

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
State Lottery	0	(5,218)	(5,218)	0	(5,218)	(5,218)	0	(5,218)	(5,218)
Consolidated Technology Services	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Social and Health Services	0	0	163,000	0	0	172,000	0	0	172,000
Total \$	0	(5,218)	157,782	0	(5,218)	166,782	0	(5,218)	166,782

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of the Governor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Lieutenant Governor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Public Disclosure Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Leadership Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of the Secretary of State	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Governor's Office of Indian Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Commission on Asian Pacific American Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of State Treasurer	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of State Auditor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Financial Institutions	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Commerce	Fiscal note not available											
Economic and Revenue Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Financial Management	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Health Care Authority	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Administrative Hearings	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Lottery	.0	0	0	5,218	.0	0	0	5,218	.0	0	0	5,218
Washington State Gambling Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Commission on Hispanic Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Commission on African-American Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Human Rights Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Retirement Systems	Non-zero but indeterminate cost and/or savings. Please see discussion.											
State Investment Board	.0	0	0	0	.0	0	0	0	.0	0	0	0

Department of Revenue	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Tax Appeals	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Minority and Women's Business Enterprises	.0	0	0	0	.0	0	0	0	.0	0	0	0
Housing Finance Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Insurance Commissioner	.0	0	0	2,312	.0	0	0	2,312	.0	0	0	2,312
Consolidated Technology Services	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Board of Accountancy	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Registration for Professional Engineers & Land Surveyors	.0	0	0	0	.0	0	0	0	.0	0	0	0
Forensic Investigations Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Enterprise Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Horse Racing Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Industrial Insurance Appeals	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Pilotage Commissioners	.0	0	0	0	.0	0	0	0	.0	0	0	0
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board for Volunteer Firefighters and Reserve Officers	Fiscal note not available											
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Traffic Safety Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Independent Investigations	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Labor and Industries	.3	0	0	332,000	.0	0	0	0	.0	0	0	0
Department of Licensing	.0	0	0	0	.0	0	0	0	.0	0	0	0
Military Department	.0	0	0	0	.0	0	0	0	.0	0	0	0
Public Employment Relations Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0

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	2.0	429,000	429,000	429,000	2.0	424,000	424,000	424,000	2.0	424,000	424,000	424,000
Department of Veterans Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Fiscal note not available											
Department of Corrections	Fiscal note not available											
Department of Services for the Blind	.0	0	0	0	.0	0	0	0	.0	0	0	0
Student Achievement Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Superintendent of Public Instruction	Fiscal note not available											
State School For The Blind	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Center for Childhood Deafness and Hearing Loss	.0	0	0	0	.0	0	0	0	.0	0	0	0
Workforce Training and Education Coordinating Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Archaeology and Historic Preservation	.0	0	0	0	.0	0	0	0	.0	0	0	0
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Historical Society	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington State Historical Society	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Transportation	2.0	0	0	302,000	2.0	0	0	292,000	2.0	0	0	302,000

Department of Transportation	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
County Road Administration Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Transportation Improvement Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Freight Mobility Strategic Investment Board	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Columbia River Gorge Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Ecology	.0	0	0	0	.0	0	0	0	.0	0	0	0
Pollution Liability Insurance Program	.0	0	0	0	.0	0	0	0	.0	0	0	0
Energy Facility Site Evaluation Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Parks and Recreation Commission	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Recreation and Conservation Funding Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Environmental and Land Use Hearings Office	Non-zero but indeterminate cost and/or savings. Please see discussion.											
State Conservation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.3	86,000	86,000	86,000	.3	86,000	86,000	86,000	.3	86,000	86,000	86,000
Puget Sound Partnership	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	1.3	220,200	220,200	220,200	1.3	220,200	220,200	220,200	1.3	220,200	220,200	220,200
Department of Agriculture	.0	0	0	0	.0	0	0	0	.0	0	0	0
Employment Security Department	.2	0	0	62,606	.5	0	0	133,250	.5	0	0	133,250
Community and Technical College System	.0	1,775,000	1,775,000	1,775,000	.0	2,366,000	2,366,000	2,366,000	.0	2,366,000	2,366,000	2,366,000
SWF Statewide Fiscal Note - OFM	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	12.4	3,662,322	3,662,322	4,529,458	12.7	4,279,322	4,279,322	4,884,102	12.7	4,279,322	4,279,322	4,894,102

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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	.0	0	0	.0	0	0	.0	0	0
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Lieutenant Governor	.0	0	0	.0	0	0	.0	0	0
Public Disclosure Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Leadership Board	.0	0	0	.0	0	0	.0	0	0
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Governor's Office of Indian Affairs	.0	0	0	.0	0	0	.0	0	0
Commission on Asian Pacific American Affairs	.0	0	0	.0	0	0	.0	0	0
Office of State Treasurer	.0	0	0	.0	0	0	.0	0	0
Office of State Auditor	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Financial Institutions	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	Fiscal note not available								
Economic and Revenue Forecast Council	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Washington State Health Care Authority	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
State Lottery	.0	0	0	.0	0	0	.0	0	0
Washington State Gambling Commission	.0	0	0	.0	0	0	.0	0	0
Commission on Hispanic Affairs	.0	0	0	.0	0	0	.0	0	0
Commission on African-American Affairs	.0	0	0	.0	0	0	.0	0	0
Human Rights Commission	.0	0	0	.0	0	0	.0	0	0
Department of Retirement Systems	.0	0	0	.0	0	0	.0	0	0
State Investment Board	.0	0	0	.0	0	0	.0	0	0
Department of Revenue	.0	0	0	.0	0	0	.0	0	0
Board of Tax Appeals	.0	0	0	.0	0	0	.0	0	0
Office of Minority and Women's Business Enterprises	.0	0	0	.0	0	0	.0	0	0

Housing Finance Commission	.0	0	0	.0	0	0	.0	0	0
Office of Insurance Commissioner	.0	0	0	.0	0	0	.0	0	0
Consolidated Technology Services	.0	0	0	.0	0	0	.0	0	0
Board of Accountancy	.0	0	0	.0	0	0	.0	0	0
Board of Registration for Professional Engineers & Land Surveyors	.0	0	0	.0	0	0	.0	0	0
Forensic Investigations Council	.0	0	0	.0	0	0	.0	0	0
Department of Enterprise Services	.0	0	0	.0	0	0	.0	0	0
Horse Racing Commission	.0	0	0	.0	0	0	.0	0	0
Board of Industrial Insurance Appeals	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Board of Pilotage Commissioners	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Board for Volunteer Firefighters and Reserve Officers	Fiscal note not available								
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Traffic Safety Commission	.0	0	0	.0	0	0	.0	0	0
Office of Independent Investigations	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Military Department	.0	0	0	.0	0	0	.0	0	0
Public Employment Relations Commission	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Veterans Affairs	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
Department of Corrections	Fiscal note not available								
Department of Services for the Blind	.0	0	0	.0	0	0	.0	0	0
Student Achievement Council	.0	0	0	.0	0	0	.0	0	0

Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board	.0	0	0	.0	0	0	.0	0	0
Superintendent of Public Instruction	Fiscal note not available								
State School For The Blind	.0	0	0	.0	0	0	.0	0	0
Washington State Center for Childhood Deafness and Hearing Loss	.0	0	0	.0	0	0	.0	0	0
Workforce Training and Education Coordinating Board	.0	0	0	.0	0	0	.0	0	0
Department of Archaeology and Historic Preservation	.0	0	0	.0	0	0	.0	0	0
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	.0	0	0	.0	0	0	.0	0	0
Washington State Historical Society	.0	0	0	.0	0	0	.0	0	0
Eastern Washington State Historical Society	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
County Road Administration Board	.0	0	0	.0	0	0	.0	0	0
Transportation Improvement Board	.0	0	0	.0	0	0	.0	0	0
Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Freight Mobility Strategic Investment Board	.0	0	0	.0	0	0	.0	0	0
Columbia River Gorge Commission	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Pollution Liability Insurance Program	.0	0	0	.0	0	0	.0	0	0
Energy Facility Site Evaluation Council	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0

Recreation and Conservation Funding Board	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
State Conservation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Puget Sound Partnership	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Department of Agriculture	.0	0	0	.0	0	0	.0	0	0
Employment Security Department	.0	0	0	.0	0	0	.0	0	0
Community and Technical College System	.0	0	0	.0	0	0	.0	0	0
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	No fiscal impact								
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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 3/22/2023
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Judicial Impact Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

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 for 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.

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/28/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 03/13/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 03/13/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/13/2023

185,238.00

Form FN (Rev 1/00)

Request # 226-1

Bill # 1320 2S HB

Part II: Narrative Explanation

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

The second substitute does not make any changes to the fiscal impact of the substitute and the original bill.

The proposed legislation amends RCW 49.12.250 establishing a timeframe for when an employer must provide an employee or former employee with their personnel record and creates a new private cause of action in superior court.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact is expected to the Administrative Office of the Courts or the courts. The bill could cause increased case filings, but impact is expected to be small. No changes or minimal changes are expected to superior court case management systems.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

NONE

III. B - Expenditure By Object or Purpose (County)

NONE

III. C - Expenditure By Object or Purpose (City)

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

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

NONE

185,238.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 075-Office of the Governor
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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: Tracy Sayre	Phone: 360-890-5279	Date: 03/09/2023
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 03/09/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/09/2023

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

The services impacted by this legislation are provided to the Governor's office by The Office of Financial Management. Any impacts associated with this legislation will be reflected in OFM's fiscal note.

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: 080-Office of Lieutenant Governor
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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: Paul Bitar	Phone: 360-407-8129	Date: 03/09/2023
Agency Approval: Paul Bitar	Phone: 360-407-8129	Date: 03/09/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 03/10/2023

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 agencies to provide a current or former employee's personnel records, within 14 days, to the current or former employee upon request.

For current employees, DES keeps these records, so it would be a matter of communicating the request to DES HR. For former employees, DES transfers personnel records back to its small agency clients, so the agency would be responsible for providing these to the requestor.

This bill is not expected to have a fiscal impact, because personnel file requests would likely occur infrequently. Complying with the bill would involve locating the file or requesting the file from DES, and making copies for the requestor.

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: 082-Public Disclosure Commission
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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: Bret Skipworth	Phone: 360-407-8121	Date: 03/10/2023
Agency Approval: Bret Skipworth	Phone: 360-407-8121	Date: 03/10/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/10/2023

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 2 requires an employer to provide complete personnel files to current or former employees within 14 days of an employee's request at no cost to the employee. These personnel files can be provided in paper or electronic form. This section also adds a requirement for employers to provide a written and signed reason for discharge upon request. Public employers must treat personnel file requests as made under this section and not subject to the requirements and exemptions of chapter 42.56 RCW. Public employers must apply the redactions required under RCW 42.56.250 (6). Public employers must treat requests for any other files accompanying the personnel file request as it would under chapter 42.56 RCW.

Section 3 makes the act effective January 1, 2024.

The Public Disclosure Commission (PDC) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains the personnel files for all active PDC employees. It is assumed that DES would be managed by DES and PDC would provide files for separated employees. The PDC assumes that requests from current and former employees would be infrequent and could be absorbed within existing means.

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: 083-Washington State Leadership Board
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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: Bitar Paul	Phone: (360) 407-8129	Date: 03/10/2023
Agency Approval: Bitar Paul	Phone: (360) 407-8129	Date: 03/10/2023
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 03/10/2023

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 agencies to provide a current or former employee's personnel records, within 14 days, to the current or former employee upon request.

For current employees, DES keeps these records, so it would be a matter of communicating the request to DES HR. For former employees, DES transfers personnel records back to its small agency clients, so the agency would be responsible for providing these to the requestor.

This bill is not expected to have a fiscal impact, because personnel file requests would likely occur infrequently. Complying with the bill would involve locating the file or requesting the file from DES, and making copies for the requestor.

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: 085-Office of the Secretary of State
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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: Mike Woods	Phone: (360) 704-5215	Date: 03/09/2023
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 03/09/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 03/10/2023

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 2(1) requires employers, within 14 days of a request by an employee, furnish the employee a complete, unredacted electronic or paper copy of the employee's personnel file at no cost. Current law gives employers a "reasonable amount of time" to make files available.

Section 2(4) requires employers 14 days to provide a written statement of the reason for a discharge.

Section 2(5) allows an employee or former employee to enforce this section through a private cause of action. The amount of damages is listed in the section.

Section 2(6) defines "personnel file".

Section 2(7) makes it clear the employer is not required to create a new file, but to provide existing information.

Section 2(9) provides instructions to employers who are health care providers; and allows them to redact patient information from files.

Section 3 sets an effective date of January 1, 2024 (State Fiscal Year 2025).

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.

Indeterminate but minimal fiscal impact to the Office of the Secretary of State (OSOS).

The impact would be dependent on the number of requests for personnel files, the complexity of the files, and the workload of the Human Resources unit at the time of the requests. To avoid the direct fiscal impact of the Section 2(5) fines and potential litigation costs, the Office of the Secretary of State (OSOS) assumes it would make fulfilling the requests in a timely manner a priority.

Fulfilling the requests would require coordination with multiple departments within OSOS. The direct costs would be the staff time needed to prepare each file, which will vary depending on the complexity of the file. If OSOS makes fulfilling the records request a priority, the agency will be impacted from delays in completion of other HR tasks such as recruiting, onboarding, and training of staff.

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: 086-Governor's Office of Indian Affairs
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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: Seth Flory	Phone: 360-407-8165	Date: 03/10/2023
Agency Approval: Seth Flory	Phone: 360-407-8165	Date: 03/10/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/10/2023

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.

2nd Substitute House Bill 1320 would require agencies to provide current and former employees a copy of their personnel records within 14 days of being requested.

