

Multiple Agency Fiscal Note Summary

Bill Number: 5924 SB	Title: Personnel Records
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Estimated Cash Receipts

NONE

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	Fiscal note not available					
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Financial Institutions	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Commerce	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Economic and Revenue Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Financial Management	Fiscal note not available											
Washington State Health Care Authority	Fiscal note not available											
Office of Administrative Hearings	Fiscal note not available											
State Lottery	.0	0	0	0	.0	0	0	0	.0	0	0	0
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Investment Board	Fiscal note not available											

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	Fiscal note not available											
Consolidated Technology Services	Fiscal note not available											
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	Fiscal note not available											
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	Fiscal note not available											
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	.0	0	0	0	.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	Fiscal note not available											
Department of Health	1.3	273,000	273,000	273,000	2.0	434,000	434,000	434,000	2.0	434,000	434,000	434,000
Department of Veterans Affairs	Fiscal note not available											
Department of Children, Youth, and Families	Fiscal note not available											
Department of Corrections	Fiscal note not available											
Department of Services for the Blind	.0	0	0	0	.0	0	0	0	.0	0	0	0
Student Achievement Council	Fiscal note not available											
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	Fiscal note not available											
Department of Archaeology and Historic Preservation	.0	0	0	0	.0	0	0	0	.0	0	0	0
University of Washington	Fiscal note not available											
Washington State University	Fiscal note not available											
Eastern Washington University	Fiscal note not available											
Central Washington University	Fiscal note not available											
The Evergreen State College	Fiscal note not available											
Western Washington University	Fiscal note not available											
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	Fiscal note not available											

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	Fiscal note not available											
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Conservation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.2	46,000	46,000	46,000	.3	92,000	92,000	92,000	.3	92,000	92,000	92,000
Puget Sound Partnership	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	Fiscal note not available											
Department of Agriculture	.0	0	0	0	.0	0	0	0	.0	0	0	0
Employment Security Department	.3	0	0	63,534	.5	0	0	127,068	.5	0	0	127,068
Community and Technical College System	Fiscal note not available											
SWF Statewide Fiscal Note - OFM	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	1.8	319,000	319,000	382,534	2.8	526,000	526,000	653,068	2.8	526,000	526,000	653,068

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Total									
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI	Fiscal note not available								
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								

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	.0	0	0	.0	0	0	.0	0	0
Economic and Revenue Forecast Council	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	Fiscal note not available								
Washington State Health Care Authority	Fiscal note not available								
Office of Administrative Hearings	Fiscal note not available								
State Lottery	.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	Fiscal note not available								
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	Fiscal note not available								
Consolidated Technology Services	Fiscal note not available								
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	Fiscal note not available								
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	Fiscal note not available								
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	Fiscal note not available								
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Veterans Affairs	Fiscal note not available								
Department of Children, Youth, and Families	Fiscal note not available								
Department of Corrections	Fiscal note not available								
Department of Services for the Blind	.0	0	0	.0	0	0	.0	0	0
Student Achievement Council	Fiscal note not available								

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	Fiscal note not available								
Department of Archaeology and Historic Preservation	.0	0	0	.0	0	0	.0	0	0
University of Washington	Fiscal note not available								
Washington State University	Fiscal note not available								
Eastern Washington University	Fiscal note not available								
Central Washington University	Fiscal note not available								
The Evergreen State College	Fiscal note not available								
Western Washington University	Fiscal note not available								
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	Fiscal note not available								
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	Fiscal note not available								
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	Fiscal note not available								
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	Fiscal note not available								
SWF Statewide Fiscal Note - OFM	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI	Fiscal note not available								
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Anna Minor, OFM	Phone: (360) 790-2951	Date Published: Preliminary 1/ 9/2024
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Judicial Impact Fiscal Note

Bill Number: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/04/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/04/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/08/2024

188,646.00

Request # 009-1

Form FN (Rev 1/00)

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Bill # 5924 SB

Part II: Narrative Explanation

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

The bill would require employers to allow requesting employees or former employees to inspect their own personnel file annually. The bill outlines requirements on the employer and provides for a private Superior Court cause of action to enforce the requirements and for damages.

II. B - Cash Receipts Impact

None

II. C - Expenditures

None

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

None

Individual State Agency Fiscal Note

Bill Number: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/04/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/04/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/08/2024

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.

Employers must provide a complete, unredacted electronic or paper copy of the personnel file at no cost within 14 business days of receiving a written, and a signed written statement stating the effective date of discharge and whether the employer has a reason for the discharge.

Every employer shall, at least annually, upon the request of an employee, permit that employee to inspect any or all job application records, performance evaluations, disciplinary records, medical, leave, reasonable accommodation, payroll, employment agreements, and all other records contained in the file within 21 calendar days after the file is requested.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Gwen McClanahan	Phone: 3604078132	Date: 01/02/2024
Agency Approval: Gwen McClanahan	Phone: 3604078132	Date: 01/02/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/08/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Office of the Lieutenant Governor (LTGOV) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active LTGOV employees. It is assumed any requests under this legislation for active staff would be managed by DES. LTGOV would provide files for previously separated staff. Due to the small number of staff at LTGOV, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Seth Flory	Phone: 3604078165	Date: 01/04/2024
Agency Approval: Seth Flory	Phone: 3604078165	Date: 01/04/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/04/2024

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 21 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 allows legal recourse and provides for penalties in the event of non-compliance.

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. Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Seth Flory	Phone: 3604078165	Date: 01/03/2024
Agency Approval: Seth Flory	Phone: 3604078165	Date: 01/03/2024
OFM Review: Brian Fechter	Phone: (360) 688-4225	Date: 01/04/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Washington State Leadership Board (WSLB) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active WSLB employees. It is assumed any requests under this legislation for active staff would be managed by DES. WSLB would provide files for previously separated staff. Due to the small number of staff at WSLB, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis."

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Mike Woods	Phone: (360) 704-5215	Date: 01/08/2024
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 01/08/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/08/2024

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, an employee annually may petition that the employer review all information in the employee’s personnel file(s) that are regularly maintained by the employer as a part of his/her business records or are subject to reference information given to persons outside of the office.

Section 2(1) requires that the employer has 21 calendar days to provide personnel records requested by an employee, former employee, or their designee at no cost to the requester.

Section 3 sets fines for violating the 21 calendar day requirement.

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 expected to be minimal) fiscal impact to the Office of the Secretary of State (OSOS).

