

WSR 26-08-079
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Order 26-01—Filed March 31, 2026, 8:10 a.m., effective May 1, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule making amends WAC 296-126-050 related to personnel files (formerly entitled employment records). The adopted changes align the rule with recent changes to chapter 49.12 RCW in SHB 1308, chapter 273, Laws of 2025.

SHB 1308 provided examples of the types of records included in a personnel file, if the employer creates such records. It also expanded employee and former employees rights to access personnel records in a timely manner and provided remedies through a private right of action.

Citation of Rules Affected by this Order: Amending WAC 296-126-050.

Statutory Authority for Adoption: RCW 49.12.250.

Adopted under notice filed as WSR 26-03-080 on January 20, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 31, 2026.

Joel Sacks
Director

RDS-6922.1

AMENDATORY SECTION (Amending WSR 10-04-092, filed 2/2/10, effective 3/15/10)

WAC 296-126-050 ((~~Employment records~~)) Personnel files. (1)(a) Every employer shall keep for at least three years a record of the name, address, and occupation of each employee, dates of employment, rate or rates of pay, amount paid each pay period to each such employee and the hours worked.

(b) For employers subject to the Minimum Wage Act, personnel files also includes records required by WAC 296-128-010 through 296-128-030.

(c) Personnel files also includes the following records, if the employer creates such records: Job application records, performance evaluations, nonactive or closed disciplinary records, leave and rea-

sonable accommodation records, payroll records, and employment agreements.

(2) Every employer shall make the record described in subsection (1) available to the employee, upon request, at any reasonable time.

(3) Every employer is required to allow employees to inspect all the employees' own personnel files within 21 calendar days upon receiving a request from the employee.

(4) Every employer shall, within ((ten business)) 21 calendar days of receiving a written request by a former employee or their designee, furnish a signed written statement to the employee or their designee stating the ((reasons for and)) effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons.

((Note: Additional recordkeeping requirements for employers are stated in WAC 296-128-010 through 296-128-030 (rules regarding recordkeeping for employers subject to the Minimum Wage Act, chapter 49.46 RCW) and WAC 296-131-017 (rule regarding recordkeeping for agricultural employers:))

(5) "Former employee" means a person who separated from the employer within three years of the date of the person's request.

(6) An employee or former employee may seek private cause of action for each violation for failure to provide the complete personnel file(s), provided that a violation has occurred and the employee or former employee has given notice of intent to sue.