The Department of Enterprise Services (DES) provides HR Services to the Governor's Office of Indian Affairs (GOIA) and maintains personnel files for current employees. Records for former employees are handed over to GOIA, for storage. Therefore, only requests from former employees would create work for GOIA.

As a small agency, this bill is not expected to have a fiscal impact for GOIA, as personnel file requests from former employees will be very infrequently.

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: 087-Commission on Asian Pacific American Affairs
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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: Paul Bitar	Phone: 360-407-8129	Date: 03/10/2023
Agency Approval: Paul Bitar	Phone: 360-407-8129	Date: 03/10/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/10/2023

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 agencies to provide a current or former employee's personnel records, within 14 days, to the current or former employee upon request.

For current employees, DES keeps these records, so it would be a matter of communicating the request to DES HR. For former employees, DES transfers personnel records back to its small agency clients, so the agency would be responsible for providing these to the requestor.

This bill is not expected to have a fiscal impact, because personnel file requests would likely occur infrequently. Complying with the bill would involve locating the file or requesting the file from DES, and making copies for the requestor.

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: 090-Office of State Treasurer
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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: Dan Mason	Phone: (360) 902-8990	Date: 03/08/2023
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 03/08/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/08/2023

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 requires employers to furnish to employees, former employees, or their attorney, agent, or fiduciary, a complete, unredacted electronic or paper copy of the employee's personnel file at no cost to the employee or former employee.

The cost to the office is negligible, therefore this fiscal note reflects a no fiscal impact.

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: 095-Office of State Auditor
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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: Charleen Patten	Phone: 564-999-0941	Date: 03/08/2023
Agency Approval: Janel Roper	Phone: 564-999-0820	Date: 03/08/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/08/2023

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 2 (1) Requires that requests made for a copy of the unredacted personnel file by an employee, former employee, or their attorney, agent, or fiduciary is made available at no cost to the employee or former employee within 14 days.

Section 2 (4) Requires that within 14 days of receiving a written request from a former employee, or their attorney, agent, or fiduciary a signed written statement must be furnished to the former employee stating the effective date of discharge and reasons of discharge, if the employer had reason.

The State Auditor's Office's current process is to release the personnel files upon request to current employees. For any other requests the process is handled per RCW 42.56. The changes to our current process would be considered negligible therefore, no fiscal impact.

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: 100-Office of Attorney General
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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: Amy Flanigan	Phone: 509-456-3123	Date: 03/10/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 03/10/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/10/2023

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 Attorney General's Office (AGO) Human Resources Division (HRO) has reviewed this bill and determined it will not significantly increase or decrease the division's workload. The provisions related to personnel file access already exist under the Washington Federation of State Employees (WFSE) Collective Bargaining Agreement and are substantially similar to provisions under the existing Public Records Act (PRA). While some of the timelines are more specific in comparison to the PRA, these changes do not call for articulable additional costs.

Additionally, provisions in the proposed bill related to providing written reason for separation already exist under Labor and Industries (L&I) rules. New legal services are nominal, and costs are not included in this request.

The AGO Torts Division (Torts) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Enterprises Services (DES). Torts provides legal services to DES based on the Inter-agency Agreement (IAA). Torts defends tort actions against state agencies, the satisfaction of which are paid out of the Self-Insured Liability Account (SILA). SILA is administered by DES.

This bill provides a cause of action with statutory penalties for violation of the proposed statute's requirement to provide copies of an employee's personnel file when requested by the employee. Similar provisions within the PRA are not paid out through SILA. It is assumed that any legal services or payouts made in accordance with this proposed law would likewise not be covered by SILA. New legal services are nominal, and costs are not included in this request.

The AGO Licensing & Administrative Law Division (LAL) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Employment Security Department (ESD). The bill does not task ESD with any implementation or enforcement responsibilities beyond providing a yearly notice of the law's requirements to employers. New legal services are nominal, and costs are not included in this request.

The AGO Labor and Industries Division (LNI) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing L&I. This bill does not create direct enforcement or other litigation responsibilities for L&I. Instead, it creates a private right of action. L&I may need some legal advice to craft modifications to agency rules and policies. The majority of work would be outside legal services and would belong to the client itself. New legal services are nominal, and costs are not included in this request.

The AGO Education Division (EDU) has reviewed this bill and determined it will not significantly increase or decrease the division's workload. New legal services are nominal, and costs are not included in this request.

The AGO Labor and Personnel Division (LPD) has reviewed this bill and determined it will not significantly increase or decrease the division's workload. This bill would require LPD will provide some training on the statutory changes, possibly in conjunction with Office of Financial Management's (OFM) State Human Resources and will advise clients with questions. New legal services are nominal, and costs are not included in this request.

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: 101-Caseload Forecast Council
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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: Erik Cornellier	Phone: 360-664-9375	Date: 03/08/2023
Agency Approval: Erik Cornellier	Phone: 360-664-9375	Date: 03/08/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 03/09/2023

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.

Specifies that an employer must provide the employee's complete personnel file within 14 calendar days of a request from the employee, former employee, or their attorney, agent, or fiduciary.

Requires certain employers to redact specific information before providing personnel files.

Requires an employer to provide to a former employee, upon request, a statement of the employee's discharge date and reasons, if any, for the discharge.

Creates a private cause of action with statutory damages.

Requires the Department of Labor and Industries and the Employment Security Department to provide employers with information regarding the employer's obligations and the employee's rights.

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.

The fiscal impact to the Caseload Forecast Council (CFC) is indeterminate and negligible.

The CFC must already furnish employee records within a reasonable time at no cost to former employees.

The 14-day deadline could possibly require an increase in effort to provide the records more quickly, and that cost would be negligible.

The requirement to furnish a statement of the employee's discharge and the reason(s) could also generate some work, again at a negligible cost.

The redaction requirements do not appear to apply to the CFC.

The private cause of action could generate costs if the CFC is sued for noncompliance. The CFC does not anticipate failing to comply with the requirements of the bill.

The requirements to provide employers with information about their obligations and employee rights do not apply to the CFC.

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: 102-Department of Financial Institutions
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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: Cale Zimmerman	Phone: (360) 902-0507	Date: 03/09/2023
Agency Approval: Emily Fitzgerald	Phone: (360) 902-8780	Date: 03/09/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/09/2023

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 would require employers to provide employees, former employees, or their representatives a copy of the employee's personnel file within 14 days of the request. The legislation would also require employers to provide, within 14 calendar days of receiving written request from a former employee, a signed written statement stating effective date of discharge, whether the employer had a reason for the discharge, and if so, the reason. The Department of Financial Institutions (DFI) does not receive a large number of these requests and the resources spent on compiling these files would be absorbed by current FTE's. DFI does not foresee any fiscal impact.

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: 104-Economic and Revenue Forecast Council
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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: Seth Flory	Phone: (360) 407-8165	Date: 03/10/2023
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 03/10/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 03/10/2023

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.

2nd Substitute House Bill 1320 would require agencies to provide current and former employees a copy of their personnel records within 14 days of being requested.

The Department of Enterprise Services (DES) provides HR Services to the Economic and Revenue Forecast Council (ERFC) and maintains personnel files for current employees. Records for former employees are handed over to ERFC, for storage. Therefore, only requests from former employees would create work for ERFC.

As a small agency, this bill is not expected to have a fiscal impact for ERFC, as personnel file requests from former employees will be very infrequently.

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: 105-Office of Financial Management
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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: Keith Thunstedt	Phone: 360-810-1271	Date: 03/09/2023
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 03/09/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/09/2023

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 2 (1) creates a 14-day requirement to furnish a complete copy of an employee's personnel file, upon request of the current or former employee.

Section 2 (4) creates a 14-day requirement to furnish a signed statement regarding an employee's date of and reason for discharge, upon written request of the former employee.

Section 2 (6) defines "personnel file" to include: job application records, performance evaluations, disciplinary records, medical and reasonable accommodation records, payroll records, employee agreements, and all other records maintained in a personnel or employment file.

Not all the records defined by the bill as "personnel file" are located in one location; several are beyond a typical personnel file. If requested, there would be some administrative burden to collate the required files by human resources and payroll staff. OFM also provides HR and payroll support to the Office of the Governor and the Office of Independent Investigation (OII), so the administrative burden to produce these records for those agencies falls to OFM as well. However, OFM assumes that requests for these records will be infrequent enough that their furnishment can be completed within current staffing and resources by temporary prioritizing workload. Therefore, there is no fiscal impact to OFM.

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: 107-Washington State Health Care Authority
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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: Samuel Quartey	Phone: 360-725-0000	Date: 03/10/2023
Agency Approval: Catrina Lucero	Phone: 360-725-7192	Date: 03/10/2023
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 03/16/2023

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

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.

HCA Fiscal Note

Bill Number: 2SHB-1320

HCA Request #: 23-196

Part II: Narrative Explanation

An act relating to access to personnel records, amending current law, creating a new section, prescribing penalties, and providing an effective date.

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

Section 2 (1) directs employers to provide a complete, unredacted electronic or paper copy of the employee's personnel file to the current or former employee, their attorney, or fiduciary within 14 calendar days of the request.

Section 2 (5) establishes statutory damages for employers who violate the 14 calendar days requirement to comply with a personnel file or written statement request by the employee, their attorney, agent, or fiduciary.

Section 2 (9) (a) allows employers who are health care providers to redact patient information before sending the copy of the personnel file only to the extent required by the federal health insurance portability and accountability act of 1996.

Section 2 (9) (b) clarifies that unless the request for personnel records specifies it was made under chapter 42.56 RCW, the employer must treat the request as made under this section and is not subject to the requirements of, or exemptions to, chapter 42.56 RCW.

II. B - Cash Receipts Impact

None

II. C – Expenditures

Health Care Authority (HCA) has determined that this bill creates no fiscal impact. The effects of this bill can be absorbed within current resources as HCA has an established process for reviewing, redacting protected information, and fulfilling personnel file requests within 14 calendar days.

Part IV: Capital Budget Impact

None

Part V: New Rule Making Required

None

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 110-Office of Administrative Hearings
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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: Pete Boeckel	Phone: 360-407-2730	Date: 03/08/2023
Agency Approval: Deborah Feinstein	Phone: 360-407-2717	Date: 03/08/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/08/2023

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.

No fiscal impact. This legislation will not measurably increase the appeal workload for the Office of Administrative Hearings (OAH).

There isn't any impact on OAH as this bill does not create a basis for new appeals.

The Department of Labor & Industries and Employment Security Department agree that no appeals will be referred to OAH as a result of the enactment of this law, as written.

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.

None.

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.

None.

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: 116-State Lottery
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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
WA Opportunity Pathways Account-State 17f-1	(2,609)	(2,609)	(5,218)	(5,218)	(5,218)
State Lottery Account-Non-Appropriated 577-6	(2,609)	(2,609)	(5,218)	(5,218)	(5,218)
Lottery Administrative Account-State 578-1	2,609	2,609	5,218	5,218	5,218
Total \$	(2,609)	(2,609)	(5,218)	(5,218)	(5,218)

Estimated Operating Expenditures from:

Account	FY 2024	FY 2025	2023-25	2025-27	2027-29
Lottery Administrative Account-State 578-1	2,609	2,609	5,218	5,218	5,218
Total \$	2,609	2,609	5,218	5,218	5,218

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: John Iyall	Phone: 360-810-2870	Date: 03/09/2023
Agency Approval: Josh Johnston	Phone: 360-810-2878	Date: 03/09/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 03/10/2023

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 1320 relates to accessing personnel records. Portions of the bill relevant to the Lottery are as follows:

Section 1 sets forth legislative intent.

Section 2 amends RCW 49.12.250 in the following manner:

- (1) An employer must respond to requests for an employee's personnel records within 14 days and at no cost to the employee, former employee, or agent of either.
- (4) An employer must respond to requests from a former employee for a signed written statement stating the effective date of discharge and the reason for discharge, if any, within 14 days.
- (5) An employee or former employee may enforce these provisions through a private action in Superior Court. Penalties for non-compliance range from \$250 to \$1000 plus reasonable attorney fees and costs.
- (6) Defines "personnel file" and which records are included.
- (7) Clarifies that this section does not create a retention schedule or require an employer to create records in response to a request.
- (8) Requires that agents or fiduciaries of an employee or former employee must provide documentation proving such status
- (9)(b) States that an employer must fulfill requests for personnel records under this law unless the request clearly states it is made under the Public Records Act.
- (10) The Department of Labor and Industries and Employment Security Department must develop and distribute annual information to employers regarding obligations under this bill.
- (11) Addresses potential conflicts between this bill and collective bargaining agreements.

Section 3 sets forth an effective date of January 1, 2024.

The Lottery assumes it will receive 6-8 requests for personnel files and/or discharge statements per year, both of which must be completed within 14 days. Many of the requests will require coordination with DES and/or OFM. Each request for a personnel file will take approximately 12 hours to complete. Each request for a discharge statement will take approximately 8 hours to complete. Depending on the timing of requests, overtime may be required to meet the 14-day requirements.

The Lottery anticipates approximately 70 hours of overtime at the Human Resources Consultant 1 level (range 46) for a total of approximately \$2,609 per year. This amount can be absorbed within existing resources.

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

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
578-1	Lottery Administrative Account	State	2,609	2,609	5,218	5,218	5,218
Total \$			2,609	2,609	5,218	5,218	5,218

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages	2,309	2,309	4,618	4,618	4,618
B-Employee Benefits	300	300	600	600	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 \$	2,609	2,609	5,218	5,218	5,218

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: 117-Washington State Gambling Commission
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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: Kriscinda Hansen	Phone: 360-486-3489	Date: 03/14/2023
Agency Approval: Kriscinda Hansen	Phone: 360-486-3489	Date: 03/14/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 03/15/2023

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 2(1) requires employers to furnish employees and former employees or their attorney, agent, or fiduciary an unredacted copy of the employee's personnel file within 14 calendar days of the request.

