

## 1999 ASSEMBLY BILL 611

December 1, 1999 – Introduced by Representatives VRAKAS, MONTGOMERY, NASS, HASENOHRL, SUDER, SERATTI, LADWIG, PETTIS, LASSA, ALBERS, STONE, F. LASEE, HAHN, M. LEHMAN, MILLER, PORTER and GUNDERSON, cosponsored by Senators FARROW, ROESSLER, HUELSMAN and ROSENZWEIG. Referred to Committee on Labor and Employment.

1     **AN ACT to amend** 103.13 (3), 103.13 (5) and 103.13 (6) (intro.) of the statutes;  
2             **relating to:** confidentiality of an employe's personnel records that are  
3             inspected by an authorized representative of the employe and providing a  
4             penalty.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, subject to certain exceptions, an employer, on the request of an employe, must permit the employe to inspect the employe's personnel records. Current law also permits an employe who is involved in a grievance against his or her employer to designate a representative of the employe's union or collective bargaining unit or some other designated representative to inspect the employe's personnel records that may have a bearing on the resolution of the grievance. This bill requires an authorized representative of an employe who inspects the employe's personnel records to keep those personnel records confidential and permits the authorized representative to disclose those personnel records only with the consent of the employe who is the subject of the personnel records.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

5             **SECTION 1.** 103.13 (3) of the statutes is amended to read:

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1           103.13 (3) PERSONNEL RECORD INSPECTION BY REPRESENTATIVE. An employe who  
2 is involved in a current grievance against the employer may ~~designate~~ authorize in  
3 writing a representative of the employe's union, collective bargaining unit or other  
4 ~~designated~~ authorized representative to inspect the employe's personnel records  
5 which may have a bearing on the resolution of the grievance, except as provided in  
6 sub. (6). The employer shall allow such a ~~designated~~ an authorized representative  
7 to inspect that employe's personnel records in the same manner as provided under  
8 sub. (2). An authorized representative who inspects any personnel records under  
9 this subsection shall keep those personnel records and the information contained in  
10 those personnel records confidential and may disclose those personnel records or any  
11 information contained in those personnel records only with the consent of the  
12 employe who is the subject of the personnel records. Any authorized representative  
13 who discloses any personnel records or any information contained in any personnel  
14 records in violation of this subsection shall be liable to the person injured by that  
15 disclosure for all damages sustained by reason of that disclosure and may be required  
16 to forfeit not more than \$500.

17           **SECTION 2.** 103.13 (5) of the statutes is amended to read:

18           103.13 (5) MEDICAL RECORDS INSPECTION. The right of the employe or the  
19 employe's ~~designated~~ authorized representative under sub. (3) to inspect personnel  
20 records under this section includes the right to inspect any personal medical records  
21 concerning the employe in the employer's files. If the employer believes that  
22 disclosure of an employe's medical records would have a detrimental effect on the  
23 employe, the employer may release the medical records to the employe's physician  
24 or through a physician designated by the employe, in which case the physician may  
25 release the medical records to the employe or to the employe's immediate family.

