

Compliance Overview

Overview of State Personnel File Access Laws

No federal law grants employees the right to inspect their personnel files. However, several states give employees such rights and spell out the terms under which employees are allowed to inspect those files. More than half of the states do not have any laws giving employees the right to inspect their personnel files. If no state law dictates access must be given, the employer may create its own policy regarding access to personnel files. Currently, the following states have personnel file access laws:

- Alaska;
- California;
- Colorado;
- Connecticut;
- Delaware;
- Illinois;
- Iowa;
- Maine;
- Massachusetts;
- Michigan;
- Minnesota;
- Nevada;
- New Hampshire;
- Oregon;
- Pennsylvania;
- Rhode Island;
- Virginia;
- Washington; and
- Wisconsin.

When a state gives employees the right to inspect their personnel file, it does not always indicate which documents are considered part of a personnel file. When this is the case, employers should consider including documents directly related to the employee's current position, duties and performance in the employee's personnel file. On the other hand, certain documents should not be kept in a personnel file, such as Forms I-9, medical records containing personally identifiable information, investigation documents and security clearance records, as they may be subject to federal or state laws governing employee access or employer retention requirements, among other things.

This Compliance Overview provides an overview of each state's personnel file access law.

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OVERVIEW OF STATE PERSONNEL FILE ACCESS LAWS

ALASKA

Employees' Right to Review

Employers must permit employees or former employees to inspect and make copies of their personnel files and other personnel information maintained by the employer concerning the employee, under reasonable rules, during regular business hours. Employers may require employees or former employees who request copies of material to pay the reasonable cost of duplication.

Personnel file and other personnel information mean all papers, documents and reports about a particular employee if they are or have been used by an employer to make a determination regarding the employee's eligibility for employment, promotions, additional compensation, transfers, termination of employment, discipline or other adverse actions. It also includes the following information:

- Applications;
- Commendation notices, warnings or disciplinary notices;
- Authorizations for withholding or making deductions from pay;
- Records of hours worked and leave;
- Formal or informal performance evaluations;
- Reports related to the employee's character, credit, work habits, compensation or benefits;
- Medical records; and
- Reference or recommendation letters from former employers or other third parties.

Personnel file and other personnel information do not include:

- Information of a personal nature about a person other than the employee if disclosing the information would constitute an unwarranted invasion of the other person's privacy;
- Information related to an ongoing investigation of an employee's violation of a criminal or civil law; or
- The employer's ongoing investigation of employee misconduct.

Compliance Overview

Correction of Information	No state statutory or regulatory provisions apply.
Notification and Timing	No state statutory or regulatory provisions apply.
Penalties for Violations	The Alaska Department of Labor and Workforce Development can issue cease-and-desist orders and other orders to enforce the state's labor laws.

CALIFORNIA

Employees' Right to Review	California law provides that current and former employees and their representatives have the right to inspect and receive a copy of the personnel files and records relating to the employee's performance or any grievance concerning the employee. If an employee or former employee files a lawsuit related to a personnel matter, their right to inspect and receive a copy of personnel files ceases during the pendency of the lawsuit. Employers are permitted to redact the names of nonsupervisory employees before making personnel records available for inspection or providing a copy of the records. In addition, if employers maintain education and training records, they must also allow employees and former employees to inspect and receive a copy of the records pertaining to education or training. Education or training records must include: • The employee's name; • The training provider's name; • The training's duration and date; • The training's core competencies, including skills in equipment or software; and • The resulting certification or qualification.
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Current and former employees or their representatives must request to inspect or receive copies of their personnel records by either submitting the request in writing or completing an employer-provided form, which must be made available to the employee or their representative upon verbal request to the employee's supervisor or, if known to the employee or their representative at the time of the request, to the individual the employer designates to receive a verbal request for the form.

An employer is required to comply with only one request per year by a former employee to inspect or receive a copy of their personnel records. A former employee may receive a copy of their personnel records by mail if they reimburse the employer for actual postal expenses.

Employers are not required to comply with more than 50 requests to inspect and receive a copy of personnel records filed by an employee's representative in one calendar month.

The right to inspect personnel files and records does not apply to records relating to the investigation of a possible criminal offense; letters of reference; or ratings, reports or records that were obtained prior to the employee's employment, were prepared by identifiable examination committee members or were obtained in connection with a promotional exam.

Categories of records that are generally considered to be **personnel records** are those that are used or have been used to determine an employee's qualifications for promotion, additional compensation or disciplinary action, including termination. Examples of personnel records include, but are not limited to:

- Application for employment;
- Payroll authorization form;
- Notices of commendation, warning, discipline and/or termination;
- Notices of layoff, leave of absence and vacation;
- Notices of wage attachment or garnishment;
- Education and training notices and records;
- Performance appraisals and reviews; and
- Attendance records.

