

House Research Act Summary

CHAPTER: 145

SESSION: 2001 Regular Session

TOPIC: Employee Assistance Records

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Overview

This act provides confidentiality and access requirements for employee assistance records. Employee assistance records are created when employees or their families are provided with counseling, assessment, or similar services paid for by an employer in order to help employees address personal issues that may be creating productivity issues at work. The act requires that employees be allowed access to these records, and requires that they be kept confidential in most cases. It does not cover public employers, who are covered by Minnesota's existing data practices act.

1 Access to employee assistance records.

Subd. 1. Definitions. Defines terms including "employer," "employee assistance services," and "employee assistance records."

Subd. 2. Access. Provides that a person who asks to see a copy of the person's own, or the person's minor child's, employee assistance records must be provided with a copy of those records without charge within seven working days of the request if the records are in the state, or fourteen days if the records are out of the state. Prohibits charging a fee for a copy of the record.

Subd. 3. Relation to personnel file. Requires that employee assistance records be kept separate from an employee's personnel file.

Subd. 4. Other rights preserved. Specifies that the rights provided in this section are in addition to, and not instead of, other rights that may be available to an employee under existing law or contract.

Subd. 5. Disclosure. Provides that employee assistance records may not be provided to a third party, including the employer, with the prior written permission of the person receiving services. Exceptions are provided if release is required by law or judicial order, if it is required to provide the services, or if it is necessary to prevent physical harm or the commission of a crime.

Subd. 6. Remedies. Provides that an employee may bring a legal action to compel compliance

with this section, and to recover actual damages, attorney's fees, and costs.