

ARTICLE 9: PERSONNEL FILES

9.1 Personnel File Contents

9.1.1 Employee personnel files will be locked and maintained in accordance with Education Code Section 44031. Secret files are prohibited.

9.1.1.1 The reference to "secret files" does not prevent a principal or other administrator from maintaining and using documentation which verifies the disciplinary actions of an administrator such as an oral warning noted in a calendar or in a chronological record of administrative action.

9.1.1.2 Derogatory information in site files shall be entered into the personnel file or destroyed within two (2) years.

9.2 Inspection of Files

9.2.1 Every employee shall have the right to inspect/examine all his/her files upon request in accordance with Education Code Section 44031.

9.2.2 Any access to or examination of employees' personnel files requires the presence of the Assistant Superintendent of Human Resources or designee. A log shall be kept in each personnel file stating the date, purpose, and the signature of the Assistant Superintendent of Human Resources or designee.

9.2.2.1 The log requirement as provided herein shall not apply to routine file maintenance or the inclusion of:

- ♦ Yearly contract
- ♦ Sick leave status
- ♦ Verification of credentials
- ♦ Offer of employment
- ♦ Evaluations

9.2.2.2 Law enforcement or other official governmental investigations where confidentiality has been officially requested.

9.2.3 Information within the personnel file shall be considered confidential in nature except to the extent that disclosure may be required by law. Any communication regarding its contents will be conducted in a reasonably secure manner.

9.2.4 Material not subject to inspection includes rating reports or records which were obtained prior to employment of the person involved, prepared by identifiable examination committee member, or obtained in connection with a promotional examination.

9.2.5 An employee shall have the right to authorize a representative to examine his/her file and obtain a copy of material in the file, except those materials indicated in 9.2.4.

9.3 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.

- 9.3.1 The District shall seal derogatory information at the written request of the unit member after four (4) years from the date of entry.

- 9.4 The employee shall be sent any statement or letter prior to its being placed in the file and shall be provided an opportunity to react to any statement or letter placed in the file.

- 9.5 Material that should be, but is not, found in the employee's personnel file should not serve as a basis for affecting the status of employment.

- 9.6 Employees may place material relative and routine to their professional status in their file.

- 9.7 All material going in a file shall be signed and dated by the person placing said material in the file.