

RCW 49.12.261 Employee inspection of personnel file—Cause of action—Damages. (1)(a) An employee or former employee may enforce RCW 49.12.250(1) through a private cause of action in superior court and for each violation will be entitled to equitable relief, statutory damages, and reasonable attorneys' fees and costs.

(b) Prior to enforcing through a private cause of action, the employee or former employee shall give a notice of intent to sue to 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. 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.

(2) The statutory damages for each violation are:

(a) \$250 if the complete personnel file or the statement required under RCW 49.12.250(1) is not provided within 21 calendar days of the request;

(b) \$500 if the complete personnel file or the statement required under RCW 49.12.250(1) is not provided within 28 calendar days of the request;

(c) \$1,000 if the complete personnel file or the statement required under RCW 49.12.250(1) is provided later than 35 calendar days of the request; and

(d) \$500 for any other violations. [2025 c 273 s 3.]