

Kern Community College District
Human Resources Operational Guideline

Access to Employee Files by Campus
HR Staff

There are no legal restrictions regarding access by campus HR office employees to employee personnel files maintained at the District Office. However, the information shared must be done so on a confidential and *"need to know"* basis.

Copies of documents from the official District Office personnel file necessary for reviewing for hire, or promotional purposes, may be provided to campus officials. Again, confidentiality and a *"need to know"* basis must be insured so as to avoid any misuse of information or breach of confidentiality. A sign-out sheet is provided for anyone removing a file from its place for any reason and most importantly, for recording whatever documents are copied from the employee's file.

When the need to review the official documents ends, original documents must be returned to the District HR office and copies should be either destroyed or kept in a confidential location on the campus such as the campus HR office.

ARTICLE FOURTEEN - PERSONNEL FILES AND COMPLAINTS

A. Personnel File Contents and Inspection

1. There shall be an official District Personnel File for each faculty member. The material in the official District personnel file shall be considered and used as the only official personnel record of the District in any proceeding affecting the status of the faculty member's employment with the District. Materials in personnel files of employees which may serve as a basis for affecting the status of their employment are to be made available for the inspection of the person involved. Such material is not to include ratings, reports, or records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members, or (3) were obtained in connection with a promotional examination.
2. Every employee shall have the right to inspect such materials upon request, provided that the request is made at a time when such person is not actually required to render services to the District.
3. Information of a derogatory nature, except material mentioned in this Section, shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon. An employee shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon. Such review shall take place during normal business hours, and the employee shall be released from non-classroom duty for this purpose without salary reduction.
4. The personnel file shall include, but need not be limited to, records of employment with the District and records of professional evaluation. In addition, such records as educational advancement and pertinent work experience as provided by the faculty member shall be a part of the official District file.
5. A faculty member may forward to the Personnel Office materials for inclusion in the file. All reasonable requests for inclusion of pertinent material in the faculty member's file shall be accommodated. Materials not filed shall be returned to the faculty member.
6. The personnel file shall be kept in a locked file cabinet in the District Personnel Office. The file shall be available for inspection by the faculty member upon written request. An Association representative may, with the written authorization by the faculty member, have access to the respective faculty file.
7. Any item to be placed in the file shall be clearly identified as to its source or originator and its date of receipt by the District.
8. The faculty member shall have the right to copies of materials within the file except as noted in **Article 14.A.1** above. In the event of disciplinary action against the faculty member, the faculty member, upon request, shall be provided at District expense with a copy of any or all material in the file deemed necessary by the faculty member, except as noted in **Article 14.A.1** above.

Article 14 (continued)

9. Anonymous letters shall not be referenced or placed in any faculty member's personnel file.

B. Complaints Against Faculty

1. When complaints against faculty members are filed by students, the complaints shall be resolved through the Student Complaint (Section Four) or Discrimination Complaint (Section Twelve) policies. The complaint must be in writing and signed by the student.
2. When complaints against faculty members are filed by individuals other than students, the appropriate administrator shall confer one-to-one with the faculty member within ten (10) working days. The faculty member shall be notified that (1) a complaint has been made and (2) he or she is entitled to representation by the bargaining agent. All such complaints shall be in writing and signed by the complainant. If the matter is not settled at the Vice President level, the College President or designee may take steps leading to personnel action according to Board Policy and/or law. See **Article Fourteen, Appendix A** for implementation guidelines of employee dismissals/disciplinary action.
3. All faculty have the right to CCA representation in meetings with College or District administration where faculty reasonably believe that such meetings may lead to disciplinary action.

ARTICLE THREE--PERSONNEL FILES

1. Official classified personnel files shall be retained in the District Office. No derogatory material which might adversely affect an employee's employment with the District will be placed in his/her official personnel file without his/her prior knowledge. *(Revised June 16, 1994)*
 2. Upon written request, an employee, or any person authorized by the employee, shall have the right to review his/her official personnel file, with the exception of material that includes ratings, reports or records which were obtained prior to employment.
 3. Upon written request, an employee, or any person authorized by the employee, shall have the right to receive two (2) copies of any material in his/her official personnel file with the exception of material that includes ratings, reports or records which were obtained prior to employment.
- 3A** After employment, such pre-employment materials will not be used on any personnel action adversely affecting an employee except as evidence of falsification of application materials.

4. Any employee, who receives derogatory material which is intended to be placed in the employee's personnel file, will have ten (10) working days upon receipt to review and respond to it in writing before it is placed in the employee's personnel file. The review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary reduction. The written response shall be written and attached to the derogatory material and placed in the official personnel file. *(Revised June 16, 1994)*
5. Within the ten (10) working days referred to in Article 3, Section 4, above, an employee and/or person authorized by the employee may request in writing a meeting with the College Human Resources Manager or Vice Chancellor, Human Resources Services, to discuss matters of factual dispute in regard to the derogatory material. *(Revised June 21, 2000)*
6. When an employee's official personnel file is reviewed in connection with promotion, derogatory material, other than that contained in evaluations, that has been in the file for more than two (2) years will be sealed prior to the reviewer's examination of the file. *(Revised June 16, 1994)*

ARTICLE FOUR--ORGANIZATIONAL RIGHTS

1. Neither the District nor CSEA shall impose or threaten to impose reprisals on employees, to discriminate or threaten to discriminate against employees, or otherwise to interfere with, restrain, or coerce employees because of their rights guaranteed by this Agreement.
2. Classified employees have the right to be represented by CSEA in meetings with District management that affect their hours, wages, and working conditions." This includes grievance meetings, formal and informal, and meetings that could reasonably lead to discipline, including evaluations indicating that the employee's overall performance is less than satisfactory. *(Revised February 13, 2008)*
3. CSEA shall have the following rights in addition to the rights contained in any other portion of this Agreement.
 - 3A CSEA's right of access to employees shall be limited to the lunch and official breaks and before and after work hours. For matters involving grievances and/or contract administration, CSEA shall have access to employees during working hours at a time mutually agreed upon by CSEA and the immediate supervisor.