

COMPLAINT TO EEOC SEATTLE FIELD OFFICE

Re: Violation of FEPA Worksharing Agreement by Seattle Office for Civil Rights;
Compromised Investigation and Retaliation Against Complainants

Date: February 26th, 2026

Filed By: Matt Edgerton, Union Representative PROTEC17 On behalf of affected employees of the Seattle Office for Civil Rights (SOCR/OCR) Pursuant to 29 CFR § 1601.7(a)

Filed With: EEOC Seattle Field Office Federal Office Building 909 First Avenue, Suite 400
Seattle, WA 98104-1061

I. INTRODUCTION

PROTEC17 files this complaint on behalf of employees at the Seattle Office for Civil Rights ("OCR") who reported discrimination, harassment, and retaliation by OCR's Director and Deputy Director. This complaint concerns two related failures:

First, the City of Seattle is violating the FEPA worksharing agreement by processing discrimination charges against OCR — a designated Fair Employment Practices Agency — through its own Human Resources Investigative Unit (HRIU), rather than referring them to EEOC as required.

Second, the investigation process itself has been compromised. Evidence now shows that the subject of the discrimination complaints contacted the HRIU Director the day before HRIU reached out to the complainants' union representative requesting their identities. The subject pre-labeled the complaints as "false" to HRIU leadership before any investigation occurred. HRIU then sought to identify the complainants to the very individual accused of discriminating against them.

PROTEC17 requests that EEOC retain and process all charges arising from this complaint directly, as required under the worksharing agreement. Individual charging party information is withheld pursuant to 29 CFR § 1601.7(a) to protect employees from further retaliation.

II. PARTIES

Respondent Employer: City of Seattle

Respondent Agency: Seattle Office for Civil Rights (OCR), a designated FEPA under worksharing agreement with EEOC

Subjects of Complaint: Derrick Wheeler-Smith, OCR Director; Fahima Mohamed, OCR Deputy Director

Charging Party Representative: PROTEC17, exclusive bargaining representative for OCR employees

III. JURISDICTIONAL BASIS

Seattle OCR is a designated FEPA listed under the EEOC Seattle Field Office. The standard FEPA worksharing agreement provides:

"The EEOC will initially process all charges against the FEPA or its parent organization where such parent organization exercises direct or indirect control over the charge decision-making process."

The City of Seattle is OCR's parent organization and exercises direct control through mayoral appointment of the OCR Director, Deputy Mayor oversight of both OCR and HRIU, and City budget and personnel authority. Charges against OCR or the City arising from OCR employment must be retained and processed by EEOC.

IV. STATEMENT OF FACTS

A. Protected Activity

In 2025, PROTEC17 union stewards conducted an anonymous employee survey at OCR. Results showed 52.6% of respondents had witnessed workplace misconduct and 36.8% had witnessed retaliation. Employees reported discrimination based on gender identity, sexual orientation, race, national origin, and disability.

On December 5, 2025, PROTEC17 delivered a confidential memo to Mayor-Elect Katie Wilson's transition team documenting these allegations and recommending removal of the Director and Deputy Director. Distribution was tightly controlled.

In late January/early February 2026, approximately ten current and former OCR employees spoke on background with a reporter, corroborating the allegations. The resulting article was published on February 23, 2026.

All of the above constitutes protected activity under Title VII, Section 704(a).

B. HRIU Investigation - Worksharing Agreement Violation

On February 12, 2026, HRIU investigator Quinn Dennehy contacted PROTEC17 requesting that the union identify specific employees who had reported discrimination so that HRIU could conduct intake interviews. The PROTEC17 memo was attached.

When PROTEC17 asked how the complaint reached HRIU, Dennehy stated that "mandatory reporters relayed them to HRIU" per standard protocol and deflected further inquiry to HRIU Director Ray Sugarman.

This routing violates the worksharing agreement. HRIU is a unit within the City of Seattle's Department of Human Resources (SDHR). SDHR reports through the same executive chain of command that oversees OCR. The Deputy Mayor oversees both HRIU's parent department and OCR. SDHR is a service department without directive authority over department heads — HRIU is being asked to investigate individuals who hold more institutional authority than HRIU's own chain of command.

The City, as OCR's parent organization exercising direct and indirect control over charge decision-making, cannot investigate charges against its own FEPA. These charges must be processed by EEOC.

C. The Subject of the Investigation Triggered HRIU's Outreach

On February 24, 2026, Director Wheeler-Smith sent a public complaint letter — copied to the Mayor, City Council members, the City Attorney, HRIU Director Sugarman, and multiple press outlets — in which he voluntarily disclosed the following timeline:

- February 7, 2026: Deputy Mayor Brian Surratt called Wheeler-Smith and informed him of the employee complaints and an incoming press story.
- February 9, 2026: Wheeler-Smith texted Surratt asking: "Has an internal investigation already begun?"
- February 11, 2026: Wheeler-Smith emailed HRIU Director Ray Sugarman to report Surratt's conduct and — in Wheeler-Smith's own words — "to inquire about an alleged HR complaint based upon false allegations."
- February 12, 2026: Quinn Dennehy contacted Wheeler-Smith with notice of a confidential investigation.
- February 12, 2026: Quinn Dennehy contacted PROTEC17 requesting employee names.

The subject of the discrimination complaints contacted the director of the investigative unit, pre-labeled the employee complaints as "false allegations" before any investigation occurred, and HRIU's outreach to the complainants' representative followed one day later.

