

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records
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## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Consolidated Technology Services	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Social and Health Services	0	0	55,000	0	0	90,000	0	0	90,000
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>55,000</b>	<b>0</b>	<b>0</b>	<b>90,000</b>	<b>0</b>	<b>0</b>	<b>90,000</b>

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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Health Care Authority	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Administrative Hearings	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Lottery	.0	0	0	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	.0	0	0	1,279	.0	0	0	2,558	.0	0	0	2,558
Consolidated Technology Services	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Board of Accountancy	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Registration for Professional Engineers & Land Surveyors	.0	0	0	0	.0	0	0	0	.0	0	0	0
Forensic Investigations Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Enterprise Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Horse Racing Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Industrial Insurance Appeals	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board of Pilotage Commissioners	.0	0	0	0	.0	0	0	0	.0	0	0	0
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Board for Volunteer Firefighters and Reserve Officers	Fiscal note not available											
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Traffic Safety Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Independent Investigations	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Labor and Industries	.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	Fiscal note not available											
Public Employment Relations Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0

Department of Social and Health Services	1.2	196,000	196,000	251,000	2.0	322,000	322,000	412,000	2.0	322,000	322,000	412,000
Department of Health	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Veterans Affairs	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Fiscal note not available											
Department of Corrections	1.7	466,000	466,000	466,000	3.4	890,000	890,000	890,000	3.4	890,000	890,000	890,000
Department of Services for the Blind	.0	0	0	0	.0	0	0	0	.0	0	0	0
Student Achievement Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Superintendent of Public Instruction	Fiscal note not available											
State School For The Blind	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Center for Childhood Deafness and Hearing Loss	.0	0	0	0	.0	0	0	0	.0	0	0	0
Workforce Training and Education Coordinating Board	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	.3	34,525	34,525	34,525	.5	69,050	69,050	69,050	.5	69,050	69,050	69,050
Washington State University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington University	.1	20,000	20,000	20,000	.1	20,000	20,000	20,000	.1	20,000	20,000	20,000
Central Washington University	Fiscal note not available											
The Evergreen State College	.5	101,706	101,706	101,706	.5	101,706	101,706	101,706	.5	101,706	101,706	101,706
Western Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
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	1.1	0	0	209,000	2.0	0	0	368,000	2.0	0	0	378,000

Department of Transportation	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
County Road Administration Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Transportation Improvement Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Freight Mobility Strategic Investment Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Columbia River Gorge Commission	Fiscal note not available											
Department of Ecology	Fiscal note not available											
Pollution Liability Insurance Program	Fiscal note not available											
Energy Facility Site Evaluation Council	Fiscal note not available											
State Parks and Recreation Commission	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	Fiscal note not available											
State Conservation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.0	0	0	0	.0	0	0	0	.0	0	0	0
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Community and Technical College System	.8	160,000	160,000	160,000	1.6	320,000	320,000	320,000	1.6	320,000	320,000	320,000
SWF Statewide Fiscal Note - OFM	Non-zero but indeterminate cost and/or savings. Please see discussion.											
<b>Total \$</b>	<b>5.7</b>	<b>978,231</b>	<b>978,231</b>	<b>1,243,510</b>	<b>10.1</b>	<b>1,722,756</b>	<b>1,722,756</b>	<b>2,183,314</b>	<b>10.1</b>	<b>1,722,756</b>	<b>1,722,756</b>	<b>2,193,314</b>

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 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	.0	0	0	.0	0	0	.0	0	0
Washington State Health Care Authority	.0	0	0	.0	0	0	.0	0	0
Office of Administrative Hearings	.0	0	0	.0	0	0	.0	0	0
State Lottery	.0	0	0	.0	0	0	.0	0	0
Washington State Gambling Commission	.0	0	0	.0	0	0	.0	0	0
Commission on Hispanic Affairs	.0	0	0	.0	0	0	.0	0	0
Commission on African-American Affairs	.0	0	0	.0	0	0	.0	0	0
Human Rights Commission	.0	0	0	.0	0	0	.0	0	0
Department of Retirement Systems	.0	0	0	.0	0	0	.0	0	0
State Investment Board	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	.0	0	0	.0	0	0	.0	0	0
Consolidated Technology Services	.0	0	0	.0	0	0	.0	0	0
Board of Accountancy	.0	0	0	.0	0	0	.0	0	0
Board of Registration for Professional Engineers & Land Surveyors	.0	0	0	.0	0	0	.0	0	0
Forensic Investigations Council	.0	0	0	.0	0	0	.0	0	0
Department of Enterprise Services	.0	0	0	.0	0	0	.0	0	0
Horse Racing Commission	.0	0	0	.0	0	0	.0	0	0
Board of Industrial Insurance Appeals	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Board of Pilotage Commissioners	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Board for Volunteer Firefighters and Reserve Officers	Fiscal note not available								
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Traffic Safety Commission	.0	0	0	.0	0	0	.0	0	0
Office of Independent Investigations	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Military Department	Fiscal note not available								
Public Employment Relations Commission	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Veterans Affairs	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Department of Services for the Blind	.0	0	0	.0	0	0	.0	0	0
Student Achievement Council	.0	0	0	.0	0	0	.0	0	0

Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board	.0	0	0	.0	0	0	.0	0	0
Superintendent of Public Instruction	Fiscal note not available								
State School For The Blind	.0	0	0	.0	0	0	.0	0	0
Washington State Center for Childhood Deafness and Hearing Loss	.0	0	0	.0	0	0	.0	0	0
Workforce Training and Education Coordinating Board	Fiscal note not available								
Department of Archaeology and Historic Preservation	.0	0	0	.0	0	0	.0	0	0
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	Fiscal note not available								
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
Washington State Arts Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Historical Society	.0	0	0	.0	0	0	.0	0	0
Eastern Washington State Historical Society	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
County Road Administration Board	.0	0	0	.0	0	0	.0	0	0
Transportation Improvement Board	.0	0	0	.0	0	0	.0	0	0
Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Freight Mobility Strategic Investment Board	.0	0	0	.0	0	0	.0	0	0
Columbia River Gorge Commission	Fiscal note not available								
Department of Ecology	Fiscal note not available								
Pollution Liability Insurance Program	Fiscal note not available								
Energy Facility Site Evaluation Council	Fiscal note not available								
State Parks and Recreation Commission	.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	Fiscal note not available								
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	.0	0	0	.0	0	0	.0	0	0
SWF Statewide Fiscal Note - OFM	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

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 2/ 2/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/29/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/29/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/30/2024

192,389.00

Request # 152-1

Part II: Narrative Explanation

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

The substitute would have the same no or minimal impact to the courts. The changes do not affect the analysis of the original note.

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

192,389.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/30/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/30/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/30/2024

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.

Changes in the substitute SB 5924 do not impact the Office of the Governor's previous fiscal note assumptions.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Val Terre	<b>Phone:</b> (360) 280-3973	<b>Date:</b> 01/26/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Seth Flory	<b>Phone:</b> 3604078165	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Seth Flory	<b>Phone:</b> 3604078165	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/29/2024

## 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.

### 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Brian Fechter	<b>Phone:</b> (360) 688-4225	<b>Date:</b> 01/26/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Mike Woods	Phone: (360) 704-5215	Date: 01/25/2024
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 01/25/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/25/2024



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.

Changes in SSB 5924 compared to the previous version (SB 5924).

Changes were made in Section 1 defining what types of records are included in the personnel file.

The changes do not impact the Office of the Secretary of State’s original estimated fiscal impact.

Summary of SSB 5924.

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.

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, sometimes 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Seth Flory	<b>Phone:</b> 360-407-8165	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Seth Flory	<b>Phone:</b> 360-407-8165	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/29/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Seth Flory	Phone: 3604078165	Date: 01/26/2024
Agency Approval: Seth Flory	Phone: 3604078165	Date: 01/26/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/29/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Mandy Kaplan	Phone: (360) 902-8977	Date: 01/29/2024
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 01/29/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/29/2024

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.

SSB 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Charleen Patten	Phone: 564-999-0941	Date: 01/29/2024
Agency Approval: Janel Roper	Phone: 564-999-0820	Date: 01/29/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/29/2024

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). No change from the original bill.

Section 1. (2) Defines which records are considered "personnel file".  
(c) Specifies disciplinary records are to be nonactive or closed in the substitute version.  
(g) Specifies that all other records are designated by the employer as part of the employee's personnel file in the substitute version.  
(3) Adds that this section may not be construed to require an employer to create personnel records.

Section 2 (1) Requires that requests be 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. The substitute version of the bill specifies a copy of such personnel file be provided.

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. No change from original bill.

Section 3 (2) (a-d) Sets the statutory damages for each violation. No change from original bill.

As with the original bill 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 still 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Dan Jensen	Phone: 360-664-9429	Date: 01/30/2024
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 01/30/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/30/2024

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' workload. The enactment of this bill will not impact the provision of legal services to agency clients because 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.

The AGO Financial Services Division (FIS) has reviewed this bill and determined it will not increase or decrease the division's workload. 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Erik Cornellier	Phone: 360-664-9375	Date: 01/26/2024
Agency Approval: Erik Cornellier	Phone: 360-664-9375	Date: 01/26/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/26/2024

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 a copy of 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Cale Zimmerman	<b>Phone:</b> (360) 902-0507	<b>Date:</b> 01/29/2024
<b>Agency Approval:</b> Emily Fitzgerald	<b>Phone:</b> (360) 902-8780	<b>Date:</b> 01/29/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/29/2024

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. The legislation requires the employer to provide the requested personnel files to the employee or former employee within 21 calendar days. The bill also extends rights for the employee, or former employee, including retaining rights to request personnel files for 3 years after separation. There is also 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Corrina McElfish	Phone: (360) 725-4013	Date: 01/30/2024
Agency Approval: Tami Clark	Phone: 360-725-2935	Date: 01/30/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/30/2024



## 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.*

Differences between SSB 5924 and the original bill:

Section 2(2)(c) added nonactive to types of disciplinary records included in a personnel file.

