



March 4, 2026

Honorable John P. Burke
Chairman, Senate Labor and Gaming Committee
Rhode Island State House
82 Smith Street
Providence, RI 02903

RE: S 2498 - AN ACT RELATING TO LABOR AND LABOR RELATIONS -- INSPECTION OF PERSONNEL FILES - OPPOSE

Dear Chairman Burke:

As the Executive Director of Rhode Island Business Leaders Alliance (the “Alliance”), I am grateful for the opportunity to provide the House Labor Committee with this written testimony in response to S 2498 - RELATING TO LABOR AND LABOR RELATIONS -- INSPECTION OF PERSONNEL FILES, which expands the obligations of employers to create, maintain, and retain their employees’ personnel records; requires that records be retained for at least three years after the employee’s termination; and increases the financial penalties for each violation.

While the Alliance supports reasonable transparency and fairness in the workplace, this bill goes far beyond those goals and instead imposes significant new operational, financial, and legal burdens on employers—particularly small and mid-sized businesses—without adequate safeguards or balance.

As drafted, S 2498 fundamentally alters the Rhode Island personnel file inspection law, Section 28-6.4-1, in ways that disrupt workplace operations, undermine confidentiality, and create incentives for abuse.

1. On-the-Clock Inspection of Personnel Records

Current law strikes an appropriate balance by permitting employees to inspect their personnel records at reasonable times other than their work hours. S 2498 abandons that balance by allowing employees to inspect records during normal working hours while they are “on the clock.”

This change presents clear operational concerns. Employers would be required to divert supervisory or HR staff away from their regular duties to accommodate record inspections during active work time, potentially multiple times and by multiple employees. For many workplaces—particularly those with limited administrative staff—this creates avoidable disruption and inefficiency, with no demonstrated need for such a departure from existing law.

2. Ten-Business-Day Deadline to Produce Copies

S 2498 allows employees to request copies of their personnel records and requires employers to produce copies within ten business days.

For large employers with dedicated compliance teams, this deadline may be manageable. For small employers—many of whom operate with a single HR professional or rely on owners or managers to handle HR functions—this timeline may be difficult, if not impossible, to meet consistently. The bill provides no flexibility or safe harbor for good-faith efforts.

3. Elimination of Cost-Recovery for Copies

The bill strikes existing statutory language that allows employers to charge a fee reasonably related to the cost of making copies of personnel records. Employers will now bear all copying, administrative, and labor costs associated with responding to requests, even when those requests are voluminous.

4. Interference with Confidential Employment Records

The bill dramatically expands the definition of “personnel records” to include highly sensitive materials such as records related to legal proceedings, letters of reference, confidential reports from prior employers, and managerial planning documents. Employers that object to producing these records may face violations if they fail to comply within the ten business day deadline, placing them in an untenable position of preserving their privacy at the expense of significant civil penalties.

5. Excessive and Incentivizing Civil Penalties

S 2498 increases the civil penalty for violations from \$100 to between \$1,500 and \$3,000 per violation, with the penalty shared equally between the Department of Labor and Training and the employee. This penalty sharing structure creates a perverse incentive for frivolous or excessive requests designed to overwhelm employers and trigger violations. It is not unreasonable to imagine a situation in which an employer, facing a difficult union organizing campaign, finds itself on the receiving end of hundreds of personnel records requests with an artificially short turnaround time—requests designed to cripple the employer’s HR functions.

For these reasons, the Rhode Island Business Leaders Alliance respectfully urges the Committee to reject S 2498. Thank you for your consideration.

Respectfully submitted by:

Gregory Tumolo

Gregory Tumolo, Executive Director
Rhode Island Business Leaders Alliance

CC: Members of the Senate Labor and Gaming Committee