
OLR BILL ANALYSIS

sHB 5235

AN ACT CONCERNING AN EMPLOYEE'S RIGHT TO INSPECT, COPY OR DISPUTE THE CONTENTS OF HIS OR HER PERSONNEL FILE.

SUMMARY:

This bill makes several changes to the law that regulates how an employer must maintain and make accessible to an employee his or her personnel file. It (1) specifies how quickly an employer must provide a current or former employee with access to his or her file, (2) requires employers to provide employees with copies of documentation of any disciplinary action or termination, and (3) requires employers to notify employees that they can include a written statement in their personnel file disagreeing with the employer's discipline, evaluation, or termination of the employee.

EFFECTIVE DATE: October 1, 2012

PERSONNEL FILE REQUIREMENTS

Access and Copying

Under current law, an employer must provide a current or former employee with access to his or her file within a reasonable time after receiving a written request. The bill changes this to (1) not more than three business days for employees and (2) not more than 10 business days for former employees as long as the request is within one year of the employee's termination from that employer. In both instances the bill specifies that the employee may copy his or her file if requested.

Copies of Disciplinary Action or Termination

The bill requires employers to provide an employee with a copy of any documentation of any disciplinary action imposed on that employee not more than one business day after the date the action is imposed. It also requires each employer to immediately provide an

employee with a copy of any documented notice of that employee's termination of employment. Since this requirement only applies to any documented termination notice, a termination without written notice would not trigger this requirement.

Notice of Right to Include Written Statement

The bill requires employers to include a statement notifying an employee that he or she can disagree with any performance evaluation, documented disciplinary action, or notice of the employee's termination. This notification must accompany any evaluation, documented disciplinary action, or termination. The employee can submit a written statement explaining his or her position and the statement becomes part of the employee's personnel file. The statement must accompany any transmittal or disclosure of the file to a third party.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 3 (03/15/2012)