

# Portland Fire & Rescue does not have a coherent accountability system

June 2022



PORTLAND  
CITY AUDITOR  

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Audit Services



# Portland Fire & Rescue does not have a coherent accountability system

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**Mary Hull Caballero, City Auditor**  
**KC Jones, Audit Services Director**

**Audit Team:**  
Jenny Scott, Performance Auditor III  
Jennifer Amriott, Performance Auditor II

Cover: “Fire Station 1.” City of Portland [website](#)

City residents depend on Portland Fire & Rescue when they face unimaginable emergencies. The Bureau has prioritized this essential role by preparing firefighters to deal with various crises and ensuring that stations are always available to respond. It has not showed the same commitment to creating and sustaining an accountable, professional workplace.

The Bureau has more than 700 employees, most of whom are male and white. The Bureau says it wants to diversify its staff and better reflect the community it serves. In 2019, the City's first Black female firefighter was promoted to Fire Chief, and three of the Bureau's five divisions are now led by women. The Bureau has recently taken steps to diversify through changes to recruitment and hiring. But a 2018 workplace study found that some women and people of color in the Bureau feel alienated in the white-male dominant environment, and the family-like culture allows some employees to behave unprofessionally in the workplace.

This audit found that the Bureau has not invested the time, attention, and resources needed to improve its culture and achieve its goal to diversify. The Bureau does not have a coherent employee accountability system, which is an essential component of any healthy workplace. It has not offered recommended training on interpersonal communication and conflict resolution or ensured that employees attend the City's mandatory training on prohibited conduct. The Bureau also has not established clear and well-communicated processes for filing complaints, conducting investigations, and imposing discipline that employees trust.

We make recommendations to Fire & Rescue and the Bureau of Human Resources to develop the Fire Bureau's employee accountability system and improve its workplace culture.

**Fire Bureau's unique work requirements influence its culture**

The Fire Bureau's mission is to protect communities through a combination of prevention and community health programs and responses to fire, medical, natural disaster, and other emergencies.

The Bureau employs more than 700 employees. In 2021, 89 percent were male, and 79 percent were white. More than 30 fire stations operate around the clock across Portland, staffed by small teams of firefighters who work 24-hour shifts every third day. During their shifts, the teams respond to emergencies, maintain equipment and the station, eat meals, train, exercise, and pass free time. Firefighters generally spend most of their 24-hour shift together, except when they retire to their own rooms to sleep.

The Bureau's culture is shaped by employees living together and protecting each other's lives in dangerous situations. Employees described their workplace as a family, and some said they maintain close friendships with co-workers outside of work. Some employees said the close-knit culture was the best part of the job, and that firefighters look out for one another.

**Some employees may not feel part of the family**

There are also downsides to thinking of co-workers as family instead of professional colleagues. A [2018 Portland State University study](#) found that the Bureau's culture made some employees – particularly women and people of color – feel alienated or pressured to conform. This may hinder the Bureau's goal to diversify its workforce.

The study also found the close-knit environment at stations had fostered conflict and unprofessional behavior, including offensive jokes and comments related to sex, race, gender, sexual orientation, and nationality. We found that 43 percent of investigations into Fire Bureau employees between 2018 and 2020 involved allegations of unprofessional behavior, including discourteous, offensive, racist, or harassing conduct. A largely homogenous workforce and decentralized work sites are risk factors for harassment, according to the U.S. Equal Employment Opportunity Commission.

The Bureau's culture and tight station quarters may also make it hard to hold people accountable for misconduct. It may be easier to ignore inappropriate behavior than rock the boat by speaking up. Reporting bad behavior may also be perceived as risky. Some employees said they do not speak up because they fear retaliation.

An additional challenge for accountability is that firefighters often work at the Bureau for their entire careers, and most supervisors and managers have risen through the ranks alongside staff they now supervise. These relationships – and the loyalty they create – may make it difficult for managers to be objective when addressing misconduct.

**Bureau does not have a coherent employee accountability system**

An employee accountability system that identifies and addresses problematic behavior is an essential component of any healthy workplace. An accountability system should:

- Set clear expectations for work requirements and employee conduct and ensure that employees are trained to meet them
- Offer guidance and tools for filing complaints so that employees and community members understand where to go with concerns
- Direct managers what to do if they receive a complaint
- Document and analyze complaints to identify patterns of risky behavior and where training or policy clarification are needed
- Conduct consistent, impartial, and timely investigations into possible misconduct
- Impose predictable, fair, and prompt discipline for misconduct.

