

# FULLERTON SCHOOL DISTRICT

## ALL PERSONNEL

Policy No.: 4012.3

### Appointments and Conditions of Employment – Personnel Records – Page 1

Board Adopted: November 29, 2005

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An official personnel file shall be maintained in the appropriate personnel departments 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 including administrative staff and personnel department staff. The Superintendent or designee shall determine the types of information to be included and shall provide for the processing of all material to be placed in a personnel file.

Personnel files shall be reviewed and replaced within the shortest time possible. The contents of all personnel files shall be kept in strict confidence by any authorized reviewer. Personnel files shall remain within the personnel departments and shall be returned to secure files following utilization.

#### Placement of Material in Personnel Files

Any person who places written material (other than routine personnel documents) 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.

An 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.

#### Derogatory Information

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until 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.

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.

# FULLERTON SCHOOL DISTRICT

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Policy No.: 4012.3

### Appointments and Conditions of Employment – Personnel Records – Page 2

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The Superintendent or designee shall do one of the following:

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 in the respective personnel departments.

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.

The Superintendent or designee shall not be required to make available to the employee:

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

Inspection shall take place in the presence of personnel department staff. The employee may be accompanied by a representative of the employee's choice while reviewing the record. 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.

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.

# FULLERTON SCHOOL DISTRICT

**ALL PERSONNEL**

Policy No.: **4012.3**

**Appointments and Conditions of Employment –  
Personnel Records – Page 3**

Board Adopted: **November 29, 2005**

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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 Regulations, 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)	