

TA: _____ (date)
_____ (initials)

ARTICLE 16: PERSONNEL

16.1 **CLASSIFICATION.** The DISTRICT may create new classifications and fix duties, responsibilities, and assignments for such classifications, or reclassify or abolish positions as long as any such action is not inconsistent with other provisions in this Article or Agreement. Except by mutual agreement, the DISTRICT shall notify the ASSOCIATION in writing via DISTRICT e-mail thirty (30) days prior to the board calendaring of an agenda item of any new classification or the abolition of a classification. The ASSOCIATION shall notify the DISTRICT in writing via DISTRICT e-mail, within ten (10) days of the date that the DISTRICT sent the notice, of its intent to negotiate the effects of such new classifications or abolition of the classification.

16.1.1 The DISTRICT will notify the ASSOCIATION in writing via DISTRICT e-mail within ten (10) days, of implementing its decision to reorganize classified position(s) at the colleges or DISTRICT sites. The ASSOCIATION shall notify the DISTRICT in writing via DISTRICT e-mail within ten (10) days of the date that the DISTRICT sent the notice, of its intent to negotiate effects of such reorganization.

16.2 **PERSONNEL FILES.** ~~The personnel file of each unit member shall be maintained at a single location determined by the DISTRICT.~~ The DISTRICT agrees that personnel files of each unit member shall be maintained in a single location determined by the DISTRICT Office of Human Resources, shall be kept in confidence and shall be available for inspection only to authorized administrative employees of the DISTRICT when actually necessary in the proper administration of the DISTRICT's affairs or the supervision of the unit member. All documents concerning a unit member shall be maintained in the official personnel file at the DISTRICT Office and stored electronically through the DISTRICT's Enterprise Resource Planning ("ERP") platform, NeoEd.

16.2.1 **PERSONNEL LOG.** The DISTRICT shall maintain a log within each unit member's personnel file indicating the persons (other than employees in the Office of Human Resources) who have examined the file and the date of such examination. The log and the unit member's personnel file shall also be available to the appropriate ASSOCIATION representative with written authorization of the unit member where disciplinary action is pending against, or a grievance has been filed by the unit member. Such examination by the unit member or ASSOCIATION representative shall conform to the parameters set forth under section 16.2.3.

16.2.2 **PERSONNEL FILE ADVERSE COMMENT.** Any supervisor or other administrator who writes and places a written adverse comment in the personnel file of a unit member shall sign and date the memorandum or document. ~~into the personnel file of a written adverse comment shall sign and date such memorandum or~~

~~document.~~ Any written adverse comment placed in a personnel file shall also be signed by the unit member in question. If the unit member refuses to sign the memorandum or document, the refusal shall be noted on the memorandum or document. If, upon inspection of a personnel file, a memorandum or document containing adverse comments is found that has not been signed by the unit member and does not include a notation that the unit member refused to sign it, the memorandum or document shall be immediately removed from the personnel file. The unit member shall be provided with copies of any adverse comment and shall have thirty (30) **calendar** days within which to file a written response ~~with the Office of Human Resources~~ to any adverse comment entered in ~~his/her~~ **their** personnel file. ~~Such written response shall be attached to, and shall accompany, the adverse comment.~~ **The written response shall be sent via DISTRICT e-mail to the Office of Human Resources and shall be attached to and accompany the adverse comment.**

~~Any written adverse comment in a personnel file shall be signed by the preparer and the unit member in question. If the unit member refuses to sign the memorandum or document their refusal shall be noted on the document. In the event material containing adverse comments is found, upon inspection of a personnel file, which has not been signed by the unit member or does not include a notation that the unit member refused to sign the material, then the material shall be removed from the file immediately.~~

16.2.3 PERSONNEL FILE INSPECTION. Pursuant to Government Code Section 3306.5, the DISTRICT shall at reasonable times and at reasonable intervals, upon the request of a **unit member who is a** public safety officer, during usual business hours, with no loss of compensation to the officer, permit **a unit member** ~~that officer~~ to inspect personnel files that are used or have been used to determine **the unit member** ~~that officer's~~ qualifications for employment, promotion, additional compensation, or termination or other disciplinary action.

The following materials shall not be available for inspection: 1) ratings, reports, or records which were obtained prior to employment of the unit member; 2) materials prepared by identifiable examination committee members; or 3) materials obtained in connection with a promotional examination.

Upon written authorization of the unit member, an ASSOCIATION representative may review the unit member's personnel file. An ASSOCIATION representative may also accompany any unit member in the review of that member's file.

16.2.3.1 PERSONNEL FILE COPY. The DISTRICT shall keep each **unit member's** ~~public safety officer's~~ personnel file or a true and correct copy thereof and shall make the file or copy thereof available within a

reasonable period of time after a request therefore by the **unit member officer**.

16.2.3.2 PERSONNEL FILE MATERIALS. If, after examination of the unit member's personnel file, the unit member believes that any portion of the material is mistakenly or unlawfully placed in the file, the unit member may submit via DISTRICT e-mail, a request to the Office of Human Resources, that the mistaken or unlawful portion be corrected or deleted. Any request made pursuant to this subdivision shall include a statement by the unit member describing the corrections or deletions from the personnel file requested and the reasons supporting those corrections or deletions. A statement submitted pursuant to this subdivision shall become part of the personnel file of the unit member.

Within thirty (30) calendar days of receipt of a request made pursuant to **section 16.2.3**, the DISTRICT shall either grant the unit member's request or notify the unit member of the decision to refuse to grant the request. If the DISTRICT refuses to grant the request, in whole or in part, the DISTRICT shall state in writing the reasons for refusing the request, and that written statement shall become part of the personnel file of the unit member.

~~16.2.4 The DISTRICT shall maintain a log within each unit member's personnel file indicating the persons (other than employees in the Office of Human Resources) who have examined the file and the date of such examination. The log and the unit member's personnel file shall also be available to the appropriate ASSOCIATION representative with written authorization of the unit member where disciplinary action is pending against, or a grievance has been filed by the unit member. Such examination by the unit member or ASSOCIATION representative shall conform to the parameters set forth under section **16.2.2**.~~

~~16.2.5 Upon written authorization of the unit member, an ASSOCIATION representative may review the unit member's personnel file. An ASSOCIATION representative may accompany any unit member in the review of that member's file.~~

16.3 CLASSIFICATION AND COMPENSATION STUDIES. The DISTRICT and the ASSOCIATION shall review each classification within the bargaining unit at least once within a three (3) year period.

16.3.1 The DISTRICT and the ASSOCIATION shall mutually agree on the compensation and classification study process. Any salary range adjustments shall be negotiated.

16.3.2 New position classifications and/or revisions to existing position classifications shall be subject to mutual agreement between the DISTRICT and ASSOCIATION.