

Access to Personnel Files

Maine has several statutes regarding the access of personnel files.

Pursuant to 26 Me. Rev. Stat. Ann. § 631, upon written request from an employee or former employee, an employer must provide the employee, former employee, or authorized representative with an opportunity to review and copy the employee's personnel file if the employer has a personnel file for that employee. The reviews and copying must take place during normal office hours at the location where the personnel files are maintained unless, at the employer's discretion, a more convenient time and location for the employee are arranged.

In each calendar year, employees or former employees have the right to request of their employer one copy of their entire personnel file and one copy of all the material added to the personnel file after the entire file was provided, at no cost to the employee. The cost of copying any other material requested during that calendar year is paid by the person requesting the copy. A personnel file includes formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation, and benefits and nonprivileged medical records or nurses' station notes relating to the employee that the employer has in the employer's possession.

Records in a personnel file may be maintained in any form, including paper, microfiche, or electronic form. The employer must take adequate steps to ensure the integrity and confidentiality of these records. An employer maintaining records in a form other than paper must have available to the employee, former employee, or authorized representative the equipment necessary to review and copy the personnel file.