State Records Retention Requirements – MN



MINNESOTA

Wage and Hour

Employers are required to maintain records concerning an employee's name, address, occupation, rate of pay, amount paid during each pay period, and the hours worked each day and each workweek for a period of 3 years in or near the premises where the employee works.

Worker Injuries, Health, and Safety:

Employers are required to maintain all safety and health committee recommendations or reports made to the employer for 2 years.

Other Employment Records:

No requirements

Does your state give employees a legal right to examine their own personnel files?

Employees' Rights:

Private sector: Upon written request, employees are permitted to review their employment files once every six months. Employers have seven working days to respond to the request if the record is within the state and 14 days if the record is stored out of state. The employee must be allowed to view his or her records or an accurate copy during the employer's normal business hours. This need not be during the particular employee's working hours. The employer may require that the employee's viewing of his or her file be witnessed. Employers may not charge for copying.

Public sector: Upon request, an individual who is the subject of stored public or private data shall be shown the data without charge. Copies may be provided to the individual at the cost of the individual. If immediate compliance is not possible, the information must be provided within 10 business days.

Former Employees' Rights:

Private sector: Upon written request, and within the same time limitations imposed for responding to a current employee's request, a former employee may

examine his or her file upon separation and once each year for as long as the record is maintained. Again, providing a copy to the employee is sufficient compliance as long as the employee is not charged for the copy.

Public sector:

same as current employees

Covered Employers

Private employers with 20 or more employees

Citation to authority – click link to view statute:

MSA § 177.30 Keeping records; penalty

MN Adm. Rules § 5208.0050 Other records (safety and health)

MSA § 181.960, subd. 4 Personnel record

MSA § 181.961 Review of personnel record by employee