Section 2(4) requires employers to provide to former employees or their agent, within 14 calendar days of receiving a written request, a signed written statement stating the effective date of discharge, whether there was a reason for the discharge, and if so, what the reasons were.

Section 2(5) allows employees or former employees to seek private cause of action, including entitlement to equitable relief, statutory damages, and reasonable attorney fees and costs.

Section 2(5) also provides specific monetary damages: \$250 if the complete file, statement, or redaction log is not provided within 14 calendar days of the due date, \$500 if not provided within 28 days, and \$1,000 if provided later than 28 days.

Historically, the Gambling Commission has received less than one personnel file request per fiscal year. The Gambling Commission estimates that when received, requests will take approximately ten (10) to fourteen (14) hours of active time to compile and provide a copy of the file. The number of days to fulfill these requests is highly variable due to multiple factors, including:

- Employee status (former employee files may be at records center)
- Location of personnel files, as defined by this bill, for current employees (supervisors and employees are throughout the state)
- Requirement to notify complainants of redaction per RCW 42.56.250(6)

This workload will be absorbed by current staff, resulting in no fiscal impact.

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: 118-Commission on Hispanic Affairs
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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: Paul Bitar	Phone: 360-407-8129	Date: 03/09/2023
Agency Approval: Paul Bitar	Phone: 360-407-8129	Date: 03/09/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/10/2023

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 agencies to provide a current or former employee's personnel records, within 14 days, to the current or former employee upon request.

For current employees, DES keeps these records, so it would be a matter of communicating the request to DES HR. For former employees, DES transfers personnel records back to its small agency clients, so the agency would be responsible for providing these to the requestor.

This bill is not expected to have a fiscal impact, because personnel file requests would likely occur infrequently. Complying with the bill would involve locating the file or requesting the file from DES, and making copies for the requestor.

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: 119-Commission on African-American Affairs
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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: Paul Bitar	Phone: 360-407-8129	Date: 03/10/2023
Agency Approval: Paul Bitar	Phone: 360-407-8129	Date: 03/10/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/10/2023

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 agencies to provide a current or former employee's personnel records, within 14 days, to the current or former employee upon request.

For current employees, DES keeps these records, so it would be a matter of communicating the request to DES HR. For former employees, DES transfers personnel records back to its small agency clients, so the agency would be responsible for providing these to the requestor.

This bill is not expected to have a fiscal impact, because personnel file requests would likely occur infrequently. Complying with the bill would involve locating the file or requesting the file from DES, and making copies for the requestor.

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: 120-Human Rights Commission
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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: Andreta Armstrong	Phone: (360) 753-2558	Date: 03/10/2023
Agency Approval: Diann Lewallen	Phone: 360-407-8121	Date: 03/10/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/10/2023

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 2 requires employers to provide a complete and unredacted copy of an employees existing personnel file within 14 calendar days of receiving a request at no cost to the employee or former employee. It also adds a requirement for employers to provide a written and signed reason for discharge upon request. It defines what is intended to be considered part of a personnel file under this legislation and clarifies when this legislation applies and special requirements for employers in certain industries. Public employers must treat personnel file requests as made under this section and not subject to the requirements and exemptions of chapter 42.56 RCW. Public employers must apply the redactions required under RCW 42.56.250 (6). Public employers must treat requests for any other files accompanying the personnel file request as it would under chapter 42.56 RCW.

Section 3 makes the act effective January 1, 2024.

The Human Rights Commission (HUM) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active HUM employees. It is assumed any requests under this legislation for active staff would be managed by DES. HUM would provide files for previously separated staff. Due to the small number of staff at HUM, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload.

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: 124-Department of Retirement Systems
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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: Chris Johansen	Phone: 360-664-7065	Date: 03/10/2023
Agency Approval: Mark Feldhausen	Phone: 360-664-7194	Date: 03/10/2023
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 03/13/2023

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 2 of the bill amends RCW 49.12.250 in various ways that could have a fiscal impact on the Department of Retirement Systems (DRS):

- Sec. 2(1) establishes a new deadline to furnish a copy of a personnel file by replacing “within a reasonable period of time after the employee requests” to “within 14 calendar days of a request.”
- Sec. 2(1) clarifies that the request can also be made by a “former employee, or their attorney, agent or fiduciary” and that the copy must be provided at no cost.
- Sec. 2(4) creates a new requirement to provide, also within 14 calendar days, “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.”
- Sec. 2(5) establishes “statutory damages” for violations of this section.
- Sec. 2(6) provides a definition for “personnel file” that includes items that are not currently present in the files maintained by and systems used by DRS’ Human Resources (HR) Office.
- Sec. 2(9)(b) identifies that “unless the request specifies that it is made under chapter 42.56 RCW, a public employer must treat the request as made under this section and the request is not subject to the requirements of, or exemptions to, chapter 42.56 RCW. However, a public employer must apply the redactions required under RCW 42.56.250(6).”

Section 3 provides that the act takes effect 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.

The estimated cost for DRS to operate within the changes contained in 2SHB 1320 is indeterminate but likely to be too small to produce a budget adjustment (i.e., under \$1,000 per year). Although DRS has only had one request for a full copy of a personnel file in the past year, that historical experience cannot be used to precisely estimate the cost to implement this legislation because 2SHB 1320: establishes a fixed deadline, expands the definition of who can request a file (that must comply with the new deadline), and expands the definition of “personnel file” beyond what we historically have retained in our HR files.

We don’t anticipate that it will result in additional requests but the few requests we receive are likely to require additional time to identify and produce copies of materials not historically maintained in our central HR files (e.g., to locate and print records from systems like HRMS and NEOGOV).

The other change that could produce a cost is the potential for statutory damages when we’re asked to provide a copy for a former employee where records must be retrieved from State Archives and/or for a long-term employee where they have a significant number of records outside of their central HR file.

We don’t estimate that it will require additional time to produce a statement of discharge because former employees who were discharged would have already received an official document from the agency. If they need another copy, the time to provide that copy would be immaterial. It is also assumed that these are only required on employer-initiated and not

employee-initiated actions.

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: 126-State Investment Board
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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: Celina Verme	Phone: (360) 956-4740	Date: 03/13/2023
Agency Approval: Allyson Tucker	Phone: 360-956-4710	Date: 03/13/2023
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 03/15/2023

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 copy of an employee's or former employee's personnel file to the employee, former employees, or their agent or fiduciary, within 14 calendar days of the request. The bill also requires an employer provide a signed written statement to a former employee stating the effective date of their discharge, whether the employer had a reason for the discharge, and if so, the reasons within 14 business days of receiving a request from a former employee, or their attorney, agent, or fiduciary. This bill also creates a private cause of action with statutory damages for employer violations of this section.

The State Investment Board does not anticipate a fiscal impact resulting from 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.

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.

Department of Revenue Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 140-Department of Revenue
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated 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: 60-786-7157	Date: 02/28/2023
Agency Preparation: Erin Valz	Phone: 60-534-1522	Date: 03/10/2023
Agency Approval: Marianne McIntosh	Phone: 60-534-1505	Date: 03/10/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/10/2023

Request # 1320-1-1

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.

CURRENT LAW:

Employees or former employees may make requests for their personnel files.

PROPOSAL:

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. Employer's that are health care providers may redact patient information, but only to the extent required by the federal health insurance portability and accountability act of 1996. In addition, it requires certain employers to redact specific information before providing personnel files. This bill includes penalties and gives employees the right to take legal action for not providing records within 14 calendar days.

EFFECTIVE DATE:

This bill takes effect on 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.

This legislation results in no revenue impact to taxes administered by the Department of Revenue (department).

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 will not incur any costs with the implementation of this legislation.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

NONE

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

NONE

III. C - 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

Part V: New Rule Making Required

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 142-Board of Tax Appeals
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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: Bret Skipworth	Phone: 3608906657	Date: 03/10/2023
Agency Approval: Bret Skipworth	Phone: 3608906657	Date: 03/10/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/10/2023

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 2 requires an employer to provide complete personnel files to current or former employees within 14 days of an employee's request at no cost to the employee. These personnel files can be provided in paper or electronic form. This section also adds a requirement for employers to provide a written and signed reason for discharge upon request. Public employers must treat personnel file requests as made under this section and not subject to the requirements and exemptions of chapter 42.56 RCW. Public employers must apply the redactions required under RCW 42.56.250 (6). Public employers must treat requests for any other files accompanying the personnel file request as it would under chapter 42.56 RCW.

Section 3 makes the act effective January 1, 2024.

The Board of Tax Appeals (BTA) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains the personnel files for all active BTA employees. It is assumed that DES would be managed by DES and BTA would provide files for separated employees. The BTA assumes that requests from current and former employees would be infrequent and could be absorbed within existing means.

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: 147-Office of Minority and Women's Business Enterprises
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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: Paul Bitar	Phone: 360-407-8129	Date: 03/10/2023
Agency Approval: Paul Bitar	Phone: 360-407-8129	Date: 03/10/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/10/2023

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 agencies to provide a current or former employee's personnel records, within 14 days, to the current or former employee upon request.

For current employees, DES keeps these records, so it would be a matter of communicating the request to DES HR. For former employees, DES transfers personnel records back to its small agency clients, so the agency would be responsible for providing these to the requestor.

This bill is not expected to have a fiscal impact, because personnel file requests would likely occur infrequently. Complying with the bill would involve locating the file or requesting the file from DES, and making copies for the requestor.

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: 148-Housing Finance Commission
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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: Lucas Loranger	Phone: 206-254-5368	Date: 03/07/2023
Agency Approval: Fenice Taylor	Phone: 206-287-4432	Date: 03/07/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	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.

No Fiscal Impact: Because the Commission is a non-appropriated, non-allocated agency, all the costs associated with the contemplated legislation connected to the Commission will flow through the Commission's operating funds, therefore the Commission believes it has no fiscal impact on the state's budget.

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: 160-Office of Insurance Commissioner
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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	0.0	0.0	0.0	0.0	0.0
Account					
Insurance Commissioners Regulatory Account-State 138-1	1,156	1,156	2,312	2,312	2,312
Total \$	1,156	1,156	2,312	2,312	2,312

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: Ariele Page-Landstrom	Phone: 360-725-7056	Date: 03/10/2023
Agency Approval: Michael Wood	Phone: 360-725-7007	Date: 03/10/2023
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 03/17/2023

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 2(1) requires each employer, within 14 calendar days of a request by an employee, former employee, or their attorney, agency, or fiduciary, to furnish to the employee or former employee a complete, unredacted electronic or paper copy of the employee's personnel file at no cost to the employee or former employee.

Section 2(4) requires every employer, within 14 calendar days of receiving a written request from a former employee, or their attorney, agency, or fiduciary, 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 an employee or former employee to enforce Section 2 through a private cause of action in superior court, without exhausting any administrative remedies, and for each violation will be entitled to equitable relief, statutory damages, and reasonable attorney fees and costs.

Section 2(6) defines "personnel file" to include: (a) all job application records; (b) all performance evaluations; (c) all disciplinary records; (d) all medical, leave, and reasonable accommodation records; (e) all payroll records; (f) all employment agreements; and (g) all other records the employer actually maintained in a personnel or employment file for that employee, however the file is designated.

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) requires each employer, within 14 calendar days of a request by an employee, former employee, or their attorney, agency, or fiduciary, to furnish to the employee or former employee a complete, unredacted electronic or paper copy of the employee's personnel file at no cost to the employee or former employee.

Section 2(4) requires every employer, within 14 calendar days of receiving a written request from a former employee, or their attorney, agency, or fiduciary, 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 an employee or former employee to enforce Section 2 through a private cause of action in superior court, without exhausting any administrative remedies, and for each violation will be entitled to equitable relief, statutory damages, and reasonable attorney fees and costs.

Section 2(6) defines "personnel file" to include: (a) all job application records; (b) all performance evaluations; (c) all disciplinary records; (d) all medical, leave, and reasonable accommodation records; (e) all payroll records; (f) all employment agreements; and (g) all other records the employer actually maintained in a personnel or employment file for that employee, however the file is designated.

The provisions in Section 2 will lead to an increase to the Office of Insurance Commissioner's (OIC) workload. The OIC is already required to make personnel files available locally within a reasonable period of time after the employee request the file(s). However, the OIC does not currently provide electronic copies of the personnel file or furnish a signed written

statement to former employees regarding the date and reason for discharge. Additionally, the expansion of what is included in the definition of “personnel file” will result in additional research and time spent accumulating, reviewing, and copying the appropriate documents. Based on historical data, the OIC estimates that it will receive one request per quarter for a complete copy of a personnel file and that, beginning January 1, 2024, each request will take an average of an additional four hours to research, accumulate, review, copy, and mail requiring 8 hours (2 requests x 4 hours) in FY2024 and 16 hours (4 requests x 4 hours) in FY2025 and thereafter of a Human Resource Consultant 2.

Ongoing costs:

Salary, benefits and associated costs for .01 FTE Human Resource Consultant 2.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
138-1	Insurance Commissioners Regulatory Account	State	1,156	1,156	2,312	2,312	2,312
Total \$			1,156	1,156	2,312	2,312	2,312

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	0.0	0.0
A-Salaries and Wages	664	664	1,328	1,328	1,328
B-Employee Benefits	261	261	522	522	522
C-Professional Service Contracts					
E-Goods and Other Services	231	231	462	462	462
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 \$	1,156	1,156	2,312	2,312	2,312

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 Consultant 2	66,420	0.0	0.0	0.0	0.0	0.0
Total FTEs		0.0	0.0	0.0	0.0	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.