Section 2(2)(g) changes the definition of all other records contained in the file, to other records designated by the employer as part of the employee's personnel file.

There are no differences between the SSB 5924 and the original bill that affect the fiscal impact to the department of Commerce (department).

Summary of SSB 5924:

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 49.12.240 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 - 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Seth Flory	<b>Phone:</b> (360) 407-8165	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Seth Flory	<b>Phone:</b> (360) 407-8165	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/29/2024

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 Economic & Revenue Forecast Council (ERFC) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active ERFC employees. It is assumed any requests under this legislation for active staff would be managed by DES. ERFC would provide files for previously separated staff. Due to the small number of staff at ERFC, 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 105-Office of Financial Management
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## Part I: Estimates

☒ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Susan Jones	Phone: 360-786-7404	Date: 01/25/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/30/2024
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 01/30/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/30/2024

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 changes included in the substitute version did not change OFM's fiscal impact assumptions from the previous version.

S SB 5924:

Section 1 defines "personnel file" to include, if the employer creates the records: job application records, performance evaluations, non-active or closed disciplinary records, medical and reasonable accommodation records, payroll records, employee agreements, and all other records designated by the employer as part of the 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.

Not all the records defined by the bill as "personnel file" are located in one location; several are beyond a typical personnel file. If requested, there would be some administrative burden to collate the required files by human resources and payroll staff. Additionally, there may be some need to consult with Attorney General Office (AGO) when completing a reason for discharge statement, when needed on a case-by-case basis. OFM also provides HR and payroll support to the Office of the Governor and the Office of Independent Investigations (OII), so the administrative burden to produce these records for those agencies falls to OFM as well.

Based on recent history, OFM assumes that requests for these records will be infrequent enough that their furnishment can be completed within current staffing and resources by temporary prioritizing workload. Therefore, there is no fiscal impact to OFM.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE



**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 107-Washington State Health Care Authority
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## Part I: Estimates

☒ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Joseph Cushman	<b>Phone:</b> 360-725-5714	<b>Date:</b> 01/29/2024
<b>Agency Approval:</b> Cliff Hicks	<b>Phone:</b> 360-725-0875	<b>Date:</b> 01/29/2024
<b>OFM Review:</b> Jason Brown	<b>Phone:</b> (360) 742-7277	<b>Date:</b> 02/02/2024

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.

Please see attached.

II. B - Cash receipts Impact

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

Please see attached.

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

## HCA Fiscal Note

Bill Number: 5924 SSB

HCA Request #: 24-101

Title: Personnel Records

### 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.

# HCA Fiscal Note

Bill Number: 5924 SSB

HCA Request #: 24-101

Title: Personnel Records

## 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.*

### 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. Distinguish 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. Distinguish between one time and ongoing functions.*

Passage of this legislation will not have fiscal impact on the Health Care Authority (HCA), the HCA already provides copies of personnel files to current employees when requested. This substitute only specifies what information belongs in the personnel file and specifies requests be granted within 21 calendar days.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditure

**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)

## HCA Fiscal Note

Bill Number: 5924 SSB

HCA Request #: 24-101

Title: Personnel Records

**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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 110-Office of Administrative Hearings
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## Part I: Estimates

☒ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Susan Jones	Phone: 360-786-7404	Date: 01/25/2024
Agency Preparation: Pete Boeckel	Phone: 360-407-2730	Date: 01/30/2024
Agency Approval: Rob Cotton	Phone: 360-407-2708	Date: 01/30/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/30/2024



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. This legislation will not increase the appeal workload for the Office of Administrative Hearings.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> John Iyall	<b>Phone:</b> 360-810-2870	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Josh Johnston	<b>Phone:</b> 360-810-2878	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Cheri Keller	<b>Phone:</b> (360) 584-2207	<b>Date:</b> 01/26/2024

## 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Kriscinda Hansen	Phone: 360-486-3489	Date: 02/01/2024
Agency Approval: Kriscinda Hansen	Phone: 360-486-3489	Date: 02/01/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/01/2024

## 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 are no changes from the previous version of the Gambling Commission's fiscal note for this bill.

Section 2(1) requires employers to provide employees and former employees or their designee a copy of their personnel file within 21 calendar days of the request, at no cost to the requester.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Seth Flory	<b>Phone:</b> 3604078165	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Seth Flory	<b>Phone:</b> 3604078165	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/29/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Seth Flory	<b>Phone:</b> (360) 407-8165	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Seth Flory	<b>Phone:</b> (360) 407-8165	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/29/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Diann Lewallen	<b>Phone:</b> 360-407-8121	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Diann Lewallen	<b>Phone:</b> 360-407-8121	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/30/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Chris Johansen	<b>Phone:</b> 360-664-7065	<b>Date:</b> 01/25/2024
<b>Agency Approval:</b> Mark Feldhausen	<b>Phone:</b> 360-664-7194	<b>Date:</b> 01/25/2024
<b>OFM Review:</b> Marcus Ehrlander	<b>Phone:</b> (360) 489-4327	<b>Date:</b> 01/26/2024

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 substitute 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 copy of 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.

The changes in the initial bill, and in the substitute bill, 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Erin Valz	Phone: (360) 534-1522	Date: 01/31/2024
Agency Approval: Valerie Torres	Phone: (360) 534-1521	Date: 01/31/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/31/2024

Request # 5924-2-1

## 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.*

Note: This fiscal note reflects language in SSB 5942, 2024 Legislative Session.

#### COMPARISON OF SUBSTITUTE BILL WITH THE ORIGINAL:

The substitute bill narrows the category of "all other records" to those designated by the employer as part of the employee's personnel file. It does not require an employer to create personnel records. The substitute also requires an employer to provide a copy of the personnel file, rather than the actual personnel file.

#### CURRENT LAW:

Employees or former employees may request 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 includes:
  - 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 designated by the employer as part of the employee's personnel 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.
- Defines a former employee as 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

None.

## Part V: New Rule Making Required

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Diann Lewallen	Phone: (360) 407-8121	Date: 01/26/2024
Agency Approval: Diann Lewallen	Phone: (360) 407-8121	Date: 01/26/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/29/2024



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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/30/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Daniel Page	<b>Phone:</b> 206-287-4476	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Lucas Loranger	<b>Phone:</b> 206-254-5368	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Cheri Keller	<b>Phone:</b> (360) 584-2207	<b>Date:</b> 01/26/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 160-Office of Insurance Commissioner
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	0.0	0.0
<b>Account</b>					
Insurance Commissioners Regulatory Account-State 138-1	0	1,279	1,279	2,558	2,558
<b>Total \$</b>	0	1,279	1,279	2,558	2,558

### 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: 01/25/2024
Agency Preparation: Bryon Welch	Phone: 360-725-7037	Date: 01/26/2024
Agency Approval: Bryon Welch	Phone: 360-725-7037	Date: 01/26/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/02/2024

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(2) defines “personnel file” to include: (a) all job application records; (b) all performance evaluations; (c) all disciplinary records; (d) all medical, leave, and reasonable accommodation records; (e) all payroll records; (f) all employment agreements; and (g) all other records designated by the employer as part of the employee’s personnel file.

Section 2(1) requires each employer to provide a copy of personnel files within 21 calendar days of a request by an employee, former employee, or their designee requests the files at no cost to the employee, former employee, or their designee.

Section 2(4) requires every employer, 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.

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(2) defines “personnel file” to include: (a) all job application records; (b) all performance evaluations; (c) all disciplinary records; (d) all medical, leave, and reasonable accommodation records; (e) all payroll records; (f) all employment agreements; and (g) all other records designated by the employer as part of the employee’s personnel file.

Section 2(1) requires each employer to provide a copy of personnel files within 21 calendar days of a request by an employee, former employee, or their designee requests the files at no cost to the employee or former employee, or their designee.

Section 2(4) requires every employer, 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.

The provisions in Section 2 will lead to an increase to the Office of Insurance Commissioner’s (OIC) workload. The OIC already provides copies of personnel files within 21 calendar days after the employee or former employee requests the files. However, the OIC does not currently provide electronic copies of the personnel file or furnish a signed written statement to former employees regarding the date and reason for discharge. Additionally, the expansion of what is included in the definition of “personnel file” will result in additional research and time spent accumulating, reviewing, and copying the appropriate documents. Based on historical data, the OIC estimates that it will receive two requests per year for a complete copy of a personnel file and that, beginning in FY2025, each request will take an average of an additional four hours to research, accumulate, review, copy, and mail requiring 8 hours (2 requests x 4 hours) per year of a Human Resource Consultant 2 beginning in FY2025.

Ongoing Costs:

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
138-1	Insurance Commissioners Regulatory Account	State	0	1,279	1,279	2,558	2,558
Total \$			0	1,279	1,279	2,558	2,558

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.0	0.0	0.0	0.0
A-Salaries and Wages		747	747	1,494	1,494
B-Employee Benefits		276	276	552	552
C-Professional Service Contracts					
E-Goods and Other Services		256	256	512	512
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	1,279	1,279	2,558	2,558

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	74,724		0.0	0.0	0.0	0.0
Total FTEs			0.0	0.0	0.0	0.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 163-Consolidated Technology Services
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

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

### Estimated Operating Expenditures from:

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

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Nenita Ching	<b>Phone:</b> 360-407-8878	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Christina Winans	<b>Phone:</b> 360-407-8908	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Val Terre	<b>Phone:</b> (360) 280-3973	<b>Date:</b> 01/30/2024

## 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.*

Substitute SB 5924 specifies personnel records include all nonactive or closed disciplinary records and all other records designated by the employer as part of the employee's personnel file. It also provides that the act does not require an employer to create personnel records and that each employer is required to provide a copy of the personnel file, rather than the actual personnel file.