Without knowing how many employees would request personnel files, OSOS cannot determine if the future demand overburdens the current HR staffing. All current requests for personnel files are prioritized among HR priorities of work and then provided to the employee in a reasonable time period, sometime 30 days after the request. Enacting this bill in its current form would change HR’s daily prioritization.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Seth Flory	Phone: 360-407-8165	Date: 01/04/2024
Agency Approval: Seth Flory	Phone: 360-407-8165	Date: 01/04/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/04/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Governor's Office of Indian Affairs (GOIA) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active GOIA employees. It is assumed any requests under this legislation for active staff would be managed by DES. GOIA would provide files for previously separated staff. Due to the small number of staff at GOIA, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Gwen McClanahan	Phone: 3604078132	Date: 01/02/2024
Agency Approval: Gwen McClanahan	Phone: 3604078132	Date: 01/02/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/03/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Commission on Pacific American Affairs (CAPAA) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active CAPAA employees. It is assumed any requests under this legislation for active staff would be managed by DES. CAPAA would provide files for previously separated staff. Due to the small number of staff at CAPAA, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Dan Mason	Phone: (360) 902-8990	Date: 01/02/2024
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 01/02/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/03/2024

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.

SB 5924 requires employers to furnish employees, former employees, or their designee, the employee’s personnel file at no cost to the employee, former employee, or their designee.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Charleen Patten	Phone: 564-999-0941	Date: 01/04/2024
Agency Approval: Janel Roper	Phone: 564-999-0820	Date: 01/04/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/04/2024

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. (1) Directs every employer, at least annually, to permit the employee to inspect any or all of their own personnel file(s).

Section 2 (1) Requires that requests made to inspect a personnel file to be provided within 21 calendar days from the request at no cost to the employee, former employee , or their designees.

Section 2 (4) Requires that a signed written statement be furnished to the former employee or their designee stating the effective date of discharge and reasons of discharge, if the employer had reason, within 21 calendar days of receiving a written request from a former employee or their designee.

Section 3 (2) (a-d) Sets the statutory damages for each violation.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Dan Jensen	Phone: 360-664-9429	Date: 01/05/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/05/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/08/2024

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 applies to both government and private employers. With respect to state agencies it provides:

- 1) An agency shall provide an employee with a copy of their personnel file within 21 calendar days of being requested at no cost.
- 2) An agency shall provide a former employee with the date of discharge and reasons for discharge within 21 calendar days of being requested. A former employee is one who separated within three years of the date of the request.
- 3) An employee or former employee has a private right of action, after providing a five day notice to the agency, to enforce these and "other" provisions and is entitled to equitable relief, attorney fees and costs, and statutory damages that range from \$250 to \$1,000 per violation.

The Attorney General’s Office (AGO), Labor and Personnel Division (LPD) and Human Resources Division (HRO) reviewed this bill and determined it will not significantly increase or decrease the divisions’ workloads. The enactment of this bill will not impact the provision of legal services to agency clients because it is anticipated that it will result in 89 or fewer hours of legal work. State agencies already have an obligation to make personnel records available to their employees through civil service law and union contracts, some of which require production in a shorter time frame than required by this bill. State agencies also inform employees of their date of discharge and are able, occasionally with legal advice, to inform employees of the reason for discharge. In the unusual circumstance that an agency was not in compliance, the agency would be provided notice prior to a lawsuit being filed and would have the opportunity to rectify the situation and avoid a lawsuit and reduce a protracted dispute. LPD would most likely handle such compliance lawsuits. While it is difficult to know, at this time we do not expect a need for legal representation and advice more than a few times a year. Therefore, no costs are 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: 5924 SB	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:

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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Erik Cornellier	Phone: 360-664-9375	Date: 01/04/2024
Agency Approval: Erik Cornellier	Phone: 360-664-9375	Date: 01/04/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/04/2024

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 personnel file as defined by the bill within 21 calendar days of a request from the employee, former employee, or their designee.

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 within 21 calendar days.

Creates a private cause of action with statutory damages.

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

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Cale Zimmerman	Phone: (360) 902-0507	Date: 01/05/2024
Agency Approval: Emily Fitzgerald	Phone: (360) 902-8780	Date: 01/05/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/05/2024

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 personnel records from the employee's files upon request. This version of the bill requires the employer to provide the requested personnel files to the employee or former employee within 21 calendar days. This version of the bill also extends rights for the employee, or former employee, including retaining rights to request personnel files for 3 years after separation. This version also has a section that if the employee or former employee intends to sue employer, they must provide a reference that they have the right to bring legal action under Washington state law. 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: 5924 SB	Title: Personnel Records	Agency: 103-Department of Commerce
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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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Corrina McElfish	Phone: (360) 725-4013	Date: 01/09/2024
Agency Approval: Gwen Stamey	Phone: (360) 790-1166	Date: 01/09/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/09/2024

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 amends RCW 49.12.240 Employee inspection of personnel file by adding two new subsections.

Section 1(2)(a) through (g) - defines “personnel file” for the purpose of this section.

Section 1(3) clarifies this section is not to be construed to create a retention schedule for these records.

Section 2 amends RCW 49.12.250 Employee inspection of personnel file—Erroneous or disputed information by modifying subsection (1) and adding two new subsections (4) and (5).

Section 2(1) adds a new requirement that each employer shall provide a copy of a current or former employee’s personnel file to them or their designee within 21 calendar days after the employee, former employee, or their designee requests the file and at no cost.

Section 2(4) adds a new requirement for employers to furnish a written statement to the former employee or their designee, upon request, stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons for the discharge. The employer must send a written statement to the former employee or their designee within 21 calendar days of receiving their written request.

Section 2(5) defines “former employee” for the purpose of this section as “a person who separated from the employer within three years of the date of the person’s request.”

Section 3 adds a new section to RCW 49.12 allowing current and former employees to enforce RCW 42.12.240 through 49.12.260 through private cause of action in superior court if the agency isn’t able to meet the timeframe for providing copies of the personnel file or written statement required under RCW 49.12.250 (4). The employee will be entitled to “equitable relief,” statutory damages ranging from \$250 up to \$1,500 and “reasonable attorney’s fees and costs” for each violation.

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.

Costs associated with this legislation are indeterminate.

General Assumptions

- This analysis is only in reference to an employee’s official personnel file maintained by the Department of Commerce (department) Human Resources (HR) Office as referenced in section 1 of the bill. This is important as there are other files and systems of record that contain documents mentioned in section 1 of the bill, subsection (2) (a)-(g), including the online recruitment system, NEOGOV-(a), hiring manager’s recruitment file-(a), supervisor files for current employees-(b) & (c), the employee’s medical file-(d), and the employee’s payroll file-(e). If there are any settlement agreements between the department and a current or former employee-(f), these agreements typically aren’t retained in their personnel file.

- The term “discharge” used in RCW 49.12.250 is assumed to mean separation from state service by the employer and doesn’t include an employee’s voluntary separation from service via notice of resignation or retirement. There are many types of employer-initiated separations including disciplinary dismissal, involuntary disability separation, probationary separation, layoff, end of a non-permanent appointment, etc.
- The term “former employee” used in RCW 49.12.250 means any employee who has left state service within the last three years, counting backward from the date of the written request to the employee’s separation date.

