

PERSONNEL RECORDS

Personnel Records

A. Confidentiality of Files

The Bath County School Board will generally protect the confidentiality of personnel files, personnel references, academic credits and other similar documents, but reserves the right to release such information in accordance with law and written School Board policy on regulation.

In the event that an employee, former employee, or applicant discloses matters to the news media related to his/her current or former employment, the Superintendent, with the knowledge and approval of the Board, may disclose accurate and relevant information regarding such person's activities while employed.

B. Access to File

1. Access by the Employee

An employee may review the contents of his/her personnel file during regular office hours and at the convenience of the employee charged with the safekeeping of the records.

2. Access by Other Persons

a. Access with Permission of the Employee

Upon written permission by the employee, other persons shall be permitted to review the employee's personnel file. A new authorization shall be required for each review.

b. Access Without Consent of the Employee

The following persons may review an employee's personnel file without the consent of the employee:

- 1) Administrators and supervisors who have line responsibility over the employee.
- 2) Members of the School Board when the Board is in session.
- 3) A person with a court order.
- 4) Other persons authorized by federal or state law.

C. Disclosure of Employment-Related Information to Specific Current or Specific Prospective Employees.

In response to an inquiry made by a specific current or specific prospective employer, the Superintendent or his designee may provide accurate information concerning the professional conduct, job performance, and/or reasons for separation or discipline of a current or former employee of the board. At the Superintendent's or his designee's discretion, the information will be released in accordance with regulations developed by the Superintendent and may be limited to: (1) whether the employee is eligible for rehire (2) whether the employee was terminated, resigned, or retires; or (3) whether the employee left for personal reasons. A current or former employee's entire personnel record may be released to a specific current or specific prospective employer upon receipt from the employee of a signed Release of Information form. Such Release of Information form shall be on a form prepared by the School Board and which has been approved "legally sufficient" by the School Board Legal Counsel.

D. The Superintendent or his designee shall encourage other school divisions and employers seeking employment references from this schools division to provide similar information to this school division that this school division provides other school divisions and employers.

Adopted: 11/6/01

Legal References: Code of Virginia, § 2.1-341. Definitions.

Code of Virginia, § 2.1-341. Official records to be open to inspection: procedure for requesting records and responding to requests: charges, exceptions to application of chapter.

Code of Virginia, § 2.1-377 through 2.1-386. The Privacy Protection Act of 1976.

Hindenliter v. Humphries, 224 VA.P. 439 (1982)

1974-75 Report of the Attorney General July 12, 1974, p. 585.

1977-88 Report of the Attorney General January 9, 1987, p. 310

1986-87 Report of the Attorney General January 9, 1987, P. 27.

Code of Virginia § 8.01-46.1. Disclosure of employment related information; presumptions; causes of actions; definitions.