



THE NEWARK PUBLIC SCHOOLS Newark, New Jersey POLICY



FILE CODE: 4112.6

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PERSONNEL RECORDS

Orderly administration of the Newark Public Schools (the "District") and compliance with state and federal law require the compilation of information about all District employees. The State District Superintendent recognizes that there is a distinction between those personnel records which are clearly a matter of public concern, and those which must be considered privileged until such time as they are opened to the public by the Commissioner of Education, the courts, and/or state/federal agencies.

The State District Superintendent shall determine which personnel records are mandated to be kept by law, and those to be kept for administrative purposes.

The State District Superintendent shall establish the necessary regulations for maintaining employee records.

- A. The District's Human Resource Services shall maintain the records in a systematic manner. The information in this file shall be limited to name, title, position, salary, payroll record, length of service, and, if applicable, date of separation and rehire. The State District Superintendent shall devise procedures for making these available to employees and the public in accordance with the Open Public Records Act.
- B. The confidential file shall consist of an individual personnel folder for each District employee. The information in this file shall include all records mandated by state and federal law; evaluation of performance; record of attendance; original application filed by the employee; original salary and increments; date of tenure; notations of commendation and disciplinary actions consistent with law.

This file is available for examination:

1. At any time, by the State District Superintendent or his/her authorized designee;
and
 2. During regular business hours, by the District employee and/or his/her authorized representative, in accordance with District regulations.
- C. Employee health records shall be maintained separately from other personnel files and in strict confidentiality. Only the District employee, the District physician, and the State District Superintendent and/or designee shall have access to District employee's medical file. To assure ready access in a medical emergency, the section of the medical record that contains the health history may also be shared with the building principal and the school nurse.
 - D. Staff emergency contact cards for all employees shall be maintained by authorized District administrator(s) and updated annually.

Date Adopted by the State District Superintendent: January 25, 2005

PERSONNEL RECORDS (continued)

- Legal References:** N.J.S.A. 18A:6-7 Oaths of persons employed in teaching capacities
N.J.S.A. 18A:6-7a Removal from personnel files of reference to
complaint of child abuse or neglect determined to
be unfounded
- N.J.S.A. 18A:6-11 Written charges; written statement of evidence;
filing; statement of position by employee;
certification of determination; notice
- N.J.S.A. 18A:11-1 General mandatory powers and duties
- N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
- N.J.S.A. 47:1A et seq. Examination and copies of public records ("Open
Public Records Act")
- N.J.S.A. 47:3-15 et seq. Destruction of Public Records Law
- N.J.A.C. 6:3-4A.1 et seq. School Employee Physical Examinations
- See particularly:
N.J.A.C. 6:3-4A.3, -4A.4(f)
N.J.A.C. 12:100-4.2 Safety and health standards for public employees
occupational exposure to bloodborne pathogens
(Adoption by reference)
- 29 CFR 1910.1030 - Bloodborne Pathogen Standard
- No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
- Executive Order No. 9, September 30, 1963; modified by Executive Order No.
11,
November 15, 1974
- Citizens for Better Education v. Camden Bd. of Ed., 124 N.J. Super. 523 (App.
Div. 1973)
- Trenton Times Corp. v. Trenton Bd. of Ed., 138 N.J. Super. 357 (App. Div.
1976)
- Nero v. Hyland, 76 N.J. 213 (1978), rev'd 146 N.J. Super. 46 (App. Div. 1977),
136 N.J. Super. 537 (Law Div. 1975)
- Brick Township Education Association v. Brick Township Bd. of Ed., 1974 S.L.D.
111
- Sayreville Education Association v. Sayreville Bd. of Ed., S.L.D. 197
- White v. Galloway Township Bd. of Ed., 1977 S.L.D. 900, aff'd St. Bd. 1977
S.L.D. 903
- Witchel v. Cannici and the Passaic Bd. of Ed., 1966 S.L.D. 159
- Mendell v. Cimmino and the Kinnelon Bd. of Ed., 1970 S.L.D. 185
- Cordano v. Weehawken Bd. of Ed., 1974 S.L.D. 316, appeal dismissed St. Bd.
1974 S.L.D. 323

PERSONNEL RECORDS (continued)

Horner v. Kingsway Regional Board of Education, 1990 S.L.D. 752

Lacey Township Board of Education v. Lacey Township Education Association,
130 N.J. 312 (1992)

Beatty v. Chester 1999 S.L.D. August 31

Ciambrone v. Bloomingdale 2000 S.L.D. May 7

<u>Cross References:</u>	3570	District records and reports
	4111	Recruitment, selection and hiring
	4112.4	Employee health
	4115	Supervision
	4116	Evaluation
	5141.4	Child abuse and neglect