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Correction of Information	No state statutory or regulatory provisions apply.
Notification and Timing	Employers must make personnel records available for inspection at reasonable times and intervals, but not later than 30 calendar days from the date the employer receives a written request. However, employers and employees may agree in writing to a date beyond 30 calendar days but not exceeding 35 calendar days. Employers must provide a copy of the personnel records, at a charge not to exceed the actual cost of reproduction, not later than 30 calendar days from the date the employer receives the request.
Penalties for Violations	Employers that fail to permit a current or former employee (or their representative) to inspect or copy personnel records within the times specified by California law or by mutual agreement may be fined \$750. Current and former employees may also bring an action for injunctive relief to obtain compliance with the state's personnel file access law and recover costs and reasonable attorney's fees. In addition, a violation of California's personnel file access law is an infraction, which is punishable by a fine of up to \$250.

COLORADO

Employees' Right to Review	In Colorado, upon request, employers must permit employees to inspect and obtain a copy of any part of their own personnel file at least annually at the employer's office and at a time convenient to both the employer and employee. Former employees may make one inspection of their personnel file after termination of employment. Employers may restrict employees' or former employees' access to their files to be only in the presence of a person responsible for managing personnel data on behalf of the employer or another employee designated by the employer. Employers may require employees or former employees to pay the reasonable cost of duplication of documents. Under Colorado law, personnel file means the employee's personnel records maintained by and collected by the employer that are used or have been used to determine the employee's qualifications for employment, promotion, additional compensation, employment termination or other disciplinary action. Personnel file does not include documents or records: • Required by federal or state law to be placed or maintained in a separate file from the regular personnel file;
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	• Pertaining to confidential reports from employees' previous employers; or • Relating to active criminal investigations, employer disciplinary investigations or regulatory agency investigations. Personnel file also does not include any information in a document or record that identifies any person who made a confidential accusation, as determined by the employer, against the employee who makes a request for their personnel file.
Correction of Information	No state statutory or regulatory provisions apply.
Notification and Timing	No state statutory or regulatory provisions apply.
Penalties for Violations	No state statutory or regulatory provisions apply.

CONNECTICUT

Employees' Right to Review	Employers must allow employees to inspect and, if requested, copy their personnel file after receiving an employee's written request. Inspection of personnel files must occur during regular business hours at or near the employee's place of employment. Employers are not required to permit employees to inspect their personnel files or medical records more than twice per calendar year. Employers must permit former employees to inspect and, if requested, copy their personnel file after receiving a former employee's written request if the employer receives the written request no later than one year after the former employee's termination. Inspection of the former employee's personnel file must take place during regular business hours at a location mutually agreed upon by the employer and former employee. If the employer and former employee cannot agree on a location, the employer may mail a copy of the former employee's personnel file within 10 business days of receiving the former employee's written request.
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Employers are not required to allow employees to remove personnel files or medical records from the place of inspection. Employers may require that the records be inspected in a location where they can remain under employer supervision.

Employers must provide employees with a copy of all or part of their personnel files within a reasonable time of receiving a written request from employees if such request reasonably identifies the materials to be copied. Employers can charge a fee for copying any part of such files. The fee must be reasonably related to the cost of supplying the requested documents. If providing copies of a file or record is necessary, an employer may charge a reasonable amount for supplying these copies.

Connecticut law defines a **personnel file** as papers, documents and reports, including electronic mail and facsimiles, pertaining to an employee that are used or have been used to determine an employee's:

- Eligibility for employment;
- Promotion;
- Additional compensation;
- Transfer;
- Termination; or
- Disciplinary or other adverse personnel action.

Personnel files include employee evaluations or reports that relate to the employee's character, credit and work habits.

Personnel file does not include:

- Stock options or management bonus plan records;
- Medical records;
- Letters of reference or recommendations from third parties, including former employers;
- Materials used by the employer to plan for future operations;
- Information contained in separately maintained security files;
- Test information, the disclosure of which would invalidate the test; or
- Documents that are developed or prepared for use in civil, criminal or grievance procedures.

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	The medical records include papers, documents and reports prepared by physicians, psychiatrists or psychologists if employers maintain such records and the records are work-related or relied on by employers to make any employment-related decision.
Correction of Information	If employees disagree with any information in their personnel files or medical records, employers and employees can agree to remove or correct the information. If employers and employees cannot reach such an agreement, employees can submit a written explanation that employers must keep with employees' personnel files and include whenever such files are released to third parties.
Notification and Timing	For current employees, access must be allowed within seven business days of the employee's written request. Employers must permit former employees to review their personnel files within 10 business days of receiving the former employee's written request if their requests are received within one year after termination of employment.
Penalties for Violations	Employers may be fined up to \$500 for a first violation related to an individual employee or former employee and up to \$1,000 for each subsequent violation related to such employee or former employee. The Connecticut attorney general may institute civil actions to recover these penalties. In addition, the Connecticut Department of Labor may subpoena employers in connection with investigations related to potential personnel file access violations.

DELAWARE

Employees' Right to Review	Employers must allow employees to inspect their own personnel files that are used to determine their qualifications for employment, promotion, additional compensation, termination or disciplinary action. This inspection must be allowed upon employees' request, at reasonable times, during the regular business hours of the office where these files are usually maintained and when enough time is available during the regular business day to inspect the files. Employers must give employees enough time for the inspection, in accordance with the amount of the personnel file's content. Employers can limit personnel file inspections to once every calendar year, unless there is reasonable cause for more frequent inspections. They can also require that these inspections occur during employees' free time. In addition,
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employers can require employees to submit a written form requesting access to their personnel files, solely for the purpose of identifying the requesting individual to avoid disclosures to ineligible persons. To help employers provide appropriate records, employees' written requests must indicate the purpose of their request or the specific records they want to inspect.

