

I. Policy Statement

The Board of Education of Howard County recognizes its responsibility to maintain accurate personnel records, to protect the confidentiality and privacy of personnel records, and to secure personnel records except where federal, state, and local laws and regulations provide for disclosure. The Board also recognizes the right of employees to access their personnel records.

II. Purpose

The purpose of this policy is to establish standards and procedures for the maintenance of confidentiality, disclosure of information, and security of personnel records, in accordance with federal, state, and local laws and regulations.

III. Definitions

Within the context of this policy, the following definitions apply:

- A. Confidential – Private, not intended to be shared with others.
- B. Confidentiality – Assurance that HCPSS employees and vendors protect personally identifiable information (PII) and do not disclose or transmit information to unauthorized parties.
- C. Disclosure – The act of permitting access to, the release, transfer, or other communication of personnel records or the PII contained therein, orally, in writing, by electronic means, or by any other means to any party.
- D. Legitimate Job-Related Interest – HCPSS Board members', employees', and vendors' need to review a personnel record to conduct his/her professional responsibilities.
- E. Personally Identifiable Information (PII) – Any information that, alone or in combination, would make it possible to identify an individual with reasonable certainty.
- F. Personnel File – The file maintained by the Office of Human Resources for each HCPSS employee that contains pre-employment and current-employment personnel records.
- G. Personnel Records – Records directly related to an employee, in any format and location, that are maintained by the HCPSS, or by a party acting for the HCPSS.

- H. Vendor – A person or organization that has a legal binding agreement with the HCPSS to perform a special task, such as an attorney, auditor, school resource officer, medical consultant, or therapist.

IV. Standards

- A. All HCPSS Board members, employees, and vendors will adhere to federal, state, and local laws and regulations as well as HCPSS policies, procedures, and guidelines for maintaining the accuracy, integrity, quality, and confidentiality of personnel records in any format and location.
- B. The storage, retention, and destruction of personnel records will adhere to federal, state, and local laws and regulations; Policy 3050 Records Management; and HCPSS procedures.
- C. Access to confidential personnel records will be granted only for the purpose of serving legitimate job-related interest or as required by federal, state, and local laws and regulations.
- D. The release of the home addresses and telephone numbers of public employees is prohibited by state law, unless the employee gives permission or the HCPSS determines that inspection of such information is needed to protect the public interest.
- E. Personnel information released in compliance with a lawfully issued subpoena will be limited to the specifics cited in the subpoena.

V. Responsibilities

- A. All HCPSS Board members, employees, and vendors will maintain the confidentiality of personnel records.
- B. HCPSS Board members, employees, and vendors may disclose an HCPSS employee's PII to appropriate parties in an emergency if knowledge of the information is necessary to protect the health or safety of the employee or other individuals.
- C. HCPSS Board members, employees, and vendors may disclose an HCPSS employee's PII as outlined in Policy 1030 Child Abuse and Neglect.
- D. The Superintendent/Designee will monitor standards and procedures related to the confidentiality of personnel records as set forth in federal, state, and local laws, regulations and policies.
- E. The Superintendent/Designee will inform HCPSS employees annually of the general provisions of this policy including procedures related to the protection and confidentiality of personnel records.

- F. The Office of Human Resources will serve as the custodian of employee personnel records in the employee's personnel file and will protect the confidentiality of those records.
- G. Principals and immediate supervisors will protect the confidentiality of all active or inactive personnel records stored in their schools and offices.
- H. Principals and immediate supervisors will review the standards and procedures related to the confidentiality and disclosure of personnel records with the appropriate employees.
- I. Principals and immediate supervisors will ensure that personnel records in their schools and offices will be maintained, reviewed, updated, retained, and destroyed in accordance with policy.

VI. Delegation of Authority

The Superintendent is authorized to develop procedures for the implementation of this policy.

VII. References

- A. Legal
 - Health Insurance Portability and Accountability Act (HIPAA), Public Law 104-191
 - The Annotated Code of Maryland, Education Article, Section 4-205 (Powers and Duties of County Superintendent)
 - The Annotated Code of Maryland, General Provisions Article, Section 4-101 (Definitions)
 - The Annotated Code of Maryland, General Provisions Article, Section 4-311 (Personnel Records)
 - The Annotated Code of Maryland, General Provisions Article, Section 4-331 (Information about public employees)
 - The Annotated Code of Maryland, General Provisions Article, Section 4-401 (Unlawful disclosure of public records)
 - The Annotated Code of Maryland, General Provisions Article, Section 4-501 (Personal records)
 - The Annotated Code of Maryland, State Government Article, Section 10-616 and 10-617 (Disposition of specific records)
- B. Other Board Policies
 - Policy 1030 Child Abuse and Neglect
 - Policy 2070 Ethics
 - Policy 3050 Records Management
 - Policy 4050 Procurement of Goods and/or Services
 - Policy 7030 Employee Conduct and Discipline
- C. Relevant Data Sources

