

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1308	<b>Title:</b> Access to Personnel Records
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## Estimated Cash Receipts

Agency Name	2025-27			2027-29			2029-31		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Social and Health Services	0	0	92,000	0	0	92,000	0	0	0
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>92,000</b>	<b>0</b>	<b>0</b>	<b>92,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Estimated Operating Expenditures

Agency Name	2025-27				2027-29				2029-31			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Financial Management	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Social and Health Services	2.0	324,000	324,000	416,000	2.0	324,000	324,000	416,000	.0	0	0	0
Department of Health	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	3.5	982,000	982,000	982,000	3.5	960,000	960,000	960,000	3.5	960,000	960,000	960,000
The Evergreen State College	.5	101,706	101,706	101,706	.5	101,706	101,706	101,706	.0	0	0	0
Department of Transportation	2.0	0	0	423,000	2.0	0	0	414,000	2.0	0	0	416,000
Department of Transportation	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Community and Technical College System	1.6	320,000	320,000	320,000	1.6	320,000	320,000	320,000	1.6	320,000	320,000	320,000
<b>Total \$</b>	<b>9.6</b>	<b>1,727,706</b>	<b>1,727,706</b>	<b>2,242,706</b>	<b>9.6</b>	<b>1,705,706</b>	<b>1,705,706</b>	<b>2,211,706</b>	<b>7.1</b>	<b>1,280,000</b>	<b>1,280,000</b>	<b>1,696,000</b>

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2025-27			2027-29			2029-31		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Financial Management	.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 Corrections	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
Community and Technical College System	.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	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Total									
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								

Estimated Capital Budget Breakout

Prepared by:   Gwen Stamey, OFM	Phone: (360) 790-1166	Date Published: Final 1/21/2025
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1308	<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: Kelly Leonard	Phone: 360-786-7147	Date: 12/17/2024
Agency Preparation: Keith Thunstedt	Phone: 360-810-1271	Date: 12/17/2024
Agency Approval: Kathy Cody	Phone: (360) 480-7237	Date: 12/17/2024
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 01/09/2025

Part II: Narrative Explanation

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

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

Section 1 defines "personnel file" to include, if the employer creates the records: job application records, performance evaluations, non-active or closed disciplinary records, leave 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> 1308	<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 2026	FY 2027	2025-27	2027-29	2029-31
General Fund-Federal 001-2	46,000	46,000	92,000	92,000	
<b>Total \$</b>	46,000	46,000	92,000	92,000	

### Estimated Operating Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	2.0	2.0	2.0	2.0	0.0
<b>Account</b>					
General Fund-State 001-1	162,000	162,000	324,000	324,000	0
General Fund-Federal 001-2	46,000	46,000	92,000	92,000	0
<b>Total \$</b>	208,000	208,000	416,000	416,000	0

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Kelly Leonard	Phone: 360-786-7147	Date: 12/17/2024
Agency Preparation: Cassi Postma	Phone: 3609999999	Date: 12/19/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 12/19/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 01/21/2025

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.

H-0081.1 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, leave and 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 does not 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 2.0 Forms and Records Analyst 3 FTEs in Fiscal Year 2026 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.

In 2023, 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 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	162,000	162,000	324,000	324,000	0
001-2	General Fund	Federal	46,000	46,000	92,000	92,000	0
Total \$			208,000	208,000	416,000	416,000	0

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

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	2.0	2.0	2.0	2.0	
A-Salaries and Wages	132,000	132,000	264,000	264,000	
B-Employee Benefits	54,000	54,000	108,000	108,000	
C-Professional Service Contracts					
E-Goods and Other Services	12,000	12,000	24,000	24,000	
G-Travel					
J-Capital Outlays					
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	9,000	9,000	18,000	18,000	
9-					
<b>Total \$</b>	208,000	208,000	416,000	416,000	0