Section 1(1) The FTE workload is indeterminate. If the department begins to receive a higher volume of requests from current and former employees for copies of their personnel file, it could create an added cost and increased HR staff workload.

Section 2(1) of the bill, the new language “...provide such personnel file...” implies the requirement that the agency provide a copy of the personnel file upon request and at no charge. It does not appear that there is a limit to the number of times a current or former employee can request a copy of their personnel file.

There are not data sources available to estimate the number of requests; if an employee asked the department for a copy of their file monthly, this would create costs to the department if hard copies are provided (copier cost) and an additional workload for current HR staff. If hard copies of an employee’s personnel file were provided through the Public Records Act, the estimated cost using an average size of a one-inch-thick file of 218 pages, at \$0.15 per page copy fee plus approximately \$10.00 first class postage if mailed through USPS, would be about \$42.70 per file.

Section 2(4) adds a new requirement for employers to draft a written response to a former employee stating effective date of discharge, whether the agency had a reason for the discharge and, if so, what the reason(s) are. The department's assumption is that this new requirement would add to the workload of current HR staff, though the impact cannot be determined at this time.

Section 3 subjects the department to potential legal action with statutory damages ranging from \$250 up to \$1,500, attorney’s fees and “equitable relief” for each violation if the agency isn’t able to meet the timeframe for providing copies of the personnel file or written statement required under RCW 49.12.250 (4). It would be difficult for the department to estimate the cost of attorney’s fees and “equitable relief”.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Seth Flory	Phone: (360) 407-8165	Date: 01/02/2024
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 01/02/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/03/2024

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.

Senate Bill 5924 would require agencies to provide current and former employees a copy of their personnel records within 21 calendar days of request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

The Department of Enterprise Services (DES) provides HR Services to the Economic and Revenue Forecast Council (ERFC) and maintains personnel files. DES would take on the responsibility of meeting records requests and performing reviews.

This bill is not expected to have a fiscal impact, as personnel file requests would be handled by DES. If issues regarding personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	Title: Personnel Records	Agency: 116-State Lottery
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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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: John Iyall	Phone: 360-810-2870	Date: 01/04/2024
Agency Approval: Josh Johnston	Phone: 360-810-2878	Date: 01/04/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/04/2024

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.

There is no fiscal impact to the Lottery.

- Section 1 amends RCW 49.12.240 to define “personnel file.”
- Section 2 amends RCW 49.12.250 to require an employer to provide a copy of a personnel file within 21 calendar days after a request from the employee, former employee, or their designee; grant a former employee these rights for three years after discharge; and require an employer to provide certain discharge information to a former employee within 21 calendar days of receiving a request.
- Section 3 creates a new section to chapter 42.12 RCW that describes the penalties for violations of this act.

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 16 business 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 due dates. The Lottery anticipates as much as 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

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Kriscinda Hansen	Phone: 360-486-3489	Date: 01/05/2024
Agency Approval: Kriscinda Hansen	Phone: 360-486-3489	Date: 01/05/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/08/2024

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 provide employees and former employees or their designee their personnel file within 21 calendar days of the request.

Section 2(4) requires employers to provide to former employees or their agent, within 21 calendar days of receiving a written request from a former employee or their designee, furnish 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 3 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 3 also provides specific monetary damages: \$250 if the complete file or statement in Section 2(4) is not provided within 21 calendar days of the due date, \$500 if not provided within 28 calendar days, \$1,000 if provided later than 35 calendar days, and \$500 for any other violations.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Gwen McClanahan	Phone: (360) 407-8132	Date: 01/02/2024
Agency Approval: Gwen McClanahan	Phone: (360) 407-8132	Date: 01/02/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/03/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Commission on Hispanic Affairs (CHA) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active CHA employees. It is assumed any requests under this legislation for active staff would be managed by DES. CHA would provide files for previously separated staff. Due to the small number of staff at CHA, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Gwen McClanahan	Phone: (360) 407-8132	Date: 01/02/2024
Agency Approval: Gwen McClanahan	Phone: (360) 407-8132	Date: 01/02/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/03/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Commission on African-American Affairs (CAA) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active CAA employees. It is assumed any requests under this legislation for active staff would be managed by DES. CAA would provide files for previously separated staff. Due to the small number of staff at CAA, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Diann Lewallen	Phone: 360-407-8121	Date: 01/02/2024
Agency Approval: Justinian Cariasini	Phone: (360) 753-4837	Date: 01/02/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/03/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

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. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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:

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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Chris Johansen	Phone: 360-664-7065	Date: 01/02/2024
Agency Approval: Tracy Guerin	Phone: 360-664-7312	Date: 01/02/2024
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 01/08/2024

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. 1 of the bill amends RCW 49.12.240 to identify what a “personnel file” includes.

Sec. 2 amends RCW 49.12.250 to change the timeframe by which an employer shall provide (not make available locally) a personnel file to a current employee, former employee or their designee from within “a reasonable period of time” to within 21 calendar days after request. It also provides a requirement to provide a former employee with a signed written statement.

Sec. 3 adds a new section to 49.12 RCW that allows an employee to enforce these sections through a private cause of action in superior court and provides statutory damages.

These changes are not anticipated to have a fiscal impact on the department. Requests to view personnel files have historically been infrequent, and the proposed changes shouldn’t measurably increase the frequency of such requests, nor the time required to respond.

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: 5924 SB	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: Susan Jones	Phone: (360) 786-7404	Date: 12/31/2023
Agency Preparation: Erin Valz	Phone: (360) 534-1522	Date: 01/08/2024
Agency Approval: Marianne McIntosh	Phone: (360) 534-1505	Date: 01/08/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/08/2024

Request # 5924-1-1

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 to view their personnel files at least annually. The employer shall determine if there is any irrelevant or erroneous information in the file(s) and may remove all such information from the file(s).

PROPOSAL:

This bill does the following:

- Specifies that when requested by an employee, an employer must provide the employee's personnel file free of charge within 21 calendar days of a request from the employee, former employee, or their designee. Personnel file is defined to include:
 - All job application records.
 - All performance evaluations.
 - All disciplinary records.
 - All medical, leave, and reasonable accommodation records.
 - All payroll records.
 - All employment agreements.
 - All other records contained in the file.
- An employee or former employee may initiate a private cause of action to enforce the requirements.
- Requires certain employers to redact specific information before providing personnel files.
- Requires an employer to provide to a former employee or their designee, within 21 calendar days upon receiving a written request, a statement of the employee's discharge date and reasons, if any, for the discharge.

Provides a definition for "former employee," which means a person who separated from the employer within three years of the date of the person's request.

EFFECTIVE DATE:

The bill takes effect 90 days after the final adjournment of the session.

