

Michael V. Tom, J.D.
Northwest Workplace Investigations

Date: March 30, 2022
To: Thomas Carr, County Legal Counsel
Adriana Ortega, Assistant County Counsel
From: Michael V. Tom, JD, Northwest Workplace Investigations
Re.: Washington County Workplace Investigation
Subject: Chair Kathryn Harrington – Alleged Conduct and Policy Violation Concerns

INTRODUCTION

Washington County Legal Counsel referred this matter for an outside independent workplace investigation. Concerns arose when a former Washington County (“the County”) employee raised allegations against the Board of County Commissioners Chair, Kathryn Harrington, for alleged mistreatment by Chair Harrington. The concern alleged that Chair Harrington treated the reporting party¹ disrespectfully and unprofessionally while working with Chair Harrington at the County. Additionally, other informal and similar concerns arose from other interviewed current and former employees and County Commissioners who reported their observations and experiences for this investigation.

The County provided administrative policy that reportedly protects, guides, and applies to all elected public officials and employees. In the County Administrative Policy No. 301 titled, “Workplace Discrimination, Harassment, Sexual Assault, and Retaliation Prevention,” the general policy provision in part provides, “Washington County is committed to providing a work environment that is fair, civil and respectful of each person’s dignity...” Emphasis added. Further, the County defines “Workplace Harassment” in part to include, “...all unwanted offensive conduct that may affect an individual’s terms and conditions of employment.” The presented concerns are reviewed as allegations that Chair Harrington engaged in unprofessional, disrespectful and/or bullying conduct and behaviors that interfered with employees’ terms and conditions of employment, that potentially violated County policy.

Therefore, this workplace investigation assessed and determined whether the evidence gathered shows Chair Kathryn Harrington violated Washington County Administrative Policy No. 301 for engaging in behaviors and/or conduct towards employees that is not fair, civil and/or respectful and constitutes “Workplace Harassment.” The specific concerns/allegations raised in this investigation stem from alleged incidents summarized as Chair Harrington allegedly:

1. Engaging in disrespectful, abusive and unprofessional language about an employee to another employee by using profanity in the workplace.
2. Yelling/screaming and engaging in unprofessional and disrespectful conduct towards an employee.

¹ Many witnesses reported concern for potential repercussions and/or retaliation from Chair Harrington. To aid in protecting their identities, each is referred to as “a witness” or “reporting party.”

3. Using disrespectful body language towards employees and others during meetings.
4. Engaging in intimidation, condescension and/or rudeness towards County employees.

INVESTIGATION SUMMARY

Witnesses Interviewed²

Interviews of twenty-one witnesses included current and former Washington County employees, Washington County Commissioners, one non-employee and Chair Kathryn Harrington. The interviews sought to gather information and evidence relevant to the allegations raised for policy assessment through this investigation. One anonymous complainant and another witness that communicated their general awareness of concerns and allegations against Chair Harrington were not interviewed for this investigation.

Documents and Evidence Considered

1. Washington County Administrative Policy Sect. 301 – Human Resources, “Workplace Discrimination, Harassment, Sexual Assault, and Retaliation Prevention,” adopted 1/7/20.³
2. Reporting Party email “Dealing with Difficult Situation,” dated June 17, 2021 to County Administrator, Tanya Ange.
3. Email to investigator regarding a witness observations dated February 1, 2022.

Summary, Analysis and Findings

Question for overall determination of the below allegations nos. 1-4: Did Chair Kathryn Harrington violate Washington County Administrative Policy No. 301 because she engaged “Workplace Harassment” behaviors and/or conduct towards employees that was not fair, civil and/or respectful?

Analysis of Concern/Allegation 1: Engaging in disrespectful, abusive and unprofessional language about an employee to another employee by using profanity in the workplace.