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

Job Classification	Salary	FY 2026	FY 2027	2025-27	2027-29	2029-31
Forms and Records Analyst 3		2.0	2.0	2.0	2.0	
<b>Total FTEs</b>		2.0	2.0	2.0	2.0	0.0

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

Program	FY 2026	FY 2027	2025-27	2027-29	2029-31
Administrative and Supporting Services (110)	208,000	208,000	416,000	416,000	
<b>Total \$</b>	208,000	208,000	416,000	416,000	

**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> 1308	<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: Kelly Leonard	Phone: 360-786-7147	Date: 12/17/2024
Agency Preparation: Bekki Ayres	Phone: 3604703623	Date: 01/07/2025
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 01/07/2025
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/14/2025

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> 1308	<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 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	3.5	3.5	3.5	3.5	3.5
<b>Account</b>					
General Fund-State 001-1	502,000	480,000	982,000	960,000	960,000
<b>Total \$</b>	502,000	480,000	982,000	960,000	960,000

### 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: Kelly Leonard	Phone: 360-786-7147	Date: 12/17/2024
Agency Preparation: Jarrod Potter	Phone: (360) 725-8938	Date: 01/10/2025
Agency Approval: Wendi Gunther	Phone: 360-725-8428	Date: 01/10/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/20/2025

## 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 act amends RCW 49.12.240 and 49.12.250 by creating a new section and prescribing penalties for violating the law related to access to personnel records.

Section 1(1) requires to inspect employee's own personnel file(s) within the time required under RCW 49.12.250.

Section 1(2) states what records are included in a "personnel file" for the purpose of this section, RCW 49.12.250, RCW 49.12.260, and section 3 of this act.

Section 1(2)(a) all job application records;

Section 1(2)(b) all performance evaluations;

Section 1(2)(c) all nonactive or closed disciplinary records;

Section 1(2)(d) all medical, leave, and reasonable accommodation records;

Section 1(2)(e) all payroll records;

Section 1(2)(f) all employment agreements; and

Section 1(2)(g) all other records designated by the employer as part of the employee's personnel file.

Section 1(3) states RCW 49.12.250 may not be construed to:

Section 1(3)(a) creates a retention schedule for records;

Section 1(3)(b) requires an employer to create personnel records; or

Section 1(3)(c) supersedes Washington state or federal privacy statutes mandating nondisclosure.

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.

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(1)(b) states that the employee or former employee shall give a notice of intent to sue the employer. The notice of intent to sue must reference that the employee or former employee has the right to bring a legal action under Washington

state law. Additionally, it adds the notice of intent to sue may be provided to the employer with the initial request for a copy of the personnel file or anytime thereafter. No cause of action arising from the failure to provide the complete personnel file may be commenced until five calendar days have elapsed after the notice of intent to sue is provided to the employer.

Section 3(2) defines the statutory damages for each violation as:

Section 3(2)(a) \$250 if the complete personnel file or statement is not provided within 21 calendar days of the request;

Section 3(2)(b) \$500 if the complete personnel file or statement is not provided within 28 calendar days of the request;

Section 3(2)(c) \$1,000 if the complete personnel file or statement is provided later than 35 calendar days request; and

Section 3(2)(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.*

If this bill is enacted, the Department of Corrections (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 disciplinary records.
- All medical, leave, and reasonable accommodation records.
- All payroll records.
- All employment agreements.
- All other records contained in the 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, Washington, 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 the H-0081.1/25, DOC would need to hire additional staff at a total cost of \$502,000 for FY 2026 and \$480,000 per FY thereafter as illustrated below:

- 1.0 Full Time Equivalent (FTE) Human Resource Consultant 4 is needed at a cost of \$153,265 in FY 2026, and \$146,115 in FY 2027 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.
- 1.0 FTE Fiscal Analyst 2 is needed at a cost of \$132,856 in FY 2026, and \$125,706 in FY 2027 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.
- 1.0 FTE Communication Consultant 3 is needed at a cost of \$167,438 in FY 2026, and \$160,288 in FY 2027 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, Washington (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 900 separations in calendar year 2024 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 AGO.

