

# Ombuds Office Charter

## I. General description

The Office of the Employee Ombud (OEO) is constituted to provide City of Seattle Employees with voluntary, informal, neutral, confidential assistance in managing interpersonal issues, raising concerns, and mitigating conflict.

## II. Mission & Scope of Work

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.

**Pursuant to SMC 3.15.022(A), the mission of the Office of the Employee Ombud shall be to:**

1. Assist 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, 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
3. Provide in-person or online training to prevent workplace discrimination and harassment in City employment.
4. **Pursuant to SMC 3.15.022, the OEO performs the following functions:** 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.

The OEO Director shall provide an annual report to the Mayor's Office and the City Council by March 31 of each year, beginning in 2020. In consultation with the Anti-Harassment Interdepartmental Team and labor organizations, the annual report must 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:

- a) 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.
- b) Recommendations on training, specifically for live, in-person training.
- c) Information on patterns of inappropriate workplace conduct.
- d) Recommendations on systemic changes to truly root all City workplaces in racial equity and social justice.

5. 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.

The OEO will assist City employees in understanding their options but is not authorized to provide legal advice. It will ultimately be the responsibility of the City employee to decide what, if any, option to pursue.

6. 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 providing emotional support if requested.
7. Provide referral services, as needed, to programs including, but not limited to: the Employee Assistance Program, Human Resources Investigations Unit, Seattle Office for Civil Rights, Civil Service Commission, and the Seattle Ethics and Elections Commission.

### **III. Ombuds Office role and operating principles**

The OEO adheres to the [Standards of Practice](#) of the International Ombuds Association (IOA) and the American Bar Association (ABA) [Standards of Practice for Establishment of an Ombud Office](#). Per those Standards, the OEO operates under the four tenets of informality, independence, neutrality, and confidentiality.

#### **Informality**

Neither the Director nor the staff in the OEO are mandatory reporters of workplace discrimination or harassment per City guidelines. Consultation with the OEO does not constitute the filing of a formal complaint or legal action. The OEO works outside the formal problem-resolution and grievance procedures of the City of Seattle.

The OEO shall not make, change, or set aside policy or previous administrative decisions, adjudicate issues, participate in disciplinary or grievance processes or conduct formal investigations.

The OEO shall provide services on a voluntary basis. No individual can be compelled by OEO staff to seek assistance from the OEO or to participate in the Ombuds process. The OEO has the discretion to determine whether a request for services will be accepted by the OEO or referred to a formal entity.

The OEO strives to maintain confidentiality as allowable per IOA and ABA Standards and City, State and Federal laws. If potential harm to self or others is reported, the OEO will always communicate with appropriate decision-makers on that report. Otherwise, as per IOA guidelines, the OEO is not an office of notice.

*The IOA states that, “a. If an organization wishes to establish an ombuds program, it is critical that it structures the program to be a.) structurally independent from the typical reporting structure (including any collateral job roles); b.) neutral in the sense of having no decision-making authority; and, c.) advertised as a confidential resource with no duty to report such concerns. When the ombuds program is properly structured, the Standards of the American Bar Association, a large volume of American case law, and the current U.S. Department of Education Regulations interpreting Title IX of the Educational Amendments Act of 19739 all acknowledge that conversations with an ombuds do not place the organization “on notice.”*

### **Independence**

Pursuant to SMC 3.15.020, the OEO shall be free of undue influence by elected officials or other reporting authorities.

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 their designated supervisor within the Mayor’s Executive Team.

The office 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 shall be responsible for the administration of the OEO, including, but not limited to:

1. Developing and managing all functions and responsibilities of the OEO;
2. Hiring, supervising, and discharging OEO staff.
3. Providing input to the Mayor and City Council on the performance of the OEO and recommending process improvements to better served employees.

The OEO shall have access to all appropriate administrative levels within the City of Seattle and shall be authorized to obtain information necessary in the resolution of conflict. Per IOA guidelines, the Director of the OEO reports to the highest authority at the City. The Mayor appoints the OEO Director who is then subject to a confirmation vote by City Council.

### **Neutrality (Impartiality)**

Per IOA Standards, the OEO shall remain neutral, impartial, and absent of self-interest in the performance of their duties. The OEO shall engage in fair process with the goal of making all parties in a conflict feel respected, heard, and provided a chance to learn. 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 shall advocate for fair process and promotes equitably administered processes. 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.

### **Confidentiality**

To the maximum extent permitted by City, State, and Federal laws, the OEO shall maintain confidentiality and anonymity of reporters. Where the OEO determines that there is an imminent risk of harm to the visitor or others, we may take action including revealing the names of visitors in order to prevent that harm.

An individual may give the OEO permission to reveal their identity while seeking resolution in their case. The OEO may, with that permission, 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.

The OEO is subject to the Public Records Act and maintain all records in accordance with the PRA. The OEO provides notice to staff who contact our office that the OEO is subject to the PRA. We destroy all visitor communication and notes 30 days after case closure per our [retention schedule](#). The office will in general release only non-identifying information regarding case data and trends in OEO reports or via a public records request. The OEO will maintain aggregate data (after removal of names or other identifiers) for the purpose of periodic self-evaluation.

**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"

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**Bruce A. Harrell, Mayor**

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**Date**

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**Sara Nelson, President of the City Council**

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**Date**