Employees must trust the accountability system for it to work. If employees think their complaints will be ignored, fear retaliation for speaking up, see no consequences for breaking rules, or believe the system is not fair, workplace morale suffers, and higher turnover is likely. A weak accountability system may also hinder the Bureau's efforts to recruit more women and people of color.

We found that the Fire Bureau did not have a coherent accountability system that employees understood and trusted. It neglected trainings on expectations for workplace conduct. Its complaint process was unclear, so employees may not have known how to report misconduct, and supervisors may have handled complaints inconsistently. No one analyzed available complaint information to identify trends and prevent future workplace problems. Some employees viewed investigations as inconsistent, unfair, and slow. The Bureau's discipline process was also not predictable or transparent, causing employees to believe that discipline was not fair.

**Bureau neglected training to improve workplace culture**

Consistent with its mission to promote community safety, the Fire Bureau prioritized training on operations – the things firefighters may have to do to protect life, property, and the environment – but neglected training that could improve the Bureau's professional workplace and help advance the Bureau's goal to promote diversity, equity, and inclusion.

Bureau managers have issued memos to staff on expectations for workplace conduct. But employees still had not received training on interpersonal communication, conflict resolution, and team development, as recommended in the 2018 Portland State University study. Bureau managers said they offered stress management training as recommended.

Many employees had not completed refresher training required of all City employees on prohibited harassment, discrimination, racism, and retaliation in the workplace, according to management and the Bureau of Human Resources at the end of 2021. We could not verify the completion rate, because Human Resources' training records were not accurate, and the Fire Bureau did not track them.

Fire Bureau managers pointed to various barriers to workplace trainings. They said in-person trainings are challenging to schedule because stations must be available for emergencies, and the Bureau has not budgeted for overtime needed to backfill positions while crews are in training. Managers said other challenges included work schedules, technical issues with online trainings, leadership turnover, and extra workload related to Covid-19 and wildfire events.

**Bureau offered little guidance and few options for filing complaints**

The Fire Bureau did not communicate clearly how its existing complaint and investigative process was supposed to work. It had no information on its website explaining how employees or community members could make a complaint, except if it was specific to Portland Street Response. Two internal documents described a complaint process but gave differing instructions for reporting misconduct. For example, the Bureau's General Orders, which number 513 pages, included guidance for making certain types of complaints and encouraged firefighters to report harassment or discrimination to their supervisor or others. The guidance was outdated, referring to two recipient entities that no longer exist.

The other internal document told employees to report certain violations to the supervisor of the employee who was the subject of the complaint. While that advice aligned with the Bureau's "chain-of-command" structure, it may have dissuaded some employees from reporting if they didn't have confidence the supervisor would respond appropriately.

Human Resources Administrative Rule 2.02 applies to all City employees and offers several options for filing harassment, discrimination, racism, and retaliation complaints, including avenues outside the supervisory hierarchy. Even though employees can file complaints with Human Resources under the City rule, some Fire employees were hesitant to go outside of their Bureau to take advantage of it.

**Supervisors received little guidance on complaint-handling**

The Fire Bureau's approach to conflict was to have supervisors at the lowest level of the organization address it, but management had not instructed them how to respond to complaints about Bureau employees from the public or co-workers.

The limited guidance about handling complaints meant individual supervisors could decide how best to respond. Some could choose to do nothing, while others elevated issues to Human Resources or up through the chain-of-command.

That latitude is especially problematic in a workplace that views itself as a family and where supervisors often have long-standing relationships with the employees they oversee. This likely contributed to a perception among some employees that the accountability system was uneven and prone to favoritism.

We could not verify the consistency of supervisors' handling of complaints because the Fire Bureau did not document them, and Human Resources tracked complaints only if they resulted in an investigation. Without complaint data, the bureaus also missed an opportunity to identify trends, workplace risks, and training needs.

