

Multiple Agency Fiscal Note Summary

Bill Number: 1320 2S HB	Title: Personnel records
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Social and Health Services	0	0	163,000	0	0	172,000	0	0	172,000
Total \$	0	0	163,000	0	0	172,000	0	0	172,000

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
Loc School dist-SPI	Fiscal note not available					
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Fiscal note not available											
Office of the Governor	Fiscal note not available											
Office of Lieutenant Governor	Fiscal note not available											
Public Disclosure Commission	Fiscal note not available											
Washington State Leadership Board	Fiscal note not available											
Office of the Secretary of State	Fiscal note not available											
Governor's Office of Indian Affairs	Fiscal note not available											
Commission on Asian Pacific American Affairs	Fiscal note not available											
Office of State Treasurer	Fiscal note not available											
Office of State Auditor	Fiscal note not available											
Office of Attorney General	Fiscal note not available											
Caseload Forecast Council	Fiscal note not available											
Department of Financial Institutions	Fiscal note not available											
Department of Commerce	Fiscal note not available											
Economic and Revenue Forecast Council	Fiscal note not available											
Office of Financial Management	Fiscal note not available											
Washington State Health Care Authority	Fiscal note not available											
Office of Administrative Hearings	Fiscal note not available											
State Lottery	Fiscal note not available											
Washington State Gambling Commission	Fiscal note not available											
Commission on Hispanic Affairs	Fiscal note not available											
Commission on African-American Affairs	Fiscal note not available											
Human Rights Commission	Fiscal note not available											
Department of Retirement Systems	Fiscal note not available											

State Investment Board	Fiscal note not available											
Department of Revenue	Fiscal note not available											
Board of Tax Appeals	Fiscal note not available											
Office of Minority and Women's Business Enterprises	Fiscal note not available											
Housing Finance Commission	Fiscal note not available											
Office of Insurance Commissioner	Fiscal note not available											
Consolidated Technology Services	Fiscal note not available											
Board of Accountancy	Fiscal note not available											
Board of Registration for Professional Engineers & Land Surveyors	Fiscal note not available											
Forensic Investigations Council	Fiscal note not available											
Department of Enterprise Services	Fiscal note not available											
Horse Racing Commission	Fiscal note not available											
Board of Industrial Insurance Appeals	Fiscal note not available											
Liquor and Cannabis Board	Fiscal note not available											
Board of Pilotage Commissioners	Fiscal note not available											
Utilities and Transportation Commission	Fiscal note not available											
Board for Volunteer Firefighters and Reserve Officers	Fiscal note not available											
Washington State Patrol	Fiscal note not available											
Criminal Justice Training Commission	Fiscal note not available											
Traffic Safety Commission	Fiscal note not available											
Office of Independent Investigations	Fiscal note not available											
Department of Labor and Industries	.3	0	0	332,000	.0	0	0	0	.0	0	0	0
Department of Licensing	Fiscal note not available											
Military Department	Fiscal note not available											

Public Employment Relations Commission	Fiscal note not available												
Department of Social and Health Services	3.7	577,000	577,000	740,000	4.0	610,000	610,000	782,000	4.0	610,000	610,000	782,000	
Department of Health	Fiscal note not available												
Department of Veterans Affairs	Fiscal note not available												
Department of Children, Youth, and Families	Fiscal note not available												
Department of Corrections	Fiscal note not available												
Department of Services for the Blind	Fiscal note not available												
Student Achievement Council	Fiscal note not available												
Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board	Fiscal note not available												
Superintendent of Public Instruction	Fiscal note not available												
State School For The Blind	Fiscal note not available												
Washington State Center for Childhood Deafness and Hearing Loss	Fiscal note not available												
Workforce Training and Education Coordinating Board	Fiscal note not available												
Department of Archaeology and Historic Preservation	Fiscal note not available												
University of Washington	1.0	263,600	263,600	263,600	1.0	263,600	263,600	263,600	1.0	263,600	263,600	263,600	
University of Washington	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.												
Washington State University	.0	0	0	0	.0	0	0	0	.0	0	0	0	
Eastern Washington University	.1	20,000	20,000	20,000	.1	20,000	20,000	20,000	.1	20,000	20,000	20,000	
Central Washington University	1.0	192,244	192,244	192,244	1.0	190,244	190,244	190,244	1.0	190,244	190,244	190,244	
The Evergreen State College	.5	99,278	99,278	99,278	.5	99,278	99,278	99,278	.5	99,278	99,278	99,278	
Western Washington University	Non-zero but indeterminate cost and/or savings. Please see discussion.												
Washington State Arts Commission	Fiscal note not available												
Washington State Historical Society	Fiscal note not available												

