



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7100

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CATEGORY: **Personnel, Employee Records**

EFFECTIVE: **8-10-64**

SUBJECT: **Employee Personnel Files**

REVISED: **1-26-00**

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing placement of materials in, access to, requests for, and review of employee personnel files.
2. **Related Procedure:**
Inquiries about and access to records 9010

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: I-1700; Education Code Section 44031; California Evidence Code Section 1550; Government Code Section 6250.
2. This procedure pertains to some matters within the scope of collective bargaining. Contract language within specific collective bargaining agreements on this topic shall prevail over any language to the contrary in this procedure.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Human Resource Services Division, Administrative/Operational Support.
2. **Regulations**
 - a. **Confidentiality of personnel files.** All personnel information concerning district employees generally is considered confidential and may be reviewed *only on a "need-to-know" basis* under conditions specified in this procedure. Personnel, payroll, medical and similar records, disclosure of which would constitute unwarranted invasion of personal privacy, must be handled in a manner that will assure such privacy. Therefore, district employees who must have access to such information in the normal course of their duties are responsible for assuring compliance with the intent of the law and with district policy and procedures for safeguarding such information.
 - b. **Special provisions concerning confidentiality**
 - (1) **Employee health information.** Health information is *not* public information (see Procedure 9010). All employee health records, including "Health History" and "Report of Medical Evaluation," are confidential and available only to qualified medical personnel and certain management employees on a "need-to-know" basis. Access to health records by other

than qualified medical personnel is subject to approval by the Human Resource Services Deputy Administrative Officer.

3. **Review of Employee Personnel Files**

- a. Any management employee not specifically authorized by this procedure to review personnel files (see D.2. and D.3.) who considers it necessary to see a specific file, must make a written request through his/her division head to the Human Resource Services Division, listing purpose and requirements, and giving 24-hour advance notice.
- b. Materials in an employee's personnel file maintained at employee's work location or the Human Resource Services Division, *which may serve as a basis for affecting the status of his/her employment*, are to be made available for the employee's inspection upon request provided such request is made at a time when he/she is not actually required to render services to the district. Employee may be accompanied by a representative while reviewing records. Review will be done in the presence of management employee responsible for safeguarding these files if maintained at work location, or a Human Resource Services Division management employee or designee, if maintained at the Education Center.

4. **Employee Requests for Personnel/Payroll Information**

- a. Various kinds of personnel/payroll information are provided to employees by use of "Personnel Action" forms, warrant stubs, "Retirement Service Statements," etc. (includes personal absence records of sick leave, personal emergency, and personal business). Employees are expected to retain their own records of this information for reference when needed.
- b. Current or prior employees requesting personnel/payroll information dating prior to the current school year, shall be required to pay a processing fee if this information already has been made available to them.
- c. In addition to the charge of 10 cents per impression (each side of the page) of the information requested, a processing fee of \$10 per hour will be charged. When appropriate, processing cost estimates will be provided to individuals requesting information.

5. **Placement of Derogatory Material in Personnel Files**

- a. **Complaints** made by any person regarding an employee *which are serious enough to become matter of record* shall be brought promptly to the employee's attention. Employees are entitled to know the identity of the source of all such complaints.

- b. Material derogatory to an employee's conduct, service, character, or personality, except material referred to in C.3.b., shall not be entered in an employee's personnel file unless and until the employee is notified and given an opportunity to review and comment thereon. Employee shall be given a copy of such material upon request. Employee shall acknowledge that he/she has read such material by signing and dating the original record, with the understanding that his/her signature signifies only that material has been read and does not necessarily indicate agreement with its contents. An employee's review of such derogatory material will take place during normal business hours, and the employee shall be released from duty without loss of pay for this purpose, if necessary.
6. **Grievance Records.** All documents, communications, and records dealing with processing of a grievance will be filed separate from personnel files of participants.

D. IMPLEMENTATION

1. **Personnel Records in School, Department, and Division Offices.** Access to or release of employee information to anyone other than the employee shall not be permitted except on a "need-to-know" basis; approval of principal, department head, or division head, as appropriate, is required.
2. **Removal of Personnel Files from the Human Resource Services Division.** (Health information excepted, see C.2.)

Persons authorized: Superintendent, Chief of Staff, Legal Services office staff, and Human Resource Services management employee or designee. Any exceptions must be authorized by the Human Resource Services Deputy Administrative Officer or designee upon written request made through the appropriate division head.

- a. **Authorized management employee** telephones or submits written request for employee personnel file.
- b. **Human Resource Services Division verifies "need to know"** and delivers file(s), less health records, to authorized management employee.
- c. **Management employee** must return personnel file after their review; shall not transfer file to other offices without prior approval; is responsible for keeping files in a secure location and, if retained overnight, for placing in a locked file.
- d. **Personnel files remain at the Education Center** except when removed by court order. When court order is received, the Human Resource Services Division makes photocopy of personnel records ordered and delivers *reproduced records* to the General Counsel. *Original records* are retained in

the Human Resource Services Division and made available to the General Counsel or other designated person, as required.

3. **Review of Personnel Files in the Human Resource Services Division.** Persons authorized in addition to those listed in D.2. are anyone in a management and supervisory classification. The Human Resource Services Deputy Administrative Officer or designee must authorize any exceptions upon request made through the appropriate division head.
 - a. **Human Resource Services Division** verifies "need to know."
 - b. **Authorized management/supervisory employee** telephones or submits written request and reason for the "need to know" for an employee personnel file. When five or more files are requested, submits request 24 hours in advance.
 - c. **Management/supervisory employee** will review personnel file(s) at the Human Resource Services Division. The reviewer must read and sign the "instructions for reviewing files," sign "file review log" inside personnel file(s), and return personnel file(s) to file clerk when finished.
4. **Employee Review of Derogatory Material Before Placement in File**
 - a. **Before derogatory material other than that specified in C.5.b.** is placed in an employee's personnel file, the manager/supervisor notifies employee in writing and offers him/her an opportunity to review and comment on such material, and have comments attached.
5. **Employee Review of His/Her Personnel File**
 - a. **In Human Resource Services Division**
 - (1) **Employee** telephones request to the Human Resource Services Division.
 - (2) **Secretary** sets appointment.
 - (3) **Materials** which may be inspected shall not include ratings, reports, or records which were: (a) obtained prior to employee's employment, (b) prepared by identifiable examination committee members, or (c) obtained in connection with promotional examination.
 - (4) **Human Resource Services Division management employee or designee** reviews file with employee.

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(5) **Employee** must make an appointment to examine his/her personnel file. The appointment must be scheduled at a time when an employee is not required to render services.

b. **At work location:** Employee makes appointment with appropriate management employee responsible for file and reviews material in his/her presence.

E. FORMS AND AUXILIARY REFERENCES

1. Instructions for Reviewing Files form
2. File Review Log form

F. REPORTS AND RECORDS

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education