

SSB 5130 - S AMD 283

By Senator King

NOT CONSIDERED 04/26/2021

1 On page 3, line 1, after "(10)" insert "This section does not
2 apply to any small business.

3 (11)"

4 On page 3, after line 5, insert the following:

5 "(c) "Small business" means any business entity, including a sole
6 proprietorship, corporation, partnership, or other legal entity that
7 has 50 or fewer employees.

8 NEW SECTION. Sec. 2. A new section is added to chapter 49.12
9 RCW to read as follows:

10 (1) Each employer shall make an employee's own personnel file(s)
11 available locally within a reasonable period of time after the
12 employee requests the file(s).

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

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

27 (4) This section only applies to a small business.

28 (5) For purposes of this section, "small business" means any
29 business entity, including a sole proprietorship, corporation,
30 partnership, or other legal entity that has 50 or fewer employees."

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- 1 On page 1, line 2 of the title, after "actions;" strike "and"
- 2 On page 1, line 2 of the title, after "49.12.250" insert "; and"
- 3 adding a new section to chapter 49.12 RCW"

EFFECT: Retains the current law regarding personnel files for small businesses.

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