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**WYOMISSING-READING-BERKS COUNTY ATTORNEY
FACILITATES INSPECTION OF PERSONNEL FILES**

Attorney Jana R. Barnett regularly represents clients who are seeking to inspect their personnel files.

Current employees, and persons who have been employed recently (“employee”) have the legal right to inspect their personnel files pursuant to the Pennsylvania Personnel Files Act, 43 Pa.C.S. § 1321-1324. If the employee makes a request, the employer is required to permit the employee or a person selected by the employee to inspect the personnel file.

The law assumes that the personnel file will be inspected in order to determine the employee’s qualifications for employment, promotion, additional compensation, termination or disciplinary action. Employees may want to inspect their personnel files for other reasons, such as if they have not been given copies of their performance reviews, or if they are considering filing for unemployment compensation or claims of discrimination.

An employer is required to make the personnel file available to the employee or a designee during the regular business hours of the office that stores the records. The employee or agent may be required to inspect the files during free time, rather than during the normal work day.

The employer can also require the employee to file a written request. The written form should identify the requesting employee, and either the purpose of the inspection or the particular parts of the personnel record to be inspected.

What constitutes the personnel file is determined by the Personnel File Act, and not the employer’s practice. The law states that the following are included in the personnel file if they are maintained by the employer: application for employment, wage or salary information, notices of commendations, warnings/discipline, authorization for a deduction or withholding of pay, fringe benefit information, leave records, employment history with the employer (including salary information, job title, dates of changes, retirement record, attendance records and performance evaluations). The following are not part of the personnel file: investigations of possible criminal offenses, letters of

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reference, documents to be used in civil, criminal or grievance procedures; medical records; and documents used by the employer to plan for future operations; and information available to the employee under the Fair Credit Reporting Act.

If the employee permits others to inspect the personnel file, the employee should provide a signed Authorization for a specific date or period, which indicates either the purpose of the inspection or the parts of the employee's personnel file that the person can inspect.

The employee does not have a legal right to photocopy, or remove, documents in the personnel file. The employee or agent may take detailed notes. The employer may require that the inspection take place in front of someone, to ensure that documents are not removed or altered. The employer must give the employee or designee sufficient time, consistent with the size of the personnel file, and may limit inspection to once per calendar year.

The Commonwealth of Pennsylvania Department of Labor and Industry enforces the law, and provides forms and instructions for filing a complaint if an employer does not comply with the Personnel Files Act.

To read statutes and related materials, please visit www.janarbarnettesq.com

If you would like to speak with Attorney Jana R. Barnett about obtaining a copy of a personnel file, and learn how she can assist you, call her at 610-478-1860, or click here to send her an e-mail, and she will reply as quickly as possible.

Attorney Jana R. Barnett's offices are located at 525 Kenhorst Boulevard, Reading, PA 19611 and 1238 Cleveland Avenue, Wyomissing, PA 19610-2102. Attorney Jana R. Barnett practices family law, employment law, and employment discrimination law in Reading, Wyomissing and the surrounding cities and towns, as well as in Berks County, Bucks County, Chester County, Delaware County, Lancaster County, Lehigh County, Montgomery County, Northampton County, Philadelphia County and in the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the Middle District of Pennsylvania.