

CM Drago Questions for 7/21 Committee Meeting

Q: The MFR report is heavily redacted. Please explain the redaction policies used on the MFR report.

A: The MFR report was not heavily redacted. The redactions were minimal and consisted primarily of the names of individuals. They were made according to the following Law Department policies:

Employee names were redacted from the document based on the RCW 42.56.230(2) "employee privacy" exemption. That exemption protects the privacy of public employees when disclosure of information would be both (1) highly offensive to a reasonable person; and (2) not of legitimate interest to the public.

Pursuant to that exemption, in the following circumstances, names may be withheld to protect the individual employees and the integrity of the investigative process:

- * Employees who are the subject of allegations of misconduct where the allegations are unsubstantiated or proven false.
- * Employees who provide information and witness testimony regarding the workplace and their colleagues in order to facilitate the investigation.
- * Employees who come forward with complaints and allegations regarding potential misconduct on behalf of their colleagues.
- * Employees who are named, but are not directly related to allegations of misconduct. For example, when an investigator examined allegations of discrimination regarding the selection of Employee A over Employee B, the names of those employees may be redacted. In that circumstance, other relevant information, such as the length of service of those employees, would not be redacted.

Certain documents attached to the reports as exhibits are redacted or withheld based on the employee privacy exemption, the RCW 42.56.250(1) exemption for test questions and scoring keys used to administer employment, the RCW 42.56.250(2) exemption for applications and related materials submitted with respect to an applicant for public employment; and the RCW 42.56.250(3) exemption for residential addresses, residential telephone numbers, and social security numbers of public employees.

If you have any additional questions related to redaction policies, please contact the City Attorney's Office.

Q: MFR has conducted 77 investigations in the City of Seattle at a cost of nearly \$2million, according to press reports. How many of these involved SDOT and at what total cost?

A: Three of the 77 reported investigations involved SDOT. The total cost was \$549,486.

Q: What were the scope, duration, and costs of any previous MFR investigations for SDOT?

A: Investigation #1: Duration was from October, 2005, to early January, 2006; its scope was to investigate complaints of improper treatment by employees in the HR unit regarding the HR manager. SDOT retained the MFR firm at the recommendation of the City Attorney's Office.

Cost = \$17,296.

Investigation #2: Duration was from May 2007, to July 2007; its scope was to investigate discrimination complaints by a Street Maintenance employee. Cost = \$16,286.

Investigation #3: Duration was from June, 2007 to June, 2008; its scope was to investigate employee complaints of race and/or gender discrimination in the Surface Repair section of the Street Maintenance Division. 115 employees were interviewed. The City Attorney's Office retained the MFR firm. Cost = \$515,904.

Q: At any time during the MFR investigation in 2006-2007 was there a discussion of terminating the contract?

A: The MFR investigation took place from 2007-2008. SDOT managers monitored the scope, cost and progress of the investigation with assistance from the Law Department. There were a number of discussions regarding options for managing the scope and expense of the investigation as it grew more complex and difficult. SDOT did not, at any point, conclude that terminating the investigation was an appropriate response.

Q: Beyond RSJI training and a demotion for Paul Jackson, Jr., what is SDOT doing to improve management within the Street Maintenance Division?

A: As mentioned at the last committee meeting, I assigned Charles Bookman to act as Interim Street Maintenance Director. Mr. Bookman formerly worked in Street Maintenance, thoroughly understands the work of the division, and is well thought of by the employees. In addition to RSJ training throughout the department, SDOT has implemented comprehensive supervisor training that covers subjects such as Workers Compensation/ADA, Performance Evaluations, Labor Relations, Race and Gender Discrimination, and Dealing with Challenging Employees.

In addition, we have:

- Standardized our Out of Class assignment process which has expanded the rotation of crew members to increase skill levels and provide supervisory experience across functions;
- Completed hiring process improvements, including requiring Human Resources participation and diversity on hiring panels;
- Developed a discipline log to track disciplinary action and a complaint tracking system that documents the chronology of issues and resolutions; and,
- Developed employee expectations documents for each staff position and improved our performance evaluation process, providing multiple opportunities for employee and supervisor to discuss performance improvement.

These changes are improvements across the entire department.

Q: Did Paul Jackson, Jr.'s demotion from Director of Street Maintenance include a reduction in his salary?

A: Paul Jackson's annual salary was reduced from \$128,240 to \$97,760 commensurate with his demotion.

Q: If Paul Jackson, Jr. is not responsible for the snowstorm response, who is?

A: The Director of the Street Maintenance Division is responsible for directing snow removal operations. Previously, that position was held by Paul Jackson. Currently, Charles Bookman is the Interim Street Maintenance Director. Ultimately, as the Director of SDOT, I am responsible for the Department's overall performance. Our snow response plan outlines specific actions that we are taking to improve winter storm response and coordination.