



## EMPLOYEE RECORDS

Responsibility:	<i>Coordinating Superintendent, Human Resource Services Senior Manager, Human Resource Services</i>
Legal References:	<i>Municipal Freedom of Information and Protection of Privacy Act</i>
Related References:	<i>Administrative Procedure 3760 – Progressive Behaviour Discipline Administrative Procedure 1100 – Privacy Protection and Access to Information Administrative Procedure 1110 – Records Information Management</i>
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### 1. Preamble

- 1.1 This procedure provides for the management (file content, file maintenance, file access and review), transfer, and retention of employee records. The procedure applies to both the central file and the site file on each employee of the Board. The procedure deals with the wide variety of documents relating to the individual employment history of each employee, including the evaluation of the performance or the review of the conduct of employees. This procedure also delineates the lines of responsibility for the management, transfer, and retention of employee records.

### 2. Central File

#### 2.1 *Contents*

- 2.1.1 An official file, referred to as the Central File, is maintained electronically on each employee and is under the control of Human Resource Services.
- 2.1.2 The Central File contains correspondence and information relating to the individual employment history of each employee. It includes, but is not limited to, the following documentation:
- 2.1.2.1 Resumes, including any application forms.
  - 2.1.2.2 Certification-related information, such as:
    - a) Ontario Teaching Certificates (OTC's),
    - b) Ontario Teacher Qualification Record Cards (OTQRC's),
    - c) degrees,
    - d) diplomas,
    - e) tradesperson qualification documentation,
    - f) training course information.
  - 2.1.2.3 Records checks, such as:
    - a) reference check forms,
    - b) police criminal records check forms,
    - c) reference letters provided by the employee at time of hire.
  - 2.1.2.4 Rating statements, such as:
    - a) Ontario Secondary School Teachers' Federation (OSSTF) group rating statements,
    - b) Qualifications Evaluation Council of Ontario (QECO) rating records.
  - 2.1.2.5 Copies of postings for which the employee was the successful applicant, where available.
  - 2.1.2.6 Acceptance of position information and related data.
  - 2.1.2.7 Teaching contracts.

- 2.1.2.8 Benefits coverage information, including beneficiary designation (as applicable due to central benefits plans).
- 2.1.2.9 Occasional teaching-related information.
- 2.1.2.10 Casual employment-related information (such as Temporary Hourly Replacements [THR's] or Custodial and Maintenance Helpers [CMH's] information).
- 2.1.2.11 Salary information.
- 2.1.2.12 Personnel/payroll-related information.
- 2.1.2.13 Employee data sheets generated by Human Resource Services using the Human Resources Information System (HRIS).
- 2.1.2.14 Correction, or deletion, documentation re personal information.
- 2.1.2.15 Performance appraisals/evaluations (past and present).
- 2.1.2.16 Leave of absence requests and related documentation.
- 2.1.2.17 Sick leave and attendance-related information, including documentation concerning usage or annual (cumulative) statements.
- 2.1.2.18 Transfer-related information.
- 2.1.2.19 History of employment with the Board.
- 2.1.2.20 Work history prior to the Board.
- 2.1.2.21 Discipline-related documentation (as provided for in the Progressive Discipline procedures, AP 3760 – Progressive Discipline).
- 2.1.2.22 Resignation, retirement, termination or death documentation.
- 2.1.2.23 Pension-related data or information.

## 2.2 *Maintenance*

- 2.2.1 Human Resource Services maintains ~~some~~ employee information in electronic format. Employee records may also be maintained in the Financial Services Department (Accounting area) and/or the Employee Wellness department of Human Resource Services (e.g. workers' compensation-related information and doctors' notes as required).
- 2.2.2 The full and official record of any employee's employment with the Board is comprised of information contained in:
  - 2.2.2.1 The electronic records maintained by Human Resource Services, including Payroll; and
  - 2.2.2.2 The Employee Wellness Department files.
- 2.2.3 Employees should receive a copy of any document before it is placed in the employee's Central File (excluding standard Human Resources data entry and related forms, and/or documentation submitted by the employee).

## 2.3 *Access and Review*

- 2.3.1 An employee is entitled to access and review the Central File upon the provision of reasonable notice to Human Resource Services. The employee may elect to have federation or association representation present during such a review. When a new assignment has been confirmed, an employee's supervisor or prospective supervisor is entitled to access and review the Central File on the employee in Human Resource Services. In this respect, an employee's supervisor includes senior administrative officials of the Board.

