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**SUBSTITUTE HOUSE BILL 1308**

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**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;

19 (f) All employment agreements; and

20 (g) All other records designated by the employer as part of the  
21 employee's personnel file.

1 (3) This section and RCW 49.12.250 may not be construed to:  
2 (a) Create a retention schedule for records;  
3 (b) Require an employer to create personnel records; or  
4 (c) Supersede Washington state or federal privacy statutes  
5 regarding nondisclosure.

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

8 (1) ((Each)) For any employer other than those specified under  
9 subsection (2) of this section:

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

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

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

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

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

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

6       NEW SECTION. Sec. 3. A new section is added to chapter 49.12  
7 RCW to read as follows:

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

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

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

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

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

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

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

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