

Regulation GBJB

Las Cruces Public Schools

Related Entries: GBJB
Responsible Office: Chief Human Resources Officer

Personnel Files and Employee References

I. PURPOSE

To implement the policy of the Board of Education that ensures that employee personnel files are properly maintained and to establish a process for employee references.

GENERAL

- A. The district will comply with all federal, state, or legal requirements regarding all personnel files.
- B. Only administrators and school officials on specific "need to know" school business will have access to a certified employee's files. The contents of a certified employees' file will be kept in strict confidence.

II. PERSONNEL FILES

- A. There shall be one (1) single official file for each employee which shall be maintained in the Human Resources Department except for documents that relate the employee grievances or as required by the Federal Medical Leave Act. If an employee is separating employment, the files will be maintained for 55 years and, if retiring, three years in accordance with state statute.
- B. References provided in confidence will not be subject to inspection by the certified employee.
- C. No anonymous, unsigned or undated information may be placed in the official certified employee's file.
- D. The certified employee will be given written notification and the opportunity to view any material or information prior to placement in their official file except information related to routine file maintenance.
 - 1. The certified employee shall acknowledge having read these materials by affixing one's signature on the actual copy/copies to be filed.
 - 2. Any substantiated information or materials which are derogatory to a certified employee's conduct, service, character or personality will not be

placed in a certified employee's file unless and until the certified employee has been given the opportunity to examine the information or material. No unsubstantiated derogatory material will be placed in the certified employee's personnel file.

3. All disciplinary related documents will be placed in the employee's personnel file.
 4. The certified employee has the right to respond in writing to anything placed in that certified employee's file and have such response physically attached to the material to which the response relates.
- E. Certified employees may inspect their official files by appointment with a Human Resources Administrator. At the certified employee's option, a representative may accompany the certified employee. In the event the certified employee is unable to review their file, the certified employee may designate an individual to conduct such a review by providing that person with a notarized statement to be presented to the Human Resources Administrator. No file shall be removed from the Human Resources Department. Copies of materials may be provided to the certified employee at no cost to the employee for the first ten pages.

III. EMPLOYEE REFERENCES

- A. New Mexico Administrators/Supervisors, including those employed by Las Cruces Public Schools (LCPS), fall within the immunity from liability for references of former employees as provided under New Mexico Statute 50-12- 1 (1995).
- B. Administrators/Supervisors may choose to request any Acknowledgement, Agreement, Authorization, Waiver, or/and Release from liability, or any like document from a person or entity requesting a reference.
- C. Administrators/Supervisors will not disclose false information with malicious intent or to deliberately mislead a prospective employer. An employee, however cannot rebut the presumption of good faith by simply claiming without proof that an employer's response to a reference was false.
- D. The District prohibits any employee from providing a recommendation of employment for anyone that the employee knows, or has probable cause to believe has engaged in sexual misconduct with a student or minor in violation of the law.

IV. APPLICANT REFERENCES

- A. All LCPS applicants will sign an *Applicant's Acknowledgement and Agreement, Authorization, Waiver, and Release* as part of the application process.



*Approved, Dr. Miguel Serrano,
Chief Human Resources Officer*

December 17, 2018
Date Approved

History: Formerly Procedure 262, Revised 3.1.16, Revised 12.17.18
Legal Reference: NM Statute 50-12-1 (1995)