Employers are not required to allow employees to remove their own personnel files, any part of the files or a copy of the files from the employer's premises; however, employees can take notes. Employers have the right to protect the personnel files from loss, damage or alteration. They can also require that the files be inspected in the presence of a designated official.

Employees include current employees, laid off employees with re-employment rights or employees on leaves of absence. Employees do not include applicants or designated agents.

Personnel files include the following:

- Job applications;
- Wage or salary information;
- Notices of commendation, warning or discipline;
- Authorizations for pay deductions or withholdings;
- Fringe benefit information;
- Leave records; and
- Employment history, including salary information, job titles, dates of changes, performance evaluations and retirement, attendance or medical records.

Personnel files do not include records related to investigations of possible criminal offenses; letters of reference; documents for use in civil, criminal or grievance procedures; materials used by employers to plan for future operations; or information available to employees under the federal Fair Credit Reporting Act.

Correction of Information

If employees disagree with any information in their personnel files, employers and employees can agree to remove or correct the information. If an agreement cannot be reached, employees can submit a written statement explaining their

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	position. This statement must be maintained as part of their personnel files or medical records and must accompany any transmittal or disclosure from these files or records to third parties.
Notification and Timing	No state statutory or regulatory provisions apply.
Penalties for Violations	Employers that refuse to allow employees to access personnel files may be subject to a civil penalty of between \$1,000 and \$5,000 for each violation. In addition, if an employer discharges or in any manner discriminates against an employee because the employee has made a complaint or has given information to the Delaware Department of Labor related to violations of the state's personnel file access law, has caused to be instituted or is about to cause to be instituted any proceedings, or has testified or is about to testify in any such proceedings may be subject to a penalty of between \$1,000 and \$5,000 for each violation.

ILLINOIS

Employees' Right to Review	In Illinois, employers with five or more employees are subject to the state's Personnel Record Review Act. Under the law, employees, former employees and their representatives have the right to inspect, copy and receive copies of their personnel files. Upon receiving an employee's written request, employers must grant at least two requests to inspect, copy and receive copies of personnel files in a calendar year if the requests are made at reasonable intervals and are made to a person responsible for maintaining the employer's personnel records. Written request includes any electronic communications, such as email or text messages. The employee's written request must: • Identify what personnel records the employee is requesting or if the employee is requesting all the records allowed to be requested under Illinois law; • Specify if the employee is requesting to inspect, copy or receive copies of the records; • Specify whether records are to be provided in hardcopy or in a reasonable and commercially available electronic format; • Specify whether inspection, copying or receipt of copies will be performed by that employee's representative, including family members, lawyers, union stewards, other union officials or translators; and
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- If the requested records include medical information and medical records, include a signed waiver to release medical information and medical records to that employee's specific representative.

If an employer does not maintain records in one or more of the categories requested, the employer may respond in writing notifying the employee that the employer does not maintain records in the category; however, the employer must permit inspection, copying and receipt of copies of any other category requested for which the employer maintains records. If the records are maintained in a manner and fashion that is already accessible by the employee, the employer may instead provide the employee with instructions on how to access the information.

In-person inspections must occur during normal work hours at a location reasonably near employees' workplace. Employers can allow inspections to occur at other times or at locations other than where the personnel records are maintained if these times or locations are more convenient for employees. Employers must email or mail a copy of the requested personnel records to employees upon their written request. Employers may charge a fee for providing a copy of requested records, which must be limited to the actual cost of duplicating the requested record.

Employers are not required to allow employees to remove any part of their personnel records from the location where they are made available for inspection. Employers may protect personnel records from loss, damage or alteration to ensure their integrity.

Personnel files include:

- Any personnel documents that are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, compensation, benefits, discharge or other disciplinary action;
- Any employment-related contracts or agreements that the employer maintains that are legally binding on the employee;
- Any employee handbooks that the employer made available to the employee or that the employee acknowledged receiving; and
- Any written employer policies or procedures that the employer contends the employee was subject to and that concern qualifications for employment, promotion, transfer, compensation, benefits, discharge or other disciplinary action.

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	Former employees include individuals subject to recall after layoff or who have been terminated within the preceding year. The right of the employee or their designated representative to inspect their personnel records does not apply to: • Letters of reference for that employee or external peer review documents for academic employees of institutions of higher education; • Any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document; • Materials relating to the employer's staff planning, such as matters relating to the business' development, expansion, closing or operational goals, where the materials relate to or affect more than one employee; however, this exception does not apply if such materials are, have been or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, compensation, benefits or in determining an individual employee's discharge or discipline; • Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy; • An employer who does not maintain any personnel records; • Records relevant to any other pending claim between the employer and employee which may be discovered in a judicial proceeding; • Investigatory or security records maintained by an employer to investigate criminal conduct by an employee or other activity by the employee which could reasonably be expected to harm the employer's property, operations or business, or could, by the employee's activity, cause the employer financial liability, unless and until the employer takes adverse personnel action based on information in such records; and • An employer's trade secrets, client lists, sales projections and financial data.
Correction of Information	If employees disagree with any information in their personnel records, they may reach an agreement with their employer to remove or correct the information. If an agreement cannot be reached, employees may submit a written statement explaining their position. Employers must attach these employees' statements to the disputed portion of the personnel record and include them whenever the disputed portion of the personnel record is released to a third party.

