

2026 -- S 2498

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- INSPECTION OF PERSONNEL FILES

Introduced By: Senators Burke, LaMountain, Tikoian, Thompson, Felag, and Patalano

Date Introduced: February 06, 2026

Referred To: Senate Labor & Gaming

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-6.4-1 and 28-6.4-2 of the General Laws in Chapter 28-6.4 entitled

2 "Inspection of Personnel Files" are hereby amended to read as follows:

3 **28-6.4-1. Inspection of files.**

4 (a)(1) Every employer shall, upon not less than seven (7) days' advance notice, holidays,

5 Saturdays, and Sundays excluded, ~~and at any reasonable time other than the employee's work hours~~

6 and upon the written request of an employee, permit an employee to inspect the employee's

7 personnel ~~files records that are used or have been used to determine that employee's qualifications~~

8 ~~for employment, promotion, additional compensation, termination, or disciplinary action.~~ This

9 inspection shall be made at the place of employment and during normal business hours, in the

10 ~~presence of an employer or employer's designee~~ At the election of the employee, the employer

11 shall give the employee a copy of the employee's personnel records, within ten (10) business days

12 of submission of a written request for such copy to the employer.

13 ~~(2) The employee shall not be permitted to make any copies of nor remove his or her~~

14 ~~personnel file from the immediate place of inspection located on the business premises.~~

15 ~~(3) The employer may charge the employee a fee reasonably related to the cost of supplying~~

16 ~~copies of requested documents.~~

17 (2) "Employee" means a person currently employed or formerly employed by an employer.

18 (3) "Employer" means an individual, corporation, partnership, labor organization,

1 unincorporated association, the state, including all of its departments, agencies, boards,
2 commissions, and political subdivisions (including municipalities and school districts), or any other
3 legal business, public or private, or commercial entity, employing one or more employees,
4 including agents of the employer.

5 (4) "Personnel records" means a physical or electronic record kept by an employer, or a
6 person, corporation, partnership or other association that has a contractual agreement with the
7 employer, to prepare, keep, maintain, or supply a personnel record as provided in this section, that
8 identifies an employee, to the extent that the record is used or has been used, or may affect or be
9 used relative to that employee's qualifications for employment, performance or conduct evaluation,
10 promotion, transfer, compensation, disciplinary action, or termination. Without limiting the
11 applicability or generality of the foregoing, all of the following written information or documents
12 to the extent prepared by an employer of one or more employees, regarding an employee shall be
13 included in the personnel record for that employee: the name, address, date of birth, job title and
14 description; rates of pay and any other compensation paid to the employee throughout the
15 employee's employment; starting date of employment; the job application of the employee;
16 resumes or other forms of employment inquiry submitted to the employer in response to its
17 advertisement by the employee; the job offer letter submitted to the employee; any contract of
18 employment or other agreement between employer and employee setting forth the terms and
19 conditions of the employee's employment with the employer and any changes thereto; all employee
20 performance evaluations including, but not limited to, employee evaluation documents; written
21 warnings of substandard performance; lists of probationary periods; waivers by the employee;
22 copies of dated termination notices; any other documents relating to disciplinary action regarding
23 the employee. A personnel record shall be maintained electronically, in typewritten and/or printed
24 form, and/or may be legibly handwritten in indelible ink.

25 (4)(5) This section does not apply to records of an employee relating to the investigation
26 of a possible criminal offense ~~or records prepared for use in any civil, criminal, or grievance~~
27 ~~proceedings, any letter of reference, recommendations, managerial records kept or used only by the~~
28 ~~employer, confidential reports from previous employers, and managerial planning records.~~

29 (6) An employer shall retain the complete personnel records of an employee as required to
30 be kept under this section, without deletions or expungement of information from the date of
31 employment of such employee to a date three (3) years after the termination of employment by the
32 employee with such employer. In any cause of action brought by an employee against such
33 employer in any administrative or judicial proceeding including, but not limited to, the Rhode
34 Island Commission for Human Rights, the Rhode Island department of labor and training, the

1 Rhode Island office of the attorney general, or a court of appropriate jurisdiction, such employer
2 shall retain any personnel records required to be kept under this section which are relevant to such
3 action, until the final disposition thereof.

4 (b) Employers are not required to permit an inspection of any employee's personnel ~~file or~~
5 records or to provide a copy of personnel records to the employee on more than three (3) occasions
6 in any calendar year.

7 (c) An employer that, upon request by a prospective employer or a current or former
8 employee, provides fair and unbiased information about a current or former employee's job
9 performance is presumed to be acting in good faith and is immune from civil liability for the
10 disclosure and the consequences of the disclosure. The presumption of good faith is rebuttable upon
11 a showing by a preponderance of the evidence that the information disclosed was:

12 (1) Knowingly false;
13 (2) Deliberately misleading;
14 (3) Disclosed for a malicious purpose; or
15 (4) Violative of the current or former employee's civil rights under the employment
16 discrimination laws in effect at the time of the disclosure.

17 **28-6.4-2. Violation — Penalties.**

18 (a) Any employer ~~or any agent of an employer~~ who fails or refuses to permit an inspection
19 of or provide a copy of a personnel file as provided under § 28-6.4-1 or who otherwise violates the
20 provisions of § 28-6.4-1 or who willfully destroys, alters, or falsifies a personnel record required
21 to be maintained under § 28-6.4-1, or who knowingly creates documentation for the purpose of
22 misleading an employee or agency, as to the basis for employment decisions, this chapter without
23 just cause shall be ~~fined~~ subject to a civil penalty of not more than one hundred dollars (\$100), not
24 less than one thousand five hundred (\$1,500) dollars nor more than three thousand (\$3,000) dollars
25 per violation. Each refusal to produce or permit inspection of a personnel record that is willfully
26 destroyed, altered, or falsified and each personnel record that is willfully destroyed, altered, or
27 falsified, shall constitute a separate violation.

28 (b) It shall be the duty of the director of the Rhode Island department of labor and training
29 to ensure compliance with and enforce the provisions of § 28-6.4-1 and this section. The director,
30 or the director's designee, may investigate any violations thereof, and institute or cause to be
31 instituted action for civil penalties. The director, or the director's authorized representatives, are
32 empowered to hold hearings, and the director or the director's designee shall cooperate with any
33 employee in the enforcement of a claim against the employee's employer in any case whenever, in
34 the opinion of the director or the director's designee, the claim is just and valid.

1 (c) The civil penalty provided for in § 28-6.4-2(a) shall be shared equally between the
2 Rhode Island department of labor and training and the aggrieved employee. In determining the
3 amount of any civil penalty imposed under this section, the director or the director's designee shall
4 consider the size of the employer's business; the good faith of the employer; the gravity of the
5 violation; the history of previous violations; and whether or not the violation was an innocent
6 mistake or willful. In no event, however, shall the assessed civil penalty be less than one thousand
7 five hundred (\$1,500) dollars per violation.

8 (d) An employer's duty to retain "personnel records" as defined herein applies to all
9 personnel records created on or after the effective date of these sections.

10 SECTION 2. This act shall take effect on January 1, 2027.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- INSPECTION OF PERSONNEL FILES

- 1 This act would greatly expand the obligations of employers to create, maintain and retain
- 2 their employees' personnel records. It would also require that records be retained for at least three
- 3 (3) years after the employee's termination. It also significantly increases the financial penalties for
- 4 each violation, from fifteen hundred dollars (\$1,500) to three thousand dollars (\$3,000).
- 5 This act would take effect on January 1, 2027.

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