

NEW PAPERWORK REQUIREMENT FOR NEW HIRES

Since 1989, Minnesota has had a statutory requirement that Minnesota employers provide employees and former employees access to certain personnel records maintained by the employer. The statute requires employers with 20 or more employees to allow employees to append explanatory statements to records with which they do not agree, such as performance reviews or disciplinary notices.

An amendment to this statute, which takes effect January 1, 2008, now requires employers to provide newly hired employees written notice of the rights and remedies provided by the personnel record statute. We recommend that Minnesota employers begin providing new employees with a copy of the statute, which is several pages long, and requiring a signed acknowledgment of receipt as part of the regular new hire paperwork process. At the same time the employee provides proof of employment eligibility for the I-9, the employee should be given the statute and acknowledgment form. The signed acknowledgment form should then be retained in the individual's personnel file.

If you would like assistance in developing an appropriate acknowledgment form or would prefer to use a summary of the statute instead of the complete text, please contact your attorney at Moss & Barnett.

