

No. 1990-149

AN ACT

SB 1313

Amending the act of November 26, 1978 (P.L.1212, No.286), entitled "An act authorizing an employee to inspect certain personnel files of his employer," further defining "employee"; further providing for inspection of personnel files and for the number of inspections allowed annually; and making an editorial change.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "employee" in section 1 of the act of November 26, 1978 (P.L.1212, No.286), referred to as the Inspection of Employment Records Law, is amended to read:

Section 1. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Employee." Any person currently employed, laid off with reemployment rights or on leave of absence. The term "employee" shall not include applicants for employment[, **designated agents,**] or any other person.

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Section 2. Section 2 of the act is amended to read:

Section 2. Inspection of personnel files.

An employer shall, at reasonable times, upon request of an employee, permit that employee *or an agent designated by the employee* to inspect his or her own personnel files used to determine his or her own qualifications for employment, promotion, additional compensation, termination or disciplinary action. The employer shall make these records available during the regular business hours of the office where these records are usually and ordinarily maintained, when sufficient time is available during the course of a regular business day, to inspect the personnel files in question. The employer may require the requesting employee *or the agent designated by the employee* to inspect such records on the free time of the employee *or agent*. At the employer's discretion, the employee may be required to file a written form to request access to the personnel file *or files or to indicate a designation of agency for the purpose of file access and inspection*. This form is solely for the purpose of identifying the requesting individual *or the designated agent of the requesting individual* to avoid disclosure to ineligible individuals. To assist the employer in providing the correct records to meet the **[employees] employee's** need, the employee shall indicate in his written request, either the purpose for which the inspection is requested, or the particular parts of his personnel record which he wishes to inspect *or have inspected by the employee's agent*.

Section 3. The act is amended by adding a section to read:

Section 2.1. Designated agent.

An employee shall provide to the employer a signed authorization designating a specific individual or individuals who shall be authorized to inspect the employee's personnel file. The signed authorization shall be for a specific date or dates and shall indicate either the purpose for which the inspection is authorized or the particular parts of the employee's personnel file which the designated agent is authorized to inspect. The provisions of section 2 shall apply to the designated agent.

Section 4. Section 3 of the act is amended to read:

Section 3. Applicability.

Nothing in this act shall be construed as a requirement that an employee *or the designated agent of the employee* be permitted to remove his personnel file, any part thereof, or copy of the contents of such file from the place of the employer's premises where it is made available for inspection. The taking of notes by **[employees]** *an employee or the designated agent of the employee* is permitted. The employer shall retain the right to protect his files from loss, damage or alteration to insure the integrity of the files. The employer may require inspection of the personnel file in the presence of **[a designated official]** *an official designated by the employer*. The employer must allow sufficient inspection time, commensurate with the volume content of the file. Except for reasonable cause the employer may limit inspection to once every calendar year *by an employee and once every calendar year by the employee's designated agent, if any.*

Section 5. This act shall take effect immediately.

APPROVED—The 29th day of November, A. D. 1990.

ROBERT P. CASEY