

**REVENUE: No revenue impact**

**FISCAL: No fiscal impact**

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| <b>Action:</b>        | Do Pass and Be Placed on the Consent Calendar                |
| <b>Vote:</b>          | 6 - 0 - 1  |
| <b>Yeas:</b>          | Edwards C., Esquivel, Holvey, Rosenbaum, Smith P., Schaufler |
| <b>Nays:</b>          | 0  |
| <b>Exc.:</b>          | Berger   |
| <b>Prepared By:</b>   | Theresa Van Winkle, Administrator                            |
| <b>Meeting Dates:</b> | 2/7, 2/26  |

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**WHAT THE MEASURE DOES:** Imposes a 45-day timeline for an employer to provide copies or allow inspection of personnel records. Allows a time extension upon the agreement of the employer and employee. Establishes a civil penalty of up to \$1000 for violations.

**ISSUES DISCUSSED:**

- Definition of “reasonable cost” in regards to producing records
- Whether attorney fees are factored into determining “reasonable costs”

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Under current statute, employees have the right to request a copy of or view their personnel files. However, there is no specified timeframe for an employer to comply. Furthermore, if an employer fails to reply to an employee’s request, the only viable option is for the employee to seek administrative recourse or seek a court order to compel production of the required records. HB 2254 requires employers to respond to the request within 45 days unless the employer and employee agree to a time extension if the records are not readily available.

According to the Bureau of Labor and Industries, 63 complaints were received in 2004-2005 regarding failure to provide personnel records and 41 were received in 2005-2006.