

# Investigation Report

Confidential

*In re: Customer Energy Solutions Division Petition*

November 13, 2018

## I. INTRODUCTION

### A. Critical Background Information

On December 8, 2016, Customer Energy Solutions (“CES”) Division employee, EMA Senior, **Empl #8** sent an email to numerous women in the Division, expressing concern with how a certain, unnamed male colleague repeatedly referred to her as “baby girl,” “sweetheart,” or “babe.” In **Empl #8** words, the behavior “wasn’t harassment” but “the behavior was wearing on me.” Having seen the same colleague refer to other women this way, **Empl #8** sent the email to inform others of her decision to “empower myself to speak up and encourage other people to do the same.” She said her intent was not to escalate anything, but rather to “start a conversation about what kind of culture we wanted in the organization.”

After **Empl #8** sent her email, four women responded saying they knew the male colleague she was referring to and that he had treated them similarly. These women were **Empl #1** (EMA), **Empl #2** (EMA, Sr.), **Empl #3** (Energy Advisor) and **Empl #4** (Business Transformation Analyst SA - OOC). Two others replied with their support, including **Empl #5** (former Admin Spec II) and **Empl #6** (Energy Advisor Supervisor).

Although she had not wanted her email to go outside the original group of recipients, **Empl #8** quickly learned that someone had forwarded it to CES Division Director, Craig Smith. **Empl #8** reacted by organizing a meeting with some of the women who responded to her email hoping to discuss issues and next steps. The participants included **Empl #1**, **Empl #2**, **Empl #3** and **Empl #4**. In her interview, **Empl #3** noted **Empl #1** was not interested in sitting and talking and planning. As she put it, “**Empl #1** wanted more now.”

Before the end of the week, Mr. Smith forwarded the email to Seattle City Light Human Resources (“SCL HR”) and initiated a conversation with **Empl #8** that continued sporadically into late January. During the conversations, Mr. Smith explained that he had, for some months prior, been looking at broad cultural issues to identify core values and operating principals and that he wanted to take on her concerns as part of a comprehensive process. He

explained this process would include a baseline employee survey, the creation of a culture team to focus on the issues and targeted training. **Empl #8** told Mr. Smith she wanted the training programs and survey questions to address sexism. She also suggested the Division take a closer look at its hiring practices.

Several people believed the process was taking too long for **Empl #1** **Empl #8** echoed this sentiment, saying she and **Empl #1** wanted training and they wanted action. **Empl #1** proceeded to write the petition (the “Petition”) at the center of this investigation. The Petition read:

The blatant sexism experienced by many people in Customer Energy Solutions (CES) is concerning. The lack of action on such reported behavior is unacceptable. Sexism in CES has created a hostile work environment, where people have been subjected to mistreatment that has impacted opportunities and job performance.

- We request that a group of female employees in CES be given the ability to act as advisors in the selection of a consultant, to be hired to provide sexism training immediately.
- We request that all supervisors receive in-depth training on how to consistently receive, respond to and report such incident.
- We request open dialogue and transparency regarding the planning and implementation of such training.

**Empl #1** asked **Empl #8** to review the Petition prior to circulating the document. After that, **Empl #1** approached certain colleagues in CES to ask them to sign it, telling many of those people she intended to present it to Mr. Smith as a vehicle to demand training. Based on the evidence obtained in this investigation, **Empl #1** did not ask any managers, or Mr. Smith, to sign the Petition. Forty-two (42) CES employees ultimately signed.

Without knowledge of the Petition’s existence, Mr. Smith walked into the CES Division meeting on January 31, 2017 and laid out the goals for the Division. In his words, “I specifically set out [a goal] for culture and really framed it around the issue of mutual respect - to build and nurture the workforce and diversity among us.” Mr. Smith identified three objectives to help reach this including: his desire to form a culture team composed of various Division employees, to obtain a baseline assessment to get a sense of the gap between aspiration and reality and to work with the team to build a comprehensive action plan.

Mr. Smith recalls an attendee asking if he planned to require everyone to participate in sexual harassment training. Mr. Smith said he responded, indicating that the Division would do training, but that he believed training alone was not the answer. Instead, he said, the Division

needed something deeper, more far-reaching because sexual harassment training alone would not result in a culture of mutual respect. Simply put, Mr. Smith was not inclined to react only to concerns with sexism; he wanted to incorporate it into a greater strategic plan.

Shortly after the meeting, **Empl #1** presented the Petition to (former) Local PTE17 union representative, Guadalupe Perez, rather than to Mr. Smith, to enlist Ms. Perez’s support specifically with her concerns with sexism. On February 3, 2017, Ms. Perez proceeded to email the Petition to Mr. Smith, as well as DaVonna Johnson (SCL HR) and Susan Coskey (City HR). In the text of her email forwarding the document, Ms. Perez indicated she was submitting the Petition this way owing to a fear of retaliation and because the Division’s existing, comprehensive approach, to address issues of mutual respect in the workplace, was too broad and non-specific.

Mr. Smith was completely taken by surprise by the Petition. Owing to the stated fear of retaliation, Mr. Smith said he did not immediately forward the Petition to his staff and leadership team as people’s identities were clearly revealed on the document. Mr. Smith said his culture team/comprehensive action plan was put also on hold while SCL HR and City HR decided how they wanted to address the document.

In the meantime, on February 27, 2017, a calendar invite was circulated to several people in CES, inviting them to a meeting with Ms. Perez.<sup>1</sup> The text of the invite read:

On 2.3.17, Guadalupe Perez mailed a copy of the petition signed by some CES staff, regarding workplace sexism and possible sexual harassment, to Susan Coskey of City HR, DaVonna Johnson of City Light HR, and Craig Smith. It specified that the current plans to address workplace inequity are too broad (Culture Team) and long-range. Also, that immediacy is necessary regarding sexism and sexual harassment in the workplace.

You’ve been invited to this discussion because you signed the petition, didn’t sign but are interested, or weren’t given the opportunity to sign due to no real

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<sup>1</sup> The sender of the invite was identified as “SCL\_901\_HR\_TrainingRm.” The invite was sent to the following people: Perez, Guadalupe; **Empl #8** **Empl #8** **Empl #7** **Empl #7** **Empl #9** **Empl #9** **Empl #10**

**Empl #10** **Empl #11** **Empl #11** **Empl #12** **Empl #12** **Empl #13** **Empl #13** **Empl #14** **Empl #14** **Empl #15** **Empl #15** **Empl #16** **Empl #16** **Empl #17** **Empl #17**  
**Empl #18** **Empl #18** **Empl #3** **Empl #3** **Empl #19** **Empl #19** **Empl #20** **Empl #20** **Empl #21** **Empl #21** **Empl #22** **Empl #22** **Empl #4**  
**Empl #4** **Empl #23** **Empl #23** **Empl #24** **Empl #24** **Empl #25** **Empl #25** **Empl #26** **Empl #26** **Empl #27** **Empl #27** **Empl #2**  
**Empl #2** **Empl #28** **Empl #28** **Empl #29** **Empl #29** **Empl #30** **Empl #30** **Empl #31** **Empl #31** **Empl #32** **Empl #32** **Empl #33** **Empl #33** **Empl #34**  
**Empl #34** **Empl #35** **Empl #35** **Empl #36** **Empl #36** **Empl #37** **Empl #37** **Empl #38** **Empl #38** **Empl #39** **Empl #39** **Empl #39** **Empl #40**  
**Empl #40** **Empl #41** **Empl #41** **Empl #42** **Empl #42** **Empl #43** **Empl #43** **Empl #44** **Empl #44** **Empl #44** **Empl #44** **Empl #45** **Empl #45**  
**Empl #46** **Empl #46** **Empl #47** **Empl #47** **Empl #48** **Empl #48**

reason at all except us trying to get the petition mailed out ASAP by approaching as many staff as possible in a limited time period.

If you're able to join us on Tuesday for a discussion on the topic, to share ideas of how this workplace issue can be addressed, then please attend.

If you signed in support but might not have much to say or have a schedule conflict, then we can let you know what was discussed if you'd like to be updated on the matter.

Several individuals who signed the Petition were upset and confused by Ms. Perez's email. They felt their trust had been violated to the extent the document had been circulated to individuals beyond Mr. Smith. The meeting with Ms. Perez ultimately took place on February 28, 2017.

When **Empl #1** learned people were upset the Petition had ended up with the union and both SCL HR and City HR, she approached **Empl #3** to discuss the situation. **Empl #3** explained why people were mad, to which **Empl #1** allegedly said, "If they wanted to know where it was going, it was their responsibility to ask." According to **Empl #3** **Empl #1** response was "remarkable" to her, "...just how dismissive she was of people's privacy and faith in her. And that she didn't own it."

Similarly, **Empl #4** also noted when **Empl #1** initially circulated her Petition, she made the purpose of the document clear saying she intended to take it to Mr. Smith to "encourage him to take some action." **Empl #4** said she was unsure about signing it, but wanted to be supportive. In her words, "**Empl #1** was actively campaigning – telling people they needed to be an ally." **Empl #4** said she later felt **Empl #1** violated her trust, as well as others, when the document was provided to people and organizations other than Mr. Smith.

Nearly contemporaneously with her efforts to connect with Ms. Perez, **Empl #1** lodged sexual harassment claims against three different men in her department, including **Empl #32** **Empl #32** (EMA Asst.), **Empl #21** (Energy Management Analyst Project Supervisor), and **Empl #17** (EMA). The unrelated claims, which were all submitted on February 8, 2018, detailed alleged misconduct occurring between June 2016 and February 2017. In her complaint about **Empl #32** **Empl #1** also alleged CES Energy Management Project Supervisor, **Empl #48** had failed to immediately report **Empl #1** complaint about **Empl #32** to Human Resources in violation of both City of Seattle and City Light's policies. Similarly, in her complaint about **Empl #21** **Empl #1** alleged CES Project Development Manager, **Empl #49** failed to manage her sexual harassment claims against **Empl #21** SCL Employee Relations initiated investigations.

Mr. Smith said the Division's work on the comprehensive action plan was back on track by March 2017. He sent letters to all the staff explaining what they were doing emphasizing mutual respect as the foundational element of the entire process. Mr. Smith asked for volunteers for the culture committee and made himself available to individuals in a conference room for several hours. Mr. Smith ultimately built a team with some of the volunteers that came forward, all of whom went through a rigorous selection process. Among the people on the team were **Empl #4**, **Empl #1** and **Empl #3**.

Mr. Smith recognized there was concern by some CES employees that he had not yet made a statement that focused solely on concerns about sexism. However, Mr. Smith believed he had a far-reaching set of issues the Division needed to take on and that all of them deserved broad and deep attention. In his words, "I was trying to get people rallied around it."

The culture team worked closely with SCL HR to develop a scope of work to bring on a consultant. **Empl #4** recalls that the team reviewed approximately fifteen (15) casual solicitations. From there, they asked a few of the consulting firms to submit a full proposal detailing experience with CES's issues. They developed questions as a group, but then a smaller subset conducted the interviews. Ultimately, the team selected Praxius.

