

AP 7145 Personnel Files

Reference:

Education Code Section 87031, Labor Code Section 1198.5; Accreditation Standard 7.D.4; Civil Code Sections 56.35, 56.20 (c) (1), 56.20 (c) (2), 56.23, 56.20(b), 56.21, 56.22, 56.24; 42 U.S.C. Section 12112(c) (3) (B), 29 U.S.C. Section 12112(c) (3) (B), HIPPA Regulations; 29 CFR 56.1 et seq.; 8CCR 14307, 8 CCR 3204; Title 5 California Code of Regulations Section 59020 et seq.; Chapter 13: Immigration Reform and Control Act ; Labor Code 1198.5; Labor Code 432.

Personnel records are private, accurate, complete, and permanent. Personnel records shall be classified as required by Title 5 and other applicable statutes, state, and federal regulations.

Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter, and have his or her own comments attached to any derogatory statement.

Access to personnel files

Employment records should be kept in individual personnel files and access to these files should be restricted. As personnel files may contain sensitive and private information, they always should be kept in a locked cabinet with access controlled by authorized personnel from whom authorization must be gained before others may review the files.

Employees must have access to their own personnel records, both while employed and after termination of the employment relationship until the applicable statute limitations runs out on any possible legal claims.

Nothing in this procedure shall entitle an employee to review ratings, reports, or records that (a) were obtained prior to the employment of the person involved, (b) were prepared by identifiable examination committee members, or (c) were obtained in connection with a promotional examination or interview.

I-9 Forms

Forms and information verifying the right or your employee to work in this country (I-9 forms, photocopies of verification documents) shall be kept in a common file rather than in each employee's own personnel file. This ensures that the information will be easily accessible for an audit by immigration or labor officials.

Medical Records:

State and federal laws mandate that employers establish appropriate procedures to ensure all employee medical records and information will remain confidential and will be protected from unauthorized use and disclosure.

Employers are prohibited from using or disclosing medical information pertaining to their employees without written authorization from the affected employee. However, such information may be disclosed in limited circumstances, such as when compelled by a court of law or by a lawsuit filed by an employee, when used for administering and maintaining employee benefit plans, or in relation to a workers' compensation claim or request for medical leave.

See Agreement between the Imperial Community College District and the Imperial Valley College Chapter of the Community College Association/California Teachers Association/National Education Association.

See also Agreement between Imperial Community College District and California School Employees Association Chapter 472.