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 on 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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Gwen McClanahan	Phone: 3604078132	Date: 01/03/2024
Agency Approval: Gwen McClanahan	Phone: 3604078132	Date: 01/03/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/03/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

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 personnel files for active BTA employees. It is assumed any requests under this legislation for active staff would be managed by DES. BTA would provide files for previously separated staff. Due to the small number of staff at BTA, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Gwen McClanahan	Phone: 3604078132	Date: 01/03/2024
Agency Approval: Gwen McClanahan	Phone: 3604078132	Date: 01/03/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/04/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Office of Minority and Women's Business Enterprises (OMWBE) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active OMWBE employees. It is assumed any requests under this legislation for active staff would be managed by DES. OMWBE would provide files for previously separated staff. Due to the small number of staff at OMWBE, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Daniel Page	Phone: 206-287-4476	Date: 01/04/2024
Agency Approval: Lucas Loranger	Phone: 206-254-5368	Date: 01/04/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/05/2024

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Diann Lewallen	Phone: (360) 407-8121	Date: 01/05/2024
Agency Approval: Diann Lewallen	Phone: (360) 407-8121	Date: 01/05/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/05/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Board of Accountancy (ACB) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active ACB employees. It is assumed any requests under this legislation for active staff would be managed by DES. ACB would provide files for previously separated staff. Due to the small number of staff at ACB, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Seth Flory	Phone: (360) 407-8165	Date: 01/04/2024
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 01/04/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/04/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Board of Registration for Prof. Engineers & Land Surveyors (BORPELS) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active BORPELS employees. It is assumed any requests under this legislation for active staff would be managed by DES. BORPELS would provide files for previously separated staff. Due to the small number of staff at BORPELS, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis."

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Diann Lewallen	Phone: 360-407-8121	Date: 01/04/2024
Agency Approval: Diann Lewallen	Phone: 360-407-8121	Date: 01/04/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/04/2024

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.

Senate Bill 5924 would require agencies to provide current and former employees a copy of their personnel records within 21 days of being requested.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Julie McVey	Phone: (360) 407-9334	Date: 01/04/2024
Agency Approval: Jessica Goodwin	Phone: (360) 819-3719	Date: 01/04/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/08/2024

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 49.12.240 and RCW 49.12.250

Section 1 identifies the purpose of this bill is to modify and clarify certain current laws and administrative requirements relating to personnel files. Additionally, it defines what records are included in the term “personnel file”.

Section 2 (1) states that employers must provide an employee, former employee, or their designee a complete, unredacted electronic copy of their personnel file within 21 calendar days of the request, at no cost.

Section 2 (4) adds that within 21 calendar 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) defines the term “former employee” as a person who separated from the employer within three years of the date of the persons’ request.

Section 3 is a new section that describes the process of reporting a violation and the penalties associated.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Seth Flory	Phone: (360) 407-8165	Date: 01/04/2024
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 01/04/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/04/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Washington Horse Racing Commission (WHRC) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active WHRC employees. It is assumed any requests under this legislation for active staff would be managed by DES. WHRC would provide files for previously separated staff. Due to the small number of staff at WHRC, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis."

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Colin O'Neill	Phone: (360) 664-4552	Date: 01/02/2024
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 01/02/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/08/2024

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 allow an employee to inspect their own personnel file. The employer must make the file available within 21 calendar days after the employee (or former employee or their designee) requests the file, and at no cost to the requestor.

Every employer must within 21 calendar days of receiving a written request from a former employee or designee, furnish a signed written statement 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 be entitled to equitable relief, statutory damages, and reasonable attorney’s fees and costs:

For each violation:

- \$250 if the complete personnel file or statement required is not provided within 21 calendar days
- \$500 if the complete personnel file or statement required is not provided within 28 calendar days
- \$1,000 if the complete personnel file or statement required is provided later than 35 calendar days
- \$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.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Flory Seth	Phone: 360-407-8165	Date: 01/04/2024
Agency Approval: Flory Seth	Phone: 360-407-8165	Date: 01/04/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/04/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Board of Pilotage (BOP) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active BOP employees. It is assumed any requests under this legislation for active staff would be managed by DES. BOP would provide files for previously separated staff. Due to the small number of staff at BOP, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Kim Anderson	Phone: 360-664-1153	Date: 01/05/2024
Agency Approval: Kim Anderson	Phone: 360-664-1153	Date: 01/05/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/05/2024

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.

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

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.

Existing statutory requirements require records retention of employee personnel file which includes a record of the name, address, and occupation of each employee, dates of employment, rate or rates of pay, amount paid each pay period to each such employee, and the hours worked. Additionally, existing requirements state that within ten business days of receiving a written request by a former employee, the commission would be required to produce a signed written statement stating the reasons for and effective date of discharge. The change proposed in statute would extend the number of calendar days for an employee or their designee to request a written statement regarding the reason for the discharge. The extension of time to request the statement nor the addition of allowing a designee of the employee to make the request have a material effect on the commission’s work associated with complying with existing statutes in this area.

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.

None.

Individual State Agency Fiscal Note

Bill Number: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Megan Given	Phone: 360-596-4049	Date: 01/04/2024
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/04/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/05/2024

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 1(2) identifies the records that are considered part of the personnel file.

Section 2(1) requires an employer to provide an employee's complete, unredacted personnel file within 16 calendar days of the request from the employee, former employee, or their designee.

Section 2(4) requires an employer to provide a written statement of the employee's discharge date and reasons, if any, within 16 calendar days of the request from the former employee, or their designee. "Former employee" is defined as someone separated from the employer within three years of the date of the person's request per section 2(5).

New Section 3 creates a private cause of action with statutory damages.

New Section 3(1)(b) requires the former employee to give five calendar days' notice to the employer of their intent to sue.

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 \$1,060 - \$4,259 per personnel file. If we assume 10 requests per month, the costs could be as high as approximately \$511K per fiscal year. Alternatively, we could establish a centralized system for personnel records that would significantly reduce the time required to provide the requested records. Based on vendor quotes, the expected cost to establish and operate a centralized system would be \$620K in the first year and \$370K ongoing.

We may also be subject to statutory damages if we cannot meet the 16-calendar day turnaround, as well as other applicable fines that the employee could be entitled to. We are unable to determine these potential costs, but the likelihood of incurring them would be significantly reduced with a centralized system.

We base estimated salary expenditures on current levels for the positions requested per published salary schedules, plus any applicable incentive or assignment pay or known statewide pay increases. We compute estimated benefits expenditures based on federal or state mandated rates plus state provided amounts for health insurance and workers' compensation insurance. We assume that any increases in these rates or amounts will be covered by legislation establishing the increase.

