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**EMPLOYMENT LAW
BULLETIN**

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New Law To Take Effect January 1, 2013 Regarding Employee Access to Personnel Files

California employees already have the right to inspect their personnel records. However, effective January 1, 2013, employers will have to comply with additional statutory requirements related to access by current and former employees to their personnel files and will also face penalties for noncompliance. Under the new law.

- Former employees now have the same rights to inspect and secure a copy of personnel records as do current employees. The employers may require reimbursement of actual copying costs.
- Employers have the right to redact the names of any non-supervisory employees from the personnel records.
- An employee can designate a representative (in writing) to conduct the inspection of, or to receive a copy of, his or her personnel file.
- Employers are required to develop, and to provide upon request, a written form employees or their representatives may use to request access to, and a copy of, records in their personnel files.
- The inspection must be allowed and a copy of the personnel records provided within 30 calendar days after the employer receives a written request, unless the parties agree in writing to extend the deadline to no more than 35 calendar days after the employer's receipt of the written request.
- An employer is not required to comply with more than 50 requests for a copy of the records (seeking 50 separate employees' records) filed by a representative or representatives of employees in one calendar month.
- An employer is not required to comply with more than one request per year by a former employee to inspect (or receive a copy of) the personnel file.
- If an employee is required to inspect or receive a copy of the personnel file at a location other than the place where he or she reports to work, no loss of compensation to the employee is permitted because of the time needed for the employee to travel from the site where the employee normally reports to work.
- Employers are required to maintain personnel files for a period of 3 years following the termination of an employee's employment.

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