**Resolution Supporting Passage of Senator Kuderer’s Personnel File Bill**

**Whereas** Washington employers are currently under no legal obligation to provide basic transparency in their human resource processes[[1]](#endnote-1),[[2]](#endnote-2);

**Whereas** workers can outright be misled[[3]](#endnote-3) about any performance-related decisions affecting their job including promotions, pay increases, disciplinary action, and termination;

**Whereas** workers deserve candid explanations for decisions which deeply affect their lives, and a failure to do so undermines the integrity and the dignity they deserve;

**Whereas** the opacity of the performance evaluation process leads to a biased system with structural barriers for Black and Latino workers; indeed, one prominent tech company’s own internal data[[4]](#endnote-4) shows that Black workers are twice as likely as white workers to be subject to performance-related discipline and only half as likely to receive a performance commendation;

**Whereas** the existing law (RCW 49.12.240) that allows workers to access their own employment personnel file is deficient in two major respects: (1) the specific contents of a personnel file are not defined, and (2) there is no enforcement mechanism - thereby allowing a company to escape disclosure by arbitrarily re-labeling records as not part of a personnel, with no legal consequences for such contrived failure;

**Whereas** Senator Patty Kuderer of Bellevue will introduce a bill into the Washington State Senate[[5]](#endnote-5) to amend the current statute by unambiguously defining the contents of a personnel file and granting a private right of action to gain access to the file;

**Whereas** the proposed bill is supported by such prominent workers’ advocacy groups as the Washington State Labor Council (WSLC) and the Washington Employment Lawyer’s Association (WELA);

**Therefore, Be It Resolved** that we urge our 32nd legislative delegation to ***support Senator Kuderer’s personnel file bill in the 2023 legislative session and send it to Gov. Inslee’s desk!***

**Resolution previously adopted by**: 36th District Dems, 11th District Dems, 43rd District Dems

**Originated by** Pat McGah of the 36th District Dems, patmcgah@gmail.com

**See Also** <https://actionnetwork.org/petitions/demand-transparency-for-washingtons-workers-pass-sb-5130>

1. Spencer Soper. “Legislature considers constraints on Amazon’s ‘rank-and-yank’ worker ratings.” The Seattle Times, 10 Jan. 2022. <https://www.seattletimes.com/business/legislature-considers-constraints-on-amazons-rank-and-yank-worker-ratings/> [↑](#endnote-ref-1)
2. Eugene Kim and Ashley Stewart. “Inside Amazon’s complex employee-review system.” Insider, April 3, 2021. <https://www.businessinsider.com/amazon-annual-performance-review-process-bonus-salary-2021-4> [↑](#endnote-ref-2)
3. Katherine Long. “Amazon tells bosses to conceal when employees are on a performance management plan.” The Seattle Times, July 9, 2021. <https://www.seattletimes.com/business/amazon/amazon-tells-bosses-to-conceal-when-employees-are-on-a-performance-management-plan/> [↑](#endnote-ref-3)
4. Jason Del Rey. “Bias, disrespect, and demotions: Black employees say Amazon has a race problem.” Vox.com, 26 Feb. 2021. <https://www.vox.com/recode/2021/2/26/22297554/amazon-race-black-diversity-inclusion> [↑](#endnote-ref-4)
5. The bill was previously introduced as SB 5130 (“Concerning employee's rights concerning personnel files and disciplinary actions”) in the 2021-2022 legislative session. <https://app.leg.wa.gov/billsummary?BillNumber=5130&Year=2021> [↑](#endnote-ref-5)