

**ARTICLE 30
PERSONNEL FILES**

A. GENERAL PROVISIONS

1. Location of Personnel Files

Personnel files may be located in an employee's employing department and/or the campus/hospital/LBNL Human Resources Department.

2. Information in the Files

- a. An employee's personnel file(s) contain information pertaining, but not limited, to: employment, such as the application for employment, tests, and letters or statements of reference; pay and benefits; training; conduct; education, honors and awards; duties and job classification; performance; discipline, release, and dismissal actions; attendance; and other relevant or necessary information specified by the University.
- b. Copies of letters of disciplinary action, along with copies of proofs of service that accompany the letters, upon being provided to an employee, shall be placed in the employee's personnel file(s). The employee's written comments, if any, regarding such letters shall be placed in his or her personnel file(s). Such comments shall not require the University to change or alter the letters or the actions indicated by the letters.
- c. Letters of disciplinary action shall, upon written request of the employee, be removed from the employee's personnel file(s) if there have been no other disciplinary actions of the same or of a similar kind for a two (2)-year period, unless required by law. If there have been no other disciplinary actions of the same or similar kind for a two (2)-year period, materials which would be removed upon an employee's request which are more than two (2) years old will not be used or relied upon to take or support disciplinary action. The employee shall receive the written request and the document(s) back.
- d. Upon the employee's written request, counseling memoranda and/or written records of discussions will be removed from the employee's personnel file if there have been no other such memoranda relating to, or disciplinary action on, the same or similar issue(s) for a two-year period. Counseling memoranda and/or written records of discussion, in and of themselves, are not discipline nor are they grievable/arbitrable.
- e. Items placed in an employee's personnel file(s) shall contain the date of the document's creation, and its source, and may contain the date on which the information was placed in the file.

B. EMPLOYEE AND/OR REPRESENTATIVE REVIEW OF PERSONNEL FILE(S)

An employee shall, upon written request to the University, have the opportunity to review his or her personnel file(s) within a reasonable time in the presence of a representative of the University.

1. An employee shall be granted a reasonable amount of time in without-loss-of-straight-time pay status to review his or her personnel file(s). When granting such requests, the immediate supervisor shall take into account the frequency of such requests and the amount of time the employee is or will be engaged in such activity and the impact on operational requirements.
2. An individual of the employee's choice may accompany the employee when the employee is reviewing his or her personnel file(s).
3. Alternatively, an individual employee may authorize a designated representative to review the employee's personnel file(s) on the employee's behalf. Such written authorization shall be valid for a period of thirty (30) calendar days from the date of the signature of the authorization or within a written time limit specified by the employee.
4. When the employee has chosen a member of the Unit to assist in the review of the file(s), that person's release time shall be in accordance with the provisions of this Agreement.

C. PROTECTED INFORMATION

Records protected by recognized legal privilege and records excepted from disclosure by law may be withheld from the employee and/or the employee's representative.

D. GRIEVANCE-RELATED FILES

Records involving the processing of an employee's grievance, such as the grievance form, step appeals/responses, and settlement documents, will be kept in a file separate from the employees' personnel file. It is not the intent of this section to exclude from the employee's personnel file final disciplinary action documents, including those that result from a settlement agreement.

E. DUPLICATION COSTS

Employees shall receive, without cost, a first copy of documents, or extracts thereof, that are located in his or her personnel file. However, employees may be charged the same fees as are customarily charged other staff employees for additional copies of documents in the employee's personnel file.