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Notification and Timing	Employers must comply with employees' requests to inspect, copy and receive copies of their personnel files within seven workdays . If employers can reasonably show that this deadline cannot be met, they can take an additional seven days to comply.
Penalties for Violations	Employees who have been denied access to their personnel files may file a complaint with the Illinois Department of Labor (IDOL). The IDOL must investigate the complaint and has the authority to request the issuance of a search warrant or subpoena to inspect the employer's files, if necessary. If the IDOL determines the employer has violated the state's personnel file access law, the department may commence an action in circuit court, including an action to compel compliance. Employees may commence an action in circuit court if the IDOL fails to resolve the complaint within 180 days after the complaint is filed or the IDOL confirms in writing that the department is unlikely to resolve the complaint within 180 days. Employers may be held in contempt for failing to comply with a court order. The court may award a prevailing employee actual damages. For willful and knowing violations of Illinois personnel file access law, employers may be required to pay \$200, reasonable attorney's fees and actual damages. In addition, employers that violate the law or discharge or in any manner discriminate against any employee because they have made a complaint are guilty of a petty offense.

IOWA

Employees' Right to Review	Employers must allow employees to access and obtain a copy of their personnel file, including performance evaluations, disciplinary records and other information regarding employer-employee relations. Employees' access to their personnel file is subject to the following: • The employer and employee must agree on the time the employee can access their personnel file; • The employer's representative can be present when the employee accesses their personnel file; • The employee cannot access employment references written for them; and • The employer can charge the employee a reasonable fee, equivalent to the amount charged by a commercial copying business, for each page copied from the employee's personnel file.
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Correction of Information	No state statutory or regulatory provisions apply.
Notification and Timing	No state statutory or regulatory provisions apply.
Penalties for Violations	No state statutory or regulatory provisions apply.

MAINE

Employees' Right to Review

Employers must, upon written request from an employee or former employee, provide the employee, former employee or duly authorized representative with an opportunity to review and copy the employee's personnel file if the employer has a personnel file for that employee. Reviewing and copying must take place at the location where the personnel files are maintained and during normal office hours unless, at the employer's discretion, a more convenient time and location for the employee are arranged.

Each calendar year, the employer must provide, at no cost to the employee or the employee's representative, one copy of the entire personnel file when requested by the employee or former employee. Employers must also provide a copy of all the material added to the personnel file after the copy of the entire file was provided each calendar year when requested by the employee or former employee. The cost of copying any other material requested during that calendar year is paid by the person requesting the copy.

Personnel file includes, but is not limited to:

- Any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits; and
- Nonprivileged medical records or nurses' station notes relating to the employee that the employer has in its possession.

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	Records in a personnel file may be maintained in any form, including paper, microfiche or electronically. The employer must take adequate steps to ensure the integrity and confidentiality of these records. If an employer maintains records in a form other than paper, they must have available to the employee, former employee or duly authorized representative the equipment necessary to review and copy the personnel file.
Correction of Information	No state statutory or regulatory provisions apply.
Notification and Timing	Employers must comply with requests to review and copy employees' personnel files within 10 days of receiving the request, unless there is good cause.
Penalties for Violations	Employers that, without good cause, fail to provide an opportunity to review and copy personnel files following a request within 10 days of the request are subject to a civil penalty of \$25 for each day the failure continues, up to a maximum of \$500. Employees, former employees and the Maine Department of Labor (MDOL) may bring an action in superior court for equitable relief, including an injunction. Employers may be required to reimburse employees, former employees or the MDOL for the costs and reasonable attorney's fees.

MASSACHUSETTS

Employees' Right to Review	In Massachusetts, current and former employees have the right to review their personnel file upon written request. Employers are not required to allow employees to review their personnel records more than two separate occasions in a calendar year. The review must take place at the place of employment and during normal business hours. Employers must notify employees within 10 days of the employer placing any information that is, has been used or may be used to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action in the employee's personnel record. This notice and review, caused by the placement of negative information in the personnel record, is not considered to be one of the two annually permitted reviews.
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	Personnel record means a record kept by an employer that identifies an employee, to the extent that the record is used or has been used or may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action. It does not include personal information on other persons, besides the employee, if disclosing this information would be a clearly unwarranted invasion of their privacy. Personnel records must be maintained in typewritten or printed form or can be handwritten in indelible ink. Employers with 20 or more employees must also include the following written information or documents in the employee's personnel file (to the extent the information and documents are prepared by the employer): • The employee's name, address, date of birth, job title and description; • The employee's rate of pay and any other compensation paid to the employee; • The employee's starting date of employment; • The employee's job application; • The employee's resumes or other forms of employment inquiry submitted to the employer in response to the employer's advertisement; • The employee's performance evaluations, including but not limited to employee evaluation documents; • Written warnings of substandard performance; • Lists of probationary periods; • Waivers signed by the employee; • Copies of dated termination notices; and • Any other documents relating to disciplinary action regarding the employee.
Correction of Information	If there is a disagreement with any information in a personnel file, employers and employees can mutually agree to remove or correct the information. If they cannot reach an agreement, employees can submit a written explanation of their position. This statement becomes part of the employee's personnel file for as long as the original information is retained as part of the file and must be included when the file is transmitted to a third party. In addition, employers and employees can mutually agree to remove any other information in a personnel file for any reason.