However, in early June 2017, before Praxius was selected and the consultant interviews were winding down, **Empl #1** told **Empl #4** she was going to take the Petition she had originally circulated to the Seattle Women's Commission. **Empl #4** expressed her concern saying it seemed unnecessary given what the culture team was already doing. But, **Empl #4** said **Empl #1** was determined, indicating she was also going to present a new document she had created "summarizing" the various stories people had allegedly told her about their experiences with sexism or sexual harassment in the Division.

The summary document was a collection of short numbered paragraphs purporting to highlight concerns with conduct and/or mismanagement in the Division; however, there were no names or dates attributed to any of the concerns and no way to identify how many people had contributed. **Empl #4** who had listened to certain women share their experiences with **Empl #1** said "the document **Empl #1** created was not an honest representation of people's stories and she was possibly relaying the stories without the individuals' permission."<sup>2</sup>

Apparently, **Empl #1** asked multiple people, including some on the culture team, to go with her to the Commission meeting. They declined, which some said seemed to frustrate **Empl #1**. In **Empl #4** words, "It's almost like she didn't see the disconnect. We were already on this team, already trying to create a process, acting in good faith, almost like she didn't make

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<sup>2</sup> The present investigator reviewed the summary document and could attribute some, but not all, of the summaries to the witnesses interviewed during the investigation.

the connection or if she did, she wasn't forthright." **Empl #1** ultimately went by herself to the meeting, which took place on June 19, 2017. There, she presented the Petition and read the summary document she created aloud.

Notably, City Light Employee Relations had completed their investigation into **Empl #1** allegations against **Empl #17** by this time. They forwarded their report to her on June 14, 2017. In it, they concluded **Empl #17** had not engaged in any improper conduct, either in violation of SCL's Workplace Expectation of Mutual Respect, SCL/City of Seattle's sexual harassment policies, or any other policy or expectation.

Shortly after the June 19th Women's Commission meeting, the Commission sent **Empl #1** an email, asking her to respond to a few questions, including: (1) what are your top three outcomes and (2) what can we help you accomplish? According to **Empl #3** with whom **Empl #1** shared the email, "those had been my same questions of **Empl #1**." In other words, "It wasn't clear what she was doing." **Empl #1** asked **Empl #3** to help her respond to the questions. **Empl #3** declined. No one interviewed for purposes of this investigation recalled seeing **Empl #1** response to the Commission. However, several people were aware that after the Petition and her story summaries was presented to the Seattle Women's Commission, the same materials were provided to the Seattle City Council.

**Empl #3** felt **Empl #1** desire to keep pushing the Petition forward was owing to her belief that SCL HR was not responding to her own claims. According to some, **Empl #1** also did not have good things to say about the culture team, of which she was a part. At one point, when **Empl #1** was describing her frustrations, she said the culture team facilitator, **Empl #4** "even bounced to have a baby."<sup>3</sup> **Empl #3** told **Empl #1** that comment was itself sexist. **Empl #1** said it was not.

**Empl #3** noted that this was the point where she separated emotionally from **Empl #1**. In her opinion, "**Empl #1** is fighting her own fight. She's not really fully concerned about sexism in the workplace. She's fueled by her own claims."

By this time, now August 2017, Praxius was working on a qualitative assessment of the CES's current culture and concerns. According to Mr. Smith, "I wanted a sense of what all the issues were. That would help us develop themes and that will help us develop our survey." The assessment included one-on-one interview or in small groups. Over 80% of the department participated. The work was complete by the end of September 2017. At that point, Praxius took the data and developed the first round of activities and training for the culture teams and leadership teams.

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<sup>3</sup> Used in this way, the term "bounced" means to exit a situation.

Despite what was perceived as momentum by many people in the Division, **Empl #1** took the Petition and the summaries she had presented to the Women's Commission to The Stranger.<sup>4</sup> A journalist from the Stranger began to contact employees at City Light to gather related information. After this activity came to the attention of DaVonna Johnson, SCL's Chief Administrative Services Officer responsible for HR, she sent an email to the entire CES Division. In it, she said it had come to her attention that some people in CES had been contacted by a reporter, "inquiring about previously reported workplace concerns in the CES Division." Ms. Johnson said some of the people contacted by the reporter had reached out to her because they were uncertain whether to respond to the media inquiries. Ms. Johnson told Division members they were free to speak to the reporters if they wished and that they also had the right to decline. She noted that one of the ways they were addressing concerns with harassment and discrimination in the workplace was by creating and working with the culture team.

That same day, an anonymous employee contacted the City Light's Hotline system to report a concern with what the individual described as "inappropriate behavior." Specifically, the employee expressed concern with **Empl #1** handling and use of the Petition, writing:

At the beginning of 2017, a coworker brought a petition around the office, which she'd drafted and asked several coworkers to sign it. It, in short, was an assertion of sexist and inappropriate behavior (sometimes sexual) in our division and an appeal to management to help fix it. The individual who created it did not deliver it to our director, instead, giving it to the union rep. Not one person I have talked to knew this would happen. When the individual was told some people felt deceived, she replied, "they could have asked if it was going to be given to anyone else" putting the onus on the signatories who trusted their coworker to protect themselves. This was the first example of confusingly undermining behavior that occurred with respect to this petition.

Several days ago, the individual handed me a paper with a reporter's contact information on it and said this reporter was interested in hearing about incidents of sexual harassment. I took the paper but did not contact the reporter.

This week, I was contacted by a reporter for the Stranger to be interviewed for a story about sexual harassment in City Light. I learned the reporter (the same one whose contact info I had been given) obtained the petition from the individual and the reporter was going down the list of names on it, contacting anyone she could. This was the bigger violation. While giving the petition to the union rep could be seen as maybe a lapse in judgment (because she never reached out to the signatories to let them know the change in plan, but at least the petition was

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<sup>4</sup> The Stranger is a newspaper covering Seattle news, politics, music, film and arts.

kept within the City), this was an egregious violation of trust our coworkers had placed in her. That I placed in her. I asked her if she planned to let those coworkers know their names had been given to a reporter. The individual replied that the reporter can do what she wants with the names and said I was focusing on the wrong issue.

While this might not be a cut and dry as some complaints of hostile work environment, or even as significant as her own complaints about sexual harassment in our division, this is one of many instances where this person impacts our work group in a negative away.

My complaint is not that she went to the paper with the intent to shine a light on workplace sexism and harassment; it is a complaint that she violated the pillar of “mutual respect” our division is currently doing significant work on. She is part of the culture change team working on these issues, so has intimate knowledge of the work that’s being done and even has a voice in how the work gets done. I am also a culture change team member and now do not wish to continue on the team. I cannot trust that she won’t use things I say toward her own ends, which undermines the work we’re doing, casts doubt on the success of our mission and I believe will make our coworkers less likely to unite in very important causes like anti-racist and ant-sexist behavior in the workplace out of fear their support will be used in ways they never authorized.

On November 1, 2017, CES Division member, **Empl #41** **Empl #41** contacted the City Light’s hotline system to report a concern. **Empl #41** is an Agreements & Rebate Supervisor in CES. She said:

I was asked to sign a petition by a coworker, **Empl #1** **Empl #1** and was told by her in front of my staff that the petition was for helping to bring awareness to sexual harassment issues in my division and to help get training for our staff to hire a consultant to help us with cultural issues. I found out today that she brought this “petition” to the Stranger Newspaper instead. I do know not exactly what the context is of her intent but I know she is trying to say our division has major negative issues and is widespread with sexual harassment, which is completely not true. She is using my name under false pretenses and for means other than stated. I am not ok with this or her divulging staff information without their consent to The Stranger Newspaper. This could endanger people’s careers and could be subject to punitive damages. I feel like this violated employee privacy and all information is being used under false pretenses for intentions that are not acceptable. I found out this information because people on this list have been

contacted by The Stranger. **Empl #1** **Empl #1** has lied and hidden the fact that she gave this list to the newspaper. I want my name off that list and all associated intentions that I did not consent to.

On November 2, 2017, another member of the CES Division, **Empl #44** **Empl #44** contacted City Light's hotline system to report a concern. **Empl #44** is a Management Systems Analyst Sr. in CES. She said:

I'm concerned that whomever provided the Stranger with the petition is using it for purposes that the petition was not intended for. I'm new to the Division and was told it was in support of obtaining training for our division. I've heard rumors that it may be used to expose/humiliate/punish individuals for actions that may or may not have happened. I absolutely do not support this in any way and am very upset that we were not told this petition was being disclosed to anyone outside of City Light HR and City of Seattle HR. The link to the report workplace concerns was provided by our HR Officer, DaVonna Johnson, and I wanted to make sure to let you know that I am not okay with what happened. I feel misled and that the Division has hired a consultant to work on the division's culture and that we have not given them a chance to do their work. The person who is speaking to The Stranger is out of control and has her own agenda, that I do not support.

On November 3, 2017, a reporter provided the "summaries" sheet **Empl #1** had created to Seattle City Light. This was the same document **Empl #1** had given to the Seattle Women's Commission, and later to The Stranger.

By November 6, 2017, City Light Employee Relations had completed its investigation into **Empl #1** allegations against **Empl #32** **Empl #48** and **Empl #21** **Empl #49**. The department forwarded their report to **Empl #1** the same day. In it, the investigator concluded **Empl #32** had not engaged in any improper sexual conduct either in violation of SCL's Workplace Expectation of Mutual Respect, SCL/City of Seattle's sexual harassment policies, or any other policy or expectation. SCL's internal investigator found **Empl #48** had failed to report **Empl #1** initial complaint regarding **Empl #32**. However, the investigator noted **Empl #48** had spoken to the employees involved, as well as the individuals in her management chain.

Regarding **Empl #1** claims against **Empl #21** the investigator found **Empl #21** had not engaged in an inappropriate sexual conduct. However, the investigator concluded **Empl #21** had used his shoulder to make physical contact with **Empl #1** shoulder when he walked by her on one occasion and determined the conduct was disrespectful and inconsistent with City Light's

Workplace Expectation of Mutual Respect. The investigator did not find **Empl #49** had failed to manage **Empl #1** claims.

On November 8, 2017, The Stranger published an article titled, “How Sexism and Harassment Allegations at Seattle City Light Get Lost in the Dark.” The article’s author had changed the names of individuals to protect their identities. However, the article’s central focus was on an employee named “Jasmine” who was, in fact, **Empl #1**

The article caused friction between some individuals within the CES department, as well as some dissention with the culture team. **Empl #4** believed what was represented in the article was slanted:

I do wonder if all the stories that were published were done with permission. Most of the stories were historical; some of them were very old. I know for a fact that a person asked an intern out, that happened. But, I think that person said no. And that was in 2013. The person who received the unwanted massage happened in 2010 or 2011. So yea, there have been poor behaviors over time, but they predate Craig [Smith]. I have no idea about the complaint referenced, particular details. The two I’m thinking of do involve people who are still here. But, the “baby doll” language thing has gone away. I’m assuming that person got some feedback.

