

Adopted: 6/21/12

**PRAIRIE CREEK COMMUNITY SCHOOL POLICY
REGARDING EMPLOYEE RIGHT TO INSPECT PERSONNEL RECORDS**

POLICY PURPOSE

It is the policy of Prairie Creek Community School (PCCS) to fully comply with Minnesota law regarding an employee's right to inspect personnel records.

I. DEFINITIONS.

A. Employee. "Employee" means a person who performs services for hire for an employer, provided that the services have been performed predominately within this state. The term includes any person who has been separated from employment for less than one year. The term does not include an independent contractor.

A. Personnel record.

"Personnel record," to the extent maintained by PCCS means: any

1. application for employment;
2. wage or salary history;
3. notices of commendation,
4. warning, discipline, or termination;
5. authorization for a deduction or withholding of pay;
6. fringe benefit information; leave records; and
7. 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.

B. "Personnel record" 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:

- (a) 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
 - (b) 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. 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;
 6. 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;
 7. privileged information or information that is not discoverable in a workers' compensation, grievance arbitration, administrative, judicial, or quasi-judicial proceeding;
 8. 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
 9. 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.

II. RIGHT TO INSPECT.

The administration of PCCS shall develop procedures to ensure that all new employees are provided written notice of the following:

- A. The employees right, upon written request, to review the employee's personnel records as those are defined above;

- B. The employee's right, after the review, to make a written request for a copy of those records;
- C. The employee's right to dispute information contained in those records;
- D. The employee's right not to be retaliated against for asserting these rights.
- E. The remedies available under Minnesota law for violations of the above rights, including the right to compel compliance, the right to recover actual damages plus costs, and in cases of retaliation for asserting one's rights, the right to recover back pay, reinstatement, other make-whole and equitable relief and fees.