Eastern Washington State Historical Society	Fiscal note not available											
Department of Transportation	Fiscal note not available											
County Road Administration Board	Fiscal note not available											
Transportation Improvement Board	Fiscal note not available											
Transportation Commission	Fiscal note not available											
Freight Mobility Strategic Investment Board	Fiscal note not available											
Columbia River Gorge Commission	Fiscal note not available											
Department of Ecology	Fiscal note not available											
Pollution Liability Insurance Program	Fiscal note not available											
Energy Facility Site Evaluation Council	Fiscal note not available											
State Parks and Recreation Commission	Fiscal note not available											
Recreation and Conservation Funding Board	Fiscal note not available											
Environmental and Land Use Hearings Office	Fiscal note not available											
State Conservation Commission	Fiscal note not available											
Department of Fish and Wildlife	Fiscal note not available											
Puget Sound Partnership	Fiscal note not available											
Department of Natural Resources	Fiscal note not available											
Department of Agriculture	Fiscal note not available											
Employment Security Department	.2	0	0	62,606	.5	0	0	133,250	.5	0	0	133,250
Community and Technical College System	Fiscal note not available											
SWF Statewide Fiscal Note - OFM	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	6.8	1,152,122	1,152,122	1,709,728	7.1	1,183,122	1,183,122	1,488,372	7.1	1,183,122	1,183,122	1,488,372

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI	Fiscal note not available								
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
Office of the Governor	Fiscal note not available								
Office of Lieutenant Governor	Fiscal note not available								
Public Disclosure Commission	Fiscal note not available								
Washington State Leadership Board	Fiscal note not available								
Office of the Secretary of State	Fiscal note not available								
Governor's Office of Indian Affairs	Fiscal note not available								
Commission on Asian Pacific American Affairs	Fiscal note not available								
Office of State Treasurer	Fiscal note not available								
Office of State Auditor	Fiscal note not available								
Office of Attorney General	Fiscal note not available								
Caseload Forecast Council	Fiscal note not available								
Department of Financial Institutions	Fiscal note not available								
Department of Commerce	Fiscal note not available								
Economic and Revenue Forecast Council	Fiscal note not available								
Office of Financial Management	Fiscal note not available								
Washington State Health Care Authority	Fiscal note not available								
Office of Administrative Hearings	Fiscal note not available								
State Lottery	Fiscal note not available								
Washington State Gambling Commission	Fiscal note not available								
Commission on Hispanic Affairs	Fiscal note not available								
Commission on African-American Affairs	Fiscal note not available								
Human Rights Commission	Fiscal note not available								
Department of Retirement Systems	Fiscal note not available								
State Investment Board	Fiscal note not available								
Department of Revenue	Fiscal note not available								

Board of Tax Appeals	Fiscal note not available								
Office of Minority and Women's Business Enterprises	Fiscal note not available								
Housing Finance Commission	Fiscal note not available								
Office of Insurance Commissioner	Fiscal note not available								
Consolidated Technology Services	Fiscal note not available								
Board of Accountancy	Fiscal note not available								
Board of Registration for Professional Engineers & Land Surveyors	Fiscal note not available								
Forensic Investigations Council	Fiscal note not available								
Department of Enterprise Services	Fiscal note not available								
Horse Racing Commission	Fiscal note not available								
Board of Industrial Insurance Appeals	Fiscal note not available								
Liquor and Cannabis Board	Fiscal note not available								
Board of Pilotage Commissioners	Fiscal note not available								
Utilities and Transportation Commission	Fiscal note not available								
Board for Volunteer Firefighters and Reserve Officers	Fiscal note not available								
Washington State Patrol	Fiscal note not available								
Criminal Justice Training Commission	Fiscal note not available								
Traffic Safety Commission	Fiscal note not available								
Office of Independent Investigations	Fiscal note not available								
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	Fiscal note not available								
Military Department	Fiscal note not available								
Public Employment Relations Commission	Fiscal note not available								
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Health	Fiscal note not available								

Department of Veterans Affairs	Fiscal note not available								
Department of Children, Youth, and Families	Fiscal note not available								
Department of Corrections	Fiscal note not available								
Department of Services for the Blind	Fiscal note not available								
Student Achievement Council	Fiscal note not available								
Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board	Fiscal note not available								
Superintendent of Public Instruction	Fiscal note not available								
State School For The Blind	Fiscal note not available								
Washington State Center for Childhood Deafness and Hearing Loss	Fiscal note not available								
Workforce Training and Education Coordinating Board	Fiscal note not available								
Department of Archaeology and Historic Preservation	Fiscal note not available								
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
Washington State Arts Commission	Fiscal note not available								
Washington State Historical Society	Fiscal note not available								
Eastern Washington State Historical Society	Fiscal note not available								
Department of Transportation	Fiscal note not available								
County Road Administration Board	Fiscal note not available								
Transportation Improvement Board	Fiscal note not available								
Transportation Commission	Fiscal note not available								
Freight Mobility Strategic Investment Board	Fiscal note not available								

Columbia River Gorge Commission	Fiscal note not available								
Department of Ecology	Fiscal note not available								
Pollution Liability Insurance Program	Fiscal note not available								
Energy Facility Site Evaluation Council	Fiscal note not available								
State Parks and Recreation Commission	Fiscal note not available								
Recreation and Conservation Funding Board	Fiscal note not available								
Environmental and Land Use Hearings Office	Fiscal note not available								
State Conservation Commission	Fiscal note not available								
Department of Fish and Wildlife	Fiscal note not available								
Puget Sound Partnership	Fiscal note not available								
Department of Natural Resources	Fiscal note not available								
Department of Agriculture	Fiscal note not available								
Employment Security Department	.0	0	0	.0	0	0	.0	0	0
Community and Technical College System	Fiscal note not available								
SWF Statewide Fiscal Note - OFM	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI	Fiscal note not available								
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Anna Minor, OFM	Phone: (360) 790-2951	Date Published: Preliminary 3/ 7/2023
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Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 235-Department of Labor and Industries
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.0	0.3	0.0	0.0
Account					
Accident Account-State 608-1	282,000	0	282,000	0	0
Medical Aid Account-State 609-1	50,000	0	50,000	0	0
Total \$	332,000	0	332,000	0	0