**Empl #4** also noted that, “It seemed like **Empl #1** was trying to undermine our efforts. I say that because after the article came out several people wanted off the committee because they felt violated with **Empl #1** sharing the petition publicly, the stories they had shared. There were significant trust violations.” This feeling of betrayal was shared by others in the Division.

On November 9, 2017, another member of the CES Division contacted the City’s hotline system, to voice concerns. This employee, **Empl #37** said:

In the article it talks about a petition that was circulated and 42 employees signed it. I was one of the employee that signed the petition. However, the article describes the petition as being about “blatant sexism” in the division and a “hostile work environment.” I do not remember it being as such. Also, at the time, I felt bullied/pressured to sign the petition. I felt if I didn’t sign it, that I was condoning what [was] perceived tension by some at the time. I discussed this openly with another coworker and she felt the same and she signed as well. I just want to put out there that by signing this petition, this outcome is not what I expected. Being in media and I believe blown out of proportion. If it was, I would not have signed it. I believe now I was being misled.

The next meeting of the culture team was on November 15, 2017. Many people were angry with **Empl #1** for going to the press, but the members of the culture team who were upset said they did not confront her at the November 15, 2017 meeting.

**Empl #1** was observed meeting with CES colleague, **Empl #28** for some time prior to the meeting. Some of the individuals who attended the meeting recalled that shortly after the meeting began, **Empl #28** directed several pointed questions at Mr. Smith including, “Why isn’t anything happening? Why hasn’t the training we asked for happened?” Ms. Smith said **Empl #28** accused him of being negligent in his handling of the Division’s concerns. Mr. Smith said he told **Empl #28** he disagreed, indicating that the team was going slow to be intentional and reminding him that the Division was addressing the sexism issues in the context of the other body of work the team was trying to accomplish.

Before Mr. Smith left the meeting, he tasked the team with reviewing its draft charter. On his way out the door, Mr. Smith said something along the lines of, “Beat it up if you have any changes.” **Empl #1** allegedly responded saying, “Really, beat it up? That’s really interesting choice of language.”

The next day, on November 16, 2017, **Empl #1** attended a public meeting sponsored by Seattle Radical Women, an autonomous women’s activist organization. The topic was “The Power of #METOO: Working Women Fight Back Against Sexual Assault.” **Empl #1** spoke about the article in The Stranger and her perception of the culture at CES. The attendees prepared another petition, this time directed to then City Light’s General Manager & CEO, Larry Weis, pledging their support “for women workers who have been the victims of sexual harassment, violation and blatant sexism at Seattle City Light for years.” The petition urged Mr. Weis to “address these incidents right away by publicly taking responsibility for actions by abusive employees.”

**Empl #1** submitted her resignation on January 24, 2018. Her resignation was effective the same day. Mr. **Empl #1** simultaneously provided the City with a Notice of Tort Claim. In her notice, **Empl #1** claimed she had been subjected to harassment, sexual harassment and retaliation from June 15, 2015 to the present. She attached the Petition she prepared and circulated a year prior as an exhibit in support of her claims.

## **B. Summary Findings**

SCL HR initially elected not to investigate the Petition. This decision was evidenced by way of a memorandum dated May 2, 2017, which stated that none of the individuals interviewed for purposes of **Empl #1** **Empl #1** multiple sexual harassment claims had informed the internal investigator of any specific allegations of sexism or sexual harassment in the Division. Therefore, SCL HR did not believe an investigation was necessary.

Five months later, SCL HR reversed its decision and decided to retain the current, external investigator. This decision was documented in a memorandum dated October 18, 2017, which memorializes the Seattle Women's Commission act of reaching out to DaVonna Johnson that same day to inquire about SCL HR's handling of the Petition and the summary document **Empl #1** had presented. Therefore, "out of an abundance of caution," SCL HR elected to hire an outside investigator to look at "any potential allegations that may be raised by employees that signed the petition." On October 19, 2017, City Light retained Celeste Monroe to investigate the allegations contained in the Petition circulated by **Empl #1**

As written, the allegations were very broad, without reference to any specific act of misconduct, a relevant time-period or the individuals involved. It simply read:

The blatant sexism experienced by many people in Customer Energy Solutions (CES) is concerning. The lack of action on such reported behavior is unacceptable. Sexism in CES has created a hostile work environment, where people have been subjected to mistreatment that has impacted opportunities and job performance.

Accordingly, the investigator attempted to set up interviews with the people who signed the Petition to understand their experiences and motivations. The investigator spoke to 37 of the 42 people who signed. The five people who were not interviewed are no longer with the organization or were otherwise unavailable.

The investigator also arranged interviews with some individuals who were asked to sign, but refused, as well as managers who were never asked to sign the petition to learn more about their observations and experiences. In total, the investigator spoke with 47 individuals.

For purposes of this investigation, the investigator assumed **Empl #1** in drafting the Petition, intended the word "sexism" to encompass both sex discrimination (i.e. disparate treatment between men and women in terms of opportunity or treatment) and sexual harassment (i.e. severe or pervasive unwelcome sexual conduct/commentary). Accordingly, witnesses were asked to explain why they signed the Petition and were then asked to identify and discuss any situations where they personally experienced, personally observed or otherwise received a report of (a) disparate treatment based on sex or (b) unwelcome sexual conduct or commentary. Witnesses were also asked to discuss any treatment that otherwise made them uncomfortable.

In addition, the investigator asked interviewees to discuss and, in most instances, provide any documentary evidence related to their concerns. Every witness was advised that he or she could reach out to the investigator with additional information after the interview, to encourage follow-up and to allow individuals to provide additional evidence.

As a result of these interviews and review of related materials, the investigator found:

- (1) The majority of people interviewed by the investigator had neither experienced nor observed disparate treatment impacting job opportunities for women in the Division.
- (2) The majority of people interviewed by the investigator had neither experienced nor observed disparate treatment impacting job performance for women in the Division.
- (3) The majority of people interviewed by the investigator had neither experienced nor observed a working environment that they would describe as hostile towards women, nor had they experienced or observed unwelcome sexual conduct/commentary.
- (4) Ten of the women who signed the petition told the investigator former Energy Management Analyst, **Empl #50** referred to them as “babe”, “sweetheart,” or something similar, which many of the women considered inappropriate. In his interview, **Empl #50** acknowledged referring to some of his female colleagues in this manner. For the reasons set forth below, the investigator finds this conduct is inconsistent with Seattle City Light’s Workplace Expectation of Mutual Respect.
- (5) Two of the women who expressed concerns with **Empl #50** “familiar” greetings, also indicated they had been subjected to unwelcome sexual conduct or commentary from male colleagues. These women were **Empl #2** and **Empl #3**
  - a. **Empl #2** told the investigator in 2008, **Empl #21** asked her how lesbians have sex while the two were at a happy hour after work hours. **Empl #2** told the investigator she willingly answered the question at the time; but, nine years later, after she learned of others’ alleged experiences with **Empl #21** **Empl #2** changed her mind - such that she now thought the question was inappropriate. **Empl #2** confirmed she did not have any other encounters with **Empl #21** that she considered sexist or sexually harassing. **Empl #2** did not report **Empl #21** question to anyone at SCL or City of Seattle until she informed the investigator of the alleged encounter. There is insufficient evidence to determine whether the question was posed; however, even if **Empl #21** did ask the question, the inquiry does not constitute a violation of the City of Seattle or City Light’s policies prohibiting sexual harassment or a violation of SCL’s Workplace Expectation of Mutual Respect, under the circumstances described by **Empl #2**

- b. **Empl #3** discussed two separate situations.
- i. **Empl #3** told the investigator in 2011, **Empl #50** approached her, unannounced, and massaged her shoulders. **Empl #3** did not say anything to **Empl #50** at the time and maintains it was an isolated incident. **Empl #3** did not report the conduct to anyone at SCL or City of Seattle until she informed the investigator of the alleged encounter. As an isolated incident, **Empl #50** conduct does not constitute a violation of the City of Seattle or City Light's policies prohibiting sexual harassment. However, as explained herein, it does constitute a violation of SCL's Workplace Expectation of Mutual Respect.
  - ii. **Empl #3** told the investigator in 2012, a former colleague, **Empl #51** approached her in the copy room and, unsolicited, kissed her on the cheek. **Empl #3** said there was no other physical contact; however, she said **Empl #51** made two other comments to her that made her uncomfortable in, or around, the same time frame. **Empl #3** did not report the conduct to anyone at SCL or City of Seattle until she informed the investigator of the alleged encounter. Although a single kiss on the cheek may not constitute a violation of the City of Seattle or City Light's policies prohibiting sexual harassment, kissing the cheek of a colleague with whom you do not have a close personal relationship is a violation of personal boundaries. This, coupled with the statements allegedly made by **Empl #51** would constitute, at a minimum, a violation of SCL's Workplace Expectation of Mutual Respect.
- (6) **Empl #3** also told the investigator that, although she would not have reported the occurrences to Human Resources, she occasionally felt subtle discrediting by male colleagues in meetings. CES employee, **Empl #7** **Empl #7** mentioned similar experiences. Both **Empl #3** and **Empl #7** feelings are worthy of reflection; however, as articulated, there is insufficient evidence to establish a violation of SCL's Workplace Expectation of Mutual Respect.
- (7) CES employee, **Empl #38** told the investigator when she was an intern in a different City Department (June 19, 2013 – August 24, 2014), CES employee, **Empl #52** often communicated with her and invited her to happy hours after work hours. At one point in May 2014, **Empl #52** asked **Empl #38** for her cell phone number. She gave him the number, but told the investigator she felt pressure to do so. Although **Empl #38** said she deflected numerous happy hour invites, she did meet **Empl #52** for coffee on one

occasion. With regard to that encounter, she said **Empl #52** - who rode her bus home - allegedly texted her from the coffee shop across the street from her apartment to see if she wanted to meet. **Empl #38** said she agreed to meet him because she did not want him coming to her front door. She said **Empl #52** invited her to a few other after-hours events following coffee, which she declined; and eventually, his texts and requests ceased. **Empl #38** did not report **Empl #52** conduct to anyone at SCL or City of Seattle until she informed the investigator in her interview. **Empl #38** told the investigator she did not believe **Empl #52** actions were sexual in nature; but she said they were unwelcome. For the reasons detailed herein, **Empl #52** conduct does not constitute a violation of the City of Seattle or SCL's policies governing sexual harassment or SCL's Workplace Expectation of Mutual Respect.

Although the investigation interviews took place, in some cases, over a year after the Petition was signed, the investigator asked interviewees to identify: (1) acts of disparate treatment based on gender, (2) instances of unwanted sexual comments/conduct; and (3) other behavior that made them uncomfortable. The investigator's use of an open time frame was intended to capture misconduct that might have occurred before, or contemporaneous to, circulation of the Petition. In fact, many of the specific situations discussed by the witnesses dated back at least three years, if not longer.

