

Article 19

Personnel Records

- 19.1 Personnel records will be kept for each bargaining unit member in compliance with the California Education Code. Such records shall pertain directly to the employment relationship between the unit member and the District. Each personnel record shall be identified by the unit member's name and Colleague Datatel ID number. The personnel file of each unit member shall be maintained at the District's Human Resources Office in compliance with the California Education Code.
- 19.1.1 As provided by Section 12.3.2, all documents dealing with the processing of a grievance shall be filed separately from the personnel files of any grievant.
- 19.2 Only the appropriate administrator may place derogatory materials in a unit member's personnel file. A unit member shall be provided with copies of any derogatory material nine (9) work days before it is placed in their personnel file. The unit member shall be given an opportunity during the regular business hours of the Human Resources Office and without loss of pay to review and initial the material. If a unit member is unable to be present during the regular business hours of the Human Resources Office, the District will make a reasonable accommodation for such review. Any written response prepared by the unit member, or their designee, shall be attached to the material and placed in the personnel file.
- 19.2.1 The appropriate administrator shall determine whether or not to retain the derogatory material within five days after the unit member submits a written response. If, after review of the unit member's written response, the appropriate administrator decides not to retain the derogatory material, it shall be destroyed in the presence of the unit member. If the appropriate administrator decides to retain the derogatory material, the unit member may request in writing within five days that the appropriate Vice President review the materials and decide whether the derogatory materials should be retained. The Vice President may designate another administrator, other than the administrator who wrote the derogatory material, to conduct the review. As part of the review, the Vice President or designee may request further information from the unit member or the administrator that wrote the derogatory material. The unit member and CCFT shall be informed of the results of the review within 20 days of submitting the request. If the Vice President or designee decides not to retain the derogatory material, it shall be destroyed in the presence of the unit member.
- 19.2.2 A unit member or the District may place in the personnel file any material information relevant to their career or advancement.
- 19.2.3 Any material placed in a unit member's file shall be signed and dated and shall also indicate the date of such placement.
- 19.2.4 Complaints from students, parents, citizens or non-supervisory or non-management employees of the District, shall be investigated by an appropriate administrator. Should the appropriate administrator find substance to the complaint, and should the appropriate administrator feel that the complaint should become a part of the unit member's personnel file, then the appropriate administrator shall reduce the complaint to writing and

follow the procedures of this Article to place the derogatory material in the unit member's personnel file.

- 19.3 A unit member shall have the right at any reasonable time and without loss of pay, to examine and/or obtain copies of any material from the unit member's personnel file, with the exception of material that includes ratings, reports, or records which were obtained prior to the employment of the unit member involved. Such pre-employment materials shall be sealed and filed in the personnel file.
- 19.4 All personnel files shall be kept in confidence and shall be available for inspection only by the appropriate administrator of the District. The District 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 unit member's personnel file shall be available for examination by the unit member, or their CCFT representative if authorized by the unit member. The log shall be maintained in the unit member's personnel file. The custodians of the personnel files engaged in routine filing of documents shall not be required to enter their names on such logs.
- 19.5 Each unit member shall provide the Human Resources office with their mailing address which must be different from that of the college, and phone number when available. Each unit member shall inform the Human Resources office of any changes in their name, mailing address or phone number.
- 19.6 The District will only release information to creditors or other persons upon proper identification of the inquirer and acceptable reasons for the inquiry. Information then given from personnel files shall be limited to verification of employment, length of employment and verification and disclosure of salary range information. Release of more specific information may be authorized in writing by the unit member.
- 19.7 Except as provided for in the California Education Code, and except for egregious matters which do not require progressive discipline, no adverse action of any kind shall be taken against an employee based upon materials which are not in their personnel file.
- 19.8 Derogatory material which has been placed in the file, shall be sealed after four (4) years, and thereafter shall not be used in any adverse action against the unit member.
- 19.9 The District shall require a unit member to acknowledge the entry of any document into their personnel file. This acknowledgment in no way indicates that the unit member agrees with or admits to the material being entered, rather it merely signifies that the unit member has had the opportunity to review the material.