

LABOR AND EMPLOYMENT

INFORMATION MEMO

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New York Bill Expanding Employee Access to Personnel Files Could Soon Become Law

On May 19, 2026, the New York Assembly passed S.3460, a bill that, if signed into law, would expand employee access to personnel records, require notice of negative information placed in those records and an opportunity to respond, and allow employees to add certain information to their records. The bill passed the state Senate in April and is modeled after Massachusetts' Personnel Record Law. Prior attempts to pass similar legislation, including in 2025, were unsuccessful. If Governor Kathy Hochul signs S.3460 into law, employers will have 60 days from the date of enactment to implement policies and procedures necessary to comply with the new requirements.

Access to Personnel Records

The legislation would grant all New York employees, both public and private, the right under New York State Labor Law to access their workplace personnel records twice per year. Under the law, employers would be required to furnish records within five business days of receiving an employee's written request.

Notification of "Negative Information"

If enacted, employers would be required to notify an employee within ten days after placing "negative information" in the employee's personnel record. Under the bill, negative information includes information affecting the employee's qualification for employment, promotion, transfer, additional compensation or potential for discipline. Employees would also be permitted to submit a written statement in response to any such "negative information," which must also be included in their personnel file.

Enforcement and Remedies

The legislation would also permit employees to seek injunctive relief to remove information from their personnel records that their employer knew or should have known was false.

The New York Attorney General would be authorized to seek civil penalties ranging from \$500 to \$2,500 against violators of the proposed statute. Employees facing discrimination or retaliation for asserting their rights under the statute would also have a private right of action.

What Employers Should Consider Now

Employers should review their employee records access policies and monitor legislative developments to assess how this legislation may affect operations. The bill will next be delivered to the Governor for consideration. Employers are encouraged to consult with counsel to understand how these changes may affect their operations and to ensure policies remain compliant and aligned with business needs.

Employers should also consider providing additional HR training regarding these potential new requirements and should be prepared to update employee handbooks and implement standardized procedures to ensure timely notice when "negative information" is added to an employee's personnel file. If you have any questions or would like additional information, please contact [Jason Kaufman](#), [Samuel Dobre](#), [Rachel Kreutzer](#) or any attorney in Bond's [labor and employment practice](#) or the attorney at the firm with whom you are regularly in contact.

