



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 14, 2001

Motion 11331

Proposed No. 2001-0467.2

Sponsors Miller

1 A MOTION adopting policies and procedures against
2 sexual harassment and discrimination; and amending
3 Motion 8868 and OR 3-110 and Motion 10651 § V and OR
4 2-030.

5
6
7 WHEREAS, the council adopted Motion 8868 in 1992 adopted policies and
8 procedures for investigating and resolving allegations of sexual harassment in the
9 legislative branch, and

10 WHEREAS, it is appropriate to clarify procedures to reflect the present
11 organizational structure of the council including the role of the Employment Committee,
12 and

13 WHEREAS, it is appropriate to establish policies and procedures for the
14 legislative branch to address other forms of conduct that could be unlawful or contribute
15 to interpersonal conflicts in the work environment;

16 NOW, THEREFORE, BE IT MOVED by the Council of King County:

17 I. Motion 10835 (part) and OR3-110 are each hereby amended to read as follows:

18 Policies and procedures against ((S))sexual harassment and discrimination((
19 policy. ~~A. Sexual harassment will not be tolerated in King County government, nor will~~
20 ~~retaliation against any employee who alleges sexual harassment or participates in an~~
21 ~~investigation of an allegation of sexual harassment.~~

22 ~~B. The attached policies and procedures* for investigating and resolving~~
23 ~~allegations of sexual harassment in the legislative branch are hereby adopted.)) - policy~~
24 statement.

25 The metropolitan King County council promotes a respectful, non-discriminatory
26 work environment, free of behavior which is illegal and/or which contributes to
27 interpersonal conflicts, poor performance, or poor morale. Therefore, the metropolitan
28 King County council prohibits:

29 Sexual harassment;

30 Discrimination or harassment of, or inappropriate conduct toward, any employee
31 on the basis of his or her race, color, sex, marital status, sexual orientation, religion,
32 ancestry, national origin, and/or the presence of any sensory, mental, or physical
33 disability; and

34 Retaliation.

35 This policy applies to members of the council, council members' personnel staff,
36 and all employees of the legislative branch. Violations of this policy may lead to censure
37 or discipline, up to and including discharge.

38 This policy is supplemental to other procedures available under federal, state, and
39 county laws, including but not limited to the Whistleblower Ordinance (K.C.C. chapter
40 42), the Ethics Code (K.C.C. chapter 3.04), and the Fair Employment Practices Code

41 (K.C.C. chapter 12.18). Employees are encouraged to report pursuant to this policy, but
42 shall continue to have the right to utilize other formal complaint procedures established
43 by law.

44 The attached policies and procedures against sexual harassment and
45 discrimination in the legislative branch are hereby adopted.

46 II. Motion 10651 § V and OR 2-030 are each hereby amended to read as follows:

47 Employment committee.

48 **A. Membership requirements – duties (~~(–employment of staff)~~).** The
49 employment committee shall consist of six members, three from the
50 majority party and three from the minority party. The vice-chair of the
51 council shall (~~(employ, with the approval of the employment~~
52 ~~committee and the consent of a majority of the full council, legislative~~
53 ~~branch employees, except for the councilmembers' personal staff)~~)
54 chair the committee.

55 **B. Process.**

56 1. Personnel Decisions. The employment committee shall make
57 recommendations to the full council concerning decisions (~~(to~~
58 ~~hire and terminate))~~ for legislative branch employees, except
59 for councilmembers' personal staff. Personnel decisions
60 include decisions to hire, to fill vacancies, to make staffing
61 adjustments, to assign or reassign staff, to adjust staff pay, to
62 analyze future hiring needs and to make other necessary
63 employment decisions. Personnel decisions do not include

recommend exoneration or censure. If the committee recommends censure, the Chair of the Metropolitan King County Council, or the Vice-Chair if the complaint or concern involves the Chair, shall introduce a motion for censure. In accordance with the council rules the chair shall refer the motion to the employment committee. In accordance with KCC 1.24.055 Rule 6, to report the motion out of the employment committee will require a recommendation report signed by a majority of the committee.

4. As to council members' personal staff, the Committee shall vote on a recommended disposition and report its recommendation to the council member.

G. Information regarding complaints or concerns will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.

H. A complainant who is dissatisfied with the way his or her complaint is being handled may take his or her concerns to another of the individuals designated in **Part III**.

IV. Responsibilities

A. The council administrator shall ensure that all employees receive a copy of this policy and are appropriately instructed and/or trained on its contents.

B. The council administrator shall provide oversight, tracking, monitoring, and guidance to the Employment Committee to ensure adequate enforcement of the policy.

C. Employees with supervisory responsibilities shall model appropriate behavior and strive to cultivate and maintain a work environment that is free from discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation.

D. Any member of the Metropolitan King County Council shall have the same responsibilities under this policy as other supervisors.

E. In carrying out their responsibilities under this policy, staff, members of the Employment Committee, and the council administrator are encouraged to consult with the Council's legal counsel.

V. At-will employment

Nothing in this policy is intended to alter the at-will employment status of legislative branch employees or give rise to a requirement of termination for just cause.

