
SENATE BILL 5924

State of Washington

68th Legislature

2024 Regular Session

By Senators Kuderer, Wellman, Conway, Frame, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Stanford, Valdez, and C. Wilson

Prefiled 12/29/23. Read first time 01/08/24. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to access to personnel records; amending RCW
2 49.12.240 and 49.12.250; adding a new section to chapter 49.12 RCW;
3 and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 49.12.240 and 1985 c 336 s 1 are each amended to
6 read as follows:

7 (1) Every employer shall, at least annually, upon the request of
8 an employee, permit that employee to inspect any or all of ((his or
9 her)) the employee's own personnel file(s).

10 (2) For the purposes of this section and RCW 49.12.250,
11 49.12.260, and section 3 of this act, "personnel file" includes the
12 following records, if the employer creates such records:

13 (a) All job application records;

14 (b) All performance evaluations;

15 (c) All disciplinary records;

16 (d) All medical, leave, and reasonable accommodation records;

17 (e) All payroll records;

18 (f) All employment agreements; and

19 (g) All other records contained in the file.

20 (3) This section may not be construed to create a retention
21 schedule for records.

1 **Sec. 2.** RCW 49.12.250 and 1985 c 336 s 2 are each amended to
2 read as follows:

3 (1) Each employer shall (~~make~~) provide such personnel file(s)
4 (~~available locally~~) within (~~a reasonable period of time~~) 21
5 calendar days after the employee, former employee, or their designee
6 requests the file(s) at no cost to the employee, former employee, or
7 their designee.

8 (2) An employee annually may petition that the employer review
9 all information in the employee's personnel file(s) that are
10 regularly maintained by the employer as a part of (~~his~~) the
11 employer's business records or are subject to reference for
12 information given to persons outside of the company. The employer
13 shall determine if there is any irrelevant or erroneous information
14 in the file(s), and shall remove all such information from the
15 file(s). If an employee does not agree with the employer's
16 determination, the employee may at (~~his or her~~) the employee's
17 request have placed in the employee's personnel file a statement
18 containing the employee's rebuttal or correction. Nothing in this
19 subsection prevents the employer from removing information more
20 frequently.

21 (3) A former employee shall retain the right of rebuttal or
22 correction for a period not to exceed two years.

23 (4) Every employer must, within 21 calendar days of receiving a
24 written request from a former employee or their designee, furnish a
25 signed written statement to the former employee or their designee
26 stating the effective date of discharge, whether the employer had a
27 reason for the discharge, and if so, the reasons.

28 (5) For the purposes of this section, "former employee" means a
29 person who separated from the employer within three years of the date
30 of the person's request.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.12
32 RCW to read as follows:

33 (1)(a) An employee or former employee may enforce RCW 49.12.240
34 through 49.12.260 through a private cause of action in superior court
35 and for each violation will be entitled to equitable relief,
36 statutory damages, and reasonable attorneys' fees and costs.

37 (b) Prior to enforcing through a private cause of action, the
38 employee or former employee must give five calendar days' notice to
39 the employer. The notice of intent to sue must reference that the

1 employee or former employee has the right to bring a legal action
2 under Washington state law.

3 (2) The statutory damages for each violation are:

4 (a) \$250 if the complete personnel file or the statement required
5 under RCW 49.12.250(4) is not provided within 21 calendar days;

6 (b) \$500 if the complete personnel file or the statement required
7 under RCW 49.12.250(4) is not provided within 28 calendar days;

8 (c) \$1,000 if the complete personnel file or the statement
9 required under RCW 49.12.250(4) is provided later than 35 calendar
10 days; and

11 (d) \$500 for any other violations.

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