

Sec. 2. **EFFECTIVE DATES.**

(a) Section 1, subdivision 1, is effective retroactive to the effective date of Minnesota Rules, parts 4730.1655 to 4730.1695.

(b) Section 1, subdivision 2, is effective the day following final enactment.

Presented to the governor April 10, 1992

Signed by the governor April 13, 1992, 1:33 p.m.

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**CHAPTER 445—H.F.No. 1889**

*An act relating to employment; modifying provisions related to access to employee personnel records; amending Minnesota Statutes 1990, sections 181.961, subdivision 2; and 181.962, subdivision 1.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1990, section 181.961, subdivision 2, is amended to read:

Subd. 2. **TIME; LOCATION; CONDITION; COPY.** (a) The employer shall comply with a written request pursuant to subdivision 1 no later than seven working days after receipt of the request if the personnel record is located in this state, or no later than 14 working days after receipt of the request if the personnel record is located outside this state.

(b) With respect to current employees, the personnel record or an accurate copy must be made available for review by the employee during the employer's normal hours of operation at the employee's place of employment or other reasonably nearby location, but need not be made available during the employee's working hours. The employer may require that the review be made in the presence of the employer or the employer's designee. After the review and upon the employee's written request, the employer shall provide a copy of the record to the employee.

(c) With respect to employees who are separated from employment, upon the employee's written request, the employer shall provide a copy of the personnel record to the employee.

(d) The employer may charge a fee for the copy not to exceed the actual cost of making, compiling, and mailing the copy.

Sec. 2. Minnesota Statutes 1990, section 181.962, subdivision 1, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **AGREEMENT; FAILURE TO AGREE; ~~COPY~~; POSITION STATEMENT.** (a) If an employee disputes specific information contained in the employee's personnel record:

(1) ~~upon the written request of the employee, the employer shall provide a copy of the disputed information, and may charge a fee for the copy not to exceed the actual cost of making and compiling the copy;~~

(2) the employer and the employee may agree to remove or revise the disputed information; and

(3) (2) if an agreement is not reached, the employee may submit a written statement specifically identifying the disputed information and explaining the employee's position.

(b) The employee's position statement may not exceed five written pages. The position statement must be included along with the disputed information for as long as that information is maintained in the employee's personnel record. A copy of the position statement must also be provided to any other person who receives a copy of the disputed information from the employer after the position statement is submitted.

Presented to the governor April 10, 1992

Signed by the governor April 13, 1992, 1:28 p.m.

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#### CHAPTER 446—H.F.No. 2438

*An act relating to retirement; individual retirement account plan; expanding plan coverage to include certain higher education employees; changing the formula for compounding interest on deferred annuities of constitutional officers or commissioners; amending Minnesota Statutes 1990, sections 136.88, subdivision 1; 352C.033; 352D.02, subdivisions 1 and 1a; 352D.03; 354B.01, subdivision 2, and by adding subdivisions; 354B.015; 354B.02, subdivisions 1, 4, and by adding subdivisions; 354B.03, by adding a subdivision; 354B.04, subdivision 1; and 354B.05, subdivision 1; Minnesota Statutes 1991 Supplement, section 354B.04, subdivision 2; repealing Laws 1986, chapter 458, section 36.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1990, section 136.88, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** As used in this section, the terms defined in this subdivision have the meanings given them.

(a) "Board" means the state board for community colleges and the state university board.

New language is indicated by underline, deletions by ~~strikeout~~.