Overall, the investigator found the way **Empl #50** referred to some women in the office violated SCL's Workplace Expectation of Mutual Respect, and concluded that other isolated incidents violated the same expectation. However, there was insufficient evidence to support a finding of "blatant sexism" or a "hostile environment" within the Division as alleged in the Petition.

Four other individuals who signed the Petition were not interviewed by the investigator owing to the timing of their departures. Only one of those individuals, former CES employee, **Empl #5** reported any concerns of mistreatment based on gender. **Empl #5** allegations were addressed contemporaneously with her report, and the handling of those allegations is discussed herein. **Empl #5** experience does not support a conclusion of "blatant sexism" or sexual harassment in the Division.

The investigator also found insufficient evidence to conclude CES, City of Seattle HR or SCL HR failed to act on any "reported behavior" as maintained in the Petition. Beyond the issue with **Empl #50** greetings and complaints made by **Empl #5** and **Empl #1** none of the other situations revealed to the investigator were ever reported to SCL HR or Seattle City Light HR. The issues that were reported were undisputedly addressed.

## II. INVESTIGATIVE PROCESS

### A. In person Interviews

The investigator interviewed the following individuals in person:<sup>5</sup>

- **Empl #31** EMA, Asst. \*
- **Empl #41** Agreements & Rebate Supervisor \*
- **Empl #25** currently Temporary Electric Service Representative
- **Empl #11** Research and Evaluation Asst.\*
- **Empl #37** **Empl #37** Accounting Tech III
- **Empl #12** Energy Planning Supervisor\*
- Rodimiro Coronado, Labor Relations Advisor
- **Empl #23** Planning and Development Spec II \*
- **Empl #52** **Empl #52** EMA, Sr.
- **Empl #53** Marketing Manager
- **Empl #40** EMA Assy. TES
- **Empl #8** EMA, Sr. \*
- **Empl #54** Energy Management Analyst Supervisor \*
- **Empl #2** EMA, Sr. \*
- **Empl #34** **Empl #34** Customer Electrical Services Engineering Manager<sup>6</sup>
- **Empl #16** **Empl #16** EMA, Sr. \*
- **Empl #17** EMA \*
- **Empl #38** Energy Planning Analyst\*
- **Empl #36** Energy Management Analyst, Sr.\*
- **Empl #30** EMA, Asst. \*
- **Empl #22** EMA Assistant\*
- **Empl #28** **Empl #28** EMA Sr.\*
- **Empl #46** EMA, Sr.
- **Empl #55** Strategic Advisor 1 – Science Policy
- **Empl #57** Support Services Manager II
- **Empl #18** OOC EMA, Sr\*
- **Empl #59** Solutions Design and Management Manager III
- **Empl #20** EMA, SR \*

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<sup>5</sup> All titles reflected the title of the individual as of the date of this report.

<sup>6</sup> **Empl #34** interview was telephonic.

- **Empl #56** CES Division Administrator
- **Empl #32** EMA, Asst.
- **Empl #4** Business Transformation Analyst SA – OOC \*
- **Empl #49** Project Development manager III
- **Empl #27** EMA, Asst.
- **Empl #50** former EMA, SR
- **Empl #3** Energy Advisor\*
- **Empl #24** **Empl #24** Planning and Development Specialist II \*
- **Empl #21** Energy Management Analyst Project Supervisor
- **Empl #29** Energy Research & Evaluation Analyst\*
- **Empl #58** Technology Services Manager III
- **Empl #44** Management Systems Analyst, Sr.\*
- Craig Smith, Customer Energy Solutions Director
- **Empl #42** EMA, Sr. \*
- **Empl #14** Research and Evaluation Analyst
- **Empl #7** EMA, Asst. \*
- **Empl #19** P and D Spec II \*
- **Empl #13** EMA, Asst. \*
- **Empl #63** Energy Management Analyst Supervisor
- **Empl #15** , EMA Sr.\*

The individuals listed above with an asterisk by their name signed the petition. Those who do not have an asterisk were not asked to sign or declined to sign. All represented employees were advised they could bring a shop steward/union representative to the interview.

The following individuals signed the petition, but were no longer with the utility or were otherwise unavailable:

- **Empl #5** left on August 11, 2017
- **Empl #35** left on April 4, 2017
- **Empl #9** left on September 15, 2017
- **Empl #39** left on May 1, 2018

The investigator reached out to **Empl #1** **Empl #1** through her attorney, to request an interview. Her attorney did not respond to the request.

The first iteration of this report was dated September 12, 2018. At the management debrief, which took place on September 21, 2018, the investigator learned that three employees (Empl #34, Empl #36 and Empl #44) who were previously unavailable were now available. The investigator interviewed the three employees, updated the report to include the information they provided and addressed a few clerical errors.

The second version of the report, dated September 25, 2018, was circulated to the CES employees who informed the investigator of potentially sexist, harassing or unwelcome behavior, among others. Following debrief meetings with many of these individuals, a final report was generated. This is the final report.

## **B. Documents Reviewed**

- 3-page “petition” alleging sexism in Customer Energy Solutions, signed by 42 people
- CES organizational charts
- Email from Empl #8 to various female CES employees, dated December 8, 2016, including all responses to same
- Email from Empl #8 to Craig Smith, dated January 25, 2017
- Email from Craig Smith to Empl #8 dated January 27, 2017.
- Summary Story/Paragraphs prepared by Empl #1 and Empl #1 and presented to the Seattle Women’s Commission on June 19, 2017, document undated
- Employee Relations Investigation Report prepared in response to Empl #1 sexual harassment complaint against Empl #17 dated June 7, 2017
- Employee Relations Investigation Report prepared in response to Empl #1 sexual harassment complaint against Empl #32 and Empl #21 dated November 6, 2017
- Email from DaVonna Johnson to CES re: calls from reporter from The Stranger, dated October 26, 2017
- Email from DaVonna Johnson to CES re: The Stranger article, dated November 8, 2017
- Slides from Culture Team presentations [from January 31, 2017 to March 27, 2018] provided by Empl #2
- Praxius action items, provided by Empl #4 undated
- “How Sexism and Harassment at City Light Get Lost in the Dark”, The Stranger, dated November 8, 2017
- “Before #Metoo and Changes at City Hall”, The Seattle Times, dated February 25, 2018
- 1-page “petition” from Seattle Radical Women, dated November 17, 2017
- Video Footage from Empl #1 to Seattle City Council Committee on Housing, Health and Workers’ Rights, February 15, 2018
- Hotline Complaint, Anonymous Caller, dated October 26, 2017
- Hotline Complaint, Empl #41, Empl #41 dated November 1, 2017

- Hotline Complaint, **Empl #44** **Empl #44** dated Nov 2, 2017
- Hotline Complaint, **Empl #37** dated Nov 9, 2017
- Employee Complaint, Concern and Inquires Intake Form, Intake by **Empl #56** concerning allegations by **Empl #5** dated August 9, 2017
- The Stranger article, “How Sexism and Harassment Allegations at Seattle City Light Get Lost in the Dark,” Nov 8, 2017.
- Seattle Times article, “Larry Weis Out as Seattle City Light Boss,” December 4, 2017
- Seattle Times article, ‘Before #MeTOO and changes at Seattle City Hall, a City Light Worker Spoke Out,’ February 25, 2018
- Calendar Invite for Meeting with Guadalupe Perez, dated February 27, 2017
- Sr. Public Relations Specialist Hiring File Materials, March 2016
- Text messages between **Empl #38** and **Empl #52** May 8, 2014-Dec 2, 2015.
- Seattle City Light Culture Survey Questions and Results (May 2018) prepared by DecisionWise

### III. APPLICABLE RULES

The investigative standard used by the investigator is a preponderance of evidence. The investigator determined whether any of the potentially sexist, harassing or unwelcome behavior discussed by the interviewees violated City of Seattle or Seattle City Light policies or expectations governing sexual harassment, discrimination or mutual respect; and ultimately the investigator concluded whether there was sufficient evidence to support the allegations in the Petition, specifically: (1) whether “blatant sexism” existed in the Division; (2) whether the alleged conduct had created a hostile work environment impacting performance and opportunities; and (3) whether there was evidence of inaction by SCL in responding to reports of such conduct.

City of Seattle Personnel Rule 1.1.2 prohibits discrimination based on sex. It reads:

It is the policy of the City of Seattle to provide a work environment for its employees that is free from discrimination and promotes equal employment opportunity for and equitable treatment of all employees. Any individual who believes he or she has been discriminated against in employment may make an internal complaint to any management representative or file a complaint with the Seattle Office of Civil Rights, Washington State Human Rights Commission, or the Equal Employment Opportunity Commission.

City of Seattle Personnel Rule 1.1.3 prohibits harassment. It reads:

Harassment of an individual is illegal conduct and a violation of this Rule. The City of Seattle will not tolerate harassment of its employees by co-workers, supervisors, managers, officers of the City or from non-employees conducting

business with the City.

Harassment includes sexual harassment, which is defined under the rules as:

...unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Seattle City Light's Workplace Expectation of Mutual Respect states, in pertinent part: "do not engage in, or condone any behavior, whether verbal or physical that insults, demeans, slanders, embarrasses, harasses or is disrespectful to another employee."

#### IV. FACTUAL FINDINGS

##### A. Interviews of Employees Who Signed **Empl #1** Petition

The chart included in this section details the general results of the investigator's interviews with the individuals who signed the Petition.<sup>7</sup>

The first column identifies individuals who signed the Petition and who were available for interview. The second column, titled "Sexual Conduct," identifies interviewees who told the investigator about a situation involving unwelcome sexual conduct while employed in the CES Division. The third column, titled "**Empl #50**" identifies interviewees who told the investigator they had been called "babe", "sweetheart" or something similar by **Empl #50** while employed in the Division. The fourth column, titled "Non-Sexual," identifies interviewees who maintained they had experienced some form of non-sexual, disparate treatment impacting job opportunity or performance while at CES, or experienced other conduct that made them uncomfortable. The final column, "No Information," identifies individuals who said they had not experienced or personally observed inappropriate sexual conduct or disparate treatment resulting in an adverse impact on job opportunities or performance based on sex/gender while at CES.

Name	Sexual Conduct	<b>Empl #50</b>	Non-Sexual	No Information
<b>Empl #31</b>				X
<b>Empl #41</b>		X		

<sup>7</sup> **Empl #21** was one of the 42 individuals who signed the Petition. As **Empl #21** emerged as a subject of the investigation, his feedback was not included in this chart. However, **Empl #21** told the investigator that **Empl #1** did present the Petition to him for signature at least two months before she asserted claims against him for alleged sexual harassment.

