
Fresno USD DIVISION OF HUMAN RESOURCES
HR 5100.1
PERSONNEL FILE

Education Code 44031. Personnel file contents and inspection

1. Every employee has the right to inspect personnel records relating to the employee's performance or to any grievance concerning the employee pursuant to Section 1198.5 of the Labor Code.
2. Prior to making records specified in subdivision (a) available for inspection or providing a copy of these records, the District may redact the name of any nonsupervisory employee contained therein.
3. Except as otherwise provided in EDC subdivision (b) paragraph (3), this material is **not** to include ratings, reports, or records, that (1) were obtained prior to the employment of the persons involved, (2) were prepared by identifiable examination committee members, (3) were obtained in connection with a promotional examination, (4) letters of reference, or (5) records relating to the investigation of a possible criminal offense. *The District must remove the exceptions described in this paragraph prior to making the personnel file records available for inspection.*
4. Every employee shall have the right to inspect these materials upon reasonable request to Human Resources. The review shall take place during normal business hours and the employee shall be released from duty for this purpose without salary reduction. See applicable Collective Bargaining Agreement for exceptions to this section.
5. The District will make these materials available for inspection at reasonable intervals and at reasonable times, but not later than 30 calendar days from the date the District receives a written request, unless the employee and the District agree in writing to a date beyond 30 calendar days to inspect the records, and the agreed-upon date does not exceed 35 calendar days from the District's receipt of the written request.
6. Information of a derogatory nature, except material mentioned in EDC sub-division (b), 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 derogatory statement, his/her own comments thereon.
7. Notwithstanding EDC subdivision (b), every non-credentialed employee shall have access to his or her numerical scores obtained as a result of a written examination.

Fairness in Record Keeping

Four points must be addressed when dealing with and maintaining personnel file material of an employee.

1. The employee must be informed that the material exists and is being retained.

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2. The employee must be informed of his or her right to comment in writing and have the comment included with the original material.
3. This must be done in a timely fashion.
4. The District must make the records available within 30 calendar day from the date the District receives a written request unless agreed to in writing and does not exceed 35 calendar days from the District's receipt of written request.