

CHAPTER 19

EMPLOYEE PERSONNEL FILES

BARGAINING UNITS REFER TO CONTRACT

19.1 PERSONNEL FILES

19.1.A MAINTENANCE OF FILE: The District official personnel files will be kept in the Human Resources office.

19.1.B INSPECTION OF PERSONNEL FILES BY EMPLOYEE: All personnel information concerning an employee is confidential. An employee shall have the right to inspect his/her personnel file upon request provided that the request is made at a time when the employee is not actually required to render services to the District. An employee shall have access to all material in his/her personnel file, except that such materials subject to inspection shall not include confidential ratings, reports or records which were:

1. Obtained prior to the person's employment.
2. Prepared by identifiable examination committee members.
3. Obtained in connection with a promotional examination.

REFERENCE: 1. Education Code Sections 87031, 88080 and 88081
 2. Labor Code Section 1198.5
 3. Government Code Section 6250

19.1.C INSPECTION BY OTHERS: Only those persons with a "need to know" or "right to know" may access an employee's personnel file. An employee may authorize in writing, a representative to review their file.

REFERENCE: Education Code Sections 88080 and 88081

19.1.D SIGNATURE/DATE REQUIRED: Written material placed in an employee's personnel file shall be signed and dated by the person originating the document. (See Chapter 16.1.I).

REFERENCE: Education Code Sections 88080 and 88081

19.1.E PERSONNEL FILE LOG MAINTAINED: The Human Resources office shall keep a log indicating the persons who have examined a personnel file as well as the date such examinations were made. Such log and the employee's personnel file shall be available for inspection by the employee or the employee's official representative (with written authorization from the employee). District employees who need access to

personnel files in the normal course of their duties shall not be required to log use of files. (Example: Human Resources staff members placing correspondence or completed evaluation forms in an employee's personnel file would not be required to log use of the files).

REFERENCE: Education Code Sections 88080 and 88081

19.1.F DEROGATORY INFORMATION: Information of a derogatory nature shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. Such review shall take place during normal business hours and without loss of pay to the employee. The affected employee shall be furnished with a copy of the proposed material fifteen (15) working days prior to it being placed in that employee's official personnel file. An employee shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon.

REFERENCE: Education Code Sections 87031, 88080 and 88081

19.1.G APPEAL OF PLACEMENT OF MATERIAL IN FILE: An employee may appeal the placement of derogatory information in the personnel file through the Personnel Commission's complaint procedure as outlined in Chapter 17. The timeline for appealing shall coincide with the time limits outlined in Chapter 17. The only cause for appeal shall be a claim that a law, rule of the Personnel Commission, or contract section has been violated.

REFERENCE: Education Code Sections 88080 and 88081

19.1.H REMOVAL OF DEROGATORY MATERIAL: If the Commission sustains a complaint the derogatory material shall be removed from the employee's personnel file. In no other instance shall derogatory information be removed from the personnel file. At the point that any complaint is not sustained by the Commission or the time period for filing complaint related to derogatory information has passed without the filing of a complaint, the derogatory material shall be considered a Class 1 - Permanent Record, and shall not be removed.

REFERENCE: 1. Education Code Sections 35253, 45031, 88080 and 88081
2. Administrative Code Section 16023