



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 26, 2018

Ordinance 18757

Proposed No. 2018-0256.2

**Sponsors Kohl-Welles, Gossett, Balducci,
McDermott and Lambert**

1 AN ORDINANCE relating to discrimination and
2 harassment, including sexual harassment, and inappropriate
3 conduct in the King County workplace; and adding a new
4 chapter to K.C.C Title 3.

5 PREAMBLE:

6 King County has a strong commitment to equity and social justice in both
7 our community and our workforce. King County strives to be an
8 employer of opportunity, where all employees can thrive and fulfil their
9 true potential. To deliver the most effective services to our residents, King
10 County must provide a safe, supportive and inclusive workplace free of
11 discrimination, harassment and inappropriate conduct, where all
12 employees can do their best work for the people of King County.

13 Federal, state and local laws are intended to prevent workplace
14 discrimination and harassment. However, workplace discrimination and
15 harassment remain a persistent problem as evident from grassroots
16 movements, such as #MeToo and Black Lives Matter, and the continuing
17 number of discrimination and harassment charges across all protected
18 classes filed federally with the United States Equal Employment
19 Opportunity Commission ("the EEOC").

20 Many more instances of harassment and discrimination go unreported.
21 For example, the EEOC estimates that roughly three out of four
22 individuals who experienced harassment never reported it to a supervisor,
23 manager or union representative.

24 Incidents of workplace discrimination and harassment come at a steep
25 cost to those who suffer it as they can experience mental, emotional,
26 physical and economic harm. Workplace discrimination and harassment
27 also represent significant direct and indirect costs to employers.

28 Resources are diverted from the operation of the business to legal
29 representation, settlements, litigation, court awards and damages. The
30 EEOC also reports that indirect costs such as decreased productivity,
31 increased turnover and reputational harm far exceed direct costs.

32 The EEOC reports as well that behavior that may not meet the legal
33 definition of discrimination and harassment can still be deeply troubling to
34 the employee experiencing the behavior and can lead to a workplace
35 culture that contributes to interpersonal conflict, poor performance and
36 poor morale.

37 Like many employers, King County recognizes the need to increase and
38 improve upon its efforts to prevent harassment and discrimination.

39 Additionally, King County recognizes it is time for a change in how it
40 addresses workplace discrimination and harassment. Thus, King County
41 intends to reboot its policies and procedures relating to discrimination and
42 harassment.

43 King County recognizes that in order to create a workplace culture in
44 which all employees can thrive, the county must go beyond prohibiting
45 only those behaviors that meet the legal definitions of discrimination and
46 harassment. Instead, King County must work to prevent those behaviors
47 that might not be "legally actionable," but that left unchecked may set the
48 stage for unlawful discrimination and harassment.

49 King County will build upon its foundational work in equity and social
50 justice and use the Report of the 2016 EEOC Select Task Force on the
51 Study of Harassment in the Workplace as the research-based launch pad to
52 implement significant changes to ensure that all King County employees
53 are treated fairly and with respect, regardless of their race, color, gender
54 age, creed, disability, marital status, national origin, religion, pregnancy,
55 gender identity or expression, domestic violence victimization, sexual
56 orientation, honorably discharged veteran or military status, use of a
57 service or assistive animal by a person with a disability, or any other status
58 protected by federal, state or local law.

59 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

60 SECTION 1. Sections 2 and 4 of this ordinance should constitute a new chapter
61 in K.C.C. Title 3.

62 NEW SECTION. SECTION 2. A. It is the policy of King County to promote a
63 respectful, nondiscriminatory work environment, free of behavior that is illegal or
64 contributes to interpersonal conflicts, poor performance or poor morale. Therefore, King
65 County prohibits discrimination and harassment, including sexual harassment, and

66 inappropriate conduct, toward any employee on the basis of the employee's race, color,
67 gender, age, creed, disability, marital status, national origin, religion, pregnancy, gender
68 identity or expression, domestic violence victimization, sexual orientation, honorably
69 discharged veteran or military status, use of a service or assistive animal by a person with
70 a disability, or any other status protected by federal, state or local law. Additionally,
71 King County prohibits retaliation of any kind against anyone who in good faith reports
72 incidents of harassment, discrimination or inappropriate conduct.

73 B. The executive, assessor, director of elections, sheriff, council and prosecuting
74 attorney, shall revise their current policies or develop new policies, procedures and
75 training to prevent and respond to discrimination and harassment, including sexual
76 harassment, and inappropriate conduct. The policies, procedures and training shall be
77 developed in consultation with subject matter experts and employees and are intended to
78 promote respectful, nondiscriminatory work environments throughout the King County
79 government. The policies, procedures and training should reflect the recommendations
80 included in the Report of the Co-Chairs of the EEOC Select Task Force on the Study of
81 Harassment in the Workplace. The policies and procedures shall include:

82 1. Definitions of discrimination and harassment, including sexual harassment,
83 and inappropriate conduct;

84 2. A clear and easy-to-understand nondiscrimination, antiharassment and
85 inappropriate conduct policy that includes:

86 a. a description of prohibited conduct, including examples;

87 b. a statement that the reporting system will provide a prompt, thorough and
88 impartial investigation;

89 c. a statement that the identity of an individual who submits a report, a witness
90 who provides information regarding a report and the subject of the complaint, will be
91 kept confidential to the extent possible;

92 d. an assurance that King County will take prompt and proportionate corrective
93 action if it determines that harassment or discrimination has occurred;