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 163-Consolidated Technology Services
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

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: Christina Winans	Phone: 360-407-8908	Date: 03/10/2023
Agency Approval: Tim Gallivan	Phone: (360) 407-8215	Date: 03/10/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/13/2023

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 amends RCW 49.12.250 to add the followings:

- Specifies that an employer must provide the employee's complete, unredacted personnel file within 14 calendar days of the request from the employee, former employee, or their attorney, agent, or fiduciary;
- Requires an employer to provide to a former employee, upon request, a statement of the employee's discharge date and reasons, if any, for the discharge;
- Creates a private cause of action to enforce the requirements; and
- Requires the Department of Labor and Industries and the Employment Security Department to provide employers with information regarding the employer's obligations and the employee's rights.

Section by Section Summary of 2SHB 1320

Section 2 amends RCW 49.12.250 as follows:

- Within 14 calendar days of a request from an employee, former employee, or their attorney, agent, or fiduciary, an employer must furnish to the employee a complete, unredacted electronic or paper copy of the employee's personnel file, as it exists at the time of the request, at no cost to the employee.
- For requests from former employees or their attorney, agent, or fiduciary, the employer must also 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.
- An employee or former employee may enforce the provisions through a private cause of action in superior court, without exhausting any administrative remedy. The employee or former employee is entitled to equitable relief, statutory damages, and reasonable attorneys' fees and costs. Statutory damages for each violation are:
 - o \$250 if the complete file, statement, or redaction log is not provided within 14 days from the due date;
 - o \$500 if the complete file, statement, or redaction log is not provided within 28 days of the due date;
 - o \$1,000 if the complete file, statement, or redaction log is provided later than 28 days from the due date; and
 - o \$500 for any other violations.
- "Personnel file" includes the following records, regardless of the labels of the files or folders in which they are maintained:
 - o all job application records;
 - o all performance evaluations;
 - o all disciplinary records;
 - o all medical, leave, and reasonable accommodation records, which an employer should maintain separately from other personnel records for medical privacy;
 - o all payroll records;
 - o all employment agreements; and
 - o all other records the employer actually maintained in a personnel or employment file for that employee, however designated.
- The requirements must not be construed to create a records retention schedule; entitle an employee to an employer's protected legal file; or require an employer to create personnel records.
- Agents and fiduciaries must provide the document evidencing their legal authority to represent the employee or former employee.
- An employer that is a health care provider may redact patient information to the extent required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
 - o Within 14 calendar days of furnishing the file, a health care provider employer must identify what information is redacted and the specific provisions of HIPAA requiring redaction. The employer has the burden of proving that redaction was required by law and that it provided the redaction log as required. The employer is subject to liability for bad faith redaction or failure to provide the redaction log.

- o A public employer must treat an employee's or former employee's request for personnel files as a request under these provisions, unless the request specifies that it is made under the Public Records Act (PRA). The public employer must treat requests for any other records that accompany the request for the personnel file as requests made under the PRA.
- Department of Labor and Industry (L&I) must develop and furnish to each employer information describing an employer's obligations and an employee's rights. The Department and the Employment Security Department (ESD) must provide this information to employers at least annually. Failure to provide the information does not relieve an employer of its obligations.
- An agent is an attorney-in-fact granted authority under a durable or nondurable power of attorney. A fiduciary is an original, additional, or successor personal representative; guardian; or trustee.

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.

Employees in human resources are charged to overhead. Overhead costs are charged to all WaTech programs. WaTech is funded by expenditure authority from the Consolidated Technology Services Revolving Account (458). WaTech overhead revenues are generated by fee for service programs (42%); therefore, Consolidated Technology Services (Watech) will have to increase rates for fee for service lines of business to generate additional fee for service revenue. The remaining revenues (58%) are from charges allocated to agencies through the central services model. It is assumed allocations in the central services model will be adjusted by the Legislature.

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 fiscal impact of this bill on Consolidated Technology Services (WaTech) is indeterminant. The volume of the requests that will fall under the bill requirements is unknown, and the time required to pull this information is also unknown. However, the additional workload to satisfy these requirements is substantial as described below.

Once the request is received by WaTech Human Resource (HR) Department, HR staff will complete the followings:

- Review personnel file to identify the documents which has been filed but not yet printed and assembled in the personnel file (for example, telework and flexible work schedules, performance evaluations, recent corrective action, or discipline, etc). The 14 day requirements may become problematic if the files have been sent to the Records Center or if the transfers of files between agencies are not timely.
- For job application records: WaTech retains recruitment files based on position number, not individual. HR staff will search the entirety of NeoGov job postings by an individual, which would show all positions which were applied for. WaTech assumes this is more expansive than just job application material within the personnel file, to include applications and interviews for positions which the individual was ultimately not selected for. This provision is larger than just information currently contained in WaTech's personnel file.
- Performance evaluations: These are maintained within a personnel file today with existing positions unless they are in progress.
- Disciplinary records: WaTech assumes that pending disciplinary records must be included in addition to completed records. Currently, only formal actions are noted in the personnel file, however WaTech assumes that all information would need to be produced in accordance with this requirement to include records related to possible disciplinary records, even if there were found to have no grounds for discipline. Providing information for pending disciplinary matters may jeopardize the outcome.
- Medical leave and reasonable accommodation records: Complete record, retained in a separate file.
- Leave: Retained in MyPortal, but we also have paper leave slips. There are multiple places where leave may need to be reviewed. Payroll files may also need to be reviewed. These files may also be at the records center.
- Payroll: Same as leave above.
- Employment agreement: Agreements reached as a result of litigation or other agreements between employee and

employer. WaTech currently retains those in personnel files (unless litigation agreement states otherwise) but require the review of in process vs filed described above.

- Supervisor’s file: per the L&I policy ES.C.7, supervisor’s file is also included as part of personnel file. Currently, supervisor’s files are not part of the personnel record maintained in WaTech’s HR. HR will have to contact supervisors to obtain the supervisor’s files.
- WaTech assumes the requirement to provide reason for discharge can be satisfied by a copy of the official letter of discharge. This would not have a large impact, as those documents are currently kept in the personnel file. Employee discharge statements for at-will employees are not currently detailed, per advice of the Office of Attorney General.

WaTech’s records retention office would need to review all requests received under this requirement for possible impacted work under 42.56.250(6) as well as other public records retention requirements.

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: 165-Board of Accountancy
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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: Paul Bitar	Phone: 360-407-8129	Date: 03/09/2023
Agency Approval: Paul Bitar	Phone: 360-407-8129	Date: 03/09/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/10/2023

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 agencies to provide a current or former employee's personnel records, within 14 days, to the current or former employee upon request.

For current employees, DES keeps these records, so it would be a matter of communicating the request to DES HR. For former employees, DES transfers personnel records back to its small agency clients, so the agency would be responsible for providing these to the requestor.

This bill is not expected to have a fiscal impact, because personnel file requests would likely occur infrequently. Complying with the bill would involve locating the file or requesting the file from DES, and making copies for the requestor.

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: 166-Board of Registration for Professional Engineers & Land Surveyors
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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: Paul Bitar	Phone: (360) 407-8129	Date: 03/10/2023
Agency Approval: Paul Bitar	Phone: (360) 407-8129	Date: 03/10/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 03/10/2023

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 agencies to provide a current or former employee's personnel records, within 14 days, to the current or former employee upon request.

For current employees, DES keeps these records, so it would be a matter of communicating the request to DES HR. For former employees, DES transfers personnel records back to its small agency clients, so the agency would be responsible for providing these to the requestor.

This bill is not expected to have a fiscal impact, because personnel file requests would likely occur infrequently. Complying with the bill would involve locating the file or requesting the file from DES, and making copies for the requestor.

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: 167-Forensic Investigations Council
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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: Bret Skipworth	Phone: 3608906657	Date: 03/09/2023
Agency Approval: Bret Skipworth	Phone: 3608906657	Date: 03/09/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 03/09/2023

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 would require employers to provide an employee or former employee with an electronic or paper copy of the employee's personnel file within 14 days of the initial request.

The Forensic Investigations Council does not have any employees, current or former. Therefore, no fiscal impact is expected from the implementation of 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.

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: 179-Department of Enterprise Services
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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: Julie McVey	Phone: (360) 407-9334	Date: 03/09/2023
Agency Approval: Ashley Howard	Phone: (360) 407-8159	Date: 03/09/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/10/2023

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 amends RCW 49.12.250 and 1985 c 336 s.

Section 1 identifies the purpose of this bill is to modify and clarify certain current laws and administrative requirements relating to personnel files.

Section 2 (1) requires that employers must provide an employee or former employee a complete, unredacted electronic copy of their personnel file within 14 days of the request, at no cost.

Section 2 (4) adds that within 14 days of receiving the request an employer must provide a written statement to the former employee stating the effective date of discharge, and if applicable, the reason for the discharge.

Section 2 (5) states that an employee or former employee may enforce this through a private cause of action in superior court and will be awarded damages for each violation.

Sections 2 (6)-(12) further clarifies and defines the processes and exceptions for providing these records.

Section 3 is a new section stating this act takes effect January 1, 2024.

These damages would be considered regulatory penalties, similar to penalties imposed for violations of the Public Records Act, rather than tort damages designed to make a damaged claimant whole. The State's Self-Insurance Liability Account (SILA Fund 547) would not be impacted by the bill, nor would it affect operations within the Office of Risk Management.

The administrative work associated with the new requirements would be done within existing business processes.

There is no fiscal impact to the Department of Enterprise Services.

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: 185-Horse Racing Commission
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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: Seth Flory	Phone: (360) 407-8165	Date: 03/10/2023
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 03/10/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 03/10/2023

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.

2nd Substitute House Bill 1320 would require agencies to provide current and former employees a copy of their personnel records within 14 days of being requested.

The Department of Enterprise Services (DES) provides HR Services to the WA Horse Racing Commission (WHRC) and maintains personnel files for current employees. Records for former employees are handed over to WHRC, for storage. Therefore, only requests from former employees would create work for WHRC.

As a small agency, this bill is not expected to have a fiscal impact for WHRC, as personnel file requests from former employees will be very infrequently.

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: 190-Board of Industrial Insurance Appeals
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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: William Chase	Phone: 360-753-2790	Date: 03/16/2023
Agency Approval: Bob Liston	Phone: 360-753-6823	Date: 03/16/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 03/16/2023

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.

Requires an employer to furnish an employee or former employee with a complete 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.

- Allows for redaction of personnel files under certain circumstances.

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.

The Board of Industrial Insurance has reviewed this bill and determined it will not significantly increase or decrease the agency's workload. The BIIA does not anticipate any additional costs associated with this proposed legislative change.

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: 195-Liquor and Cannabis Board
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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: Colin O Neill	Phone: (360) 664-4552	Date: 03/09/2023
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 03/09/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/09/2023

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: The legislature intends to codify, modify, and clarify certain current laws and administrative requirements regarding access to personnel files to:

- (1) Increase transparency and knowledge for both employers and employees;
- (2) Provide greater consistency across all employment settings; and
- (3) Encourage more equitable compliance with and enforcement of the law across all employment settings.

Section 2:

(1) Within 14 calendar days of a request by an employee, former employee, or their attorney, agent, or fiduciary, each employer must furnish to the employee or former employee a complete, unredacted electronic or paper copy of the employee's personnel file(s) as the contents of the file(s) exist at the time of the request at no cost to the employee or former employee.

(2) An employee annually may petition that the employer review all information in the employee's personnel file(s). Existing language was stricken – “that are regularly maintained by the employer as a part of his business records”

(4) Every employer shall, within 14 calendar days of receiving a written request from a former employee, or their attorney, agent, or fiduciary, 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.

(5) An employee or former employee may enforce this section through a private cause of action in superior court, without exhausting any administrative remedies, and for each violation will be entitled to equitable relief, statutory damages, and reasonable attorney fees and costs. The statutory damages for each violation shall be: \$250 if the complete file, statement, or redaction log is not provided within 14 calendar days from the due date; \$500 if the complete file, statement, or redaction log is not provided within 28 calendar days from the due date; and \$1,000 if the complete file, statement, or redaction log is provided later than 28 calendar days from the due date. The statutory damages for any other violations shall be \$500.

(6) For the purposes of this section, "personnel file" includes the following records, regardless of the labels of the files or folders in which they are maintained:

- (a) All job application records;
- (b) All performance evaluations;
- (c) All disciplinary records;
- (d) All medical, leave, and reasonable accommodation records, which an employer should maintain separately from other personnel records for medical privacy;
- (e) All payroll records;
- (f) All employment agreements; and
- (g) All other records the employer actually maintained in a personnel or employment file for that employee, however designated.

(7) (a) This section may not be construed to create a retention schedule for records or to entitle an employee to an employer's protected legal file.

(b) This section does not require an employer to create personnel records; rather the employer must furnish the records that the employer has already created.

(8) Agents and fiduciaries must provide the document evidencing their legal authority to represent the employee or former employee at the time of any request.

(9) (b) Upon receiving a request for an employee's or former employee's own personnel file, unless the request specifies that it is made under chapter 42.56 RCW, a public employer must treat the request as made under this section and

the request is not subject to the requirements of, or exemptions to, chapter 42.56 RCW. However, a public employer must apply the redactions required under RCW 42.56.250(6). The public employer must treat requests for any other records that accompany the request for the personnel file as requests made under chapter 42.56 RCW.

(10) (a) The Department of Labor and Industries (“Department”) must develop and furnish to each employer information which describes an employer's obligations and an employee's rights under this section.

