POLICY 406   PUBLIC AND PRIVATE PERSONNEL DATA

I.   PURPOSE

The purpose of this policy is to provide guidance to school employees as to the data the school collects and maintains regarding its personnel.

II.   GENERAL STATEMENT OF POLICY

A.   All data on individuals collected, created, received, maintained or disseminated by the school, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the school.

B.   All other data on individuals is private or confidential.

III. DEFINITIONS

A.   "Public" means that the data is available to anyone who requests it.

B.   "Private" means the data is available to the subject of the data and to school staff who need it to conduct the business of the school.

C   "Confidential" means the data is not available to the subject.

D.   "Personnel data" means data on individuals collected because they are or were employees of the school, or an individual was an applicant for employment, volunteers for the school, or is a member of or applicant for an advisory board or commission.

E.   "Finalist" means an individual who is selected to be interviewed by the school for a position.

IV. PUBLIC PERSONNEL DATA

A.   The following information on employees, including volunteers and independent contractors, as it applies to their employment by the school, is public:
1.   name;
2.   actual gross salary;
3.   salary range;
4.   contract fees;
5.   actual gross pension;
6.   the value and nature of employer-paid fringe benefits;
7.   the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
8.   job title;
9.   job description;
10.   education and training background;
11.   previous work experience;
12.   date of first and last employment;
13.   the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
14.   the final disposition of any disciplinary action, as defined in Minn. Stat. 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting

the basis of the action, excluding data that would identify confidential sources who are employees of the school;

15. the terms of any agreement settling any dispute arising out of the employment relationship
16. work location;
17. work telephone number;
18. honors and awards received;
19. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data;
20. city and county of residence.

B. Personnel data may be disseminated to labor organizations to the extent the school determines it is necessary for the labor organization to conduct its business or when authorized by the Commissioner of the Bureau of Mediation Services.

C. The following information on applicants for employment or advisory board/ commission is public:
1. veteran status;
2. relevant test scores;
3. rank on eligible list;
4. job history;
5. education and training;
6. work availability.

D. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.

E. Names and home addresses of applicants for appointment to and members of an advisory board/commission are public.

Regardless of whether there has been a final disposition as defined in Minn. Stat. 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minn. Stat. 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

The school reserves the right to require a written request from third parties before release of public personnel data. When such requests involve out-of-the-ordinary time, effort, material, or other costs, the school may impose reasonable charges to cover district costs.

V. PRIVATE PERSONNEL DATA

A. All other personnel data is private and will only be shared with school staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.

Approved   4/2000

B. Data created, collected or maintained by the school to administer employee assistance programs are private.

C. The school may display a photograph of a current or former employee to prospective witnesses as part of the school's investigation of any complaint or charge against the employee.

D. The school may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that are relevant to the concerns for safety to:

1. The person who may be harmed and to the attorney representing the person when the data are relevant to obtaining a restraining order;
2.   pre-petition screening team conducting an investigation of the employee under Minn. Stat. 253B.07, Subd. 1; or
3. A court, law enforcement agency or prosecuting authority.

F. A complainant has access to a statement provided by the complainant to the school in connection with a complaint or charge against an employee.

The school shall make any report to the board of teaching or the state board of education as required by Minn. Stat. 125.09, Subd. 4, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the school's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minn. Stat. 125.09, Subd. 4.

Private personnel data will be released to a third party only upon receiving written release from the employee.

VI.   MULTIPLE CLASSIFICATIONS

If data on individuals is classified as both private and confidential by Chap. 13, or any other state or federal law, the data is private.

VII.   CHANGE IN CLASSIFICATIONS
The classification of data in the possession of the school shall change if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

VIII.   RESPONSIBLE AUTHORITY
The Administrator is designated as the authority responsible for personnel data.

IX.   EMPLOYEE AUTHORIZATION/RELEASE FORM
An employee authorization form is included as an addendum to this policy.

Approved   4/2000

EMPLOYEE AUTHORIZATION FOR RELEASE OF INFORMATION

To: _____

_____

RE: Personnel Records of [name] _____

(Date of Birth and/or Social Security Number)

This is your full and sufficient authorization, pursuant to Minn. Stat. 13.05, subd. 4 and Minn. Rules 1205.1400, subp. 4, to release

to _____, their representatives or employees, all information pertaining to [describe]

_____

_____

maintained by the employer school, with the following exceptions:

_____

_____

_____

The information is needed for the purpose of [specify]

_____

_____

This authorization specifically includes records prepared prior to the date of this authorization and records prepared after the date of this authorization, such records to be used only for the purpose specified. I do not authorize re-release of this information by the third party.

I understand that I may revoke this consent in writing at any time. Upon the fulfillment of the above-stated purpose, this consent will automatically expire without my express revocation. A photocopy of this authorization will be treated in the same manner as an original.

Signature of Employee _____

Dated: _____

ATTENTION: Minnesota Statutes Section 13.05 requires automatic expiration of this authorization one (1) year from the date of authorization.

Approved 4/2000