

House Research Act Summary

CHAPTER: 197

SESSION: 1999 Regular Session

TOPIC: Firefighter Background Checks

Date: May 26, 1999

Analyst: Deborah K. McKnight, 651-296-5056

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

1 Firefighter previous employment investigations.

Subd. 1. Allows a fire department chief or administrative head to do a previous employment check on an applicant for a fire protection service job.

Subd. 2. Requires an employer to disclose employment information on an employee or former employee upon request for an investigation under this section. Requires a written request with an authorization signed by the subject of the check and by the fire chief or administrative head. Upon request of the applicant, the fire chief or administrative head must disclose to the applicant information obtained under this section.

Subd. 3. Authorizes the district court on request to issue an ex parte order directing disclosure if an employer refuses to comply. Specifies requirements of making a request to the court. Makes failure to comply with the court order punishable as contempt.

Subd. 4. Absent fraud or malice, immunizes an employer from civil liability for release of information to a fire department under this section and for subsequent publication by the applicant.

Subd. 5. If employment information is subject to a confidentiality agreement, the employer must disclose the existence of the agreement. If the applicant authorizes release of information despite the agreement, the employer must disclose it. If employment information is sealed under a court order or otherwise subject to court order, the employer must identify the court and case file.

Subd. 6. Defines employment information for this section to mean written information on the applicant's job applications, performance evaluations, attendance records, disciplinary actions, and eligibility for rehire.

Subd. 7. "Employer" in this section does not include an entity subject to the government data practices act.

2 Firefighter and peace officer investigations. Amends the civil immunity statute. Adds a

reference in that statute to the immunity provided in section 1.