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Rachel Reed	Phone: 360-902-4552	Date: 03/03/2023
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 03/03/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 03/03/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

See attached.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

See attached.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

See attached.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
608-1	Accident Account	State	282,000	0	282,000	0	0
609-1	Medical Aid Account	State	50,000	0	50,000	0	0
Total \$			332,000	0	332,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5		0.3		
A-Salaries and Wages	45,000		45,000		
B-Employee Benefits	16,000		16,000		
C-Professional Service Contracts					
E-Goods and Other Services	271,000		271,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	332,000	0	332,000	0	0

III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Regulations Analyst 4	85,020	0.5		0.3		
Total FTEs		0.5		0.3		0.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

See attached.

Part II: Explanation

This bill relates to employer requirements for responding to employee or former employee requests for their personnel files as well responding to former employee requests for statements regarding the effective date and reason for their termination.

2SHB 1320 is different from SHB 1320 in that it:

- Adds clarification to Section 2(1) that employers must furnish employees and *former* employees with the requested personnel file(s) as the contents of the file(s) exist at the time of the request at no cost to the employee.
- Adds clarification that public employers must apply the redactions required under RCW 42.56.250(6).
- Adds the requirement that postsecondary educational institution employers must redact personal identifying information of the complainant and any witnesses from any substantiated findings of sexual misconduct committed by the employee while the employee was employed with the institution in the employee's personnel file or employment records; and the institution bears the burden of proving that it redacted only such personal identifying information and is liable for bad faith redaction.
- Adds that if a conflict exists between this section and a collective bargaining agreement (CBA) in existence on the effective date of this act, nothing in this section requires the parties to reopen negotiations or apply any of the new requirements unless and until the existing CBA is reopened, renegotiated, or expires.

II. A – Brief Description of What the Measure Does that Has Fiscal Impact

Section 2(1) amends RCW 49.12.250(1) by providing a new time frame (14 calendar days) that the employer must make an unredacted copy of an employee or former employee's personnel file(s) available to them at no cost, as the contents of the file(s) exist at the time of the request.

Section 2(4) adds a provision requiring employers to, within 14 calendar days of receiving a written request from a former employee, furnish a signed written statement to the former

employee stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons.

Section 2(5) allows employees and former employees to pursue private rights of action for violations of the law and establishes statutory damages including equitable relief and attorney fees and costs. Therefore, there is no enforcement role for the Department of Labor and Industries (L&I).

Section 2(10) requires L&I to develop and furnish to each employer information which describes an employer's obligations and employee's rights under this section. L&I must provide this information to employers at least annually, which may include being provided with other annual notices. Failure to provide the information does not relieve an employer of its obligations under this section.

Section 2(11) states that if a conflict exists between this section and a collective bargaining agreement (CBA) in existence on the effective date of this act, nothing in this section requires the parties to reopen negotiations or apply any of the new requirements unless and until the existing CBA is reopened, renegotiated, or expires.

II. B – Cash Receipt Impact

Receivables – Operating

This bill allows an employee or former employee to enforce this section through private right of action. There is no enforcement role for L&I, and therefore no fiscal impact in terms of penalties issued to employers.

II. C – Expenditures

Appropriated – Operating Costs

This bill increases expenditures to the Accident Fund, fund 608 and the Medical Aid Fund, fund 609. The following assumptions were used to estimate the resources requested to implement this bill.

Staffing

.5 FTE, Administrative Regulations Analyst 4, temporary July 1, 2023 – June 30, 2024. Duties include rulemaking, conducting public hearings, updating outreach publications and resources for stakeholders, and drafting administrative policies and technical guidance. The assumptions for this calculation are:

- This version of the bill includes language expanding penalties to include a \$500 penalty for “any other violations,” requiring further specificity through policy guidance.
- This version of the bill includes language that expands the protections from only employees to “employees or former employees,” increasing the number of protected workers.
- Stakeholdering, rulemaking, and policy activities are complex in nature and require .5 FTE until these tasks are complete. A temporary ARA 4 would be needed to oversee the rulemaking, policy work, and updating of outreach publications and resources required to implement this bill.

Marketing and Outreach

\$207,447 will be necessary for outreach during fiscal year 2024 to effectively implement this bill, which directs L&I to develop and furnish information for each employer describing the employer’s obligations and an employee’s rights. The outreach will be in the form of direct mail to approximately 260,000 employers. Annual notifications will be done as part of our normal annual notifications.