Sec. 1. For the purposes of the definition of "personnel file," specifies personnel records include all nonactive or closed disciplinary records and all other records designated by the employer as part of the employee's personnel file. Provides that the act does not require an employer to create personnel records.

Sec. 2. Provides that each employer is required to provide a copy of the personnel file, rather than the actual personnel file.

Senate Bill 5924 creates certain rights to an employee's personnel file that employers must adhere to.

Sec. 1 defines an employee's personnel file, including the following elements:

- (a) All job application records.
- (b) All performance evaluations.
- (c) All disciplinary records.
- (d) All medical, leave, and reasonable accommodation records.
- (e) All payroll records.
- (f) All employment agreements; and
- (g) All other records contained in the file.

Sec. 1(3) notes that those requirements may not be construed to create a retention schedule for records.

Sec. 2 requires an employer to furnish a personnel record to an employee or former employee at no cost within 21 calendar days of the request. Former employee is defined as a person who separated from the employer within three years of the request date.

Sec. 3 creates a private cause of action for violations of the bill provisions.

### II. B - Cash receipts Impact

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

Employees in human resources are charged to overhead. Overhead costs are charged to all WaTech programs. WaTech is funded by expenditure authority from the Consolidated Technology Services Revolving Account (458). WaTech overhead revenues are generated by fee for service programs (41%); therefore, Consolidated Technology Services (Watech) will have to increase rates for fee for service lines of business to generate additional fee for service revenue. The remaining revenues (59%) are from charges allocated to agencies through the central services model. It is assumed allocations in the central services model will be adjusted by the Legislature.

### II. C - Expenditures

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

The amendments in SSB 5924 do not change the fiscal impact on Consolidated Technology Services (WaTech). It specifies

personnel records include all nonactive or closed disciplinary records and all other records designated by the employer as part of the employee's personnel file. It also provides that the act does not require an employer to create personnel records and that each employer is required to provide a copy of the personnel file, rather than the actual personnel file.

The fiscal impact of 5924 SB on Consolidated Technology Services (WaTech) is indeterminant. The volume of the requests that will fall under the bill requirements is unknown, and the time required to pull this information is also unknown. However, the additional workload to satisfy these requirements is substantial as described below.

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

- Review personnel file to identify the documents which has been filed but not yet printed and assembled in the personnel file (for example, telework and flexible work schedules, performance evaluations, recent corrective action, or discipline, etc). The 21-day requirements may become problematic if the files have been sent to the Records Center or if the transfers of files between agencies are not timely.
- For job application records: WaTech retains recruitment files based on position number, not individual. HR staff will search the entirety of NeoGov job postings by an individual, which would show all positions which were applied for. WaTech assumes this is more expansive than just job application material within the personnel file, to include applications and interviews for positions which the individual was ultimately not selected for. This provision is larger than just information currently contained in WaTech's personnel file.
- Performance evaluations: These are maintained within a personnel file today with existing positions unless they are in progress.
- Disciplinary records: WaTech assumes that pending disciplinary records must be included in addition to completed records. Currently, only formal actions are noted in the personnel file, however WaTech assumes that all information would need to be produced in accordance with this requirement to include records related to possible disciplinary records, even if there were found to have no grounds for discipline. Providing information for pending disciplinary matters may jeopardize the outcome.
- Medical leave and reasonable accommodation records: Complete record, retained in a separate file.
- Leave: Retained in MyPortal, but we also have paper leave slips. There are multiple places where leave may need to be reviewed. Payroll files may also need to be reviewed. These files may also be at the records center.
- Payroll: Same as leave above.
- Employment agreement: Agreements reached as a result of litigation or other agreements between employee and employer. WaTech currently retains those in personnel files (unless litigation agreement states otherwise) but require the review of in process vs filed described above.
- Supervisor's file: per the L&I policy ES.C.7, supervisor's file is also included as part of personnel file. Currently, supervisor's files are not part of the personnel record maintained in WaTech's HR. HR will have to contact supervisors to obtain the supervisor's files.
- WaTech assumes the requirement to provide reason for discharge can be satisfied by a copy of the official letter of discharge. This would not have a large impact, as those documents are currently kept in the personnel file. Employee discharge statements for at-will employees are not currently detailed, per advice of the Office of Attorney General.

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

## **Part III: Expenditure Detail**

### **III. A - Operating Budget Expenditures**

Non-zero but indeterminate cost and/or savings. Please see discussion.
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### **III. B - Expenditures by Object Or Purpose**

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/30/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Kyle Siefering	<b>Phone:</b> (360) 995-3825	<b>Date:</b> 01/26/2024

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 Professional Engineers and Land Surveyors (BRPELS) purchases human resource services from the Department of Enterprise Services (DES). The DES Small Agency Human Resources unit maintains personnel files for active BRPELS employees. It is assumed any requests under this legislation for active staff would be managed by DES. BRPELS would provide files for previously separated staff. Due to the small number of staff at BRPELS, 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Diann Lewallen	<b>Phone:</b> 360-407-8121	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Diann Lewallen	<b>Phone:</b> 360-407-8121	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Tiffany West	<b>Phone:</b> (360) 890-2653	<b>Date:</b> 01/26/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Sara Standish	<b>Phone:</b> (360) 407-8229	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Jessica Goodwin	<b>Phone:</b> (360) 819-3719	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Val Terre	<b>Phone:</b> (360) 280-3973	<b>Date:</b> 01/30/2024

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 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Seth Flory	<b>Phone:</b> (360) 407-8165	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Seth Flory	<b>Phone:</b> (360) 407-8165	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Cheri Keller	<b>Phone:</b> (360) 584-2207	<b>Date:</b> 01/26/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 190-Board of Industrial Insurance Appeals
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## Part I: Estimates

☒ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> William Chase	<b>Phone:</b> 360-753-2790	<b>Date:</b> 01/31/2024
<b>Agency Approval:</b> Bob Liston	<b>Phone:</b> 360-753-6823	<b>Date:</b> 01/31/2024
<b>OFM Review:</b> Anna Minor	<b>Phone:</b> (360) 790-2951	<b>Date:</b> 01/31/2024



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.

Requires an employer to furnish an employee or former employee with a complete copy of their personnel file at no cost within 21 calendar days of a request.

- Mandates an employer to furnish a former employee with a signed written statement with the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons, within 21 calendar days of the written request.

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

II. B - Cash receipts Impact

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

II. C - Expenditures

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

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Colin O'Neill	Phone: (360) 664-4552	Date: 01/25/2024
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 01/25/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/25/2024

## 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 a copy of 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.

#### CHANGES MADE BY THE SUBSTITUTE:

Section 1(1c): changes "All disciplinary records" to "All nonactive or closed disciplinary records"

Section 1(1g): changes "All other records contained in the file" to "All other records designated by the employer as part of the employee's personnel file"

Section 1(3): adds that this section may not be construed to require an employer to create personnel records.

Section 2(1): changes from "Each employer shall provide such personnel file(s)" to "Each employer shall provide a copy of such personnel file(s)"

### 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Flory Seth	<b>Phone:</b> 360-407-8165	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Flory Seth	<b>Phone:</b> 360-407-8165	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Kyle Siefering	<b>Phone:</b> (360) 995-3825	<b>Date:</b> 01/26/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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:

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- ☐ 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: 01/25/2024
Agency Preparation: Kim Anderson	Phone: 360-664-1153	Date: 01/29/2024
Agency Approval: Kim Anderson	Phone: 360-664-1153	Date: 01/29/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/30/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Megan Given	<b>Phone:</b> 360-596-4049	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Mario Buono	<b>Phone:</b> (360) 596-4046	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Tiffany West	<b>Phone:</b> (360) 890-2653	<b>Date:</b> 01/30/2024

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 still an indeterminate fiscal impact to the Washington State Patrol (WSP) from the substitute version of this bill.

Section 1(2) identifies the records that are considered part of the personnel file. The substitute version limits disciplinary records to nonactive and closed records for the purpose of personnel files. The substitute version also states that the act does not require an employer to create personnel records.

Section 2(1) requires an employer to provide a copy of the employee's personnel file within 21 calendar days of the request from the employee, former employee, or their designee. This request shall have no cost to the requestor. The employer must provide the former employee or designee a written statement with the date of discharge and reason for the discharge. "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.

We have removed the statement in this substitute bill wherein we had provided a range of costs for meeting the obligation to provide personnel files. This is not due to changes between the original bill and the substitute bill. However after further reflection this is an obligation that we currently have.

We may be subject to statutory damages if we cannot meet the 21-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.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 227-Criminal Justice Training Commission
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## Part I: Estimates

☒ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Brian Elliott	<b>Phone:</b> 206-835-7337	<b>Date:</b> 01/25/2024
<b>Agency Approval:</b> Brian Elliott	<b>Phone:</b> 206-835-7337	<b>Date:</b> 01/25/2024
<b>OFM Review:</b> Danya Clevenger	<b>Phone:</b> (360) 688-6413	<b>Date:</b> 01/26/2024

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 has no significant fiscal impact to the Criminal Justice Training Commission to provide personnel records as required.

II. B - Cash receipts Impact

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

This bill has no cash receipt impact.

II. C - Expenditures

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

This bill has no expenditure 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



**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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Shelly Baldwin	<b>Phone:</b> 360-725-9889	<b>Date:</b> 01/29/2024
<b>Agency Approval:</b> Shelly Baldwin	<b>Phone:</b> 360-725-9889	<b>Date:</b> 01/29/2024
<b>OFM Review:</b> Tiffany West	<b>Phone:</b> (360) 890-2653	<b>Date:</b> 01/30/2024

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.

Substitute SB 5924 -- 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.

Sec. 3. (Added in Substitute) Allows employee or former employee to enforce chapter 49.12.240 through 49.12.260 through a private cause of action in superior court and sets statutory damages for various violations. 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Kathy Cody	<b>Phone:</b> (360) 480-7237	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Jamie Langford	<b>Phone:</b> (360) 902-0422	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Val Terre	<b>Phone:</b> (360) 280-3973	<b>Date:</b> 01/30/2024

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.

