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.

Notes:

Sponsors: Mosqueda

Attachments:
Drafter: adam.schaefer@seattle.gov

Filed with City Clerk:
Mayor's Signature:
Vetoed by Mayor:
Veto Overridden:
Veto Sustained:

Filing Requirements/Dept Action:

History of Legislative File

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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
   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
   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
   Action Text: The Ordinance (Ord) was attested by City Clerk.
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
(EEOC) 2016 Select Task Force recommendations, the IDT made a set of holistic
recommendations and proposed strategies to shift workplace culture to create a more
welcoming, inclusive, and safe work environment where everyone can do their best work;
and

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

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

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

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

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

3. Provide recommendations to the Mayor and City Council on improving
the City’s Personnel Rules, complaint and investigations systems, workplace
expectations, and other applicable City processes and systems; NOW, THEREFORE,
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

Office of the Employee Ombud

3.15.020 Office of the Employee Ombud—Created

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

3.15.022 Office of the Employee Ombud—Functions

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

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

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

B. The OEO will assist City employees in understanding their options but is not authorized to provide legal advice, and it will ultimately be the responsibility of the City employee to decide what, if any, option to pursue. The OEO shall be authorized to perform the following functions:
1. Assist individual City employees, in all branches of City government, in assessing their concerns about workplace conduct that may:
   a. Constitute harassment, discrimination, or retaliation; and/or
   b. Contravene the City’s Personnel Rules, Citywide workplace expectations, and other City policies; and/or
   c. Be considered inappropriate, although it may not meet the legal definition of harassment, discrimination, retaliation, or a violation of a specific City policy.

2. Assist individual City employees in understanding and assessing their options for addressing these concerns, including but not limited to:
   a. The City’s processes and systems for reporting, investigating, and addressing workplace conduct concerns;
   b. The City’s Alternative Dispute Resolution Program;
   c. If represented by a labor organization, how to contact their representative to discuss their options; and
   d. Seeking remedies through State or Federal agencies, and/or a private legal action.

3. Facilitate discussions to break down miscommunication, or to address actions that may be inappropriate and/or contravene the City’s Personnel Rules, City policies, or workplace expectations that may have led to City workplace conflict, including, but not limited to, dispute resolution where appropriate and desired. These discussions may include representation for union employees and may include a party to provide emotional support if requested.
4. Provide referral services, as needed, to programs including but not limited to the Employee Assistance Program (EAP).

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

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

2. Maintain and communicate employee confidentiality;

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

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

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

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

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

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

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

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

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

3. Information on patterns of inappropriate workplace conduct,

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

E. The Mayor and Council committee will respond to recommendations in the OEO
annual report within 120 days of the receipt of the report. Their written responses to the
recommendations should identify any:
1. Policies or legislation the committee intends to put before the City Council for approval;

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

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

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

3.15.024 Director of the Office of the Employee Ombud

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

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

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

2. Hire, supervise, and discharge OEO staff.

3. Provide input to the Mayor and City Council on the performance of the OEO and recommend process improvements to better serve employees.
Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

Bruce Harrell
President of the City Council

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

Jenny A. Durkan
Jenny A. Durkan, Mayor

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

Monica Martinez Simmons, City Clerk

(Seal)
STATE OF WASHINGTON -- KING COUNTY

369031
CITY OF SEATTLE, CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCES

was published on

01/03/19

The amount of the fee charged for the foregoing publication is the sum of $102.98 which amount has been paid in full.

Subscribed and sworn to before me on

01/03/2019

Notary public for the State of Washington, residing in Seattle.
City of Seattle
Title Only Ordinances

Ordinance 125731
Council Bill 119428
AN ORDINANCE appropriating money to pay certain approved claims and ordering the payment thereof.

Ordinance 125732
Council Bill 119424
AN ORDINANCE relating to land use and zoning; amending the Seattle Comprehensive Plan to incorporate changes proposed as part of the 2017-2018 Comprehensive Plan annual amendment process.

Ordinance 125733
Council Bill 119426
AN ORDINANCE relating to land use and zoning; granting conditional approval of the University of Washington 2018 Seattle Campus Master Plan, and amending Chapter 23.33 of the Seattle Municipal Code (SMC) at pages 61, 62, 63, 77, 78, 79, 80, and 81 of the Official Land Use Map.

Ordinance 125734
Council Bill 119413
AN ORDINANCE vacating portions of 11th Avenue Southwest, 15th Avenue Southwest, Southwest Fairview Street, and Southwest Florida Street, on the petition of the Port of Seattle (Claim File 301929) and accepting Seattle City Light easements.

Ordinance 125735
Council Bill 1194574
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.

Ordinance 125736
Council Bill 1193150
AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer of City Light to execute an agreement with the City of Bothell for relocation of approximately 9.87 miles of existing Fiber Cable 107 along SR 522 from aerial to underground as part of the City of Bothell's SR 522 Stage 3 Improvement Project, including the execution of other agreements or amendments necessary or convenient for the completion of the project utility trench.