FY 2026 includes salaries, benefits, and other support costs such as one-time for start-up and on-going costs per FTE. FY 2027 and future FYs include only ongoing costs.

The DOC requests funding for the indirect costs of agency administration which includes 0.5 FTE and \$48,175 in FY 2026 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):

- FY 2026: 3.5 FTEs and \$502,000;
- FY 2027: 3.5 FTEs and \$480,000 and each FY thereafter.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	502,000	480,000	982,000	960,000	960,000
Total \$			502,000	480,000	982,000	960,000	960,000

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	3.5	3.5	3.5	3.5	3.5
A-Salaries and Wages	305,000	305,000	610,000	610,000	610,000
B-Employee Benefits	95,000	95,000	190,000	190,000	190,000
C-Professional Service Contracts					
E-Goods and Other Services	21,000	21,000	42,000	42,000	42,000
G-Travel	9,000	9,000	18,000	18,000	18,000
J-Capital Outlays	24,000	2,000	26,000	4,000	4,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	48,000	48,000	96,000	96,000	96,000
9-					
Total \$	502,000	480,000	982,000	960,000	960,000

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 2026	FY 2027	2025-27	2027-29	2029-31
Commuication Consultant 3	115,000	1.0	1.0	1.0	1.0	1.0
Fiscal Analyst 2	86,000	1.0	1.0	1.0	1.0	1.0
Human Resource Consultant 4	103,000	1.0	1.0	1.0	1.0	1.0
Management Analyst 5	98,000	0.5	0.5	0.5	0.5	0.5
Total FTEs		3.5	3.5	3.5	3.5	3.5

III. D - Expenditures By Program (optional)

Program	FY 2026	FY 2027	2025-27	2027-29	2029-31
Administration and Support Services (100) (100)	493,000	471,000	964,000	942,000	942,000
Interagency Payments (600) (600)	9,000	9,000	18,000	18,000	18,000
Total \$	502,000	480,000	982,000	960,000	960,000

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> 1308	<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 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	0.5	0.5	0.5	0.5	0.0
<b>Account</b>					
General Fund-State 001-1	50,853	50,853	101,706	101,706	0
<b>Total \$</b>	50,853	50,853	101,706	101,706	0

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Kelly Leonard	Phone: 360-786-7147	Date: 12/17/2024
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 12/18/2024
Agency Approval: Lisa Dawn-Fisher	Phone: 564-233-1577	Date: 12/18/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/10/2025

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.

H-0081.1 relates to access to personnel records and is a new version of SSB 5924 (2024 session)

Section 1(1) adds "within the time required under RCW 49.12.250" to the employer's responsibility to permit employees to inspect their personnel records.

Section 1(3)(c) adds that this section does not supersede state or federal statutes mandating nondisclosure.

Section 3(b) adds that the employee will be required to provide notice to the employer in the case of bringing a lawsuit against said employer prior to enforcing a private cause of action.

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

\*\*\*\*\*

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 21 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 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	50,853	50,853	101,706	101,706	0
Total \$			50,853	50,853	101,706	101,706	0

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	0.5	0.5	0.5	0.5	
A-Salaries and Wages	30,859	30,859	61,718	61,718	
B-Employee Benefits	19,394	19,394	38,788	38,788	
C-Professional Service Contracts					
E-Goods and Other Services	600	600	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	0

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

Job Classification	Salary	FY 2026	FY 2027	2025-27	2027-29	2029-31
Human Resources Consultant 1 Range 47, Step F	53,964	0.5	0.5	0.5	0.5	
Total FTEs		0.5	0.5	0.5	0.5	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> 1308	<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 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
<b>Account</b>					
Motor Vehicle Account-State 108 -1	216,000	207,000	423,000	414,000	416,000
<b>Total \$</b>	216,000	207,000	423,000	414,000	416,000

