

## ARTICLE 12: **PERSONNEL RECORDS**

- 12.1 In compliance with Education Code Section 87031 and Labor Code 1198.5, the official personnel file for each employee shall be maintained in the District's office of human resources.
- 12.2 Materials in an employee's personnel file, except as noted below, shall be made available as soon as possible, but not more than five (5) business days, for inspection by the employee involved after reasonable notification to the office of human resources. Material which may be excluded from inspection shall be limited to ratings, reports, or records which
- 12.2.1 Were obtained prior to the employment of the employee involved.
- 12.2.2 Were prepared by examination committee members.
- 12.2.3 Were obtained in connection with an examination for promotion or any other materials excluded by federal or state law.

To ensure the confidentiality of all employee records, employees shall read and sign the "Request to Inspect Confidential Personnel Records" form provided by the office of human resources. Employees may receive without charge one copy of any document in the official personnel file which has not been supplied previously to the employee. The law requires the following procedures:

Personnel file review is supervised by a human resources staff member.

Removal, alteration, or change of documents are prohibited for documents contained in employee personnel files.

Addition of information to personnel files is possible only with approval of the director of human resources.

Other persons authorized by the employee to inspect the employee's personnel file may be permitted only when accompanied by the employee or with written permission of the employee. (The written permission statement must be attached to the request form and retained in the employee's personnel file).

- 12.3 Employees shall be provided with copies of any derogatory written material ten (10) business days before it is placed in the employee's official personnel file. The employee shall be asked to sign a copy of such material as proof that they received the material. An employee is entitled to respond to derogatory material within ten (10) business days. The written response shall be attached to the material.
- 12.4 All personnel files, including digital, shall only be housed in the office of human resources; kept in confidence, they shall be available for inspection only to other authorized employees of the District and the Board of Trustees when actually necessary in the proper administration of the District's affairs or the supervision of the employee. With the exception of those responsible for maintaining the official file, the District shall keep a log of the persons who have examined a personnel file or who have requested information contained in a personnel file as well as the date such examinations or requests were made. Such log and the employee's personnel file shall be available for examination by the employee or an

Association representative if authorized in writing by the employee. The log shall be maintained in the employee's personnel file.

- 12.5 Any materials placed in the personnel file shall contain the date on which such material was originated and the name of the person who originated the document. Any written materials placed in the personnel file shall indicate the date of such placement.

12.6 Worksite and Office Privacy

Bargaining unit members have a responsibility to provide instruction and services to students and as such, are required to maintain private and confidential information in accordance with Board Policy 3730 Privacy Protection.

No one may enter an individual faculty member's office, or search an individual faculty member's office, locker, or other assigned storage space except when the faculty member is present, or has provided consent.

Exceptions to the procedure for entry may be made for routine building maintenance, space planning, and building emergencies or for the retrieval of joint work or routine documents where the faculty member is not readily available to grant permission and there exists a strong presumption of their likely approval of the purpose of the entry.

Except in compelling circumstances, or under time dependent, critical operational circumstances, or emergency circumstances, such actions must be authorized in advance by the superintendent/president or the responsible associate superintendent/vice president. Authorization shall be limited to action no broader than necessary to resolve the situation.

Exceptions to the procedure may also be made when there exists a valid search warrant.

Appendix and form removed from the article.