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Notification and Timing	After receiving a written request from an employee, employers must provide the employee with an opportunity to review their personnel record within five business days . In addition, employers must give employees a copy of their personnel record within five business days of the employee's written request for such a copy.
Penalties for Violations	Employers may be fined between \$500 to \$2,500 for violations of the state's personnel file access law.

MICHIGAN

Employees' Right to Review

Employers with **four or more employees** are covered by Michigan's personnel file provisions. Employers that maintain personnel files must allow current or former employees to review information in their personnel files that pertains to the employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action. Employers must allow employees who submit written requests to review their own personnel files on a periodic basis at reasonable intervals. Employers can limit an employee's access to their personnel files to a maximum of two times per calendar year. The review must take place at a location reasonably near the employee's workplace during normal office hours. If reviewing records during normal business hours would require a current employee to take time off work, the employer must grant access at another reasonable time. Employers can allow the review to take place at another time or location more convenient to employees.

Employers must provide employees with copies of personnel records or parts of personnel records. Employers may charge a fee for providing the information contained in the employee's personnel record, which is limited to the actual incremental cost of duplicating the information. On an employee's written request, the employer must mail copies of the requested records to the employee if the employee shows an inability to review their personnel records at an employment site.

Personnel record means a record kept by the employer that identifies the employee to the extent that the record is used, has been used, may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action.

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	Personnel record does not include: • Employee references supplied to an employer if the identity of the person making the reference would be disclosed; • Materials relating to the employer's staff planning with respect to more than one employee, including salary increases, management bonus plans, promotions and job assignments; • Medical reports and records made or obtained by the employer if the records or reports are available to the employee from the doctor or medical facility involved; • Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy; • Information that is kept separately from other records and that relates to a criminal activity investigation by the employer; • Records limited to grievance investigations, which are kept separately and are not used relative to the employee's qualifications for employment, promotion, transfer, additional compensation or disciplinary action; • Records maintained by an educational institution which are directly related to a student and are considered to be education records under federal law; and • Records kept by an executive, administrative or professional employee that are kept in the sole possession of the maker of the record and are not accessible or shared with other persons. However, a record concerning an occurrence or fact about an employee may be entered into a personnel record if entered not more than six months after the date of the occurrence or the date the fact becomes known.
Correction of Information	If there is a disagreement about the information contained in a personnel record, the employer and employee can mutually agree to remove or correct the information. If the employer and employee cannot agree, the employee can submit a written statement explaining their position. The employee's statement must be limited to five pages on standard letter paper. The statement must be included when the information is divulged to a third party, as long as the disputed information is part of the file.
Notification and Timing	No state statutory or regulatory provisions apply.

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Penalties for Violations

Employees may commence an action in circuit court to compel compliance with Michigan's personnel file access law. Employers that fail to comply with a court order may be punished with contempt. In addition, the court may award prevailing employees actual damages and costs. Employers that willfully and knowingly violate the state's personnel file access law may be ordered to pay a \$200 fine, costs, reasonable attorney's fees and actual damages.

MINNESOTA

Employees' Rights to Review

Employers must provide employees with an opportunity to review their personnel records upon written request. Employees have the right to review their personnel records at least once every six months. Upon separation from employment, former employees may review their personnel record once every year after separation for as long as the personnel record is maintained. **Employee** means a person who performs services for hire for an employer, provided that the services have been performed predominantly within Minnesota, and includes any person who has been separated from employment for less than one year. Independent contractors are not considered employees for purposes of the Minnesota Personnel Record Review and Access Act (MPRRRA).

Employers must allow current employees to review their personnel records (or an accurate copy) during normal hours of operation at their workplace or another reasonably nearby location. However, employers are not required to make these records available during employees' working hours. Employers can require that they or their designee be present for the review. After the review, employers must provide employees with a free copy of their personnel records upon written request. In addition, employers must provide former employees with a free copy of their personnel records upon written request. By providing a copy of the employee's personnel file, employers satisfy the requirement to allow former employees to review their personnel records.

Personnel records include:

- Employment applications;
- Wage or salary history;
- Notices of commendation, warning, discipline or termination;
- Authorization for a deduction or withholding of pay;

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- Fringe benefit information;
- Leave records; and
- Information about employment history with the employer, including salary and compensation history; job titles; dates of promotions; transfers and other changes; and attendance records, performance evaluations and retirement records.