(b) The Department must provide this information to employers at least annually, which may include being provided with other annual notices.

(c) The employment security department must provide this information to employers, as defined by RCW 50A.05.010, at least annually, which may include being provided with other annual notices.

(d) Failure to provide the information does not relieve an employer of its obligations under this section.

(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.

(12) For purposes of this section:

(a) "Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney.

(b) "Fiduciary" means an original, additional, or successor personal representative, guardian, or trustee.

Section 3 - This act takes effect 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.

No fiscal impact. The agency's HR division can absorb any additional workload within existing staffing.

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: 205-Board of Pilotage Commissioners
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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: Bret Skipworth	Phone: 3608906657	Date: 03/10/2023
Agency Approval: Bret Skipworth	Phone: 3608906657	Date: 03/10/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 03/10/2023

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 2 requires an employer to provide complete personnel files to current or former employees within 14 days of an employee's request at no cost to the employee. These personnel files can be provided in paper or electronic form. This section also adds a requirement for employers to provide a written and signed reason for discharge upon request. Public employers must treat personnel file requests as made under this section and not subject to the requirements and exemptions of chapter 42.56 RCW. Public employers must apply the redactions required under RCW 42.56.250 (6). Public employers must treat requests for any other files accompanying the personnel file request as it would under chapter 42.56 RCW.

Section 3 makes the act effective January 1, 2024.

The Board of Pilotage Commissioners (BPC) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains the personnel files for all active BPC employees. It is assumed that DES would be managed by DES and BPC would provide files for separated employees. The BPC assumes that requests from current and former employees would be infrequent and could be absorbed within existing means.

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: 215-Utilities and Transportation Commission
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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: Amy Andrews	Phone: 360-481-1335	Date: 03/13/2023
Agency Approval: Amy Andrews	Phone: 360-481-1335	Date: 03/13/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 03/13/2023

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 Legislature intends to increase transparency, provide consistency, and encourage equitable compliance regarding access to personnel records.

Within 14 calendar days of a request from an employee, former employee, or their attorney, agent, or fiduciary, an employer must furnish to the employee or former employee a electronic or paper copy of the employee's personnel file, as it exists at the time of the request, at no cost to the employee. The file must be unredacted unless redaction of information is required by the bill.

Upon request from a former employee or their attorney, agent, or fiduciary, an employer must 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.

SHB 1320 is different from HB 1320 in that it:

Section 2 (5) provides a method for an employee to enforce this section through private cause of action in superior court. This adds penalties of \$250 if a file is not provided within 14 days, \$500 if not provided in 28 days, and \$1,000 if provided later than 28 days, and statutory damages for any other violations of \$500. The employee may also collect reasonable attorney fees and costs.

Section 2 (9) allows redaction by public employers if the request is made under RCW 42.56. The employer must provide the reason for any redaction and cite supporting laws. If not made under RCW 42.56 then the records would be provided without redaction as required in this bill.

Section 2 (10) (a) and (c) requires Labor and Industries to develop and provide each employer information describing employer's obligations and employee's rights under this section. Labor and Industries AND Employment Security must provide this information to employers at least annually, either alone or as part of other annual notices. Employers are defined in RCW 50A.05.010 which are PFML employers and already receive an annual notice from ESD this can be included with.

Section 3 Changes effective date from 90 days sine die to 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.

None

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 UTC keeps in personnel files. There is time needed to obtain documents from various sources and ensure accuracy of contents before providing to the requestor.

The UTC assumes about 100 additional hours will be required to comply with the new requirements. While there is an

incremental cost, the UTC will be able to absorb the additional workload.

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

Revised

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 225-Washington State Patrol
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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: Kendra Sanford	Phone: 360-596-4080	Date: 03/08/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 03/08/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 03/08/2023

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 proposed legislation creates an indeterminate fiscal impact to the Washington State Patrol (WSP).

Section 2(1) requires an employer to provide an employee's complete, unredacted personnel file within 14 calendar days of the request from the employee, former employee, or their attorney, agent, or fiduciary.

Section 2(4) requires an employer to provide a written statement of the employee's discharge date and reasons, if any, within 14 calendar days of the request from the former employee, or their attorney, agency, or fiduciary.

Section 2(5) creates a private cause of action with statutory damages.

Section 2(6) identifies the records included in "personnel file".

Section 2(9) identifies information that may or must be redacted.

Section 2(10) requires the Department of Labor & Industries and the Employment Security Department to provide employers with information regarding the employer's obligations and the employee's rights.

Section 3 makes this bill effective January 1, 2024, if enacted.

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.

NONE

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.

We are unable to determine a fiscal impact as we cannot determine the frequency of when a personnel file or discharge statement will be requested.

Currently, we do not have all personnel files in a centralized location. Depending on an employee's work history, records are with our Human Resources Division, Training Division, Payroll Office, and the Office of Professional Standards. We estimate it may take 5-20 hours to search, locate, and provide a personnel file from each of these divisions, which is an estimated \$1,002 - \$4,013 per personnel file.

We may be subject to statutory damages if we cannot meet the 14 calendar day turnaround, as well as other applicable fines that the employee could be entitled to. We are unable to determine these costs.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.
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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: 227-Criminal Justice Training Commission
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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: Brian Elliott	Phone: 206-835-7337	Date: 03/09/2023
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 03/09/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 03/09/2023

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 2(1) states within 14 calendar days of a request by an employee, former employee, or their attorney, agent, or fiduciary, each employer must furnish to the employee or former employee a complete, unredacted electronic or paper copy of the employee's personnel file(s) as the contents of the file(s) exist at the time of the request at no cost to the employee or former employee.

The Criminal Justice Training Commission will create a policy to follow the requirements of this bill regarding providing copies of employee personnel files. The expense for staff time to provide copies of employee personnel files is expected to be minimal with no significant fiscal impact to the agency.

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.

This bill has no cash receipt impact.

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 is no expenditure impact to the Criminal Justice Training Commission.

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: 228-Traffic Safety Commission
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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: Mark McKechnie	Phone: 3607259889	Date: 03/09/2023
Agency Approval: Mark McKechnie	Phone: 3607259889	Date: 03/09/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 03/09/2023

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.

WTSC does not project an increase in costs or revenue as a result of SSHB 1320.

AN ACT Relating to access to personnel records; amending RCW 49.12.250; creating a new section; prescribing penalties; and providing an effective date.

Sec. 1: Intent

Sec. 2: Within 14 days of request by an employee, former attorney, or authorized representative, employer must furnish copy of employees personnel file at no cost. Employee or former employee may enforce through private cause of action. Sets fines for damages. Defines contents of personnel files.

Sec. 3: Effective date is 1/1/24.

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.

No impact

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.

No impact

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

No impact

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: 229-Office of Independent Investigations
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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: Tracy Sayre	Phone: 3608905279	Date: 03/09/2023
Agency Approval: Jamie Langford	Phone: (360) 902-0422	Date: 03/09/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/09/2023

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

The services impacted by this legislation are provided to the Governor's office by The Office of Financial Management. Any impacts associated with this legislation will be reflected in OFM's fiscal note.

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: 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: 240-Department of Licensing
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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: Kim Buechel	Phone: 360-902-3639	Date: 03/09/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 03/09/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 03/09/2023

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.

Please see attached fiscal note.

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

Agency 240 – Department of Licensing

Bill Number: 1320 2SHB

Bill Title: Personnel records

Part 1: Estimates

No Fiscal Impact

Estimated Cash Receipts:

None

Estimated Expenditures:

None

Check applicable boxes and follow corresponding instructions.

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

Legislative Contact: Julie Murray	Phone: (360) 786-7711	Date: 3/9/2023
Agency Preparation: Kim Buechel	Phone: (360) 902- 3639	Date: 3/9/2023
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date: 3/9/2023

Request #	1
Bill #	1320 2SHB

Part 2 – Explanation

2.A – Brief Description Of What The Measure Does That Has Fiscal Impact

New Section 1: Intent to increase transparency and knowledge for both employers and employees and provide consistency and equitable compliance and enforcement of the law.

Section 2 (1) Within 14 calendar days of a request by an employee, former employee, their attorney, agent, or fiduciary, each employer must furnish a complete unredacted electronic or paper copy of the employee's personnel file as the contents exist at the time of the request at no cost.

Section 2 (2) Employees may annually petition that the employer review all information in the employee's personnel file. The employer shall determine if there is any irrelevant information in the file and shall remove all such information.

Section 2 (3) Former employees shall retain the right of rebuttal for a period not to exceed 2 years.

Section 2 (4) Employers will furnish a signed written statement to the former employee stating the effective date of discharge and reason for discharge within 14 calendar days of receiving request from employee or their representative.

Section 2 (5) An employee may enforce this through private cause of action in superior court. Violations ranging from \$250-1,000 on employer.

Section 2 (6) Personnel file includes all Job applications; performance evaluations; disciplinary records; medical, leave, and reasonable accommodation records; payroll records; employment agreements; and all other records maintained by the employer.

Section 2 (7) Does not create a retention schedule for records or require an employer to create personnel records.

Section 2 (9) (b) Public employees must redact required under RCW 35 42.56.250(6) all other requests under RCW 42.56.

2.B - Cash receipts Impact

No cash receipts will be realized with the passing of this bill.

2.C – Expenditures

There is no fiscal impact to DOL resulting from this bill. The requirements of this bill will minimally impact workload to download electronic files to share with the requester. Human Resources will use current resources to educate supervisors and leadership of the agency to ensure they meet all standards outlined within the bill.

Part 4 – Capital Budget Impact

None.

Part 5 – New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 245-Military Department
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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: Serina Roberts	Phone: 2535127388	Date: 03/09/2023
Agency Approval: Timothy Rajcevich	Phone: 2535127596	Date: 03/09/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/09/2023

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.

In summary, this bill is proposing a change and significant expansion to RCW 49.12.250 Employee inspection of personnel file – Erroneous or disputed information. The proposed addition would require agencies to respond to these requests from employees, to include former employees and/or their legal representative, within 14 calendar days of the request. This requirement would not be limited to the personnel, the agency would also be required to provide copies of the medical file, the legal file, and all payroll records within the 14-calendar day window.

Additionally, if a former employee who was “discharged” from the agency (and/or their legal representative) were to make a request, we would need to “furnish a signed written statement to the former employee stating the effective date of discharge, whether the employer had reason for the discharge, and if so, the reasons.” It doesn’t specify the definition of “discharge,” but if it were for a disciplinary reason, this would be easy, the agency would provide a copy of the disciplinary separation letter, but it may require additional work if the employee was a non-perm separation or probationary separations where performance issues existed, but we didn’t go through a formal progressive discipline process.

If the agency were to fail to meet the 14-calendar day timeline, the employee would be able to pursue private cause of action in superior court and the statutory damages for the violation would be \$250 if the file or statement wasn’t provided within 14 days, \$500 if not provided within 28 days, and \$1,000 if not provided later than 28 days. There does not appear to be any option for extension on the agency’s part if cause were to arise that would push out outside the 14-calendar day window.

This bill would put a strict deadline on HR to turn around current and prior employee requests for copies of their personnel files and/or written summary of the reason for "discharge". Currently, there is no deadline, nor any financial penalty to the agency if files are not provided in a timely manner. There is not a direct cost to the agency, unless there is a failure to meet the 14-day timeline to provide files upon request AND the employee/prior employee pursues private cause of action in superior court for statutory damages.

Potential agency cost(s) for this bill:

- HR Staff time gathering and providing requested files for current and former employees, which is already a part of HR staff’s regular duties. Historically, Washington Military Department (WMD) HR have been able to respond to current staff’s requests within the 14 day timeline. Prior employees who have archived personnel files may take longer to respond to, however, the number of these requests received are so minimal they cannot be quantified. Requiring turnaround on requests within 14 days to prevent any financial impact to the agency would have a minimal impact on current workload for the HR staff and can be completed by existing staff by temporarily reprioritizing workload.

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: 275-Public Employment Relations Commission
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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: Dario de la Rosa	Phone: 360-570-7328	Date: 03/07/2023
Agency Approval: Dario de la Rosa	Phone: 360-570-7328	Date: 03/07/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	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 requires an employer to, upon request, provide an employee, former employees, or their attorney, fiduciary, or agent, a complete electronic or paper copy of the employees personnel file within 14 days of the date of the request. The personnel file must be provided unredacted unless the redaction complies with the provisions of E2SHB 1320.

An employee or former employee who makes such a request may enforce the provisions of E2SHB 1320 through the superior courts without exhausting any administrative remedies. The statutory damages for each violation shall be: \$250 if the complete file, statement, or redaction log is not provided within 14 calendar days from the due date; \$500 if the complete file, statement, or redaction log is not provided within 28 calendar days from the due date; and \$1,000 if the complete file, statement, or redaction log is provided later than 28 calendar days from the due date. The statutory damages for any other violations shall be \$500.

The Public Employment Relations Commission anticipates no additional costs associated with the implementation of E2SHB 1320.

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: 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

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 303-Department of Health
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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	2.0	2.0	2.0	2.0	2.0
Account					
General Fund-State 001-1	217,000	212,000	429,000	424,000	424,000
Total \$	217,000	212,000	429,000	424,000	424,000

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: Damian Howard	Phone: 3602363000	Date: 03/10/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 03/10/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 03/10/2023

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.

A new section (Sec. 1) was added to codify, modify, and clarify certain current laws and administrative requirements regarding access to personnel files in order to:

- Increase transparency and knowledge for both employers and employees;
- Provide greater consistency across all employment settings; and
- Encourage more equitable compliance with and enforcement of the law across all employment settings.

