



SEATTLE CITY COUNCIL

Legislative Summary

CB 119374

Record No.: CB 119374

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125735

In Control: City Clerk

File Created: 10/11/2018

Final Action: 12/14/2018

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.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Mosqueda

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	10/16/2018	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	10/22/2018	sent for review	Council President's Office			
1	Council President's Office	10/24/2018	sent for review	Housing, Health, Energy, and Workers' Rights Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Housing, Health, Energy, and Workers' Rights Committee						
	Notes:						
1	City Council	10/29/2018	referred	Housing, Health, Energy, and Workers' Rights Committee			
	Action Text: The Council Bill (CB) was referred. to the Housing, Health, Energy, and Workers' Rights Committee						

Notes:

- 1 Housing, Health, Energy, and Workers' Rights Committee 12/06/2018 pass as amended 12/10/2018 Pass
Action Text: The Committee recommends that City Council pass as amended the Council Bill (CB).
In Favor: 2 Chair Mosqueda, Member Bagshaw
Opposed: 0
- 1 City Council 12/10/2018 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
Notes:
In Favor: 6 Councilmember Bagshaw, Council President Harrell, Councilmember Johnson, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant
Opposed: 0
- 2 City Clerk 12/12/2018 submitted for Mayor's signature Mayor
- 2 Mayor 12/14/2018 Signed
- 2 Mayor 12/14/2018 returned City Clerk
- 2 City Clerk 12/14/2018 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
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CITY OF SEATTLE

ORDINANCE 125735

COUNCIL BILL 119374

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.

WHEREAS, The City of Seattle (“City”) is committed to providing every City employee a safe and respectful workplace where they can do their best work in serving the residents of Seattle; and in order for this to happen the City must recognize employees’ inherent dignity, and provide safe 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 impact on the individuals involved, their workplace culture, and the City as a whole. Although the City has instituted training, prevention, reporting, and investigation processes to address and prevent workplace discrimination and harassment at the City, some current and past employees speak of and have experienced workplace cultures impacted by 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 discrimination and harassment. Based on Race and Social Justice Initiative survey results, employee focus group sessions conducted by the Seattle Office for Civil Rights regarding harassment in the City, and the U.S. Equal Employment Opportunity Commission

1 (EEOC) 2016 Select Task Force recommendations, the IDT made a set of holistic
2 recommendations and proposed strategies to shift workplace culture to create a more
3 welcoming, inclusive, and safe work environment where everyone can do their best work;
4 and

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

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

13 WHEREAS, based on consideration of the AH IDT's recommendations, the Mayor proposes that
14 the Council create a new Office of the Employee Ombud (OEO) that would:

15 1. Provide neutral and impartial assistance and navigation to all City
16 employees seeking to access City resources to make, respond to, or resolve allegations of
17 workplace harassment, discrimination, or other misconduct;

18 2. Operate independently from the Seattle Department of Human Resources,
19 the Office for Civil Rights, and individual departments' human resources staff; and

20 3. Provide recommendations to the Mayor and City Council on improving
21 the City's Personnel Rules, complaint and investigations systems, workplace
22 expectations, and other applicable City processes and systems; NOW, THEREFORE,

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

2 Section 1. Sections 3.15.020, 3.15.022, and 3.15.024 are added to the Seattle Municipal
3 Code as follows:

4 **Office of the Employee Ombud**

5 **3.15.020 Office of the Employee Ombud—Created**

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

10 **3.15.022 Office of the Employee Ombud—Functions**

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

- 12 1. Assist individual City employees, in all branches of City government, in
13 understanding and assessing options and resources for addressing concerns about or claims of
14 workplace conduct that may be inappropriate; a violation of the City's Personnel Rules, City
15 policies, or workplace expectations; or constitute harassment, discrimination, or retaliation; and
16 2. Provide analyses and recommendations of policy and rule changes needed
17 to address departmental or system-wide inefficiencies and in-person training to prevent
18 workplace discrimination and harassment in City employment.