We base our estimate for agency indirect costs on the approved federal indirect cost rate of 33.41 percent. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

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

Revised

Bill Number: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Mark McKechnie	Phone: 3607259889	Date: 01/04/2024
Agency Approval: Mark McKechnie	Phone: 3607259889	Date: 01/04/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/09/2024

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.

AN ACT Relating to access to personnel records; amending RCW 49.12.240 and 49.12.250; adding a new section to chapter 49.12 RCW; and prescribing penalties.

Due to the small number of staff at WTSC, it is assumed requests under this legislation would be infrequent, and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

Sec. 1. Defines personnel file. No fiscal impact.

Sec. 2. Requires employer to provide personnel file within 21 calendar days upon request of employee, former, employee, or their representative. Former employee means someone who separated from employment within 3 years of the request. No additional 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.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/04/2024
Agency Approval: Jamie Langford	Phone: (360) 902-0422	Date: 01/04/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/08/2024

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.

Employers must provide a complete, unredacted electronic or paper copy of the personnel file at no cost within 14 business days of receiving a written, and a signed written statement stating the effective date of discharge and whether the employer has a reason for the discharge.

Every employer shall, at least annually, upon the request of an employee, permit that employee to inspect any or all job application records, performance evaluations, disciplinary records, medical, leave, reasonable accommodation, payroll, employment agreements, and all other records contained in the file within 21 calendar days after the file is requested.

The services impacted by this legislation are provided to the Office of Independent Investigations 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: 5924 SB	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:

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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Rachel Reed	Phone: 360-902-4552	Date: 01/05/2024
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 01/05/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/05/2024

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 creates new employer requirements for responding to employee or former employee requests for their personnel files, responding to former employee requests for statements regarding their discharge, and allowing employees and former employees to pursue private rights of action for violations of the law and establishes statutory damages.

Section 2(1) adds to RCW 49.12.250 and 1985 c 336 s 2 by providing a new time frame (21 calendar days) that the employer must provide the requested personnel file(s) at no cost to an employee, former employee, or their designee.

Section 2(4) adds a provision requiring employers to, within 21 calendar days of receiving a written request from a former employee or their designee, furnish a signed written statement to the former employee or their designee stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons.

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.

Receivables – Operating

This bill allows an employee or former employee to enforce RCW 49.12.240 through 49.12.260 through private cause 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

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.

Enforcement of the bill is through private right of action. L&I does not have any enforcement or notification obligations. The proposed bill does not have fiscal impact for L&I.

L&I as an Employer

For the agency as an employer, all personnel files are currently maintained electronically and could be provided within the requested timeframe. L&I anticipates that the requirements of this bill could be incorporated into normal business operations at little to no cost, including the 21 calendar day turnaround time for providing employee and former employee personnel files and discharge statements.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Deb Williams	Phone: 360-902-0015	Date: 01/03/2024
Agency Approval: Collin Ashley	Phone: (564) 669-9190	Date: 01/03/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/03/2024

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.

There is no fiscal impact to Department of Licensing (DOL). Sections 2 (1) and 2 (4) are applicable to DOL. The twenty-one-calendar day provision, to provide the employee’s personnel record, is within current operating standards for the department.

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: SB 5924

Bill Title: Access to Personnel Records

Part 1: Estimates

☒ **No Fiscal Impact**

Estimated Cash Receipts:

None

Estimated Expenditures:

None

The revenue 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 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: Susan Jones	Phone: (360) 786-7404	Date: 1/3/2024
Agency Preparation: Deborah Williams	Phone: (360) 634-5083	Date: 1/3/2024
Agency Approval: Collin Ashley	Phone: (360) 634-5384	Date: 1/3/2024

Request #	1
Bill #	5924 SB

Part 2 – Explanation

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

There is no fiscal impact to Department of Licensing (DOL). Sections 2 (1) and 2 (4) are applicable to DOL. The twenty-one-calendar day provision, to provide the employee's personnel record, is within current operating standards for the department.

2.B - Cash receipts Impact

None

2.C – Expenditures

None

Part 3 – Expenditure Detail

3.A – Operating Budget Expenditures

None

3.B – Expenditures by Object or Purpose

None

3.C – FTE Detail

None

Part 4 – Capital Budget Impact

None.

Part 5 – New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Melanie Rogers	Phone: 253-512-8555	Date: 01/05/2024
Agency Approval: Regan Hesse	Phone: 253-512-7698	Date: 01/05/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/08/2024

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 personnel records. Section 1 clarifies what is included in a personnel file, Section 2 mandates employers provide personnel files within 21 calendar days upon request from a prior or current employee or their designee at no cost along with a signed statement of basic discharge details. It also defines a "former employee" as a person separated from the employer within 3 years of the date of request. Section 3 provides the employee with legal action rights and statutory damages for violation of the act.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Dario de la Rosa	Phone: 360-570-7328	Date: 01/02/2024
Agency Approval: Dario de la Rosa	Phone: 360-570-7328	Date: 01/02/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/08/2024

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.

Senate Bill 5924 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 21 days of the date of the request.

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 21 calendar days; \$500 if the complete file, statement, or redaction log is not provided within 28 calendar days; and \$1,000 if the complete file, statement, or redaction log is provided later than 35 calendar days. The statutory damages for any other violations shall be \$500.

The Public Employment Relations Commission anticipates no additional costs associated with the implementation of SB 5924.

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: 5924 SB	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	0.5	2.0	1.3	2.0	2.0
Account					
General Fund-State 001-1	56,000	217,000	273,000	434,000	434,000
Total \$	56,000	217,000	273,000	434,000	434,000

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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Bekki Ayres	Phone: 3604703623	Date: 01/05/2024
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 01/05/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/07/2024

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. 1 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 21 calendar days of receiving the request.

Sec. 2 (4) requires employers within 21 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. 3 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 21calendar 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 35 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.

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, the Department of Health (DOH) determined there’s the potential for the provisions of this bill to increase its workload. DOH has identified sections 1 and 2 will require 0.5 FTEs of a Forms and Records Analyst 2 for fiscal year 2024 and 2.0 FTE ongoing to implement enforcement under this bill so that personnel records can be received in a timely manner in accordance with the timeframes identified and 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 DOH to assemble all the requested records. Additionally, DOH will need to determine what provisions of this bill would apply to employees who are represented by either WFSE or SEIU to discern what types of personnel records should be released upon request.

FY2024costs will be 0.5 FTE and \$56,000 (GF-S)
FY2025and ongoing will be 2.0 FTE and \$217,000 (GF-S)

Total costs can include staff, associated expenses (including goods and services, travel, intra-agency, and indirect/overhead costs).