Printing and Translation

\$50,000 is needed during fiscal year 2024 for printing and translation costs relating to updating multiple worker-rights printed posters, printed pamphlets, and online publications, including *Your Rights as a Worker*, *Employee Rights to Equal Pay and Opportunities*, *Isolated Worker Employee Concerns*, *New Employee Packet*, *Pocket Guide to Worker Rights*, and others.

Rule making

\$7,500 is needed for 3 rule making hearings to occur during fiscal year 2024. The average cost of one rule making hearing is \$2,500. (3 hearings x \$2,500 each = \$7,500)

Indirect Costs

The amount included in this fiscal note for indirect is:

Fund Name		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
608	Accident	3,000					
609	Medical Aid	0					
	Total:	\$3,000	\$0	\$0	\$0	\$0	\$0

The department assesses an indirect rate to cover agency-wide administrative costs. Labor and Industries’ indirect rate is applied on salaries, benefits, and standard costs. For fiscal note purposes, the total indirect amount is converted into salary and benefits for partial or full indirect FTEs. Salary and benefits costs are based on a Fiscal Analyst 5 (Range 59, Step G).

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

This legislation would result in rule changes to:

- WAC 296-126-050, Employment records.

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 300-Department of Social and Health Services
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
General Fund-Federal 001-2	77,000	86,000	163,000	172,000	172,000
Total \$	77,000	86,000	163,000	172,000	172,000

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.3	4.0	3.7	4.0	4.0
Account					
General Fund-State 001-1	272,000	305,000	577,000	610,000	610,000
General Fund-Federal 001-2	77,000	86,000	163,000	172,000	172,000
Total \$	349,000	391,000	740,000	782,000	782,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Teresa Elliott	Phone: 360-902-8177	Date: 03/02/2023
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 03/02/2023
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 03/02/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

This bill requires employers to provide a complete, unredacted copy of their personnel file to an employee, former employees, or their agent or fiduciary, within 14 calendar days of the request. This bill adds specific penalties and gives employees the right to take legal action for not providing the records within 14 calendar days. The bill also requires an employer to provide a signed written statement stating the reasons (if given) for dismissal within 14 business days of receiving a request. Provides an effective date of January 1, 2024.

Changes from previous version:

Section 2 (11) - If a conflict exists between this section and a collective bargaining agreement in existence on the effective date of this act, nothing in this section requires the parties to the agreement to reopen negotiations of the agreement or to apply any of the rights and responsibilities under this section unless and until the existing agreement is reopened or renegotiated by the parties or expires.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

It is assumed that the provisions of this bill would be eligible for federal funding based on the DSHS cost allocation plan for program 110.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The Department of Social and Health Services (DSHS), Human Resource Division (HRD) estimates it will need 2 FTEs and the Office of Accounting Services (OAS) will need 2.0 FTEs to perform the requirements of this bill. Currently, DSHS interprets RCW 49.12.250(1) to only apply to current employees, all other requests are handled through the public disclosure process. Under the public disclosure process, coordinators can set their own timelines for response based on current workloads. This bill requires the records be produced within 14 calendar days, significantly quicker than current estimated response times of 30-60 business days. It will take significant time to locate and produce records from many years ago in 14 calendar days, as most facilities stored those records independent from the record center.

Last year there were 300 requests (25 per month) for files matching the description of "personnel file". It takes between eight to ten hours on average to gather the documents if they are available online. If the file, or part of the file, is at the record center it could take up to two weeks to get it back to the office.

The positions will be dedicated to gathering personnel and payroll files from multiple systems and sources including:

- DSHS Imaging System
- Human Resource Management System (HRMS)
- Leave Tracker
- Record Center

The HRD staff will gather the personnel file and the OAS staff will gather the payroll and leave portions of the employee's record. A process will have to be developed to combine the files and decide who sends it to the requester.

The staff will be hired in September 2023 in order to receive training in the new process.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	272,000	305,000	577,000	610,000	610,000
001-2	General Fund	Federal	77,000	86,000	163,000	172,000	172,000
Total \$			349,000	391,000	740,000	782,000	782,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.3	4.0	3.7	4.0	4.0
A-Salaries and Wages	205,000	247,000	452,000	494,000	494,000
B-Employee Benefits	86,000	103,000	189,000	206,000	206,000
C-Professional Service Contracts					
E-Goods and Other Services	20,000	24,000	44,000	48,000	48,000
G-Travel					
J-Capital Outlays	24,000		24,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service	1,000	2,000	3,000	4,000	4,000
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	13,000	15,000	28,000	30,000	30,000
9-					
Total \$	349,000	391,000	740,000	782,000	782,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Forms and Records Analyst		3.3	4.0	3.7	4.0	4.0
Total FTEs		3.3	4.0	3.7	4.0	4.0

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative and Support Services (110)	349,000	391,000	740,000	782,000	782,000
Total \$	349,000	391,000	740,000	782,000	782,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Revised

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 360-University of Washington
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
Account					
General Fund-State 001-1	131,800	131,800	263,600	263,600	263,600
Total \$	131,800	131,800	263,600	263,600	263,600

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Michael Lantz	Phone: 2065437466	Date: 03/03/2023
Agency Approval: Jed Bradley	Phone: 2066164684	Date: 03/03/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/07/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Second Substitute House Bill 1320 concerns access to personnel records by current and former employees. The University of Washington (UW) was not asked to evaluate previous versions of this measure, so this is UW's first fiscal note on the bill.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Section 2(1) of 2SHB 1320 requires employers to provide a complete copy of an employee's personnel file within 14 calendar days of a request. Currently, the UW Office of Public Records, the UW Human Resources Department, and the UW Office of Academic Personnel all have a role in responding to requests for personnel records. To process the request, the records must be compiled, reviewed, and, if necessary, redacted. This process often takes more than 14 days, as these departments have limited staff capacity and many of the records are on paper and must be returned from archives. Given these factors, UW will need at least one additional records compliance analyst (annual salary: \$100,000; benefits rate: 31.8%) to ensure requests are processed within the 14-day period.

