

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1308**

69th Legislature  
2025 Regular Session

Passed by the House April 17, 2025  
Yeas 56 Nays 40

---

**Speaker of the House of  
Representatives**

Passed by the Senate April 9, 2025  
Yeas 32 Nays 17

---

**President of the Senate**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1308** as passed by the House of Representatives and the Senate on the dates hereon set forth.

---

**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

---

**SUBSTITUTE HOUSE BILL 1308**

---

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

**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; and

19       (f) All employment agreements.

20       (3) This section and RCW 49.12.250 may not be construed to:

21       (a) Create a retention schedule for records;

1        (b) Require an employer to create personnel records; or  
2        (c) Supersede Washington state or federal privacy statutes  
3        regarding nondisclosure.

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

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

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

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

24        ((+2)) (3)(a) An employee annually may petition that the  
25 employer under subsection (1) or (2) of this section review all  
26 information in the employee's personnel file(s) that are regularly  
27 maintained by the employer as a part of ((his)) the employer's  
28 business records or are subject to reference for information given to  
29 persons outside of the company. The employer shall determine if there  
30 is any irrelevant or erroneous information in the file(s), and shall  
31 remove all such information from the file(s). If an employee does not  
32 agree with the employer's determination, the employee may at ((his or  
33 her)) the employee's request have placed in the employee's personnel  
34 file a statement containing the employee's rebuttal or correction.  
35 Nothing in this subsection prevents the employer from removing  
36 information more frequently.

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

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

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

6       (1)(a)   An employee or former employee may enforce RCW  
7 49.12.250(1) through a private cause of action in superior court and  
8 for each violation will be entitled to equitable relief, statutory  
9 damages, and reasonable attorneys' fees and costs.

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

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

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

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

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

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

--- END ---