Changes in the substitute do not impact the Office of Independent Investigations' previous fiscal note assumptions.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Rachel Reed	<b>Phone:</b> 360-902-4552	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Trent Howard	<b>Phone:</b> 360-902-6698	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Anna Minor	<b>Phone:</b> (360) 790-2951	<b>Date:</b> 01/30/2024



## 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. The current obligation by WAC 296-126-050 for access to the file is within a “reasonable period”, which L&I policy sets forth as 10 business days for both current and former employees. The current obligation for the employer to provide a reason for discharge is also set forth in WAC 296-126-050 as 10 business days.

## 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Deb Williams	<b>Phone:</b> 360-902-0015	<b>Date:</b> 01/29/2024
<b>Agency Approval:</b> Collin Ashley	<b>Phone:</b> (564) 669-9190	<b>Date:</b> 01/29/2024
<b>OFM Review:</b> Kyle Siefering	<b>Phone:</b> (360) 995-3825	<b>Date:</b> 01/29/2024

## 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 change from previous fiscal note.

Differences between SB 5924 and SSB 5924:

- Clarifies what is included in personnel records, does not require the employer to create personnel records, specifies that a copy of records would be provided.

#### DESCRIPTION:

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 275-Public Employment Relations Commission
-------------------------------	---	---

## 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Dario de la Rosa	<b>Phone:</b> 360-570-7328	<b>Date:</b> 01/25/2024
<b>Agency Approval:</b> Dario de la Rosa	<b>Phone:</b> 360-570-7328	<b>Date:</b> 01/25/2024
<b>OFM Review:</b> Val Terre	<b>Phone:</b> (360) 280-3973	<b>Date:</b> 01/25/2024

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.

Substitute Senate Bill 5924requires 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 SSB 5924 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 SSB 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 300-Department of Social and Health Services
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
General Fund-Federal 001-2	10,000	45,000	55,000	90,000	90,000
<b>Total \$</b>	10,000	45,000	55,000	90,000	90,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3	2.0	1.2	2.0	2.0
<b>Account</b>					
General Fund-State 001-1	35,000	161,000	196,000	322,000	322,000
General Fund-Federal 001-2	10,000	45,000	55,000	90,000	90,000
<b>Total \$</b>	45,000	206,000	251,000	412,000	412,000

### 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: 01/25/2024
Agency Preparation: Teresa Elliott	Phone: 360-902-8177	Date: 02/01/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/01/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 02/02/2024

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.

SSB 5924 amends Labor & Industries (L&I) statutes. The bill requires employers to provide a copy of an employee's personnel file within 21 calendar days after a request by an employee, former employee, or their designee.

It defines the personnel file to include job application records, performance evaluations, disciplinary records, medical/leave/reasonable accommodation records, payroll records, employment agreements, and all other records in the personnel file.

This bill limits applicability of this requirement to requests made within 3 years of the employee's separation from employment. Also, within 21 calendar days of a request for it, employers must provide a signed written statement of the date of the employee's discharge from employment, and the reason for the discharge (if any).

The bill also provides a private cause of action for an employee or former employee if the employer doesn't comply with the requirements.

II. B - Cash receipts Impact

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

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

II. C - Expenditures

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

The Department of Social and Health Services (DSHS) payroll section will require 0.3 Forms and Records Analyst 3 FTEs in Fiscal Year 2024 and 2.0 FTEs in Fiscal Year 25 and each year after ongoing to implement this bill and provide the records within 21 days to avoid statutory damages.

There will be an increased workload associated with locating and providing payroll records from many years ago in just 21 business days, as most DSHS facilities stored those records independent from the State Record Center.

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

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

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

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	35,000	161,000	196,000	322,000	322,000
001-2	General Fund	Federal	10,000	45,000	55,000	90,000	90,000
Total \$			45,000	206,000	251,000	412,000	412,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3	2.0	1.2	2.0	2.0
A-Salaries and Wages	21,000	132,000	153,000	264,000	264,000
B-Employee Benefits	9,000	53,000	62,000	106,000	106,000
C-Professional Service Contracts					
E-Goods and Other Services	2,000	12,000	14,000	24,000	24,000
G-Travel					
J-Capital Outlays	12,000		12,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service		1,000	1,000	2,000	2,000
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	1,000	8,000	9,000	16,000	16,000
9-					
Total \$	45,000	206,000	251,000	412,000	412,000

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Forms and Records Analyst 3		0.3	2.0	1.2	2.0	2.0
Total FTEs		0.3	2.0	1.2	2.0	2.0

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative and Supporting Services (110)	45,000	206,000	251,000	412,000	412,000
Total \$	45,000	206,000	251,000	412,000	412,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 303-Department of Health
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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: 01/25/2024
Agency Preparation: Bekki Ayres	Phone: 3604703623	Date: 01/29/2024
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 01/29/2024
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/29/2024

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 21 calendar days from the due date;  
\$500 if the complete file, statement, or redaction log is not provided within 28 calendar days from the due date; and  
\$1,000 if the complete file, statement, or redaction log is provided later than 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.

The Department of Health (DOH) maintains one personnel file for employees in accordance with applicable collective bargaining agreements and WACs, the provisions of this bill expand the types of “personnel records” that can be requested by current and former employees. DOH does not keep the following records within each personnel file:

- Job application records
- Medical, leave, and reasonable accommodation records
- Payroll records

These additional records would need to be gathered from multiple sources. Additionally, many are not available electronically. So, it would require additional staff time reviewing and retrieving applicable records from hard copy paper files. Given the unknown number of requests that the department may receive, potential increased costs are indeterminate.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 305-Department of Veterans Affairs
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## Part I: Estimates

☒ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Chony Culley	<b>Phone:</b> 3604808127	<b>Date:</b> 01/29/2024
<b>Agency Approval:</b> Yacob Zekarias	<b>Phone:</b> 253-545-1942	<b>Date:</b> 01/29/2024
<b>OFM Review:</b> Breann Boggs	<b>Phone:</b> (360) 485-5716	<b>Date:</b> 01/29/2024



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.

5924 S SB does not change the fiscal impact to Washington Department of Veterans Affairs (WDVA) compared to the previous version. The bill has no fiscal impact on WDVA. WDVA could support the requirements within existing resources.

The bill updates inclusion of the personnel file, clarifies purpose for the changes in Section 1, and specifies agency’s time limit to provide personnel files.

Section 1(2) updates personnel files to include (c) all nonactive or closed disciplinary records, (g) all other records designated by the employer as part of the employee's personnel file, (3) clarifies purpose of the updates. Section 2(1) directs each employer to provide a copy of such personnel file(s) 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.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 310-Department of Corrections
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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	3.4	1.7	3.4	3.4
<b>Account</b>					
General Fund-State 001-1	0	466,000	466,000	890,000	890,000
<b>Total \$</b>	0	466,000	466,000	890,000	890,000

### 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: 01/25/2024
Agency Preparation: Ellen Hafer	Phone: (360) 725-8428	Date: 01/31/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 01/31/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/31/2024

## 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.*

Substitute Senate Bill (SSB) 5924 differs from previous versions of this bill as follows:

- Section 1(2)(c) limits disciplinary records to nonactive and closed disciplinary records for the purposes of personnel files.
- Section 1(2)(g) limits all other records for the purposes of personnel files to all other records designated by the employer as part of the employee's personnel file.
- Section 1(3) provides that the act does not require an employer to create personnel records.
- Section 2(1) amends RCW 49.12.250 to replace "a reasonable amount of time" with a timeline of 21 days for an employer to provide a copy of the personnel file(s) after the request has been made. This section also clarifies that the records shall be provided at no cost to the employee, former employee, or their designee.

The following impacts from the original bill remain unchanged in the substitute:

Section 2(4) amends RCW 49.12.250 to add that the employer must furnish a written statement with the effective date of discharge and reason for discharge, as applicable, within 21 calendar days of receiving a written request from a former employee or their designee.

Section 2(5) amends RCW 49.12.250 to define "former employee" as a person separated from the employer within three years of the date of the person's request.

Section 3(1)(a) adds that an employee may enforce RCW 49.12.240 through 49.12.260 in superior court and will be entitled to equitable relief, statutory damages and reasonable attorneys' fees and costs for each violation.

Section 3(2) defines the statutory damages for each violation as (a) \$250 if the complete personnel file or statement is not provided within 21 calendar days, (b) \$500 if the complete personnel file or statement is not provided within 28 calendar days, (c) \$1,000 if the complete personnel file or statement is provided later than 35 calendar days, and (d) \$500 for any other violations.

Effective date is assumed 90 days after adjournment of the session in which this bill is passed.

### 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.*

The updated bill language from the SSB 5924 to Senate Bill 5924 does not change the previous fiscal impact assumptions to the Department of Corrections (DOC).

If this bill is enacted, DOC will have a fiscal impact of \$50,000 or more per Fiscal Year (FY).

Section 1(2) states that a "personnel file" includes the following records:

- All job application records.
- All performance evaluations.
- All nonactive or closed disciplinary records.
- All medical, leave, and reasonable accommodation records.
- All payroll records.
- All employment agreements.
- All other records designated by the employer as part of the employee's personnel file.

The changes in section 1(2) expand upon the traditional contents of a personnel record and will require document retrieval of electronic and hard copy records from several electronic systems and physical locations. DOC records are not widely digitized, so meeting the requirements of this bill would require electronic and hard copy records to be gathered and, in many cases, shipped from one or more of DOC's 11 prisons, 13 Reentry Centers, 86 Community Corrections field offices (Community Justice Centers), or other DOC locations to DOC's headquarters location in Tumwater, WA, to be reviewed and prepared for the requesting party. The DOC assumes hard copy records would be scanned before being e-mailed to the requesting party.

