

EMPLOYMENT-RELATED INFORMATION FACT SHEET

OBTAINING YOUR PERSONNEL FILE

If you believe your employer has violated your rights, it is important to obtain a complete copy of your personnel file. Michigan's Bullard-Plawecki Right-to-Know Act gives you the right to review your file. To review your file, you must first make a written request to your employer. We have attached a sample letter.

After you make your written request, the employer must arrange a time for you to review your file. The employer can require you to review the file at a location at or near its office and during normal office hours. After you have reviewed your file, you may obtain a copy of the information, or part of the information, contained in your file. The employer may charge you a fee for providing a copy. If you are unable to review your personnel file at the employer's office, then the employer, upon your written request, must mail a copy of the file to you.

Many employers limit the time you have to file a claim against them, so we recommend that you obtain and carefully review the materials in your personnel file for provisions that limit that time. Most employers include such provisions in applications, employment manuals, or employment contracts, but you should carefully review all materials received during the course of your employment for such provisions. You should inform the agency or your attorney immediately about any provisions that may limit your time to file a claim.

STATE AND FEDERAL AGENCIES

There are many state and federal agencies set up to address civil rights and employment related claims. These agencies have investigating capabilities and can be extremely helpful in resolving civil rights issues. Their services are provided free of charge. Below are summaries and contact information for some of these agencies.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

This government organization enforces federal laws which include, but are not limited to, prohibiting discrimination, harassment, and retaliation based on an employee's membership in a protected class, which includes:

- race, color, religion, gender, or natural origin;
- individuals who are 40 years of age or older;
- qualified individuals with disabilities;
- individuals perceived to be disabled or handicapped;
- individuals who are retaliated against for complaining about a violation of one of the above rights.

A charge of discrimination can be filed with this agency alleging a violation of any of these laws by visiting or calling the Detroit Field Office at 477 Michigan Avenue, Room 865, Patrick V. McNamara Bldg., Detroit, MI 48226, (800) 669-4000.

You should file a charge as soon as you become aware that your rights may have been violated. In many cases, you cannot file a federal lawsuit until you file a charge with the EEOC. Most charges of discrimination must be filed within 300 days after the event that is the basis of the charge, although some charges may need to be filed sooner. A federal lawsuit cannot be filed under any of the above circumstances unless the EEOC has had the opportunity to make a determination regarding the validity of the charge. More information is available at its website: www.eeoc.gov

MICHIGAN DEPARTMENT OF CIVIL RIGHTS (MDCR)

This state agency accepts complaints based on violations of state laws prohibiting unlawful consideration of a protected status as defined above in the section on the EEOC. Additionally, the agency receives complaints based on unlawful consideration of height, weight, arrest record, and family housing status. This agency also reviews charges of prohibited retaliation or discrimination against a person who has filed a complaint or assisted, participated, or testified in an investigation, proceeding, or hearing. This agency is located at the State Office Building, 350 Ottawa NW, 4th Floor, Grand Rapids, MI 49503, (616) 356-0380.

You must file any charge within 180 days of the incident in question. To locate other offices across the state, call (800) 482-3604. For more information visit the website www.michigan.gov/mdcr.

NATIONAL LABOR RELATIONS BOARD (NLRB)

This federal organization was created to administer the National Labor Relations Act. The Board addresses whether employees want to be represented by a union, whether an employee has been fairly represented by his or her union, whether an employer has engaged in an unfair labor practice, and whether a union has violated its duties to members under the Act. To file a charge, visit your local office at the Gerald R. Ford Federal Building, 110 Michigan Street NW, Room 299, Grand Rapids, MI 49503, (616) 456-2679.

You must file any charge within six months of the incident in question. For more information, visit the website www.nlr.gov.

DEPARTMENT OF LABOR: WAGE AND HOUR DIVISION

This federal agency enforces the following laws:

- Consumer Credit Protection Act
- Fair Labor Standards Act/Child Labor
- Fair Labor Standards Act (FLSA)
- Whistleblower Protections

- Worker Adjustment and Retraining
- Family and Medical Leave Act
- Occupational Safety and Health Act
- Labor-Management Reporting and Notification

You should file a charge as soon as you become aware that your rights may have been violated. Failure to file a timely charge may prevent you from pursuing some of your claims. The time allotted to file a complaint varies for each law. Contact the Department of Labor for more information. To file a complaint regarding a suspected violation of one of these laws, contact the local office: Grand Rapids District Office, 800 Monroe Avenue NW, Suite 315, Grand Rapids, MI 49503, (616) 456-2004. For more information, please visit the website www.dol.gov.

STATE OF MICHIGAN: WAGE AND HOUR DIVISION

This state agency investigates complaints of non-payment of wage and fringe benefits and violations of state minimum wage, overtime, equal pay, and prevailing wage laws. It also monitors youth employment standards, including working conditions and hours of work.

For more information about filing a complaint, please contact the Wage and Hour Division at 530 West Allegan Street, 2nd Floor, Lansing, MI 48913, (517) 284-7800. For more general information please visit the website www.michigan.gov/dleg.

MICHIGAN EMPLOYMENT SECURITY AGENCY

This state agency provides financial unemployment benefits and job search assistance when a worker cannot find a job. You can file for benefits online at www.michigan.gov/uia or by telephone at (866) 500-0017.

WORKERS' COMPENSATION AGENCY

This state agency administers Michigan's Workers' Disability Compensation Act, which provides weekly wage-loss benefits, medical benefits, and rehabilitation costs for disabling and partially disabling work-related injuries. You may file your own claim for workers' compensation benefits, but if your employer disputes the claim, you should call our office at (616) 363-7000. For more information about workers' compensation in general, you can visit the Workers' Compensation Agency's website at www.michigan.gov/wca.

MICHIGAN OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (MIOSHA)

This state agency is charged with protecting the safety and health of Michigan workers. It sets and enforces occupational safety and health standards. In most cases, you cannot personally sue your employer over an unsafe condition at work. But the Occupational Safety and Health Act gives you the right to file a complaint with MIOSHA about safety and health hazards at your workplace that your employer refuses to address. You can do so confidentially. Instructions can be found at the MIOSHA section of the Department of Licensing and Regulatory Affairs website: www.michigan.gov/lara.

REQUEST FOR PERSONNEL FILE

TO WHOM IT MAY CONCERN:

I am requesting, pursuant to the Bullard-Plawecki Right to Know Act, MCLA § 423.501, et seq., to review a complete copy of my personnel file. After I review my complete personnel file, I intend to request a copy pursuant to my rights under the Bullard-Plawecki Act. If you would prefer, you may agree to waive the requirement that I review my file before receiving a copy and just mail me a copy of my personnel file to the below address.

Name:

Address:

Signature:

Return requested information to the above name and address.