While the UW assumes compliance with the measure's requirements, Section 2(5) provides a private cause of action when the provisions of the measure are violated, including the 14-day deadline. The costs of responding to any lawsuits filed under this section are indeterminate. Though the likelihood of a lawsuit is unlikely in any given year, the costs of litigation would likely exceed \$50,000.

Overall, the impact to the UW from 2SHB 1320 is indeterminate, though over \$50,000 per year due to staffing needs and the potential for litigation.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	131,800	131,800	263,600	263,600	263,600
Total \$			131,800	131,800	263,600	263,600	263,600

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
A-Salaries and Wages	100,000	100,000	200,000	200,000	200,000
B-Employee Benefits	31,800	31,800	63,600	63,600	63,600
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	131,800	131,800	263,600	263,600	263,600

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Records Compliance Analyst	100,000	1.0	1.0	1.0	1.0	1.0
Total FTEs		1.0	1.0	1.0	1.0	1.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 365-Washington State University
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Anne-Lise Brooks	Phone: 509-335-8815	Date: 03/03/2023
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 03/03/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/07/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

1320 2S HB - Personnel Records outlines the timetable and contents for delivering personnel records to current and former employees upon request.

Washington State University does not anticipate any fiscal impact due to the bill.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 370-Eastern Washington University
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	0.1
Account					
General Fund-State 001-1	10,000	10,000	20,000	20,000	20,000
Total \$	10,000	10,000	20,000	20,000	20,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Keith Tyler	Phone: 509 359-2480	Date: 03/02/2023
Agency Approval: Alexandra Rosebrook	Phone: (509) 359-7364	Date: 03/02/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/07/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

2SHB 1320 seeks to codify, modify, and clarify laws regarding access to personnel files, amending RCW 49.12.250, creating a new section, prescribing penalties, and providing an effective date. Substantive changes to the section include:

- Amendments to RCW 49.12.250. Section 2 provides that (1) and (4) an employer must furnish at no cost a complete, unredacted copy of the employee's personnel file to an employee, former employee, or their agent within 14 calendar days of a request. An employer must furnish upon request to a former employee the effective date of discharge, whether the employer had a reason to discharge, and if so, the reasons. (5) An employee or former employee may enforce this section through a private cause of action in superior court. Section 6 defines the "personnel file" to include, in addition to what we would identify as a personnel file: (1) all medical, leave, and reasonable accommodation records; (2) all payroll records; (3) all performance evaluations (regardless of whether they are in a personnel file); and (4) all job application records (not just the application for the job for which they were hired).

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

EWU does not currently charge for copies of personnel files so we do not anticipate a significant financial impact due to this change. The 14 day turnaround requirement may be problematic from a standpoint of aggregating the required files, as the new definition of personnel file includes in addition to what is already identified as a personnel file under current statute: (1) all medical, leave, and reasonable accommodation records; (2) all payroll records; (3) all performance evaluations (regardless of whether they are in a personnel file); and (4) all job application records (not just the application for the job for which they were hired). As these files are not centrally located, it will take coordination of several people across multiple teams to quickly pull records. Additionally, records will require additional time to review, and as necessary, redact. Currently EWU receives approximately 22 records requests annually that fall under the scope of this bill. Estimating approximately 8 hours of work required to compile and review each request, EWU anticipates that this will require a .1FTE Public Records Manager at a salary of \$75k, with \$25k of related benefits.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	10,000	10,000	20,000	20,000	20,000
Total \$			10,000	10,000	20,000	20,000	20,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	0.1
A-Salaries and Wages	7,500	7,500	15,000	15,000	15,000
B-Employee Benefits	2,500	2,500	5,000	5,000	5,000
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	10,000	10,000	20,000	20,000	20,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Public Records Manager	75,000	0.1	0.1	0.1	0.1	0.1
Total FTEs		0.1	0.1	0.1	0.1	0.1

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 375-Central Washington University
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
Account					
General Fund-State 001-1	97,122	95,122	192,244	190,244	190,244
Total \$	97,122	95,122	192,244	190,244	190,244

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Erin Sargent	Phone: 509-963-2395	Date: 03/03/2023
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 03/03/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/07/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1: New Section – States the legislative intent to codify, modify, and clarify certain current laws and administrative requirements regarding access to personnel files.

