

SUPREME JUDICIAL COURT OF MAINE

Harding v. Wal-Mart Stores, Inc.

765 A.2d 73 (Me. 2001) · No. 2001 ME 13 · Decided January 22, 2001

SUMMARY

The Supreme Judicial Court of Maine held that an employer's internal investigative records concerning alleged employee misconduct constituted part of the employee's personnel file under 26 M.R.S.A. § 631. The court relied on the statute's broad language covering records relating to an employee's character or work habits, regardless of how the records were labeled or where they were stored. The court affirmed the judgment requiring Wal-Mart to disclose the records and imposing a civil forfeiture and attorney fees.

CASE DETAILS

COURT	Supreme Judicial Court of Maine
WRITING FOR THE COURT	Saufley, J.; Wathen, C.J.; Clifford, J.; Rudman, J.; Dana, J.; Alexander, J.; Calkins, J.
JURISDICTION	Maine
DECIDED	January 22, 2001
DOCKET	2001 ME 13
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wal-Mart appealed from the Superior Court's judgment affirming the District Court's order requiring Wal-Mart to disclose internal investigative reports to Harding under 26 M.R.S.A. § 631.
STANDARD OF REVIEW	The court directly reviewed the District Court record because the Superior Court acted in an appellate capacity. Statutory construction was reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Wal-Mart Stores, Inc. v. Nancy A. Harding

TOPICS

employment law

statutory interpretation

plain meaning rule

appellate procedure

standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether employer records relating to an investigation of alleged employee wrongdoing are included within the statutory definition of an employee's personnel file under 26 M.R.S.A. § 631.
2. Whether investigative records are excluded from the statutory definition of personnel file because they are not specifically named in the statute or because public-policy concerns favor confidentiality.

HOLDINGS

1. Records relating to an employee's character or work habits, including records concerning an alleged theft by the employee, are part of the employee's personnel file when they are in the employer's possession, regardless of where the employer stores them or what label it gives them.
2. The court could not judicially create an exemption for investigative records based on confidentiality, law-enforcement, employee-protection, or defamation concerns because the Legislature had not included such an exemption in section 631.

KEY QUOTATIONS

"Employment related records may be given many different labels." (765 A.2d at 75)

"Such records in the possession of the employer, whether or not they are physically placed in a file labelled 'personnel file,' are part of the employee's personnel file for purposes of 26 M.R.S.A. § 631." (765 A.2d at 76)

FACTUAL BACKGROUND

Wal-Mart terminated Nancy Harding for the unauthorized removal of company property after loss-prevention supervisor James Bryant investigated an internal loss and collected witness statements, notes, and a statement from Harding. Bryant retained the investigative materials in a separate file at his home rather than placing them in Harding's personnel file, consistent with Wal-Mart policy. Harding requested her personnel file and specifically sought the investigative documents, but Wal-Mart provided only selected employment records and withheld the remaining investigative materials.

PROCEDURAL HISTORY

After Harding was terminated, she requested her personnel file, including records concerning the investigation underlying her termination. The District Court held that the investigative records were part of her personnel file, found Wal-Mart's failure to produce them to be in bad faith, imposed a \$500 civil forfeiture, and awarded attorney fees. The Superior Court affirmed, and the Supreme Judicial Court of Maine affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Clum v. Graves, 1999 ME 77, 729 A.2d 900 (Me. 1999)
- Kimball v. Land Use Regulation Comm'n, 2000 ME 20, 745 A.2d 387 (Me. 2000)
- Home Builders Ass'n v. Town of Eliot, 2000 ME 82, 750 A.2d 566 (Me. 2000)
- Coker v. City of Lewiston, 1998 ME 93, 710 A.2d 909 (Me. 1998)
- Miller v. Chico Unified Sch. Dist., 24 Cal. 3d 703, 157 Cal. Rptr. 72, 597 P.2d 475 (1979)

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