Name	Sexual Conduct	Empl #50	Non-Sexual	No Information
Empl #25				X
Empl #11				X
Empl #10				X
Empl #37				X
Empl #33				X
Empl #12				X
Empl #23				X
Empl #40				X
Empl #8		X		
Empl #2	X	X		
Empl #34				X
Empl #16				X
Empl #17				X
Empl #38			X	
Empl #36		X		
Empl #30				X
Empl #22				X
Empl #28				X
Empl #18				X
Empl #26				X
Empl #20				X
Empl #32				X
Empl #4		X		
Empl #27				X
Empl #3	X	X	X	
Empl #24				X
Empl #29		X		
Empl #44				X
Empl #42				X
Empl #14		X		
Empl #7		X	X	
Empl #19		X		
Empl #13				X
Empl #15				X

The individuals who signed the Petition, but said they had not observed or experienced any gender based discrimination, told the investigator they signed the document either (1) to support

<sup>8</sup> Empl #23 told the investigator he overheard comments in division meetings about “equal experience” and women being given a “fair shake” at positions prior to the Petition; however, he could not recall any specific complaints or the identities of anyone who may have complained.

**Empl #1** or any other women in CES who may have been subjected to mistreatment, discrimination or harassment or (2) to assist and encourage Mr. Smith to initiate more training. In fact, some the women who signed the Petition and detailed potentially sexist behavior to the investigator said they also signed the document to be supportive and initiate more training, rather than to report any specific conduct to SCL.

## **B. Information Relating to Potentially Sexist Treatment of Women in CES**

### *1. Greetings by **Empl #50***

Prior to **Empl #1** **Empl #1** circulating the Petition at the center of this investigation, **Empl #8** sent an email to certain female members of CES expressing her frustration with the way her colleague, **Empl #50** spoke to her. Specifically, **Empl #8** said **Empl #50** had repeatedly referred to her as “baby girl,” “sweetheart,” or “babe.” During interviews, the investigator asked every woman who signed the Petition whether **Empl #50** had referred to them similarly, on one or more occasions. Beyond **Empl #8** nine other women experienced similar greetings, including: (1) **Empl #7** **Empl #7** (EMA, Asst.), (2) **Empl #36** (Energy Management Analyst, Sr.) (3) **Empl #14** (Research and Evaluation Specialist), (4) **Empl #3** (5) **Empl #19** **Empl #19** (P & D Spec II), (6) **Empl #4** (Business Transformation Analyst SA-OOC), (7) **Empl #2** (EMA, Sr.), (8) **Empl #29** (Energy Research & Evaluation Analyst), and (9) **Empl #41** **Empl #41** (Agreement & Rebate Supervisor).

In her investigation interview, **Empl #7** said **Empl #50** had called her “babe” and “baby doll.” She never confronted him directly regarding the comments, or reported the conduct; but she said “[the comments] ended shortly after the Petition came out.” She also noted, “I guess he was saying it to a lot of people. I didn’t realize it until **Empl #8** sent the email.”

**Empl #36** informed the investigator that **Empl #50** had spoken to her in ways **Empl #8** described in her email; however, she said it did not bother her. In her words, “I worked with **Empl #50** for a long time. We had a familiarity. It was okay. I never felt threatened.” For these reasons, **Empl #36** never confronted **Empl #50** or reported the conduct.

**Empl #14** told the investigator when **Empl #1** presented her with the Petition to sign, **Empl #1** specially referenced **Empl #8** email. **Empl #14** said she signed the Petition because **Empl #50** had, in fact, called her “sweetheart” and “baby.” According to **Empl #14** she had previously told **Empl #50** she wanted to be called by her name. She said she had to remind him a few times, but that the behavior did stop before the Petition was circulated. **Empl #14** said she did not report the conduct to anyone because she handled it herself.

**Empl #3** said **Empl #50** referred to her in ways she did not appreciate, noting that on one occasion he commented on her appearance saying, “nice hair hon.” **Empl #3** said she had

ignored the behavior and neither **Empl #50** nor reported the conduct to her supervisor or human resources.

**Empl #19** said she signed the Petition because **Empl #50** had called her “darlin” and “babe.” In her words, “Darling is not great. But, babe was over the line. At the time [he made the comment], I was too shocked to respond. I just walked away. I composed myself and resolved that I would say something next time. But then the Petition went out and I’m certain **Empl #50** was spoken to and he never did it again.”

**Empl #4** told the investigator she appreciated **Empl #8** email, calling out **Empl #50** behavior, “We’ve all been tolerating this for a while, but we don’t need to put up with this.” As detailed above, **Empl #4** proceeded to meet with a few of the other women who had signed it to discuss what they wanted to see happen. In her words, “We saw **Empl #50** as more incompetence [than anything]. No one shared things that were shocking in terms of unwanted advances, just inappropriate language.”

In her interview, **Empl #2** said **Empl #50** had referred to her as “baby girl” and “honey.” She said she did not ask **Empl #50** to stop and did not report the conduct. **Empl #2** described **Empl #8** email as a “frustration” email, in which **Empl #8** indicated her desire to speak up and encouraged others to do the same. **Empl #2** told the investigator that at the time the email was circulated, she was not aware of any other concerns of this nature.

**Empl #29** told the investigator **Empl #50** would encounter her and say, “hey girl.” In her words, “Pretty much from day one. Maybe he knows my name? But, he’d just say little things, he’d talk. I’d try and avoid it. I didn’t think too much of it in the beginning. I am a person that likes a certain distance. So, when he would invade my space and the use of terms, I didn’t feel too good.” **Empl #29** did not report the conduct. With regard to the Petition, **Empl #29** said when **Empl #1** presented it to her **Empl #1** said, “Just to show that you are supporting the people that might be experiencing these things.” And according to **Empl #29** “I didn’t question the people who may have been experiencing it. I support them and getting an environment that is more conducive to work and more accepting. So, that’s why I signed. But for me personally, even what I was experiencing it was unwelcome, but it wasn’t hostile to me. I rarely ran into him. He didn’t have any impact on the work that I did.”

**Empl #41** **Empl #41** was not one of the women **Empl #8** forwarded her original email to regarding **Empl #50**. However, **Empl #41** learned about the email shortly after **Empl #8** sent it, to include the allegation that **Empl #8** had been referred to as “babe” or “sweetheart” by a male colleague. **Empl #41** sought out **Empl #8** who proceeded to tell her more about the situation. **Empl #41** told **Empl #8** if she saw anything she would “nip it in the bud.”

A week after their conversation, **Empl #41** was passing out documents on a project she was working on and after handing it to **Empl #50** he replied, “Thanks babe.” **Empl #41** asked **Empl #50** to come into a conference room. “So, we went immediately and I said I don’t like it when you call me babe and I don’t think you should do that to women on the floor. He was immediately apologetic. He said he didn’t realize he was doing it. I said ok, but you have to be careful. And, that was it.” **Empl #41** said she informed **Empl #8** about the interaction and what she told him. **Empl #41** also informed **Empl #63** **Empl #50** supervisor, about the situation.

In his interview, **Empl #63** confirmed **Empl #41** had come to him. He said he spoke directly with **Empl #50** and told him he could not use terms like “babe” to refer to women in the office. **Empl #63** said **Empl #50** maintained he did not realize he was doing it and that he would stop. By all accounts, **Empl #50** did not refer to any other women in the office by “babe,” “sweetheart” or anything similar after his meeting with **Empl #63** which both **Empl #63** and **Empl #41** estimate was in late December 2016/early January 2017. **Empl #50** retired from the utility in July 2018.

**Empl #50** was interviewed for this investigation. When the investigator informed him of the scope of the investigation at the outset of the meeting, **Empl #50** immediately identified himself as the individual in The Stranger article who was alleged to greet women in the office as “hey sweetheart.” Admitting he sometimes used terms like “sweetheart” or “babe” to refer to women in the office, he only recalled **Empl #41** complaining to him directly.

**Empl #50** offered multiple reasons for his use of these terms. First, **Empl #50** said he had a medical condition, specifically an “attention deficit diagnosis,” that generally made it hard for him to recall names. Second, he said he spent some time in West Virginia where such terms were used in daily greetings and that he picked up the parlance, sometimes using them instead of names. Finally, as he exited his investigation interview, **Empl #50** turned to the investigator and said, “I’m guilty of being an old man from a different time.”

Regardless of the reason, **Empl #50** expressly acknowledged the conduct at issue. As revealed in their individual interviews, most of the women he spoke to this way did not express their discomfort directly to **Empl #50**. However, three of the women said they told him to stop. Of those three women, **Empl #14** and **Empl #8** said he did not immediately correct the behavior. **Empl #41** the only one to involve **Empl #50** supervisor, said the conduct stopped immediately.

The City Light Workplace Expectation of Mutual Respect instructs employees not to “engage in, or condone any behavior, whether verbal or physical that insults, demeans, slanders, embarrasses, harasses or is disrespectful to another employee.” Given that **Empl #50** worked at the utility for many years, it is possible he may have had a relationship with certain female

colleagues who would not have felt embarrassed, belittled or disrespected by such terms of endearment – for example, **Empl #36**. However, terms like “sweetheart,” “babe” or “baby doll” are too informal for discussions between colleagues who do not have such a personal relationship. The investigator does not believe **Empl #50** proffered explanations justify his use of such terms in the workplace. Accordingly, **Empl #50** conduct constitutes a violation of City Light’s Expectation of Mutual Respect.

## 2. *Non-Sexual Adverse Treatment*

The Petition **Empl #1** prepared alleged, “Sexism in CES has created a hostile work environment, where people have been subjected to mistreatment that has impacted opportunities and job performance.” Therefore, the investigator asked everyone interviewed whether they had experienced or observed such treatment. Some of individuals interviewed expressed a feeling that opportunities for advancement in the Division were flat. However, these same people generally agreed that this was owing largely to the organization of the Division, rather than a sense that out-of-class opportunities or promotions were being made based on gender. Some of the same people, and others, said they felt white men still had a large presence in the energy industry itself and that CES was no exception. However, when asked to discuss any situation where people felt they had been subjected to (or observed) mistreatment that impacted opportunities or job performance based on gender, only two people who signed the Petition and who were available for interview made specific claims.

### a. Information from **Empl #7** **Empl #7** Interview

**Empl #7** **Empl #7** EMA Asst., said she had not experienced sexism in terms of lack of opportunities; however, she felt that she was experiencing “more of a subtle discrediting.” When asked to explain, **Empl #7** said, “Because I worked in a group of all men - they dominate the meetings. There is an underlying discrediting [when I speak]. Lately, I just don’t say anything. Let’s just get [the meeting] over with. In our little group meetings, it does still go on.” **Empl #7** said she had not reported these concerns to anyone.

Although **Empl #7** did not point to denial of any opportunity based on her perception of subtle discrediting, if **Empl #7** feels she cannot contribute in a meeting, this could impact her ability to collaborate. However, the investigator does not find a specific violation of the City of Seattle’s anti-harassment or discrimination policies. Further, because **Empl #7** did not identify specific examples of disrespect, the investigator concludes there has not been a violation of SCL’s Workplace Expectation of Mutual Respect.

