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3 **Human Resources**

4 **AP 7145 PERSONNEL FILES**

5 **References:**

6 Education Code, Section 87031;

7 Labor Code, Section 1198.5

8 Personnel records are private, accurate, complete, and permanent. Personnel files shall
9 be maintained in confidence and shall be available for inspection only to appropriate
10 management or other designated employees of the District when such is actually
11 necessary in the proper administration of the District's affairs or the supervision of the
12 employee. All documents concerning employees and established as official District
13 personnel files shall be maintained by the District's Human Resources Office. The
14 President/Superintendent or appropriate Vice President shall be responsible for the
15 development and implementation of procedures for placement of materials in employees'
16 personnel files. All materials to be placed in personnel files shall be submitted through
17 the appropriate Vice President or designee for review and placement in District personnel
18 files.

19 Every employee has the right to inspect their own personnel records pursuant to the Labor
20 Code.

21 Management employees shall also have a right to review the personnel file of employees
22 under their supervision.

23 Information of a derogatory nature shall not be entered into an employee's personnel
24 records unless and until the employee is given notice and an opportunity to review and
25 comment on that information. The employee shall have the right to enter, and have
26 his/her/their own comments attached to any derogatory statement. The review shall take
27 place during normal business hours and the employee shall be released from duty for this
28 purpose without salary reduction.

29 The appropriate Vice President or designee shall determine whether or not materials
30 submitted for placement in personnel files are derogatory in nature. Employees shall be
31 notified in writing of placement of any derogatory material in their personnel files and shall
32 also receive a copy of such material. Employees shall be notified of their right to comment
33 in writing on any such derogatory material. Employees must submit written comments to
34 the Human Resources Office not later than ten (10) working days after receipt of a copy
35 of such material. Such comments shall be attached to the material and placed in their
36 personnel files. Comments not received within the ten (10) day period will not be placed
in the personnel file.

37 The employee shall not have the right to inspect personnel records at a time when the
38 employee is actually required to render services to the District. Reviews of personnel files
39 shall take place in the presence of and under the supervision of authorized
40 representatives of the District Human Resources office. Documents may not be removed
41 from personnel files. Employees may request copies of documents reproduced for
42 personal use at the employee's expense. Employees may also authorize other individuals
43 to review their personnel files provided such authorization is made in writing and signed
44 by such employees.

45 Nothing in this procedure shall entitle an employee to review letters of reference or
46 ratings, reports, or records that (a) were obtained prior to the employment of the person
47 involved, (b) were prepared by identifiable examination committee members, or (c) were
48 obtained in connection with a promotional examination or interview.

49 Copies of personnel records may be released if legally required under subpoena;
50 however, the District will require reimbursement of reasonable costs for such service.

51 If a collective bargaining agreement provides for more benefits, provides a different
52 procedure than this policy, or contains provisions regarding documents that shall or shall
53 not be placed in a personnel file, then the collective bargaining agreement applies.

54 Office of Primary Responsibility: Vice President, Human Resources

Date Adopted: February 24, 2020

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