The reported incident involved Chair Harrington speaking with a county administrator during a virtual meeting about another employee. Chair Harrington reportedly complained to the administrator, “It was like a F*** you from (employee’s name).” The Chair reportedly made the comment in reaction to the employee’s open meeting comment and response to the Chair, “Thank you for that suggestion, we will look into it.” The Chair’s “F*** you” comment to the administrator reportedly occurred during a work meeting and it was loud enough that the employee being discussed directly overheard the comment through the adjoining office wall. The employee was reportedly upset, crying. The employee mentioned the Chair’s comment with County Legal Counsel when by chance, County Counsel encountered the employee crying in the hallway. Chair Harrington’s overheard

² All witnesses provided their verbal consent for audio recording of their virtual video interviews conducted remotely due to Covid-19 precautions.

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comment reportedly upset the employee to the degree that the employee left their office to work in another workspace across the hallway.

In the administrator's investigatory interview, the administrator reported and confirmed Chair Harrington's alleged comment as noted above. The administrator reported that although the administrator's office door was closed, "the office walls are thin" and the aggrieved employee's office happens to adjoin the administrator's office. The administrator reported that this employee apparently overheard Chair Harrington's comment through the wall. The administrator reported after the meeting with the Chair that the administrator saw the aggrieved employee upset and crying about the comment. The administrator understood that the employee encountered and spoke with County Counsel to discuss the Chair's overheard comment. The administrator reported when Chair Harrington learned that the employee overheard the Chair's comment, the Chair was remorseful. The administrator reported that the Chair tried to "be nice" to the impacted employee after learning that the employee heard the Chair's comment.

In the investigatory interview with the impacted employee, the employee reported that Chair Harrington is "unpredictably volatile" and you "never know which Kathryn you are going to get." The employee described the Chair as "Jekyll and Hyde," and reported that the Chair can be straight-forward and happy one moment and then in the next moment will raise her voice and appear unhappy. The employee reported directly hearing Chair Harrington and the administrator's conversation through a shared office wall. Leading up to the comment, the employee reported that they presented to the Board of Commissioners and the Chair reportedly seemed upset about County staff appearing in front of city councils and interacting with the cities without the Chair's knowledge. In the employee's investigatory interview, the employee reported saying something like "Oh, ok, sure," in response to the Chair's concern in the Board meeting. The employee reported that later outside the meeting, the employee overheard Chair Harrington through the office wall complaining to the administrator, "When (employee's name) said 'yes,' I know what she was thinking, 'F*** you.'" In the investigatory interview of the aggrieved employee, the employee reported the comment upsetting, and that the Chair later appeared apologetic only because the employee overheard the comment through the wall. Additionally, the employee reported that the Chair is the reason the employee is leaving their employment with the County.

Chair Harrington's Response: In Chair Harrington's investigatory interview, she reported concerns about a comment the County employee made during a public meeting. Chair Harrington reported that she later spoke virtually with the administrator and questioned what the employee was thinking by making the comment. Chair Harrington reported saying, "That was like a F*** you from (employee's name)." Chair Harrington reported that the County installed soundproofing because of the incident of the employee overhearing her comment to a county administrator. Chair Harrington reported that she knew that the employee was upset and crying because of her comment. Chair Harrington reported that she has not apologized to the employee.

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Analysis of Concern/Allegation 2: Yelling/screaming and engaging in unprofessional and disrespectful conduct towards an employee.

The incident involved Chair Harrington allegedly being upset by the reporting employee's error of sending the wrong version of a letter (testimonial information) to the Metro Council that was inconsistent with the Chair's actual position and testimony. The mistake and incident reportedly publicly embarrassed the Chair. Upon discovering the error, the Chair reportedly confronted the reporting employee about the mistake. The reporting employee alleged that the Chair yelled/screamed and raised her voice at them. The reporting employee reportedly responded that the Chair needed to stop talking "in that way," and, "When you calm down, we can take care of this."⁴ The reporting employee reported the incident caused the employee to use sick time away from work and caused the employee to complain and allege to the County Administrator and Human Resources that the Chair created an abusive work environment. In the reporting employee's investigatory interview, the employee reported that they left County employment because of the incident and ongoing concerns with Chair Harrington.

The reporting party in their investigatory interview also reported that Chair Harrington treats others in the workplace disrespectfully. The reporting party reported that while the Chair could be nice and delightful, she also interrupted, spoke down to the employee and others, rolled her eyes and made faces during meetings. The reporting party further reported that the Chair slams her office door, yells in the hallway and sometimes reportedly threatens and uses harsh language with the other elected officials.

