



**Colorado
Legislative
Council
Staff**

HB16-1432

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-1221
Prime Sponsor(s): Rep. Winter
Sen. Kerr

Date: July 25, 2016
Bill Status: Signed into Law
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: PERSONNEL FILES EMPLOYEE INSPECTION RIGHT

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue		
State Expenditures	Minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal workload increase.		

Summary of Legislation

This bill requires that an employer, at least annually, permit a requesting current or former employee to inspect and obtain a copy of his or her personnel file. Reviews are to occur at the employer's office at a time convenient to both parties. A former employee may make one inspection of his or her personnel file after termination of employment. An employer may restrict access to files only in the presence of a person responsible for managing personnel data and may require that the employee pay the reasonable costs for any duplication of documents. The bill excludes the following documents from the definition of personnel file:

- records required to be placed in a separate file by federal or state law or rule;
- records pertaining to confidential reports from previous employers of the employee;
- records relating to an active disciplinary investigation by the employer or a regulatory agency, or an active criminal investigation; and
- any information in a document or record that identifies any person who made a confidential accusation, as defined by the employer, against the employee.

The bill clarifies that it does not create or authorize a private cause of action and does not apply to employers covered by the Colorado Open Records Act or to a financial institution chartered and supervised under state or federal law. It also clarifies that House Bill 16-1432 does not require an employer to create, maintain, or retain a personnel file for a current or former employee, nor does it require an employer to retain any documents that are or were in a personnel file for a specific period of time.

State Expenditures

Beginning in FY 2016-17, the Colorado Department of Labor and Employment will respond to any complaints of noncompliance by private sector employers. This analysis assumes that the increase in workload is minimal and can be accomplished within existing appropriations.

Effective Date

The bill was signed into law by the Governor on June 10, 2016, and takes effect January 1, 2017, assuming no referendum petition is filed.

State and Local Government Contacts

Labor Special Districts