
SENATE BILL 5345

State of Washington

69th Legislature

2025 Regular Session

By Senators Saldaña, Trudeau, Valdez, Slatter, Lovick, Cortes, Kauffman, Conway, Dhingra, Frame, Hasegawa, Nobles, Stanford, and C. Wilson

Read first time 01/17/25. Referred to Committee on Labor & Commerce.

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 mandating 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 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 (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 ~~((his))~~ the
16 employer's business records or are subject to reference for
17 information given to persons outside of the company. The employer
18 shall determine if there is any irrelevant or erroneous information
19 in the file(s), and shall remove all such information from the
20 file(s). If an employee does not agree with the employer's
21 determination, the employee may at ~~((his or her))~~ the employee's
22 request have placed in the employee's personnel file a statement
23 containing the employee's rebuttal or correction. Nothing in this
24 subsection prevents the employer from removing information more
25 frequently.

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

28 (4) Every employer must, within 21 calendar days of receiving a
29 written request from a former employee or their designee, furnish a
30 signed written statement to the former employee or their designee
31 stating the effective date of discharge, whether the employer had a
32 reason for the discharge, and if so, the reasons.

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

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

1 (1) (a) An employee or former employee may enforce RCW 49.12.240
2 through 49.12.260 through a private cause of action in superior court
3 and for each violation will be entitled to equitable relief,
4 statutory damages, and reasonable attorneys' fees and costs.

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

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

16 (a) \$250 if the complete personnel file or the statement required
17 under RCW 49.12.250(4) is not provided within 21 calendar days of the
18 request;

19 (b) \$500 if the complete personnel file or the statement required
20 under RCW 49.12.250(4) is not provided within 28 calendar days of the
21 request;

22 (c) \$1,000 if the complete personnel file or the statement
23 required under RCW 49.12.250(4) is provided later than 35 calendar
24 days of the request; and

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

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