Personnel record **does not** include:

- Written references, including letters of reference supplied to an employer by another person;
- Information relating to the investigation of a violation of a criminal or civil statute by an employee or an investigation of employee conduct for which the employer may be liable;
- Education records that are maintained by an educational institution and directly related to a student;
- Results of employer testing (except that the employee may see a cumulative total test score for a section of the test or for the entire test);
- Information relating to the employer's salary system and staff planning, including comments, judgments, recommendations or ratings concerning expansion, downsizing, reorganization, job restructuring, future compensation plans, promotion plans and job assignments;
- Written comments or data of a personal nature about a person other than the employee, if disclosure of the information would constitute an intrusion upon the other person's privacy;
- Written comments or data kept by the employee's supervisor or an executive, administrative or professional employee, provided the written comments or data are kept in the sole possession of the author of the record;
- Privileged information or information that is not discoverable in a workers' compensation, grievance arbitration, administrative, judicial or quasi-judicial proceeding;
- Any portion of a written or transcribed statement by the employee's coworker that concerns the job performance or the employee's job-related misconduct that discloses the identity of the coworker by name, inference or otherwise; or
- Medical reports and records, including reports and records that are available to the employee from a healthcare services provider.

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Correction of Information	Employees have the right to dispute their personnel files. If an employee disputes specific information contained in their personnel record, the employer and the employee may agree to remove or revise the disputed information. If no agreement is reached, the employee can submit a written statement identifying the disputed information and explaining their position. The employee's written statement may not exceed five pages and must be included along with the disputed information for as long as the information is maintained in the employee's personnel file. A copy of the employee's statement must be provided to any person who is given a copy of the file containing the disputed information.
Notification and Timing	Employers must comply with employees' requests to review their personnel records no later than seven working days after receipt of the request if the personnel record is located in Minnesota, or no later than 14 working days after receipt of the request if the personnel record is located outside of Minnesota. Employers are required to provide job applicants, upon hire, with a notice of rights and remedies under the MPRRAA.
Penalties for Violations	Employers can be fined up to \$5,000 for MPRRAA violations and ordered to pay attorneys' fees and costs. Employees may bring a civil action for MPRRAA violations within one year of the alleged violation. Successful employees may receive actual damages and costs. Employees who bring civil actions for violations of the MPRRAA's antiretaliation provisions are entitled to actual damages, back pay, reasonable attorney's fees, reinstatement or other make-whole, equitable relief.

NEVADA

Employees' Right to Review	Employers must give employees a reasonable opportunity during usual business hours to inspect any records kept by the employer used to determine the employee's qualifications and any disciplinary action taken against the employee, including termination. Employers must also provide employees with a copy of those records. Employers can charge employees the actual costs of providing access to and copying employment records. Employers are not required to provide copies of these records to an employee or former employee who has been or was employed for less than 60 days.
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Compliance Overview

	Personnel records do not include confidential reports from previous employers or investigative agencies, other confidential investigative files concerning the employee or information concerning the investigation, arrest or conviction of that person for a violation of any law.
Correction of Information	Employers must allow employees to submit a reasonable written explanation in direct response to any written entry in the employment records regarding the employee. Written explanations must be reasonable in length and in a format prescribed and maintained by the employer. If employees contend that any information contained in their employment records is inaccurate or incomplete, they must notify their employer in writing of that contention. If the employer finds that the employee's contention is correct, the employer must change the information accordingly.
Notification and Timing	Upon termination of employment, employers must allow employees to inspect their employment records within 60 days after their termination and, if requested by the former employee within that period, furnish the former employee with a copy of those records. Employers can charge former employees the actual costs of providing access to and copying employment records. Employers are not required to provide copies of these records to former employees who were employed for less than 60 days.
Penalties for Violations	The Nevada Office of the Labor Commissioner (NOLC) may take appropriate action against employers to enforce the state's labor laws and regulations. The NOLC may seek civil remedy, impose administrative penalties, take other administrative action or refer the claims to the Nevada Attorney General for prosecution.

NEW HAMPSHIRE

Employees' Right to Review	Employers must provide employees with a reasonable opportunity to inspect their personnel files upon request. Employers must also provide employees with a copy of all or part of their personnel files if requested. Employers may charge a fee reasonably related to the cost of supplying the requested documents. These rights and protections also extend to former employees. Employers are not required to give employees access to the following records:
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Compliance Overview

	• Information relating to employees who are the subject of an investigation at the time of the request to inspect the personnel file, if the disclosure would prejudice law enforcement; • Information relating to government security investigations; or • Health, fitness, lifestyle and other information obtained from employees for the purpose of providing employees with health risk assessments or wellness programs.
Correction of Information	If employees disagree with any information in their personnel files upon inspecting their file, they can ask employers to remove or correct the information. If employers and employees cannot agree upon the removal or correction of the disputed information, employees can submit a written statement explaining their version of the information, along with supporting evidence, for inclusion in their personnel file. Employers must maintain the statement as part of the employee's personnel file and include it when transmitting the file to a third party.
Notification and Timing	Employers must post the state's Protective Legislation Law poster , which includes a summary of the state's personnel file provisions, in conspicuous locations in the workplace.
Penalties for Violation	Employers may be fined a minimum of \$100 per violation of any section of the New Hampshire Labor Laws.

