



1997 ASSEMBLY BILL 124

February 18, 1997 - Introduced by Representatives NOTESTEIN, GREEN, TURNER, LAZICH, HUBER, OTT, R. YOUNG, BOCK, LORGE, BOYLE and L. YOUNG, cosponsored by Senators PLACHE, FARROW, MOORE, RUDE and BUETTNER. Referred to Committee on Labor and Employment.

1 **AN ACT** *to amend* 103.13 (5), 103.13 (6) (intro.) and 103.13 (7); and *to create*
2 103.13 (3m) of the statutes; **relating to:** permitting an employe to conduct an
3 inspection of his or her personnel records with the assistance of a translator.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, every employer, on the request of an employe, must permit the employe to inspect his or her personnel records and to remove or correct any information that the employe disagrees with, if the removal or correction is mutually agreed to by the employer and employe, or, if the employer and employe cannot agree, to submit a written statement explaining the employe's position. 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 agreement to inspect the employe's personnel records which may have a bearing on the resolution of the grievance. This bill permits an employe who has difficulty reading or understanding the English language to conduct an inspection of his or her personnel records with the assistance of a translator chosen by the employe.

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

4 **SECTION 1.** 103.13 (3m) of the statutes is created to read:

ASSEMBLY BILL 124**SECTION 1**

1 103.13 **(3m)** PERSONNEL RECORD INSPECTION; ASSISTANCE OF TRANSLATOR. If an
2 employe who is conducting an inspection of his or her personnel records under sub.
3 (2) has difficulty reading or understanding the English language, the employe may
4 conduct that inspection with the assistance of a translator chosen by the employe,
5 except as provided in sub. (6). The employer shall allow the employe and his or her
6 translator to inspect the employe's personnel records in the same manner as
7 provided in sub. (2).

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

9 103.13 **(5)** MEDICAL RECORDS INSPECTION. The right of the employe ~~or~~, the
10 employe's designated representative under sub. (3) or the employe's translator under
11 sub. (3m) to inspect personnel records under this section includes the right to inspect
12 any personal medical records concerning the employe in the employer's files. If the
13 employer believes that disclosure of an employe's medical records would have a
14 detrimental effect on the employe, the employer may release the medical records to
15 the employe's physician or through a physician designated by the employe, in which
16 case the physician may release the medical records to the employe or to the employe's
17 immediate family.

18 **SECTION 3.** 103.13 (6) (intro.) of the statutes is amended to read:

19 103.13 **(6)** EXCEPTIONS. (intro.) The right of the employe ~~or~~, the employe's
20 designated representative under sub. (3) or the employe's translator under sub. (3m)
21 to inspect his ~~or her~~ the employe's personnel records does not apply to:

22 **SECTION 4.** 103.13 (7) of the statutes is amended to read:

23 103.13 **(7)** COPIES. The right of the employe ~~or~~, the employe's designated
24 representative under sub. (3) or the employe's translator under sub. (3m) to inspect
25 the employe's personnel records includes the right to copy or receive a copy of records.

