

Publications

Washington Expands Employee Access to Personnel Files

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Washington law provides employees with the right to inspect their personnel file annually upon request. In April, the Washington legislature amended the personnel file access requirements. The updated law is effective July 27, 2025, and offers more clarity to employers and additional rights for employees.

Definition for “Personnel File”

Unlike prior law which did not define the contents of a “personnel file,” the amendments define what qualifies as a “personnel file.” The term includes job application records, performance evaluations, non-active or closed disciplinary records, leave and reasonable accommodation records, payroll records, and employment agreements. The law does not require employers to create personnel records or a retention schedule for records.

Timing and Manner of Access

The prior law required the employer to make the personnel file available within an undefined “reasonable” period. By contrast, the amended law specifies that employers must “provide a copy” of the personnel file at no cost within 21 calendar days of the employee’s request. Employees and former employees may also designate someone to receive the copy on their behalf.

Written Discharge Statements

The amended law also adopts a variation of the discharge statement requirements previously included in the state’s administrative code. The administrative code required providing a signed, written statement with the reasons for and effective date of discharge within 10 business days of a written request. The law now requires employers to provide that a signed, written statement within 21 calendar days of a written request stating the effective date of discharge, whether the employer had a reason for the discharge, and if so, the reasons.

Enforcement

Under the amended law, an employee or former employee may bring a private cause of action in superior court. For each violation, the employee is entitled to equitable relief, statutory damages, and reasonable attorneys' fees and costs. However, before bringing the action, the employee or former employee must give a notice of intent to sue to the employer. The notice must reference the right to bring a legal action under Washington state law. The notice may be provided with the initial request for a copy of the personnel file or anytime thereafter. A cause of action for failing to provide the complete personnel file may not be commenced until five calendar days have elapsed after the notice is provided to the employer.

Employees bringing private causes of action can obtain \$250 for a personnel file or discharge statement not provided within 21 calendar days; \$500 if not provided within 28 calendar days; \$1,000 if not provided within 35 calendar days; or \$500 for other violations of the statute.

Takeaways for Employers

States continue to expand their personnel file access requirements for employees. For example, [Illinois' expanded access requirements](#) took effect on January 1, 2025. Employers should review their current recordkeeping practices and record request policies to ensure compliance with the new requirements. Contact your Vorys lawyer with questions regarding these requirements.