64 terminations or disciplinary decisions, which follow the
65 process stated in subsection B.2 of this motion. Employment
66 committee recommendations on personnel decisions shall be
67 contained in a written recommendation report that shall, upon
68 signature of three committee members, be sent to the full
69 council. The council shall consider the recommendation
70 reports from the committee on an employment committee
71 consent agenda. However, in the event the employment
72 committee forwards two recommendations to the council on
73 the same matter, the two recommendations shall be considered
74 separately from the consent agenda.

75 2. Terminations and Disciplinary Decisions. The employment
76 committee makes decisions on discipline and termination,
77 including layoffs. If four committee members vote for a
78 termination or disciplinary action the decision is final.
79 However, an employee who has been either suspended without
80 pay of two weeks or more, or terminated may appeal the
81 decision of the employment committee to the full council.
82 Nondisciplinary terminations are subject to appeal in the same
83 manner as disciplinary terminations. If only three members
84 vote to recommend a termination or disciplinary action, the
85 recommendation should be forwarded to the full council for
86 consideration in the manner set forth in subsection B.1.

87 3. Nothing in this process is to be construed to alter the at-will
88 status of legislative branch employees. This process is designed to
89 facilitate the will of the majority of the council.

90 **C. Removal of recommendations from consent agenda.** Upon the
91 request of any member present before the full council, any specific
92 recommendation from the employment committee shall be removed from
93 the consent agenda and considered separately by the council prior to
94 adoption of the employment consent agenda. The council may then by a
95 majority vote make whatever orderly disposition of the matter it deems
96 appropriate.

97
98 **D. Motions for censure.** The employment committee shall consider and make
99 recommendations on motions for censure related to alleged violations of any anti-
100 harassment policy by a councilmember.

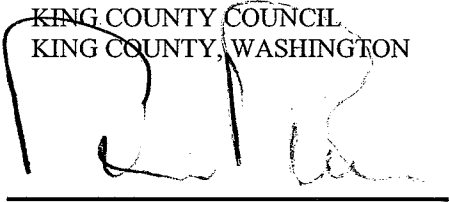
101 **E. Personnel records as confidential.** To the extent permitted by law, personnel
102 records which would be exempt from public disclosure shall continue to be treated as

103 confidential and records or portions thereof which are exempt shall be conspicuously
104 identified as such and separated from nonexempt records.
105

Motion 11331 was introduced on 9/17/01 and passed by the Metropolitan King County Council on 11/13/01, by the following vote:


Yes: 12 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz,
Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Pullen, Mr. Gossett, Ms.
Hague and Mr. Thomas
No: 0
Excused: 1 - Mr. Irons

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Metropolitan King County Council - Legislative Branch Policies and Procedures
Against Sexual Harassment and Discrimination

METROPOLITAN KING COUNTY COUNCIL
Legislative Branch

Policies and Procedures Against Unlawful Harassment and Discrimination

I. Policy Statement

The Metropolitan King County Council promotes a respectful, non-discriminatory work environment, free of behavior which is illegal and/or which contributes to interpersonal conflicts, poor performance, or poor morale. Therefore, the Metropolitan King County Council prohibits:

- sexual harassment;
- discrimination or harassment of, or inappropriate conduct toward, any employee on the basis of his or her race, color, sex, marital status, sexual orientation, religion, ancestry, national origin, and/or the presence of any sensory, mental, or physical disability; and
- retaliation.

This policy applies to members of the council, council members' personal staff, and all employees of the legislative branch. Violations of this policy may lead to censure or discipline, up to and including discharge.

This policy is supplemental to other procedures available under federal, state, and county laws, including but not limited to the Whistleblower Ordinance (K.C.C. ch. 3.42), the Ethics Code (K.C.C. ch. 3.04), and the Fair Employment Practices Code (K.C.C. ch. 12.18). Employees are encouraged to report pursuant to this policy, but shall continue to have the right to utilize other formal complaint procedures established by law.

II. Definitions

A. "Discrimination" has the meaning set forth in KCC chapter 12.18, which prohibits any action or failure to act, the effect of which is to adversely affect or differentiate persons on the basis of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification.

B. Harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, cartoons, pranks, and/or other verbal or physical conduct relating to an individual, on the cases of race, color, age, sex, marital status,

sexual orientation, religion, ancestry, national origin or the presence of any disability. It is illegal when such harassment:

- (1) has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- (2) has the purpose or affect of unreasonably interfering with an individual's work performance; or
- (3) otherwise unreasonably affects an individual's employment opportunities.

C. "Sexual harassment" is a type of harassment and a form of unlawful discrimination. It includes unwelcome sexual advances, requests for sexual favors, displays of sexually oriented materials, and other verbal or physical conduct of a sexual nature. It is illegal when:

- (1) submission to such conduct, either explicitly or implicitly, is made a term or condition of an individual's employment; or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile, or offensive environment.

D. "Inappropriate conduct" is conduct that, while not amounting to unlawful harassment, has a sexual or racial component, or is otherwise based on status as set forth in II(a), and may reasonably have the effect of lowering morale and/or productivity. Inappropriate conduct does not include occasional compliments of a socially acceptable nature, nor conduct or actions that arise out of a personal or social relationship.