OREGON

Employees' Right to Review	Employers must provide employees with a reasonable opportunity to inspect their personnel records that are used or have been used to determine the employee's qualification for employment, promotion, additional compensation, employment termination or other disciplinary action and the employee's time and pay records for the period required by the Fair Labor Standards Act and accompanying regulations. Employers must make the personnel records available for inspection at the employee's place of employment or work assignment. Employers must also provide employees with a certified copy of the records upon request. Employers can charge employees a reasonable amount to cover the actual cost of providing employees the opportunity to inspect or receive certified copies of their personnel files. Personnel records do not include the following: • Records related to convictions, arrests or investigations for criminal misconduct; • Confidential reports from previous employers; or
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Compliance Overview

	Records maintained in compliance with Oregon law governing personnel records at public universities.
Correction of Information	No state statutory or regulatory provisions apply.
Notification and Timing	Within 45 days after receipt of an employee's request, employers must provide a reasonable opportunity for employees to inspect their personnel records. Employers must provide employees with certified copies of their personnel records within 45 days after receipt of the employee's request. If the employee's personnel records or time and pay records are not readily available, the employer and employee can agree to extend the time within which the employer must provide the employee with a reasonable opportunity to inspect the records or furnish the employee with a certified copy of the records.
Penalties for Violations	Employers may be fined up to \$1,000 for violating Oregon's personnel file access law.

PENNSYLVANIA

Employees' Right to Review	Employers must allow employees or their designated agent to inspect their personnel files used to determine their qualifications for employment, promotion, additional compensation, termination or disciplinary action. Employers must make personnel files available for inspection during the regular business hours of the office where these records are usually and ordinarily maintained when sufficient time is available during a regular business day. Employers must allow sufficient inspection time of personnel files, commensurate with the volume of the files' content. Except for reasonable cause, employers may limit inspection to once per calendar year. Employee includes any person currently employed, laid off with reemployment rights or on leave of absence, but does not include applicants for employment or any other person. Employers may require requesting employees or their designated agent to inspect their personnel files in their free time. Employers may require employees to submit a written form to request access to their personnel files or to indicate a designation of agency for the purpose of file access and inspection. This form is solely for the purpose of identifying
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Compliance Overview

the requesting individual or the designated agent of the requesting individual to avoid disclosure to ineligible individuals. To assist the employer in providing the correct records to meet the employee's need, the employee must indicate in their written request either the purpose for which the inspection is requested or the particular parts of the personnel record which the employee wishes to inspect or have inspected by their agent.

Employees with designated agents must provide employers with a signed authorization designating a specific individual or individuals who are authorized to inspect the employee's personnel file. The signed authorization must be for a specific date or dates and indicate either the purpose for which the inspection is authorized or the particular parts of the employee's personnel file which the designated agent is authorized to inspect.

The employers retain the right to protect personnel files from loss, damage or alteration to ensure the integrity of the files. The employers may require inspection of personnel files to occur in the presence of an official designated by the employer. Employers are not required to permit employees or designated agents to remove their personnel files, or parts of the files, from the employer's premises or to copy personnel files. However, employees or their designated agent is permitted to take notes.

Personnel file includes:

- Job applications;
- Wage or salary information;
- Commendation, warning and discipline notices;
- Payroll deduction and withholding authorizations;
- Fringe benefit information;
- Leave records;
- Employment history information, including salary information, job title, dates of changes, retirement record, attendance records and performance evaluations.

Personnel file does not include records related to investigations into possible criminal offenses; reference letters; documents developed or prepared for use in civil, criminal or grievance proceedings; medical records; materials used to plan future operations; or information available to employees under the federal Fair Credit Reporting Act.

Compliance Overview

Correction of Information	The Pennsylvania Department of Labor and Industry's (PDLI) Bureau of Labor Law Compliance can order employers to permit employees to place counter statements in their personnel files in the event of alleged errors.
Notification and Timing	No state statutory or regulatory provisions apply.
Penalties for Violations	The PDLI may order employers to permit employees to access their personnel files and place explanatory statements in their personnel files.

RHODE ISLAND

Employees' Right to Review	Upon written request, employers must allow employees to review personnel files that are used or have been used to determine employees' qualifications for employment, promotion, additional compensation, termination or disciplinary action up to three times a year. Employers must allow employees to review their personnel files at reasonable times outside their work hours. Employees must inspect their files in the presence of the employer or its designee. Employees are not permitted to make any copies or remove their personnel files from the immediate place of inspection located on the employer's premises. Employers may charge employees a fee reasonably related to the cost of supplying copies of requested documents. Employers are not required to give employees access to the following records: • Records relating to the investigation of possible criminal offenses; • Records prepared for the use in any civil, criminal or grievance proceedings; • Reference letters or recommendations; • Confidential reports from former employers; • Managerial records kept or used only by the employer; and • Managerial planning records.
Correction of Information	No state statutory or regulatory provisions apply.

Compliance Overview

Notification and Timing	Within seven business days of receiving an employee's written request, employers must make personnel records available for the employee's inspection. Holidays, Saturdays and Sundays are excluded for purposes of determining seven business days.
Penalties for Violations	Employers that violate the state's personnel file access law without just cause may be fined up to \$100.

