

PERSONNEL FILES – REGULATIONS

The personnel file is maintained in the Personnel Department at the District Office and is the only official and legal permanent record that may be maintained on employees. The personnel file is governed by Education Code 44031 and Labor Code 1198.5.

EDUCATION CODE 44031

- (a) Every employee has the right to inspect personnel records pursuant to Section 1198.5 of the Labor Code.
- (b) In addition to subdivision (a), all of the following shall apply to an employee of a school district:
 - (1) Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter, and have attached to any derogatory statement, his or her own comments. The review shall take place during normal business hours and the employee shall be released from duties for this purpose without salary reduction.
 - (2) The employee shall not have the right to inspect personnel records at a time when the employee is actually required to render services to the district.
 - (3) A non-credentialed employee shall have access to his or her numerical scores obtained as a result of a written examination.
 - (4) Except as provided in paragraph (3), nothing in this section shall entitle an employee to review ratings, reports, or records that (A) were obtained prior to the employment of the person involved, (B) were prepared by identifiable examination committee members, or (C) were obtained in connection with a promotional examination.

LABOR CODE 1198.5

- (a) Every employee has the right to inspect the personnel records that the employer maintains relating to the employee's performance or to any grievance concerning the employee.
- (b) The employer shall make the contents of those personnel records available to the employee at reasonable intervals and at reasonable times. Except as provided in paragraph (3) of subdivision (c), the employer shall NOT be required to make those personnel records available at a time when the employee is actually required to render service to the employer.
- (c) The employer shall do one of the following:
 - (1) Keep a copy of each employee's personnel records at the place where the employee reports to work.
 - (2) Make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request.
 - (3) Permit the employee to inspect the personnel records at the location where the employer stores the personnel records, with no loss of compensation to the employee.

(d) The requirements of this section shall not apply to:

- (1) Records relating to the investigation of a possible criminal offense.
- (2) Letters of reference.
- (3) Ratings, reports, or records that were:
 - (A) Obtained prior to the employee's employment.
 - (B) Prepared by identifiable examination committee members.
 - (C) Obtained in connection with a promotional examination.