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	56,000	217,000	273,000	434,000	434,000
Total \$			56,000	217,000	273,000	434,000	434,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	2.0	1.3	2.0	2.0
A-Salaries and Wages	28,000	114,000	142,000	228,000	228,000
B-Employee Benefits	13,000	51,000	64,000	102,000	102,000
E-Goods and Other Services	8,000	33,000	41,000	66,000	66,000
J-Capital Outlays	2,000		2,000		
T-Intra-Agency Reimbursements	5,000	19,000	24,000	38,000	38,000
9-					
Total \$	56,000	217,000	273,000	434,000	434,000

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	55,224	0.5	2.0	1.3	2.0	2.0
Total FTEs		0.5	2.0	1.3	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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Lorie Christoferson	Phone: (360) 725-3840	Date: 01/04/2024
Agency Approval: Joseph Kasperski	Phone: 360-725-3847	Date: 01/04/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/04/2024

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.

Bill language is amended to 1) require employers make personnel records available within 21 calendar days after the employee, former employee, or their designee requests the file(s) at no cost to the employee, former employee, or their designee; 2) provide a signed written statement to the former employee or their designee stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons; 3) An employee or former employee may enforce this bill through a private cause of action in superior court and may be entitled to damages as outlined in the bill.

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 21 calendar 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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Seth Flory	Phone: (360) 407-8165	Date: 01/03/2024
Agency Approval: Seth Flory	Phone: (360) 407-8165	Date: 01/03/2024
OFM Review: Marcus Ehrlander	Phone: (360) 489-4327	Date: 01/08/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Law Enforcement Officers and Fire Fighters' Plan 2 Retirement Board (LEOFF) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active LEOFF employees. It is assumed any requests under this legislation for active staff would be managed by DES. LEOFF would provide files for previously separated staff. Due to the small number of staff at LEOFF, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Phillip McCreary	Phone: 360-947-3314	Date: 01/02/2024
Agency Approval: Phillip McCreary	Phone: 360-947-3314	Date: 01/02/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/08/2024

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: April Burns	Phone: 360-418-4326	Date: 01/02/2024
Agency Approval: Jessica Sydnor	Phone: (360) 418-4326	Date: 01/02/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/08/2024

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Diann Lewallen	Phone: 360-407-8121	Date: 01/03/2024
Agency Approval: Diann Lewallen	Phone: 360-407-8121	Date: 01/03/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/04/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

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. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Korja Giles	Phone: (360) 485-1106	Date: 01/04/2024
Agency Approval: Karen Hanan	Phone: 360-586-2423	Date: 01/04/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/04/2024

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 proposed bill adds provisions and a timeline for the sharing of personnel files with employees. This agency already has procedures in place to supply this information within the parameters laid out in the bill. The majority of personnel records for the Arts Commission are handled by DES Small Agency HR Services; 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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Teresa Mattson	Phone: (360) 798-5906	Date: 01/03/2024
Agency Approval: Jennifer Kilmer	Phone: 253-798-5900	Date: 01/03/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/04/2024

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 sections fiscally impact our organization. Any requests are considered duties of our HR Manager as part of their normal 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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Flory Seth	Phone: 360-407-8165	Date: 01/04/2024
Agency Approval: Flory Seth	Phone: 360-407-8165	Date: 01/04/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/04/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Eastern Washington State Historical Society (EWSHS) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active EWSHS employees. It is assumed any requests under this legislation for active staff would be managed by DES. EWSHS would provide files for previously separated staff. Due to the small number of staff at EWSHS, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Drew Woods	Phone: 360-753-5989	Date: 01/02/2024
Agency Approval: Drew Woods	Phone: 360-753-5989	Date: 01/02/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/03/2024

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Diann Lewallen	Phone: (360) 407-8121	Date: 01/02/2024
Agency Approval: Diann Lewallen	Phone: (360) 407-8121	Date: 01/02/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/03/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Transportation Improvement Board (TIB) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active TIB employees. It is assumed any requests under this legislation for active staff would be managed by DES. TIB would provide files for previously separated staff. Due to the small number of staff at TIB, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Aaron Halbert	Phone: 360-705-7118	Date: 01/08/2024
Agency Approval: Reema Griffith	Phone: 360-705-7070	Date: 01/08/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/08/2024

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.

SB 5924 would require employers, within 21 calendar days of receiving a written request from an employee, former employee, or their designee, to provide a complete copy of their personnel file. This bill adds specific penalties and gives employees the right to take legal action if an employer does not provide the records within 21 calendar days. The bill also requires an employer to provide a signed written statement stating the reasons (if given) for dismissal within 21 calendar 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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Kjristine Lund	Phone: 360-586-9695	Date: 01/08/2024
Agency Approval: Doug Clouse	Phone: 360-705-7535	Date: 01/08/2024
OFM Review: Erik Hansen	Phone: (360) 810-0883	Date: 01/09/2024

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 21 calendar days of the request.

Section 3 provides the employee, or former employee, the ability to seek relief for any documents that are not produced within the 21 calendar days prescribed in 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) requires personnel files to be produced within 21 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 3 are indeterminate. This section allows former and existing employees financial compensation if their request is not fulfilled within 21 calendar 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 but is assumed to be under \$50,000 based on the number of FMSIB 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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Allen Robbins	Phone: 360-706-3043	Date: 01/04/2024
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/04/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/06/2024

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 49.12.240, 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 49.12.240 and 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 21 calendar days of a request from an employee, former employee, or their designee. The contents of the file would need to be provided at no cost to the employee, former employee, or their designee.

Section 2(4) would require employers to, within 21 calendar days of receiving a written request from a former employee or their designee, furnish a signed written statement to the former employee or their designee stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons.

Section 2(5) defines "former employee" as a person who separated from the employer within three years of the date of the person's request.

Section 3(1) would allow an employee or former employee to take legal action if the information requested is not provided within the required 21 calendar days. Prior to enforcing legal action, the employee or former employee must give five calendar days' notice to the employer.

Section 3(2) statutory damages for each violation are: \$250 for noncompliance within 21 calendar days; \$500 for noncompliance within 28 calendar days; \$1,000 for noncompliance within 35 calendar days; and \$500 for any other violations.

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 21 calendar days of a request, at no cost to the employee, former employee, or their designee. Ecology already provides personnel files to current employees under the civil service rule and collective bargaining agreement within 21 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 or their designee within 21 calendar days of a request. Ecology per civil service rule and collective bargaining agreement typically provides notice of separation to any employee being involuntarily separated. 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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Emily Cavanaugh	Phone: 360-407-0517	Date: 01/04/2024
Agency Approval: Cassandra Garcia	Phone: 360-407-0520	Date: 01/04/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/06/2024

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.

Senate Bill 5924 relates to access to personnel records for employees and former employees.

Section 1 amends RCW 49.12.240 to define what records are in an employee's personnel file.

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 21 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.

Section 3 adds that an employee or former employee has the right to enforce the provisions of this section under private cause of action and provides for statutory damages for violations.

