

Publications

Right to Know, Ready to Show: California Expands Employee Records Access and Rights Notice For 2026

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California recently enacted two employee-rights measures that will impact human resources recordkeeping and employee communications in 2026. Senate Bill 513 (SB 513) expands the personnel records that current and former employees may inspect to include education and training records. Separately, Senate Bill 294 (SB 294) — “The Workplace Know Your Rights Act”—requires employers to provide a stand-alone written notice advising employees of specified workplace rights and to notify an employee’s emergency contact if the employee is arrested or detained at work.

SB 513: Existing Law and What Changes

Under Labor Code § 1198.5, California employers must allow current and former employees to inspect and receive copies of personnel records relating to performance or any grievance concerning the employee. These records include performance evaluations, written warnings, performance improvement plans, attendance records, complaint and grievance files, and investigation summaries and findings. Employers generally must respond to written requests within 30 days (or up to 35 days by mutual written agreement) and must retain personnel records for at least three years after separation.

Effective January 1, 2026, SB 513 specifies that personnel records “relating to the employee’s performance” must include education and training records maintained by the employer. Each training and education record must include: the name of the employee; the name of the training provider; the duration and date of the training; the core competencies of the training, including skills in equipment or software; and the resulting certification or qualification. Noncompliance with personnel file inspection obligations may trigger a \$750 civil penalty per violation, injunctive relief compelling production, and recovery of reasonable attorneys’ fees.

SB 294: What the Law Requires and Who is Covered

SB 294 requires employers to provide a stand-alone written notice to each employee at hire and annually thereafter, advising of specific rights and legal developments the California Division of Labor Standards Enforcement (DLSE) deems material. Employers must use their normal communication channels, provided the notice is received within one business day of sending it, and must use the DLSE's template.

DLSE will post the template notice by January 1, 2026, and employers must complete initial distribution by February 1, 2026.

The written notice must advise employees of the following specific rights:

- The right to workers' compensation benefits (including disability pay and medical care for work-related injury or illness)
- The right to notice of inspection by immigration agencies
- Protection against unfair immigration-related practices
- The right to organize a union or engage in concerted activity
- Constitutional rights when interacting with law enforcement at the workplace, including freedom from unreasonable searches and seizures, due process, and the privilege against self-incrimination
- A description of material legal developments in workplace laws, as determined by DLSE

SB 294 also requires employers to offer all current employees (and new hires on an ongoing basis) an opportunity to designate an emergency contact and to authorize employer notification to that person in the event of arrest or detention at or away from the worksite during work hours or while performing job duties. This program must be implemented by March 30, 2026.

The Labor Commissioner and prosecutors are authorized to enforce the annual notice and emergency-contact requirements. Each failure to provide the required rights notice may constitute a separate violation, subject to civil penalties of up to \$500 per employee. Certain violations, such as failing to notify a designated emergency contact when the employer has actual knowledge that the employee was arrested or detained at work or during work hours, carries high exposure, with penalties up to \$10,000 per employee.

Takeaways for Employers

Employers should use the remainder of 2025 to standardize their training and education records and fold them into personnel-file response workflows, monitor the release of the DLSE template, plan its annual distribution, and implement the required emergency-contact process.