Section 2(1) provides a timeline of 21 days for an employer to release personnel records to former and current employees or representatives, which is a faster timeline than DOC would normally fulfill records requests in many cases.

Section 2(4) requires DOC to furnish a written statement with the effective date of discharge and reason for discharge, as applicable, within 21 calendar days of receiving a written request from a former employee or their designee. DOC would presume the statement provided could be used in a future legal action against the Department. Therefore, increased staff time would be needed to develop the statement and have it reviewed by the Attorney General's Office (AGO).

To meet the requirements of SSB 5924, DOC would need to hire additional staff at a total cost of \$466,000 for FY 2025 and \$445,000 per FY thereafter as illustrated below:

- A Human Resource Consultant 4 is needed at a cost of \$140,789 in FY 2025, and \$133,639 in FY 2026 and ongoing, to provide statewide support for DOC and the furnishing of written statements to former employees or designee. This includes the date and reason for discharge of the employee as required in Section 2(4). This position will also serve as the liaison between DOC and the AGO to ensure compliant and consistent correspondence is achieved to mitigate legal liability. This position would also assist with the gathering, review, and preparation of job application records, performance evaluations, and disciplinary records.
- A Fiscal Analyst 2 is needed at a cost of \$121,763 in FY 2025, and \$114,613 in FY 2026 and ongoing, to obtain and review payroll records from DOC's OnBase software system, Outlook filing system, and hard copy files to ensure relevance before release to current or former employees or designee pursuant to Section 2(1) of the act.
- A Communication Consultant 3 is needed at a cost of \$153,799 in FY 2025, and \$146,649 in FY 2026 and ongoing, to process personnel records requests. This includes acquisition, review, and redaction of all applicable documents as needed before release of disciplinary, medical, leave, reasonable accommodation, and all other records pursuant to Section 1(2) of the act.

Although DOC has more than 120 facility/office locations statewide, the required electronic and hard copy records would be consolidated and prepared at DOC's headquarters location in Tumwater, WA (in some cases scanning/digitizing the hard copy records) for the requestor within this short 21 calendar day timeframe. This enterprise approach will require the three dedicated FTEs requested on this fiscal note.

The DOC estimates between 100-200 requests annually and 20-30 hours of total work time per request, due to the broad definition of personnel file in this bill, DOC employee records being in more than 120 facility/office locations statewide, and a large volume of the files being in hard copy format.

The DOC had 983 separations in calendar year 2023 and estimates that it would receive between 30-40 requests annually to furnish a written statement with the effective date of discharge and reason for discharge within 21 calendar days of receiving the written request from a former employee or their designee, as required by Section 2(4). The DOC estimates that requests would take 16 hours of worktime on average to provide each written statement, including coordination with the AGO.

FY 2025 includes salaries, benefits, and other support costs such as one-time for start-up and on-going costs per FTE. FY 2026 and future fiscal years include only ongoing costs.

The DOC requests funding for the indirect costs of agency administration which includes 0.4 FTE and \$50,128 in FY2025 and ongoing for the purpose of supporting Payroll, Human Resources, Information Technology, and other expenses associated with the hiring and employment of staff to implement this legislation. The approved agency indirect rate and associated administrative support costs are calculated based on the salaries and benefits of staff conducting back office administrative functions, divided by all remaining salaries and benefits.

Total estimated annual increase by FY (rounded to the nearest thousand):

- FY2025: \$466,000 total cost and 3.4 FTE's
- FY2026: \$445,000 total cost and 3.4 FTE's
- FY2027: \$445,000 total cost and 3.4 FTE's
- FY2028: \$445,000 total cost and 3.4 FTE's
- FY2029: \$445,000 total cost and 3.4 FTE's

## 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	466,000	466,000	890,000	890,000
<b>Total \$</b>			0	466,000	466,000	890,000	890,000

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		3.4	1.7	3.4	3.4
A-Salaries and Wages		281,000	281,000	562,000	562,000
B-Employee Benefits		90,000	90,000	180,000	180,000
C-Professional Service Contracts					
E-Goods and Other Services		18,000	18,000	36,000	36,000
G-Travel		3,000	3,000	6,000	6,000
J-Capital Outlays		24,000	24,000	6,000	6,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		50,000	50,000	100,000	100,000
9-					
<b>Total \$</b>	0	466,000	466,000	890,000	890,000

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
Communications Consultant 3			1.0	0.5	1.0	1.0
Fiscal Analyst 2			1.0	0.5	1.0	1.0
Human Resource Consultant 4			1.0	0.5	1.0	1.0
Management Analyst 5			0.4	0.2	0.4	0.4
Total FTEs			3.4	1.7	3.4	3.4

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administration and Support Services (100)		457,000	457,000	872,000	872,000
Interagency Payments (600)		9,000	9,000	18,000	18,000
Total \$		466,000	466,000	890,000	890,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Lorie Christoferson	<b>Phone:</b> (360) 725-3840	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Joseph Kasperski	<b>Phone:</b> 360-725-3847	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Anna Minor	<b>Phone:</b> (360) 790-2951	<b>Date:</b> 01/30/2024



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.

Original bill language amends RCW and adds a new section 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.

The substitute bill makes changes from the original bill as follows: Section 1, (2) (c) "disciplinary records" is changed to "all non-active or closed disciplinary records"; (2) (g) "all other records designated by the employer as part of the employee's personnel file" is changed to "all other records in the file"; (3) adds language that section 1 does not require an employer to create personnel records. Section 2 (1) language is changed from providing a copy of personnel files to provide personnel files.

The original and substitute bill has 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. It's anticipated the number of requests or the workload will not increase due to the changes to this bill. There is no anticipated impact to DSB.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 340-Student Achievement Council
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Brian Richardson	<b>Phone:</b> 360-485-1124	<b>Date:</b> 01/25/2024
<b>Agency Approval:</b> Brian Richardson	<b>Phone:</b> 360-485-1124	<b>Date:</b> 01/25/2024
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 01/30/2024

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 substitute bill differs from the original bill in that it allows the employer to provide a copy of the employee's personnel file, instead of the original, and it specifies limits on what records are included in the personnel file that is provided for inspection.

The bill would require an employer to, at least annually, permit an employee to inspect their own personnel file upon request. (Section 1(1))

Each employer shall provide to an employee, former employee, or their designee a copy of the employee's personnel file at no cost within 21 calendar days of a request from the employee, former employee, or their designee. (Section 2(1))

Every employer shall, 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 designee stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons. (Section 2(4))

The Washington Student Achievement Council (WSAC) anticipates being able to fulfill any requests within the 21-day deadline using existing resources and this bill, therefore, would have no fiscal impact.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Seth Flory	<b>Phone:</b> (360) 407-8165	<b>Date:</b> 01/29/2024
<b>Agency Approval:</b> Seth Flory	<b>Phone:</b> (360) 407-8165	<b>Date:</b> 01/29/2024
<b>OFM Review:</b> Marcus Ehrlander	<b>Phone:</b> (360) 489-4327	<b>Date:</b> 01/30/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Phillip McCreary	<b>Phone:</b> 360-947-3314	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Phillip McCreary	<b>Phone:</b> 360-947-3314	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Gaius Horton	<b>Phone:</b> (360) 819-3112	<b>Date:</b> 01/26/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> April Rupe	<b>Phone:</b> 360-901-4010	<b>Date:</b> 01/29/2024
<b>Agency Approval:</b> Jessica Sydnor	<b>Phone:</b> (360) 418-4326	<b>Date:</b> 01/29/2024
<b>OFM Review:</b> Gaius Horton	<b>Phone:</b> (360) 819-3112	<b>Date:</b> 01/30/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Diann Lewallen	<b>Phone:</b> 360-407-8121	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Diann Lewallen	<b>Phone:</b> 360-407-8121	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/26/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 360-University of Washington
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## Part I: Estimates

☐

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.5	0.3	0.5	0.5
<b>Account</b>					
General Fund-State 001-1	0	34,525	34,525	69,050	69,050
<b>Total \$</b>	0	34,525	34,525	69,050	69,050

### 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: 01/25/2024
Agency Preparation: Michael Lantz	Phone: 2065437466	Date: 01/30/2024
Agency Approval: Jed Bradley	Phone: 2066164684	Date: 01/30/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/02/2024



## 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.*

Substitute Senate Bill 5924 concerns access to personnel records by current and former employees, as well as their designees. Compared to the original version of the bill, the substitute:

- Limits applicability of disciplinary records in personnel files to nonactive and closed disciplinary records.
- Limits "all other records" for purposes of personnel files to all other records designated by the employer as part of the employee's personnel file.
- Provides that the act does not require an employer to create personnel records.
- Provides that employer is required to provide a copy of the personnel file, rather than the actual personnel file.

Meanwhile, the substitute maintains the following substantive provisions:

- Section 1 defines "personnel file" broadly to include application records; performance evaluations; nonactive or closed disciplinary records; medical, leave, and reasonable accommodation records; payroll records; employment agreements; and any other records designed by the employer as part of the employee's personnel file.
- Section 2(1) requires an employer to provide the personnel file of an employee or former employee to them or their designee at no cost within 21-calendar days of a request being made.
- Section 2(4) requires an employer to furnish a signed written statement stating the effective date of a former employee's discharge and the reasons for the discharge within 21-calendar days of receiving a written request from the former employee or their designee.
- Section 2(5) provides that former employees may request their personnel file through this process for a period of three years after they separate from their employer.
- Section 3 provides an employee or former employee with a legal cause of action to enforce the provisions of this measure, requires them to give five calendar days' notice to employer, and lists the statutory damages applicable to the employer for delays.

### 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.*

Overview:

The modifications made by the substitute do not change the cost drivers for the UW. Therefore, the University is submitting substantively the same fiscal note as for the original bill.