Dennehy's explanation that the complaint arrived through "mandatory reporters" is contradicted by Wheeler-Smith's own account of directly contacting HRIU Director Sugarman about the complaints the day before Dennehy reached out.

The investigation was either initiated or accelerated by the person being investigated. Its independence is fatally compromised.

D. Ongoing Retaliation

Since employees engaged in protected activity, the following retaliatory conduct has occurred:

1. Director learned of HRIU intake participation: At least one employee who agreed to participate in an HRIU intake interview withdrew within hours after learning that

Director Wheeler-Smith had been informed of their participation. The employee subsequently received threats from community members associated with the Director.

2. Threats and retaliation: Employees have reported escalating threats directed at those believed to have participated in the complaint process.
3. Public attack on complainants (February 24, 2026): Director Wheeler-Smith sent a formal complaint to HRIU Director Sugarman, City Attorney Anne Vold, Mayor Wilson, City Council members, and multiple press outlets. In this letter, Wheeler-Smith:
 - Characterized the employee complaints as "false allegations," "baseless claims," "mistruths and misrepresentations," and "defamatory accusations"
 - Referred to the complainants as "a few disgruntled staff—current and former"
 - Announced his intention to pursue legal action for defamation
 - Explicitly opted out of confidentiality as a retaliatory gesture
 - Demanded HRIU "redirect their energy from these baseless claims"

The Director publicly attacked the credibility of anonymous complainants, threatened legal action against those who reported discrimination, and attempted to redirect the investigative body away from investigating his own conduct. This letter is itself an act of retaliation against employees who engaged in protected activity under Title VII.

4. Chilling effect: Wheeler-Smith's public letter will predictably deter OCR employees from participating in any investigation. Employees who have not yet been identified now face the prospect that the Director will publicly attack them if they come forward. This is the retaliation environment the worksharing agreement's FEPA exception is designed to prevent.

E. No Independent Administrative Remedy Exists

OCR employees have been told by OCR investigators that complaints filed with the Washington State Human Rights Commission (WSHRC) within Seattle city limits are routinely routed back to OCR for processing. If accurate:

- EEOC dual-files with OCR under the worksharing agreement
- WSHRC routes Seattle complaints to OCR
- The City's internal process (HRIU) is controlled by the same executive chain overseeing OCR
- The HRIU investigation was triggered or accelerated by the subject of the complaints

Every administrative path leads to OCR or the City investigating itself. Only EEOC, by retaining these charges, can provide an independent process.

V. CHARGES

Charge 1: Violation of FEPA Worksharing Agreement

The City of Seattle, through HRIU, is processing discrimination charges against OCR in violation of the worksharing agreement provision requiring EEOC to retain charges against

FEPAs and their parent organizations. The investigation was triggered or accelerated by the subject of the complaints contacting the HRIU Director, further compromising its independence.

Charge 2: Retaliation (Title VII, Section 704(a))

Employees engaged in protected activity by reporting discrimination through their union representative and by cooperating with a press investigation. Retaliation includes: the Director being informed of complainant participation in HRIU intake; threats from community members associated with the Director; threats amounting to blackmail; the Director publicly attacking complainants' credibility in a mass communication to press, elected officials, and the City Attorney; and the Director threatening defamation litigation against those who reported discrimination.

Charge 3: Pattern of Discrimination at OCR

As documented in the PROTEC17 memo, employee survey, and published reporting, Director Wheeler-Smith and Deputy Director Mohamed have engaged in a pattern of discrimination affecting multiple protected classes including gender identity, sex, race, national origin, and disability.

VI. REQUESTS

1. Retain all charges: EEOC retain and directly process all charges arising from this complaint as required under the worksharing agreement. No charges should be referred to Seattle OCR or any City of Seattle entity.
2. Direct HRIU to cease: EEOC direct the City to cease HRIU's investigation of these complaints, or at minimum direct that no complainant information gathered by HRIU be shared with OCR leadership pending EEOC review.
3. Protect complainant identities: Pursuant to 29 CFR § 1601.7(a), individual identities are withheld. EEOC should process these charges without disclosing individual identities to the respondent until appropriate safeguards are in place.
4. Investigate worksharing compliance: EEOC conduct an on-site evaluation of OCR's charge processing procedures as authorized by the worksharing agreement.
5. Preserve evidence: EEOC issue a document preservation notice to the City of Seattle covering all communications between Wheeler-Smith and HRIU Director Sugarman, all internal routing of the PROTEC17 memo, and all communications between the Deputy Mayor's office and HRIU regarding the OCR investigation.
6. Interim protection: EEOC request that the City take appropriate interim measures to protect complainants from further retaliation during the pendency of any investigation.

VII. EXHIBITS

- Exhibit A: Wheeler-Smith complaint letter, February 24, 2026 (publicly documenting his contact with HRIU Director Sugarman on February 11; publicly attacking complainants)
- Exhibit B: HRIU email from Quinn Dennehy to PROTEC17, February 12, 2026 (requesting employee names)

- Exhibit C: Quinn Dennehy February 17, 2026 follow-up email pressing for names/work groups
- Exhibit D: PROTEC17 letter to HRIU, February 17, 2026 (documenting structural independence concerns, refusal to provide names, and employee withdrawal from intake after Director was tipped off)
- Exhibit E: PROTEC17 memo to Mayor-Elect Wilson, December 5, 2025 (Delivery date)
- Exhibit F: PubliCola article, February 23, 2026

Respectfully submitted,

Matt Edgerton Union Representative, PROTEC17 matt@protec17.org February 26, 2026