

## ARTICLE 10

### PERSONNEL FILES

- 10.1 Each bargaining unit member shall have only one (1) personnel file, which shall be maintained at the District, except as below. The site administrators may maintain an on-site file as provided herein.
- 10.2 Materials in personnel files of bargaining unit members, which may serve as a basis for affecting the status of their employment, are to be made available for the inspection of the person involved.
- 10.3 Such material is not to include ratings, reports, or records which:
  - (A) Were obtained prior to the employment of the person involved,
  - (B) Were prepared by identifiable examination committee members, or
  - (C) Were obtained in connection with a promotional examination.
- 10.4 Every bargaining unit member shall have the right to inspect such materials, upon written request, provided that the request is made for a time when such person is not actually required to render services to the employing District. The bargaining unit member shall acknowledge that they have read such material by offering their signature and date on each copy examined. A person responsible for such files shall be present during the examination and shall remove confidential material, which the bargaining unit member is prohibited from examining.
- 10.5 Information of a derogatory nature, except material mentioned in section 10.2, shall not be entered or filed unless and until the bargaining unit member is given notice and an opportunity to review and comment thereon. Information proven to be in error may be removed or corrected by management, but when circumstances preclude the removal or correction of proven false information, it shall be noted as such. A bargaining unit member shall have the right to enter and have attached to any such derogatory statement their own comments thereon.
- 10.6 Derogatory information shall not be placed in a bargaining unit member's personnel file until ten (10) working days have elapsed for the purpose of affording the bargaining unit member the opportunity to respond in writing to the derogatory material.
- 10.7 Upon written authorization by the bargaining unit member, a representative of the Association shall be permitted to examine and obtain copies of materials in such bargaining unit member's personnel or on-site file.
- 10.8 The person or persons who draft and/or place material in a bargaining unit member's personnel or on-site file shall sign the material and signify the date on which such material was drafted and placed in the file.
- 10.9 Any material, other than those documents covered by law, may be removed from the unit member's District personnel file upon written request of the employee involved and approval by a joint District and Association committee.

- 10.9.1 Evaluations and all documentation associated with the evaluation shall not be removed through this process.
- 10.9.2 A written request for document removal may be submitted after documentation has been in the unit member's District personnel file for one (1) year from the date the item is initially issued and each subsequent year if denied.
- 10.9.3 The committee shall consist of the supervisor who wrote the document(s) or current supervisor if the authorizing supervisor is no longer an administrator in the District, the Associated Superintendent of Human Resources or the Certificated Human Resources Director, and two Fontana Teachers Association representatives.
  - (A) The unit member requesting the removal of any document shall be provided fifteen (15) minutes to speak with the committee prior to a decision being made.
  - (B) All members of the committee must be present to make the decision whether the document(s) will be removed. Three (3) of four (4) committee members must agree for any document(s) to be removed.
  - (C) Written notice of the committee's decision will be provided to the petitioning unit member within ten (10) working days.
- 10.10 Every bargaining unit member shall have the right to inspect their on-site file, upon written request, provided that the request is made for a time when such person is not actually required to render services to the District. The bargaining unit member shall acknowledge that they have read such material by offering their signature and date on each copy examined. Site files will be maintained in accordance with legal requirements to support the memory of individual site administrators. Documents which may be held in site files will not be retained for or transferred to successor site administrators except that nothing contained in this provision shall prohibit an administrator from retaining in their possession any document of which they are the maker.