Section 2: Amended Section – (1) requires employers to furnish a complete and unredacted electronic or paper copy of the employee’s personnel file within 14 days, and at no cost to the employee. (2) strikes references to files “that are regularly maintained by the employer as a part of his business records” as it relates to employee's requested employer review of the personnel file. (4) requires employers to, within 14 days, furnish a signed written statement stating the effective date of discharge, whether the employer had a reason for discharge, and if so, what that reason was. (5) discusses the private cause of action and administrative remedies. The section also lists all damages for each violation. (6) defines “personnel file”. (7) clarifies that the guidance should not be considered a retention schedule. (8)-(9) relates to legal authority of those requesting the information, and industry-specific related requirements including (b) which relates to redactions as required under RCW 42.56.250(6), and (c) which covers redactions related to substantiated findings of sexual misconduct for Higher Education employers. (10) describes the requirement that the office provides information that describes the employer’s obligations and an employee’s rights. (11) prioritizes any collective bargaining agreement in existence on the effective date of this act. (12) Defines “agent” and “fiduciary”.

Section 3: New Section – notes the effective date is January 1, 2024.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Currently, CWU HR is required to provide access to the personnel file for a former and/or current employees (in a reasonable timeframe). This legislation would require CWU HR within 14 days to produce a copy of the employee’s personnel file at no cost to the employee/former employee. It also expands the definition of what is included in a personnel file. Redactions, as prescribed, must be done as prescribed in the bill. This would be available to employee and/or former employees once each year. There is also a requirement that an annual notice of employer obligations per this bill be done.

CWU anticipates the need to add an additional FTE (program specialist 3, range 53) for a total of 95,122 per year (annual salary of \$71,520 plus 33% benefits = \$95,121.60) plus an additional \$2,000 in the first year for office and equipment expenses.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	97,122	95,122	192,244	190,244	190,244
Total \$			97,122	95,122	192,244	190,244	190,244

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
A-Salaries and Wages	71,520	71,520	143,040	143,040	143,040
B-Employee Benefits	23,602	23,602	47,204	47,204	47,204
C-Professional Service Contracts					
E-Goods and Other Services	2,000		2,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	97,122	95,122	192,244	190,244	190,244

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Program Specialist 3	71,520	1.0	1.0	1.0	1.0	1.0
Total FTEs		1.0	1.0	1.0	1.0	1.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 376-The Evergreen State College
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
Account					
General Fund-State 001-1	49,639	49,639	99,278	99,278	99,278
Total \$	49,639	49,639	99,278	99,278	99,278

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 03/02/2023
Agency Approval: Dane Apalategui	Phone: 360-867-6517	Date: 03/02/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/07/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

2S HB 1320 relates to access to personnel records.

Section 2 (1) requires employers to furnish a complete, unredacted copy of an employee or former employees personnel file within 14 calendar days of request. The copy will be provided at no cost to the requester.

Section 2 (4) states that every employer shall, within 14 days of receiving a request, furnish a written statement to the former employee stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons.

Section 2 (5) states that an employee or former employee may enforce this section through a private cause of action in superior court, and for each violation will be entitle to relief, damages, and reasonable attorney fees and costs. A list of statutory damages is also provided, with penalties specific to different situations.

Section 2 (6) defines “personnel file” and lists the components of the file, including job application materials; evaluations; disciplinary records; medical, leave and reasonable accommodation records; payroll records; and employment agreements.

Section 2 (7) states that this act does not create a retention schedule for these files, nor does it require an employer to create personnel records.

Section 2 (9) lays out requirements for information in the personnel file which should or must be redacted if it is present.

Section 2 (12) defines “agent” and “fiduciary.”

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

In order to meet the 14 day deadline, we anticipate the need for a .50 FTE Human Resource Consultant and some assistance for faculty related requests (faculty personnel files are maintained by the Provost's Office, while staff personnel files are maintained by the Human Resources Office.) We also will need funding for the paper and/or other media for the personnel records. And, depending on the volume of the requests, we may incur additional overtime to support the requests. Also, since Evergreen is not part of the HRMS system used by many state agencies, we may need to move to an integrated electronic records system if demand for records turns out to be high. We have not included those costs as they are indeterminate at this time.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	49,639	49,639	99,278	99,278	99,278
Total \$			49,639	49,639	99,278	99,278	99,278

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
A-Salaries and Wages	29,672	29,672	59,344	59,344	59,344
B-Employee Benefits	19,367	19,367	38,734	38,734	38,734
C-Professional Service Contracts	600	600	1,200	1,200	1,200
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	49,639	49,639	99,278	99,278	99,278

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Human Resources Consultant 1	51,888	0.5	0.5	0.5	0.5	0.5
Total FTEs		0.5	0.5	0.5	0.5	0.5

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 380-Western Washington University
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Gena Mikkelsen	Phone: 3606507412	Date: 03/03/2023
Agency Approval: Faye Gallant	Phone: 3606504762	Date: 03/03/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/07/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1(5) - 14 days requirement and Section 2(1) - required redactions:

We are unable to predict how much the impact of performing redactions and the 14 day deadline will increase workload for staff.

Therefore, WWU believe there is likely an impact, but less than \$50k.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Section 1(5) - 14 days requirement and Section 2(1), we are unclear at this stage how much of impact redactions will impact staff and meeting the 14 day timeline will increase workload for staff.

