

PERSONNEL RECORDS

Orderly administration of the Holmdel Township Public Schools and compliance with state and federal law require the compilation of information about all district employees. The Holmdel Township Board of Education recognizes that there is a distinction between those personnel records which are clearly a matter of public concern, and those which must be considered privileged until such time as they are opened to the public by the commissioner of education or the courts.

The Superintendent shall consult with the board attorney regarding which personnel records are mandated to be kept by law, and those to be kept for administrative purposes. The Superintendent and the board attorney shall be responsible for limiting administrative records to those which are consistent with New Jersey and federal law.

The Superintendent shall establish the necessary regulations for maintaining both public and confidential employee records.

- A. The public file shall consist of computer database of all those presently employed by the school district in whatever capacity. The information in this file shall be limited to name, title, position, salary, payroll record, length of service, and, if applicable, date of separation and rehire. The Superintendent will devise procedures for making this file available to the public in accordance with the Public Right-to-Know Laws.

- B. The confidential file shall consist of an individual personnel folder for each current employee. The information in this file shall include all records mandated by state and federal law; evaluation of performance; record of attendance; original application filed by the employee; original salary and increments; date of tenure; notations of commendation and disciplinary actions consistent with law. This file is available for examination:
 - 1. At any time, by the Superintendent or the supervisory personnel he/she designates;
 - 2. During regular business hours, by the employee or his/her personally authorized representative, in accordance with regulations;
 - 3. During regular business hours, or at any Board of Education meeting or any committee thereof, by any Board Member to make an informed decision regarding any assigned Board responsibility or duty.

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File Code: 4212.6

This file shall not be made available to the public except according to law.

- C. A confidential file shall be kept for all resigned or retired employees including such essential information as shall seem appropriate to the administration. This file shall not be made available to the public except according to law.

Source: Regular Board Meeting

Date: August 20, 1986

Revised: April 1, 1996

Legal References:

<u>N.J.S.A.</u> 18A:6-11	Written charges; written statement of evidence; filing; statement of position by employee; certification of determination; notice
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 47-1A	Examination and copies of public records (Public Right-to-Know Law)
<u>N.J.S.A.</u> 47:3-15 <u>et seq.</u>	Destruction of Public Records Law
<u>N.J.A.C.</u> 6:29-9.2(a)7	Adoption of policies and procedures
<u>N.J.A.C.</u> 12:100-4.2	Safety and health standards for public employees occupational exposure to bloodborne pathogens

29 CFR 1910.1030 - Bloodborne Pathogen Standard

49 U.S.C. § 2717 et seq. - Omnibus Transportation Employee Testing Act of 1991

Executive Order No. 9, September 30, 1963; modified by Executive Order No. 11, November 15, 1974

Citizens for Better Education v. Camden Bd. of Ed., 124 N.J.S.A. Super. 523 (App. Div. 1973)

Trenton Times Corp. v. Trenton Bd. of Ed., 138 N.J. Super. 357 (App. Div. 1976)

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Nero v. Hyland, 76 N.J.S.A. 213 (1978)

Brick Township Education Association v. Brick Township Bd. of Ed., 1974 S.L.D. 111

Sayreville Education Association v. Sayreville Bd. of Ed., 1971 S.L.D. 197

White v. Galloway Township Bd. of Ed., 1977 S.L.D. 900, aff'd St. Bd. 1977 S.L.D. 903

Witchel v. Cannici and the Passaic Bd. of Ed., 1966 S.L.D. 159

Mendell v. Cimmino and the Kinnelon Bd. of Ed., 1970 S.L.D. 185

Cordano v. Weehawken Bd. of Ed., 1974 S.L.D. 316

Horner v. Kingsway Regional Board of Education, 1990 S.L.D. 752

Lacey Township Board of Education v. Lacey Township Educational Association, 130 N.J. 312 (1992)

Possible

Cross References:

- *3570 District records and reports
- *4211 Recruitment, selection and hiring
- *4212.4 Employee health
- *4215 Supervision
- *4216 Evaluation
- *4219.23 Employee substance abuse
- *5141.1 Child Abuse and neglect

*Indicates policy is included in the Critical Policy Reference Manual.