**Employees perceive investigations as inconsistent, unfair, and slow**

Some Fire Bureau employees perceived misconduct investigations as inconsistent or unfair. They believed outcomes were influenced by who made the complaint, who was being investigated, and who was conducting the investigation. Employees said that favored employees were held to a lower standard than others. Employees also believed investigations took too long to complete, conditions that combined to take a toll on morale because employees did not get a timely resolution if they got one at all.

During our review, Human Resources performed most investigations into Fire Bureau misconduct. We shared additional observations with Human Resources in a separate letter at the end of this report.

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Our audit included a review of investigations conducted by Fire Bureau supervisors, Human Resources, and outside investigators from 2018 to 2020. We could not determine whether investigations were consistent or fair, primarily because documentation was incomplete. Some investigative folders were empty, while others contained only an interview transcript or audio recording. We also found that Human Resources' centralized tracking of investigations and discipline was not complete and included errors and inconsistencies.

When investigative folders contained information to review, we often could not tell if Human Resources' procedures were followed. A number of procedural steps were unclear or worded as suggestions, and some were not required to be documented.

The incomplete information also made it difficult to verify the length of investigations. Those we could assess took between 27 and 376 days to complete, or an average of 116 days.

Human Resources' investigative procedures do not include timeliness benchmarks for completing key steps or guidance on how to complete investigations promptly. And Fire managers, who are increasingly responsible for conducting investigations, have little training and no Bureau-specific guidelines on how to do so. Some also said they are unsure how to prioritize accountability functions within their existing work.

We noted that some delays were outside investigators' control, such as when an employee was on leave from work, and review by the City Attorney's Office. The Fire Bureau and Human Resources said that firefighters' every-third-day shifts can make it hard to schedule and complete interviews.

**Discipline decisions were unpredictable, time-consuming, and viewed as unfair**

Our audit and the Portland State study revealed that many Fire Bureau employees viewed the disciplinary process as unclear or unfair. Some employees said that discipline was inconsistent, and others said it was rarely imposed.

We identified at least 22 investigations from 2018 to 2020 that resulted in discipline, including oral reprimands, written reprimands, and suspensions. In other cases, supervisors counseled employees who violated work rules about their conduct.

With the exception of investigations into allegations of off-duty driving under the influence of intoxicants, the Bureau did not have guidelines to ensure consistent corrective action when an investigation determined an employee violated work rules. A discipline manual for City managers and supervisors developed by Human Resources and the City Attorney's Office says the level of discipline should be based on the severity of the violation and factors unique to the employee, including previous warnings or discipline and work history. As a result, two employees who engaged in similar misconduct may receive dissimilar discipline.

Lack of transparency about the process and disciplinary decision-making likely contributed to employees' mistrust of the process. Fire Bureau policies did not explain that managers and supervisors consider various factors when making discipline decisions. And management said it avoided communicating about imposed discipline, even in general terms, to avoid harming employees.

The Fire Bureau's stated practice of treating information about investigations and discipline as confidential was consistent with City and Bureau guidance. But nothing prohibited the Bureau from conveying non-identifying information to communicate that there were consequences for misconduct or that workplace changes were made as a result of the accountability process. Some complainants and investigated employees may also never learn about the outcome of the investigation because the Bureau did not require that they be notified, and City rules only require notice in harassment and discrimination cases.

The absence of discipline guidelines likely contributed to delays in the accountability process. We found the Fire Bureau took between one and 463 days, or an average of 119 days, to decide discipline after investigations were completed.

The Fire Bureau set a responsible goal to diversify its workforce. It will struggle to achieve it without taking measurable and timely steps to develop a clear and consistent workplace accountability system that employees trust.

## Recommendations

To ensure that the Fire & Rescue Bureau achieves its workforce goals and gains the benefits of an accountable workplace, the Commissioner-in-charge and the Fire Chief should:

1. Set clear expectations for work requirements and employee conduct, including:
  - a. Implementing the [Portland State University workplace culture study](#) recommendations on training and norm-setting.
  - b. Verifying that all employees complete training on prohibited conduct in the workplace, as required by City rules.
2. Develop methods and guidance to ensure:
  - a. Employees and the public understand how to file complaints and have access to multiple reporting options, including one for anonymous complaints.
  - b. Managers and supervisors know procedures for complaint-handling, including how they are documented, routed, and tracked.
  - c. Complaints are centrally and accurately recorded in a format that enables trends to be identified and evaluated for intervention, training, and policy changes, and that this analysis is performed.

