



## **Chico Unified School District**

1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Administrative  
Regulation:**

**#4112.6  
4212.6  
4312.6**

**Section: 4000**

**Personnel  
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### **All Personnel**

#### **PERSONNEL RECORDS**

The Superintendent or designee shall maintain personnel files 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. Official employee files shall be maintained at the district's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

*(cf. 4141/4241 - Collective Bargaining Agreement)*

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

#### **Placement of Material in Personnel Files**

Any person who places written material or drafts written material for placement 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.

*(cf. 4115 - Evaluation/Supervision)*

#### **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. (Education Code 44031)

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Suspension/Disciplinary Action)*

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*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 5141.4 - Child Abuse Reporting Procedures)*

### **File Review by Employee**

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. (Labor Code 1198.5; Education Code 44031)

The Superintendent or designee shall do one of the following: (Labor Code 1198.5)

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.

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. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

The Superintendent or designee shall not be required to make available to the employee: (Labor Code 1198.5, Education Code 44031)

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

*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*  
*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*

### **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.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

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.

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### **Records Retention**

Personnel records for current and former employees shall be retained in accordance with 5 CCR 16023.

*(cf. 3580 - District Records)*

The Superintendent or designee shall not expunge from an employee's personnel file, nor enter into an agreement that would authorize expunging from an employee's personnel file, credible complaints of, substantiated investigations into, or discipline for egregious misconduct as defined in Education Code 44932. However, such documentation may be removed if, during a hearing before the Board, an arbiter, personnel commission, Commission on Professional Competence, or administrative law judge, the employee prevailed, the allegations were determined to be false, not credible, or unsubstantiated, or a determination was made that the discipline was not warranted. (Education Code 44939.5)

#### *Legal Reference:*

##### **EDUCATION CODE**

- 35253 *Regulations to destroy records*
- 44031 *Personnel file contents and inspection*
- 44663 *Performance appraisals and related materials*
- 44932 *Causes for dismissal*
- 44939.5 *Report of egregious misconduct*

##### **GOVERNMENT CODE**

- 3305-3306.5 *District police officers; personnel files*
- 6250-6270 *California Public Records Act, especially:*
- 6254 *Exemption for personnel records if invasion of personal privacy*
- 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*

##### **COURT DECISIONS**

- Marken v. Santa Monica-Malibu Unified School District, (2012) 202 Cal.App.4th 1250*
- Bakersfield City School District v. Superior Ct. (2004) 118 Cal.App.4th 1041*

##### **ATTORNEY GENERAL OPINIONS**

- Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)*