- D. Other
 - HCPSS Records Retention Schedule
 - Master Agreement Between the Board of Education and the American Federation of State, County and Municipal Employees
 - Master Agreement Between the Board of Education and the Howard County Administrators Association
 - Master Agreement Between the Board of Education and the Howard County Education Association
 - Master Agreement Between the Board of Education and Howard County Education Association Educational Support Professionals
 - Memorandum of Understanding for Food Service Managers
 - Memorandum of Understanding for Home and Hospital Teachers

VIII. History

ADOPTED: June 2, 1970

REVIEWED:

MODIFIED:

REVISED: September 10, 1992

February 7, 2008

June 11, 2015

EFFECTIVE: July 1, 2015

PERSONNEL RECORDS

Effective: July 1, 2015

I. Definition

Within the context of these procedures, the following definition applies:

Supervisor File – Site-based, confidential employee file maintained by a supervisor, in any format and location, that contains personnel records.

II. Personnel Records

A. Personnel Records Maintained in an Employee’s Personnel File

1. The Howard County Public School System (HCPSS) safeguards personnel records that are part of an employee’s personnel file. Personnel records maintained in an employee’s personnel file, in any format and location, may include, but are not limited to:

- a. Action Plans.
- b. Administrative leave information.
- c. Application for employment documents including reference surveys and/or pre-employment references.
- d. Attendance records.
- e. Background checks.
- f. Benefit information.
- g. Certification information.
- h. Contract documentation including coaching, team leader, and/or sponsor contracts.
- i. Data and information kept by the third party billing office.
- j. Disciplinary action documents including letters of reprimand, suspension, and/or termination.
- k. Employment offer letter and/or contract.
- l. Evaluation documents and responses.
- m. Evidence of completion of trainings.
- n. Family and descriptive social information.
- o. Health records.
- p. Leave records and eligibility information.
- q. Legal proceedings.
- r. Observation reports.
- s. Onboarding records.
- t. Payroll records.
- u. Personal identification data.

- v. Promotional references.
 - w. Separation from service documentation.
 - x. Social media activity reviews.
 - y. Social Security number.
 - z. Transcripts, test scores.
2. An employee's legal name will be used on all official records. In the event of a name change resulting from marriage or a Court Order, the employee's legal name and all former names will be maintained.
- B. Personnel Records Maintained in Locations Other Than the Employee's Personnel File
1. A supervisor may maintain site-based, confidential employee files. Such a file is not part of the employee's personnel file. Personnel records in a supervisor file, in any format and location, may include but are not limited to:
- a. Articulation meeting minutes/notes regarding the employee.
 - b. Attendance information regarding the employee.
 - c. Bullying, Cyberbullying, Harassment, or Intimidation reporting forms.
 - d. Building access and/or security codes.
 - e. Certification documentation.
 - f. Commendation information.
 - g. Correspondence regarding the employee including emails, memos, and/or letters.
 - h. Disciplinary action documents, including letters of concern, warning, reprimand, resolution and/or understanding.
 - i. Documents related to ADA accommodations.
 - j. Evaluation documents and responses, including observation reports and responses.
 - k. Fitness for Duty referrals.
 - l. Meeting minutes/notes regarding the employee.
 - m. Professional learning plans and/or goals.
 - n. Recommendation letters.
 - o. Student reports or statements regarding the employee.
2. The HCPSS maintains other confidential personnel records that may not be part of an employee's personnel file or a supervisor file. Such records, in any format and location, may include but are not limited to:
- a. Attendance information regarding the employee.
 - b. Bullying, Cyberbullying, Harassment, or Intimidation reporting forms.
 - c. Building access and/or security codes.
 - d. Correspondence regarding the employee including emails, memos, and/or letters.
 - e. Documents related to accommodations.
 - f. Documents related to criminal proceedings.

- g. Evaluation documents and responses, including observation reports and responses.
 - h. Fitness for Duty referrals and evaluations.
 - i. Meeting minutes/notes regarding the employee.
 - j. Records of grievances and appeals.
 - k. Reports of Suspected Child Abuse/Child Neglect/Mental Injury.
 - l. Student reports or statements regarding the employee.
- C. Records that a supervisor keeps in his/her confidential personal file that may be used as a personal memory aid by the supervisor are not personnel records.

III. Security of Personnel Records

- A. All personnel records will be stored securely and will be accessible only to HCPSS Board members, employees, and vendors with legitimate job-related interest.
- 1. Personnel records in physical format will be stored in a secure, lockable location.
 - 2. Personnel records in an electronic format will be password protected.
- B. When personnel records are converted to another format, the accuracy, confidentiality, integrity, and quality of the original record will be preserved.
- C. When personnel records are sent or received by HCPSS Board members, employees, and vendors in physical or electronic form, confidentiality will be protected.
- D. When access to an electronic system includes an employee ID or user ID, that access will require dual authentication of the user's identity.

IV. Management of Personnel Records

- A. Access to Personnel Records
- 1. HCPSS Board members, employees, and vendors will not have access to personnel records unless they have a legitimate job-related interest in doing so.
 - 2. Employees have the right to review their personnel records according to established HCPSS procedures and applicable Master Agreements.
 - 3. Employees have the right to receive copies of documents contained in their personnel records according to established HCPSS procedures and applicable Master Agreements.