PLIA currently contracts with Department of Enterprise Services (DES) for Human Resources (HR) services to manage all of the agency's HR documents and will coordinate with DES 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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Gwen McClanahan	Phone: 3604078132	Date: 01/06/2024
Agency Approval: Gwen McClanahan	Phone: 3604078132	Date: 01/06/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/06/2024

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 defines what is intended to be considered part of a personnel file under this legislation.

Section 2 requires employers to provide a complete copy of an employee's existing personnel file within 21 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 signed and written statement providing an effective date and reason for discharge upon request. Additionally, the legislation grants employees the right to have their records reviewed and corrected if appropriate.

Section 3 allows legal recourse and provides for penalties in the event of non-compliance.

The Energy Facility Site Evaluation Council (EFSEC) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active EFSEC employees. It is assumed any requests under this legislation for active staff would be managed by DES. EFSEC would provide files for previously separated staff. Due to the small number of staff at EFSEC, it is assumed requests under this legislation would be infrequent and the agency's public records staff would absorb the workload. If issues related to personnel records escalate to legal action, related costs would be addressed on a case-by-case basis.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Van Church	Phone: (360) 902-8542	Date: 01/04/2024
Agency Approval: Van Church	Phone: (360) 902-8542	Date: 01/04/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/04/2024

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 would require agencies to provide a copy of an employee or former employee's personnel file within 21 calendar days of a request.

Section 2(1) - The personnel file requested is to be provided at not cost to the employee, former employee, or designee.

Section 2(4) - Requires that the employer must provide a copy of the personnel file within 21 days of receiving a written request.

Section 3 - Is a new section that allows for a financial penalty against the employer for non-timely response to a written request for a copy of a personnel file.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Mark Jarasitis	Phone: 360-902-3006	Date: 01/04/2024
Agency Approval: Brock Millierin	Phone: 360-789-4563	Date: 01/04/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/04/2024

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.

SB 5924, Section 2(1) sets requirements for supplying an employee or former employee (plus attorney, agent or fiduciary) with their personnel file, upon request, at no request to the employee.

Section 2(4)(5) Set the parameters and consequences to the agency for not meeting that requirement.

Section 2(6) Defines what is meant by personnel record.

Section 2(7) Clarifies that this does not set a retention schedule nor require files to be created.

Fiscal impact: There is no fiscal impact from this bill. On the rare occasion that RCO would need to fulfill a request, it would be part of the agency’s expectations for supervisors, HR liaison, or records retention office to ensure the appropriate documents were supplied—as part of their regular 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: 5924 SB	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:

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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 01/04/2024
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 01/04/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/06/2024

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 personnel file, as defined in the bill, within 21 calendar days after the request and must provide a signed written statement stating effective date of discharge and reason for discharge, if applicable.

Section 4 – Creates a new private cause of action, making employers are liable for violation of the statute, including its existing provisions, for equitable relief, statutory damages, and attorney fees and costs.

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

The impacts to ELUHO due to the new area of liability carved out under the act is unclear, however ELUHO is a small agency and the likelihood of a high number of lawsuits under the act is low.

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

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

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Karla Heinitz	Phone: 360-878-4666	Date: 01/02/2024
Agency Approval: Sarah Groth	Phone: 360-790-3501	Date: 01/02/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/03/2024

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 to the agency. The requirements can be met through current resources.

The bill requires employers to include specific items in employees' personnel file.

Section 2.

(4) Employers have 21 days to provide a signed written statement to former employees of the effective date of discharge, and any reasons for the discharge at no cost to the employee.

Section 3.

Employees or former employees may sue the employer for violations related to non-compliance with an employee's file and are entitled to equitable relief, statutory damages, and reasonable 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.

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: 5924 SB	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	0.0	0.3	0.2	0.3	0.3
Account					
General Fund-State 001-1	0	46,000	46,000	92,000	92,000
Total \$	0	46,000	46,000	92,000	92,000

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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Barbara Reichart	Phone: (360) 819-0438	Date: 01/09/2024
Agency Approval: Barbara Reichart	Phone: (360) 819-0438	Date: 01/09/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/09/2024

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 requires employers to provide a complete, unredacted electronic or paper copy of an employee's personnel file and defines "personnel file."

Section 2 requires employers to provide personnel files within 21 calendar days of a request by an employee, former employee, or their designee.

Section 3 imposes statutory damages if the file is not provided within specific windows of 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.

Section 1 and 2 require WDFW to provide a complete, unredacted personnel record within 21 calendar days upon request. While the Department already responds to these types of requests, the 21-day requirement will require dedicated resources to fulfill the request by the deadline 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 specific authorization to share medical records, especially if they are not the requesting party.

WDFW's assumptions:

- The Department currently receives up to 8 requests per fiscal year under this RCW.
- Most requests are from current or recently separated employees and records are stored at WDFW.
- The Department does not assume an increase in the number of requests due to the legislation.
- WDFW employees' average length of service is 10 years. The Department's records are decentralized and all records prior to 2020 are hard copies. The Department assumes that all requests will require manual and electronic record searches.

WDFW will require a Management Analyst 3 (MA3) to complete each request. Their duties will include (an hourly range is provided for each task and is based on prior requests – the length of time will depend on how long the employee has been at WDFW):

- Gathering HR, payroll, and medical records, 15-40 hours per request depending on the employee.
- Preparing the files to scan (i.e., removing staples, carbon copies) and scanning the files, 5-20 hours.
- Reading and redacting, 10-30 hours.
- Communicating with the employee/former employee and requesting party (if not the employee/former employee).

WDFW will require explicit permission before providing any medical records to ensure that the employee is informed that their medical record is part of their personnel file and consents to it being shared, 5-15 hours.

Assuming each record takes an average of 70 hours to compile, WDFW will require a 0.3 FTE MA3 to complete each request (8 requests per fiscal year * 70 hours per request = 544 hours or 0.3 FTE). Annual salaries and benefits, Objects A & B, are \$32,000.

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 \$7,000 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 36.03% 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 \$46,000.

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	0	46,000	46,000	92,000	92,000
Total \$			0	46,000	46,000	92,000	92,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.3	0.2	0.3	0.3
A-Salaries and Wages		23,000	23,000	46,000	46,000
B-Employee Benefits		9,000	9,000	18,000	18,000
C-Professional Service Contracts					
E-Goods and Other Services		2,000	2,000	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		12,000	12,000	24,000	24,000
9-					
Total \$	0	46,000	46,000	92,000	92,000

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	0.2	0.3	0.3
Total FTEs			0.3	0.2	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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Melissa Clarey	Phone: 3608190342	Date: 01/05/2024
Agency Approval: Sheridan Tabor	Phone: 360-706-4955	Date: 01/05/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/05/2024

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 fiscal impact to the Partnership is minimal to none as the Department of Enterprise Services (DES) will be maintaining the Partnership’s personnel files. Currently, DES maintains the records for the Partnership’s current employees. In the future, DES will be maintaining both the current employee records and the records of former employees of the Partnership. DES will be responsible for providing these records to current and past employees of the Partnership.

