

ARTICLE 16. PERSONNEL RECORDS AND FILES

16A. Definition of Personnel Records and Files

Only the District's Office of Human Resources shall keep Personnel Files, as defined by Education Code 87031. A Personnel File shall include three parts:

16A.1 The Confidential Folder

The Confidential Folder that contains ratings, reports, or records that:

- a. were obtained prior to employment;
- b. were prepared by identifiable committee members before or after employment; and
- c. were obtained in connection with a promotional examination.

A unit member cannot access this portion of the Personnel File.

16A.2 The Employee Folder

The Employee Folder that contains application papers, transcripts, credentials, contracts with the District, Board of Trustee employment letters, and any signed letters of complaint placed in the file by the procedure cited under Section 16E.

The unit member has access to this portion of the Personnel File

16A.3 Employee Supplementary Folder(s)

Employee Supplementary Folder(s) that contain records of probationary and tenure evaluations and other evaluative material, which must have the signature of the unit member, indicating that the unit member has seen the evaluative document. The unit member has access to this portion of the Personnel File.

16A.4 Medical Files:

It is understood that any medical records shall be separate from the Personnel File and kept in a private, separate file.

16B. Access to Personnel Files

Each unit member shall have a right upon presentation of official identification to request from the Office of Human Resources to review the contents of one's own Personnel File maintained in the District Office of Human Resources, as provided by California Education Code 87031.

16B.1 File Review by Unit Member Representative

A representative of the unit member's choosing may accompany the unit member in this review. The representative may review the File without the presence of the unit member as long as the representative has written authorization from the unit member to review the file and provides official identification.

16B.2 Manager Present at File Review

Any review of the Personnel File shall be made in the presence of the manager or a designee responsible for the safekeeping of this file.

16B.3 Time of File Review

This review shall take place at a time when the unit member is not required to render service to the District and during the normal working hours of the Department of Human Resources.

16B.4 Record of File Review

Each time a Personnel File is reviewed, the date, the identity of the person(s)'s file being reviewed, and the signature of the person opening the file shall be confidentially documented in the Personnel Log Book, with the exception of Office of Human Resources staff.

16B.5 Evaluative Materials in File

The unit member shall have the right to place materials in his or her file which relate to evaluation. The materials shall be submitted to the Director of Human Resources, who shall place the materials in the unit member's file.

16B.6 Request for Corrections/Deletions from File

If a unit member believes that any employment record, or any portion thereof, is not accurate, relevant, timely, complete, or adequately substantiated, he or she may request a correction of the record or deletion of the offending portion, or both. Such request shall be made in writing, and shall include a statement of the corrections and/or deletions that the unit member believes are necessary, and the reasons therefore. The request shall be addressed to the Director of Human Resources, via the appropriate College President, and shall become part of the Employee Folder unless the request is granted, in which case it shall become part of the Employee Folder at the unit member's option. The decision of the District on whether to correct or not correct the Personnel File shall be final and not subject to review. If the District denies the request, it shall provide written reasons for denial, which shall be attached to the original request in the Employee folder.

16C. Notification of Residential Address and Telephone Number

Each unit member will inform the Office of Human Resources of any change in name or residence address and telephone number. A Post Office box number shall not be substituted where there is an existing street address. Each unit member shall have on record in the Office of Human Resources a telephone number where the person can be reached in an emergency.

16D. College Files Pertaining to Unit Members

Administrators may keep factual, active working files of a non-evaluative nature concerning a unit member's schedule, attendance, and the like. Evaluative documents must be processed through Human Resources.

16D.1 Exclusion of Grievance Record from File

The results of any type of grievance to which a unit member is a party shall not be placed into either the unit member's Personnel File or into an administrative working file.

16D.2 Derogatory Information

If derogatory information placed into an administrative working file may reasonably lead to any type of adverse action against a unit member, the unit member shall be notified within fifteen (15) working days after receipt by the administration, of the existence of such information, and have the right to review the pertinent document(s).

- a. If the information pertains to a class that is currently in session, in which a student complainant is enrolled, the affected unit member shall still be informed of the existence of allegations in accordance with the above. However, the right to review pertinent documents may be suspended for good cause until after the grades for the class are filed at the completion of the term.
- b. After the unit member has reviewed pertinent document(s), he or she shall have the right to prepare a written response that shall be attached to the document(s) in any folder such documents are held. Further, the affected unit member shall have the right to request a meeting with his or her Dean (or immediate supervisor) and other affected parties, to attempt to settle the allegations informally.
- c. If allegations are found to be unsubstantiated, or irrelevant to the complaint, the matter shall be dismissed. No material that pertains to the allegations shall be retained in any file, anywhere in the District.
- d. No material of a derogatory nature shall be placed in a unit member's Personnel File, unless it is filed in accordance with [Section 16E](#).
- e. If no disciplinary action (in accordance with [Article 27](#)) or other action involving a written plan for improvement is taken to address the allegations over a one (1) year period, the unit member shall have the right to have all

documents pertaining to the allegations destroyed. No copies of such documents shall be retained in any file, anywhere in the District.

- (1) The one year timeline, above, shall go into abeyance during the term of any leave of absence as defined in Articles [11](#) and [12](#).

16D.3 Notification Pursuant to Investigations

The District shall notify a unit member against whom a complaint is filed as soon as a complaint will require an investigation. Notwithstanding, the District may delay notification for good cause, upon approval of the Chancellor. In this case, the unit member shall be informed of the investigation and provided the reasons for delaying notification, upon completion of the investigation, or within thirty (30) working days of receipt of the complaint, whichever is earlier. If this timeline is to be further extended, the Faculty Association President shall be provided reasons in writing prior to the completion of the thirty (30) days.

- a. If information received by the administration pertains to a matter of Academic Freedom or academic fairness over which a unit member is to be investigated, the unit member shall be notified before the investigation commences, or within thirty (30) working days after receipt of the information by the administration, whichever is earlier, and consulted as part of the effort to resolve the matter. The unit member shall have the right to review all pertinent document(s).

16E. Disposition of Derogatory Material Placed in the Personnel File

Signed letters of complaint, or other material of a derogatory nature about a unit member, including any letters of reprimand, sent to the District or College shall be directed to the appropriate College President where a unit member is employed. If a unit member is employed directly by the District, such letter shall be directed to the Chancellor. The unit member shall be notified in writing within thirty (30) days of receipt that such a letter has been filed, and have an opportunity to review it, and have thirty (30) days to write a response. Subsequently, both the complaint and the response, if any, shall be placed in the unit member's Personnel File.

16E.1 Time Limit

Four years after derogatory material has been placed in a unit member's Personnel File in accordance with this provision, the unit member may request it be removed from his or her Personnel File. If approved by the College President (or Chancellor where appropriate) and the Director of Human Resources the material will be removed.

- a. If the District denies the request, and if no further administrative action has been taken pursuant to the documents in question, then the unit member shall have the right to have the documents sealed. In this case, the District shall place the documents in a sealed confidential envelope within the Personnel File if after four (4) years there have been no similar instances of conduct. The information in the envelope will not be accessible except

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under direction of the Chancellor or the Director of Human Resources only when necessary.

16F. Disposition of Unsigned Letters of Complaint

Written documents that do not contain the handwritten signature of the originator shall be immediately destroyed. No copies of such unsigned documents shall be retained in any file anywhere in the District.

16G. Documents Not Placed in the Personnel File

Anonymous communications, or material not relevant to the unit member's professional responsibilities, shall not be placed in the unit member's Personnel File.