WAC 296-126-050 Personnel files. (1)(a) Every employer shall keep for at least three years 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.

(b) For employers subject to the Minimum Wage Act, personnel files also includes records required by WAC 296-128-010 through 296-128-030.

(c) Personnel files also includes the following records, if the employer creates such records: Job application records, performance evaluations, nonactive or closed disciplinary records, leave and reasonable accommodation records, payroll records, and employment agreements.

(2) Every employer shall make the record described in subsection (1) available to the employee, upon request, at any reasonable time.

(3) Every employer is required to allow employees to inspect all the employees' own personnel files within 21 calendar days upon receiving a request from the employee.

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

(5) "Former employee" means a person who separated from the employer within three years of the date of the person's request.

(6) An employee or former employee may seek private cause of action for each violation for failure to provide the complete personnel file(s), provided that a violation has occurred and the employee or former employee has given notice of intent to sue.

[Statutory Authority: RCW 49.12.250. WSR 26-08-079 (Order 26-01), s 296-126-050, filed 3/31/26, effective 5/1/26. Statutory Authority: Chapter 49.12 RCW. WSR 10-04-092, § 296-126-050, filed 2/2/10, effective 3/15/10. Statutory Authority: RCW 43.22.270, 49.12.020, 49.12.091, 49.12.050, 49.46.020 and 49.46.070. WSR 89-22-016 (Order 89-16), § 296-126-050, filed 10/24/89, effective 11/24/89; Order 74-9, § 296-126-050, filed 3/13/74, effective 4/15/74.]