### b. Information from **Empl #3** Interview

**Empl #3** told the investigator she had similar feelings of subtle discrediting as

**Empl #7** saying, “I do feel like often, when I start to push back on someone in a meeting, or ask too many questions, that I get treated like a little kid.” For the reasons set forth above, these allegations alone do not establish a violation of City of Seattle or SCL policies. However, **Empl #3** detailed other, more specific, encounters warranting discussion here.

When **Empl #3** joined Seattle City Light, she was hired into an Energy Advisor position. However, she had previously been a web developer and designer at another utility, so she was looking at opportunities to change work groups, specifically something in marketing and program evaluation. **Empl #3** sought out the supervisor of that group at the time, **Empl #57** to discuss opportunities. She said, “He was very happy to talk to me about how I might join that team, but although he wasn’t quite explicit in saying it – I extrapolated that it was a concern that I don’t have an advanced degree.” In other words, “My degree in philosophy might not work out without more school.”

**Empl #3** said she did interview for a position in **Empl #57** group at one point and that she got emotional when he told her she was not selected. She said, “I could feel I was getting emotional because I wanted out of energy advising so I told him I had to go back to my desk. And, he looked at me and said, ‘Really?’” **Empl #3** interpreted his comment as “Did you really think you were going to get this?” **Empl #3** said she told some of her, non-supervisory level colleagues about the encounter and that they told her to blow it off, saying, “That’s **Empl #57** He’s clueless.”

**Empl #3** indicated that a few months later, **Empl #57** pulled her aside and told her **Empl #59** Solutions Design and Management Manager III, wanted help with administrative work in her department and asked if she wanted to assist. According to **Empl #3** “I was furious inside. I thanked him. But, I had told him several times where I wanted to be and interviewed in [his] department.” Although **Empl #3** said **Empl #57** probably thought he was looking out for her, she doubted that he was offering the administrative opportunity to men on the staff.” **Empl #3** did not report her concern with this offer to her supervisor.

**Empl #3** was in her Energy Advisor role for approximately two years before she was provided an opportunity to work as an Admin Assistant in Communications as a backfill for someone who was out. That role lasted approximately one year, at which point, she transferred back to the conservation group and her energy advising role. For the past year, she has remained in conservation; however, she is now doing research and evaluation work.

**Empl #3** said shortly before she assumed the research and evaluation role, she applied for a full-time, Sr. Public Relations Specialist position in Communications, but did not get it. She told the investigator:

I asked for input as to why, because I had been out of Communications for three years by then, but I’d worked with them and had the background. I was an

Admin Assistant in Communications and they'd come give me low level work, but consistently asked me to help them with stuff because they couldn't do it. So, I thought I was a valued member of the team. The feedback that came back was a joke. From the two people I asked, one a woman who is no longer here and then a man. They both said, you should think about dressing up for an interview. And I don't remember. They said other things between them other than dressing for the interview. But, the feedback from the man, **Empl #64** it was all appearance and presentability. Nothing to with my skills or whether I was a good fit for the team. I didn't come in with flop flops and daisy dukes. But, even then, there is not dress code here. So that was disappointing."

**Empl #3** did not report her concerns with the interview process to her supervisor or human resources.

As to **Empl #3** first encounter with **Empl #57** **Empl #3** did not allege there was anything potentially sexist about his suggestion (overt or not) that she might need an advanced degree for a position in his department. The job descriptions and/or qualifications speak for themselves and if an advanced degree is recommended or required, then it is. Further, there was no opening at the time of their first discussion, so they were only talking in general terms, therefore the suggestion that an advanced degree might make her a stronger candidate in the future was reasonable advice.

After **Empl #3** applied for an open position in **Empl #57** group, but did not get the position, she maintained **Empl #57** was insensitive to her reaction. And although that may be true, she did not maintain his alleged comment was sexist. Further, there is no evidence to support such a finding. Similarly, even if **Empl #57** had not asked other men in the department if they were interested in assisting **Empl #59** with administrative tasks in her department, the evidence indicates that **Empl #57** knew **Empl #3** was looking to take on work that was not in energy advising and this was an opportunity to do so. There is no evidence that he asked her if she was interested owing only to her status as a woman.

Finally, regarding **Empl #3** application for the Sr. Public Relations Specialist position, a review of the hiring file reveals twenty-five people applied for the job. Of those twenty-five people, seven individuals advanced past resume review to the interview phase. **Empl #3** did not advance to the interview phase; however, the interview pool included both men and women. The individual who was ultimately hired into the position met the qualifications and performed well in his interview.

As **Empl #3** did not interview for the Sr. Public Relations Specialist position, the feedback **Empl #64** offered – including comments about what she should wear to an interview - were apparently made with an eye toward future opportunities. There is nothing overtly sexist about

suggesting that someone dress professionally for an interview. And, there is no evidence the co-ed panel who recommended the successful candidate considered his gender as the basis for their recommendation.

Notably, **Empl #3** is an active member of the culture team and believes very strongly that the Division is taking significant steps towards creating a culture of mutual respect. In her words:

I have never had an interaction with Craig [Smith] that has made me doubt his commitment. He's been really supportive. When I talked to him about what I want to do with the divisions [shortly after the Petition was circulated], he called me in a year later saying there might be an opportunity coming up and [he'd] take a look at my resume. He's giving me meatier work. [My manager] while she lets me do things, is ultimately her telling me what to do. I did not give her that feedback, that's on me."

**Empl #3** said Mr. Smith is trusting her to make decisions. Certainly, the evidence indicates she has been provided opportunities beyond energy advising, including in her most recent role as a Research and Evaluation Analyst. For the reasons above, the investigator does not find that the conduct reported by **Empl #3** constitutes a violation of the City of Seattle or Seattle City Light's policies.

### *3. Information Regarding Potential Sexual Misconduct*

During the investigation interviews, two women who signed the Petition provided information indicating they may have been subjected to unwanted sexual conduct or commentary from their male colleagues. These women were **Empl #2** and **Empl #3**

#### *a. Information from **Empl #2** Interview*

**Empl #2** is a EMA Senior in CES. She has been with the utility since 2008. She said shortly after she was hired, she attended a happy hour after work hours with several of her colleagues. She and **Empl #21** decided to go to another bar after that happy hour to get a couple more drinks. In her words:

"I was 30 at the time, so why not. So, when we were there, he asked me if I had a boyfriend. And, like I said, I hadn't told anyone my sexual orientation at work. But, I said, no actually I'm gay. I'm dating a woman. He said, 'How do two women have sex?' Being as naïve as I was, being new, I actually thought it was a serious question. And, I explained it to him. And, now I feel like an idiot for doing it. And, I was probably just in shock because no one had ever asked me that in my professional career, and never mind that I was

new and he was more senior. I wouldn't say it ruined the night. We left the bar, walked back toward the office, and he was going to the parking lot to get his car and for some reasons were talking about his train ride. He said he liked the train because he can meet all sorts of women.

I didn't think about all these things until I realized it was ok to start thinking about these things. I wouldn't have reported him at the time. But, now I'm angry at myself, because it makes me sad that he would say something like that to a new employee.

**Empl #2** did not report the conduct to City Light and acknowledges no other encounters with **Empl #21** of this nature.

**Empl #2** identified herself as part of the small group of women who met after **Empl #6** email was circulated to discuss next steps. She told the investigator that during that meeting, women were sharing experiences of what she described as "light hearted harassment." But, she said she learned about more serious conduct when she spoke with **Empl #1** after the meeting. In her words, "The serious stuff that I'm referring to are the verbal things **Empl #1** **Empl #1** said happened to her."

**Empl #2** also mentioned reading "a long document that women had participated in about what happened to them in the office." The document **Empl #2** is referring to is the collection of paragraphs **Empl #1** prepared purporting to summarize the experiences of various women in the Division, which **Empl #1** presented to the Seattle Women's Commission, referenced previously in this report.<sup>9</sup> **Empl #2** said, "I read that document. And, that seemed like really serious stuff to me. I had no idea that people had been experiencing this stuff."

**Empl #2** told the investigator that these accounts, some of which allegedly involved **Empl #21** caused her to change her mind about him. More specifically, **Empl #2** said that although the question **Empl #21** asked her in 2008 did not bother her at the time, it did upset her nine years later after she learned about others' alleged experiences with him.

When asked about the situation in his investigation interview, **Empl #21** said he did not recall being at a happy hour where she was present, though he acknowledged there are times when he has gone to social hours. When asked if recalled asking **Empl #2** how lesbians have sex he said, "No. I never asked her that question."

After meeting with the investigator, **Empl #21** requested a second meeting to address **Empl #2** allegations. At that meeting, he provided the investigator with a few emails and a text

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<sup>9</sup> This is the same document the Seattle Women's Commission provided to SCL HR in October 2017 and which resulted in SCL HR reversing its prior decision not to investigate the Petition.

exchange between the him and **Empl #2** to show the investigator that the two had an amicable relationship at least through 2016 and to refute any suggestion she felt uncomfortable around him, at least for many years after the alleged happy hour.<sup>10</sup>

As there were no witnesses to the alleged exchange over happy hour, there is insufficient evidence to determine whether the question was posed. Although the investigator finds **Empl #2** account credible, and assumed for purposes of this investigation that the question was asked, the inquiry does not constitute a violation of the City of Seattle or City Light's policies prohibiting sexual harassment or SCL's Workplace Expectation of Mutual Respect.

**Empl #2** is free to change her opinion about a colleague. But, the fact remains that at the time **Empl #21** is alleged to have asked the question, **Empl #2** believed it was legitimate and answered willingly. **Empl #2** further acknowledges she did not personally have any other encounters with **Empl #21** that were inappropriate in nature or that would have suggested his question was made to insult, demean, slander, embarrass, harass or disrespect her. On these facts, there is no violation.

b. Information from **Empl #3** Interview

**Empl #3** informed the investigator of two situations of unwelcome contact from two male colleagues. First, **Empl #3** said in 2011, **Empl #50** approached her, unannounced, and put his hands on her shoulders and massaged her. Specifically, **Empl #3** said:

It had to have been within the first month I started. A man who was friends with my supervisor, **Empl #50** that was the man, the supervisor was **Empl #6**. So, I knew they were buddies. And so he started talking to me because I'm new and at some point, he came behind me and started giving me a shoulder massage. I froze. **Empl #6** didn't say anything. I didn't want to rock the boat.

**Empl #3** said she did not say anything to **Empl #50**. She also did not report the incident to Seattle City Light. She confirmed this behavior did not reoccur and there was no further physical

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<sup>10</sup> During the de-brief process, the investigator learned **Empl #21** had informed SCL HR of his belief that the allegations of inappropriate conduct levied against him by **Empl #1**, **Empl #2**, and **Empl #55** were racially motivated. The investigator met with **Empl #21** to discuss this report. Although there is evidence the women knew each other and even spoke to each other about their alleged experiences with **Empl #21** the investigator found insufficient evidence to conclude that their allegations were racially motivated. Notably, **Empl #2** and **Empl #55** did not report any concerns with **Empl #21** alleged conduct to anyone at SCL until the investigator specifically asked the women if they had ever been subjected to any treatment they would consider sexist, harassing or uncomfortable. Both women also both acknowledged that in the years that had passed since the alleged incidents, they had not had any similar experiences with him.

contact. In his investigation interview, **Empl #50** did not recall this situation; however, he did not deny it.

