

SB 692 TESTIMONY

Tuesday February 7, 2023, HR B, 8:00 am

Senator Taylor, Vice-Chair Bonham, and members of the committee, thank you for your attention and time today. For the record, my name is Tamara Hammack. I turn 50 years of age, May 26. I read somewhere that we begin to heal when we can tell our story in a safe place. I'm here to report unfair labor practices, disability discrimination and retaliation by the Oregon Department of Human Services.

The Department's treatment of me is connected to my work with a colleague in 2018, when we served as internal reporters responsive to US HHS Office for Civil Rights transaction numbers #18-290275, 18-291152, and 18-291153, my participation in an HR investigation October 2019 concerning a manager, and my May 17, 2020, chronology to HR that they first referred to as "death by a thousand slices." As I continue to share my experience, please remember this has never been just about me.

At the time of my complaints, I was an 18-year employee. Since March 2019 my blood pressure had been dangerously high due to a hostile work environment. Things had gotten so bad I called for a meeting with the Director of DHS May 13, 2020; in brief, after that meeting I was yelled at and decided right then my career at Child Welfare was over. I filed a complaint with HR next. I was forced out on stress leave twice in 2020. My healthcare providers were frightened by my alarmingly high blood pressure readings and supported my requests for leave. I was dissuaded by management from applying for workers compensation even though my original FMLA leave requests reported quite clearly my condition was brought on by treatment from multiple central office child welfare workers. Beginning May 2020 and then again March – May 2021, I requested the opportunity of an ADA accommodation or immediate separation from my current reporting structure. I was told it could be traumatizing to other staff if I were moved. They also said what I wrote in my May 2020 complaint was so hurtful – my reply was if they don't like what I've written they should have behaved better.

The Department failed to make a good faith effort to engage me with the interactive process. It was more of the same scrutiny of me, punitive, saying "what makes you flare" and me saying what makes Person X flare? It was not about creating an environment conducive to success. There were no follow ups for a provider note or accommodation ideas – just an absolute shut down on my civil rights under the ADA. But here's the thing – Employment is one of the social

determinants of health. Industrial/organizational psychologists stress how critically important it is to focus on leading with psychological safety because reporting to a toxic environment is highly correlated with negative health outcomes. I applied for over 40 different state agency positions and rotations away from central office Child Welfare - all denied. Advancing me just wasn't conducive to their corruption. I was made to stay in harm's way.

Just one example:

I sent an email to a department executive at 5:30am asking for a fair, just and right resolution to my employment problem, and that as a person with lived traumatic experience I believed this official; a sponsor of trauma informed practices could help. A few days before, I was informed by a prominent attorney that when or if I contacted this Department official for help HR would crack down hard. On that same day in the afternoon, with my blood pressure stroke level, HR counseled me on my use of FMLA leave suggesting over and over it would be just so much better for me to take the leave in small chunks of time, setting the situation up in total disregard for my need to heal fully and stay away from the abuse a longer period than a few hours or day at a time. At the conclusion of this counseling appointment, I was pressured to stay on just a little longer as the HR official had a few more questions. I told them I didn't feel good but he told me it wouldn't take long. The questions turned into more verbal abuse, and accusations, and waving of my management rotation papers, as though I were a criminal and a liar. I began crying and shaking my hands. It was at this point, under so much duress, I feared I was going to have a heart attack, so I agreed with the HR official that the problem really was the culture – yet even then I had the foresight to ask, "Is that why Person X is so mean to me?" The HR official didn't answer and there's still no answer. Where is the accountability?

In a separate anonymous report, I learned that HR regularly commits FMLA retaliation – one HR analyst declared during an HR staff meeting "I don't care how fragile they are, we need a body in the seat!"

From April – June 2021 I was forced to exhaust all FMLA leave, mind you I was still being harassed during that protected time away, I filed for workers compensation and was dehumanized. I have two separate medical reports rebutting the workers comp report the Department NEVER requested or provided me an opportunity to submit, which only served to intensify a hostile work environment going forward.

