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February 2, 2026

VIA ELECTRONIC MAIL

House Labor Committee
Rhode Island General Assembly

Attn: James DeCastro
Committee Clerk

RE: Testimony in Support of H7442 – Personnel Files Bill (Hearing 2/5/26)

Dear Chairperson and Members of the House Labor Committee:

Under current Rhode Island law, employers are not required to maintain personnel records, and employees can be denied meaningful access to documents that affect their pay, discipline, and termination. H7442 fixes this. I write in support of its passage.

H7442 represents an important modernization of Rhode Island’s personnel records statute. The current framework does not adequately ensure that employees have meaningful access to accurate and complete records that affect their employment, compensation, and career prospects. This bill establishes clear standards for record maintenance, access, and retention, while providing reasonable enforcement mechanisms.

As an attorney who regularly advises employees, I have seen firsthand how gaps in the current statute undermine transparency, discourage the exercise of statutory rights, and complicate dispute resolution. In today’s workplace, where remote and hybrid employment is common, these barriers are even more significant. Employees who do not regularly report to a physical workplace are effectively denied meaningful access to records that may determine their pay, promotion opportunities, discipline, or termination.

H7442 remedies these problems by defining what constitutes a personnel record, requiring employers to maintain those records, allowing employees to receive copies upon request, and establishing reasonable retention requirements. These changes promote transparency, accountability, and fairness, while also providing employers with clear guidance. The bill is modeled in part on personnel records statutes that have functioned effectively in neighboring states, including Massachusetts.

I would also like to note a technical issue in subsection 28-6.4-2(d) as currently drafted. The existing language provides that an employer’s duty to retain personnel records applies only to records created on or after the effective date. This formulation may unintentionally create a permanent exemption for pre-effective-date records, weakening the statute’s purpose.

To address this concern, I respectfully suggest the following alternative language to subsection 28-6.4-2(d):

“Nothing in this section shall be construed to impose retroactive liability for the lawful destruction of personnel records occurring before the effective date of this legislation.”

This revision preserves the intent to prevent retroactive penalties for lawful past practices, while ensuring that the new retention requirements operate fully and uniformly going forward.

Finally, because this bill would give the Department of Labor and Training clear enforcement authority, the Committee may find it relevant that DLT does not oppose the bill.

This bill promotes fairness and transparency for Rhode Island workers while giving employers clear, workable standards. I urge the Committee's favorable recommendation.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Danilo A. Borgas", with a long horizontal flourish extending to the right.

Danilo A. Borgas