

**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**Certificated/Classified Personnel**

**PERSONNEL FILES  
AR 4112.6/4212.6/4312.6**

The Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent or designee. Official employee files shall be maintained at the district's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

*(cf. 4141 / 4241 - Collective Bargaining Agreement)*

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential / Privileged Information)*

*(cf. 9011 - Disclosure of Confidential / Privileged Information)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

**PLACEMENT OF MATERIAL IN PERSONNEL FILES**

Any person who places written material or drafts written materials for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent or designee.

*Note: Pursuant to Education Code 44663, certificated employees have the right to initiate a written reaction to their evaluation and this response becomes a permanent attachment to their personnel file. The following paragraph may be revised if the district wishes to extend this right to classified employees as well.*

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file. *(Education Code 44663)*

*(cf. 4115 - Evaluation/Supervision)*

**DEROGATORY INFORMATION**

Information of a derogatory nature shall not be entered into an employee’s personnel file unless the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee shall be released from duty for this purpose without a salary reduction. The employee may enter his/her own comments and have them attached to the derogatory statement. (*Education Code 44031*)

- (cf. 1312.1 - Complaints Concerning District Employees)
- (cf. 4117.4 - Dismissal)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5141.4 - Child Abuse Prevention and Reporting)

**FILE REVIEW BY EMPLOYEE**

*Note: Education Code 44031 and Labor Code 1198.5, as repealed and added by SB 1327 (Ch. 886, Statutes of 2000), require districts to make the contents of personnel files available to an employee at reasonable intervals and at reasonable times, as specified below. The law does not define the term “reasonable interval” or “reasonable time.” If questions arise, districts should consult with legal counsel as appropriate.*

*Under prior law, an employee had the right to inspect his/her personnel file upon request, provided that the request was made at a time when the employee was not required to render service to the district. SB 1327 now authorizes the district to either keep a copy of the file at the employee’s work site or make the file available at the employee’s work site (see items #1 and #2 below). In those instances, the employee requesting the file is not entitled to compensation. Districts may also permit the employee to inspect the file at the location where the files are stored, but, in that case, the employee must suffer no loss of compensation (item #3). Districts should consider keeping track of costs incurred in complying with these new requirements (e.g., making copies of files and/or bringing files to the school site) should a state-mandated program be found pursuant to SB 1327.*

The contents of personnel records relating to the employee’s performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times.. The Superintendent or designee shall not be required to make such records available at a time when the employee is required to render services to the district, unless the employee is required to view the file where it is stored. (*Labor Code 1198.5; Education Code 44031*)

The Superintendent or designee shall do one of the following: (*Labor Code 1198.5*)

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 district stores the personnel records, with no loss of compensation to the employee.

Any employee wishing to inspect his/her personnel record shall contact the Superintendent or designee.

With the exceptions noted below, all personnel records related to the employee’s performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (*Education Code 44031*)

The Superintendent or designee shall not be required to make available to the employee: (*Labor Code 1198.5, Education Code 44031*)

1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports, or records that were obtained prior to the employee’s employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

(*cf. 4112.41/4212.41/4312.41 - Employee Drug Testing*)

(*cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records*)

*Note: The remainder of this regulation is optional and may be revised to reflect district practice.*

The employee may be accompanied by a representative of the employee’s choice while reviewing the record.

Inspection shall take place in the presence of the Superintendent or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

**FILE REVIEW BY MANAGEMENT AND BOARD**

Management personnel or district legal counsel with a valid “right to know” or “need to know” may, with the Superintendent or designee’s authorization, review an employee’s personnel file.

(*cf. 4119.23/4219.3/4319.23 - Unauthorized Release of Confidential/Privileged Information*)

Board members are not individually allowed to request and access personnel files but the Board may request pertinent information from an employee’s file in cases of personnel action.

**PERSONNEL FILES** (continued)

**AR 4112.6/4212.6/4312.6**

***Legal Reference:***

***EDUCATION CODE***

*35253 Regulations to destroy records*

*44031 Personnel file contents and inspection*

*44663 Performance appraisals and related materials*

***GOVERNMENT CODE***

*3305-3306 District police officers; personnel files*

*6254.3 Disclosure of home address and phone number*

***LABOR CODE***

*1198.5 Inspection of personnel files*

***PENAL CODE***

*11165.14 Report of investigation of child abuse complaint*

***CODE OF REGULATION, TITLE 5***

*16020-16022 Records, general provisions*

*16023-16027 Retention of records*

***ATTORNEY GENERAL OPINIONS***

*Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)*