Currently, the UW Office of Public Records, the UW Human Resources Department both on campus and at our medical centers, and the UW Office of Academic Personnel all have a role in responding to requests for personnel files. To process each request, the records must be compiled, reviewed, and, if necessary, redacted. The time it takes to complete each request is dependent on the employee's years of service with the university and the nature and format of the records, and for former employees, whether records need to be collected from archives. Additionally, certain personnel record keeping obligations are distributed to individual departments and multiple centralized HR units, while other records may be retained in integrated electronic records systems. The distribution of all record types defined in Section 1 both complicates and

lengthens the time required to compile the relevant records.

The UW has attempted to calculate the number of personnel file requests received in the past three years. In 2021 the University received 87 such requests and in 2022 it received 93. Meanwhile, though Mid-July 2023, the University had already received 61 requests. The numbers for 2021 and 2022 do not include requests made for UW Medical Center – Northwest staff and, overall, the University expects personnel file requests to continue to grow.

Anticipated Costs for UW Human Resources Department:

The UW Human Resources Department will likely handle the majority of requests under this measure. The Department, which maintains records for most campus, medical center, and student staff, anticipates that each record request will require an average of four hours of work by a designated staff member. For a conservative estimate, the Department assumes that these requests will result in approximately 520 hours annually, or .25 FTE for a Records Analyst 1 (annual salary: \$50,000; benefits rate: 38.1%). This additional support is needed to ensure that the process to intake, review, collect distributed records, redact information, track, and send the personnel file is completed within the 21 calendar day window.

Anticipated Costs for UW Office of Public Records and UW Office of Academic Personnel:

The UW Office of Academic Personnel handles most personnel records for faculty and academic personnel. Meanwhile, the UW Office of Public Records is the initial point of contact for many personnel file requests. We conservatively estimate that combined the units will need an additional .25 FTE for a Records Analyst 1 position (annual salary: \$50,000; benefits rate: 38.1%) to support their efforts and meet the 21 calendar day response deadline.

Litigation Costs:

While the UW assumes compliance with the measure’s requirements, Section 4 provides a private cause of action when the provisions of the measure are violated, including the 21 calendar day deadline. The costs of responding to any lawsuits filed under Section 4 could be significant, though a lawsuit is unlikely to be filed within a given year. Furthermore, the statutory damages for each violation are specified and limited to no more than \$1,000 in most cases.

Overall, the impact to the UW from Substitute Senate Bill 5924 is likely to be less than \$50,000 per fiscal year.

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	34,525	34,525	69,050	69,050
Total \$			0	34,525	34,525	69,050	69,050

### 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		25,000	25,000	50,000	50,000
B-Employee Benefits		9,525	9,525	19,050	19,050
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	34,525	34,525	69,050	69,050

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Records Analyst 1	50,000		0.5	0.3	0.5	0.5
<b>Total FTEs</b>			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

## 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 365-Washington State University
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## Part I: Estimates

☒ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Anne-Lise Brooks	<b>Phone:</b> 509-335-8815	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Chris Jones	<b>Phone:</b> 509-335-9682	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 02/02/2024

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 relates to an employee's right to access and review their personnel file and outlines timeframes and penalties if the employer does not comply.

Washington State University currently provides a copy of the personnel file to current and former employees upon request, and does not expect any fiscal impact due to 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 370-Eastern Washington University
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

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

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Susan Jones	Phone: 360-786-7404	Date: 01/25/2024
Agency Preparation: Keith Tyler	Phone: 509 359-2480	Date: 01/30/2024
Agency Approval: Tammy Felicijan	Phone: (509) 359-7364	Date: 01/30/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/02/2024

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.

SSB 5924 seeks to codify, modify, and clarify laws regarding access to personnel files. Changes to the substitute bill include clarifying language in definitions that do not affect the response to the original bill, therefore we are submitting the same fiscal impact.

- Section 1: Amendments to RCW 49.12.240 define the records to be included in an employee's personnel file to include job application records, performance evaluations, disciplinary records, medical, leave, and reasonable accommodation records, payroll records, employment records, employee agreements, and other records designated by the employer as part of the employee personnel file.
- Section 2: Amendments to RCW 49.12.250 require the employer to provide the personnel file within 21 calendar days of a request.

EWU does not currently centrally file all of these records for an employee, although they are available. Compiling these records for the Public Records Manager upon request may require significant interdepartmental coordination to meet the 21 calendar day deadline. Currently EWU receives approximately 25 such requests annually.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

EWU does not currently charge for copies of personnel files so we do not anticipate a significant financial impact due to this change. The 21 calendar day turnaround requirement may be problematic from a standpoint of aggregating the required files, as the new definition of personnel file includes in addition to what is already identified as a personnel file under current statute:

(1) all medical, leave, and reasonable accommodation records; (2) all payroll records; (3) all performance evaluations (regardless of whether they are in a personnel file); and (4) all job application records (not just the application for the job for which they were hired). As these files are not centrally located, it will take coordination of several people across multiple teams to quickly pull records. Additionally, records will require additional time to review, and as necessary, redact. Currently EWU receives approximately 25 records requests annually that fall under the scope of this bill. Estimating approximately 8 hours of work required to compile and review each request, EWU anticipates that this will require a .1FTE Public Records Manager at a salary of \$75k, with \$25k of related benefits.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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



### III. B - Expenditures by Object Or Purpose

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

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

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

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

## Part V: New Rule Making Required

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 376-The Evergreen State College
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
<b>Account</b>					
General Fund-State 001-1	50,853	50,853	101,706	101,706	101,706
<b>Total \$</b>	50,853	50,853	101,706	101,706	101,706

### 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: 01/25/2024
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 01/30/2024
Agency Approval: Lisa Dawn-Fisher	Phone: 564-233-1577	Date: 01/30/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/02/2024

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.

S SB 5924 relates access to personnel records.

Section 1(2)(c) adds “nonactive or closed” to the line about disciplinary records that employees should be permitted to inspect.

Section 1(2)(g) adds “designated by the employer as part of the employee’s personnel file” to the “all other records” subsection.

Section 1(3) adds “this section may not be construed to create a retention schedule for records or to create personnel records.”

These changes do not affect the college's assessment of fiscal impact.

\*\*\*\*\*

SB 5924 relates to access to personnel records.

Section 1 (1) requires employers to allow employees to inspect their personnel files at least once annually.

Section 1 (2) defines “personnel file” and lists the components of the file, including job application materials; evaluations; disciplinary records; medical, leave and reasonable accommodation records; payroll records; and employment agreements.

Section 2 (1) states that the employer shall provide the personnel file within 21 business days.

Section 2 (4) states that every employer shall, within 21 days of receiving a request, furnish a written statement to the former employee stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons.

Section 3 (1) states the procedure for enforcement of the law, and

Section 3 (2) lists the statutory damages in fines to the employer for 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.

In order to meet the 16 day deadline, we anticipate the need for a .50 FTE Human Resource Consultant and some assistance for faculty related requests (faculty personnel files are maintained by the Provost's Office, while staff personnel files are maintained by the Human Resources Office.) We also will need funding for the paper and/or other media for the personnel records. And, depending on the volume of the requests, we may incur additional overtime to support the requests. Also, since Evergreen is not part of the HRMS system used by many state agencies, we may need to move to an integrated

electronic records system if demand for records turns out to be high. We have not included those costs as they are indeterminate at this time.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	50,853	50,853	101,706	101,706	101,706
Total \$			50,853	50,853	101,706	101,706	101,706

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
A-Salaries and Wages	30,859	30,859	61,718	61,718	61,718
B-Employee Benefits	19,394	19,394	38,788	38,788	38,788
C-Professional Service Contracts					
E-Goods and Other Services	600	600	1,200	1,200	1,200
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	50,853	50,853	101,706	101,706	101,706

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Human Resources Consultant 1 Range 47, Step F	53,964	0.5	0.5	0.5	0.5	0.5
Total FTEs		0.5	0.5	0.5	0.5	0.5

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 380-Western Washington University
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## Part I: Estimates

☒ **No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Timothy Davenport	<b>Phone:</b> 3606503257	<b>Date:</b> 01/29/2024
<b>Agency Approval:</b> Anna Hurst	<b>Phone:</b> 360-650-3569	<b>Date:</b> 01/29/2024
<b>OFM Review:</b> Ramona Nabors	<b>Phone:</b> (360) 742-8948	<b>Date:</b> 02/02/2024

## 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, at least annually upon written request, employees the opportunity to inspect their own personnel file as defined by this section.

Section 2: Requires employers to provide a copy of such personnel files at no cost within 21 calendar days to the employee (or their authorized designee) or to a former employee within two years of separation. An employee may annually petition the employer to review all information in their personnel file and may insert a rebuttal or correction.

Upon written request, the employer must provide a statement (within 21 days of a written request) to the former employee (up to three years after separation) stating the date of discharge, whether the employer had a reason for discharge and, if so, the reasons.

Section 3: Allows an employee or former employee the right to enforce, through legal action, any violation of these sections and will be entitled to equitable relief, statutory damages (as set in this section), and reasonable legal costs.

Effects of changes made by Labor & Commerce Committee (first substitute):

- Limits disciplinary records to nonactive and closed disciplinary records for the purposes of personnel files.
- Limits all other records for purposes of personnel files to all other records designated by the employer as part of the employee's personnel file.
- Provides that the act does not require an employer to create personnel records.
- Provides that employer is required to provide a copy of the personnel file, rather than the actual personnel file.