## 3. **Site File**

- 3.1 In addition to the Central File maintained in Human Resource Services on each employee, a Site File will be maintained and kept current by the principal or supervisor at the employee's work site.
- 3.2 The Site File contains records that a principal or supervisor "needs to know" in order to administer supervisory responsibilities. It may include, but is not limited to, copies of the following documentation:
  - 3.2.1 Certification-related information (for teaching staff).
  - 3.2.2 Discipline-related documentation (as provided for in the Progressive Discipline procedure, AP 3760).

- 3.2.3 Current leave of absence requests and related documentation.
  - 3.2.4 Notes of congratulations and commendations relevant to the employee's position(s) provided such notes have been shared with the employee;
  - 3.2.5 Notes of concern relevant to the employee's position(s) (excluding progressive discipline documentation such as notes of concern from the principal or supervisor), provided that:
    - 3.2.5.1 The principal or supervisor is aware of the identity of the author of the note.
    - 3.2.5.2 Such notes have been shared with the employee.
    - 3.2.5.3 The employee has been provided with an opportunity to provide written comments in response to such notes which, if provided, are to be attached to the notes.
    - 3.2.5.4 The principal's or supervisor's written summary comments, if any, on how concerns were resolved will also be attached to the notes (and provided to the employee).
  - 3.2.6 Performance appraisals/evaluations.
  - 3.2.7 Professional growth plans, if any.
  - 3.2.8 The most current resume, including any application forms, relating to the position(s) at the site held by the employee.
  - 3.2.9 Teacher transfer data forms.
- 3.3 The Site File may also include a principal's or a supervisor's "working notes" when a performance appraisal/evaluation or progressive discipline is in progress (reference Progressive Discipline procedure, AP 3760); however, principals or supervisors may elect to maintain their working notes outside of the Site File. A principal's or supervisor's working notes will include a notation of any verbal warnings given to an employee (as provided for in the Progressive Discipline procedure, AP 3760).
- 3.4 *Maintenance*
- 3.4.1 The Site File will be maintained in a secure location on-site in the school or Education Centre department and will be accessible only by the appropriate principal(s), vice-principal(s), or manager(s)/supervisor(s).
  - 3.4.2 Any variations to this process are listed below:
    - 3.4.2.1 *Custodial/Maintenance Employees* (members of the Custodial and Maintenance Association (CAMA)) – The Site File will be housed in a secure location in the Facility Services Department. Any working notes will be maintained in a secure location by each supervisor of custodial services.
    - 3.4.2.2 *Employees who work at more than one site* (excluding custodial and maintenance employees) – There may be a Site File at each of the multiple sites. Site files on itinerant special education staff under the supervision of the Superintendent, Student Achievement & Well-Being (Special Education) or the System Administrator, Learning Services - Special Education will be maintained by that Superintendent or System Administrator.
    - 3.4.2.3 *Occasional Teachers and Temporary Hourly Replacements [THR's]* – No Site Files will be maintained in the schools for these employees. All documentation will be maintained in the Central File in Human Resource Services except for notes of congratulations, commendation or non-disciplinary notes of concern. Such notes will be maintained in separate "site" files by the Human Resources Officers responsible for Occasional Teacher and THR staffing after such notes have been shared with employees, as provided above.
    - 3.4.2.4 *Principals and Managers/Supervisors* – Site files on these employees will be maintained by the superintendent who supervises the principal(s) or managers/supervisors.
  - 3.4.3 Note: Senior administrative officials may maintain another Site File and/or working notes on any employee, when relevant. Such files and/or working notes maintained by senior administrative officials will be retained by senior administrative officials until the retirement, resignation, or dismissal of the employee. Copies of documents which senior administrative officials are in receipt of, or prepare, which should be included in the central

or site files (as provided for in the “Contents” sections of this Procedure pertaining to central or site files) will be included in the central or site files, as appropriate.

- 3.4.4 The Site File or any working notes maintained by the principal or supervisor do not constitute part of the official record (Central File) of an employee’s work record with the Board. If documentation in the Site File is to be included in the Central File, then a copy of the document(s) must be provided to the employee (if not already done so) and to Human Resource Services for inclusion in the employee’s Central File. Employees must be notified whenever documentation is being provided to Human Resource Services for inclusion in their Central File.
- 3.4.5 As a result, it is anticipated that most of the documentation in the Site File will be a duplication of documents in the Central File, with the exception of any notes of congratulation/commendation, notes of concern, or the principal’s/supervisor’s working notes.