**Empl #6** was not contacted regarding the incident given misinformation provided to the investigator about **Empl #6** availability. However, the investigator found **Empl #3** account credible.

The conduct **Empl #3** described does not constitute violation of the City of Seattle or City Light's policies prohibiting sexual harassment. It was a violation of SCL's Workplace Expectation of Mutual Respect, in so much as the evidence indicates **Empl #3** and **Empl #50** did not have this type of a personal/working relationship and the touching, although not sexual, was unwelcome.

**Empl #3** also said on separate occasion in 2012, a former colleague named, **Empl #51** sensed that she was upset after a meeting. According to **Empl #3** **Empl #51** found her in the copy room and kissed her on the cheek. She said, "I don't recall him saying anything. I consider myself a strong woman and I always imagined in this instance that I'm going to say something smart ass. But that didn't happen. I babbled something and went back to my desk." **Empl #3** did not report the incident to her supervisor or human resources. However, she did tell some of her co-workers, who "blew it off as [he's] creepy."

**Empl #51** is no longer with the utility. He was not contacted regarding the incident. Assuming for purposes of this investigation that the conduct occurred, it would constitute a violation of City Light's Workplace Expectation for Mutual Respect. A kiss on the cheek is an invasion of an individual's personal boundaries if you do not already have this type of friendship/relationship – which they did not.

**Empl #3** also said toward the end of 2012, **Empl #51** made some comments that made her uncomfortable, including telling her that she looked like a Christmas present on a day when she dressed up more than usual. In addition, he allegedly told her his favorite dance to do was in the horizontal position. Viewed on the whole, **Empl #51** behavior would, at a minimum, violate City Light's Workplace Expectation for Mutual Respect, and if he was still employed, could warrant correction and/or discipline.

#### *4. Potential Violation of Workplace Expectation of Mutual Respect – Other<sup>11</sup>*

**Empl #38** was an intern in a City Department outside of CES from June 19, 2013 – August 24, 2014. She became a full time CES employee on August 25, 2014. **Empl #38**

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<sup>11</sup> The investigator originally treated the information provided by **Empl #38** in her interview as evidence of possible sexual misconduct. In her de-brief meeting, **Empl #38** told the investigator she did not believe the conduct was sexual in nature, rather that it was unwelcome attention.

told the investigator while she was an intern, CES employee, **Empl #52** often invited her to happy hours after work hours.<sup>12</sup> **Empl #38** said she was unsure whether other employees were always invited, but she was uncomfortable with, and intimidated by, **Empl #52** requests and attention, particularly given the age difference between the two of them.

**Empl #38** told the investigator **Empl #52** came by her cubicle on daily basis to greet her or make small talk. She said on one occasion, **Empl #52** asked for her phone number:

I didn't know what to do. I gave it to him. He texted me during the day and at night. He would talk to me in the hall. Things like, 'Hey **Empl #38** Are you going to the concert? How are you going to celebrate getting your thesis done?'

**Empl #38** said she and **Empl #52** also rode the same bus home together, so he knew where she lived:

On a Friday where he didn't work - a lot of employees have flex schedules, and I was an intern so I didn't work every day, I got a text from him saying he was at the Lighthouse and would I like to get a coffee with him. I didn't know what to do. I was scared to leave my apartment. I said, 'Oh sure, I guess I'll go get this coffee with you.' It was very unsettling. I told multiple co-workers about it. But, they told me, tell me next time and we'll all go with you [to the afterhours event]. He did that [stopping by and talking to me /inviting me places] until I got married. And, being an intern, it was very disconcerting. No one in intern training told you what to do in that situation. Very confusing. Then, also thinking that if I said anything I wouldn't get the job—it was probably the worst experience.

**Empl #38** said **Empl #52** stopped talking to her about things other than work around the time she became a full-time employee. She also told the investigator she had talked to other women who had “the exact same experience with him.”

In his investigation interview, **Empl #52** acknowledged talking to **Empl #38** frequently when she first started, as well as asking for her phone number. He said it was not because he was interested in her, but because he often organizes happy hours after work hours and has many of his CES colleagues phone numbers to correspond during and after work hours. In his words:

Yes, I did invite her to things. She wouldn't go. We met one time for coffee. And, she told me about her Dad. We were talking business. She said the

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<sup>12</sup> **Empl #52** was never **Empl #38** supervisor.

company was a great company. That she loved the culture. She was going to school at Western I think. And that was it. [Regarding the coffee], it was just kind of let's meet for coffee sometime. And I think we went to Roasters in Fremont.<sup>13</sup> I don't recall.

When asked about asking for her phone number, **Empl #52** said, "Yes, and we exchanged numbers." He said it was something he typically did with people he socialized with, though **Empl #38** **Empl #52** disputed they were truly socializing at the time he made the request. In **Empl #52** words, "I just thought she was a nice young lady coming in and that kind of thing." **Empl #52** maintained that the coffee was set up before hand and denied that he was outside her apartment asking if she wanted to meet him at the coffee shop across the street from her apartment.

Regarding whether he recalled asking her to go to concerts, he said, "I may have asked her what kind of music she liked – and we should go to a concert." However, **Empl #52** said he did not intend it to be a date or that they would go alone. He said he is a happily married man with a 12-year-old son, and that he often makes overtures to his male and female colleagues to do things like go to concerts. This was confirmed by other individuals interviewed. When asked who he might have asked to meet for happy hours or socialized, he referred to the contact list in his cell phone and identified the following City Light employees: **Empl #46**, **Empl #60**, **Empl #61**, **Empl #16**, **Empl #15**, **Empl #62**, **Empl #8**, **Empl #11**, **Empl #10** and **Empl #59**.

**Empl #52** acknowledged he never did anything socially with **Empl #38** after the coffee. "She always said no. So, I stopped asking her." **Empl #52** said he did not know the invitation to coffee made her uncomfortable. "If she didn't feel like going, then why would she accept the invitation? She would have said no."

**Empl #38** told the investigator she did not interpret **Empl #52** attention as potential sexual misconduct; rather she said it made her uncomfortable. In her debrief meeting, **Empl #38** provided the investigator with copies of the text messages she received from **Empl #52**. The messages reveal **Empl #52** first initiated text correspondence on May 8, 2014. On that day, he invited **Empl #38** to happy hour. **Empl #38** replied she would "love to," but said she could not owing to a class. She told **Empl #52** "...next time let me know." He responded, suggesting they meet the following week and asked her about a particular restaurant, to which **Empl #38** answered, "Picado maybe? Sounds good! Hopefully the sun will be out."

The next text exchange occurred on May 20, 2014. **Empl #52** **Empl #38** if she was free to meet on May 22, 2014. **Empl #38** replied that she was "swamped with end of

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<sup>13</sup> **Empl #38** told the investigator Lighthouse and Roasters refers to the same establishment.

school,” and asked if they could postpone. **Empl #52** suggested the following week. **Empl #38** replied, “Yeah, that will work better I have just have so much going on! :(”

The next exchange occurred on May 23, 2014 and involved the coffee meeting **Empl #38** and **Empl #52** spoke about in their investigation interviews. **Empl #52** initiated the exchange saying, “Not sure if your near Roasters coffee, I’m in the neighborhood – meet for coffee?” **Empl #38** responded, “Sure. Walking down Phinney, just got off the bus.” **Empl #52** told her he would be there in 15 minutes.

On May 29, 2014, **Empl #52** texted **Empl #38** to ask how her thesis defense went. She did not reply. A week later, he asked if she wanted to meet for a beer. She replied, “I have my final presentation at 7. :(”. He texted her several times over the next eight hours offering her encouragement and, later in the evening, asked her if she was free for the beer. **Empl #38** did not reply. Five days later, **Empl #52** texted **Empl #38** to ask how the presentation went. She did not reply.

Nearly four months later, on October 2, 2014, **Empl #52** texted **Empl #38** saying, “Forgot to tell you at the copy machine – great show at the Showbox tomorrow – dandy wahrhols.” She replied, “Ooo they are good! That would be a good show!” He responded, “Show up. I’m going.” **Empl #38** did not reply.

Two months later, on December 4, 2014, **Empl #52** texted **Empl #38** in the evening asking if she wanted to meet up with people for happy hour. The next morning, **Empl #38** replied, “Sorry! I got this late last night! Thanks for the invite though, next time. :)”

A year later, on December 2, 2015, **Empl #52** texted **Empl #38** inviting her to happy hour. She replied, “What time are you thinking?” In a series of short texts, he replies, “5:45? Or 6? If that works.”

On the facts presented, the investigator finds insufficient evidence to conclude **Empl #52** conduct toward **Empl #38** constituted a violation of SCL’s Workplace Expectation of Mutual Respect. It is undisputed that **Empl #52** spoke to **Empl #38** frequently at work. It is also undisputed that **Empl #52** asked for **Empl #38** cell phone number and initiated several text exchanges. However, the text messages **Empl #38** provided do not, on their face, reveal a pattern of inappropriate behavior. Rather, they reveal that **Empl #52** texted her on ten different days over a 17-month period and that on numerous occasions when **Empl #38** declined an invitation, she invited **Empl #52** to reach out to her to reschedule. Further, the text messages do not corroborate **Empl #38** account that **Empl #52** was in the coffee shop when he invited her to coffee or that she was in her apartment at the time she received the invitation.

None of these facts mean **Empl #38** feelings about the attention she was receiving from **Empl #52** should be discounted. **Empl #38** told the investigator she was not sure how to respond and undeniably, people respond differently in situations where they feel uncomfortable. However, there is insufficient evidence to show **Empl #52** initially knew that his actions were unwelcome or that he was engaging in conduct that insulted, demeaned, slandered, embarrassed, harassed or was disrespectful to **Empl #38**. **Empl #52** said when he realized **Empl #38** was consistently declining his invitations, he stopped asking. And, **Empl #38** confirmed as much, saying **Empl #52** attention ceased around the time she became a full-time employee, later in 2014.

#### 5. Other Allegations of Misconduct by Former CES employees

During the investigation, the investigator learned three women who are not currently working in the CES division, but who had worked in the division previously, might have relevant information. Two of the women, **Empl #55** and **Empl #53** still worked for the utility at the time the investigation was initiated. The other, **Empl #5** left the utility in August 2017, three months before the investigation was initiated.

##### a. **Empl #5** claims

**Empl #5** former Admin Spec II, signed the petition prior to her departure. The investigator requested any documents evidencing reports of sexual harassment or other misconduct made by her. This resulted in the disclosure of an intake document dated August 9, 2017 and prepared by **Empl #56** Employee Development Division Administrator. The intake document revealed that **Empl #5** approached **Empl #56** the same day the document was generated, to disclose an encounter she had with **Empl #50** that made her uncomfortable.