Therefore, WWU believe there is likely an impact, but less than \$50k.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 540-Employment Security Department
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.3	0.2	0.5	0.5
Account					
Employment Service Administrative Account-State 134-1	24,468	38,138	62,606	133,250	133,250
Total \$	24,468	38,138	62,606	133,250	133,250

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Daniel Hare	Phone: 360 902-9422	Date: 03/03/2023
Agency Approval: Lisa Henderson	Phone: 360-902-9291	Date: 03/03/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 03/03/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The bill adds a maximum 14-day turnaround for employers to provide personnel files when requested by an employee, former employee, their attorney, agent, or fiduciary. The bill gives employees a right to enforce this measure through a lawsuit, where they can collect penalties and attorney fees. The bill also requires Department of Labor and Industries (LNI) and Employment Security Department (ESD) to notify employers of their obligations and employee's rights to access their personnel file.

2SHB 1320 is different from SHB 1320 in that it:

- Permits government employers to redact information related to an investigation of possible violations of anti-discrimination laws and polices.

- Says a conflicting collective bargaining agreement controls over the terms of this bill, until the collective bargaining agreement is renegotiated or reopened. This bill does not require the reopening of a collective bargaining agreement. This change reduces workload and therefore the FTE and fiscal impact on ESD in order to implement this bill.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Section 2 (4) imposes a 14-calender day deadline on providing personnel files to current and former employees. Human Resources (HR) is asking for a permanent 0.5 FTE as a Human Resource Consultant 2 (HRC 2) to be able to obtain all documentation timely. Current requests often do not meet the 14-calendar day deadline due to time needed to gather documents from various sources. This bill's definition of what has to be provided in a personnel file is broader than what ESD keeps in personnel files. There is time needed to obtain documents from various sources and ensure accuracy of contents before providing to the requestor. With the changes regarding the Collective Bargaining Agreement in this 2SHB version of HB1320, ESD has determined that there will be less fiscal impact due to lower workload requiring less FTE's than previous versions.

Section 2 (10) would require ESD to send a notice to all employers under Paid Family Medical Leave (PFML) RCW 50A.05.010 ESD already mails a notice to these employers both via physical mail and email depending on what contact information ESD has for the business. LNI is creating a notice which ESD will then send out. ESD has the addresses for 193,000 employers and ESD printing estimates the cost of adding a page to be \$0.05 for a full page. This would add \$9,650 annually to the cost of mailing the notices. Both the sections above cause ongoing impact to HR and Administrative Services Division (ASD) to adopt and comply with the new standards and policies. To accomplish this work ESD will need the following ongoing cost to ensure our compliance:

From January 1, 2024 to June 30, 2025 provisions of the CBA related to access to personnel records would continue to govern employee access to personnel records instead of 2SHB 1320. During that time period, 0.25 FTE of a Human Resources Consultant 2 (HRC2) would be needed to address personnel records requests under this bill for former employees and current employees who are not covered by the CBA.

FY2024 (1/1/24 - 6/30/24)

Human Resource Consultant 2 to address personnel records requests - .13 FTE = \$14,818

Additional cost is needed to add a letter to existing notice to all PFML employers reporting to ESD.
193,000 (PFML employers) * \$0.05 (cost per letter) = \$9,650

Total cost For FY24 is \$14,818 (0.13 FTE) + 9,650 (Additional Cost) = \$24,468

FY2025 (7/1/24 - 6/30/25)

Human Resource Consultant 2 to address personnel records requests -.25 FTE = \$28,488

Additional cost is needed to add a letter to existing notice to all PFML employers reporting to ESD.
193,000 (PFML employers) * \$0.05 (cost per letter) = \$9,650

Total cost For FY25 is \$28,488 (0.25 FTE) + 9,650 (Additional Cost) = \$38,138

Starting July 1, 2025, 0.5 FTE of a Human Resources Consultant 2 (HRC2) would be needed to address personnel records requests under this bill for all current and former employees.

FY 2026 and ongoing (7/1/2025 -)

Human Resource Consultant 2 to address personnel records requests -.5 FTE = \$56,975

Additional cost is needed to add a letter to existing notice to all PFML employers reporting to ESD.
193,000 (PFML employers) * \$0.05 (cost per letter) = \$9,650

Total cost For FY26 and ongoing is \$56,975 (0.25 FTE) + 9,650 (Additional Cost) = \$66,625

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
134-1	Employment Service Administrative Account	State	24,468	38,138	62,606	133,250	133,250
Total \$			24,468	38,138	62,606	133,250	133,250

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.3	0.2	0.5	0.5
A-Salaries and Wages	7,689	14,783	22,472	59,132	59,132
B-Employee Benefits	3,076	5,913	8,989	23,652	23,652
C-Professional Service Contracts					
E-Goods and Other Services	11,620	13,438	25,058	34,450	34,450
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	2,083	4,004	6,087	16,016	16,016
9-					
Total \$	24,468	38,138	62,606	133,250	133,250

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
HUMAN RESOURCE CONSULTAN 2	56,975	0.1	0.3	0.2	0.5	0.5
Total FTEs		0.1	0.3	0.2	0.5	0.5

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1320 2S HB

Title: Personnel records

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: All cities
- Counties: All counties
- Special Districts: All special districts
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: The number of current or former employees that will request personnel files; the amount of staff time required to furnish personnel records for each jurisdiction.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Chelsea Mickel	Phone: 518-727-3478	Date: 03/01/2023
Leg. Committee Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 03/01/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 03/01/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

--Requires public employers to apply redaction requirements of the Public Records Act, which requires redaction of the names of complainants, accusers, and witnesses in records compiled by the employer in connection with investigations of unfair practices under the Washington Law against Discrimination or of other violations of law or the employer's internal policy prohibiting employment discrimination or harassment.

