

Adopted: 11/29/12

PRAIRIE CREEK COMMUNITY SCHOOL
CURRENT AND PAST EMPLOYEE RIGHT TO INSPECT PERSONNEL RECORD

I. PURPOSE

To direct and guide Prairie Creek and its current and past employees as to the employee's right to view and copy their own personnel record.

II. POLICY

- A. Upon written request by an employee, Prairie Creek Community School will allow the employee to review his or her own personnel record once every six months.
- B. Upon written request by a past employee who is now separated from employment, Prairie Creek Community School will provide the past employee with a copy of their own personnel record once per year for as long as the record is maintained. Doing so satisfies Prairie Creek's statutory responsibility to allow for review of the personnel file.

III. DEFINITIONS

A. **Personnel record.**

"Personnel record," to the extent maintained by Prairie Creek Community School, means: any application for employment; wage or salary history; notices of commendation, warning, discipline, or termination; authorization for a deduction or withholding of pay; fringe benefit information; leave records; and employment history with the employer, including salary and compensation history, job titles, dates of promotions, transfers, and other changes, attendance records, performance evaluations, and retirement record. The term does not include:

- (1) written references respecting the employee, including letters of reference supplied to an employer by another person;
- (2) information relating to the investigation of a violation of a criminal or civil statute by an employee or an investigation of employee conduct for which the employer may be liable, unless and until:
 - (i) the investigation is completed and, in cases of an alleged criminal violation, the employer has received notice from the prosecutor that no action will be taken or all criminal proceedings and appeals have been exhausted; and

(ii) the employer takes adverse personnel action based on the information contained in the investigation records;

(3) education records, pursuant to section 513(a) of title 5 of the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232g, that are maintained by an educational institution and directly related to a student;

(4) results of employer testing, except that the employee may see a cumulative total test score for a section of the test or for the entire test;

(5) information relating to the employer's salary system and staff planning, including comments, judgments, recommendations, or ratings concerning expansion, downsizing, reorganization, job restructuring, future compensation plans, promotion plans, and job assignments;

(6) written comments or data of a personal nature about a person other than the employee, if disclosure of the information would constitute an intrusion upon the other person's privacy;

(7) written comments or data kept by the employee's supervisor or an executive, administrative, or professional employee, provided the written comments or data are kept in the sole possession of the author of the record;

(8) privileged information or information that is not discoverable in a workers' compensation, grievance arbitration, administrative, judicial, or quasi-judicial proceeding;

(9) any portion of a written or transcribed statement by a coworker of the employee that concerns the job performance or job-related misconduct of the employee that discloses the identity of the coworker by name, inference, or otherwise; and

(10) medical reports and records, including reports and records that are available to the employee from a health care services provider pursuant to sections 144.291 to 144.298.

IV. PROCEDURE

A. Timing

Prairie Creek will comply with a written request from a past or current employee to review or copy a personnel record no later than seven (7) working days after receipt of the request if the personnel record is in the State of Minnesota, or no later than fourteen (14) days if the record is located outside of the State of Minnesota.

B. Availability and Location

Upon written request for review, Prairie Creek will make the personnel record, or an accurate copy thereof, available to any current employee during Prairie Creek's normal hours of operation and at Prairie Creek's campus or another reasonably nearby location. The personnel record need not be made available during the current employee's working hours.

C. Supervision

Prairie Creek reserves the right to require that the review of the personnel record by a current employee be done in the presence of a Prairie Creek designee.

D. Copy and Cost

Upon the employee's written request, Prairie Creek will provide a copy of the personnel record to a current or past employee. Prairie Creek will not charge a fee for the copy.

E. Denial of Review if not in Good Faith

Prairie Creek reserves the right to deny the employee the right to review their own personnel record if the employee's request to review is not made in good faith.

F. This policy shall not be construed so as to limit the rights of employees regarding personnel data under the MN Government Data Practices Act.

Legal Reference: Minn. Stat. §181.961
 Minn. Stat. §13.43