



Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

May 30, 2018

Ordinance

Proposed No. 2018-0256.1

Sponsors Kohl-Welles, Gossett, Balducci and
McDermott

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 and each entity managed by a separately elected official shall
74 revise current policies or develop new policies, procedures and recommendations for a
75 training and communications plan to prevent and respond to discrimination and
76 harassment, including sexual harassment, and inappropriate conduct. The policies,
77 procedures and training shall be developed in consultation with subject matter experts
78 and employees and are intended to promote respectful, nondiscriminatory work
79 environments throughout the King County government. The policies, procedures and
80 training plan should reflect the recommendations included in the Report of the Co-Chairs
81 of the EEOC Select Task Force on the Study of Harassment in the Workplace. The
82 policies and procedures shall include:

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

85 2. A clear and easy-to-understand antiharassment 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 who experience workplace
100 discrimination and harassment, including sexual harassment, and inappropriate conduct
101 as well as those who observe such behavior. The reporting system shall provide multiple
102 options for reporting such behavior, including county, state and federal reporting options,
103 as well as an informal mechanism, such as the county's employee assistance program,
104 that allows employees to make inquiries and to resolve issues informally when
105 appropriate;

106 4. Investigation guidelines for departments on how to handle a complaint and
107 specialized training for those handling complaints; and

108 5. A plan to require managers and supervisors to promote an inclusive and
109 respectful workplace culture that is free of discrimination and harassment, including
110 sexual harassment, and inappropriate conduct. The executive and each entity managed
111 by a separately elected official shall assist each manager and supervisor with compliance

112 with this subsection B.5. and evaluate their progress and performance either
113 independently or as part of the agency's performance evaluation process.

114 C. The recommendations for a training and communications plan developed
115 under subsection B. of this section shall include:

116 1. A description of how the policies and procedures will be regularly
117 communicated to all employees, as well as to all new employees;

118 2. Options for delivering training to all employees on the county's policies and
119 procedures and on recognizing and preventing discrimination and harassment, including
120 sexual harassment and inappropriate conduct, and educating employees on the resources
121 and procedures available if such behavior is experienced or observed. Each option shall
122 include a cost estimate, may be phased in over time, and shall incorporate workplace
123 training intended to foster an equitable, respectful and inclusive workplace for all
124 employees. At least one of the training options must be a plan for a regular, interactive
125 training program that includes all of the following:

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

127 b. a plan to address the specific needs of the county's workplaces, considering
128 risk factors of harassment and discrimination, including those identified in the Report of
129 the Co-Chairs of the EEOC Select Task Force on the Study of Harassment in the
130 Workplace, such as those with a disproportionate number of males among its employees
131 and youth employed in a workplace;

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

134 d. a plan to partner with unions representing county employees in order for

135 unions to become aware of county policies and procedures and be encouraged to foster an
136 environment that is free from discrimination and harassment, including sexual
137 harassment, and inappropriate conduct.

138 D. The policies, procedures and training developed by the council shall
139 specifically address the power dynamics of the legislative branch and how to respond to
140 and prevent complaints involving councilmembers. The policies, procedures and a
141 training plans of other entities managed by separately elected officials shall specifically
142 address how to respond to complaints involving their elected officials.

143 SECTION 3. The executive and each entity managed by a separately elected
144 official shall transmit the policies, procedures and recommendations for a training and
145 communications plan required in section 2.B. of this ordinance, along with a summary
146 describing how the policies and procedures were developed to the council by September
147 24, 2018, in the form of a paper original and an electronic copy with the clerk of the
148 council, who shall retain the original and provide an electronic copy to all
149 councilmembers, the council chief of staff and the policy staff director.

150 NEW SECTION. SECTION 4. The executive and each entity managed by a
151 separately elected official shall report biennially on the number of workplace
152 discrimination and harassment complaints, including sexual harassment, and
153 inappropriate conduct complaints and informal inquiries received by each department
154 each year. The report shall indicate the basis or bases of the complaint, which may be
155 race, color, gender, age, creed, disability, marital status, national origin, religion,
156 pregnancy, gender identity or expression, domestic violence victimization, sexual
157 orientation, honorably discharged veteran or military status, use of service or assistive

158 animal by a person with a disability, or any other status protected by federal, state or local
159 law. The office of civil rights shall report on the number of unfair employment practice
160 complaints filed, the basis or bases of the complaint, the number of investigations of
161 unfair employment practices in the reporting year and the number of findings that
162 reasonable cause exists to believe that an unfair employment practice occurred. The first
163 report shall be transmitted to the council by December 31, 2019. All reports under this
164 section shall be in the form of a paper original and an electronic copy filed with the clerk
165 of the council who, who shall retain the original and provide an electronic copy to all
166 councilmembers, the council chief of staff and the policy staff director.

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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Ordinance

Dow Constantine, County Executive

Attachments: None