

## General Personnel

### **5:150 Personnel Records**

#### Prospective Employer Inquiries Concerning a Current or Former Employee's Job Performance

The Executive Director or designee shall develop and manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance. The Executive Director shall:

1. Execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a Cooperative employee and was the subject of a report made by a Cooperative employee to Ill. Dept. of Children and Family Services (DCFS); and
2. Comply with the federal law prohibiting the Cooperative from providing a recommendation of employment for an employee, contractor, or agent that Cooperative knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law, but the Executive Director or designee may follow routine procedures regarding the transmission of administrative or personnel files for that employee.
3. Manage the Cooperative's responses to employer requests for sexual misconduct related employment history review (EHR) information in accordance with *Faith's Law*.

When requested for information about an employee by an entity other than a prospective employer, the Cooperative will only confirm position and employment dates unless the employee has submitted a written request to the Executive Director or designee.

#### Maintenance and Access to Records

**Please refer to the applicable collective bargaining agreement(s).**

**For employees not covered by a current applicable bargaining agreement:**

The Executive Director or designee shall manage the maintenance of personnel records in accordance with State and federal law and Board policy. Records are retained for all employment applicants, employees, and former employees given the need for the Cooperative to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements, as determined by the Executive Director. Personnel records shall be maintained in the Cooperative's administrative office, under the Executive Director's direct supervision.

Reasonable access to a Cooperative employee's personnel records is available as follows:

1. To the employee according to State law and guidelines developed by the Executive Director.
2. To an employee's supervisor or an administrator who has an employment or business-related reason to inspect the personnel records.
3. To anyone having the respective employee's written consent.
4. To anyone authorized by State or federal law.

All other requests for access to personnel records are governed by Board policy 2:250, *Access to Cooperative Public Records*.

LEGAL REF.:

20 U.S.C. §7926.

105 ILCS 5/22-94.

325 ILCS 5/4, Abused and Neglected Child Reporting Act.

745 ILCS 46/10, Employment Record Disclosure Act.

820 ILCS 40/, Personnel Record Review Act.

23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to Cooperative Public Records), 5:90 (Abused and Neglected Child Reporting), 7:340 (Student Records)

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**Proviso Area for Exceptional Children (P.A.E.C.)**

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