

PERSONNEL RECORDS

A personnel file shall be maintained for each District employee. To the extent required by applicable law, employee medical records, including genetic information regarding an employee, shall be maintained separately from an employee's other personnel records.

An employee shall have the right, upon request and consistent with the timelines and content limitations specified in state law, to review the contents of his/her personnel file, while in the presence of the administrator or his/her designee. The employee shall be entitled to have a representative accompany him/her during such review. This examination must be accomplished in the presence of the person officially charged by the District Administrator with custody of those files. The removal of this file from the safekeeping place will be done by the official personnel file custodian. The employee's personnel file or any part of it may not be removed from the visual presence of the official custodian. An employee shall have the right, upon request, to receive copies of documents contained in the personnel file upon payment of the actual cost for making such a copy. An employee shall not have the right to review the contents of or receive copies of the following items:

- × Records relating to the investigation of possible criminal offenses committed by that employee.
- × Letters of reference for that employee.
- × Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire test document.
- × Materials used by the employer for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for the employer's planning purposes.
- × 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.
- × Records relevant to any other pending claim between the employer and the employee which may be discovered in a judicial proceeding.

Personnel records shall be released to third parties only in accordance with relevant law.

Legal References:

Wisconsin Statutes

Sections 19.31 to 19.37 [Wisconsin Public Records Law]

Section 103.13 [records open to employee]

Section 146.81 – 146.84 [patient health care records]

Section 165.68 [address confidentiality program]

Section 252.15 [restrictions on use of HIV test]

Federal Laws

Americans with Disabilities Act [nondiscrimination on the basis of disability; employee medical examinations and recordkeeping]

Health Insurance Portability and Accountability Act (HIPAA) [restrictions on disclosure of personal health information]

Genetic Information Nondiscrimination Act of 2008 [restrictions on disclosure of genetic information]

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