
SENATE BILL 5130

State of Washington

67th Legislature

2021 Regular Session

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

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

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

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

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

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

1 subsection prevents the employer from removing information more
2 frequently.

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

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

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

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

16 (a) All job application records;

17 (b) All performance evaluations;

18 (c) All disciplinary records;

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

20 (e) All payroll records;

21 (f) All employment agreements; and

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

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