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FACING THE ISSUES[®]

LEGAL BRIEFS FROM THE ATTORNEYS OF MACKALL, CROUNSE & MOORE, PLC

Employment Law Alert**NEW MINNESOTA LAW REQUIRES NOTIFICATION
TO NEW HIRES OF PERSONNEL RECORD RIGHTS**

A new Minnesota law going into effect January 1, 2008 requires all Minnesota employers with 20 or more employees to provide written notice to new hires, of their “rights and remedies” under Minnesota’s Review of Personnel Record statute (Minnesota Statutes Sections 181.960 to 181.965). Some of these “Rights and Remedies” include:

- Employees have the right to review their personnel records once every six months upon written request, and at least once per year following termination, and to obtain a copy at no charge.
- If an employee disputes information in his or her file, and an agreement cannot be reached with the employer to remove or revise the information, the employee has a right to submit a written statement no more than five pages long explaining the employee’s position. This statement must be made part of the employee’s personnel record.
- If an employer omits information from a personnel file reviewed by the employee, the employer may be restricted from using the omitted information in later legal or administrative proceedings.
- An employer may not retaliate against an employee for asserting rights or remedies with respect to personnel records.
- Employees may bring a civil action seeking damages for an employer’s violation of the rights outlined above.

Minnesota employers may need to revise their personnel policies and hiring/orientation procedures and materials to comply with the new law, and are encouraged to seek advice of their legal counsel in crafting specific changes.

If you have any questions, please call one of the following in our Employment Law Group:

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