E. "Retaliation" means an adverse employment action against an individual because he/she has complained in good faith of discrimination, harassment, inappropriate conduct, and/or sexual harassment, inappropriate conduct of a sexual nature, or retaliation, or assisted or participated in an investigation of such allegations.

III. Issues and Complaint Resolution Procedure

A. Employees who experience, witness, or learn of what may be discrimination, harassment, inappropriate conduct, sexual harassment, and/or retaliation are strongly encouraged to come forward. The employee should tell the alleged harasser to stop the behavior, and/or report the behavior to any of the following individuals:

1. the employee's own supervisor;
2. any other supervisor;
3. the council administrator; or
4. the council's legal counsel.

B. Supervisors who witness or learn of possible discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation, or who receive a complaint or concern from an employee regarding such allegations, must report their observations or any complaints or concerns to the council administrator. If the complaint or concern involves the council administrator, the supervisor shall report to the Council's legal counsel. Supervisors who fail to comply with this responsibility may be subject to censure or discipline, up to and including discharge.

C. The individual to whom any report of possible discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation is made shall promptly inform the council administrator of the report. The council administrator shall respond promptly and appropriately, as follows:

1. Determine whether the complaint or concern (a) can be addressed without formal investigation or referral to the Employment Committee, or (b) requires formal investigation and referral to the Employment Committee. If (a), the administrator shall document (i) the complaint or concern; (ii) the determination that no formal investigation or referral to the Employment Committee was necessary; and (3); any steps taken in response. If (b), where further investigation and referral to the Employment Committee is necessary, the administrator shall proceed as follows:

2. Develop a response plan. The plan may include a proposed investigation outline, proposals to mediate the dispute, and, in cases of a more serious nature, should address whether the complainant and the accused should be separated pending completion of the investigation.

3. Advise the chair of the Employment Committee of the complaint or concern and the recommended response plan. If the complaint or concerns involve a personal staff member of a council member, the council member employing the staff member shall also be advised. If the complaint or concern involves the Chair of the Employment Committee, the Council Administrator shall advise the Vice-Chair of the Committee.

4. Conduct a prompt and thorough investigation to determine whether a violation of this policy has occurred based on all facts and circumstances, the nature of the allegation, and context in which the alleged incidents occurred. Based on this determination, make a preliminary recommendation on what, if any, action should be taken.

5. Brief the Employment Committee on the results of the investigation and recommended disposition of the complaint or concern, and any corrective and/or preventive measures such as discipline, training and monitoring.

6. Implement the recommendations of the Employment Committee, including discipline, if any, and any corrective and/or preventive measures. If any

discipline is appealed to the full council, it should not be imposed until the appeal is decided.

7. Inform the employee who raised the complaint or concern, the accused employee, and the supervisor who received the report of a complaint or concern, of the results of the investigation, whether or not there was a finding of discrimination, harassment, sexual harassment, inappropriate conduct, and/or retaliation.

8. For a reasonable period of time, monitor for retaliation against any person involved in the filing or investigation of a complaint or concern.

9. Maintain all records related to the report.

D. If the complaint or concern involves allegations against the council administrator, the individual to whom the report is made or his or her designee shall respond as set forth in **Part III C (1-9)**.

E. Upon notification of a complaint or concern and submission of a response plan by the council administrator, the chair of the Employment Committee shall:

1. Approve or modify the response plan recommended by the Council administrator, and where appropriate, as to all employees except Council members' and Council members' personal staff, direct the Council administrator to implement steps in the approved response plan to separate the accused from the complainant;

2. Promptly schedule a briefing by the council administrator for the Employment Committee;

3. If the complaint or concern involves a member of the Employment Committee, direct that, unless invited by the chair to address the Committee, that the involved member not attend or participate in that portion of the meeting of the Employment Committee at which the complaint or concern will be discussed or a recommendation voted upon.

F. The Employment Committee, upon being briefed by the council administrator per **Part III C (5)** and after due consideration, shall:

1. Vote upon the recommended disposition of the complaint or concern and on any proposed modification thereto;

2. As to all employees except council members and council members' personal staff, direct the council administrator to implement the decision of the Committee.

3. As to council members, the Committee shall decide whether to

recommend exoneration or censure. If the committee recommends censure, the Chair of the Metropolitan King County Council, or the Vice-Chair if the complaint or concern involves the Chair, shall introduce a motion for censure. In accordance with the council rules the chair shall refer the motion to the employment committee. In accordance with KCC 1.24.055 Rule 6, to report the motion out of the employment committee will require a recommendation report signed by a majority of the committee.

4. As to council members' personal staff, the Committee shall vote on a recommended disposition and report its recommendation to the council member.

G. Information regarding complaints or concerns will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.

H. A complainant who is dissatisfied with the way his or her complaint is being handled may take his or her concerns to another of the individuals designated in **Part III**.

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B. The council administrator shall provide oversight, tracking, monitoring, and guidance to the Employment Committee to ensure adequate enforcement of the policy.

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D. Any member of the Metropolitan King County Council shall have the same responsibilities under this policy as other supervisors.

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