Sec. 2 seeks to amend RCW 49.12.250 and 1985 c 336 s 2 under “Labor Regulations – Industrial Welfare” chapter to (1) require employers to furnish a complete, unredacted electronic or paper copy of an employee or former employee’s personnel file as the contents of the file(s) exist at the time of the request at no cost to the employee or former employee. Requests for these files can be made by an employee, former employee, or their attorney, agent, or fiduciary, and the employer must provide the files within 14 calendar days of receiving the request.

Sec. 2 (4) requires employers within 14 calendar days of receiving a written request by a former employee, or their attorney, agent, or fiduciary, to 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.

Sec. 2 (5) allows employees or former employees to enforce this section through a private cause of action in superior court, without exhausting any administrative remedies, and for each violation will be entitled to equitable relief, statutory damages, and reasonable attorney fees and costs. The statutory damages for each violation are:

- \$250 if the complete file, statement, or redaction log is not provided within 14 calendar days from the due date;
- \$500 if the complete file, statement, or redaction log is not provided within 28 calendar days from the due date; and
- \$1,000 if the complete file, statement, or redaction log is provided later than 28 calendar days from the due date.
- Statutory damages for any other violations will be \$500.

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.

None

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.

Based on OFM assumptions, Department of Health’s Office of People Services (OPS - HR) has reviewed this bill and determined there’s the potential for the provisions of this bill to increase its workload. Therefore, we have identified the need for two (2) full-time FTEs to implement enforcement under this bill so that personnel records can be received in a timely manner in accordance with the timeframes identified and in order to avoid statutory damages. The potential workload demands will depend upon the number of requests for personnel records that come through, and the personnel records included in the provisions of this bill will require coordination across our team in order to assemble all of the requested records. Additionally, we will need to determine what provisions of this bill would apply to our employees who are represented by either WFSE or SEIU, so that we can discern what types of personnel records should be released upon request

Total costs for (2) full time FTEs and \$217,000 for FY2024. Starting FY2025, costs will total to (2) FTEs and \$212,000 and ongoing.

FY2024: \$217,000

FY2025 and ongoing: \$212,000

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	217,000	212,000	429,000	424,000	424,000
Total \$			217,000	212,000	429,000	424,000	424,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
A-Salaries and Wages	110,000	114,000	224,000	228,000	228,000
B-Employee Benefits	51,000	51,000	102,000	102,000	102,000
E-Goods and Other Services	33,000	32,000	65,000	64,000	64,000
J-Capital Outlays	8,000		8,000		
T-Intra-Agency Reimbursements	15,000	15,000	30,000	30,000	30,000
9-					
Total \$	217,000	212,000	429,000	424,000	424,000

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 & RECORDS ANALYST 2	53,100	2.0	2.0	2.0	2.0	2.0
Total FTEs		2.0	2.0	2.0	2.0	2.0

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

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: 305-Department of Veterans Affairs
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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: Troy Cerny	Phone: 3607252661	Date: 03/10/2023
Agency Approval: Troy Cerny	Phone: 3607252661	Date: 03/10/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 03/10/2023

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 E2S HB has no fiscal impact to WDVA.

Section 2 requires agencies to furnish a complete electronic or paper copy of an employee's personnel file(s) upon request from an employee, former employee, or their attorney, agent, or fiduciary at no cost to the requestor within 14 calendar days of the request. WDVA could support this requirement within existing resources.

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: 315-Department of Services for the Blind
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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: Lorie Christoferson	Phone: (360) 725-3840	Date: 03/08/2023
Agency Approval: Lorie Christoferson	Phone: (360) 725-3840	Date: 03/08/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 03/08/2023

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.

Language is amended to establish 14-day timeline to furnish a paper or electronic copy of the employee's personnel file. New language allows an employee to enforce this thru a private cause of action in superior court. Damages for each violation is established in the bill. The bill also includes language about when a request would be considered a public records request vs a request for a personnel file.

This bill will have no fiscal impact. Personnel records when requested are currently provided to DSB staff in electronic format. DES holds all personnel records in paper form and provides copies when requested. Although records must be provided within 14 days, it's anticipated the volume will not increase due to the changes to this bill. DSB also does not anticipate any violations.

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: 340-Student Achievement Council
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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: Brian Richardson	Phone: 360-485-1124	Date: 03/08/2023
Agency Approval: Brian Richardson	Phone: 360-485-1124	Date: 03/08/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/13/2023

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 would require an employer to furnish to the employee or former employee a complete electronic or paper copy of the employee's personnel file, as it exists at the time of the request, at no cost to the employee within 14 calendar days of a request from an employee, former employee, or their attorney, agent, or fiduciary. (Section 2(1))

Every employer shall, within 14 calendar days of receiving a written request from a former employee, or their attorney, agent, or fiduciary, 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(4))

The Washington Student Achievement Council (WSAC) anticipates being able to fulfill any requests within the 14 day deadline using existing resources and this bill, therefore, would have no fiscal impact.

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: 341-Law Enforcement Officer and Fire Fighters' Plan 2 Retirement Board
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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: Seth Flory	Phone: (360) 407-8165	Date: 03/10/2023
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 03/10/2023
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 03/13/2023

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.

2nd Substitute House Bill 1320 would require agencies to provide current and former employees a copy of their personnel records within 14 days of being requested.

The Department of Enterprise Services (DES) provides HR Services to the Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board (LEOFF) and maintains personnel files for current employees. Records for former employees are handed over to LEOFF, for storage. Therefore, only requests from former employees would create work for LEOFF.

As a small agency, this bill is not expected to have a fiscal impact for LEOFF, as personnel file requests from former employees will be very infrequently.

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: 351-State School For The Blind
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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: Mary Sarate	Phone: (360) 696-6321	Date: 03/09/2023
Agency Approval: Mary Sarate	Phone: (360) 696-6321	Date: 03/09/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/09/2023

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.

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.

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: 353-Washington State Center for Childhood Deafness and Hearing Loss
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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: April Burns	Phone: 360-418-4326	Date: 03/10/2023
Agency Approval: April Burns	Phone: 360-418-4326	Date: 03/10/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/10/2023

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.

CDHY will utilize current staff in order to pull personnel records as requested. No fiscal impact to the agency at this time.

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: 354-Workforce Training and Education Coordinating Board
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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: Dave Pavelchek	Phone: 360-709-4630	Date: 03/08/2023
Agency Approval: Nova Gattman	Phone: 360-709-4612	Date: 03/08/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/13/2023

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 Board anticipates no additional resource needs to provide personnel records within the timelines laid out in the bill. No fiscal impact.

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: 355-Department of Archaeology and Historic Preservation
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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: Diann Lewallen	Phone: 360-407-8121	Date: 03/09/2023
Agency Approval: Diann Lewallen	Phone: 360-407-8121	Date: 03/09/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/09/2023

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 2 requires employers to provide a complete and unredacted copy of an employees existing personnel file within 14 calendar days of receiving a request at no cost to the employee or former employee. It also adds a requirement for employers to provide a written and signed reason for discharge upon request. It defines what is intended to be considered part of a personnel file under this legislation and clarifies when this legislation applies and special requirements for employers in certain industries. Public employers must treat personnel file requests as made under this section and not subject to the requirements and exemptions of chapter 42.56 RCW. Public employers must apply the redactions required under RCW 42.56.250 (6). Public employers must treat requests for any other files accompanying the personnel file request as it would under chapter 42.56 RCW.

Section 3 makes the act effective January 1, 2024.

The Department of Archaeology and Historic Preservation (DAHP) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active DAHP employees. It is assumed any requests under this legislation for active staff would be managed by DES. DAHP would provide files for previously separated staff. Due to the small number of staff at DAHP, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload.

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

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: 387-Washington State Arts Commission
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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: Deane Shellman	Phone: 3606221743	Date: 03/10/2023
Agency Approval: Karen Hanan	Phone: 360-586-2423	Date: 03/10/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/13/2023

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 provisions and a timeline for the sharing of personnel files with employees. This agency already has procedures in place to supply information in personnel files within the parameters laid out in the bill. We expect no additional administrative impact.

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: 390-Washington State Historical Society
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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: Teresa Mattson	Phone: (360) 798-5906	Date: 03/09/2023
Agency Approval: Jennifer Kilmer	Phone: 253-798-5900	Date: 03/09/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/09/2023

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.

WSHS has reviewed this bill and determined that requests, assuming less than 5 requests per year, should not have a significant impact on workload for our one HR staff person.

Should requests be higher, it may impact their ability to perform other duties.

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: 395-Eastern Washington State Historical Society
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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: Flory Seth	Phone: 360-407-8165	Date: 03/10/2023
Agency Approval: Flory Seth	Phone: 360-407-8165	Date: 03/10/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 03/10/2023

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.

2nd Substitute House Bill 1320 would require agencies to provide current and former employees a copy of their personnel records within 14 days of being requested.

The Department of Enterprise Services (DES) provides HR Services to the Eastern Washington State Historical Society (EWSHS) and maintains personnel files for current employees. Records for former employees are handed over to EWSHS, for storage. Therefore, only requests from former employees would create work for EWSHS.

As a small agency, this bill is not expected to have a fiscal impact for EWSHS, as personnel file requests from former employees will be very infrequently.

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: 405-Department of Transportation
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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	2.0	2.0	2.0	2.0	2.0
Account					
Motor Vehicle Account-State 108 -1	156,000	146,000	302,000	292,000	302,000
Total \$	156,000	146,000	302,000	292,000	302,000

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: Jeff Pelton	Phone: 360-705-7047	Date: 03/15/2023
Agency Approval: Jeff Pelton	Phone: 360-705-7047	Date: 03/15/2023
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 03/15/2023

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 WSDOT fiscal note.

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

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
108-1	Motor Vehicle Account	State	156,000	146,000	302,000	292,000	302,000
Total \$			156,000	146,000	302,000	292,000	302,000

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	2.0	2.0	2.0	2.0	2.0
A-Salaries and Wages	102,000	102,000	204,000	204,000	204,000
B-Employee Benefits	38,000	38,000	76,000	76,000	76,000
C-Professional Service Contracts					
E-Goods and Other Services	4,000	4,000	8,000	8,000	8,000
G-Travel	2,000	2,000	4,000	4,000	4,000
J-Capital Outlays	10,000		10,000		10,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	156,000	146,000	302,000	292,000	302,000

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
Forms & Records Analyst 3	62,000	1.0	1.0	1.0	1.0	1.0
Human Resource Consultant 1	60,000	1.0	1.0	1.0	1.0	1.0
Total FTEs		2.0	2.0	2.0	2.0	2.0

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: 2SHB 1320	Title: Personnel Records	Agency: 405-Department of Transportation
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Part I: Estimates

Check applicable boxes and follow corresponding instructions, use the fiscal template table provided to show fiscal impact by account, object, and program (if necessary), **add rows if needed**. If no fiscal impact, check the box below, skip fiscal template table, and go to Part II to explain briefly, why the program believes there will be no fiscal impact to the department.

- No Fiscal Impact (Explain in section II. A)
If a fiscal note is assigned to our agency, someone believes there might be, and we need to address that, showing why there is no impact to the department.
- Indeterminate Cash Receipts Impact (Explain in section II. B)
- Indeterminate Expenditure Impact (Explain in section II. C)

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

Dollars in Thousands

		2023-25 Biennium		2025-27 Biennium		2027-29 Biennium	
Expenditures		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
108-1-MOTOR VEHICLE		\$156	\$146	\$146	\$146	\$156	\$146
Total Expenditures		\$156	\$146	\$146	\$146	\$156	\$146
Biennial Totals		\$302		\$292		\$302	
FTEs		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Salary		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Human Resource Consultant 1	\$60	1.0	1.0	1.0	1.0	1.0	1.0
Forms & Records Analyst 3	\$62	1.0	1.0	1.0	1.0	1.0	1.0
Annual Average		2.0		1.0		1.0	
Objects of Expenditure		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A - SALARIES AND WAGES		\$102	\$102	\$102	\$102	\$102	\$102
B - EMPLOYEE BENEFITS		\$38	\$38	\$38	\$38	\$38	\$38
E - GOODS AND SERVICES		\$4	\$4	\$4	\$4	\$4	\$4
G - TRAVEL		\$2	\$2	\$2	\$2	\$2	\$2
J - CAPITAL OUTLAYS		\$10				\$10	
Expenditures by Program		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
PROGRAM S		\$156	\$146	\$146	\$146	\$156	\$146

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

Agency Assumptions

Section 2 indicates in relevant part, “Within 14 calendar days of a request by an employee, former employee, or their attorney, agent or fiduciary, each employer must furnish to the employee or former employee a complete, unredacted electronic or paper copy of the employee’s personnel file(s) as the contents of the file(s) exist...” The proposed legislation defines a personnel file to include, job application records, performance evaluations, disciplinary records, medical, leave and reasonable accommodation records, etc. Currently most similar requests provided by the employer with current resources are at or exceed 30 days. This analysis assumes the intent is for the department to comply with the 14-day requirement to avoid penalty.

Individual State Agency Fiscal Note

Agency Contacts:

Preparer: Jeff Pelton	Phone: 360-705-7388	Date:3/8/2023
Approval: Jeff Pelton	Phone:360-705-7388	Date:3/8/2023
Budget Manager: Chad Johnson	Phone: 360-259-3886	Date: 3/8/2023

Part II: Narrative Explanation

II. A - Brief description of what the measure does that has fiscal impact.

Briefly describe by section number (sections that will change WSDOT costs or revenue), the significant provisions of the bill, and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency.

Section 1 Describes the intent of the legislature to codify and modify laws relating to personnel files.