An interviewed employee reported that the wrong letter was sent to the Metro Council. The employee reported that Chair Harrington appeared agitated, upset, embarrassed and ashamed by the mistake. The employee reported that the Chair went to the reporting party's office and the employee heard a loud exchange of voices between the Chair and the reporting employee. Later, in the Chair's office, the employee reported that the Chair and the reporting party continued discussing the error. The Chair reportedly said that she was ashamed, embarrassed and was "made a fool" in front of her former colleagues because the wrong letter was sent. The

⁴ During the investigatory interview, the reporting party reported another incident during the Fall of 2019 in which Chair Harrington "blew up" at the reporting employee. The reporting employee told Chair Harrington to "take a deep breath," and, "there was no need to get excited."

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witness further reported that the Chair stood and used an elevated voice, had a flushed face and watery eyes. The witness reported that the reporting party sat and spoke with an elevated voice and red face. The witness observed the reporting party telling the Chair, "I can't do this right now, I'm emotional and we can talk when you calm down." The witness noted that the reporting party then "stormed out of the Chair's office." The witness reported that the Chair sat down and cried. The witness reported that the Chair's behavior during the incident did not rise to the level of bullying or intimidation, but it was "an emotional and loud exchange" between the Chair and the reporting employee.

In another witness investigatory interview, the witness observed the Chair red-faced, teary and yelling about something wrong in a report while standing next to the reporting party. The reporting party effectively said to the Chair, "stop talking to (to the employee) that way," and the reporting employee responded that reporting party, "was not talking to her until she (the Chair) calmed down," and, "it was a little mistake." The witness could not hear the Chair clearly or even all of the conversation, but to the witness, it appeared to be "yelling and a commotion." The witness reported seeing the reporting party really upset and sobbing because of the Chair's behavior. The witness noted it was embarrassing and public and the Chair "shredded and dressed (the reporting employee) down." The witness reported personally experiencing a similar interaction by the Chair directed at them and reported that the Chair is not professional, respectful or civil in these types of interactions.

A third interviewed witness reported hearing the incident from a nearby work area. The witness reported hearing Chair Harrington's through her closed office saying, "No, no, no." The witness described the Chair's voice as raised and angry and the witness heard the reporting party tell the Chair to calm down. The witness also heard the reporting party respond to the Chair, "I'll calm down after you calm down." The witness reported hearing Chair Harrington's louder tone and reported the reporting party tried to defend their self, but did not yell back at the Chair. The witness reported that the Chair engages in disrespectful behaviors and was "getting away" with treating the reporting party poorly.

A fourth interviewed witness reported overhearing a loud incident between the Chair and the reporting party. The witness reported hearing the Chair engaged in "maniacal screaming that escalated to abuse." The witness reported hearing the reporting party tell the Chair, "You don't get to talk to me that way," as the Chair "stormed past me." From the incident, the interviewed witness reported that the County Administrator met with the Chair for "two hours" to calm the Chair down. The witness reported that the Chair's conduct and behaviors are a "resource and energy suck." The witness reported their opinion that Chair Harrington's behavior is unprofessional, fear-based actions, and egregious behavior that negatively impacts the office staff.

A fifth interviewed witness described hearing a "heated" incident between Chair Harrington and reporting party. The reporting party told the Chair something about, "I don't like the way you're talking to me," and, "when you're ready to calm down, we can talk (about this)." The witness reportedly also heard the reporting party tell Chair Harrington that it was "not a healthy work environment" before leaving Chair Harrington's office.

Chair Harrington's Response: In her investigatory interview, Chair Harrington reported that the reporting employee's mistake caused her embarrassment. She reported feeling that she let her colleagues and the Metro Council down because the wrong sent letter did not accurately reflect the County Commission and others' position. Chair Harrington reported that after discovering the mistake, the reporting employee came to the Chair's office to try to assess the error. The reporting employee reportedly tried to diminish the incident by claiming initially that the reporting party did not make a mistake and later saying that it was a "small matter."