94 e. an assurance that an individual who submits a report or a witness who
95 provides information regarding a report will be protected from retaliation; and

96 f. a statement that any employee who retaliates against any individual who
97 submits a report or provides information regarding a report will be disciplined
98 appropriately;

99 3. A description of a reporting system for employees that encourages those who
100 experience workplace discrimination and harassment, including sexual harassment, and
101 inappropriate conduct as well as those who observe such behavior to report it. The
102 reporting system shall provide multiple options for reporting such behavior, including
103 county, state and federal reporting options, as well as an informal mechanism, such as the
104 county's employee assistance program, that allows employees to make inquiries and to
105 resolve issues informally when appropriate;

106 4. Guidelines for how to handle a complaint. The guidelines should cover: how
107 to handle a complaint promptly, effectively and in way that respects the vulnerability and
108 privacy of the individual reporting the incident, the application and limitations of
109 confidentiality; the legal duties required as an employer; and how to determine the
110 appropriate scope of the investigation process; and

111 5. A plan to require managers and supervisors to promote an inclusive and

112 respectful workplace culture that is free of discrimination and harassment, including
113 sexual harassment, and inappropriate conduct. The executive, assessor, director of
114 elections, sheriff, council and prosecuting attorney, shall assist each manager and
115 supervisor within their department with compliance with this subsection B.5. and
116 evaluate their progress and performance either independently or as part of the agency's
117 performance evaluation process.

118 C.1. The executive, assessor, director of elections, sheriff, council and
119 prosecuting attorney shall develop options, including cost information, to deliver training
120 and communications on the county's policies and procedures and on recognizing and
121 preventing discrimination and harassment, including sexual harassment, and
122 inappropriate conduct, and educating employees on the resources and procedures
123 available if such behavior is experienced or observed. Each option may be phased in
124 over time and shall:

125 a. address how the policies and procedures will be regularly communicated to
126 all employees, as well as to all new employees. Resources for employees to understand
127 the policy and procedures shall be easily locatable on-line;

128 b. include training to foster an equitable, respectful and inclusive workplace;
129 and

130 c. include training for those handling complaints.

131 2. At least one of the training options must be a plan for a regular, interactive
132 training program that includes all of the following:

133 a. in-person or interactive on-line training;

134 b. a plan to address the specific needs of the county's workplaces, considering

135 risk factors of harassment and discrimination, including those identified in the Report of
136 the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the
137 Workplace, such as those with a disproportionate number of males among its employees
138 and youth employed in a workplace;

139 . c. supervisor and manager training that specifically addresses power dynamics
140 and building a healthy workplace culture; and

141 d. a plan to partner with unions representing county employees in order for
142 unions to become aware of county policies and procedures and be encouraged to foster an
143 environment that is free from discrimination and harassment, including sexual
144 harassment, and inappropriate conduct.

145 D. The policies, procedures and training developed by the executive, assessor,
146 director of elections, sheriff, council and prosecuting attorney shall specifically address
147 the power dynamics involving staff and elected officials and how to respond to and
148 prevent discrimination, harassment, sexual harassment, and inappropriate conduct by
149 their elected officials.

150 SECTION 3. The executive, assessor, director of elections, sheriff, council and
151 prosecuting attorney shall transmit the policies, procedures and training options required
152 in section 2.B and C. of this ordinance, along with a summary describing how the policies
153 and procedures were developed to the council by September 24, 2018, in the form of a
154 paper original and an electronic copy with the clerk of the council, who shall retain the
155 original and provide an electronic copy to all councilmembers, the council chief of staff
156 and the policy staff director.

157 NEW SECTION. SECTION 4. The executive, assessor, director of elections,

158 sheriff, council and prosecuting attorney shall report biennially on the number of
159 workplace discrimination and harassment complaints, including sexual harassment, and
160 inappropriate conduct complaints and, when possible, informal inquiries, received by
161 each department each year. The report shall indicate the basis or bases of the complaint,
162 which may be race, color, gender, age, creed, disability, marital status, national origin,
163 religion, pregnancy, gender identity or expression, domestic violence victimization,
164 sexual orientation, honorably discharged veteran or military status, use of service or
165 assistive animal by a person with a disability, or any other status protected by federal,
166 state or local law. The office of civil rights shall report on the number of unfair
167 employment practice complaints filed, the basis or bases of the complaint, the number of
168 investigations of unfair employment practices in the reporting year and the number of
169 findings that reasonable cause exists to believe that an unfair employment practice
170 occurred. The first report shall be transmitted to the council by December 31, 2019. All
171 reports under this section shall be in the form of a paper original and an electronic copy
172 filed with the clerk of the council who, who shall retain the original and provide an
173 electronic copy to all councilmembers, the council chief of staff and the policy staff
174 director.

175 SECTION 5. The King County superior court and King County district courts are
176 requested to give consideration to sections 2, 3 and 4 of this ordinance. The superior

177 court and the district courts are encouraged to transmit training options for funding
178 consideration in accordance with section 3 of this ordinance.

179

Ordinance 18757 was introduced on 5/21/2018 and passed by the Metropolitan King County Council on 6/25/2018, by the following vote:

Yes: 8 - Mr. von Reichbauer, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 0
Excused: 1 - Mr. Gossett

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council



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KING COUNTY COUNCIL

APPROVED this 2nd day of JULY, 2018.

Dow Constantine, County Executive

Attachments: None