

Personnel

PERSONNEL FILES

**AR 4112.6
4212.6
4312.6**

The Superintendent or designee shall maintain personnel files for all current employees at the district's central office or at the location where the employee works.

The Superintendent or designee shall determine the types of information to be included in personnel files, including, but not limited to, records required by law, and shall process all material to be placed in such files.

Personnel files for district police or security officers shall be maintained and accessed in accordance with Government Code 3305-3306.5.

Placement of Material in Personnel Files

Any supervisor or administrator who places written material or drafts written material for placement in an employee's file shall sign the material and indicate the date of the placement.

When an employee is asked to sign any material that is to be placed in the employee's file, the employee shall be informed that the signature only signifies that the employee has read the material and does not necessarily indicate that the employee agrees with its contents.

Any request by an employee to include materials in the employee's personnel file shall be approved by the Superintendent or designee.

An employee may initiate a written reaction or response to the employee's performance evaluation. The response shall be permanently attached to the evaluation and placed in the employee's personnel file. (Education Code 44663)

Derogatory Information

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee shall be released from duty for this purpose without a salary reduction. The employee may enter the employee's own comments and have them attached to the derogatory statement. (Education Code 44031)

Personnel

PERSONNEL FILES

AR 4112.6
4212.6
4312.6

Persons with Authorized Access

The Superintendent or designee shall maintain the confidentiality of any personnel records which, if inappropriately disclosed, would constitute an unwarranted invasion of the employee's privacy.

Access to an employee's personnel file shall be granted only to the employee or former employee, persons authorized by the employee, district personnel, and others with a valid "right to know" or "need to know" who are authorized access by the Superintendent or designee.

An individual Governing Board member shall not access or be given access to an employee's or former employee's personnel files, but the Board may request pertinent information from an employee's or former employee's file in the case of a personnel action.

Additionally, an employee or former employee's personnel files shall only be disclosed to an officer or employee of an agency conducting immigration enforcement in accordance with Board Policy/Administrative Regulation 1445 - Response to Immigration Enforcement.

Any authorized reviewer shall maintain strict confidence of the contents of a personnel file. Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unsecured overnight.

File Review by Employee

Any employee or former employee wishing to inspect the employee's or former employee's personnel record shall contact the Superintendent or designee.

Unless there is an exception as specified below, all personnel records related to the employee's or former employee's performance, including education or training records, or to any grievance concerning the employee or former employee shall be made available for inspection by the employee or former employee. Noncredentialed employees shall have access to any numerical scores obtained as a result of written examinations. (Education Code 44031; Labor Code 1198.5)

Personnel

PERSONNEL FILES

**AR 4112.6
4212.6
4312.6**

The Superintendent or designee shall not be required to make available to the employee or former employee: (Education Code 44031; Labor Code 1198.5)

1. Records related to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports, or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

Personnel records related to the employee's, or former employee's, job performance or to any grievance concerning the employee shall be made available to the employee for inspection at reasonable intervals and at reasonable times, but not later than 30 calendar days from the date the district receives a written request, unless the current or former employee, or the employee's representative, and the Superintendent or designee agree in writing to a date beyond 30 calendar days to inspect the records, and the agreed-upon date does not exceed 35 calendar days from the district's receipt of the written request. (Education Code 44031; Labor Code 1198.5)

For current employees, the Superintendent or designee shall make the records available for inspection at the place where the employee reports to work, or at another mutually agreeable location. If the Superintendent or designee requires the employee to inspect the records at a location other than the place where the employee reports to work, there shall be no loss of compensation to the employee. The Superintendent or designee shall not be required to make such records available at a time when the employee is required to render services to the district. (Education Code 44031; Labor Code 1198.5)

For former employees, the Superintendent or designee shall make the records available for inspection at the location where the district stores the records unless a different location is mutually agreed to. If a former employee was terminated for violation of law, or an employment-related policy, involving harassment or workplace violence, the Superintendent or designee may make the personnel records available at a location other than the workplace that is within a reasonable driving distance of the former employee's residence, or provide a copy of the personnel records by mail. (Labor Code 1198.5)

If the employee has, in writing, authorized a representative, the employee may

Personnel

PERSONNEL FILES

AR 4112.6
4212.6
4312.6

be accompanied by that representative while reviewing the employee's personnel records. The Superintendent or designee may take reasonable steps to verify the identity of a current or former employee or the employee's authorized representative. (Labor Code 1198.5)

Inspection shall take place in the presence of the Superintendent or designee. The Superintendent or designee shall keep a record of the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records.