19 B. The OEO will assist City employees in understanding their options but is not
20 authorized to provide legal advice, and it will ultimately be the responsibility of the City
21 employee to decide what, if any, option to pursue. The OEO shall be authorized to perform the
22 following functions:

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

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

4 b. Contravene the City's Personnel Rules, Citywide workplace
5 expectations, and other City policies; and/or

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

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

10 a. The City's processes and systems for reporting, investigating, and
11 addressing workplace conduct concerns;

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

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

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

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

1 4. Provide referral services, as needed, to programs including but not limited
2 to the Employee Assistance Program (EAP).

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

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

7 2. Maintain and communicate employee confidentiality;

8 3. Include recommendations, in consultation with the Anti-Harassment
9 Interdepartmental Team (AH IDT), or subsequent oversight body, pertinent labor organizations,
10 and key stakeholders, to provide oversight of the OEO, including, but not limited to, a role in the
11 drafting of recommendations and analyses of policy and rule changes needed to address
12 departmental or system-wide inefficiencies;

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

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

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

22 7. Review current structures in the City of Seattle to address racial and
23 sexual harassment and recommend changes needed to the Seattle Municipal Code to accomplish

1 these recommendations. These recommendations shall include an evaluation of the best
2 placement of investigations to address barriers to reporting and underreporting.

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

5 D. The OEO shall concurrently provide an annual report to the Mayor's Office and
6 the City Council's Housing, Health, Energy and Workers' Rights (HHEWR) committee or the
7 committee with oversight of OEO, by March 31 of each year, beginning in 2020. The annual
8 report shall be developed in consultation with the AH IDT, or subsequent oversight body,
9 pertinent labor organizations, and key stakeholders and address any issues that may extend
10 beyond the experience of individual employees and have a broader, systemic impact on the City,
11 including, but not limited to:

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

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

17 3. Information on patterns of inappropriate workplace conduct,

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

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

- 1 1. Policies or legislation the committee intends to put before the City Council
- 2 for approval;
- 3 2. Further information the committee or Mayor would like from the OEO
- 4 3. Alternatives the committee or Mayor would like the OEO or AH IDT to
- 5 develop;
- 6 4. Recommendations that the Committee intends to reject or consider on a
- 7 longer timeline, and the reasons therefor.

8 **3.15.024 Director of the Office of the Employee Ombud**

9 A. Appointment, term, and removal. The Director of the Office of the Employee Ombud
10 (OEO) shall be appointed by the Mayor, subject to consultation with key stakeholders and
11 subject to confirmation by a majority vote of City Council. The Director may be removed by the
12 Mayor upon filing a statement of reasons therefore with the City Council.

13 B. Duties. The Director of the OEO shall be the head of the OEO, shall be responsible for
14 the administration of the OEO, and shall:

- 15 1. Develop and manage all functions and responsibilities of the OEO.
- 16 2. Hire, supervise, and discharge OEO staff.
- 17 3. Provide input to the Mayor and City Council on the performance of the
- 18 OEO and recommend process improvements to better serve employees.

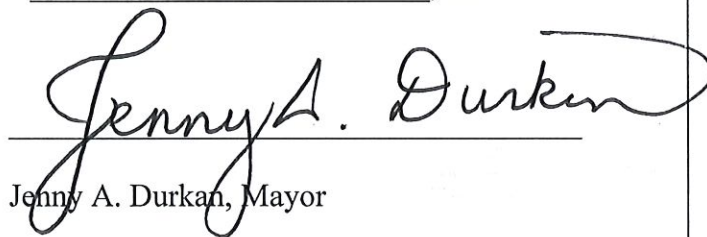
1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 10th day of December, 2018,
5 and signed by me in open session in authentication of its passage this 10th day of
6 December, 2018.

7 

8 President _____ of the City Council

9 Approved by me this 14th day of December, 2018.

10 

11 Jenny A. Durkan, Mayor

12 Filed by me this 14th day of December, 2018.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)