

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1308

Chapter 273, Laws of 2025

69th Legislature
2025 Regular Session

ACCESS TO PERSONNEL RECORDS

EFFECTIVE DATE: July 27, 2025

Passed by the House April 17, 2025
Yeas 56 Nays 40

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 9, 2025
Yeas 32 Nays 17

JOHN LOVICK

President of the Senate

Approved May 13, 2025 10:41 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1308** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 14, 2025

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1308

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

2025 Regular Session

By House Labor & Workplace Standards (originally sponsored by Representatives Reed, Fosse, Alvarado, Thai, Doglio, Cortes, Mena, Obras, Scott, Taylor, Macri, Ortiz-Self, Pollet, Salahuddin, Berry, Duerr, Reeves, Goodman, Street, Simmons, Walen, Ormsby, Ramel, Nance, and Parshley)

READ FIRST TIME 02/04/25.

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) within the time required
10 under RCW 49.12.250.

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

14 (a) All job application records;

15 (b) All performance evaluations;

16 (c) All nonactive or closed disciplinary records;

17 (d) All leave and reasonable accommodation records;

18 (e) All payroll records; and

19 (f) All employment agreements.

20 (3) This section and RCW 49.12.250 may not be construed to:

21 (a) Create a retention schedule for records;

1 (b) Require an employer to create personnel records; or
2 (c) Supersede Washington state or federal privacy statutes
3 regarding nondisclosure.

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

6 (1) ~~((Each))~~ For any employer other than those specified under
7 subsection (2) of this section:

8 (a) The employer shall ~~((make such))~~ provide a copy of personnel
9 file(s) ~~((available locally))~~ within ~~((a reasonable period of time))~~
10 21 calendar days after the employee, former employee, or their
11 designee requests the file(s) at no cost to the employee, former
12 employee, or their designee.

13 (b) The employer shall, within 21 calendar days of receiving a
14 written request from a former employee or their designee, furnish a
15 signed written statement to the former employee or their designee
16 stating the effective date of discharge, whether the employer had a
17 reason for the discharge, and if so, the reasons.

18 (2) Any employer subject to the requirements under chapter 42.56
19 RCW shall provide a copy of personnel file(s) when requested by the
20 employee, former employee, or their designee in accordance with the
21 procedures and requirements set forth in chapter 42.56 RCW. This
22 subsection (2) does not limit or modify disclosure requirements under
23 chapter 42.56 RCW.

24 ~~((+2))~~ (3)(a) An employee annually may petition that the
25 employer under subsection (1) or (2) of this section review all
26 information in the employee's personnel file(s) that are regularly
27 maintained by the employer as a part of ~~((his))~~ the employer's
28 business records or are subject to reference for information given to
29 persons outside of the company. The employer shall determine if there
30 is any irrelevant or erroneous information in the file(s), and shall
31 remove all such information from the file(s). If an employee does not
32 agree with the employer's determination, the employee may at ~~((his or~~
33 her)) the employee's request have placed in the employee's personnel
34 file a statement containing the employee's rebuttal or correction.
35 Nothing in this subsection prevents the employer from removing
36 information more frequently.

37 ~~((+3))~~ (b) A former employee shall retain the right of rebuttal
38 or correction for a period not to exceed two years.

1 (4) For the purposes of this section, "former employee" means a
2 person who separated from the employer within three years of the date
3 of the person's request.

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

6 (1)(a) An employee or former employee may enforce RCW
7 49.12.250(1) through a private cause of action in superior court and
8 for each violation will be entitled to equitable relief, statutory
9 damages, and reasonable attorneys' fees and costs.

10 (b) Prior to enforcing through a private cause of action, the
11 employee or former employee shall give a notice of intent to sue to
12 the employer. The notice of intent to sue must reference that the
13 employee or former employee has the right to bring a legal action
14 under Washington state law. The notice of intent to sue may be
15 provided to the employer with the initial request for a copy of the
16 personnel file or anytime thereafter. No cause of action arising from
17 the failure to provide the complete personnel file may be commenced
18 until five calendar days have elapsed after the notice of intent to
19 sue is provided to the employer.

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

21 (a) \$250 if the complete personnel file or the statement required
22 under RCW 49.12.250(1) is not provided within 21 calendar days of the
23 request;

24 (b) \$500 if the complete personnel file or the statement required
25 under RCW 49.12.250(1) is not provided within 28 calendar days of the
26 request;

27 (c) \$1,000 if the complete personnel file or the statement
28 required under RCW 49.12.250(1) is provided later than 35 calendar
29 days of the request; and

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

Passed by the House April 17, 2025.

Passed by the Senate April 9, 2025.

Approved by the Governor May 13, 2025.

Filed in Office of Secretary of State May 14, 2025.

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