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: Kelly Leonard	Phone: 360-786-7147	Date: 12/17/2024
Agency Preparation: Todd Dowler	Phone: 360-705-7037	Date: 01/14/2025
Agency Approval: Todd Dowler	Phone: 360-705-7037	Date: 01/14/2025
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/14/2025

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 2026	FY 2027	2025-27	2027-29	2029-31
108-1	Motor Vehicle Account	State	216,000	207,000	423,000	414,000	416,000
Total \$			216,000	207,000	423,000	414,000	416,000

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 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
A-Salaries and Wages	129,000	129,000	258,000	258,000	258,000
B-Employee Benefits	60,000	60,000	120,000	120,000	120,000
C-Professional Service Contracts					
E-Goods and Other Services	15,000	8,000	23,000	16,000	16,000
G-Travel	2,000	2,000	4,000	4,000	4,000
J-Capital Outlays	10,000	8,000	18,000	16,000	18,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	216,000	207,000	423,000	414,000	416,000

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 2026	FY 2027	2025-27	2027-29	2029-31
Forms and Records Analyst 3	66,012	1.0	1.0	1.0	1.0	1.0
Human Resources Consultant 1	66,012	1.0	1.0	1.0	1.0	1.0
Total FTEs		2.0	2.0	2.0	2.0	2.0

III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

## Part V: New Rule Making Required

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



# Individual State Agency Fiscal Note

**Bill Number:** H-0081      **Title:** Concerning access to personnel records. **Agency:** 405-Department of Transportation

## Part I: Estimates

- ☐ No Fiscal Impact (Explain required in section II. A)  
☐ Indeterminate Cash Receipts Impact (Explain in section II. B)  
☐ Partially Indeterminate Cash Receipts Impact (Explain in section II. B)  
☐ Indeterminate Expenditure Impact (Explain in section II. C)  
☒ Partially 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

## Fiscal Detail

*Dollars in Thousands.*

		2025-27 Biennium		2027-29 Biennium		2029-31 Biennium	
Expenditures		FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
108-1-MOTOR VEHICLE		\$216,000	\$207,000	\$207,000	\$207,000	\$209,000	\$207,000
Total Expenditures		\$216,000	\$207,000	\$207,000	\$207,000	\$209,000	\$207,000
Biennial Totals		\$423,000		\$414,000		\$416,000	
FTEs							
Salary		FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Human Resources Consultant 1	66,012.0	1.0	1.0	1.0	1.0	1.0	1.0
Forms and Records Analyst 3	66,012.0	1.0	1.0	1.0	1.0	1.0	1.0
Annual Average		2.0		1.0		1.0	
Objects of Expenditure		FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
A - SALARIES AND WAGES		\$129,000	\$129,000	\$129,000	\$129,000	\$129,000	\$129,000
B - EMPLOYEE BENEFITS		\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000
E - GOODS AND SERVICES		\$15,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000
G - TRAVEL		\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
J - CAPITAL OUTLAYS		\$10,000	\$8,000	\$8,000	\$8,000	\$10,000	\$8,000

## Agency Assumptions

N/A

## Agency Contacts:

Preparer: Todd Dowler, HR Director	Phone: 360-580-8495	Date:12/16/2024
Approval: Todd Dowler, HR Director	Phone: 360-580-8495	Date:12/16/2024
Budget Manager: My-Hanh Mai	Phone: 360-705-7545	Date:12/16/2024

# Individual State Agency Fiscal Note

## Part II: Narrative Explanation

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

This bill is nearly identical to SSB 5924 from the 2024 Regular Session. The minor changes to the 2025 version do not impact the analysis that was done for the 2024 bill.

**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 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 shall give notice of intent to sue to the employer. No cause of action arising from the failure to provide the complete personnel file may be commenced until five calendar days have elapsed after the notice of intent is provided 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

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 additional FTEs on an ongoing basis. This assumes a Forms and Records Analyst 3 and a Human Resources Consultant 1 to perform the following duties. 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 Human Resources Consultant position will gather the documents from the various sources and systems, and the Forms and Records Analyst position will manage communications and redaction functions and provide oversight and coordination of the records with the customer.

