

RULES OF THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA  
Title 6Gx50  
Chapter 3. Personnel Section 3.08

**Policy 3.08 District Personnel Files**

1. **Purpose.** It is necessary for the orderly operation of the School District to prepare and maintain personnel information for the retention of appropriate files bearing upon employees of the District. This policy is to ensure that employee information maintained in personnel files is accurate, relevant, and safe from improper disclosure and complies with applicable laws.
2. **Policy Statement.** The School Board recognizes its responsibility to maintain accurate personnel records and files and to protect the confidentiality and privacy of any personnel records determined to be exempt and confidential by Florida laws or other laws. Thus, an official personnel file will be maintained by the Superintendent or designee for each person employed by the District. For the purposes of this policy, the term "personnel file" shall mean all records, information, data, or materials maintained by the District, in any form or retrieval system whatsoever, with respect to an employee, which is uniquely applicable to that employee whether maintained in one or more locations.
  - a. Personnel files shall include the following information where appropriate:
    - i. Only materials pertaining to the employee's work performance, discipline, suspension or dismissal will be placed in the employee's personnel file. In accordance with [Fla. Stat. §1012.31](#), such materials shall be reduced to writing in the time period required by law, executed by a person competent to know the facts or make a judgment; and provided by copy to the employee in the manner as required by law. The employee has the right to answer in writing any such materials and shall be afforded due process rights as outlined in [Fla. Stat. §1012.31](#).
    - ii. Personnel files shall not contain anonymous letters or anonymous materials. Derogatory materials relating to an employee's conduct, service, character or personality shall not be placed in the employee's personnel file except for materials specifically referenced in the above paragraph.
    - iii. No documents or other materials may be removed from an employee's personnel file unless by court order, or due to inadvertent misfiling.
3. **Access to Personnel Files.**
  - a. *Public Access.* The personnel file of each School Board employee, regardless of location in the school system, is open to inspection and available for review to any person requesting to do so, except for personnel records which are currently provided by law to be confidential and excluded from public inspection as follows:
    - i. Any complaint and any material relating to the investigation of a complaint against an employee until the conclusion of the preliminary investigation, or until such time as the preliminary investigation ceases to be active as defined in Florida Statutes.
    - ii. Employee evaluations prepared pursuant to Florida Statutes, State Board of Education rules, or School Board policies shall be confidential until the end of the school year immediately following the school year during which each evaluation is made.
    - iii. Employee evaluations prepared prior to July 1, 1983.
    - iv. Payroll deduction records of employees.
    - v. Employee medical records, including medical claims, psychiatric and psychological records; provided however, at any hearing relative to an employee's competency or performance, the hearing officer or panel shall have access to such records.

- vi. Materials derogatory to the employee until ten (10) days after the employee has been notified, by certified mail or hand delivery, pursuant to [Fla. Stat. §1012.31](#), as now or hereafter amended.
  - vii. Any information in a report of injury or illness filed pursuant to Florida Statutes that would identify an ill or injured employee.
  - viii. Any other information which is exempt from disclosure pursuant to State or Federal law.
- b. *Employee Access.* An employee, or any person designated in writing by the employee, may review the employee's personnel file during the regular business hours of the District.
- c. *Official Access.* The following persons shall have access to the complete personnel file of each employee at all times.
- i. School Board members, the Superintendent or designee, and school principals or designees in the exercise of their respective duties.
  - ii. Law enforcement personnel in the conduct of a lawful criminal investigation.
  - iii. School Board Attorney and other attorneys for the School Board, as designated representatives on matters of District business.
  - iv. The Internal Auditor, when such inspection is pertinent to carrying out his or her respective duties, or as otherwise specifically authorized by the Audit Committee or the School Board.
4. *Maintenance of Access Records.* A record shall be maintained in the employee's file each time it is reviewed. This record shall include the name of the person reviewing the file, date of the review and identification of any document(s) reproduced from the file.

STATUTORY  
AUTHORITY:

Fla. Stat. §§ [1001.22](#), [1001.41](#), [1001.42](#), [1012.23](#)

LAWS IMPLEMENTED:

Fla. Stat. §§ [112.08\(7\)](#), [441.85\(10\)](#), [1001.43](#), [1012.31](#); [34 CFR 99 \(FERPA\)](#), [45 CFR 164 \(HIPAA\)](#)

HISTORY:

3/3/2010