

## NOTICE OF RIGHTS REGARDING YOUR PERSONNEL FILE

Minnesota law gives you the following rights concerning your personnel file:

**You have a right to make a written request to review your personnel file.**

1. **Current employees.** If you make a written request, you may review your personnel file once every six months. The request must be in writing.
2. **Former employees.** If you make written requests during the first year after you leave employment, you may review your file every six months. After that, you may review your file once a year for as long as we keep the file. We ordinarily do not maintain personnel files for more than six years after you terminate employment.
3. **Good faith requirement.** We may deny a request if we think we can prove you made it in bad faith. We will not respond to verbal requests.
4. **Timeline for us to respond.** We will respond to your written request within seven working days after we receive it. If your personnel record is not kept in Minnesota, we will respond within 14 working days.
5. **Time and place of review.**
  - a. **Current employees.** We will make your file available during normal office hours. If you review the file, we may require someone from the Company to be present while you review it. If you want a copy of the file or a portion of the file after you review it, you must make a written request. We will then make a copy available to you at no charge.
  - b. **Former employees.** If you make a written request, we will provide a copy of your file at no charge, but we are not required to allow you review of the file in person.
6. **What is part of your personnel file?** Your application, your wage or salary history; notices of commendation, warning, discipline, or termination; authorization for deductions or withholding of pay; fringe benefit information; leave records, and other employment history information, including salary and compensation history, job titles, dates of promotions, transfers, and other changes, attendance records, performance evaluations and retirement record. Your personnel file also includes information relating to the investigation of a violation of a criminal or civil statute or an investigation of your conduct for which we may be liable, if the investigation is complete, and we have taken adverse personnel action based on the investigation; and cumulative total test scores for the results of employer testing.
7. **What is not part of your personnel file?** Written comments or data of a personal nature about someone other than you, if releasing that information to you would invade that person's privacy; written comments or data kept by your supervisor (or other employees who are exempt under wage and hour law) and kept in author's sole possession' any part of a written or transcribed statement by a co-worker about your job performance or job-related misconduct that discloses the identity of the coworker by name, inference of otherwise; privileged information that is not discoverable in a workers' compensation, grievance, arbitration, administrative, judicial or quasi-judicial proceeding' and medical reports and records about you.

8. **Your remedies.** If we do not follow the law about personnel records, you may make a complaint to the Minnesota Department of Labor and Industry. The Dept may sue us, assess a fine against us and recover costs and attorneys fees if it wins. You may also have the right to bring a private legal action within one year of the violation. Depending on the violation, you may be entitled to recover actual damages, costs, back pay, reinstatement or other equitable relief that would make you whole and attorneys fees. These remedies also apply to violations of the provisions below.

If we have 20 or more employees, you have the following additional rights:

**The right to ask us to remove or revision information in the file.** If you wish to dispute specific information in your file, you must make a written request that outlines the following three things:

- a. what information you dispute,
- b. whether you want it deleted or changed, and
- c. if you want it changed, exactly how you believe it should be changed.

We will consider your request, and may remove or revise the information. If we can't come to an agreement on what to do, you may submit a written statement of up to five written pages identifying the disputed information and explaining your position. We will then make your written statement part of your personnel file, and will include it with your personnel file anytime your personnel is reviewed or released. If you submit more than five pages, we reserve the right to include on the first five pages.

**No retaliation.** We will not retaliate against you for asking to review your file or for asking to remove or revise something in your file

**No defamation.** If we follow these procedures, you may not sue us for defamation relating to things in your personnel file. If we do not follow these procedures, you may retain certain legal rights under defamation law relating you're your personnel file.

If we accidentally leave something out. If you ask for your personnel file and we leave something out that should have been in it, we will not be able to use that information in an administrative, judicial or quasi-judicial proceeding unless we left it out accidentally. If we left it our accidentally, we can still use the information if we give you a reasonable opportunity to review it before we use it for these purposes.

**I received, reviewed, and had an opportunity to ask questions about this Notice.**

Dated: \_\_\_\_\_ Employee: \_\_\_\_\_