



June 29, 2022

TO: Cathy Bless, Chief Human Resources Officer

FROM: KC Jones, Audit Services Director, Office of the City Auditor  
Jenny Scott, Performance Auditor III, Office of the City Auditor

SUBJECT: Observations from audit of Fire & Rescue's accountability system

During the Fire accountability system audit, we made observations that were not included in the report. We are required by our professional standards to share this information in writing because we believe the risks nonetheless warrant the attention of management.

We observed the following risk areas:

**The City is not accurately communicating the extent of Rule 2.02 investigations**

Employees should have information about what a Rule 2.02 investigation entails. We concluded that employees may not understand what is involved in an investigation if they rely on the "investigation steps" section of the rule, which does not address recording the intake, notifications to management, and interviews with witnesses and the accused. An investigation process that is more involved and potentially disruptive than what is outlined in the rule could harm employees and dissuade future complaints.

A Human Resources manager told us that the extent of Rule 2.02 investigations is covered during trainings on Rule 2.02. Given that the written rule is always available, it is likely that employees will refer to it rather than relying on information shared in a training that is only required every three-years. We also found that many Fire Bureau employees had not received the refresher training for more than three-years. Human Resources should ensure that clear and accurate written information about the Rule 2.02 investigation process is easy for employees to access.

**Instructions for conducting investigations may not be consistent with state law**

We observed that some Human Resources guidance for conducting Rule 2.02 investigations may not be consistent with workplace harassment and discrimination policy requirements outlined in state law. Human Resources should ensure that Rule 2.02 is in line with state law and related guidance is consistent with the rule.

**We noticed inconsistent categorization of Rule 2.02 violations**

During our review of Fire Bureau investigations from 2018 to 2020, we noticed that Human Resources was not consistent in the types of conduct it categorized as violations of Rule 2.02. Human Resources



should ensure that Business Partners know what types of conduct violates Rule 2.02 since different City rules and state laws govern these complaints and investigations.

### **Initiate conversation about how to better support complainants**

We learned the Fire Bureau and Portland Fire Fighters' Association did not have strong supports for complainants in Rule 2.02 investigations, which could leave employees feeling alienated and have a chilling effect on complaints. Human Resources, through Labor Relations, should initiate a conversation with the union and Fire Bureau about opportunities for providing additional supports for complainants. Human Resources should explore using new resources, such as the Race and Ethnicity Business Partner and LGBTQIA Business Partner, to offer support.

### **There is risk that Human Resources could remove discipline from the central tracking records**

Labor agreements allows Fire Bureau employees to request the removal of discipline records if certain conditions are met. If approved, Human Resources removes the discipline records from the employee's master personnel file, but not the central tracking records. However, the removal request form we reviewed could be misread as instructing staff to update the disciplinary database, and there is a risk that staff could remove discipline from the discipline log. Human Resources should update the request form – and adopt internal guidance – to ensure that discipline records are not also removed from the investigation file, case tracking spreadsheet, or discipline log since this information is important for the City to track.

### **Central tracking may not reflect changes to discipline resulting from grievance process**

We observed that while imposed discipline may be changed through the grievance process, Human Resources' discipline log only captures the level of discipline that the Fire Bureau imposed. Human Resources should centrally track any changes to discipline that result from the grievance process. This information should be used to help identify weaknesses with City practices or policies.

### **Investigations performed by outside entities may be flawed**

The Fire Bureau and Human Resources do not have a policy on when to use an outside investigator or guidance for how outside investigations should be performed, documented, or monitored. The outside investigations we reviewed took longer than average and were not tracked consistently. The investigative files were also missing elements required by Human Resources' procedures. Human Resources should develop guidance to help bureaus decide when to use an outside investigator and ensure that those investigations are in line with the City's goals and policies on investigations.

We appreciate everyone at the Bureau of Human Resources who participated in this audit.

If you have questions, please don't hesitate to contact either Jenny Scott or me.

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