

5033-S2

Sponsor(s): Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Fairley and Costa)

Brief Description: Revising employee personnel file inspection provisions.

**SB 5033-S2 - DIGEST**

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Provides that, if an employer keeps a personnel file on an employee, the employer shall, at least annually, upon the request of that employee, permit that employee to inspect and copy without charges, except a reasonable copying charge, any or all of his or her own personnel file(s). These file(s) shall be retained by the employer for a minimum of three years after the employee ceases work for that employer.

Provides that individuals performing personal services for, or for the benefit of, a third party pursuant to a contract with a temporary services agency shall be, for the purposes of this act and RCW 49.12.050, employees of both the temporary services agency and the third party.

Provides that the director shall assess any employer found to be in violation of this act, or rules or orders adopted or issued pursuant to this act, a civil penalty of not less than five hundred dollars a day for each violation.

Declares that in addition to any other penalty provided by law, an employee whose request to inspect and copy personnel files has been denied in violation of this act may bring an action in any court of competent jurisdiction to recover damages for the violation in the amount of five thousand dollars. The court shall award reasonable attorney fees to a prevailing plaintiff.

Repeals RCW 49.12.240.