Fiscal Impact:

This bill is not anticipated to have a fiscal impact because our Human Resource (HR) department will absorb the effort required to meet the requirements of the bill (i.e., use existing resources). As all of our employee records are kept in On Base and/or State Archives there is no cost associated with obtaining records as requested by an employee. It looks like the main changes are an increase in the required number of days to supply the documents to an employee, and providing a written statement stating the date and reason for discharge. We don't currently prepare this statement in HR, but that wouldn't be costly, just a matter of us creating a template to complete when employee records are 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.*

## 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Korja Giles	<b>Phone:</b> (360) 485-1106	<b>Date:</b> 01/25/2024
<b>Agency Approval:</b> Deane Shellman	<b>Phone:</b> 3606221743	<b>Date:</b> 01/25/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/25/2024

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 adds provisions and a timeline for the sharing of personnel files with employees. The substitute bill increases the time period to 21 calendar days for an employer to provide a copy of a personnel file upon request, or upon request, a written statement documenting a former employee's date of discharge and any reason for the termination if they separated from the employer within three years of the date of request. For the purposes of personnel files, the substitute bill also limits disciplinary records to nonactive and closed disciplinary records and clarifies that a copy of the personnel file should be provided and not the actual personnel file.

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 (ARTS) 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Teresa Mattson	<b>Phone:</b> (360) 798-5906	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Jennifer Kilmer	<b>Phone:</b> 253-798-5900	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Amy Hatfield	<b>Phone:</b> (360) 280-7584	<b>Date:</b> 01/30/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Flory Seth	Phone: 360-407-8165	Date: 01/26/2024
Agency Approval: Flory Seth	Phone: 360-407-8165	Date: 01/26/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/29/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.2	2.0	1.1	2.0	2.0
<b>Account</b>					
Motor Vehicle Account-State 108 -1	25,000	184,000	209,000	368,000	378,000
<b>Total \$</b>	25,000	184,000	209,000	368,000	378,000

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

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Susan Jones	Phone: 360-786-7404	Date: 01/25/2024
Agency Preparation: Laurie Milligan	Phone: 360-705-7773	Date: 01/31/2024
Agency Approval: Laurie Milligan	Phone: 360-705-7773	Date: 01/31/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/31/2024

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.

See attached fiscal note

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
108-1	Motor Vehicle Account	State	25,000	184,000	209,000	368,000	378,000
Total \$			25,000	184,000	209,000	368,000	378,000

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

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.2	2.0	1.1	2.0	2.0
A-Salaries and Wages	11,000	128,000	139,000	256,000	256,000
B-Employee Benefits	4,000	50,000	54,000	100,000	100,000
C-Professional Service Contracts					
E-Goods and Other Services		4,000	4,000	8,000	8,000
G-Travel		2,000	2,000	4,000	4,000
J-Capital Outlays	10,000		10,000		10,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	25,000	184,000	209,000	368,000	378,000

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

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Forms & Records Analyst 3	64,000	0.1	1.0	0.6	1.0	1.0
Human Resource Consultant 1	64,000	0.1	1.0	0.6	1.0	1.0
Total FTEs		0.2	2.0	1.1	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 SSB      **Title:** Personnel Records      **Agency:** 405-Department of Transportation

## Part I: Estimates

- ☐ No Fiscal Impact (Explain in section II. A)
- ☐ Indeterminate Cash Receipts Impact (Explain in section II. B)
- ☒ Indeterminate Expenditure Impact (Explain in section II. C)
- 
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**
- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**
- ☐ Capital budget impact, **complete Part IV**
- ☐ Requires new rule making, **complete Part V**
- ☐ Revised

		2023-25 Biennium		2025-27 Biennium		2027-29 Biennium	
Expenditures		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
108-1-MOTOR VEHICLE		\$25,000	\$184,000	\$184,000	\$184,000	\$194,000	\$184,000
<b>Total Expenditures</b>		<b>\$25,000</b>	<b>\$184,000</b>	<b>\$184,000</b>	<b>\$184,000</b>	<b>\$194,000</b>	<b>\$184,000</b>
<b>Biennial Totals</b>		<b>\$209,000</b>		<b>\$368,000</b>		<b>\$378,000</b>	
FTEs							
Salary		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Human Resource Consultant 1	\$64,000	0.1	1.0	1.0	1.0	1.0	1.0
Forms & Records Analyst 3	\$64,000	0.1	1.0	1.0	1.0	1.0	1.0
<b>Annual Average</b>		<b>1.1</b>		<b>1.0</b>		<b>1.0</b>	
Objects of Expenditure		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
A - SALARIES AND WAGES		\$11,000	\$128,000	\$128,000	\$128,000	\$128,000	\$128,000
B - EMPLOYEE BENEFITS		\$4,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
E - GOODS AND SERVICES		\$0	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000
G - TRAVEL		\$0	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
J - CAPITAL OUTLAYS		\$10,000				\$10,000	

## Agency Assumptions

N/A

## Agency Contacts:

Preparer: Laurie Milligan	Phone: 360-705-7773	Date: 1/31/2024
Approval: Laurie Milligan	Phone: 360-705-7773	Date: 1/31/2024
Budget Manager: Doug Clouse	Phone: 360-705-7535	Date: 1/31/2024

## Part II: Narrative Explanation

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

#### Changes from prior version:

- Limits disciplinary records to nonactive and closed disciplinary records for the purposes of personnel files.
- Limits all other records for purposes of personnel files to all other records designated by the employer as part of the employee's personnel file.
- Provides that the act does not require an employer to create personnel records.
- Provides that employer is required to provide a copy of the personnel file, rather than the actual personnel file.

# Individual State Agency Fiscal Note

**Section 1 (1)** describes the intent of the legislature to codify and change laws relating to personnel files.

**Section 1 (2)** describes what constitutes a personnel file and sets up definitions of what records should be released.

**Section 2 (1)** requires the department to provide a copy of personnel files within 21 calendar days of the request, at no cost to the employee, former employee, or their designee.

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

**Section 2 (4)** the department must within 21 days of receiving a written request from a former employee or their designee, provide a signed written statement to the employee or designee with the effective date of discharge, and if applicable reasons for discharge.

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

**Section 3** affords the employee or former employee the ability to seek relief for any documents that are not produced prompt. Prior to enforcing through private cause of action, the employee or former employee must give five calendar days' notice to the employer. The agency projects their ability to produce records will be beyond the 21-day requirement, which means every instance may be contested through this process if added resources are not provided.

The bill entitles the employee or former employee to reasonable attorney fees and costs as well. Statutory damages for each violation are:

- \$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 supplied later than 35 calendar days.
- \$500 for any other violations.

## II. B – Cash Receipts Impact

N/A

## II. C - Expenditures

Section 2 (1) will require the department to provide copies of personnel files within 21 calendar days.

The bill defines personnel files as something much more expansive than what is currently in practice for the department and required by law and collective bargaining agreements. As a result, the coordination and access of different paper and electronic systems will require added staff if the department is to follow the 21-day requirement. Currently, the department can produce similar request with existing resources in just over 30 days.

To follow this requirement the department will need two added FTE on an ongoing basis. This assumes a Forms and Records Analyst 3 and a Human Resources Consultant 1 to perform these duties. The forms and records individual will manage the coordination, communication, and redaction functions while the Human Resources Consultant will have to access the variety of systems and to collect for distribution. No one system houses these records. On an average year, the department completes about 300 of these requests and we assess two requested FTEs would enable the department to be able to process up to 300 requests annually. Beyond 300 annually may require added support, but 300 has been the average for the last two years. This calculation assumes that each request takes approximately 14 hours to produce on average and we receive 300 requests annually. This places the hourly need at just over two FTE's worth of time. The work requires someone to access and gather the records along with an oversight function to ensure the documents meet the requirements and redaction guidelines. The HR position will gather the documents from the various sources (many HR systems) and the Forms and Records position will serve in oversight and coordination of the records with the customer.

# Individual State Agency Fiscal Note

For example, the employer keeps most personnel records electronically, but some records that have longer retention schedules are in hardcopy format. Additionally, the requirement to produce payroll, safety, reasonable accommodation, and several other documents that are stored outside of the personnel file in separate systems or locations. These positions would be expected to be filled by June 30, 2024, allowing six months for training and familiarization with processes, filing, and legal requirements when responding to a personnel file request.

Section 3 allows former and existing employees financial compensation if their request is not fulfilled within 21-days. While the departments' goal is to fulfill all request per the proposed revisions, it is likely, especially without added resources (2 FTE's) that the department will not be able to follow all requests within the 21-days. The department is unable to estimate how many of those would seek relief because of the departments non-compliance or the resulting costs as attorney fees are a part of the resulting relief. Due to this the fiscal impact to the department is indeterminate.

## Part III: Expenditure Detail

### III. A - Expenditures by Object or Purpose

## Part IV: Capital Budget Impact

N/A

## Part V: New Rule Making Required

N/A

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Drew Woods	<b>Phone:</b> 360-753-5989	<b>Date:</b> 01/25/2024
<b>Agency Approval:</b> Drew Woods	<b>Phone:</b> 360-753-5989	<b>Date:</b> 01/25/2024
<b>OFM Review:</b> Maria Thomas	<b>Phone:</b> (360) 229-4717	<b>Date:</b> 01/25/2024



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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Ian Shelley	<b>Phone:</b> (360) 407-2243	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Maria Thomas	<b>Phone:</b> (360) 229-4717	<b>Date:</b> 01/26/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Aaron Halbert	<b>Phone:</b> 360-705-7118	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Reema Griffith	<b>Phone:</b> 360-705-7070	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Maria Thomas	<b>Phone:</b> (360) 229-4717	<b>Date:</b> 01/30/2024

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.

SSB 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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:

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: 01/25/2024
Agency Preparation: Sally See	Phone: 360-586-9695	Date: 01/30/2024
Agency Approval: Doug Clouse	Phone: 360-705-7535	Date: 01/30/2024
OFM Review: Erik Hansen	Phone: (360) 810-0883	Date: 02/01/2024

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 substitute version of the bill makes the following changes:

- Limits disciplinary records to nonactive and closed disciplinary records for the purposes of personnel files.
- Limits all other records for purposes of personnel files to all other records designated by the employer as part of the employee’s personnel file.
- Provides that the act does not require an employer to create personnel records.
- Provides that employer is required to provide a copy of the personnel file, rather than the actual personnel file.