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: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Hannah Mosley-Gonzales	Phone: (360) 902-1809	Date: 01/05/2024
Agency Approval: Lori Peterson	Phone: 360-974-9767	Date: 01/05/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/08/2024

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.

SB 5924 modifies the employee personnel records access provisions of the industrial welfare law (chapter 49.12 RCW).

Section 1:

Subsection (2) is added to define the types of records that constitute the personnel file subject to the requirements of this statute.

Section 2:

Subsection (1) is amended to require the employer to provide personnel files to the employee, former employee, or their designee within 21 calendar days of the request, at no cost to the employee, former employee, or their designee.

Subsection (4) is added requiring employers, within 21 calendar days of receiving a written request from a former employee (or their designee), furnish a signed written statement to the former employee (or their designee) stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons.

Subsection (5) is added defining “former employee” to mean a person who was separated from the employer within three years of the date of the request.

New Section 3:

Provides employees or former employees the ability to enforce this law through a private cause of action in superior court and for each violation provide equitable relief, statutory damages, and reasonable attorney fees and costs (monetary penalties for employer violations are specified in the bill). Prior to enforcing the law through a private cause of action, the employee or former employee must give five calendar days’ notice to the employer.

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.

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.

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Section 1:

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Provides employees or former employees the ability to enforce this law through a private cause of action in superior court and for each violation provide equitable relief, statutory damages, and reasonable attorney fees and costs (monetary penalties for employer violations are specified in the bill). Prior to enforcing the law through a private cause of action, the employee or former employee must give five calendar days’ notice to the employer.

WSDA will incur costs related to staff time for responding to requests for access to 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

No capital 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: 5924 SB	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	0.0	0.5	0.3	0.5	0.5
Account					
Employment Service Administrative Account-State 134-1	0	63,534	63,534	127,068	127,068
Total \$	0	63,534	63,534	127,068	127,068

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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Daniel Hare	Phone: 360 902-9422	Date: 01/04/2024
Agency Approval: Sophal Espiritu	Phone: (360) 902-9254	Date: 01/04/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/08/2024

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 submittal requires employers to provide, within 21 calendar days, personnel files upon request, clarifies which records must be included, and sets penalties for when files are not provided timely.

Section 1: Clarifies which records must be included when requested by the employee but does not create a retention schedule for records.

Section 2: Requires employers to provide personnel records within 21 calendar days of receiving a request. Defines 'former employee' to include any person separated from the employer within three years of the date of the person's request. Expands permissible requestor to include former employees or their designee.

- Requires employers to provide a signed written statement to the former employee or their designee stating the effective date of the former employee's discharge, whether the employer had a reason for the discharge, and, if so, the reasons. This must be provided within 21 calendar days of the request.

- Defines a "former employee" as a person separated from the employer within three years of the date of the person's request.

Section 3: Requires the Department of Labor and Industries (LNI) to provide annual notice to employees of their rights regarding personnel files.

Section 4: Establishes a private cause of action for employees when the records are not delivered in a timely fashion.

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.

N/A

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 21- calendar day deadline on providing personnel files to current and former employees. As an employer, the Employment Security Department (ESD) will require the following:

- .5 FTE of a Human Resources Consultant 2 (HRC2) to comply with this requirement beginning in FY 2025 and ongoing in a permanent role to be able to obtain all documentation and respond timely. The total cost of this is estimated to be \$63,534 each year.

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	0	63,534	63,534	127,068	127,068
Total \$			0	63,534	63,534	127,068	127,068

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.5	0.3	0.5	0.5
A-Salaries and Wages		33,427	33,427	66,854	66,854
B-Employee Benefits		13,371	13,371	26,742	26,742
C-Professional Service Contracts					
E-Goods and Other Services		7,575	7,575	15,150	15,150
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		9,161	9,161	18,322	18,322
9-					
Total \$	0	63,534	63,534	127,068	127,068

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	64,445		0.5	0.3	0.5	0.5
Total FTEs			0.5	0.3	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

N/A

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: 5924 SB	Title: Personnel Records
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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 who 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: Kristine Williams	Phone: (564) 669-3002	Date: 01/05/2024
Leg. Committee Contact: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/05/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/05/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

Section 1 would amend RCW 49.12.240 subsection (2) to add the definition of “personnel file” to include:

- All job application records.
- All performance evaluations.
- All disciplinary records.
- All medical, leave, and reasonable accommodation records.
- All payroll records.
- All employment agreements; and
- All other records contained in the file.

Section 2 would amend RCW 49.12.250, requiring an employer to furnish an employee, former employee, or their designee with a complete, un-redacted copy of their personnel file at no cost within 21 calendar days of a request. This section would also mandate that an employer 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 21 calendar days of the written request.

Section 3 would add a new section to chapter 49.12 RCW that would allow an employee or former employee to bring a private action for violations of the duties and rights described in RCW sections 49.12.240 through 49.12.260 and entitles the employee or former employee to equitable relief, graduated statutory damages up to \$1,000, and reasonable attorneys' fees and costs for 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.

This bill would have indeterminate impacts on local governments.

According to the Washington State Association of Counties, this bill would have a minor 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, all 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 21-day deadline, depending on the administrative capacity and records retention policies of the jurisdiction. If an employer is unable to meet the 21-day deadline or does not permit an employee to inspect their personnel file at least annually, they would incur costs in the form of statutory damages starting at \$250, and up to \$1,000. Since it is unknown how many current or former employees that will request personnel files, the amount of staff time required to furnish personnel records for each jurisdiction, or the penalties local governments may incur for failing to meet the 21-day deadline, the expenditure impacts 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.

This bill would not have revenue impacts on local governments.

SOURCES:

Association of Washington Cities

Washington State Association of Counties

Individual State Agency Fiscal Note

Bill Number: 5924 SB	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: Susan Jones	Phone: 360-786-7404	Date: 12/31/2023
Agency Preparation: Kathy Cody	Phone: 360-480-7237	Date: 01/04/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/04/2024
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/05/2024

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 defines "personnel file" to include, if the employer creates the records: 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.

Section 2 (1) creates a 21-day requirement to furnish a complete no-cost copy of an employee's personnel file, upon request of the current or former employee.

Section 2 (4) creates a 21-day requirement to furnish a signed statement regarding an employee's date of and reason for discharge, upon written request of the former employee.

Every employer shall, at least annually, upon the request of an employee, permit that employee to inspect any or all job application records, performance evaluations, disciplinary records, medical, leave, reasonable accommodation, payroll, employment agreements, and all other records contained in the file within 21 calendar days after the file is requested.

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 time period 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.

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.