



Board Policy 413 Personnel Files Classified Staff

Reference: *Education Code Section 87031, 72603*
5 Cal. Adm. Code 16020
Atty. Gen. Op. Cu75-53/June 6, 1975

It is necessary for the orderly operation of the District to prepare a file for the retention of all papers bearing upon an employee's duties and responsibilities to the employee.

The Board requires that sufficient records exist to insure an employee's qualifications for the job held, compliance with federal, state and local benefit programs, conformance with District rules and evidence of complete evaluations.

The Board delegates the maintenance of personnel records to the Director of Human Resources.

Placement

Information of a derogatory nature except for ratings, reports, or records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members, or (3) were obtained in connection with a promotional examination, shall not be entered or filed unless the employee is given notice and an opportunity to review and comment thereon. An employee has the right to enter, and have attached to such derogatory statement, his/her own comments thereon. All materials of a derogatory nature of which could possibly adversely affect the employee's well-being must be signed and dated by the originating person. Anonymous documents letters or other materials shall not be filed.

The term "personnel files" shall refer to materials maintained by the Human Resources Office. Any duplicate files maintained by a supervisor are governed by the same access rights as permanent files maintained centrally. (This includes personal notes kept solely to refresh the memory of the person making the not as long as they are kept private.)

Access to Material in Employee Files

An employee may examine his/her own personnel record file. Such inspection will take place in the office where the files are maintained, during normal business hours, and in the presence of the administrative officer who is responsible for maintaining the files. Employees shall have the right to authorize, in writing, a representative to examine their personnel file and obtain copies of items within the file at their own expense. Prior to his/her examination of his/her file, all data listed in the first paragraph as (1), (2) and (3) above, shall be removed.

Access to personnel files by persons other than the employee himself/herself or his/her authorized representative is restricted to supervisory personnel on a need to know basis and to persons having legal court orders. In either case, the review will be made in the presence of the administrative officer who is responsible for the files.

Removal of Material Placed in Employee Files

A permanent employee notified that material of a derogatory nature is going to be placed in his/her personnel file may request that the material be amended or not placed at all in his/her personnel file.

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Such a request shall be made in writing within 10 working days after notification, clearly setting forth the reasons for his/her disagreement. The Chancellor, or designee, shall then conduct an investigation and issue a decision in writing to the employee to either make any corrections deemed necessary or to refuse to amend the record. The employee has the right to appeal this decision to the Governing Board. After an employee is given notice that material of a derogatory nature is going to be placed in his/her personnel file and he/she has been given an opportunity to review and comment thereon, the material becomes a part of the employee's permanent personnel file. As part of a permanent file, this material will be retained indefinitely, unless microfilmed.

Release of Information Concerning Employees

District employees are to release only the name and position title of school employees upon request. All other specific information, such as gross salary, deductions, net pay, years of service, verification of employment, home address, phone number etc., are not to be released without the express written authorization on the part of the employee involved.

Board approval date: _____