

1 used or have been used by an employer to determine the employee's
2 eligibility for employment, promotion, additional compensation,
3 transfer, termination, disciplinary or other adverse personnel
4 action including employee evaluations or reports relating to the
5 employee's character, credit and work habits. "Personnel file"
6 does not mean stock option or management bonus plan records,
7 materials which are used by the employer to plan for future
8 operations, security files, information such as test information,
9 the disclosure of which would invalidate the test, or documents
10 which are being developed or prepared for use in civil, criminal or
11 grievance procedures.

12 (b) "Security files," as used in this section, means
13 memoranda, documents or collections of information relating to
14 investigations of losses, misconduct or suspected crimes and
15 investigative information maintained pursuant to government
16 requirements, provided such memoranda, documents or information are
17 not used to determine an employee's eligibility for employment,
18 promotion, additional compensation, transfer, termination,
19 disciplinary or other adverse personnel action.

20 (c) Every employee, whether public or private, has the right
21 to inspect his or her personnel file, if the file exists.
22 Inspection shall take place during regular business hours at a
23 location at or reasonably near the employee's place of employment.

24 (d) Each employer shall, within a reasonable time after

1 receipt of a written request from an employee, provide the employee
2 with a copy of all or any requested portion of his or her personnel
3 file, provided the request reasonably identifies the materials to
4 be copied. The employer may charge a fee of ten cents per page for
5 copying the file or any part of the file. An employer may not be
6 required to provide a copy of an employee's personnel file more
7 than two times per calendar year, unless the employee requesting
8 the personnel file has been terminated involuntarily. In that
9 circumstance, upon written request of the employee after notice of
10 the involuntary termination, the employer shall provide the
11 employee one additional opportunity to review or request a copy of
12 the personnel file.

13 (e) The provisions of this section may not be construed to
14 permit an employee to remove his or her original personnel file or
15 any part of the file from the employer's premises or the location
16 where it is made available for inspection. Each employer retains
17 the right to protect his or her files from loss, damage or
18 alteration to ensure their integrity. Each employer may require
19 that inspection of any personnel file take place in the presence of
20 a designated official.

NOTE: The purpose of this bill is to give all railroad employees the right to review and copy their respective personnel files.

This section is new; therefore, strike-throughs and underscoring have been omitted.