

## General Personnel

### **Administrative Procedure - Personnel Records**

#### **Applicant Records**

Records for a successful employment applicant are maintained with the individual's employment records. Records for an unsuccessful employment applicant are maintained for no less than 2 years from the application date. Applicant records include the following if received by the Cooperative:

- Employment application forms

- Transcripts

- Previous work experience

- References

- Such other relevant information as the Cooperative desires of applicants for screening purposes

#### **Personnel Records**

Personnel records for all employees include:

- Pre-employment records, including verification of past employment

- Dates of employment

- Valid certificate and/or evidence of required credentials for services being performed

- Criminal background investigation history and report

- Form I-9 required under the Immigration Reform and Control Act

- Records maintained pursuant to Internal Revenue Service regulations

- Payroll information and deductions, including all records required to be kept by 5:35-AP2, *Employee Records Required by the Fair Labor Standards Act* (29 C.F.R. §§516.2 and 516.3)

- Records maintained for the Illinois Teachers' Retirement System or the Illinois Municipal Retirement System

- Credit release information

- Sick leave, leaves of absence, personal leave, and vacation data (where appropriate)

- Salary schedule data

- Relevant health and medical records, including the verification of freedom from tuberculosis required by The School Code (105 ILCS 5/24-5)

- Supervisory evaluations

- Promotions

- Awards received

- Personnel documents that have been or are intended to be used in determining an employee's qualification for promotion, transfer, discharge, or disciplinary action

- Disciplinary actions and accompanying records

- Notice of discharge and accompanying records

- Letter of resignation or retirement

Notification that an employee is the subject of a Dept. of Children and Family Services (DCFS) investigation pursuant to the Abused and Neglected Child Reporting Act and any report to DCFS made or caused to be made by a Cooperative employee concerning another employee; this record will be deleted if DCFS informs the Cooperative that the allegations were unfounded

Any additional information the Cooperative deems to be relevant

In addition to the above, personnel records for all professional personnel include:

Valid certificate for services being performed

Copies of official transcripts required by The School Code (105 ILCS 5/24-23)

Transcripts of graduate work completed

Verification of past teaching experience, if any

Record of in-service work completed

Acknowledgement of mandated reporter status

Employment records will be maintained permanently for all Cooperative employees and former employees unless the Local Records Commission's approval is obtained to dispose of them.

### **Restrictions on Information that May Be Kept**

The Cooperative will not gather or keep a record of an employee's associations, political activities, publications, communications, or non-employment activities, unless the employee submits the information in writing or authorizes the Cooperative in writing to keep or gather such records. However, the Cooperative may gather or keep records in an employee's personnel file concerning activities occurring on the Cooperative's premises or during the employee's working hours that: (1) interfere with the performance of the employee's duties or activities, or those of other employees, regardless of when and where occurring, (2) constitute criminal conduct or may reasonably be expected to harm the Cooperative's property, operations or educational process, or programs, or (3) could, by the employee's actions, cause the Cooperative financial liability. 820 ILCS 40/9.

### **Access to Employee Records and Correction Requests**

An employee is granted access to his or her personnel records according to provisions in the Personnel Record Review Act, 820 ILCS 40/, and any relevant provisions in an applicable collective bargaining agreement. Except for the documents described in Sec. 10 of the Review Act, an employee is granted access to his or her personnel records at least 2 times in a calendar year at reasonable intervals. Unless otherwise indicated in an applicable bargaining agreement, access to the employee's personnel records will be according to the following guidelines:

1. The employee must submit a written inspection request to the Executive Director or the Executive Director's designee.
2. The Executive Director or designee will provide the employee the opportunity for inspection within 7 working days after the request. If such deadline cannot reasonably be met, the Cooperative will have an additional 7 days to comply.