### 3.5 *Access and Review*

After an employee transfers between sites, the employee is entitled to access and review the Site File upon the provision of reasonable notice to the principal/supervisor. The employee may elect to have federation or association representation present during such a review. No employee nor their federation or association may remove any documentation from the Site File.

## 4. **Secure Transfer of Employee Records – Site File**

### 4.1 Transfer of Employee to another Site

- 4.1.1 Upon an employee transfer, the ‘sending’ principal or supervisor will review that employee’s Site File to ensure it contains only those documents listed under “Contents” in the *Employee Records – Site File* section of this procedure which remain relevant, and to remove working notes, if any. If a principal or supervisor is uncertain whether to dispose of or retain any documents removed from the Site File, then those items will be forwarded to the appropriate Human Resources Manager or Officer. Determination of their disposition will be made following a review by the Manager or Officer and, as necessary, by the Coordinating Superintendent of Human Resource Services.
- 4.1.2 The Site File is then forwarded by the ‘sending’ principal/supervisor in a secure and confidential manner directly to the principal/supervisor of the site to which the employee has been transferred. The ‘receiving’ principal/supervisor will be responsible for reading the documentation in the Site File upon its receipt. In addition, if requested by the employee, the principal/supervisor will review the contents of the Site File with the employee after the transfer takes place, as provided for under “access and review” in the *Employee Records – Site File* section of this procedure.
- 4.1.3 When the “sending” principal/supervisor is of the opinion that there is information in the Site File or in the working notes which is relevant to the employee’s position at the new site and which should be brought to the attention of the “receiving” principal/supervisor, then it is the responsibility of the “sending” principal/supervisor to contact the “receiving” principal/supervisor and discuss that information.
- 4.1.4 If an employee has been or will be absent from his/her work location for a significant period of time due to illness or injury, and will not likely be returning to that location, Human Resource Services will provide direction to the principal/supervisor regarding the management of the Site File.

### 4.2 Retirement, Resignation or Dismissal of Employee

- 4.2.1 Upon the retirement, resignation, or dismissal of an employee, the principal or supervisor will review that employee’s Site File to ensure it contains only those documents listed under “Contents” in the *Employee Records – Site File* section of this procedure which remain relevant, and to remove any working notes. The Site File is then forwarded in a secure and confidential manner directly to Human Resource Services.
- 4.2.2 If a principal or supervisor is uncertain whether to dispose of or retain any documents removed from the Site File, then those items will be forwarded to the appropriate Human Resources Manager or Officer. Determination of their disposition will be made following

a review by the Manager or Officer and, as necessary, by the Superintendent of Human Resource Services.

## 5. Employee Medical Records

- 5.1 The confidential nature of all personal and medical information provided by the employee or their treating practitioner(s) to the school board will be respected by all involved.
- 5.2 The Employee Wellness Manager or designate is responsible for ensuring that all employee medical records (active and inactive) are:
- kept in strictest confidence;
  - maintained separate from the respective employee central file;
  - only accessed by authorized Employee Wellness Department staff.
- 5.3 No information from an employee's medical records will be given to a third party without the employee's written consent, unless required by law. If required by law, the Employee Wellness Manager or designate will notify the employee.

## 6. Retention

- 6.1 In accordance with the Board's Records Retention Schedule, employee records are retained as follows:
- *Central Files:* The original documents contained in an employee's Central File are retained by Human Resource Services for a minimum of seven (7) years to meet Canada Revenue Agency requirements following the employee's retirement, resignation, or dismissal. At the time of hire or the time of a change to the employee's file, the original paper file(s) are scanned and stored electronically and the original paper documentation is securely destroyed. Note that Employee Medical Records are handled differently as outlined below.
  - *Site Files:* Documents contained in an employee's Site File are retained at the employee's worksite (excluding Site Files for custodial and maintenance staff, employees who work at more than one site, occasional teachers, temporary hourly replacements (THR's), principals, managers, and supervisors) until the retirement, resignation, dismissal or transfer of that employee, at which time the Site File is reviewed and forwarded as appropriate (refer to *Transfer of Employee Records - Site File* section of this procedure).
  - *Employee Medical Records:* The medical records of former employees are retained for ten (10) years. Employee Workplace Safety and Insurance Board (WSIB) records are to be retained for ten (10) years and records of employees exposed to regulated substances are retained permanently.