

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to the organization of City government; creating an Office of the Employee Ombud; and adding Sections 3.15.020, 3.15.022, and 3.15.024 to the Seattle Municipal Code.

..body

WHEREAS, The City of Seattle (“City”) ~~recognizes the value and importance of~~ is committed to

providing every City ~~employees being able to~~ employee a safe and respectful workplace

where they can do their best work ~~to serve our communities, and that in serving the~~

residents of Seattle; and in order for this to happen the City must recognize employees’

inherent dignity, and provide safe ~~and intimidation free~~ work environments free of

intimidation, as well as consistent and equitable processes for addressing their concerns;

and

WHEREAS, acts of discrimination and harassment have a harmful ~~legacy globally,~~

~~locally~~ impact on the individuals involved, their workplace culture, and within The the

City ~~of Seattle. Despite current policies~~ as a whole. Although the City has instituted

training, prevention, reporting, and investigation processes ~~created~~ to address and

~~discourage~~ prevent workplace discrimination and harassment at the City, some current

and past employees speak of ~~workplaces still~~ and have experienced workplace cultures

impacted by ~~racial and sexual~~ discrimination and harassment based on race, gender,

sexual orientation, or other protected class status, including intimidation, mistreatment,

exclusion, invisibility, and hostility; and

WHEREAS, the City formed an Anti-Harassment Interdepartmental Team (AH IDT) in 2018 to

review the City’s current practices of responding to and preventing workplace

1 discrimination and harassment. Based on Race and Social Justice Initiative survey results,  
2 employee focus group sessions conducted by the Seattle Office ~~of~~ Civil Rights  
3 regarding harassment in the City, and the U.S. Equal Employment Opportunity  
4 Commission (EEOC) 2016 Select Task Force recommendations, the IDT made a set of  
5 holistic recommendations and proposed strategies to shift workplace culture to create a  
6 more welcoming, inclusive, and safe work environment where everyone can do their best  
7 work; and

8 WHEREAS, the AH IDT’s July 2018 report, *Addressing and Preventing Workplace Harassment*  
9 *and Discrimination*, describes their methodology and analysis, and provides 34  
10 recommendations with a ranking as needing immediate, mid-term, or long-term  
11 implementation; and

12 WHEREAS, the AH IDT recommended the City create an independent ombuds function that  
13 would be rooted in racial equity and social justice, be able to respect employee  
14 confidentiality and anonymity, review and recommend replacements to the existing City  
15 response to harassment allegations, and have independence and

16 WHEREAS, based on ~~the~~ consideration of the AH ~~IDT~~ IDT’s recommendations, the Mayor  
17 proposes that the Council create a new Office of the Employee Ombud (OEO) that  
18 would:

- 19 1. Provide neutral and impartial assistance ~~to~~ and navigation to all City  
20 employees seeking to access City resources to make, respond to, or resolve allegations of  
21 workplace harassment, discrimination, or other misconduct;
- 22 2. Operate independently from the Seattle Department of Human Resources,  
23 the Office for Civil Rights, and individual departments’ human resources staff; and

1                   3.       Provide recommendations to the Mayor and City Council on improving  
2                   the City’s Personnel Rules, complaint and investigations systems, workplace  
3                   expectations, and other applicable City processes and systems; NOW, THEREFORE,

4 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

5                   Section 1. ~~Office created. There is created within the Executive Department an Office of~~  
6 ~~the Employee Ombud. Sections 3.15.020, 3.15.022, and 3.15.024 are added to the Seattle~~  
7 ~~Municipal Code as follows:~~

8                   ~~Section 2. Sections 3.15.020, 3.15.022, and 3.15.024 are added to Chapter 3.15 of the~~  
9 ~~Seattle Municipal Code as follows:~~

10 **Office of the Employee Ombud**

11 **3.15.020 Office of the Employee Ombud—~~created~~—Functions—Created**

12 There is created within the Executive Department an Office of the Employee Ombud: (OEO). To  
13 promote transparency, the OEO will concurrently provide any reports and requested data, to the  
14 City Council and the Executive. The OEO shall be free of undue influence by elected officials or  
15 other reporting authorities.

