S-0337.1

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**SENATE BILL 5130**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Kuderer, Keiser, Das, Hunt, Robinson, Saldaña, Stanford, and Wilson, C.

AN ACT Relating to employee's rights concerning personnel files and disciplinary actions; and amending RCW 49.12.250.

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

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

(1) ((~~Each~~)) Within 14 calendar days of a request by an employee, former employee, or their agent or fiduciary, each employer ((~~shall make such file(s) available locally within a reasonable period of time after the employee requests the~~)) must furnish to the employee a complete, unredacted copy of the employee's personnel file(s) at no cost to the employee.

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

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

(4) Every employer shall, within 10 business days of receiving a written request by a former employee or their agent, furnish a signed written statement to the employee stating the reasons for and effective date of discharge.

(5) An employee may enforce this section through a private cause of action in superior court, without exhausting any administrative remedies, and for each violation will be entitled to equitable relief, statutory damages of $1,000, and reasonable attorney fees and costs.

(6) For the purposes of this section, "personnel file" includes the following:

(a) All job application records;

(b) All performance evaluations;

(c) All disciplinary records;

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

(e) All payroll records;

(f) All employment agreements; and

(g) All other records maintained in a personnel or employment file for that employee, however designated.

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