Section 2 (1) requires the department to produce “personnel files” as the contents of the file exist at the time of the request within 14 calendar days of the request. The bill defines personnel files as something much more expansive than what is in current practice for the department and required by law and collective bargaining agreement. As a result, the coordination and access of different paper and electronic systems will require additional staff if the department is to comply with the 14-day requirement. Currently, the department can produce similar request with existing resources in just over 30 days.

Section 2(2) & (3) allows an employee to rebut any information in the file if they feel that it is not accurate and allows a former employee the right of rebuttal for a period not to exceed two years.

Section 2(4) requires the employer to furnish a signed written statement to the former employee state the effective date of discharge and whether the employer had a reason for discharge and the reasoning for discharge.

Section 2 (5) affords the employee or former employee the ability to seek relief for any documents that are not produced timely. The agency projects their ability to produce records will be beyond the 14-day requirement, which means every instance may be contested through this process if additional resources are not provided. The bill entitles the employee or former employee to reasonable attorney fees and costs as well.

Section 2(6) through (12) describes what constitutes a personnel file, the fiduciary, or agents’ responsibilities for providing proof of legal representation, what healthcare employers are allowed to redact, that this act is not modifying retention schedules and establishes definitions.

Section 3 states this act takes effect January 1, 2024

II. B – Cash Receipts Impact

N/A

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Section 2 (1) will require the department to produce personnel files within 14 calendar days.

To comply with this requirement the department will need two additional FTE on an ongoing basis. This assumes a Forms and Records Analyst 3 and a Human Resources Consultant 1 to perform these duties. The forms and records individual will manage the coordination, communication, and redaction functions while the Human Resources Consultant will be required to access the variety of systems and to collect for distribution. No one system houses these records. On an average year, the department completes about 300 of these requests and we assess two requested FTEs would enable the

Individual State Agency Fiscal Note

department to be able to process up to 300 requests annually. Beyond 300 annually may require additional support, but 300 has been the average for the last two years. This calculation assumes that each request takes approximately 14 hours to produce on average and we receive 300 requests annually. This places the hourly need at just over two FTE's worth of time. The work requires someone to access and gather the records along with an oversight function to ensure the documents meet the requirements and redaction guidelines. The HR position will gather the documents from the various sources (many HR systems) and the Forms and Records position will serve in oversight and coordination of the records with the customer.

For example, the employer keeps most personnel records electronically, but some records that have longer retention schedules are in hardcopy format. Additionally, the requirement to produce payroll, safety, reasonable accommodation, and several other documents that are stored outside of the personnel file in separate systems or locations. These employees are expected to start July 1, 2023, allowing six months for training and familiarization with processes, filing, and legal requirements when responding to a personnel file request.

Section 2 (5) is indeterminate. Section 5 allows former and existing employees financial compensation if their request is not fulfilled within 14-days. While the departments' goal is to fulfill all request in accordance with the proposed revisions, it is likely, especially without additional resources (2 FTE's) that the department will not be able to comply with all requests within the 14-days. The department is unable to estimate how many of those would seek relief because of the departments non-compliance or the resulting costs as attorney fees are a portion of the resulting relief.

Part III: Expenditure Detail

III. A - Expenditures by Object or Purpose

See table above.

Part IV: Capital Budget Impact

N/A

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

N/A

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 406-County Road Administration Board
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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: Drew Woods	Phone: 360-753-5989	Date: 03/07/2023
Agency Approval: Drew Woods	Phone: 360-753-5989	Date: 03/07/2023
OFM Review: Maria Thomas	Phone: (360) 229-4717	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.

CRAB does not anticipate any additional costs associated with the bill requirements for current and past employees to access their personnel records.

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: 407-Transportation Improvement Board
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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: Paul Bitar	Phone: 360-407-8129	Date: 03/09/2023
Agency Approval: Paul Bitar	Phone: 360-407-8129	Date: 03/09/2023
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 03/09/2023

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 agencies to provide a current or former employee's personnel records, within 14 days, to the current or former employee upon request.

For current employees, DES keeps these records, so it would be a matter of communicating the request to DES HR. For former employees, DES transfers personnel records back to its small agency clients, so the agency would be responsible for providing these to the requestor.

This bill is not expected to have a fiscal impact, because personnel file requests would likely occur infrequently. Complying with the bill would involve locating the file or requesting the file from DES, and making copies for the requestor.

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: 410-Transportation Commission
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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: Aaron Halbert	Phone: 360-705-7118	Date: 03/08/2023
Agency Approval: Reema Griffith	Phone: 360-705-7070	Date: 03/08/2023
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 03/08/2023

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.

SSB 1320 would require employers, within 14 calendar days of receiving a written request from an employee, former employee, or their agent or fiduciary, to provide a complete, unredacted copy of their personnel file. 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.

This bill does not require an employer to create personnel records; rather the employer must furnish the records that the employer has already created and included in a personnel file. As such, the Washington State Transportation Commission's (WSTC) foresees no fiscal impact to our agency as a result of this legislation.

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: 411-Freight Mobility Strategic Investment Board
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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: Doug Clouse	Phone: 360-705-7535	Date: 03/10/2023
Agency Approval: Doug Clouse	Phone: 360-705-7535	Date: 03/10/2023
OFM Review: Erik Hansen	Phone: (360) 810-0883	Date: 03/13/2023

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 2(1) requires the board to produce personnel files within 14 calendar days of the request.

Section 2(5) provides the employee, or former employee, the ability to seek relief for any documents that are not produced timely.

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) requires personnel files to be produced within 14 calendar days. All personnel related activities for the Freight Mobility Strategic Investment Board (FMSIB) are managed by the Washington State Department of Transportation (WSDOT). There would be no direct fiscal impact to FMSIB resulting from this section.

Costs associated with section 2(5) are indeterminate. This section allows former and existing employees financial compensation if their request is not fulfilled within 14-days. While WSDOT's goal is to fulfill all requests in accordance with the proposed revisions, it is likely, especially without additional resources that WSDOT will not be able to comply with all requests, including FMSIB's, within the 14-day timeframe. While it is unlikely there would be many individuals that would be seeking this relief from FMSIB, the number and costs associated with them cannot be determined.

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: 460-Columbia River Gorge Commission
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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: Connie Acker	Phone: (509) 493-3323	Date: 03/09/2023
Agency Approval: Connie Acker	Phone: (509) 493-3323	Date: 03/09/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 03/09/2023

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 2(1) requires that within 14 calendar days of a request by an employee, former employee or their attorney, agent or fiduciary, each employer must furnish the requestor a complete copy of the employee's personnel file.

Section 2(4) requires every employer to provide the effective date of discharge within 14 calendar days of a request from a former employee or their attorney, agent or fiduciary.

Section 2(5) allows an employee or former employee to enforce Section 2 through a private cause of action and sets statutory damages for each violation.

The Columbia River Gorge Commission (CRGC) has 8 FTE. It is believed that CRGC would have no fiscal impact relating to these new standards.

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: 461-Department of Ecology
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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: Allen Robbins	Phone: 360-706-3043	Date: 03/13/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 03/13/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 03/14/2023

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.

Under current law, RCW 49.12.250, an employer is required, at least annually, to allow an employee to inspect the employee's own personnel file upon the employee's request. The employer must make the file available locally within a reasonable period of time after the request.

This bill would amend RCW 49.12.250 relating to employer requirements for responding to employee or former employee requests for personnel records.

Section 2(1) specifies that an employer would need to provide an employee's complete personnel file within 14 calendar days of a request from an employee, former employee, or their attorney, agent, or fiduciary. The contents of the file would need to be provided at no cost to the employee or former employee.

Section 2(4) would require 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) would allow employees and former employees to pursue private rights of action for violations of the law, and would establish statutory damages including equitable relief and attorney fees and costs.

Section 2(6) defines personnel file records.

Section 3 would make this act effective January 1, 2024.

This bill would have no new fiscal impact to Ecology.

Under section 2(1), employers would need to provide an employee's complete personnel file within 14 days of a request, at no cost to the employee or former employee. Ecology already provides personnel files to current employees under the civil service rule and collective bargaining agreement within 14 calendar days, at no cost to the employee. Former employees may currently request their personnel file through a public records request, which is typically provided at no cost unless it is a paper copy above a cost threshold. Therefore, Ecology assumes providing the personnel file of a current or former employee at no cost would be similar to current practice and could be accomplished as part of existing duties with no new fiscal impact.

Under section 2(4), employers would need to provide a written statement with the reason for discharge to a former employee within 14 days of a request. Ecology already provides notice with an explanation when an employee is separated. Ecology assumes we would follow guidance developed by the Department of Labor and Industries for the written statement required by this bill. Therefore, Ecology assumes providing this statement to former employees upon request would require minimal new work and could be accomplished as part of existing duties with no new fiscal impact.

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: 462-Pollution Liability Insurance Program
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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: Phi Ly	Phone: 360-407-0517	Date: 03/08/2023
Agency Approval: Russell Olsen	Phone: 360 407-0520	Date: 03/08/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 03/08/2023

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 relates to access to personnel records for employees and former employees.

Section 2 amends RCW 49.12.250 to: require employers to furnish personnel file records to the requesting employee/former employee at no cost and within 14 calendar days of receiving a request; sign a statement listing a discharged employees effective date and the reason for discharge; allow the requesting employee or former employee a private right of action to enforce compliance with the statutory provisions; and provide limited allowable exclusions and redactions for such personnel records requests.

The Pollution Liability Insurance Agency (PLIA) has maintained electronic personnel files for all employees and has always met employee and former employee requests. PLIA currently contracts with Department of Enterprise Services (DES) for Human Resources (HR) services. DES will soon manage all of the agency's HR documents and will coordinate with PLIA to meet the requirements of this legislation. PLIA anticipates no fiscal impact.

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: 463-Energy Facility Site Evaluation Council
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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: Osta Davis	Phone: 360-485-1674	Date: 03/13/2023
Agency Approval: Dave Walker	Phone: 360-664-1345	Date: 03/13/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 03/13/2023

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.

Fiscal impact is negligible and can be absorbed within existing resources. Given EFSEC's small staff size, the average estimated request for personnel records per month would be minimal and have no impact on staff workload.

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: 465-State Parks and Recreation Commission
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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: Melinda Gourley	Phone: (360) 902-8539	Date: 03/07/2023
Agency Approval: Van Church	Phone: (360) 902-8542	Date: 03/07/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	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 broadens the definition of "personnel file" when a current employee or past employee requests a copy of their personnel file. This requirement on agencies will make provisions to provide the requested file within 14 days of the request. In the event that the request is not fulfilled within 14 days, monetary fines can imposed.

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.

None.

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.

While it is unknown how many record requests may be received, State Parks anticipates that postal/shipping, copying, and labor costs would be minimal and absorbed within current funding.

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: 467-Recreation and Conservation Funding Board
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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: Mark Jarasitis	Phone: 360-902-3006	Date: 03/08/2023
Agency Approval: Brock Millierin	Phone: 360-789-4563	Date: 03/08/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 03/08/2023

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 2(1) Requires agencies to supply a personnel file to a requesting employee within 14 days.
- 2(4) Requires agencies to provide a letter to a requesting employee or their lawyer as to the reason they were discharged, within 14 days.
- 2(5) Provides a course of legal action for an employee to enforce this law.
- 2(6) Defines the nature of a personnel file
- 2(7) Clarifies that this section does not alter retention requirements.
- 2(8) Requires documentation of authority for agents or fiduciaries.
- 2(9) Clarifies what different authorities exists for health care employers.
- 2(10) Requires L&I to develop guidance for the covered employers under this act.
- 2(11) Clarifies that this act doesn't supersede a CBA.
- 2(12) Provides definitions of "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.

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: 468-Environmental and Land Use Hearings Office
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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: Dominga Soliz	Phone: 3606649173	Date: 03/09/2023
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 03/09/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 03/09/2023

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 2 – Employers must provide employees and former employees their complete, unredacted personnel files and provide a statement regarding the effective date and reason for termination within 14 days of a request. Employers are liable for violation of the statute, including its existing provisions, for equitable relief, statutory damages, and attorney fees and costs. Employees or former employees do not need to exhaust administrative remedies before filing litigation. The public records act does not apply to requests under the act, except for RCW 42.56.250(6) regarding investigative records.

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.

ELUHO receives Human Resources services from the Department of Enterprise Services (DES) Small Agency Services. DES keeps and maintains Environmental and Land Use Hearings Office (ELUHO) personnel records. ELUHO assumes DES would be responsible, through the small agency services agreement, for providing timely and accurate responses.

It is unclear whether the new area of state liability created under this bill would be covered under the Self-Insurance Liability Program (SILP) or whether ELUHO would be responsible for paying damages and attorney fees/costs out of the agency budget. ELUHO estimates plaintiff attorney fees are estimated at \$400-\$600/hour, based on the ballpark rate commonly paid by the state for plaintiff attorney fees on other matters.

ELUHO assumes increased legal fees to the Attorney General's Office for defending against alleged violations of this act and of the public records act.

The impacts to agencies due to the new area of liability carved out under the act is unclear. ELUHO is a small agency and the likelihood of a high number of lawsuits under the act is low, but it is difficult for ELUHO's small budget to absorb costs associated with the increased liability.

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

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: 471-State Conservation Commission
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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: Karla Heinitz	Phone: 360-878-4666	Date: 03/07/2023
Agency Approval: Ron Shultz	Phone: 360-790-5994	Date: 03/07/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	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.

Sec. 2 requires employers to provide an employee or former employee a complete electronic or paper copy of the employee's unredacted personnel file. Every employer shall furnish within 14 days 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. An employee or former employee may enforce the section of a signed written statement through superior court, for each violation of an employer a former or current employee will be entitled to equitable relief and statutory damages for each violation. Monetary damages can be awarded between \$250 and \$1,000.

