

CHAPTER 120

EMPLOYEE PERSONNEL FILES

120.1 PERSONNEL FILES

120.1.1 MAINTENANCE OF FILE: The Personnel Commission shall maintain an official employee personnel file for each classified employee.

REFERENCE: Education Code Section 45260 and 45261

120.1.2 INSPECTION OF PERSONNEL FILES BY EMPLOYEE: An employee shall have the right to inspect his personnel file upon request. Such inspection shall take place during normal business hours, and with the approval of the supervisor, the employee shall be released from duty for this purpose without salary reduction. An employee shall have access to all material in his personnel file, except that such materials subject to inspection shall not include confidential ratings, reports or records which were:

120.1.2.1 Obtained prior to the person's employment.

120.1.2.2 Prepared by examination committee members.

120.1.2.3 Obtained in connection with a promotional examination.

REFERENCE:

1. Education Code Sections 45260, 45261, and 44031
2. Labor Code Section 1198.5
3. Government Code Section 6250

120.1.3 INSPECTION BY OTHERS: The employee personnel file shall be available for inspection by the Superintendent, the Director of Classified Personnel Services and members of the Personnel Commission, the immediate supervisor above the employee, and the employee and his official representative (with written approval from the employee). The inspection of the personnel file by an individual other than the employee (or his official representative) shall only be allowed when actually necessary in the proper administration of the District's affairs or the supervision of the employee or with the written consent of the employee, or by court order.

120.1.4 PERSONNEL FILE LOG MAINTAINED: The Director of Classified Personnel Services 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 his 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: Clerical staff members placing correspondence or completed evaluation forms in an employee's personnel file would not be required to log use of the files.)

120.1.5 DEROGATORY INFORMATION: Information of a derogatory nature, except material referred to in Rules 120.1.2.1 - through 120.1.2.3, 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 ten (10) workdays prior to it being placed in his file. An employee shall have the right to enter, and have attached to any such derogatory statement, his own comments thereon.

REFERENCE: Education Code Section 44031

120.1.6 SIGNATURE/DATE REQUIRED: Any person who places written material or drafts written material for placement in an employee's personnel file shall sign the material and signify the date on which such material was drafted. Any written materials placed in a personnel file shall indicate the date of such placement.

120.1.7 APPEAL OF PLACEMENT OF MATERIAL IN FILE: An employee may appeal the placement of derogatory information in his personnel file through the Personnel Commission's grievance procedure. The timeline for appealing shall coincide with the ten (10) working day inspection period outlined in Rule 120.1.5. The only cause for appeal shall be a claim that a law or rule of the Personnel Commission has been violated.

120.1.8 REMOVAL OF DEROGATORY MATERIAL: If the Commission sustains a grievance 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 grievance is not sustained by the Commission or the time period for filing a grievance related to derogatory information has passed without the filing of a grievance, the derogatory material shall be considered a Class 1 - Permanent Record, and shall not be removed.