16 **3.15.022 Office of the Employee Ombud—Functions**

17                   A.       The mission of the Office of the Employee Ombud is(OEO) shall be to assist:

18                   1.       Assist individual City employees, in all branches of City government, in  
19 understanding and assessing options and resources for addressing concerns about or claims of  
20 workplace conduct that may be inappropriate; a violation of the City’s Personnel Rules, City  
21 policies, or workplace expectations; or constitute harassment, discrimination, or retaliation; and

1                   2. Provide analyses and recommendations of policy and rule changes needed  
2 to address departmental or system-wide inefficiencies and in-person training to prevent  
3 workplace discrimination and harassment in City employment.

4                   B. The OEO will assist City employees in understanding their options ~~and resources~~  
5 ~~regarding allegations of workplace misconduct and navigating the~~ but is not authorized to provide  
6 legal advice, and it will ultimately be the responsibility of the City employee to decide what, if  
7 any, option to pursue. The OEO shall be authorized to perform the following functions:

8                   1. Assist individual City employees, in all branches of City government, in  
9 assessing their concerns about workplace conduct that may:

10                   a. Constitute harassment, discrimination, or retaliation; and/or

11                   b. Contravene the City’s Personnel Rules, Citywide workplace  
12 expectations, and other City policies; and/or

13                   c. Be considered inappropriate, although it may not meet the legal  
14 definition of harassment, discrimination, retaliation, or a violation of a specific City policy.

15                   2. Assist individual City employees in understanding and assessing their  
16 options for addressing these concerns, including but not limited to:

17                   a. The City’s processes and systems for reporting, investigating, and  
18 addressing workplace conduct concerns ~~including, but not limited to, allegations of harassment,~~  
19 ~~discrimination, retaliation, and other potential violations of City policies or Personnel Rules.;~~

20 ~~—The Office of the Employee Ombud shall be authorized to perform the following~~  
21 ~~functions:~~

22                   A. ~~Provide neutral and impartial information to City employees as they engage with~~  
23 ~~the City’s options for addressing allegations of workplace harassment, discrimination, and other~~

1 ~~misconduct, while preserving employee confidentiality to the extent required under federal, state,~~  
2 ~~and City laws and policies.~~

3 b. The City's Alternative Dispute Resolution Program;

4 c. If represented by a labor organization, how to contact their  
5 representative to discuss their options; and

6 d. Seeking remedies through State or Federal agencies, and/or a  
7 private legal action.

8 3. Facilitate discussions to break down miscommunication, or to address  
9 actions that may be inappropriate and/or contravene the City's Personnel Rules, City policies, or  
10 workplace expectations that may have led to City workplace conflict, including, but not limited  
11 to, dispute resolution where appropriate and desired. These discussions may include  
12 representation for union employees and may include a party to provide emotional support if  
13 requested.

14 ~~Report annually to the Mayor's Office and City Council on~~4. Provide  
15 referral services, as needed, to programs including but not limited to the Employee Assistance  
16 Program (EAP).

17 C. The OEO will submit an Implementation Plan to the Mayor and City Council by  
18 the end of the second quarter of 2019 and shall address at a minimum how the OEO plans to:

19 1. Maintain data on the number, types, and outcomes of complaints and  
20 inquiries the OEO receives;

21 2. Maintain and communicate employee confidentiality;

22 3. Include recommendations, in consultation with the Anti-Harassment  
23 Interdepartmental Team (AH IDT), or subsequent oversight body, pertinent labor organizations,

1 and key stakeholders, to provide oversight of the OEO, including, but not limited to, a role in the  
2 drafting of recommendations and analyses of policy and rule changes needed to address  
3 departmental or system-wide inefficiencies;

