

ARTICLE 18

PERSONNEL FILES

18.1 **ONE OFFICIAL PERSONNEL FILE:** There shall be one (1) official personnel file for each employee maintained at the employee's assigned campus or District Administrative Office.

18.2 **ADDITION OF DEROGATORY MATERIAL:** No adverse action shall be initiated against a unit member based upon written material that is not contained within the official personnel file unless otherwise required by law. Such materials shall have been placed in the personnel file on or about the time giving rise to the incident, or, on or about the time the materials became known to the District to cause the adverse action to take place.

If any derogatory recorded or written reports or communications are to be placed in a unit member's file, the member shall be notified. The following procedure will be followed:

18.2.1 If the material results from a proceeding where the employee had the right to respond, testify, and confront witnesses, then the material may be placed in the file.

18.2.2 In other circumstances, the District will make an independent investigation before placing such material in the file.

18.2.3 An employee placed on administrative leave shall receive a letter (and have such letter placed in the personnel file) that outlines the reasons for the administrative leave.

18.3 **FACULTY NOTIFICATION OF ADDITION:** Unit members shall be given the opportunity to comment on the content of written materials before it is permanently placed in the unit member's official personnel file. A copy of the written material shall be stamped with the following statement and forwarded to the employee:

Date

You are notified that at the end of ten (10) faculty service days from the above date, this will be placed in your personnel file. You have the right within fifteen (15) faculty service days from the above date to provide any written comments and have them attached to the copy of this letter in your file.

Signed

18.4 **COPIES OF DEROGATORY MATERIAL:** In any adverse action against a unit member, a (one) copy of derogatory material to be used in such action shall, without cost, be furnished the member. Any other copy made or requested from the official file shall be at cost.

18.5 **MATERIAL MUST BE SIGNED AND DATED:** Derogatory material placed in the official personnel file shall be signed and dated by the individual responsible, and, signed and dated by the employee on the date reviewed, or, in accordance with Section 18.3, above.

- 18.6 **SIGNATURE OF EMPLOYEE:** Signature of the employee on any derogatory material shall be deemed solely for the purpose of verification that the employee has seen and reviewed the material, not that it is deemed agreement with the contents or materials.
- 18.7 **FILE REVIEW:**
- 18.7.1 Review of information of a derogatory nature shall be during normal business hours and the employee shall be released from duty for this purpose without salary reduction.
 - 18.7.2 A unit member shall have the right during the member's non-working hours to examine all materials (except those obtained prior to employment, those prepared by identifiable examination committee members, or, those obtained in connection with promotional examinations) contained within the official personnel file.
 - 18.7.3 A unit member may, in writing, authorize a representative to have access to, and to review, the member's official personnel file. The United Faculty agrees it shall indemnify and save the District harmless from any and all claims, demands, suits or any other actions arising from such access or review.
 - 18.7.4 All reviews shall be done in the presence of a management employee, or designee, who shall be positioned in a manner ensuring confidentiality and security of the file.
- 18.8 **GUARANTEE OF CONFIDENTIALITY:** The official personnel files are confidential and shall be stored and maintained in a manner which provides such confidentiality. Such files, to ensure confidentiality, are available for review only to authorized District personnel, and, other persons having a legal right to review. Personnel files shall be available to the member for inspection during normal working hours and with reasonable notice to the Vice Chancellor of Human Resources and Organizational Development or designee.
- 18.9 **NO ANONYMOUS MATERIAL:** No anonymous material shall become a part of a member's personnel file without the consent of the employee.
- 18.10 **REQUESTED REMOVAL OF MATERIAL:** The member may request the removal or correction of materials, except those related to evaluation, which are no longer timely or relevant. Within ten (10) working days, the president of the college shall grant or deny such a request, in writing. If denied, the request and denial shall become part of the personnel file.