

Employers Now Have More Incentive to Comply with Request for Employee Personnel Records

Q. I fired an employee about a month ago, and now he is demanding a copy of his personnel file. Do I have to provide that to him?

A. While you may not have to provide every single document in the file, Oregon law requires that upon the request of a current or former employee, an employer must provide a “reasonable opportunity” for the employee to inspect those personnel records of the employee “which are used or have been used to determine the employee’s qualification for employment, promotion, additional compensation or employment termination or other disciplinary action.” In addition, if the employee requests, the employer must provide the employee with a certified copy of the records.

Currently there is no time frame in which the employer must provide those documents to the employee. However, the 2007 Oregon legislature has provided some clarity on that point. As of January 1, 2008, Oregon employers will have 45 days to give this information to an employee who requests it. If the records are not readily available and the employee and employer agree, this time frame can be extended.

An employer may charge an employee for making the copies, but that amount may not exceed the actual cost incurred by the employer.

The legislature also added something that was previously lacking from this law: BOLI now has the ability to assess a \$1000 penalty for employers who do not comply.

For more information on this and other important laws affecting Oregon employers, feel free to call us at 971-673-0824 or visit our website at www.oregon.gov/BOLI