4. Employee reference letters and information are the property of the HCPSS and are neither available for review by the employee nor available for release to any other party except HCPSS Board members, employees, and vendors who have a legitimate job-related interest.
5. Employees have the right to request that information determined to be inaccurate or misleading be removed from those records according to HCPSS procedures.
6. Upon termination, employees will have no further access to their personnel records. Exceptions will be authorized by the Superintendent/Designee.
7. Records of grievances and appeals under The Annotated Code of Maryland, Education Article, Section 4-205 will not be included in an employee's personnel file except as it may confirm a salary or position adjustment.
8. Public Information Act requests for personnel records will be complied with in compliance with the Maryland Public Information Act, Section 4-101, et seq., General Provisions Article, Annotated Code of Maryland.
9. Subpoenas received by the HCPSS for personnel records will be processed according to federal, state, and local laws and regulations, as applicable.
10. Court Orders for the disclosure and/or production of personnel records will be processed in accordance with applicable law.

B. Review of Personnel Records

1. Personnel Records Maintained in an Employee's Personnel File
 - a. An employee has the right to review his/her personnel file. If the employee wishes to be accompanied by another person or a representative of a union during such a review, that request must be submitted in writing. The review will then be made in the presence of the Superintendent/Designee responsible for protecting the confidentiality of such files. At the employee's request, a copy of any material contained in the file will be provided.
 - b. A log documenting names and dates of review of the file by anyone other than the Superintendent/Designee will be maintained as part of the file.
 - c. Derogatory material or complaints about an employee's conduct, service, character, or personality may be placed in the site-based supervisor file only if:
 - i. The employee has had an opportunity to review such material, and

- ii. The Superintendent/Designee has investigated the allegations, and
 - iii. The Superintendent/Designee has concluded that the allegations have validity.
 - d. The employee will be given an opportunity to acknowledge that he/she has had the opportunity to review any derogatory material or complaints about the employee's conduct, service, character, or personality, by affixing his/her initials to the copy to be filed, with the express understanding that such initialing in no way indicates agreement with the contents. If the employee declines or refuses to initial such material that declination/refusal will be noted on the document by the Superintendent/Designee and be verified by another witness.
 - e. Duplicate copies of letters, email messages, or materials sent or copied to the employee may be filed without the employee's signature.
 - f. The employee will be permitted to attach his/her comments related to any material included in this file.
- 2. Personnel Records Maintained in a Supervisor File
 - a. The existence of a supervisor file will be made known to that employee. Any documents maintained in a supervisor file that are not made accessible to the employee may not be used to support an evaluation or disciplinary action.
 - b. An employee has the right to review his/her supervisor file. If the employee wishes to be accompanied by another person or a representative of a union during such a review, that request must be submitted in writing. The review will then be made in the presence of the supervisor/designee responsible for protecting the confidentiality of such files. At the employee's request, a copy of any material contained in the file will be provided.
 - c. A log documenting names and dates of review of the file by anyone other than the supervisor will be maintained as part of the file.
 - d. Derogatory material or complaints about an employee's conduct, service, character, or personality may be placed in the site-based supervisor file only if:
 - i. The employee has had an opportunity to review such material, and
 - ii. The appropriate supervisor has investigated the allegations, and
 - iii. The appropriate supervisor has concluded that the allegations have validity.

- e. The employee will be given an opportunity to acknowledge that he/she has had the opportunity to review any derogatory material or complaints about the employee's conduct, service, character, or personality, by affixing his/her initials to the copy to be filed, with the express understanding that such initialing in no way indicates agreement with the contents. If the employee declines or refuses to initial such material that declination/refusal will be noted on the document by the supervisor and be verified by another witness.
- f. Duplicate copies of letters, email messages, or materials sent or copied to the employee may be filed without the employee's signature.
- g. The employee will be permitted to attach his/her comments related to any material included in this file.
- h. After an employee's probationary period has been completed and upon the employee's request, documents and notes kept in the supervisor's file for more than three years regarding that employee may be removed and discarded at the discretion of the supervisor.
- i. When an employee transfers to another work site or assignment within the HCPSS, the site-based supervisor file will be forwarded to the supervisor at the new location.

C. Retention and Destruction of Records

The retention schedule for personnel records will follow the Policy 3050 Records Management, the HCPSS Records Retention Schedule, and the following protocols:

- 1. Personnel records of employees no longer in the HCPSS will be stored in a central archive under the supervision of the Superintendent/Designee.
- 2. Records of Suspected Child Abuse/Child Neglect/Mental Injury will be retained in accordance with Policy 1030.

D. Waivers

- 1. An applicant for admission to an institution of post-secondary education or employment may waive his/her right to inspect and review confidential letters and confidential statements of recommendation, applications for employment, or receipts of honors or honorary recognitions.
- 2. A waiver as described above may be revoked with respect to future actions. The revocation must be in writing.

IV. History

ADOPTED: June 11, 2015

REVIEWED:

MODIFIED:

REVISED:

EFFECTIVE: July 1, 2015