

HB

86

STATE OF ALASKA
THE LEGISLATURE

POUCHY - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HB 86

H. LSC

1/31/89

H. State affairs

2/14/89

HOUSE COMMITTEE REPORT

Item 2

(5)

Date Referred: 1/17/89

FURTHER REFERRALS: STATE AFFAIRS
JUDICIARY

Date of Committee Action: 1/31/89

The LABOR & COMMERCE Committee recommends that:

HOUSE BILL NO. 86 [EMPLOYEE ACCESS TO OWN PERSONNEL FILE]
"An Act requiring employers to permit employees and former employees to have access to their personnel files."

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
- zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published: _____
- [] zero fiscal notes(s) published: _____

SIGNING DO PASS:

David Donley

Mark Boyer

Mr. [unclear]

Bill [unclear]

SIGNING OTHER THAN DO PASS:

(Do Not Pass, No Recommendation, Amend)

James [unclear] no rec

Alvin [unclear] no rec

David Donley

Chairman's signature

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 86
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
Title: "An Act requiring employers to
permit ...access to ...personnel files." BRU: Labor Standards & Safety
Sponsor: House Labor & Commerce Components: Wage & Hour
Requestor: House Labor & Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Tom Stuart, Director Phone: 465-2725
Division: Labor Standards & Safety Date: 1/26/89

Approved by Commissioner: Jim Sampson Date: 1/26/89
Agency: Department of Labor

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 1, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: _____

The STATE AFFAIRS Committee recommends that:

HOUSE BILL NO. 86 [EMPLOYEE ACCESS TO OWN PERSONNEL FILE]
"An Act requiring employers to permit employees and former employees to have access to their personnel files."

[] be replaced with _____ [] the same title
[] a new title

[] have attached amendment(s)

- do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact
- [] zero fiscal note
- [] zero with analysis

APPROVES PREVIOUS:

- [] fiscal note(s) published: _____
- zero fiscal notes(s) published:
2/1/89 Labor

SIGNING DO PASS:

SIGNING OTHER THAN DO PASS:
(Do Not Pass, No Recommendation, Amend)

Donch Douley

Chas. J. [unclear]

Steve P. [unclear]

Chas. [unclear]

Alyce [unclear] (No-Rec)

[Signature]

 Chairman's signature

Item 4

HOUSE LABOR AND COMMERCE COMMITTEE

ALASKA STATE LEGISLATURE
Chairman - Representative Dave Donley

P.O. BOX V, JUNEAU 99811

(907) 465-3892



January 10, 1989

M E M O R A N D U M

To: Members, House Labor and Commerce Committee

From: Representative Dave Donley, Chair
House Labor and Commerce Committee

Re: Proposed Committee Legislation - Access to Personnel Files

The attached bill, identical to the final version of HB 540 from last year, authorizes employees to have access (including copying) to any information contained in their personnel files.

The bill covers all employees in Alaska including the state, the University of Alaska, the Alaska Railroad and political subdivisions of the state.

Bill No. House Bill 86

Date January 30, 1989

Title "An Act requiring employers to permit employees and former employees to have access to their personnel files."

Contact: Tom Stuart
264-2452
Eileen Plate
465-2700

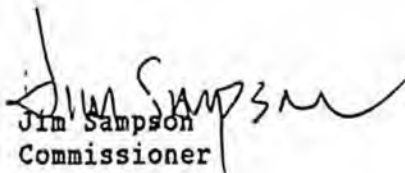
House Bill 86 requires employers to provide an employee or former employee access to his or her respective personnel records and to permit the employee to make copies of the records. The employer may charge the employee for the costs of duplicating the records.

Employees should have access to employer kept personnel records as provided in this bill. The accuracy of such records may have a direct bearing on a worker's employability should a prospective employer contact the worker's current or former employer as a reference. Under the provisions of this bill, a worker would have an opportunity to at least be aware of any discrepancies in the employer's personnel records.