As I continuously fought for clarity, the Department's hidden procedures for furthering the abuse and traumatization of its truth telling employees were revealed. I had no supports unlike other injured workers. I was turned into the perpetrator which made no sense and was a large part of the betrayal trauma.

One of the losses I will never likely recover from but helped me stay afloat during this time was the sale of my home.

After the workers compensation claim denial, I quickly moved to The Standard's long term group disability policy for which I was awarded eventually a monthly benefit due to hostile workplace exposure. However, March 2022, I voluntarily ended the Standard's benefit as I had mustered enough strength to start up a new part-time career. I spent nearly all of the rest of my time that year seeing a variety of health care doctors.

August 8, 2022, after receipt of an email to my home account insisting again on my voluntary resignation, I then shipped my state issued equipment to the Chief Auditors office because I realized there was nothing left for me at the Department.

As stated, the Department created and controlled a false narrative about me and never asked for any other medical reports only that they insisted on a full medical release before transitioning back to work, and then they suggested perhaps a medical extension or separation from state service due to a medical condition would be better for me. In between all these maneuvers I sent one text reply, because I was being harassed, to a Department official letting them know I would not return to a hostile worksite and would no longer be in communication with them.

In the Department's latest round of shenanigan's, January 31, 2023, they fired me for refusing to return to a hostile worksite, they also demoted me from management service to SEIU represented status. Last year I had a file opened with the BOLI – CRD and am determined to see that case through to its rightful conclusion.

The way to cure what ails the Department is going to be multi-faceted but there are a couple aspects of organizational improvement that could help. One is to instill a true definition of psychological safety by Amy Edmonson, and another key will be ensuring Organizational Justice. When we skip over organizational justice, we just make room for and normalize oppressive ideas, thoughts and actions – particularly those of bullying and abusive bosses.

Had HR or top leadership taken my complaint seriously there would have been a process and a procedure, and it would have made sense. I believe SB 692 puts us on the organizational justice path.

I am saddened knowing this won't be the last testimony of its kind. I have news articles from March 2, 2008 through recent months. Here are a few takeaways:

March 2 2008: *DHS faces challenges, eyes changes*. References to past financial mismanagement, and a recession led to the DHS Director's statement about how they didn't get there overnight and they were not going to change overnight. Another fascinating quote ... "But then, you become institutionalized, you adopt the standards around you as being normal....we have learned to accept what is, and not look past that in terms of what should be." At the time of this article, McKinsey & Company were mentioned as paid consultants in helping to solve the problems in Child Welfare

2016: The public foots a hefty bill with the report by Public Knowledge, LLC which recommended the child welfare division improve its culture.

June 2019, DRO filed a class action lawsuit with the goal of Wyatt B. v. Brown to transform the state's child welfare system.

- The new vision for Child Welfare transformation does not mention children with disabilities or their parents.

June 2019, Former Secretary of State Dennis Richardson's report 2019-24 detailed Child Welfare management problems leading to a very poisonous atmosphere. Recommendation #6 was to establish safe mechanisms for staff to provide input, and develop a transparent process for reporting concerns, tracking them, and ensuring top management takes action to resolve them.

Nov 18, 2019: Oregon jury awards \$1.5 million, finds DHS fired 2 whistleblowers in retaliation.

From 2020 to current:

- There were three child welfare employee suicides
- I was exiled for speaking the truth.

In closing I have a few questions - How can the Department of Human Services lead or maintain any credibility when they act as though they are above the law?

Is there a threshold or a line we do not cross when we look at workplace abuse cases -- institutional complicity -- and enabling of abusive behavior?

The research clearly shows when we fail to act, abusive systems and people only get worse.

By inviting proponents near and far into upcoming work sessions on SB 692 together we can develop solutions that will work for all Oregon communities. It's going to take serious concerted action, perhaps a look to our neighbors in Canada who just passed sweeping workplace anti-abuse legislation and a good long review of a new legislative concept I understand you'll be talking about soon.

Thank you for hearing me out. I am happy to answer any questions.