

CHAPTER 12

PERSONNEL FILES

12.1 PERSONNEL FILES

12.1.1 MAINTENANCE OF FILE:

The Personnel Commission shall maintain an official employee personnel file for each classified employee. These files will be kept in the Classified Human Resources Office.

Reference: EC§ 45260 and 45261

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 if made at a time when the employee is not actually required to render services to the District, unless it is impossible to arrange the review during off-duty hours and the employee has the written permission of his/her supervisor to be absent from work for a specified period of time. An employee shall have access to all material in his/her personnel file, except that such material subject to inspection shall not include confidential ratings, reports or records which were:

12.1.2.1 Obtained prior to the person's employment.

12.1.2.2 Prepared by identifiable examination committee members.

12.1.2.3 Obtained in connection with a promotional examination.

Reference: EC§ 45260, 45261, and 44031

Labor Code § 1198.5

Government Code § 6250

12.1.3 INSPECTION BY OTHERS:

The employee personnel file shall be available for inspection by the employee's official representative (with written approval from the employee). The inspection of the personnel file by an individual other than the employee (or official representative) shall only be allowed when necessary in the proper administration of the District's affairs or the supervision of the employee.

Reference: EC§45260 and 45261

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.

Reference: EC§ 45260 and 45261

12.1.5 PERSONNEL FILE LOG MAINTAINED:

The Classified 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.)

Reference: EC§ 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. The affected employee shall be furnished with a copy of the proposed material ten (10) working days prior to it being placed in the 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.

Reference: EC§ 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. The only cause for appeal shall be a claim that a law, rule of the Personnel Commission, or contract section has been violated.

Reference: EC§ 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 instance 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 grievance, the derogatory material shall be considered Permanent Records, and shall not be removed.

Reference: EC§ 45260 and 45261
Labor code §1198.5