

Ombud Office Charter and Terms of Reference

I. General description

The Office of the Employee Ombud (OEO) is constituted to provide City of Seattle Employees with voluntary, informal, neutral, confidential, third-party assistance in managing interpersonal issues, raising concerns, and mitigating conflict. The OEO is mandated to provide equity-driven, trauma informed support in a manner that is empowering when staff feel unsafe—specifically around issues related to discrimination and harassment. The office also provides referrals to other resources that can help achieve a fair resolution to employee concerns. The OEO is appointed by the Mayor and confirmed by the City Council for a renewable term of four years. The Director of the OEO is selected through a process which seeks individuals who demonstrate commitment to principles of trauma-informed care, equity and racial justice, intersectionality, and restorative justice in their practice. Members of the OEO team shall serve as trained employee ombud under the direction of the Director and will fulfill annual program requirements for continuing training as determined by the Director. The work of the OEO director is subject to periodic review by the Mayor and the City Council who will take into consideration feedback from equity practitioners across the city.

Mission as described in enacting ordinance (#125735)

1. Assist City employees, in all branches of City government, in understanding and assessing options and resources to address concerns about or claims of workplace conduct that may be: inappropriate; a violation of the City's Personnel Rules, City polices, workplace expectations; 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.

II. Ombud Office role and operating principles

Informality

As a non-mandated reporter, the OEO works outside the formal problem-resolution and grievance procedures of the City of Seattle. The role of an ombud is to listen, receive, and provide information, provide informal and effective facilitation between parties when requested, and make conflict de-escalation and resolution recommendations to parties involved. The OEO does not make, change, or set aside policy or previous administrative decisions, nor does an ombud serve to determine the rights of others or to unilaterally resolve conflicts. The OEO does however make recommendations and track issues so that more effective policies/practices can be enacted.

The OEO provides services on a voluntary basis. No individual can be compelled to seek assistance from the OEO or to participate in an OEO session. In addition, the OEO has the discretion to determine whether a request for services will be accepted.

Use of the OEO is not a required step in any internal grievance procedure or other employee process. The OEO is not part of any City of Seattle review or appeal process.

While the OEO may engage in informal, confidential inquiry to gather information related to a particular issue/case, OEO does not engage in formal investigation or fact-finding on behalf of individuals or the City of Seattle. If the OEO concludes a formal investigation may be necessary, the matter shall be referred to another entity.

The OEO would take every effort to protect identities and affiliations of the individuals who seek the assistance of the office within the confines of the law. The OEO will maintain narratives, but not identifiers. However, this shall not preclude maintaining aggregate data on overall cases which allow for periodic evaluation of the OEO itself.

Independence

The OEO shall be free of undue influence, interference, retaliation, or the control of others. The OEO will operate under the supervision of the Director. The OEO is intended to be independent in its structure, function, and appearance. To fulfill its functions, the OEO shall have a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue professional development.

The OEO has access to all appropriate administrative levels within the City of Seattle and is authorized to obtain information necessary in the resolution of conflict.

The OEO will operate under the supervision of the Director. The OEO is intended to be independent in its structure, function, and appearance. This means that in the legitimate performance of their duties, the OEO is free from interference, retaliation, or the control of others. To fulfill its functions, the OEO has a specific allocated budget, adequate space, and sufficient resources to meet operating needs and pursue professional development.

The OEO has access to all appropriate administrative levels within the City of Seattle and is authorized to obtain information necessary in the resolution of conflict.

Neutrality (Impartiality)

The OEO is neutral, impartial, and absent of self-interest in the performance of their duties. The OEO shall act in a fair manner and endeavor to make all parties in a conflict feel respected, heard, and provided a chance to learn. The OEO does not give legal advice. The OEO's obligation is to the principle of fairness—and as such does not serve as an advocate for an individual or for the City of Seattle.

The OEO will advocate for fair process. In doing so the OEO may make recommendations to the Mayor (or other appropriate City of Seattle administrators) to consider changes to City of Seattle processes, procedures, or practices. and integrity by making appropriate recommendations to

Confidentiality

Our office maintains confidentiality and anonymity according to the standards of the International Ombudsman Association. The main caveat to confidentiality is where the OEO determines that there is an imminent risk of harm to the visitor or others and may take action including revealing the names of visitors in order to prevent harm. When an individual invokes anonymity, we have additional protections surrounding the disclosure of their identity as per RCW 42.56.250. Where an individual does request anonymity, we review with them with them about what we think we can achieve within those boundaries. For example, if an employee feels that their supervisor did not adequately address their concerns about a particular issue in a meeting, and wants the supervisor to answer their specific questions, it would be difficult to raise those same concerns to the supervisor without identifying the individual. An individual

may also give the OEO permission to reveal their identity while seeking resolution in their case, in which case we would be allowed to use their name or other identifying details in working with their department, supervisor, or other individuals pertinent to the resolution of their concerns. Even with this permission, however, we take all reasonable precautions to retain only necessary data and protect names/identifiers as much as possible.

