

Adopted: _____ July 12, 2016 _____

Revised: _____

LAFAYETTE CHARTER SCHOOL POLICY No. 4.2.1 PUBLIC AND PRIVATE PERSONNEL DATA

I. PURPOSE

The purpose of this policy is to provide guidance to employees as to the data Lafayette Charter School maintains regarding personnel.

II. POLICY STATEMENT

It is the policy of Lafayette Charter School to comply with applicable statutes and rules and regulations to ensure that data on personnel is appropriately gathered, stored, disclosed and is appropriately available to those who request it. This policy and related procedures may be modified by a change in state law.

III. SCOPE OF THE POLICY

This policy applies to all employees of Lafayette Charter School. It is designed to provide guidance to all individuals who are involved with the creation, use, and/or maintenance of personnel data for all employees. This policy also provides information for employees and members of the public seeking personnel data.

The policy applies to all official personnel files for employees, including but not limited to, application, resume, at-will employment agreements, personnel action documents, compensation-related memos, commendation letters, disciplinary letters, information related to changes in assignment, non-medical leave requests and responses, performance appraisals (including annual goals, annual reviews, final reports of evaluation committees), and employee responses to those documents. Other employment-related documents may be added if the employee is notified of such addition and has a chance to review such document.

- A. Responsibility for Administering the Policy. The Lead Teacher is responsible for maintaining the official personnel records of all employees.
- B. Internal Records Review. Current employees may review their own official personnel files, once every six months, by submitting a written request to the Lead Teacher. Requests by employees to review their personnel file shall be complied with as soon as possible or within seven working days from the date of the request. After review and upon written request, the employee may receive a copy of the file.

This policy does not constitute legal advice; any questions regarding this policy should be directed to your attorney.

- C. Former Employees. Upon written request, former employees may review the record once each year, for as long as the personnel record is maintained. Or, the former employee may receive a one-time copy of the file, in lieu of the right to yearly review.
- D. Disputing Data. If an employee or former employee disputes specific information in the file, the employee must notify the Lead Teacher regarding the disputed information. An agreement to revise or remove the material may occur or, if no agreement can be reached, the employee may submit a position statement, not to exceed five written pages, which must also be maintained in the personnel file or otherwise follow the process allowed by law.
- E. Requests by Others. Internal requests for personnel data by employees of Lafayette Charter School other than the employee should be made to Lead Teacher and are only available to those individuals within Lafayette Charter School whose work assignments reasonably require access. If a requester's work assignment does not reasonably require access, the requester will be advised to submit a written request to the Lead Teacher who will review the request and public data, as defined by law, will be gathered and an appropriate response provided.
- F. External Records Review. When personnel data is being requested by anyone outside of Lafayette Charter School, the request must be made in writing and forwarded to the Lead Teacher where it will be reviewed, and an appropriate response will be provided based on the classification of the data. No information will be released in response to verbal requests. If requested, copies shall be provided for a fee, which may include the costs of searching for and retrieving the data and for making, certifying, and compiling the copies. Copies will be provided within a reasonable time period and paid for by the requester prior to receipt of the materials.

The Lead Teacher will make a reasonable attempt to notify the affected employee(s) when a request is made by anyone outside Lafayette Charter School for personnel data.
- G. Required Disclosures. The Lead Teacher will disclose personnel data concerning current or former employees as required by law.

Legal References: Minnesota Government Data Practices Act, Minn. Stat. Chap. 13
Minn. Stat. §122A.20, subd. 2 (Mandatory Reporting)
Minn. Stat. §181.961 (Review of Personnel Record by Employee)

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