Section 2(1) requires the board to provide a copy of personnel files within 21 calendar days of a request by an employee or former employee at no cost.

Section 2(4) requires an employer to provide a signed written statement within 21 of receiving a request from a former employee that states the effective date of the employee’s discharge and the reason for the discharge.

Section 3 provides the employee, or former employee, the ability to seek relief, damages, and attorney’s fees 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

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Van Church	<b>Phone:</b> (360) 902-8542	<b>Date:</b> 01/25/2024
<b>Agency Approval:</b> Van Church	<b>Phone:</b> (360) 902-8542	<b>Date:</b> 01/25/2024
<b>OFM Review:</b> Matthew Hunter	<b>Phone:</b> (360) 529-7078	<b>Date:</b> 01/25/2024

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Mark Jarasitis	<b>Phone:</b> 360-902-3006	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Brock Millierin	<b>Phone:</b> 360-789-4563	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Matthew Hunter	<b>Phone:</b> (360) 529-7078	<b>Date:</b> 01/26/2024

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.

SSB 5924,

Changes include

- Section 1 (2)(c) updated wording to include nonactive or closed
- Section 1 (2)(g) clarified wording to include designated by the employer as part of the employee's personnel file
- Section 1 (3) added "or to require an employer to create personnel records"

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: The changes identified above still carry 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Karla Heinitz	<b>Phone:</b> 360-878-4666	<b>Date:</b> 01/25/2024
<b>Agency Approval:</b> Sarah Groth	<b>Phone:</b> 360-790-3501	<b>Date:</b> 01/25/2024
<b>OFM Review:</b> Matthew Hunter	<b>Phone:</b> (360) 529-7078	<b>Date:</b> 01/25/2024

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 Substitute Bill does not have a fiscal impact on the State Conservation Commission.

The Substitute Bill makes changes to these areas

Sec. 1

(2) adds the wording to disciplinary records as “nonactive or closed”.

(g) Adds the wording “designated by the employer as part of the employee’s personnel” file

(3) adds the wording “or to require an employer to create personnel records.”

Sec. 2

(1) adds the wording to provide “a copy of” such personnel files.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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:

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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Barbara Reichart	<b>Phone:</b> (360) 819-0438	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Barbara Reichart	<b>Phone:</b> (360) 819-0438	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Matthew Hunter	<b>Phone:</b> (360) 529-7078	<b>Date:</b> 01/30/2024

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 CHANGE IN FISCAL IMPACT: The amendment made technical changes to the language. No change for WDFW.

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.

Following Department of Labor and Industries assumptions, WAC 296-126-050 requires agencies to provide this information in 10 business days. No fiscal impact for WDFW.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Melissa Clarey	<b>Phone:</b> 3608190342	<b>Date:</b> 01/26/2024
<b>Agency Approval:</b> Sheridan Tabor	<b>Phone:</b> 360-706-4955	<b>Date:</b> 01/26/2024
<b>OFM Review:</b> Matthew Hunter	<b>Phone:</b> (360) 529-7078	<b>Date:</b> 01/26/2024



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 intent of the substitute bill is not changed but rather clarifies language from "all disciplinary records" to "all non-active or closed disciplinary records." It also clarifies that the employer must provide a copy of the personnel within 21 calendar days. There is no fiscal impact to the Partnership because the changes to the proposed legislation do not change the way the agency currently conducts business.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Lorna Mance	Phone: 360-545-7713	Date: 01/31/2024
Agency Approval: Nicholas Johnson	Phone: (360) 902-2055	Date: 01/31/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/31/2024

## 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.*

SSB 5924 is substitute bill for SB 5924. In SSB 5924, Section 1 (g) was modified to: All other records designated by the employer as part of the employee's personnel file. None of the changes impact WSDA.

SSB 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 copy of 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.*

SSB 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 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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 540-Employment Security 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.

<b>Legislative Contact:</b> Susan Jones	<b>Phone:</b> 360-786-7404	<b>Date:</b> 01/25/2024
<b>Agency Preparation:</b> Geoff Medendorp	<b>Phone:</b> 360-890-3682	<b>Date:</b> 01/30/2024
<b>Agency Approval:</b> Lisa Henderson	<b>Phone:</b> 360-902-9291	<b>Date:</b> 01/30/2024
<b>OFM Review:</b> Anna Minor	<b>Phone:</b> (360) 790-2951	<b>Date:</b> 01/30/2024

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 version of the bill clarifies several obligations of employers.

Section 1 is changed to specify that "personnel file" includes only nonactive or closed disciplinary records. It also limits the definition of "personnel file" to being those designated by the employer as part of the employee's personnel file vs. the previous which listed all other records in the personnel file. Section (1)(3) is amended to specify that Section 1 of this bill does not require an employer to create personnel records.

Section 2 is modified to clarify that the employer will provide copies of the personnel file(s).

Employment Security Department (ESD) is already obligated to do this work.

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

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 699-Community and Technica College System
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.6	0.8	1.6	1.6
<b>Account</b>					
General Fund-State 001-1	0	160,000	160,000	320,000	320,000
<b>Total \$</b>	0	160,000	160,000	320,000	320,000

### 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: 01/25/2024
Agency Preparation: Brian Myhre	Phone: 360-704-4413	Date: 01/26/2024
Agency Approval: Stephanie Winner	Phone: 360-704-1023	Date: 01/26/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/02/2024

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 substitute bill differs from the original in the following ways:
- Employers are not required to create personnel records.
  - Clarifies that employers provide a copy of the personnel file, rather than the actual personnel file.
  - Limits disciplinary records to nonactive and closed disciplinary records.
  - Defines “All other records” as all other records designated by the employer as part of the employee’s personnel file.

These changes would not change the costs when compared to the original bill.

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

SECTION 1

“Personnel File” would be defined as the following records:

- (a) All job application records;
- (b) All performance evaluations;
- (c) All nonactive or closed disciplinary records;
- (d) All medical, leave, and reasonable accommodation records;
- (e) All payroll records;
- (f) All employment agreements; and
- (g) All other records designated by the employer as part of the employees personnel file.

SECTION 2

Upon the request by a current employee, former employee, or their designee, an employer would be required to provide an employee’s personnel file within 21 calendar days at no cost.

Within 21 calendar days of receiving a written request from a former employee or designee, an employer would be required to furnish a signed written statement that states the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons.

“Former Employee” means a person who separated from an employer within three years of the date of the persons request.

SECTION 3

An employee or former employee can enforce the requirements of the bill through a private cause of action in superior court and each violation will be 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.

No cash receipts impact.

II. C - Expenditures

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

Requirements in the bill would have the following expenditure impact.

Upon the request by a current or former employee, section 2 of the bill would require an employer to provide an employee’s personnel file within 21 calendar days at no cost to the employee.

The definition of “personnel file”, as used in the bill, is more expansive than what has commonly been considered a personnel file. This will mean records not usually in a personnel file will have to be located and collected to make a complete personnel file as defined in the bill.

Additional staff will be required to accomplish the requirements of the bill within the 21 calendar day time frame. On average, it is estimated to take a Human Resource Consultant 3 approximately 101 hours per year per college to fulfill personnel records requests generated as a result of the requirements of this bill.

101 hours per college X 34 colleges = 3,434 hours for the college system  
3,434 hours = 1.6 FTE

\$100,000 Salary and Benefits for Human Resources Consultant 3.  
1.6 FTE X \$100,000 = \$160,000 FY25 onward

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	160,000	160,000	320,000	320,000
Total \$			0	160,000	160,000	320,000	320,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.6	0.8	1.6	1.6
A-Salaries and Wages		118,000	118,000	236,000	236,000
B-Employee Benefits		42,000	42,000	84,000	84,000
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	160,000	160,000	320,000	320,000

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
Human Resource Consultant 3	74,000		1.6	0.8	1.6	1.6
Total FTEs			1.6	0.8	1.6	1.6

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 5924 S SB

**Title:** Access to personnel records

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

### Legislation Impacts:

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

## Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: The number of current or former employees 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: 01/26/2024
Leg. Committee Contact: Susan Jones	Phone: 360-786-7404	Date: 01/25/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/26/2024
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/26/2024

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

This note is on 5924 S SB and compares it to 5924 HB.

#### **CHANGES BETWEEN THIS VERSION AND THE PREVIOUS BILL VERSION:**

This version of the bill makes technical changes to further describe personnel file content and distribution requirements. These changes include:

Sec. 1 is amended to include all other records designated by the employer as part of the employee's personnel file. This section is further amended to not require an employer to create personnel records or a retention schedule for the records.

Sec. 2 is amended to require employers to provide a copy of personnel files within 21 calendar days at no cost to the employee, former employee, or their designee.

These changes do not affect the fiscal impacts discussed below.

#### **SUMMARY OF CURRENT BILL:**

This legislation would require an employer to furnish current and former employees, or their designee, a copy of their personnel file at no cost within 21 calendar days of a request. Employers are also required to furnish a written statement with an effective date of discharge within 21 calendar days. Current and former employees would be allowed to bring a private action for violations to include equitable relief, statutory damages up to \$1,000, and reasonable legal fees and cost

This legislation would take effect 90 days after adjournment of the session in which the bill is passed.

### **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:**





# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5924 S SB	<b>Title:</b> Access to personnel records	<b>Agency:</b> 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: 01/25/2024
Agency Preparation: Kathy Cody	Phone: 360-480-7237	Date: 01/31/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/31/2024
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/01/2024

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 Substitute refined the definition of "personnel file" to include all nonactive or closed disciplinary records and all other records designated by the employer as part of the employee's personnel file. It also includes the change that this section doesn't require an employer to create personnel records. These changes do not impact the SWFN assumptions.

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 will be 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.*