall maintain a record in the file of those persons reviewing the file each time it is reviewed.
7. Public school system employee personnel files are subject to the provisions of Chapter 119, except as follows:
 - a. Any complaint, and any material relating to the investigation of a complaint against an employee, shall be confidential until the conclusion of the preliminary investigation or until such time as the preliminary investigation ceases to be active. If the preliminary investigation is concluded with the finding that there is no probable cause to proceed further and with no disciplinary action taken or charges filed, a statement to that effect, signed by the responsible investigating official, shall be attached to the complaint and the complaint and all such materials shall be open thereafter to inspection, pursuant to Chapter 119. If the preliminary investigation is concluded with the finding that there is probable cause to proceed further or with disciplinary action taken or charges filed, the complaint and all such materials shall be open thereafter to inspection, pursuant to Chapter 119. If the preliminary investigation ceases to be active, the complaint and all such materials shall be open thereafter to inspection, pursuant to Chapter 119. For the purpose of this Subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding relating to probable cause is made within 60 calendar days after the complaint is made.
 - b. Employee evaluations prepared, pursuant to Chapters 231.17(3), 231.29, 231.36, Florida Statutes or Board Rule 6Gx13- 4-1.03, shall be confidential until the end of the school year immediately following the school year during which each evaluation is made. No evaluations prepared prior to July 1, 1983 shall be made public, pursuant to this Section.
 - c. No material derogatory to the employee shall be open to inspection until 10 calendar days after the employee has been notified, pursuant to paragraphs 3(a) and (b).
 - d. The payroll deduction records of the employee shall be confidential.

- 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 administrative law judge or panel shall have access to such records.
- 8. Notwithstanding other provisions of this Section, all aspects of each employee's personnel file shall be open to inspection at all times by Board Members, the Superintendent and the principal, or their respective designees, in the exercise of their respective duties.
- 9. Notwithstanding other provisions of this Section, all aspects of each employee's personnel file shall be made available to law enforcement personnel in the conduct of a lawful criminal investigation.
- B. The term "personnel file", as used in this Section, shall mean all records, information, data, or materials maintained by a public school system, in any form or retrieval system, whatsoever, with respect to any of its employees, which is uniquely applicable to that employee, whether maintained in one or more locations.
- C. All personnel files shall be maintained in accordance with Chapter 231.291(2), Florida Statutes. Any employee shall have the right to request that his/her personnel file be brought into conformity with the statutes.
- D. Work-site personnel files shall be established and maintained in conformity with provisions of Florida Statutes, Chapter 231.291.
- E. All documents and materials pertaining to the implementation and maintenance of personnel files, including provisions of the document entitled "Personnel Files Procedures", applicable to the members of the UTD bargaining unit, are by reference incorporated and made a part of this Contract. Referenced documents shall not be changed, except by mutual consent of the parties.