Upon a written request from a current or former employee, or their representative, the Superintendent or designee shall provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, no later than 30 calendar days from the date the district receives the request. The deadline to provide a copy of the records may be extended to a date beyond 30 calendar days if the current or former employee, or their representative, and the Superintendent or designee agree in writing, as long as the agreed-upon date does not exceed 35 calendar days from the receipt of the written request. The Superintendent or designee shall provide any copy of a personnel file at the place described above for inspection. A former employee may receive a copy by mail if the employee reimburses the district for actual postal expenses. (Labor Code 1198.5)

Record Retention

Personnel records for current and former employees shall be retained in accordance with 5 CCR 16023.

Egregious Misconduct

The Superintendent or designee shall not expunge from an employee's personnel file, nor enter into an agreement that would authorize expunging from an employee's personnel file, credible complaints of, substantiated investigations into, or discipline for egregious misconduct as defined in Education Code 44932. However, such documentation may be removed if, during a hearing before the Board, an arbiter, personnel commission, Commission on Professional Competence, or administrative law judge, the employee prevailed, the allegations were determined to be false, not credible, or unsubstantiated, or a determination was made that the discipline was not

Personnel

PERSONNEL FILES

AR 4112.6
4212.6
4312.6

warranted. (Education Code 44939.5)

Upon receipt of an inquiry from another district, county office of education, charter school, state special school or diagnostic center operated by the California Department of Education, or private school, in regard to an applicant for employment to that entity, the Superintendent or designee shall disclose to the inquiring entity all relevant information related to any report of egregious misconduct to the Commission on Teacher Credentialing within its possession in regard to such applicant, including information in the employee's or former employee's personnel file, as specified in Education Code 44051 and 44939.5.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 16020-16022
5 CCR 16023-16027
Ed. Code 234.7

Ed. Code 35253
Ed. Code 44031
Ed. Code 44051

Ed. Code 44663

Ed. Code 44932
Ed. Code 44939.5
Gov. Code 3305-3306.5
Gov. Code 7920.000-7930.215
Gov. Code 7927.700

Gov. Code 7928.300

Lab. Code 1198.5
Pen. Code 11165.14

Management Resources

Court Decision

Court Decision

Description

[Records; general provisions](#)

[District records; retention and destruction](#)

[Protections relating to immigration and citizenship status](#)

[Regulations to destroy records](#)

[Personnel file contents and inspection](#)

[Noncertificated employees; report of egregious misconduct](#)

[Certificated employees; performance evaluations and related materials](#)

[Grounds for dismissal of permanent employees](#)

[Certificated employees; report of egregious misconduct](#)

[District police officers; personnel files](#)

[California Public Records Act](#)

[Exemption for personnel records if invasion of personal privacy](#)

[Disclosure of employee contact information to employee organization](#)

[Personnel records related to performance and grievance](#)

[Report of investigation of child abuse complaint](#)

Description

[Bakersfield City School District v. Superior Ct. \(2004\) 118 Cal.App.4th 1041](#)

[Marken v. Santa Monica-Malibu Unified School District \(2012\) 202 Cal.App.4th 1250](#)

Personnel

PERSONNEL FILES

AR 4112.6
4212.6
4312.6

Website

[CSBA District and County Office of Education Legal Services](#)