The Chair reported that she reviewed documents on a monitor screen with the reporting employee to assess the error and the Chair's voice was "animated." However, the Chair denied "yelling or screaming" during the incident. The Chair reported that the reporting employee had an angry voice. Chair Harrington reported at one point the reporting employee told the Chair not to talk to her "in that tone," and, "do not talk to me like this." The reporting employee then left the Chair's office and reportedly left work for the day. The Chair reported that she told another employee who was present at the incident that it was embarrassing and that employee should not need to see it (the interaction/behaviors of the reporting employee). The Chair reported that she went to the County Administrator to report the mistake/incident. The Chair reported her embarrassment and that she cried in the Administrator's office. Some weeks later, Chair Harrington reported that she told other County officials she could no longer work with the reporting employee who made the mistake and the reporting employee separated their employment with the County.

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Analysis of Concern/Allegation 3: Using disrespectful body language towards employees and others during meetings.

One interviewed witness reported that in public meetings, Chair Harrington indicates disinterest or becomes "short" with presenters by "rolling" her eyes, becomes "short" and/or moves onto other agenda items. The witness reported that Chair Harrington sometimes is "thrown off" or flustered if a meeting does not go as planned by the agenda.

Another witness reported that Chair Harrington's face tightens and she shuts down with crossed arms and sits back when the Chair is not happy during a meeting. The witness reported seeing the Chair engage in some "eye

rolling” in apparent disagreement with the speaker. The witness reported that Chair Harrington “has a strong personality and does not suffer fools.”

Another interviewed witness reported during meetings, the Chair occasionally will “eye-roll” and use very expressive faces with her eyes wide and raised eyebrows.

Another interviewed witness reported that Chair Harrington engages in heavy sighing, rolling her eyes and putting her hand on her head when she is frustrated. The witness reported that the Chair also makes statements indicating her frustrations and patience is wearing thin.

Another interviewed witness reported that many of the Board of Commissioners engage in rolling eyes. The witness reported that it was a natural human reaction and not because of “active disrespect” or unkindness. The witness added that it might be a response to move the meeting agenda along.

One interviewed witness reported that Chair Harrington rolls her eyes, furrows her brow and interrupts Board Commissioners and staff during Board meetings. The witness reported that Chair Harrington is not respectful or civil and retaliates.

Chair Harrington’s Response: Chair Harrington reported that she tries to “catch” herself from using the alleged body language. She reported that on one occasion a commissioner called to the Board’s attention that the Chair did not agree with some discussion point because of Chair Harrington’s apparent facial or body language during the meeting.

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Analysis of Concern/Allegation 4: Engaging in intimidation, condescension and/or rudeness towards County employees.

One witness reported that they observed Chair Harrington express frustration towards others. The witness reported that Chair Harrington becomes curt and has a different cadence to her voice that is clearly expressing her unhappiness and displeasure. The witness reported the Chair is stern and direct, and at times the Chair borders on being unprofessional. The witness reported that the communication style makes others (employees) feel uncomfortable because of the Chair’s position of power.

Another interviewed witness reported in their investigatory interview that Chair Harrington is not self-aware and has an unkind delivery style. The witness reported that in past the Chair acted disrespectfully, but not

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within the last six months. The witness reported, the Chair's conduct has improved. The witness reports being unsure if Chair Harrington engages in disrespectful behaviors anymore.

Another interviewed witness reported that in the first three weeks of working with Chair Harrington, the witness saw the Chair "screaming" at another employee. The witness described the Chair's behavior as hostile and abusive and "way beyond unprofessional." The witness described Chair Harrington's behavior as "trauma, fear-based, 'Devil wears Prada' behaviors that put everyone on alert." The witness reported that they saw Chair Harrington's impact on other employees as upsetting. In two situations the witness saw employees in tears and one of the employee's hands shook. The witness reported that the Chair's behaviors impact the office and the County staff are "jumping to attention" because of their fear (of the Chair). The witness reported in the past 3-4 months that the Chair became more supportive and "over-the-top intentional" to show kindness towards others.

