

**Investigation by Michael V. Tom, J.D.**

**Northwest Workplace Investigations**

**March 28, 2022**

**FACTUAL SUMMARY**

This memorandum is a condensation from the record of significant facts pursuant to ORS192.360(1) from the investigation by Michael V. Tom into allegations involving Washington County Commission Chair Kathryn Harrington (“Chair Harrington”).

The investigation reviewed four allegations:

1. Chair Harrington engaging in disrespectful, abusive and unprofessional language about an employee to another employee by using profanity in the workplace.
2. Chair Harrington was yelling/screaming and engaging in unprofessional and disrespectful conduct towards an employee.
3. Chair Harrington using disrespectful body language towards employees and others during meetings.
4. Chair Harrington engaging in intimidation, condescension and/or rudeness towards County employees.

The following summarizes the significant facts relevant to each allegation.

**1. Chair Harrington engaging in disrespectful, abusive and unprofessional language about an employee to another employee by using profanity in the workplace.**

As to the first allegation, the following information was collected:

What was reported:

It was reported that while Chair Harrington was on a Teams call with a county administrator speaking about another employee (impacted employee), Chair Harrington said to the administrator, “It was like a F\*\*\* you from (impacted employee’s name).” The comment was 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 impacted employee reported that they presented to the Board of Commissioners and the Chair seemed upset about County staff appearing in front of city councils and interacting with the cities without the Chair’s knowledge. The impacted employee reported saying something like “Oh, ok, sure,” in response to the Chair’s concern. The impacted employee reported that later 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.’”

The impacted employee reported they left their office to work in another workspace across the hallway. The impacted employee mentioned the Chair’s comment with County Counsel after County Counsel encountered the employee crying in the hallway.

The administrator reported that the administrator’s office door was closed but the office walls are thin and the impacted employee’s office adjoins the administrator’s office and overheard Harrington’s comment through the wall. The administrator reported after the meeting with the Chair, the administrator saw the impacted employee upset and crying about the comment. The administrator understood that the impacted employee encountered and spoke with County Counsel.

Chair Harrington’s response:

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

**2. Chair Harrington was yelling/screaming and engaging in unprofessional and disrespectful conduct towards an employee.**

As to the second allegation, the following information was collected:

What was reported:

An employee reported (“reporting employee”) that Chair Harrington was 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. The reporting employee alleged that upon discovering the mistake, the Chair yelled/screamed and raised her voice at them. The reporting employee responded that the Chair needed to stop talking “in that way,” and, “when you calm down, we can take care of this.” The reporting employee reported the incident caused them to use sick time away from work and caused them to raise allegations to the County Administrator and Human Resources that the Chair created an abusive work environment.

Witness accounts included reports that Chair Harrington appeared agitated, upset, embarrassed and ashamed by the wrong letter being sent to Metro Council; that 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; that the Chair stood and used an elevated voice, had a flushed face and watery eyes; that the Chair was red-faced,

teary and yelling about something wrong in a report while standing next to the reporting party; and that the Chair was heard through her closed office saying, “no, no, no” in a raised and angry voice; that after the reporting party left, the Chair sat down and cried; and that the County Administrator met with the Chair for two hours to calm her down.

Witness reports included that the reporting party sat and spoke with an elevated voice and red face; that the reporting party told the Chair to calm down; that the reporting party made statements like, “I can’t do this right now, I’m emotional and we can talk when you calm down,” “you don’t get to talk to me that way,” and “I’ll calm down after you calm down”; that the reporting party stormed out of the Chair’s office; and that the reporting party was seen upset and sobbing.

Chair Harrington’s response:

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 Chair Harrington’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 she described her voice as “animated.” Chair Harrington denied yelling or screaming during the incident. Chair Harrington reported that the reporting employee had an angry voice. Chair Harrington reported at one point the reporting employee told Chair Harrington not to talk to her “in that tone,” and, “do not talk to me like this.” The reporting employee then left Chair Harrington’s office and reportedly left work for the day. Chair Harrington 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). Chair Harrington reported that she went to the County Administrator to report the mistake/incident. Chair Harrington reported her embarrassment and that she cried in the Administrator’s office.

### **3. Chair Harrington using disrespectful body language towards employees and others during meetings.**

As to the third allegation, the following information was collected:

What was reported:

Witnesses reported that during meetings, Chair Harrington indicates disinterest, becomes “short,” or makes statements expressing frustrations with presenters and/or moves onto other agenda items; is sometimes “thrown off” or flustered if a meeting does not go as planned by the agenda; and has been observed using expressive faces, rolling her eyes, heavy sighing, putting her hand on her head or shutting down with crossed arms and sitting back when unhappy in meetings.

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.

**4. Chair Harrington engaging in intimidation, condescension and/or rudeness towards County employees.**

As to the fourth allegation, the following information was collected:

What was reported:

Witnesses reported that Chair Harrington becomes curt and has a different cadence to her voice that is clearly expressing her unhappiness and displeasure; is stern and direct, and at times the Chair borders on being unprofessional; her behavior can be hostile and abusive and beyond unprofessional; she can be condescending and speaks down and cuts off people in public settings; she does not give others the benefit of the doubt or allow others grace; she has been seen yelling at employees; she treated an employee rudely because of the power differential with the employee; she is not a team player or a people person; her communication style is abrupt, blunt and direct; she uses intimidating and a demeaning tone; that it was difficult to determine whether Chair Harrington's communication and conduct rose to disrespectful or unprofessional behaviors; she does "not have a great filter" and is blunt and direct (in her communications) but has not seen Chair Harrington engage in any unfair, undignified and/or disrespectful, humiliating, or shaming behaviors; she is not self-aware and has an unkind delivery style; she cannot see herself; she is not reflective and lacks emotional intelligence; and she could benefit from a coach that would provide honest feedback.

Witnesses reported seeing employees upset, embarrassed, crying and an employee's hands shook, and on pins and needles because of Chair Harrington.

Witnesses reported confronting Chair Harrington about her behavior and that the Chair did not engage in the behavior again; that Chair Harrington's conduct has improved and while she acted disrespectfully in the past, but not within the last six months; that in the past 3-4 months, Chair Harrington became more supportive and "over-the-top intentional" to show kindness towards others; that Chair Harrington is brilliant, has great ideas and is good for the County but her behavior needs to change; and that the County Administrator serves as a buffer between Chair Harrington and employees and there are now less concerns raised.

Chair Harrington's response:

Chair Harrington reported that she is not rude and does not interrupt employees. She reported that no one told her that any 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.