The Department supports the provisions of this bill which provide workers a right to access and copy employer kept personnel records.

House Bill 86 would not have a fiscal impact on the Department of Labor.

APPROVED


Jim Sampson
Commissioner

Item 6

STATE OF ALASKA
THE LEGISLATURE

COURT HOUSE
JANUARY ALASKA 99511
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 13, 1989

SUBJECT: Scope of HB 86
(Access to personnel files)
TO: Representative Dave Donley
FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have asked whether HB 86 requires an employer to keep personnel files on employees. In my opinion, the answer is no. Under subsection (a), if an employer maintains personnel files, the employer must allow access to the information. There is nothing that affirmatively requires that the information be maintained in the first place.

If I may be of further assistance, please advise.

TC:kb
wkk1/119

Sec. 01.10.060. Definitions. In the laws of the state, unless the context otherwise requires,

(1) "action" includes any matter or proceeding in a court, civil or criminal;

(2) "daytime" means the period between sunrise and sunset;

(3) "month" means a calendar month unless otherwise expressed;

(4) "municipality" means a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality;

(5) "nighttime" means the period between sunset and sunrise;

(6) "oath" includes affirmation or declaration;

(7) "peace officer" means any officer of the state troopers, members of the police force of any incorporated city or borough, United States marshals and their deputies, and other officers whose duty it is to enforce and preserve the public peace;

(8) "person" includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;

(9) "personal property" includes money, goods, chattels, things in action, and evidences of debt;

(10) "property" includes real and personal property;

(11) "real property" is coextensive with land, tenements, and hereditaments;

(12) "signature" or "subscription" includes the mark of a person who cannot write, with the name of that person written near the mark by a witness who writes the witness's own name near the name of the person who cannot write; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names to the sworn statement;

(13) "state" means the State of Alaska unless applied to the different parts of the United States and in the latter case it includes the District of Columbia and the territories;

(14) "writing" includes printing. (§ 4 ch 62 SLA 1962; am § 2 ch 66 SLA 1965; am § 10 ch 117 SLA 1968; am § 19 ch 74 SLA 1985)

Revisor's notes. — Reorganized in 1985 to alphabetize the defined terms.

Effect of amendments. — The 1985 amendment added paragraph (4).

NOTES TO DECISIONS

Cited in *Foltz-Nelson Architects v. Kobyk*, Sup. Ct. Op. No. 3273 (File No. S-2050), P.2d (1988).

Applied in *Clark v. State*, Ct. App. Op. No. 716 (File No. A-1840), 738 P.2d 765 (1987).

Quoted in *Hull v. Alaska Fed. Sav. & Loan Ass'n*, Sup. Ct. Op. No. 2605 (File No. 6346), 658 P.2d 122 (1983).

TO TESTIFY:

JAMES EARL RAY, ALIEN

DELIM ;
INBOX

SUBJECT: FS; (H)JUD;HB86;2-27;ANC

SENT 02/27/89 16:45

FROM: LIOCINE

FOLDER: SECURITY LEVEL: 2 RETENTION PERIOD: PERM

.....2.....+.....3.....+.....4.....+.....5.....+.....6.....+.....7.....+.....8.. 001/01
ANCHORAGE FINAL STATS 001/02

DATE: FEBRUARY 27, 1989 001/03

SITE: ANCHORAGE 001/04

TC #: 89-02-336 001/05

SPONSOR: HOUSE JUDICIARY 001/06

SUBJECT: HB 86 - EMPLOYEE ACCESS TO OWN PERSONNEL FILE 001/07

MODERATOR: INEZ 001/08

***** 001/09

***** 001/10

***** 001/11

TESTIFIED: 001/12

NAME\REPRESENTING ADDRESS PHONE 001/13

001/14

MR. JAMIE BOLLENBACH, ACLU POBOX 201844 ANCH 99520 276-2258 001/15

DENNIS DOUGHTY 2501 BLUEBERRY #200 ANCH 99503 276-2829 001/16

001/17

001/18

MORE...