

# NEW CALIFORNIA LAW WILL BROADEN REQUIREMENTS FOR PERSONNEL RECORDS PRODUCTION: 5 THINGS EMPLOYERS SHOULD KNOW

Insights  
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Golden State employers that maintain education or training records will now be required to share copies with current or former employees under a recent law signed by Governor Gavin Newsom. California law already provides current or past employees (or their representative) the right to inspect and receive a copy of personnel records relating to their job performance or any grievances, if their employer maintains them. But **SB 513**, effective January 1, expands the state labor code's definition of "personnel records" to include education and training documents. Employers are required to make the personnel file records available for viewing at reasonable intervals and times, but no later than 30 calendar days from the date they receive a written request. Here's how the law could impact your business and the records you keep.

## 5 Things to Know About SB 513

**1. "Personnel records" now include education and training records.** Employers that maintain such documents should ensure those records include all of the following:

- The name of the employee
- The name of the training provider
- The date and duration of the training
- The core competencies of the training, including skills in equipment or software

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- The resulting certification or training

**2. Employers aren't required to maintain education or training records if they don't already.** However, employers that already keep such records must make them available for inspection and copying in a timely manner, and must ensure the records contain the information mentioned above.

**3. Failing to provide the records in a timely manner could result in a penalty.** Employers who don't provide records for inspection or copying within 30 calendar days of a written request (or up to 35 days by mutual agreement) can face a statutory penalty of up to \$750 per violation. On top of that, the employee may seek injunctive relief and attorneys' fees.

**4. The law was driven by a need to verify credentials.** The motivation behind SB 513 stemmed from reports of employees who allegedly struggled to find new jobs after a refinery closure in Southern California because they were unable to validate the substantial education and training they had received at their previous workplace. Supporters of SB 513 contended that when employers withhold training and certification records, workers are left unable to demonstrate their qualifications, which poses a significant obstacle to reemployment – particularly in industries that require documented proof of prior experience or formal training.

**5. Ensure existing training and education records are included in the employee's personnel file.** Employers should review recordkeeping practices and incorporate training and education records, which may be kept separate, into the personnel documentation system moving forward.

## Conclusion

Be prepared, starting January 1, to provide access to personnel training and education records in response to any personnel file request. We will continue to monitor California legislative activity, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information directly to your inbox. If you have questions, feel free to contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [California offices](#).

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