For example, the employer keeps most personnel records electronically, but some records that have longer retention schedules are in hardcopy format. Additionally, the requirement to produce payroll, safety, reasonable accommodation, and several other documents that are stored outside of the personnel file in separate systems or locations. These positions would be expected to be filled by July 1, 2025, allowing six months for training and familiarization with processes, filing, and legal requirements when responding to a personnel file request.

## **Individual State Agency Fiscal Note**

On an average year, the department completes about 300 of these requests and we assume two additional FTEs would enable the department to be able to process up to 300 requests annually within a 21-day requirement. 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 an average of 14 hours to produce, and we receive 300 requests annually. This places the hourly need at just over two FTE's worth of time.

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**

N/A

### **Part IV: Capital Budget Impact**

N/A

### **Part V: New Rule Making Required**

N/A

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1308	<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 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	1.6	1.6	1.6	1.6	1.6
<b>Account</b>					
General Fund-State 001-1	160,000	160,000	320,000	320,000	320,000
<b>Total \$</b>	160,000	160,000	320,000	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: Kelly Leonard	Phone: 360-786-7147	Date: 12/17/2024
Agency Preparation: Brian Myhre	Phone: 360-704-4413	Date: 12/19/2024
Agency Approval: Stephanie Winner	Phone: 360-704-1023	Date: 12/19/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/14/2025

## Part II: Narrative Explanation

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

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

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

#### SECTION 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 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.

This section, and section 2, do not:

- Create a retention schedule for records
- Require an employer to create personnel records
- Supersede Washington state or federal privacy statutes that mandate non-disclosure.

#### 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.

Prior to enforcing through a private cause of action, the current or former employee must give notice of intent to sue the employer. The notice of intent to sue may be provided to the employer with the initial request for a copy of the personnel file, or anytime thereafter. No cause of action arising from the failure to provide the complete personnel file may commence until five calendar days have elapsed after the notice of intent to sue is provided to the employer.

### 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.

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 business day time-frame. On average, it is estimated to take a Human Resource Consultant 3, 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 FY26 onward

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	160,000	160,000	320,000	320,000	320,000
Total \$			160,000	160,000	320,000	320,000	320,000

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	1.6	1.6	1.6	1.6	1.6
A-Salaries and Wages	118,000	118,000	236,000	236,000	236,000
B-Employee Benefits	42,000	42,000	84,000	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 \$	160,000	160,000	320,000	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 2026	FY 2027	2025-27	2027-29	2029-31
Human Resources Consultant 3	74,000	1.6	1.6	1.6	1.6	1.6
Total FTEs		1.6	1.6	1.6	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

<b>Bill Number:</b> 1308	<b>Title:</b> Access to Personnel Records
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## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- ☒ Cities: potential administrative costs to implement changes and provide timely personnel records
- ☒ Counties: potential administrative costs to implement changes and provide timely personnel records
- ☒ Special Districts: potential administrative costs to implement changes and provide timely personnel records
- ☐ 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: Tammi Alexander	Phone: 360-725-5038	Date: 01/20/2025
Leg. Committee Contact: Kelly Leonard	Phone: 360-786-7147	Date: 12/17/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/20/2025
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 01/21/2025



## Part IV: Analysis

### A. SUMMARY OF BILL

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

This bill would:

- require an employer to furnish an employee, former employee, or their designee with a copy the employee's personnel file at no cost within 21 calendar days of a request.
- mandate 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.
- allow an employee or former employee to bring a private action, after five days notice, for violations of certain rights regarding personnel files, and discharge information, for equitable relief, graduated statutory damages up to \$1,000, and reasonable attorneys' fees and costs of each violation.

### B. SUMMARY OF EXPENDITURE IMPACTS

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

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 impact local government revenues.

#### SOURCES:

Association of Washington Cities  
Local Government fiscal note, SB 5924 (2024)  
Washington State Association of Counties