

ARTICLE 6 - PERSONNEL FILES

- 6.1 The provisions set forth in Section 44031 of the Education Code serve as the basis for the following:
- 6.1.1 The term “official personnel file” means the personnel file of the employee which is maintained under the direction and administration of the Head of Human Resources.
 - 6.1.2 Materials in the personnel files of unit members which may serve as a basis for affecting their employment are to be made available for the inspection of the employees involved.
 - 6.1.3 Such material (referred to in Section 6.1.2) shall not include ratings, reports, or records which:
 - 6.1.3.1 were obtained prior to the employment of the person involved;
 - 6.1.3.2 were prepared by identifiable examination committee members;
 - 6.1.3.3 were obtained in connection with a promotional examination, except that the employee shall have access to his/her numerical scores obtained as a result of a written examination and be entitled to a confidential counseling session with the Head of Human Resources.
 - 6.1.4 Anonymous documents, letters, or other anonymous materials shall not be placed in the official personnel file of an employee of this District.
 - 6.1.5 Every employee shall have the right to inspect such materials upon request (excluding those materials indicated in Section 6.1.3 above) provided that the time requested to inspect such materials is made for a time when such person is not actually required to render services to the employing district.
 - 6.1.6 Materials of a derogatory nature (except material covered under Section 6.1.3 above) shall not be placed in the personnel file unless and until the employee is given notice and an opportunity to review and comment thereon. Such material shall be dated to indicate date of placement in the file. There shall be a ten-workday period from the date of the notice before the material is placed in the personnel file. During that time, or later, the employee shall have the right to enter and have attached to any such derogatory statement, his/her own comments thereon. The review

shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary deduction.

- 6.1.7 Material considered by this Administration to be of particularly confidential nature shall be kept in a separate sealed envelope in the official personnel file of the employee, and access to such confidential material shall be limited to those so designated by position on the outside of such envelope. It is the intent of this rule that particularly confidential material shall be used only by those administrators and others for whom such material was intended or for justifiable administrative purposes and for the purposes intended.
- 6.1.8 Material of a derogatory nature may only be removed from the personnel file of an employee by direction of the Superintendent and in conformance with the provisions of State Law and all high authority (Reference: California Education Code, Section 35253; California Government Code, Section 6200; and provisions set forth in the California Administrative Code, Title 5).
- 6.1.9 An employee shall have the right to authorize, in writing, that his or her authorized representative may examine the personnel file of the employee and obtain one copy of any item within the file, but this right shall be limited to provisions of State Law, other sections of this Article, and other higher authority.
- 6.1.10 Access to the official personnel file of an employee other than by that employee or his/her authorized representative shall be restricted to the immediate supervisor of the employee, the building principal, the Assistant Superintendents, the Superintendent, and designated Human Resources employees on a “need to know” basis, and to persons acting as legal counsel for the District having legal court orders.

In any case, a review of the official personnel file of an employee shall be made in the presence of the Superintendent or other administrator designated by the Superintendent, or confidential Human Resources designee but nothing in this rule shall prohibit access to material in the personnel file of an employee for official purposes involving consideration for promotion, demotion, transfer, assignment, or reassignment, etc., by the administration, its authorized representative, and the Board of Education so long as those having such access have an actual “need to know” basis for such access.