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11:15 AM

RNPA Proposal 6, December 7, 2023 (revised)

Section 6.3 - Personnel Files

a. The County shall typically maintains the following a personnel files for each nurse in the bargaining unit: County personnel file; Agency personnel file; Unit file; and supervisor's file. The Santa Clara Valley Health and Hospital System may also maintain a personnel file for each nurse.

b. Nurses shall have the right to review their personnel files or authorize review by their representative of the County personnel file, the Agency personnel file, and/or the Unit file, including any electronic file.

c. Nurses will not be permitted to review the contents of the supervisor's file. The purpose of the supervisor's file is to maintain materials relevant to evaluating subordinate nurses. Materials in the supervisor's file may be used for purposes of preparing an evaluation but may not be used for any other personnel related reason. Once the supervisor completes the employee's evaluation, the contents of the supervisor's file shall be destroyed.

d. No material will be inserted into the nurse's County personnel file, Agency personnel file, or Unit file personnel file(s) without prior notice to the nurse. Nurses may cause to be placed in their personnel file(s) responses to adverse material inserted therein and a reasonable amount of correspondence originating from other sources directly related to their job performance.

e. Materials relating to suspensions which become final will be removed after four (4) **three (3)** years if no other suspensions have occurred during the four (4) **three (3)** year period except those involving charges as listed in A25-301(a)(4) Brutality in the performance of duties and (b)(2) Guilty of immoral conduct or a criminal act.

Materials relating to suspensions may be removed from the nurse's personnel files earlier than the regular removal schedule by mutual agreement between the Union, the Office of Labor Relations and the CNO or their designee.



Materials relating to disciplinary actions recommended but not taken, or disciplinary actions overturned on appeal, shall not be retained in a nurse's ~~personnel~~ files.

f. The County shall create a log which all persons who review an employee's personnel file shall be required to sign when accessing the file.

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Notes:

- *This revised proposal is responsive to the County proposal on Section 6.3.*
- *RNPA REJECTS County proposals to allow removed discipline to be used to show notice – Employer should establish notice by showing that policy expectations have been conveyed to employees.*
- *The proposal clarifies the different types of personnel file maintained by the County, protects the confidentiality of the supervisor's file for purposes of preparing an evaluation, and ensures notice to nurses when personnel materials are placed in their files.*
- *RNPA modifies its first proposal to now require removal of adverse materials after three (3) years (previously two (2)).*