4 4. Develop a written disclaimer notifying City employees that their  
5 consultation with the OEO does not constitute the filing of a complaint or legal action; that the  
6 OEO, while providing information and assistance, is not providing legal advice; and that the  
7 decision of what option the City employee chooses to pursue is the decision of the City  
8 employee;

9 5. Recommend to SDHR the incorporation of in-person trainings to prevent  
10 workplace discrimination and harassment in City employment upon hire and on a routine basis;

11 6. Coordinate with the City's contracted EAP for appropriate emotional  
12 assistance and consultation referrals;

13 7. Review current structures in the City of Seattle to address racial and  
14 sexual harassment and recommend changes needed to the Seattle Municipal Code to accomplish  
15 these recommendations. These recommendations shall include an evaluation of the best  
16 placement of investigations to address barriers to reporting and underreporting.

17 8. Review the structure of the OEO as an independent office so that the OEO  
18 is free from undue influence by elected officials or any other reporting authority.

19 D. The OEO shall concurrently provide an annual report to the Mayor's Office and  
20 the City Council's Housing, Health, Energy and Workers' Rights (HHEWR) committee or the  
21 committee with oversight of OEO, by March 31 of each year, beginning in 2020. The annual  
22 report shall be developed in consultation with the AH IDT, or subsequent oversight body,  
23 pertinent labor organizations, and key stakeholders and address any issues that may extend

1 beyond the experience of individual employees and have a broader, systemic impact on the City,  
2 including ~~providing any recommendations to improve the City's Personnel Rules, complaint and~~  
3 ~~investigations systems, workplace expectations, and other applicable City processes and systems.~~

4 ~~This report shall be submitted to the Mayor and Council by March 31 of each year, but not~~  
5 ~~limited to:~~

6 1. Recommendations to improve the City's Personnel Rules, complaint and  
7 investigations systems, including but not limited to, considering the best placement of  
8 investigations to address barriers to reporting and underreporting, workplace expectations, and  
9 other applicable City processes and systems;

10 2. Recommendations on training, specifically for live, in-person training;

11 3. Information on patterns of inappropriate workplace conduct,

12 4. Recommendations on systemic changes to truly root all City workplaces in  
13 racial equity and social justice.

14 E. The Mayor and Council committee will respond to recommendations in the OEO  
15 annual report within 120 days of the receipt of the report. Their written responses to the  
16 recommendations should identify any:

17 1. Policies or legislation the committee intends to put before the City Council  
18 for approval;

19 2. Further information the committee or Mayor would like from the OEO

20 3. Alternatives the committee or Mayor would like the OEO or AH IDT to  
21 develop;

22 4. Recommendations that the Committee intends to reject or consider on a  
23 longer timeline, and the reasons therefor.

1 **3.15.022024 Director of the Office of the Employee Ombud—**

2 **A.** Appointment, term, and removal

3 The Director of the Office of the Employee Ombud (OEO) shall be appointed by the Mayor,  
4 subject to consultation with key stakeholders and subject to confirmation by a majority vote of  
5 all members of City Council. The Director may be removed by the Mayor upon filing a statement  
6 of reasons therefore with the City Council.

7 ~~3.15.024 Director of the Office of the Employee Ombud—~~ B. Duties

8 The Director of the Office of the Employee Ombud OEO shall be the head of the ~~Office of the~~  
9 ~~Employee Ombud (OEO), OEO,~~ shall be responsible for the administration of the OEO, and  
10 shall:

11 1. Develop and manage all functions and responsibilities of the OEO.

12 2. Hire, supervise, and discharge OEO staff.

13 3. Provide input to the Mayor and City Council on the performance of the

14 OEO and recommend process improvements to better serve employees.



1           Section ~~32~~32. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4           Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2018.

7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9           Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

10 \_\_\_\_\_  
11 Jenny A. Durkan, Mayor

12           Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)