


June 17, 2025
Union #10
Section 11 – Personnel Files (Both MOUs)

Tentative Agreement

The State Bar and SEIU, Local 1000 (Union) reached a tentative agreement on the proposal below. Per the Ground Rules, all tentative agreements are subject to an overall agreement and an overall agreement is subject to approval by the Board of Trustees and the membership of the Union.

FOR SEIU, LOCAL 1000:

DocuSigned by:

BECE4790FA10484...

Brian Hoeber
Staff Attorney

6/18/2025 | 1:07 PM PDT

Date

DocuSigned by:


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Shataka Shores-Brooks
Bargaining Chair

6/18/2025 | 1:59 PM PDT

Date

FOR THE STATE BAR:

Signed by:

00202CCF804F496...

Justice Israel
Director of Human Resources

6/18/2025 | 2:01 PM PDT

Date

Section 11 – Personnel Files

A. The State Bar shall maintain in the Office of Human Resources a personnel file for each Employee. This file shall be used to determine that Employee's qualifications for promotion or termination or other disciplinary action. An Employee may respond in writing to any material in their personnel file.

B. The State Bar shall, at reasonable times, upon the request of an Employee, permit that Employee and/or that Employee's authorized union representative to inspect such personnel file and any material referred to in such personnel file. Nothing in this Subsection B shall apply to the records of an investigation of possible attorney admissions and/or disciplinary issues or to letters of reference.

C. Material not in such personnel file or referred to in such personnel file may not be used to determine that Employee's qualifications for promotion or termination or other disciplinary action unless that Employee is first permitted a reasonable opportunity to inspect such material and a reasonable opportunity to respond. Written warnings shall be given consideration in making personnel decisions. Memorialization of verbal counseling shall not be inserted into personnel files and may not be used as a basis for future progressive discipline where there has been no further misconduct for a period of two years. Written warnings shall be removed from the personnel file and may not be used as a basis for future progressive discipline where there has been no further misconduct for a period of three years.

D. Formal Notices of Discipline shall be retained in an employee's official personnel file for no more than ~~four (4)~~ three (3) years from the date of issuance, provided that no further related disciplinary action has occurred during that period. At the conclusion of this period, the Notice of Discipline shall be automatically removed from the personnel file and placed in a separate confidential file, accessible ~~only~~ for purposes of progressive discipline if similar misconduct occurs or as described in Section 11.G below.

~~E. In alignment with the State Bar's existing policy and common practice among state agencies,~~ All disciplinary documents, including Notices of Discipline, shall be purged from personnel files consistent with the timeframes identified in the State Bar's Records Retention Policy except where the State Bar has placed a litigation hold on those records, which may be preserved for longer timeframes at the sole discretion of the State Bar. ~~within four (4) years of an employee's separation from the State Bar.~~ A copy of the Notice of Discipline and any supporting documents will be maintained by the State Bar in a confidential legal file but will be subject to disclosure pursuant to Section 11.G below.

F. When providing employment references or verification for former employees, the State Bar shall not disclose the existence or content of any Notices of Discipline that has been purged from the personnel file in accordance with this policy.

G. Notwithstanding the foregoing, the State Bar reserves the right to disclose any Notice of Discipline and any supporting documents if disclosure is required by law pursuant to a valid court order, statute, judicial process, or regulatory authority, validly issued subpoena, or other legal compulsion, including but not limited to disclosure in response to a California Public Records Act request or a request from CalPERS.

~~D~~~~G~~~~H~~. Information of a complimentary nature received by the State Bar pertaining to the work performance of an Employee shall be placed in the Employee's personnel file upon the Employee's request.

~~E~~~~F~~. The State Bar will provide notice, via email, to any Employee whenever any document is placed in or removed from that Employee's personnel file which either (1) has not previously been provided to the Employee or (2) the Employee has not previously signed.