A "personnel file" includes:

- All job application records
- All performance evaluations
- All disciplinary records
- All medical, leave, and reasonable accommodation records which an employer should maintain separately from other personnel records for medical privacy
- All payroll records
- All employment agreement; an
- All other records the employer actually included and maintained in a personnel or employment file for the employee

If a public employer receives a request for an employee's or former employee's own personnel file, unless the request specifies that it is made under chapter 42.56 RCW, a public employer must treat the request as made under this section and the request is not subject to the requirements of, or exemptions to, chapter 45.56 RCW. However a public employer must apply the redactions required under RCW 45.56.250(6).

The bill has no fiscal impact on the agency. The agency would use existing resources to provide information on personnel files to employees or former employees.

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: 477-Department of Fish and Wildlife
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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	0.3	0.3	0.3	0.3	0.3
Account					
General Fund-State 001-1	43,000	43,000	86,000	86,000	86,000
Total \$	43,000	43,000	86,000	86,000	86,000

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: Barbara Reichart	Phone: (360) 819-0438	Date: 03/10/2023
Agency Approval: Barbara Reichart	Phone: (360) 819-0438	Date: 03/10/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 03/13/2023

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 2 requires employers to provide a complete, unredacted electronic or paper copy of an employee's personnel file within 14 calendar days of a request by an employee, former employee, or their attorney, agent, or fiduciary. Imposes statutory damages if the file is not provided within specific windows of time. Defines "personnel file." States that the section does not require an employer to create personnel records, only provide current records upon request.

The bill takes effect on 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.

Section 2 will require WDFW to provide a complete, unredacted personnel record within 14 days upon request. The section will increase the time required to pull all the components of the personnel file and ensure completeness. In particular, the inclusion of medical records in the definition of a personnel file will require increased communication with the employee to get authorization to share the record, especially if they are not the requesting party. While the Department currently responds to these requests, the 14-day requirement will require dedicated resources fulfill the request by the deadline.

WDFW currently receives up to 8 requests per fiscal year under this RCW. The Department does not assume an increase in the number of requests due to the legislation. Assuming each record takes 2 weeks to compile, WDFW will require a 0.3 FTE Management Analyst 3 (MA3) to complete each request (8 requests per fiscal year * 2 weeks per request = 16 weeks or 0.3 FTE). The MA3 will be responsible for all communications with the requesting party and employee (if not the requesting party), pulling and reviewing all records, and ensuring that records are handled and transmitted in a confidential manner. Annual salaries and benefits, Objects A & B, are \$30,000.

Finally, WDFW assumes a high risk for litigation in any instance where medical records are shared with requesting parties other than the employee (i.e., medical files given out without a specific request increases the liability of the agency improperly disclosing or violating the confidentiality of medical files of the employee). This fiscal note does not assume litigation costs; however, in the case of litigation against WDFW, there will be costs associated with attorney hours, paralegal hours, and legal assistant hours.

Goods and services, Object E, includes \$6,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 33.5% is included in object T and is calculated based on WDFW's federally approved indirect rate.

Total costs in fiscal year 2024 and ongoing are \$43,000.

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	43,000	43,000	86,000	86,000	86,000
Total \$			43,000	43,000	86,000	86,000	86,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3	0.3	0.3	0.3	0.3
A-Salaries and Wages	21,000	21,000	42,000	42,000	42,000
B-Employee Benefits	9,000	9,000	18,000	18,000	18,000
C-Professional Service Contracts					
E-Goods and Other Services	2,000	2,000	4,000	4,000	4,000
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	11,000	11,000	22,000	22,000	22,000
9-					
Total \$	43,000	43,000	86,000	86,000	86,000

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
MANAGEMENT ANALYST 3		0.3	0.3	0.3	0.3	0.3
Total FTEs		0.3	0.3	0.3	0.3	0.3

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: 478-Puget Sound Partnership
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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: Sheridan Tabor	Phone: 360-706-4955	Date: 03/14/2023
Agency Approval: Sheridan Tabor	Phone: 360-706-4955	Date: 03/14/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 03/14/2023

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.

Sec. 2. Requires employers of past employees to furnished unredacted employee records to former employee or agent requesting on employee's behalf within 14 days of request. The agency is already required to do so.

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: 490-Department of Natural Resources
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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	1.3	1.3	1.3	1.3	1.3
Account					
General Fund-State 001-1	110,100	110,100	220,200	220,200	220,200
Total \$	110,100	110,100	220,200	220,200	220,200

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: Zoe Catron	Phone: 360-902-1121	Date: 03/09/2023
Agency Approval: Nicole Dixon	Phone: 360-902-1155	Date: 03/09/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 03/09/2023

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 (2) specifies that an employer must provide the employee's complete personnel file within 14 calendar days of a request from the employee, former employee, or their attorney, agent, or fiduciary.

An employee or former employee may enforce this section through a private cause of action in superior court, without exhausting any administrative remedies, and for each violation will be entitled to equitable relief, statutory damages, and reasonable attorney fees and costs.

Statutory damages for each violation are: \$250 if the complete file, statement, or redaction log is not provided within 14 days from the due date; • \$500 if the complete file, statement, or redaction log is not provided within 28 days of the due date; • \$1,000 if the complete file, statement, or redaction log is provided later than 28 days from the due date; and • \$500 for any other violations.

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.

To ensure the Department of Natural Resources (DNR) follows the law with specific time frame requirements, and additional 0.75 FTE of a Human Resources Consultant Assistant 2 is needed to process requested information. Currently DNR has manual personnel/payroll filing systems. This position is needed to process manual files in a 14-day time frame to include: documenting the request, retrieving the file (which could include retrieving the file from archives), removing staples, paper clips, and etc, making scans/copies of individual documents, redacting information, and sending to requestor.

Additionally, DNR would require 0.25 FTE of a Fiscal Analyst 1 to process payroll record requests. This data is stored electronically, but would create an increased workload to provide data in the required timeframe.

Total Cost:

FY 24 and ongoing – \$110,100

Goods and services and travel are calculated on actual program averages per person.

Administrative costs are calculated at 31% of staff salary and benefits and staff-related goods and services and travel. For fiscal note purposes, this cost is represented as a Fiscal Analyst 2 position (0.3 FTE).

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	110,100	110,100	220,200	220,200	220,200
Total \$			110,100	110,100	220,200	220,200	220,200

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.3	1.3	1.3	1.3	1.3
A-Salaries and Wages	52,400	52,400	104,800	104,800	104,800
B-Employee Benefits	23,400	23,400	46,800	46,800	46,800
C-Professional Service Contracts					
E-Goods and Other Services	9,900	9,900	19,800	19,800	19,800
G-Travel	100	100	200	200	200
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	24,300	24,300	48,600	48,600	48,600
9-					
Total \$	110,100	110,100	220,200	220,200	220,200

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
Fiscal Analyst 1	50,592	0.3	0.3	0.3	0.3	0.3
Fiscal Analyst 2	55,872	0.3	0.3	0.3	0.3	0.3
Human Resource Consultant Assistant 2	53,100	0.8	0.8	0.8	0.8	0.8
Total FTEs		1.3	1.3	1.3	1.3	1.3

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: 495-Department of Agriculture
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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: Hannah Flournoy	Phone: (360) 902-1809	Date: 03/10/2023
Agency Approval: Nicholas Johnson	Phone: (360) 902-2055	Date: 03/10/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 03/10/2023

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 access to personnel records.

Sec. 2 of this bill amends the employee personnel records access provisions of the industrial welfare law (chapter 49.12 RCW) by:

- Specifying requests for employee personnel files made by an employee, former employee, or their attorney, agent, or fiduciary must be fulfilled within 14 calendar days.
- Requiring employers, within 14 calendar days of receiving a written request from a former employee, or their attorney, agent, or fiduciary, 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.
- Providing employees or former employees the ability to enforce this law through a private cause of action in superior court, without exhausting any administrative remedies, and for each violation equitable relief, statutory damages, and reasonable attorney fees and costs (monetary penalties for employer violations are specified in the bill).
- Identifying what the contents of a “personnel file” include.
- Requiring agents and fiduciaries provide documentation evidencing their legal authority to represent the employee or former employee at the time of any request.
- Requiring public employers to treat a request made under this bill as exempt from the Public Records Act (chapter 42.56 RCW) with the exception of applying redactions related to investigative records compiled in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency’s internal policies prohibiting discrimination or harassment in employment.
- Putting the burden of proof on public employers that the employer redacted information as required and subjects public employers to liability for bad faith redactions.

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.

The WSDA will incur costs related to staff time for responding to requests for personnel files and also responding to requests to furnish a signed written statement to a former employee stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons. Any costs incurred can be absorbed by existing resources.

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: 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.

Individual State Agency Fiscal Note

Bill Number: 1320 2S HB	Title: Personnel records	Agency: 699-Community and Technica College System
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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
Account					
General Fund-State 001-1	592,000	1,183,000	1,775,000	2,366,000	2,366,000
Total \$	592,000	1,183,000	1,775,000	2,366,000	2,366,000

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: Brian Myhre	Phone: 360-704-4413	Date: 03/08/2023
Agency Approval: Cherie Berthon	Phone: 360-704-1023	Date: 03/08/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/13/2023

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 seeks to modify and clarify certain laws and administrative requirements relating to the access of personnel files.

SECTION 2

Upon the request by a current or former employee, or their attorney, agent or fiduciary, an employer would be required to furnish a complete, unredacted electronic or paper copy of the employee's personnel file within 14 calendar days at no cost to the employee.

Within 14 calendar days of receiving a written request from a former employee, or their attorney, agent, or fiduciary, an employer would be required to furnish a signed written statement that state the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons.

An employee or former employee can enforce the requirements of the bill through a private cause of action in superior court, without exhausting any administrative remedies, and each violation will be entitled to equitable relief, statutory damages, and reasonable attorney fees and costs.

An employer that is a health care provider may redact patient information before sending the copy of the personnel file only to the extent required by the federal Health Insurance Portability and Accountability Act of 1996 (HIPPA). Within 14 calendar days after furnishing the file, such employer must identify what information is redacted and the specific provision of the HIPPA requiring the redaction.

Postsecondary educational institutions must redact from an employee's personnel file or employment records any personal identifying information of complainants and witnesses from any substantiated findings of sexual misconduct committed by the employee.

"Personnel file" includes the following records:

- (a) All job application records;
- (b) All performance evaluations;
- (c) All disciplinary records;
- (d) All medical, leave, and reasonable accommodation records;
- (e) All payroll records;
- (f) All employment agreements;
- (g) All other records the employer actually maintained in a personnel or employment file for that employee, however designated.

Parties subject to a collective bargaining agreement are not required to reopen negotiations of the agreement, or to apply any of the rights and responsibilities in the bill, until the existing agreement is reopened or renegotiated by the parties or expires.

The bill would take effect 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.

No cash receipts impact.

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.

Requirements in the bill would have the following expenditure impact.

Upon the request by a current or former employee, section 2 of the bill would require an employer to furnish a complete, unredacted electronic or paper copy of the employee’s personnel file within 14 calendar days at no cost to the employee.

The definition of “personnel file”, as used in the bill, is more expansive than what is commonly considered to be a personnel file. This will mean records not usually in a personnel file will have to be located and collected to make a complete personnel file as defined in the bill. In addition, postsecondary educational institutions must redact personal identifying information of a complainant and witnesses from any substantiated findings of sexual misconduct and redact certain information related to employer investigative records that are exempt from public records requests.

Additional staff will be required to accomplish the requirements of the bill within the 14 day time frame. It is estimated to take 0.4 FTE Human Resource Consultant 3 (\$87,000 Salary and Benefits) per college on average.

0.4 FTE X \$87,000 X 34 colleges = \$1,183,000 annually

Since the bill would take effect on January 1, 2024 (FY24), cost for the first fiscal year would be half that in ensuing years.

FY24 = \$592,000

FY25 = \$1,183,000 onward

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	592,000	1,183,000	1,775,000	2,366,000	2,366,000
Total \$			592,000	1,183,000	1,775,000	2,366,000	2,366,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages	442,000	884,000	1,326,000	1,768,000	1,768,000
B-Employee Benefits	150,000	299,000	449,000	598,000	598,000
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 \$	592,000	1,183,000	1,775,000	2,366,000	2,366,000

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.

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: SDF-School District Fiscal Note - SPI
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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: Troy Klein	Phone: 360 725-6294	Date: 03/15/2023
Agency Approval: Amy Kollar	Phone: 360 725-6420	Date: 03/15/2023
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 03/15/2023

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 changes from SHB 1320:

Section 2(9)(b) of the bill adds language that a public employer must apply redactions that are required under RCW 42.56.250(6), 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.

Section 2(9)(c) of the bill is added and 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.

Section 2(11) of the bill is inserted and 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.

Section 1 of the bill is an intent section.

Section 2(1) of the bill 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) of the bill 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) of the bill 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.

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.

This bill would have no cash receipt impact on school districts.

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.

School district expenditure impact:

This bill would have an indeterminate expenditure impact on school districts. The Office of the Superintendent of Public Instruction assumes that districts and schools already have policies and procedures in place that would address providing an unredacted copy of an employee or former employee's personnel file(s) available to them, and for furnishing 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. The bill requires that there is a mandatory 14-day time period in which to do that, and OSPI does not know how many districts and schools would be able to comply with this requirement without the need for additional staffing resources, and also does not know the level of additional staffing resources that would be needed. OSPI also does not know how many employees and former employees would pursue private rights of action for violations of the bill and seek statutory damages including equitable relief and attorney fees and costs.

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

This bill would have no capital expenditure impact on school districts.

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: 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.