As a confidential office, our goal is to create as few records as possible, which is why we generally discourage the use of email in communicating with our office. All emails are kept in compliance with the 90-day general retention policy at the City. The OEO is not an office of notice for the City of Seattle, nor are we mandated reporters. We keep some handwritten notes while a case is open to help us follow-up on questions as requested by our visitors. Once a case is closed, we enter a summary of the notes into our online database in EthicsPoint and shred all paper records. Additionally, as per RCW 42.56.250 an employee may invoke anonymity in which case no identifying information is entered into EthicsPoint and all notes are shredded on case closure.

The office will in general release only non-identifying information regarding case data and trends in our reports or via a public records request. Where requested outside of a PDR or an OEO report, we review requests for records on a case-by-case basis to determine whether it is possible for us to provide a redacted summary of actions taken by the office in response to a conflict.

Notice

Communications with the OEO are informal and off-the-record. They do not constitute formal “notice” to City of Seattle of alleged, actual, or perceived inappropriate behavior by employees. Other channels exist within the City of Seattle for such notice to be given and will be discussed by an ombud as appropriate or when requested.

Collective Bargaining Agreements

The OEO may not inquire into the application or interpretation of a collective bargaining agreement but will work collaboratively with union leadership to address alleged violation of the duty of fair representation against a certified union.

Removal from office

The assignment as OEO employee or Office Director may be terminated by the Mayor for such things as a violation of City of Seattle policy or of willful or careless violations of the Standards of Practice of the International Ombudsman Association. This is done by means of a procedure established by the City Council taking into consideration the need for the legitimate and independent performance of the OEO duties, free from the interference, retaliation, or control of others as well as the managerial and administrative responsibilities of the Mayor as the City of Seattle’s chief governance officer.

OEO effectiveness and evaluation

The OEO and its Director will be evaluated yearly by the Mayor’s Office with additional input from members of the City Council. Information relevant to the effectiveness of the OEO will include aggregate statistics relating to office usage and types of cases handled, a satisfaction survey by users of the service, and such other information as the Executive and Legislative office may regard as appropriate. In addition, a comprehensive review of both the Office and the role of Director will be conducted at no greater than two-year intervals to determine if the OEO continuation or modification is appropriate. Such review will include feedback from equity and anti-harassment advocates representing City employees.

The OEO will be a member of IOA and will attend regular trainings and conferences whenever possible. The OEO will also publicize the confidential, independent, impartial, and informal nature of its work and will strive to explain these ethical standards to each visitor.

Mandate

According to Enacting Ordinance **125735**, the OEO is 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;
 - 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 such as HRIU, OCR, Ethics Commission and others

III. Roles and responsibilities of the OEO Director

The Director of the OEO is appointed by the Mayor for a four-year term, which may be renewable. This appointment is a full -time, exempt appointment, which is confirmed by the City Council. The Director is a member of the leadership team who, by experience, personal characteristics, and training, exemplifies social justice and trauma-informed care. It is the responsibility of the Director to maintain the operation and the integrity of the OEO in keeping with the [International Ombuds Association standards of practice](#) insofar as practicable.

The "roles and operating principles" applied to the Director of the OEO in Part II of this Charter shall also apply to the work of the staff members employed within OEO. The OEO Director shall report to the Mayor for administrative, budgetary, and evaluation purposes. The OEO Director shall report to the appropriate committee of the City Council for accountability and transparency purposes. The OEO Director shall also communicate regularly with the Inter-departmental Taskforce on Anti-harassment and Discrimination for continued learning and growth.

The specific responsibilities of the Director shall include (but may not be limited to):

1. The selection, orientation and on-going training of the OEO staff
2. Maintenance of consistent standards among the OEO Staff of the principles of confidentiality, impartiality, and independence;
3. Handling of individual cases as well as coordination of all referrals to other units;
4. Gathering aggregate data and presenting it monthly in report form to the Mayor and to the concerned City Council committee, taking into consideration the confidentiality of individual cases. The Director will, as part of their obligations, comment on trends in this data as well as on policies and practices of the City of Seattle which should be brought to the attention of the decision makers;
5. Overseeing expenditures from the OEO budget;
6. Coordinating publicity/outreach for the OEO

The OEO Director will be responsible for concurrent submission of an annual report to the Mayor’s Office and the City Council by March 31 of each year, beginning in 2020. Working closely with City stakeholders, the annual report will 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.

Ethics and Operational Standards of Practice:

1. American Bar Association, Section of Administrative Law and Regulatory Practice. Standards for the Establishment and Operation of Ombuds Offices. Washington, DC: August 2001.
2. International Ombudsman Association, “Standards of Practice and Code of Ethics”

Jenny A. Durkan, Mayor

Date

Bruce Harrell, President of the City Council

Date