

CHAPTER 12 – PERSONNEL FILES

12.1 Personnel Files

This chapter does not apply to an employee covered by a valid collective bargaining agreement.

Labor Code: 1198.5

12.1.1 Maintenance of Files

Personnel files will be kept in the Classified Human Resources Office.

12.1.2 Inspection of Personnel Files by Employee

All personnel information in an employee personnel file 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 obtained prior to the person's employment prepared by identifiable examination committee members, obtained in connection with a promotional examination.

An employee or former employee who requests to view their personnel file should provide a written request to Classified Human Resources.

Education Codes: 45260, 45261 and 44031

Labor Code: 1198.5

12.1.3 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, inspect, or receive a copy of his or personnel records.

Education Codes: 45260 and 45261

Labor Code: 1198.5

12.1.4 Signature/Date Required

Written material placed in an employee's personnel file shall be signed and dated by the person originating the document.

Lompoc Unified School District
Merit System Rules for the Classified Employees

Education Codes: 45260 and 45261

12.1.5 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).

Education Codes: 45260 and 45261

12.1.6 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 ten (10) 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.

Education Codes: 44031, 45260 and 45261

12.1.7 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 grievance procedure outlined in Chapter 18. The only cause for appeal shall be a claim that the District has failed to follow procedures set forth in these Rules.

Education Codes; 45260 and 45261

12.1.8 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 instances 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

Lompoc Unified School District
Merit System Rules for the Classified Employees

grievance, the derogatory material shall be considered a Permanent Record, and shall not be removed.

Education Codes; 45260 and 45261
Labor Code Section: 1198.5