

## **PERSONNEL FILES**

Materials in personnel files that may serve as a basis for affecting employment status must be made available for inspection by the employee involved. Materials not accessible for inspection include reports and records obtained by the district before the person's employment, materials prepared by identifiable examination committee members, or materials obtained in connection with a promotional examination. Information of a derogatory nature, except that mentioned above, shall not be entered or filed in a personnel file unless and until the employee is given notice concerning such an opportunity to review and comment thereon. An Employee has the right to comment in writing on the derogatory materials, and such comments shall take place during the normal teaching day and the employee shall be released from duty for this purpose without loss or reduction of salary. (California Educational Code 44031)

A district may not avoid the requires of sections 44031 by maintaining a separate file for certain documents relating to an employee, segregated elsewhere under a different label and including materials affecting employment status, not may the district simply neglect to file such materials. (Miller v. Chico Unified School District (1979) 2 4 Cal. 3d704, 15 7 Cal Prtr. 72)