- d. Investigations into employee misconduct are consistent, impartial, and timely. The Bureau should adopt guidance for investigations that:
    - Outlines clear instructions on how to conduct investigations;
    - Documents Human Resources' role in investigations;
    - Ensures investigators are trained and have the time needed to conduct investigations;
    - Addresses possible issues unique to the Fire Bureau, such as familiarity bias;
    - Sets timeliness benchmarks for key investigative steps;
    - Includes instructions to help investigators streamline the process;
    - Requires investigations to be periodically reviewed to identify inconsistencies or missed benchmarks;
    - and requires complainants and investigated employees to be notified when investigations are completed.
  - e. Discipline decisions are predictable, fair, consistent, and prompt.
  - f. Improvements to the workplace made as a result of complaints, investigations, and discipline are periodically communicated to employees to show that the accountability system is working.
3. Encourage employees to report harassment, discrimination, racism, and retaliation. The option to report directly to Human Resources should be clear and promoted in case employees are not comfortable reporting up the chain-of-command. Supervisors and managers who fail to forward such complaints to Human Resources should be disciplined, as required by City rule.

We recommend that the Commissioner-in-charge of the Bureau of Human Resources and the Chief Human Resources Officer:

1. Improve Human Resources' investigation guidance to ensure that necessary investigation steps are performed and documented, and that notice is given to employees when investigations are completed. The updated guidance should include timeliness benchmarks for key investigative steps.
2. Accurately document and monitor complaints, investigations, and discipline to enable the data to be analyzed for risks, interventions, policy changes, and training needs.

**The Fire Chief and the Director of the Bureau of Human Resources generally agreed with our recommendations**

View the responses to the audit from Portland Fire & Rescue and the Bureau of Human Resources at the end of this report.

## How we did our work

Our audit objective was to determine if Portland Fire & Rescue's complaint, investigation, and discipline processes were clear, consistent, and in line with industry standards. The Bureau of Human Resources was included because it was involved in or responsible for parts of these processes.

To accomplish our audit objective, we:

- Interviewed sworn and non-sworn managers at the Fire Bureau, employees at two stations, representatives of the Portland Fire Fighters' Association, managers and staff from the Bureau of Human Resources and the Fire and Police Disability and Retirement Office, the City Ombudsman, City Budget Office staff, City attorneys, and a researcher from Portland State University's Center for Public Service.
- Surveyed Fire Bureau employees in 2021 about complaint, investigation, and discipline processes and summarized the 20 responses we received. The survey was anonymous and confidential, and the results cannot be generalized to all employees of the Fire Bureau.
- Incorporated results of the 2018 study conducted by Portland State University's Center for Public Service.
- Surveyed 14 fire departments across the United States about their accountability systems.
- Reviewed: audits; best practices for workplace accountability systems; Portland State University's 2018 Workplace Culture Assessment and two earlier cultural assessments of the Fire Bureau; State laws; Fire Bureau Rules and Regulations, General Orders, Operational Guidelines, and Drug and Alcohol Policy; memos to staff; the City's Human Resources administrative rules; Human Resources' Discipline Manual, Standard Operating Procedures for investigations, and Administrative Rule 2.02 investigation flow chart; the City's Code of Ethics; the City's contract with the Portland Fire Fighters' Association; media coverage; and public information about the Fire Bureau.

- Attended an Administering the Discipline Process training hosted by the City Attorney's Office and Human Resources.
- Reviewed and analyzed Fire Bureau complaint, investigation, and discipline records from 2018 to 2020 provided by Human Resources, risk claim data, and coaching and discipline data from the Fire Bureau's employee management system.

We started this audit in October 2019 and paused it in March 2020 at the request of the Fire Bureau, which experienced increased workload from the Covid-19 pandemic. We restarted the audit in March 2021 and completed fieldwork in November 2021.

