

AMENDED IN SENATE APRIL 25, 2000

AMENDED IN SENATE APRIL 24, 2000

AMENDED IN SENATE APRIL 5, 2000

AMENDED IN SENATE MARCH 15, 2000

SENATE BILL

No. 1327

Introduced by Senator Escutia

**(Coauthors: Senators Burton, Hughes, ~~and Sher~~ Sher, Solis,
and Soto)**

(Coauthors: Assembly Members Alquist, Aroner, Calderon,
Cedillo, Correa, Dutra, Firebaugh, Keeley, Knox, Kuehl,
Nakano, Reyes, Shelley, Steinberg, Vincent, and
Washington)

January 3, 2000

An act to amend Section 1198.5 of the Labor Code, relating to inspection of personnel files.

LEGISLATIVE COUNSEL'S DIGEST

SB 1327, as amended, Escutia. Employees: inspection of personnel records by employees.

Existing law requires employers to make employee personnel files available for inspection by employees, as specified. Existing law exempts the state, school districts, and public employers, as specified, from this requirement.

This bill would delete ~~those exemptions~~ *the exemptions for the state and public employers, but would specifically exempt county sheriff's departments and municipal police departments with respect to their employees.* The bill would

also require employers to permit their employees to inspect their personnel files or a copy at the place the employee reports to work, during usual business hours, with no loss of compensation. The bill would require that the personnel files be kept confidential and that access to the files be restricted to the employee, employee’s representative, and authorized personnel of the employer.

The bill would specify a procedure by which employees may request corrections and deletions of material in their personnel files that is not accurate, relevant, timely, or complete.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1198.5 of the Labor Code is
2 amended to read:

3 1198.5. (a) Every employer shall at reasonable times,
4 and at reasonable intervals as determined by the Labor
5 Commissioner, upon the request of an employee, permit
6 that employee to inspect personnel files that are used or
7 have been used to determine that employee’s
8 qualifications for employment, promotion, additional
9 compensation, or termination or other disciplinary
10 action.

11 (b) Each employer subject to this section shall keep
12 each employee’s personnel file or a true and correct copy
13 thereof at the place the employee reports to work, or shall
14 make the file available at that place within a reasonable
15 period of time after a request therefor by the employee.
16 An employer shall, at the request of an employee thereof,
17 permit the employee to inspect the employee’s personnel
18 file or copy during usual business hours, with no loss of
19 compensation to the employee. All personnel files shall be
20 kept confidential and shall not be accessible to anyone
21 other than the employee, employee’s representative, and
22 authorized personnel of the employer.

23 (c) If, after examination of the employee’s personnel
24 file or copy, the employee has reason to believe that any



1 portion of the material is not accurate, relevant, timely,
2 or complete, the employee may request in writing that
3 the record be corrected, or that the inaccurate portion be
4 deleted, or both. Any request made pursuant to this
5 subdivision shall include a statement by the employee
6 describing the corrections or deletions from the
7 personnel file requested and the reasons supporting those
8 corrections or deletions. A statement submitted pursuant
9 to this subdivision shall become part of the personnel file
10 of the employee.

11 *(d) This section does not apply to the records of an*
12 *employee relating to the investigation of a possible*
13 *criminal offense. This section also does not apply to letters*
14 *of reference.*

15 *(e) If a local agency has established an independent*
16 *employee relations board or commission, any matter or*
17 *dispute pertaining to this section shall be under the*
18 *jurisdiction of that board or commission, but an employee*
19 *shall not be prohibited from pursuing any available*
20 *judicial remedy, whether or not relief has first been*
21 *sought from a board or commission.*

22 *(f) Nothing in this section shall be construed to limit*
23 *the rights of employees pursuant to Section 31011 of the*
24 *Government Code or Section 44031 or 87031 of the*
25 *Education Code, or to provide access by a public safety*
26 *employee to confidential preemployment information.*
27 *This section does not apply to public school districts with*
28 *respect to employees covered by Section 44031 of the*
29 *Education Code. This section also does not apply to a*
30 *county sheriff's department or a municipal police*
31 *department with respect to its employees.*

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