3. The employee will inspect the personnel record at the Cooperative's administrative office during normal working hours or at another time mutually convenient to the employee and the Executive Director or designee.
4. Inspection of personnel records will be conducted under the supervision of an administrative staff member.
5. Neither an employee nor his or her designated representative will have access to records that are treated as exceptions in the Illinois Personnel Record Review Act discussed below.
6. The employee may copy material maintained in his or her personnel record. Payment for record copying will be based on the Cooperative's actual costs of duplication.
7. The employee may not remove any part of his or her personnel records from his or her file or may not remove any part of his or her personnel records from the Cooperative's administrative office.
8. Should the employee demonstrate his or her inability to inspect his or her personnel records in person, the Cooperative will mail a copy of the specific record(s) upon written request.
9. Should the employee be involved in a current grievance against the Cooperative or involved in any other contemplated proceedings against the Cooperative, the employee may designate in writing a representative who has the authority to inspect the personnel records under the same rights as the employee.
10. If the employee disagrees with any information contained in the personnel record, a removal or correction of that information may be mutually agreed upon by the Cooperative and employee. If agreement cannot be reached, the employee may submit a written statement explaining his or her position. The Cooperative will attach the employee's statement to the disputed portion of the personnel record and the statement will be included whenever that disputed record is released to a third party as long as the disputed record is part of the employee's personnel file. Inclusion of any written statement attached to the disputed record in an employee's personnel file without any further comment or action by the Cooperative will not imply or create any presumption that the Cooperative agrees with the statement's contents.

### **Requests by Third Parties**

The Cooperative Attorney shall be consulted whenever a subpoena or court order requests personnel record information. Any other request for personnel information by a third party will be treated as a FOIA request and immediately forwarded to the Cooperative's Freedom of Information Officer (see 2:250-API, *Access to and Copying of District Public Records*).

Concerning a request for a disciplinary report, letter of reprimand, or other disciplinary action:

1. If the responsive record is more than 4 years old, access will be denied unless the release is ordered in a legal action or arbitration. 5 ILCS 140/7.5(q); 820 ILCS 40/8.
2. If the responsive record is 4 years old or less, access will be granted. The Cooperative will provide the employee with written notice or through electronic mail, if available, on or before the day any such record is released, unless notice is not required under the Personnel Record Review Act. 5 ILCS 140/7.5(q); 820 ILCS 40/7, amended by P.A. 96-1212.

3. The employee will not be informed if the employee has specifically waived written notice as part of a written, signed employment application with another employer; the disclosure is ordered to a party in a legal action or arbitration; or information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency.

A FOIA request for a performance evaluation will be denied. Required by 820 ILCS 40/11, amended by P.A. 96-1483.

Before replying to a request from a third party, the Cooperative will review the requested records and delete or redact material that is protected from disclosure. Required by 820 ILCS 40/8.

### **Restriction on Employee Access**

Section 10 of the Illinois Personnel Record Review Act provides that the right of the employee or the employee's designated representative to inspect his or her personnel records does not extend to:

1. Letters of reference for that employee.
2. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document.
3. Materials relating to the employer's staff planning, such as matters relating to the Cooperative's development, expansion, closing or operational goals, where the materials relate to or affect more than one employee, provided, however, that this exception does not apply if such materials are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual employee's discharge or discipline.
4. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
5. Records relevant to any other pending claim between the Cooperative and employee that may be discovered in a judicial proceeding.
6. Investigatory or security records maintained by the Cooperative to investigate criminal conduct by an employee or other activity by the employee that could reasonably be expected to harm the Cooperative's property, operations, or education process or programs, or could by the employee's activity cause the Cooperative financial liability, unless and until the Cooperative takes adverse personnel action based on information in such records.

### **Complying with Requirements in the Abused and Neglected Child Reporting Act**

The Executive Director will execute the requirements in the Abused and Neglected Child Reporting Act whenever a Cooperative employee makes a report to DCFS involving another Cooperative employee's conduct. This includes performing the following tasks (325 ILCS 5/4 and 820 ILCS 40/13):

1. Disclose to any school district requesting information concerning a current or former employee's job performance or qualifications the fact that he or she was the subject of

another employee's report to DCFS. Only the fact that a Cooperative employee made a report may be disclosed.

2. Inform the Cooperative employee who is or has been the subject of such report that the Executive Director will make the disclosure as described above.
3. Delete the record of such a report if DCFS informs the Cooperative that the allegation was unfounded.

LEGAL REF.: 5 ILCS 140/.  
325 ILCS 5/4 and 5/7.4.  
820 ILCS 40/.  
23 Ill. Admin. Code § 1.660.

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