Cross References

Policy	Description
0440	<u>District Technology Plan</u>
0441	<u>Artificial Intelligence</u>
1312.1	<u>Complaints Concerning District Employees</u>
1312.1	<u>Complaints Concerning District Employees</u>
1340	<u>Access To District Records</u>
1340	<u>Access To District Records</u>
1445	<u>Response To Immigration Enforcement</u>
1445	<u>Response To Immigration Enforcement</u>
3400	<u>Management Of District Assets/Accounts</u>
3400	<u>Management Of District Assets/Accounts</u>
3514.1	<u>Hazardous Substances</u>
3514.1	<u>Hazardous Substances</u>
3515	<u>Campus Security</u>
3515	<u>Campus Security</u>
3515.3	<u>District Police/Security Department</u>
3515.3	<u>District Police/Security Department</u>
3580	<u>District Records</u>
3580	<u>District Records</u>
4030	<u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u>
4032	<u>Reasonable Accommodation</u>
4111	<u>Recruitment And Selection</u>
4111.2	<u>Legal Status Requirement</u>
4111.2	<u>Legal Status Requirement</u>
4112	<u>Appointment And Conditions Of Employment</u>
4112.2	<u>Certification</u>
4112.2	<u>Certification</u>
4112.41	<u>Employee Drug Testing</u>
4112.41	<u>Employee Drug Testing</u>
4112.5	<u>Criminal Record Check</u>
4112.5-E(1)	<u>Criminal Record Check</u>
4112.61	<u>Employment References</u>
4112.9	<u>Employee Notifications</u>
4112.9-E(1)	<u>Employee Notifications</u>
4115	<u>Evaluation/Supervision</u>
4115	<u>Evaluation/Supervision</u>
4117.5	<u>Termination Agreements</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>

Personnel

PERSONNEL FILES

**AR 4112.6
4212.6
4312.6**

4119.23	<u>Unauthorized Release Of Confidential/ Privileged Information</u>
4131.1	<u>Teacher Support And Guidance</u>
4131.1	<u>Teacher Support And Guidance</u>
4144	<u>Complaints</u>
4144	<u>Complaints</u>
4151	<u>Employee Compensation</u>
4154	<u>Health And Welfare Benefits</u>
4154	<u>Health And Welfare Benefits</u>
4211	<u>Recruitment And Selection</u>
4211.2	<u>Legal Status Requirement</u>
4211.2	<u>Legal Status Requirement</u>
4212	<u>Appointment And Conditions Of Employment</u>
4212.41	<u>Employee Drug Testing</u>
4212.41	<u>Employee Drug Testing</u>
4212.5	<u>Criminal Record Check</u>
4212.5-E(1)	<u>Criminal Record Check</u>
4212.61	<u>Employment References</u>
4212.9	<u>Employee Notifications</u>
4212.9-E(1)	<u>Employee Notifications</u>
4215	<u>Evaluation/ Supervision</u>
4217.5	<u>Termination Agreements</u>
4218	<u>Dismissal/ Suspension/ Disciplinary Action</u>
4218	<u>Dismissal/ Suspension/ Disciplinary Action</u>
4218.1	<u>Dismissal/ Suspension/ Disciplinary Action (Merit System)</u>
4219.23	<u>Unauthorized Release Of Confidential/ Privileged Information</u>
4251	<u>Employee Compensation</u>
4254	<u>Health And Welfare Benefits</u>
4254	<u>Health And Welfare Benefits</u>
4311	<u>Recruitment And Selection</u>
4311.2	<u>Legal Status Requirement</u>
4311.2	<u>Legal Status Requirement</u>
4312.41	<u>Employee Drug Testing</u>
4312.41	<u>Employee Drug Testing</u>
4312.5	<u>Criminal Record Check</u>
4312.5-E(1)	<u>Criminal Record Check</u>
4312.61	<u>Employment References</u>
4312.9	<u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u>
4315	<u>Evaluation/ Supervision</u>
4317.5	<u>Termination Agreements</u>

Personnel

PERSONNEL FILES

**AR 4112.6
4212.6
4312.6**

4319.23	<u>Unauthorized Release Of Confidential/ Privileged Information</u>
4344	<u>Complaints</u>
4344	<u>Complaints</u>
4351	<u>Employee Compensation</u>
4354	<u>Health And Welfare Benefits</u>
4354	<u>Health And Welfare Benefits</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5145.3	<u>Nondiscrimination/ Harassment</u>
5145.3	<u>Nondiscrimination/ Harassment</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>
5148.3	<u>Preschool/ Early Childhood Education</u>
5148.3	<u>Preschool/ Early Childhood Education</u>
9011	<u>Disclosure Of Confidential/ Privileged Information</u>
9321	<u>Closed Session</u>
9321-E(1)	<u>Closed Session</u>
9321-E(2)	<u>Closed Session</u>

Regulation

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PASADENA UNIFIED SCHOOL DISTRICT

Pasadena, California