Specifically, **Empl #5** reported that earlier that day, **Empl #50** stopped her in the hallway. Knowing she had already given her notice that she was leaving the utility, **Empl #50** allegedly told her he was going to miss her. **Empl #5** said he was standing closer to her than she liked and said that found the comment “weird and uncomfortable.” She replied, “Ok.”

**Empl #5** said **Empl #50** responded by asking, “Are you pissed at me?” To which she said, “No **Empl #50** You are fine.” She said that she made a move like she was trying to walk away and he asked, “You aren’t leaving because of me, are you?” She said she was not. He allegedly replied, “I’ll really miss your smile.” And she replied, “I don’t smile all of the time.” He asked where the goodbye happy hour would be and when. And she said she did not know. To which he allegedly said, “Do you want to do a dress rehearsal tonight?”

**Empl #5** said she was offended and replied, “No, not with you.” She walked away.

Empl #5 told Empl #56 she understood Empl #50 had offended other women in the office and she was concerned the disrespectful behavior would continue. She also reported that Empl #50 had put his hands on her waist to get around her in the copy room approximately eighteen (18) months prior. And finally, she said she did not want Empl #50 to attend any farewell party that her colleagues might be organizing for her. Empl #5 documented the encounters in an email to Empl #56 copying Empl #57 in which she says she has also informed Mr. Smith.

In her investigation interview, Empl #56 recalled meeting with Empl #5. Empl #56 said she did not talk Empl #50 directly about the allegations, but spoke to Mr. Smith and filed the intake report. Empl #56 did not recall how the complaint was resolved, but she said she specifically asked Empl #5 if she was leaving because of Empl #50 to which Empl #5 responded, “No. If it was I would have left a long time ago.”

When asked about his recollection of Empl #5 complaint, Empl #57 said he felt Empl #5 version of events was credible because he heard her tell the story more than once and it was the same each time. In Empl #57 words, “I don’t know if Empl #50 was inferring that he wanted to take her out for a drink. But, given that Empl #5 tenure with us was ending – I don’t know if was with a number of people or just with him. The interaction seemed to border on something that was inappropriate.”

In his conversation with the investigator, Empl #50 denied touching Empl #5 in the copy room in February 2016. He said he recalled speaking to Empl #5 on August 9, 2017 and asking about whether there was a happy hour planned for her departure. But, he did not remember asking her about a dress rehearsal. Empl #50 said even if he had asked the question, he would not have intended for only the two of them to participate.

SCL policies do not prohibit employees from socializing with each other outside of office hours; and it is not uncommon for CES colleagues to organize happy hours for a departing employee. Here though, Empl #5 coupled her reported discomfort with Empl #50 inquiry about her farewell party with an allegation of unwanted physical contact and an express desire that he not attend any event that was planned for her. These factors, coupled with the fact that Empl #5 was leaving the utility in a few days, prompted Rodimiro Coronado, SCL’s Labor Relations Advisor, to get involved.

In his role, Mr. Coronado conducts administrative leave assessments, in addition to other responsibilities. The assessments are conducted to determine whether an employee, including, in this case, Empl #50 poses such a threat that he or she should be removed from the workplace. Mr. Coronado said threat assessments are routinely initiated when there is a claim of unwelcome touching. Mr. Coronado ultimately decided Empl #50 was not a threat owing, in part, to the fact that the alleged touch had occurred a year and a half prior and that there were no prior allegations

of similar conduct of this nature. Mr. Coronado told the investigator, “[Empl #50] was advised to follow expectations. That this type of conduct [referring to a unwelcome touch] is not permissible. Do not do this.” Mr. Coronado noted that Empl #5 desire that Empl #50 not attend her farewell happy hour was not specifically addressed, “but [Empl #50] understood through inference or otherwise that he was not going.”

Mr. Coronado’s overall assessment is echoed in the August 9, 2017 intake form generated by Empl #5 complaint. The document states that Empl #50 is not believed to be an imminent threat. The intake form also indicates that Empl #56 had heard rumors about Empl #50 use of words such as “baby” or “sweetheart” when referring to his female colleagues, but that to her knowledge the behavior had been addressed with Empl #50 by the female employees themselves.

There were no witnesses to the alleged touch in the copy room; and there was insufficient evidence to otherwise determine whether the act occurred. Assuming for the sake of argument, Empl #50 did touch Empl #5 on the waist, such an action would be a boundary invasion given the type of personal/working relationship they appeared to have with each other. And, this was explained to Empl #50 by Mr. Coronado in their meeting.

The touch, and the statements Empl #50 made to Empl #5 in the hallway, do not constitute a violation of the City of Seattle or SCL’s policies prohibiting sexual harassment, because the statements and the touch were not overtly sexual and the touch was isolated. Mr. Coronado’s handling of Empl #5 complaint was appropriate for an allegation of a violation of SCL’s Workplace Expectation of Mutual Respect.

b. Information from Empl #55 Interview

Empl #55 was an employee in the CES Division from 2009-2012. She is still employed by the utility, but works as a Strategic Advisor. Empl #55 was identified by SCL as an individual who might have information about potential unwelcome sexual advances owing to comments made by Empl #1 during a separate internal investigation. Therefore, the investigator reached out to Empl #55 to arrange the interview.

During Empl #55 interview, she maintained she was subjected to unwanted sexual advances from Empl #21 on two separate occasions sometime between 2009-2010. Empl #55 did not report the conduct to anyone either at a supervisor level or at human resources. However, Empl #55 told the investigator she spoke directly to Empl #21 about at least one of her concerns shortly after it occurred and said Empl #21 never engaged in similar behavior with her at any time. Empl #21 denied all the conduct at issue.

In her interview, **Empl #55** also told the investigator she was also subjected to an unwanted touch on the waist at some point from **Empl #52** as well as a kiss on the lips from him as the two were leaving a happy hour after work hours. **Empl #55** did not recall when either event occurred, but said they were sometime before she left the Division in 2012. She said **Empl #52** had not engaged in similar behavior with her since that time. **Empl #52** denied all the conduct at issue.

Given that **Empl #55** was not employed in the CES Division at the time the Petition was circulated, that she did not sign the Petition and that the conduct she detailed allegedly occurred over eight years ago, the investigator elected to address **Empl #55** allegations in a separate report. However, the investigator considered **Empl #55** statement in reaching conclusions about whether there was sufficient evidence to establish the allegations contained in the Petition.

c. Information from **Empl #53** Interview

**Empl #53** was an employee in the CES Division from 2010-2013. She is still employed by the utility, but works in Communications. **Empl #53** learned about the CES Petition investigation and asked to be interviewed.

**Empl #53** told the investigator she had a challenging relationship with **Empl #50** to include what she felt was multiple examples of disrespect for her role as a manager, as well as one comment he allegedly made about her rear-end while the two were at a happy hour after work hours. **Empl #53** told the investigator she spoke with Mr. Smith about one situation in which **Empl #50** attended a workshop session she was moderating/facilitating and that as she was answering questions, **Empl #50** stood up and started answering over her. **Empl #50** said **Empl #50** later apologized for his conduct.

When asked if she believed she was ever denied an opportunity for advancement based on gender, **Empl #53** said, “I felt more like my opinion was disregarded. I currently have a very powerful female boss and a fantastic CEO – and I think that if they thought I was being disregarded they would fix it.”

As **Empl #53** was not employed in the CES Division at the time the Petition was circulated and was not asked to sign the Petition the investigator has not included specific conclusions regarding **Empl #53** account in this report. However, the investigator considered **Empl #53** statement in reaching conclusions about whether there was sufficient evidence to establish the allegations contained in the Petition.

Notably, **Empl #53** said she recognized **Empl #1** as “Jasmine” in The Stranger article and as the person who had provided the story to the reporter. When asked about her

impression of the article, **Empl #53** said, “I actually thought **Empl #1** was actually restrained. I have a vision of her as more vocal. But, I thought to myself, yes, that’s what happens over there. And, forty some people agreed with her. They signed that thing because they know something is wrong over there.”

For the reasons discussed in this report, **Empl #53** belief that all the people who signed the Petition agreed with **Empl #1** characterization is not supported by the evidence gathered in this investigation.

## V. Totality of Investigative Findings

The investigator found insufficient evidence to find a culture of “blatant sexism” in the CES division as alleged in the Petition. As the chart(s) in Section VI(A) reveals, the majority of those individuals who signed the petition did not experience or observe acts constituting sexism (either in opportunities/performance or sexual harassment). Rather, most of the signors said they signed the Petition in support of those who might be enduring such treatment and/or in support of additional training for the department.

Ten women indicated that they had been referred to by **Empl #50** in terms they did not appreciate. However, no one except **Empl #41** **Empl #41** (directly) and **Empl #8** (indirectly) ever alerted leadership or human resources to their concerns. Once it was brought to the attention of leadership, **Empl #50** was instructed to stop and he did.

The investigator did not find the conduct described by **Empl #38** or **Empl #2** constituted a violation of the City of Seattle or Seattle City Light’s policies prohibiting sexual harassment or SCL’s Expectation of Mutual Respect. However, the conduct described by **Empl #9** regarding **Empl #50** and **Empl #51** did constitute a violation of SCL’s Workplace Expectation of Mutual Respect.

Only two of the women who signed the petition and who were available for interview maintained that they may have been subjected to treatment that was different than their male colleagues. Specifically, **Empl #7** and **Empl #3** said they felt a subtle discrediting in group meetings; and, **Empl #3** also articulated concerns with her treatment in and around various interview processes. However, for the reasons set forth herein, there was insufficient evidence to find a violation of the City of Seattle or Seattle City Light’s polices regarding the subtle discrediting. Similarly, there was insufficient evidence to support a finding that **Empl #3** failed to secure either the position in **Empl #57** department or the Sr. Public Relations Special position owing to her status as a woman.

The investigator also found insufficient evidence to conclude CES, City of Seattle HR or Seattle City Light HR had failed to act on any “reported behavior” as maintained in the Petition.

Notably, the term “reported behavior” was not defined. When asked what they believed this term to mean, the majority of the investigation interviewees said they did not know. Others said they just assumed it meant anything their colleagues might have reported to human resources, but they could not attribute it to any person. A small minority said they thought it might have referred to **Empl #1** own complaints about their colleagues. However, as this report makes clear, almost none of the alleged acts of misconduct revealed during the investigation were ever reported to anyone. The only exception is the conduct by **Empl #50** which **Empl #41** brought to the attention of **Empl #63** and was specifically addressed, as well as the claims articulated by **Empl #5** at the time she resigned.

To the extent **Empl #1** in drafting the Petition, was referring to the allegations she reported to City Light HR and that was investigated internally, the available records confirm that her allegations of harassment and other related misconduct were investigated and conclusions were made. Although **Empl #1** may not have agreed with the conclusions - disagreement is not the same as inaction.

Respectfully submitted,

Celeste M. Monroe