



October 2013

Connecticut's Personnel Files Statute Overhaul: New Employer Requirements as of October 1st

Effective October 1, 2013, Connecticut employers are subject to further requirements pursuant to [Public Act No. 13-176](#). We will be hosting a webinar to discuss the practical implications on October 29, 2013, at noon. [Click here](#) to register.

The major changes to the personnel files law include the following:

1. Employers must respond to a current employee's request to inspect and, if requested, copy the employee's personnel file within seven business days.
2. Employers must respond to a former employee's written request for a copy of his or her personnel file or written request to inspect within ten business days (request must be made within one year of termination date).
3. Employers must provide a copy of any documentation of a disciplinary action imposed on an employee within one business day after imposing the discipline.
4. Upon termination, employers must immediately provide an employee with any documented notice of the termination.
5. Employers must include language in any disciplinary notice, termination notice, or performance evaluation advising that employees may submit a written statement explaining their position when disagreeing with such notice or evaluation.
6. Employers are now subject to potential civil penalties for violations of the Personnel Files Act related to a former employee.

Understanding What's Changed in the Revamped Connecticut Personnel Files Act

Major Areas of Revision	Law Prior to October 1, 2013	Law as of October 1, 2013
Employer Time Frames to Respond to Employee Personnel File Requests	<p><i>Current Employees:</i> Employers were required to respond within a reasonable period of time.</p> <p><i>Former Employees:</i> Former employees were not explicitly</p>	<p><i>Current Employees:</i> Seven business days</p> <p><i>Former Employees:</i> Ten business days</p>

	separate class from current employees.	
Employees' Right to Their Personnel File	<p><i>Current Employees:</i> Employees had the right to inspect their personnel file and receive a copy of it upon written request.</p> <p><i>Former Employees:</i> Former employees were not explicitly carved out as a separate class from current employees but were included within the definition of employee and had the same rights.</p>	<p><i>Current Employees:</i> Remains unchanged</p> <p><i>Former Employees:</i> Within one year after employment ends, former employees have the right to receive a copy of their personnel file upon written request or to request to inspect their personnel file during regular business hours at a location mutually agreed upon by the employer and former employee, provided that the request is received no later than one year from the date of the termination of employment. If the employer and former employee cannot agree upon a location for the inspection, the employer may mail a copy of the former employee's personnel file.</p>
Notice of Discipline	Not addressed	Employers must provide notice of discipline within one business day of imposing such discipline.
Notice of Termination	Not addressed	Employers must provide any notice of termination immediately.
Required Language in Any Disciplinary Notice, Termination Notice, or Performance Evaluation	Not addressed	Employers must include a statement in "clear and conspicuous language" in any documented disciplinary action, notice of termination, or performance evaluation that the employee may submit a written statement explaining his or her position when disagreeing with such notice or evaluation.
Employee Written Statements and Personnel Files	Employers must maintain employee statements as part of the employee's personnel file and include those statements with the personnel file when transmitting or disclosing such file or records.	Remains unchanged
Civil Penalties	Mandatory \$500 penalty imposed by the Connecticut Department of Labor (CT DOL)	Specifically including current and former employees, the CT DOL may impose a penalty of up to \$500 for the first violation and up to \$1000 for any subsequent violations, based on a factor-specific analysis by the Labor commissioner.

Charging Employees a Fee for Copying the Personnel File	An employer may charge a fee for copying an employee's personnel file in part or in whole. The fee must be reasonably related to the cost of supplying the requested documents.	Remains unchanged
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[Click here](#) to print this chart.

JOIN US FOR A WEBINAR ABOUT THESE CHANGES

October 29, 2013, from 12 to 1 p.m. ET

[Register here](#) by October 25.

The webinar is offered free of charge, with audio/visual computer connection.

MORE INFORMATION

For more information about these changes or the upcoming webinar, please contact one of the following Robinson & Cole labor and employment lawyers:

[Britt-Marie K. Cole-Johnson](#)
(860) 275-8279
bcole-johnson@rc.com

[Alice E. DeTora](#)
(860) 275-8234
adetora@rc.com

[Nicole A. Bernabo](#)
(860) 275-8394
nbernabo@rc.com

[Jean E. Tomasco](#)
(860) 275-8323
jtomasco@rc.com

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