

ARTICLE 13

PERSONNEL FILES

- 13.1** 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.
- 13.1.1** 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.
- 13.1.2** 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 employing District.
- 13.1.3** Information of a derogatory nature, except material mentioned in Section 13.1.1 of this Article 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 own comments thereon. Such review shall take place during normal business hours, and the employee shall be released from duty for this purpose without salary reduction.
- 13.2** There shall be only one (1) official personnel file for each faculty member as opposed to pre-employment, promotional and/or payroll files. This file shall be locked in the Administration offices on the campus. Representatives of the Association shall have access to said personnel file with the faculty members' written authorization. Faculty members' files may be inspected only by those, as specified in a side letter, having an official right for doing so, or those having authorization of the faculty member.
- 13.3** Any derogatory material placed in a faculty member's file must be dated and signed and a copy shall be given to the faculty member prior to the time of insertion in the personnel file.
- 13.4** A faculty member shall have the right to file an answer to any material submitted for inclusion in his file and such answer shall be attached to the file copy.
- 13.5** After five (5) years the employee may request the removal of material from the file. If requested, the material will be removed from the official personnel file and will be maintained in a separate dead file; and will not be utilized for District business or personnel decisions unless relevant to protect the District in legal proceedings. This separate dead file may also be utilized to store pre-employment and promotional documents which are not accessible to the employee -- however, any other material in the dead file will be accessible to the employee if it is withdrawn from the dead file.
- 13.6** The employee's representative, with the employee's written consent, may review the official personnel file, or the personnel section of the dead file, if it is withdrawn.
- 13.7** A "Side Letter of Authorization" is made part of this Agreement by Appendix D.

APPENDIX D

SIDE LETTER–ACCESS TO PERSONNEL FILE

The list of personnel having official right to inspect faculty member's personnel file is:

- Board of Trustees
- President
- Executive Assistant to the President
- Vice President of Academic Affairs
- Executive Assistant to the Vice President of Academic Affairs
- Vice President of Student Services
- Executive Assistant to the Vice President of Student Services
- Vice President of Administrative Services
- Executive Assistant to the Vice President of Administrative Services
- Deans
- Faculty member's immediate supervisor
- Director, Human Resources and Human Resource Technician
- Legal representative of District

The District would only add to the list if it notifies the Association in advance and meets with the Association upon request prior to changing the list.