--Specifies that postsecondary educational institutions must redact personal identifying information of a complainant and witnesses from any substantiated findings of sexual misconduct committed by the employee that are included in the employee's personnel file. Provides that the institution: (1) bears the burden of proving that it redacted only personal identifying information; and (2) may be liable for bad faith redaction.

--Provides that if there is a conflict between the provisions of the bill and a collective bargaining agreement in existence on the effective date of the bill, the parties are not required to reopen negotiations or apply the provisions of the bill until the agreement expires or is reopened by the parties.

SUMMARY OF CURRENT BILL:

--Requires an employer to furnish an employee with a complete, un-redacted copy of their personnel file at no cost within 14 calendar days of a request.

--Mandates an employer to furnish a former employee with a signed written statement with the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons, within 14 calendar days of the written request.

--Allows an employee or former employee to bring a private action for violations of certain rights regarding personnel files, discharge information, and redaction logs, and entitles the employee to equitable relief, graduated statutory damages up to \$1,000, and reasonable attorneys' fees and costs of each violation.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

In comparison to the previous version of the bill, this version of the bill may increase local government expenditures.

The second substitute bill authorizes public employers to apply redaction requirements in accordance with the Public Records Act in records compiled in connection with investigations of unfair practices, discrimination or harassment. This provision may increase staff time required to compile personnel files and redact them in accordance with the requirements of this bill. Since it is unknown how many personnel records requests will involve investigations of unfair practices, or the amount of time it would take for employees to complete the required redactions, the increase in expenditures to local governments is indeterminate.

EXPENDITURE IMPACTS OF CURRENT BILL:

This bill would have indeterminate expenditure impacts on local governments.

According to the Washington State Association of Counties, this bill would have a small impact on local governments, which already keep personnel files and are subject to reporting under the Public Records Act. According to RCW 49.12.240, local government employees have the right to inspect their own personnel files at least once each year. Since state and local government agencies already maintain personnel records, the Public Employment Relations Commission does not expect local governments to incur significant costs providing current employees with their personnel files. Local governments may be more likely to incur costs in terms of staff time in order to meet the 14 day deadline, depending on administrative capacity and records retention policies of the jurisdiction. If an employer is unable to meet the 14 day deadline, they would incur costs in the form of statutory damages starting at \$250, and up to \$1,000. Since it is unknown

the number of current or former employees that will request personnel files, or the amount of staff time required to furnish personnel records for each jurisdiction, expenditure costs for local governments are indeterminate.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

In comparison to the previous version of the bill, this version of the bill would not increase local government revenues.

REVENUE IMPACTS OF CURRENT BILL:

This bill would not have revenue impacts on local governments.

SOURCES:

Association of Washington Cities

Bill Hearing, SB 5061, Labor & Commerce Committee, (January 12, 2023)

House Bill Report, SHB 1320, (2023)

Local Government Fiscal Note, SHB 1320, (2023)

Local Government Fiscal Note, SSB 5061, (2023)

Municipal Research Services Center

Public Employment Relations Commission

Senate Substitute Bill Report, SSB 5061, Labor & Commerce Committee, (2023)

Senate Bill Report, SB 5061, Labor & Commerce Committee, (2023)

Washington State Association of Counties

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: SWF-SWF Statewide Fiscal Note - OFM
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Julie Pettit	Phone: 3608902669	Date: 03/03/2023
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 03/03/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 03/07/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The second substitute bill modifies Section 2 that post-secondary educational institutes must redact any personal identity information from any substantiated findings of sexual misconduct committed by an employee. Also, if this bill causes a conflict with the current bargaining agreement upon the effective date of the bill, then the current bargaining agreement will be renegotiated the next time the agreement is opened, renegotiated by the parties, or expires.

Section 2 would affect all state agencies since it requires employers to provide a copy of the employee's personnel file(s) upon request by a current or former employee, or their legal representative, at no cost to the employee. The bill requires a 14-calendar day turnaround and includes a schedule for statutory damages to be assessed after 14 days. It clarifies that requests made under this chapter are not subject to the requirements or exemptions of 42.56 RCW, the Public Records Act, unless the request specifies that it is being made under that RCW.

Section 3: Effective date for this bill is January 1, 2024.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

There will likely be fiscal impact to agencies, since agencies will be required to provide personnel files within a certain time frame which will create additional administrative work. Additionally, any agency that cannot provide the records within the required 14 days may be assessed statutory damages between \$250 to \$1,000 depending on the delay and/or particular failure to respond. However, it is impossible to know what the impact on affected agencies will be.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.