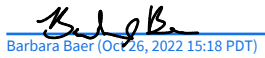

Joseph Sanchez (Oct 26, 2022 18:44 PDT)


Barbara Baer (Oct 26, 2022 15:18 PDT)



PCCD Counterproposal #1 10/26/22
ARTICLE 11 - PERSONNEL FILES

- 11.1 There shall be one (1) official District personnel file for each member of the bargaining unit. Confidential information in faculty personnel files shall be treated as such. The District will comply with federal and state law regarding the maintenance and release of confidential personnel information.
- 11.2 Faculty members will have the right to inspect their own District personnel files in accordance with Education Code §87031 and Labor Code §1198.5.

A faculty member may, upon clear written authorization signed and dated by the faculty member, designate a representative to review the material in the faculty member's personnel file. The review shall take place in the office of Human Resource Services, and no personnel files will be allowed to be removed from the office of Human Resource Services.

Other District employees may have access to a faculty member's District personnel file only when necessary for the performance of their official duties. Such access shall be limited to the office of Human Resource Services.

11.3 Employee Files

- 11.3.1 Information of a derogatory nature will not be entered or filed in a faculty member's personnel file until the faculty member is given actual written notice and an opportunity to review and comment thereon. Such notice will allow ten (10) work days for review and comment. The written notice shall provide a reasonable opportunity for the faculty member to meet, prior to the conclusion of the ten-day (10-day) period, with the academic administrator who intends to enter or file the derogatory information. This ten-day (10-day) period shall be extended if the faculty member is not reachable at his/her current address or telephone number and the faculty member presents verifiable documentation to the Assistant Superintendent/Vice President for Human Resource Services explaining why the extension is needed. This ten-day (10-day) period for review and comment may be extended only by the Assistant Superintendent/Vice President for Human Resource Services or designee, and any extension shall be in

writing. A faculty member will have the right to enter a written response, which will be attached to any such derogatory information being entered or filed in the faculty member's personnel file.

For the purposes of this section, a "work day" shall be any day when the office of Human Resource Services is open. The ten-day (10-day) period provided for in this section shall be suspended for any work day on which the office of Human Resource Services is not open for at least eight (8) hours.

Anonymous derogatory information shall not be placed in a faculty member's District personnel file.

11.3.2 The District shall notify faculty members of any information that is kept by the District in a file of any kind and is of a derogatory nature such as, but not limited to:

- A formal or informal accusation of a negative nature.
- Documents detailing disciplinary or non-disciplinary action(s).
- Statements a reasonable person would find negative.
- Disparaging statements regarding a faculty member's work-related activities, outside activities, and/or personal activities or behaviors.

The faculty member will be notified within 20 working days of the written memorialization by the District of any such information of a derogatory nature unless reasonable and compelling extenuating circumstances exist. Furthermore, if the act, omission, or other allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll (suspend) the time within which the faculty members will be notified. In those cases, the faculty member will be notified as soon as possible. The purpose of timely notification is so that the employee retains his/her ability to:

- Gather pertinent information in his/her defense.
- Maintain confidentiality protections afforded the personnel files.

If the District fails to notify faculty members of derogatory information within a reasonable time, that information shall not

be placed in the faculty member's personnel file or used in subsequent investigations. No derogatory information shall be placed in a faculty member's personnel file after two (2) years from the date of the alleged incident, other than that which is the subject of a criminal investigation or prosecution.

11.3.3 Language in 11.3 does not apply to anonymous comments from official student evaluations that are incorporated into faculty evaluation reports.

- 11.4 A faculty member may petition the Assistant Superintendent/Vice President for Human Resource Services or designee to place derogatory information entered into or filed in the faculty member's personnel file into a sealed envelope within the personnel file. The sealed envelope will be marked that it can be opened only by the Governing Board of the District, the Superintendent/President, or the Assistant Superintendent/Vice President for Human Resource Services. This petition may be submitted after a period of four (4) years has elapsed from the date the derogatory information was placed in the personnel file. If the petition is denied by the Assistant Superintendent/Vice President for Human Resource Services or designee, the reason(s) for the denial will be transmitted to the faculty member in writing. The decision by the Assistant Superintendent/Vice President for Human Resource Services or designee is final.
- 11.5 Upon the written request of a faculty member, one (1) copy of the materials in the faculty member's personnel file that may be inspected by the faculty member, shall be provided to the faculty member at no cost to the faculty member per year. Faculty members shall pay for any subsequent copying of the same materials in the faculty member's personnel file.
- 11.6 Faculty tenure and evaluation review files will be maintained in the District office of Human Resource Services. Summary Final evaluation reports¹ transferred from the tenure and evaluation review files to official personnel files shall be handled in accordance with the rules and regulations for any other material placed in official personnel files excluding anonymous student comments from official student evaluations that are incorporated into faculty evaluation reports, which are not subject to the process described in 11.3.
- 11.7 A faculty member may request placement of materials relevant to his/her assigned duties or professional responsibilities in his/her District personnel file. The Assistant Superintendent/Vice President for Human Resource Services or designee will notify the faculty member of acceptance or will return the materials if not accepted.












Article 11 District Proposal 1

Final Audit Report

2022-10-27


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