VIRGINIA

Employees' Right to Review	Employers must provide current or former employees with a copy of personnel records upon receiving a written request from the current or former employee or their attorney. Personnel files include records or papers retained by employers in any format reflecting: • The employee's dates of employment with the employer; • The employee's wages or salary, job description and job title during that employment; and • Any injuries sustained by the employee during the course of employment with the employer. Employers can charge a reasonable fee per page for copying records or papers kept in paper or hard-copy format. Employers may also charge a reasonable fee for providing records kept in electronic format.
Correction of Information	No state statutory or regulatory provisions apply.
Notification and Timing	Employers must provide current or former employees with a copy of their personnel files within 30 days after receiving a written request from the current or former employee or their attorney. If employers are unable to provide the records or papers within 30 days, they must notify the requesting individual in writing of the reason for the delay and comply with their request within 30 days after the notice date.
Penalties for Violations	Courts may award damages for all expenses incurred by employees to obtain copies of their personnel files, including a refund of fees paid for copies of personnel files, court costs and reasonable attorney's fee for employers' willful refusal

Compliance Overview

to comply with employees' written request for copies of their personnel files. Refusal occurs when employers fail to respond to a second or subsequent written request for the copy without good cause and when they charge more than a reasonable fee for making the copy.

WASHINGTON

Employees' Right to Review

Employers must, upon an employee's request, permit the employee to inspect any or all their personnel file at least annually, including information maintained as a regular business record or used in responding to outside requests for references. Employers must provide a copy of personnel files at no cost to employees, former employees or their designee.

Personnel file includes the following records, if the employer creates such records:

- Job application records;
- Performance evaluations;
- Nonactive or closed disciplinary records;
- Leave and reasonable accommodation records;
- Payroll records; and
- Employment agreements.

Personnel file does not include employee records relating to the investigation of a possible criminal offense or information or records compiled in preparation for an impending lawsuit, which would not be available to another party under the rules of pretrial discovery for causes pending in the Washington Superior Court.

Correction of Information

Employees may annually petition that their employer review all information in their personnel files that are regularly maintained by the employer as a part of their business records or are subject to reference for information given to persons outside of the organization. The employer must determine if there is any irrelevant or erroneous information in the files and remove all such information from the files. If an employee does not agree with the employer's determination, the employee may request that a statement be placed in their personnel file containing their rebuttal

Compliance Overview

	or correction. Employers may remove information from personnel files more frequently. Former employees have up to two years after their termination to submit correction or rebuttal statements for inclusion in their personnel file. Former employee means a person who separated from the employer within three years of the date of the person's request.
Notification and Timing	Employers must provide a copy of personnel files within 21 calendar days after employees, former employees or their designee requests the files.
Penalties for Violations	Employees may bring a private cause of action in superior court for violations of the state's personnel file access law. Successful employees may be entitled to equitable relief, statutory damages and reasonable attorney's fees and costs. In addition, employers may be subject to the following statutory damages for each violation: • \$250 if the complete personnel file or statement is not provided within 21 calendar days of the request; • \$250 if the complete personnel file or statement is not provided within 28 calendar days of the request; • \$250 if the complete personnel file or statement is not provided within 35 calendar days of the request; and • \$500 for any other violations.

WISCONSIN

Employees' Right to Review	Employers must permit employees and former employees to inspect any personnel documents which are used or which have been used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records at least twice each calendar year. Employers may require employees to make requests to inspect personnel documents in writing. Employees have the right to copy or receive a copy of their personnel records. If an employee wishes to receive a copy of their personnel records, the employer may charge a reasonable fee for providing such copies, which may not exceed the actual cost of reproduction. If an employer believes that disclosure of an employee's medical records would have a detrimental effect on the employee, the employer may release the medical records to the employee's physician, in which case the physician may release the medical records to the employee or to the employee's immediate family.
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Compliance Overview

	Inspection of personnel records must occur at a location reasonably near the employee's place of employment and during normal working hours. If the inspection would require the employee to take time off from work, the employer may provide another reasonable time for the inspection. Employers also can allow the inspection to occur at a time other than working hours or at a place other than where the records are maintained if that time or place would be more convenient for the employee. Employees' right to inspect personnel records does not apply to: • Records relating to the investigation of possible criminal offenses committed by the employee; • Letters of reference for the employee; • Any portion of a test document, except that the employee may see a cumulative total test score for either a section of the test document or for the entire document; • Materials used for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for the employer's planning purposes; • Information of a personal nature about a person other than the employee if disclosure would constitute an invasion of that other person's privacy; and • Records relevant to any other pending claim between the employer and the employee that may be discovered in a judicial proceeding.
Correction of Information	Current or former employees who disagree with any information in their personnel records can reach an agreement with their employer to remove or correct the information. If an agreement cannot be reached, the employee can submit a written statement explaining their position. The employer must attach the employee's statement to the disputed portion of their personnel records and include it whenever that portion is released to a third party.
Notification and Timing	Employers must provide employees with an opportunity to inspect personnel records within seven working days after the employee makes the request.
Penalties for Violations	Employers that violate the state's personnel file access law may be fined between \$10 to \$100 for each violation. Each day of noncompliance is a separate violation.