

HR Instructions Manual

PERSONNEL FILE - DEROGATORY MATERIAL

1. Purpose
 - a. To provide for the sealing of derogatory materials in an employee's personnel file which are dated beyond limitations for use in disciplinary action.
2. General Guidelines
 - . District Procedure 2300.1 deals with the classification and retention of District records.
 - a. Title V, California Code of Regulations, Section 59020 et seq. is the primary governing regulation under which the District must classify and retain or dispose of records. Section 59023 (c) cites that personnel records of an employee including all detailed records relating to employment, employee evaluations, and termination or dismissal of an employee in any position, are Class I permanent records.
 - b. Bargaining agreements and handbooks provide that at the employee's request after a stated period of time derogatory materials in a personnel file may be removed.
 - c. Procedures in this Guideline provide for removal of materials from the personnel file without destroying permanent records.
3. Procedure
 - . Requests for removal of derogatory materials from a personnel file shall be directed in writing to the Assistant Chancellor - Human Resources and Administrative Services by the employee.
 - a. The Assistant Chancellor - Human Resources and Administrative Services or the Personnel Manager will review the materials to determine if these materials meet the requirements in the appropriate handbook or collective bargaining agreement.
 - b. If the materials meet the requirement, the Assistant Chancellor - Human Resources and Administrative Services or the Personnel Manager will place materials in a confidential, sealed envelope with a notation that the envelope is to be opened only by the Assistant Chancellor - Human Resources and Administrative Services or the Personnel Manager.
 - c. The Assistant Chancellor - Human Resources and Administrative Services or the Personnel Manager shall certify to the employee, if appropriate, that the materials have been sealed in the personnel file.
 - d. If the materials do not meet the requirements per the appropriate handbook or collective bargaining agreement, the Assistant Chancellor - Human Resources and Administrative Services or the Personnel Manager will respond to the employee explaining the reasons why the materials will not be sealed in the file as requested.