



# **ACCORDING TO PEA:**

## **Personnel File**

Only items that exist in writing, in your personnel file, can be used when disciplining employees. Your rights to your personnel file are found in your Collective Bargaining Agreement (CBA), Teacher CBA 4.5, Paraeducator CBA 8.5, and ESP/Secretary CBA 6.5.

Employees have the right to review their personnel files at their worksite and at the district office upon request. The two files overlap however some documents are only in one of the files. To see your entire personnel file you must request to review the district file.

PEA recommends that you review your personnel file at least once every three years, before you terminate employment, and when facing disciplinary action.

## **REQUESTING YOUR PERSONNEL FILE**

You may request a copy of your file or you may request to review your file and have copies made of individual pages. You will be charged for the number of pages you request. You should note that many of the items, particularly in your District file, relate to personnel actions such as hiring, transfers, and leaves. You may not want or need copies of these so by reviewing the file first before requesting copies you can save yourself some money.

### **REMEMBER:**

You must make an appointment to review your file. You will be shown the one and only copy of your file and will not be left alone with the file. Someone must be available and scheduled to be with you during your review.

To view your school file, contact your principal or the principal's secretary to arrange a time.

To view your District file, call **HR at 534-0781** to make an appointment. Or you can fill out the form on the back of this sheet and submit it to Personnel in Human Resource Services.

Medical documents are confidential and may not be viewed by others viewing your personnel file. However, you have a right to review those documents or release the information for others to view, such as your attorney or PEA. If a medical document is found, point it out and request it be noted as medical information.

If you find material that you question whether it belongs, request copies and discuss it with the PEA President or staff.

## STATE STATUTE

1012.31 Personnel files.—Public school system employee personnel files shall be maintained according to the following provisions:

(1)(a) Except for materials pertaining to work performance or such other matters that may be cause for discipline, suspension, or dismissal under laws of this state, no derogatory materials relating to an employee's conduct, service, character, or personality shall be placed in the personnel file of such employee.

(b) No anonymous letter or anonymous materials shall be placed in the personnel file.

(2)(a) Materials relating to work performance, discipline, suspension, or dismissal must be reduced to writing and signed by a person competent to know the facts or make the judgment.

(b)1. No such materials may be placed in a personnel file unless they have been reduced to writing within 45 days, exclusive of the summer vacation period, of the school system administration becoming aware of the facts reflected in the materials.

2. Additional information related to such written materials previously placed in the file may be appended to such materials to clarify or amplify them as needed.

(c) A copy of such materials to be added to an employee's personnel file shall be provided to the employee either:

1. By certified mail, return receipt requested, to his or her address of record; or

2. By personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

(d) An employee has the right to answer in writing any such materials in a personnel file on July 1, 1983, as well as any such materials filed thereafter, and the answer shall be attached to the file copy. An employee has the right to request that the district school superintendent or the superintendent's designee make an informal inquiry regarding material in the employee's personnel file which the employee believes to be false. The official who makes the inquiry shall append to the material a written report of his or her findings.

(e) Upon request, an employee, or any person designated in writing by the employee, shall be permitted to examine the personnel file of such employee. The employee shall be permitted conveniently to reproduce any materials in the file, at a cost no greater than the fees prescribed in s. 119.07(4).

(f) The custodian of the record shall maintain a record in the file of those persons reviewing the file each time it is reviewed.

(3)(a) Public school system employee personnel files are subject to the provisions of s. 119.07(1), except as follows:

1. Any complaint and any material relating to the investigation of a complaint against an employee shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation or until such time as the preliminary investigation ceases to be active. If the preliminary investigation is concluded with the finding that there is no probable cause to proceed further and with no disciplinary action taken or charges filed, a statement to that effect signed by the responsible investigating official shall be attached to the complaint, and the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation is concluded with the finding that there is probable cause to proceed further or with disciplinary action taken or charges filed, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation ceases to be active, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding relating to probable cause is made within 60 days after the complaint is made.



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2. An employee evaluation prepared pursuant to s. 1012.33, s. 1012.34, or s. 1012.56 or rules adopted by the State Board of Education or district school board under the authority of those sections shall be confidential and exempt from the provisions of s. 119.07(1) until the end of the school year immediately following the school year in which the evaluation was made. No evaluation prepared before July 1, 1983, shall be made public pursuant to this section.

3. No material derogatory to an employee shall be open to inspection until 10 days after the employee has been notified pursuant to paragraph (2)(c).

4. The payroll deduction records of an employee shall be confidential and exempt from the provisions of s. 119.07(1).

5. Employee medical records, including psychiatric and psychological records, shall be confidential and exempt from the provisions of s. 119.07(1); however, at any hearing relative to the competency or performance of an employee, the administrative law judge, hearing officer, or panel shall have access to such records.

(b) Notwithstanding other provisions of this subsection, all aspects of the personnel file of each employee shall be open to inspection at all times by district school board members, the district school superintendent, and the principal, or their respective designees, in the exercise of their respective duties.

(c) Notwithstanding other provisions of this subsection, all aspects of the personnel file of each employee shall be made available to law enforcement personnel in the conduct of a lawful criminal investigation.

(4) The term "personnel file," as used in this section, means all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its employees, which is uniquely applicable to that employee whether maintained in one or more locations.

**Public Records Request for Personnel File**

Mrs. Peg Brenner  
Director of Personnel  
Human Resource Services  
P O Box 391  
Bartow, FL 33831-0391

Pursuant to the Florida Public Records Act, I, \_\_\_\_\_,

(Print Name)

officially request permission to review and/or obtain copies of the following documents from the personnel file of

\_\_\_\_\_

(Employee)

(PCSB SAP number)

located in the Human Resource Services Division.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I understand that in order to receive my copy, I must also supply adequate identification in addition to this form, so that the records custodian may maintain a review log, pursuant to Florida Statute 1012.31. Further, I understand that I will be charged \$.15 (single-sided) / \$.20 (double-sided) for each page copied pursuant to Florida Statute 119.07. Extensive duplication will require a reasonable charge for employee's time.

I also understand that statutory exemptions exist for the inspection and/or copying of public records, like social security numbers, direct deposit information, medical information, drug test results, criminal history information, etc., pursuant to Florida Statute 119.071

Sincerely,

\_\_\_\_\_ / \_\_\_\_\_

(Signature)

(PCSB SAP number)

( ) \_\_\_\_\_ Date: \_\_\_\_\_

(Phone number)