Another interviewed witness reported that Chair Harrington yelled at one particular employee on two different occasions. The witness reported observing concerning, upsetting and disrespectful behavior from the Chair. The witness reported seeing employees crying, upset and/or embarrassed by the Chair's behaviors towards them. The witness reported that if the Chair was an employee, "there'd be discipline because of (the Chair's) disrespectful and unprofessional behaviors."

Another interviewed witness reported that Chair Harrington in 2019 engaged in intimidation and made "sharp" comments if there was disagreement. The witness reported the Chair was "condescending and spoke down to you." The witness reported that Chair Harrington sometimes "cuts off" people in public meetings and makes direct (unkind) comments. The witness expressed that it would be better if the Chair held the conversations in a private setting. The witness reported one instance of the Chair raising her voice and yelling at the witness in front of County staff. The witness reported confronting Chair Harrington about the behavior that the Chair did not engage in the behavior again. The witness reported that the Chair gets angry and "moves on without realizing the collateral damage." The witness reported that Chair Harrington "cannot see herself, is not reflective, and lacks emotional intelligence." The witness reported that Chair Harrington could benefit from a coach that she could trust to provide (honest) feedback that might differ from the Chair's perspective.

Another interviewed witness reported hearing "loud screaming" from Chair Harrington and described the Chair as "not the kindest to work with." The witness reported that Chair Harrington does not give others the benefit of the doubt or allow others grace. The witness reports that Chair Harrington is creating a work environment where staff want to leave and they are on "pins and needles" and sometimes crying because of interactions with the Chair. The witness reported one example when the Chair singled out a (now former) employee and "humiliated him in front of the Board."⁵ The witness reported that the Chair treated the employee rudely because of her power differential with the employee. The witness reported that the Chair is not always civil in her interactions and engages in disrespectful conduct (in the workplace) at times. The witness also reported that Chair Harrington is brilliant, has great ideas and is good for the County. However, the witness reported that

⁵ There were other witnesses that similarly described the incident towards the (now former) employee as "targeted" and "rude" behavior towards the employee. The Chair apparently told the employee to sit near the wall and not at the conference table with the other meeting attendees. Chair Harrington reported the employee was not invited to the meeting and she questioned the employee's presence and suggested political motivation for attending the meeting.

the Chair “doesn’t have to destroy careers to do it and people are leaving or don’t want to work with her,” and, “her behavior needs to change.”

Another interviewed witness reported not seeing Chair Harrington engage in any unfair, undignified and/or disrespectful behaviors. The witness further reported no witnessing any humiliating or shaming behaviors by Chair Harrington. The witness reported that Chair Harrington does “not have a great filter” and is blunt and direct (in her communications). The witness reported that now with Tanya Ange as the County Administrator, there is a buffer between Chair Harrington (and employees). The witness reported there are now less concerns raised about the Chair.

A number of witnesses reported that Chair Harrington (as well as other Commissioners) uses an abrupt, blunt and direct communication style. From some reporting witnesses, they observed it was difficult to determine whether Chair Harrington’s communication and conduct rose to disrespectful or unprofessional behaviors. One witness believed that Chair Harrington’s conduct probably did not violate policy. However, in their opinion Chair Harrington creates an environment of hostility and shows poor leadership.

A number of witnesses described Chair Harrington’s communication style as using intimidation, using a demeaning tone, “not being a team player,” and engaging in public embarrassment of people. One of these witnesses questioned “the tone at the top” from Chair Harrington because of her treatment of people. Some witnesses reported that the Chair is not a “people person.”

Chair Harrington’s Response: In her investigatory interview, Chair Harrington reported that she is not rude and does not interrupt employees. She reported that no one told her that anyone (County employee) felt bullied or intimidated or had cried or been fearful because of the Chair’s alleged behaviors. In response to allegations that she is condescending or disrespectful, Chair Harrington reported that she has high expectations and expects high quality and accountability from County employees. Chair Harrington reported her appreciation for County employees who she described as smart and dedicated. She further reported that “people have grown and improved with more career development and training support,” that she partially attributes to the change in the work culture that she brought when becoming the new Chair of Washington County’s Board of County Commissioners.

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