disabilityrights WISCONSIN
Protection and advocacy for people with disabilities.

Fact Sheet: Employment Records
Frequently Asked Questions

What is an employment record?

Your employment record contains information about your hiring, any disciplinary action, performance reviews, and more. It typically does not contain private, highly sensitive information like background check or drug test results or any information on protected class status (race, ethnicity, gender, disability status), which is often kept separately.

Am I allowed to see my employment record?

Under Wisconsin law, an employer must allow an employee to see their employment record upon request at least two times each year.[1] Once an employee makes the request, the employer has seven business days to provide the employee with an opportunity to view the file or provide a copy.

Why would I want to request my employment record?

Knowing what is in your employment record can be helpful if you are considering taking legal action against your employer.

[1] Wis. Stat. § 103.13(2).

How do I request my employment record?

It is recommended that you request your file in writing. You may choose to use our sample letter at the end of this factsheet or write your own.

Can an employer charge me for my employment record?

If you request a copy of your employment record, your employer may charge you for the cost of reproducing the file.

What if I disagree with something I see in my employment record?

If you disagree with something in your employment record, you can ask that your employer correct or remove the information. If your employer does not agree to change the information, you can write a letter explaining why you feel the information should be changed or removed; that letter then becomes a part of your employment record.

Can I see everything in my file?

The law on employment records does not apply to employers who do not keep any personnel records. Additionally, the right of an employee to view their employment record does not include:

- Records relating to the investigation of possible criminal offenses committed by that employee.
- Letters of reference for that employee.
- Any portion of a test document, although you may view your overall scores.

- Materials used for staffing planning, including recommendations about future salary increases or bonuses, and comments about potential job assignments or promotions.
- Personal information that may involve someone other than the employee.[2]

What do I do if my employer refuses to let me see my employment records?

If your employer refuses, you may file a complaint with the Wisconsin Department of Workforce Development's Equal Rights Division.[3]

Before you do that, however, you might want to consider whether there is another person within your organization you can contact. For example, if you submitted the request to your immediate supervisor, you might want to make the request again, in writing, to your employer's Human Resources Department.

Will my employer be mad at me if I request my file?

Your right to view your employment record is protected by state law. If you think your employer may be retaliating against you for requesting your file, document what is going on and call a lawyer or other advocate to discuss your concerns.

This resource material is intended as a self-advocacy guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, please contact an attorney.

[2] Wis. Stat. § 103.13(6)(a-g).

[3] For information on filing a formal complaint with the Equal Rights Division, visit www.dwd.wisconsin.gov/er/laborstandards/complaintprocess.htm

Sample Letter for Requesting Employment Records

The following is an example of what can be included in the request letter and is not intended to be legal advice.

[Date of Letter]

[Method of Delivery (Email / U.S. Mail / Hand Delivered, etc.)]

[Employer Contact Name]
[Employer's Address]

Re: Request for Employment Records for [Your Name]

Dear Mr./Ms./Mx. [Employer Contact Name]:

I am writing to request a copy of my employment records maintained by [Employer's Name], pursuant to Wisconsin's Open Personnel Records Law (Wis. Stat. § 103.13).

Please provide these documents or a written response within seven business days. If you have any questions about my request, you can contact me in writing or by phone.

Thank you for your attention to this matter.

Sincerely,

[Your Name]
[Your Phone Number / Email]