

1 **General Provision**

2 There shall be one (1) official District personnel file for each faculty member maintained in the District's
3 Personnel Office. The District Personnel Office shall maintain a log indicating the date of placement of
4 any written materials placed in the personnel file.

5 **Contents of Personnel File**

6 The personnel file consists of the following materials developed and received in the course of district
7 business.

8 **Initial Employment Record**

- 9 • Application
- 10 • Supplement Application(s)
- 11 • Transcripts of Academic Records
- 12 • Verification of Related Work Experience
- 13 • Pre-Employment Inquiries such as Interview Records, Letters of Recommendation, Testing
14 Materials
- 15 • Health Verification Documents(s)
- 16 • Approval of Employment – Board Action

17 **Service Records**

- 18 • Evaluation Reports
- 19 • Written Complaints and Disciplinary Actions
- 20 • Written Rebuttals to Written Complaints and Disciplinary Actions
- 21 • Letters of Recommendation
- 22 • Safety Rules Acknowledgement
- 23 • Annual Employee Salary Data Form
- 24 • Periodic Evidence of Chest X-Ray or Approved Intradermal Tuberculin Test

25 **Other Materials**

26 Other materials not listed above that are considered appropriate for inclusion by the Director of Human
27 Resources shall first be forwarded to the employee. The employee shall have ten (10) days from the
28 receipt of the materials to object to the inclusion. If the employee objects to inclusion, the determination
29 whether to include will be by agreement between the District and the Association.

30 Any person who requests placement of material in the personnel file shall sign and date the request.

31 **Usage of Personnel File**

32 Only materials in the official District personnel file shall be used in any proceeding affecting the status of
33 the faculty member's employment with the District.

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1 **Access to Personnel Files**

2 A faculty member may, by request, inspect his/her personnel file in the Personnel Office.

3 The faculty member's request for inspection shall be during a time when the faculty member is not
4 required to render service to the District.

5 Inspection of the faculty member's personnel file is not to include ratings, reports, or records which:

- 6 • were obtained prior to the employment of the person involved;
- 7 • were prepared by identifiable examination committee members, or;
- 8 • were obtained in connection with the promotional examination

9 Personnel files shall not be removed from the Personnel Office without prior approval of the Director of
10 Human Resources or designee.

11 Personnel files shall be inspected in the presence of an official of the Personnel Office or other designated
12 management employee.

13 The faculty member may be accompanied by a representative when inspecting his/her file. Anyone other
14 than an appropriate District employee must have written authorization by the faculty member, if not
15 accompanied by him/her.

16 **Access by Third Parties**

17 Personnel files are subject to inspection by third parties (1) with the written consent of the faculty
18 member or (2) pursuant to a subpoena issued in accordance with applicable State or Federal law or (3) the
19 order of a court of competent jurisdiction. Upon receiving a subpoena or court order requesting the
20 production of the records, the Personnel Office shall give the faculty member oral or written notice as
21 soon as possible, but no later than five (5) calendar days after receiving the subpoena or other order. In
22 order to protect the faculty member's right to privacy, prior to complying with the subpoena or court
23 order, the Personnel Office shall authenticate the order and consult legal counsel as may be necessary.

24 **Public Record**

25 Information contained in a faculty member's file that is a public record as defined by the California Public
26 Records Act, commencing with Section 6250 of the Government Code, is subject to inspection by the
27 public in accordance with the Act.

28 **Copy of Records**

29 Upon request, any faculty member may receive copies of materials in his/her personnel file. The faculty
30 member shall pay for the cost of reproduction of materials in accordance with the fee schedule in
31 Administrative Regulation R1120.

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1 **Information of a Derogatory Nature**

2 Information of a derogatory nature, except materials mentioned under “Access to Personnel Files” shall
3 not be entered or filed unless and until the faculty member is given notice and an opportunity to review
4 and comment thereon.

5 The Associate Vice President of Human Resources shall inform the faculty member of receipt of
6 derogatory material. The faculty member shall have ten (10) employee working days to enter a response
7 to any derogatory material.

8 “Derogatory” shall be interpreted to mean any information that would be considered degrading,
9 detracting, or disparaging to the employee. However, if the employee believes that any information to be
10 placed in the personnel file is derogatory, the employee may respond in writing.

11 The information shall be considered a part of the personnel file when (1) time for filing a grievance has
12 lapsed or (2) the document has been sustained by the grievance process. If the grievance is sustained, the
13 information shall not be considered a part of the personnel file and is a Class 3 disposable record.

14 **Sealing of Derogatory Information**

15 After four (4) years, a faculty member may request in writing to the Associate Vice President of Human
16 Resources, to have materials of a derogatory nature in his/her personnel file sealed from access by anyone
17 other than the President/Superintendent.

18 The request shall be acted upon by the President/Superintendent within a reasonable period of time from
19 receipt of the written request.

20 In the event the President/Superintendent needs to unseal the materials, he/she shall notify the faculty
21 member of the time, date, and place of such action. The faculty member may be present and may be
22 accompanied by a representative.

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