



PERSONNEL RECORDS & REFERENCE CHECKS (YOUR JOB FILE)

What Is a Personnel Record?

Your personnel record is made up of the documents your employer may keep that has information about you and your job. It can have things in it like:

- Your job application
- Wage records
- Notices of awards
- Your attendance records
- Performance evaluations
- History of positions you have held
- Warning, discipline, or termination notices
- Papers about tax or withholding of pay
- Benefit records like your sick and vacation time



Can I See My Work Record?

Yes. You have the right to see your personnel record. You can look at it every 6 months as long as you still work there. If you do not work there anymore, you can ask for a copy of your personnel record one time per year after you leave, for as long as your employer keeps your record on file. You should not be charged for a copy. All employers must follow this law even if you are the only employee.

How Do I See My Work Record?

If you want to see your record, or get a copy of it if you are not working there any more, you need to ask in writing. Write a letter to the employer. Date it and keep a copy. The employer has 7 work days to let you see your work record if it is kept in the state. They have 14 days if it is kept at an office in another state. Even if you do not work there anymore, you have the right to get a copy of your record.

What If I Don't Agree With Something In My Work Record?

Write a letter to your employer saying what you think is wrong and why. Ask to have it fixed or to put a copy of your letter in the record. Keep a copy of your letter. Your employer can agree to change or take out the information you disagree with or tell you that they will not change it.

But, if your employer does not want to change what you think is wrong and has more than 20 workers, you have the right to insist that your letter be put into your personnel record. This way, you can be sure that your side of the story is in there.

Your employer cannot try to get back at you (retaliate) because you asked to see your file or asked them to change something in it.

What Information Can My Employer Give In A Reference Check?

Some information about you can be given out by the employer without your permission. There is other information that the employer has to get your permission to give out. There is a form called a Release of Information that you sign to give permission.

An employer can give out his information **without** a release of information form signed by you:

- dates of employment,
- salary and wage history,
- job description and duties,
- training and education provided by the employer, and
- documents in your file about acts of violence, theft, harassment, or illegal conduct that resulted in disciplinary action or resignation. Your written response to these acts has to be included.

Note: If an employer gives out information about the last point, they have to let you know in writing when they do it. They should also give you a copy of the documents in your file.

An employer can give out the following information only **with** a release of information signed by you:

- written employee evaluations and your response to them,
- written disciplinary warnings and actions in the last 5 years, and
- written reasons for why you left the job

If an employer gives out any of this information they have to let you know in writing and give you copies.

What Should I Do If My Privacy Rights Have Been Violated?

The Minnesota Department of Labor enforces your work privacy rights. To file a complaint, call (651) 284-5005 or 1-800-DIAL-DLI (1-800-342-5354).

You may also sue the employer in the county where the violation happened. You must file a claim within 1 year of finding out that your privacy right was violated.



To find other Legal Aid Society materials, including any fact sheets mentioned in this document, go to www.lawhelpmn.org/LASMfactsheets.

Minneapolis Legal Aid – CLE
MN Legal Services Coalition
2324 University Avenue W. – Suite 101B
St. Paul, MN 55114

Don't use this fact sheet if it is more than 1 year old.
Write us for updates, a fact sheet list, or alternate formats.
Fact Sheets aren't a complete answer to a legal problem.
See a lawyer for advice.