Personnel Records & Reference Checks (Your Job File)

What Is a Personnel Record?

Your personnel record is made up of documents your employer may keep that have information about you and your job. It is also called a job file or work record. It can have things in it like:

- Your job application
- Wage records
- Notices of awards and commendations
- Your attendance records
- Performance evaluations
- History of positions you held
- Warning, discipline, or termination notices
- Agreements to withhold or deduct from your pay
- Fringe benefit information like sick and vacation time

Can I see my job file?

Yes. You have the right to see your job file. You need to ask to see it in writing. You can look at it every 6 months as long as you still work there. Your employer has to give you a free copy if you ask for it in writing.



If you do not work there anymore, you can ask for a copy once a year after you leave, for as long as your employer keeps your record on file. You have to ask in writing. They can't charge you for a copy.

If your employer refuses to let you see it, call a lawyer. The employer could be fined, and you might be able to sue.

If you sue, you can usually only get back actual damages plus costs. **Unless** you are suing based on a claim that your employer retaliated against you (is getting back at you) because you asked to see your personnel file, or you disputed things in your personnel file.

How do I see my job file?

If you want to see your record, or get a copy of it, you need to ask in writing. Write a letter to the employer. Date it and keep a copy. The employer has 7 workdays to let you see your job file if it is kept in the state. They have 14 workdays if it is kept 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 job file?

Write a letter to your employer saying what you think is wrong and why. Ask to have it removed. If your employer doesn't remove the information you disagree with, ask them to put a copy of your letter in your file. Keep a copy of the letter.

Your employer has to put your disagreement letter into your job file. This way, your side of the story is in there.

Your employer can't try to get back at you (retaliate) because you asked to see your file or asked them to change something in it. If you think your employer did retaliate against you, call a lawyer. You may have a case for actual damages, back pay, getting your job back or other relief.

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 this information **without** a Release form signed by you:

- dates of employment,
- 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 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?

You can make a complaint to the Minnesota Department of Labor and Industry if you think your rights have been violated. To file a complaint, call (651) 284-5005 or 1-800-DIAL-DLI (1-800-342-5354).

You may also sue the employer. You must file a lawsuit within 1 year of finding out that your privacy rights were violated.



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