Auditing standards require auditors to be structurally independent of the audited organization to avoid any actual or perceived relationship that could impair the audit work performed or findings reported. The City Auditor is responsible under [City Charter](#) to conduct audits, which are performed by the Audit Services Division. Under [City Code](#), the City Auditor is also empowered to receive complaints and conduct investigations. The Fire Bureau investigation and discipline records provided by Human Resources included complaints that were referred to or investigated by the Ombudsman's Office, a division within the City Auditor's Office that is separate from Audit Services. We included these cases in our scope and communicated conclusions about outside investigations in a letter to the Bureau of Human Resources. We do not believe the City Auditor's other non-audit responsibilities constituted a threat to our independence.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



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.

Copy: Chief Boone, Fire Chief  
Ron Zito, Employee and Labor Relations Manager, Bureau of Human Resources  
Katina Lackey, Business Partner, Bureau of Human Resources  
Marquis Fudge, Labor Relations Coordinator  
Jennifer Amiott, Performance Auditor II, Office of the City Auditor



# PORTLAND FIRE & RESCUE



Jo Ann Hardesty, Commissioner  
Sara Boone, Fire Chief  
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June 23, 2022

Auditor Mary Hull Caballero  
City Auditor's Office  
1221 SW 4th Avenue, Room 310  
Portland, OR 97204

## **RE: Audit of Portland Fire & Rescue**

Dear Auditor Caballero:

I'd like to first thank the Auditor's Office for its review of Portland Fire & Rescue's systems of accountability. More than four years ago PF&R commissioned the Portland State University 2018 Workplace Culture Assessment to understand where we had areas for improvement. Our CORE Leadership Team has anticipated this audit as an opportunity to assess our progress and identify concrete actions we can take to improve. We also anticipated this audit process and report to be in a collaborative spirit with an end goal of making positive changes within the Fire Bureau but instead the final audit report highlights our challenges but does not provide balanced information about the measures we are taking to address the challenges.

One primary issue that we have with the report is that the findings and recommendations are based on stale information. The report relies heavily upon the PSU study findings. However, the PSU study is old and much has occurred in the intervening years since it was commissioned – PF&R has had significant leadership change at the executive level, COVID has irrevocably changed the culture of PF&R and the City, the relationship employees have with their workplace is very different than three years ago, and the priorities I have upheld and promulgated since I became chief have been those of transparency and accountability.

Having stated my concern regarding reliance upon the outdated PSU study as the basis of the audit report, I will respond to the specific findings brought forward. I will do my best to keep my comments as succinct as possible before I respond to the recommendations.

### **Some employees may not feel part of the family**

There is no question that PF&R can make greater strides on the diversity and equity front. As the report points out, the bureau has recently taken steps to diversify through changes in recruitment and hiring. However, we do not believe that the family-like bonds we experience in our profession need to be sacrificed in order to achieve an equitable workplace. Those bonds provide the necessary strength for our crews as they mutually confront danger on a routine basis.

The report found that 43 percent of investigations into Fire Bureau employees between 2018 and 2020 involved allegations of unprofessional behavior, including discourteous, offensive, racist, or harassing conduct. I suspect that our investigations into allegations of unprofessional behavior increased precisely because former Fire Chief Myers, in response to the 2018 Workplace Cultural Assessment, actively encouraged members to report behaviors that had previously gone unreported. Moreover, and contrary to the audit's conclusion, this type of investigation is evidence that our employees do possess at least the minimum understanding of methods for reporting misconduct.

**Bureau does not have a coherent employee accountability system**

The report accurately states that we have not and do not analyze complaint information to identify trends to prevent future workplace problems. We are not refuting this point but would like to highlight that we proactively identified our internal resource gaps and sounded the alarm that we need more capacity internally and/or from BHR to create and manage an accountability system.

The audit characterizes the Bureau of Human Resources' (BHR) handling of PF&R's discipline process as inconsistent, unfair, slow, unpredictable, and opaque, as BHR performed most of the investigations of misconduct during the audit review period. We support BHR receiving additional resources needed to perform their critical work and address their gaps; to illustrate our commitment, PF&R funded a BHR Analyst in FY 2021-22 and FY 2022-23. We concur that a weak accountability system has many potential negative impacts, including hindering the bureau's efforts to recruit and retain women and people of color, but the discipline process is not fully under our control. To that point, we will continue to pursue opportunities for collaboration and improvement with our partners at BHR.

**Bureau neglected training to improve workplace culture**

As the report states, "Fire Bureau managers pointed to various barriers to workplace trainings. They said *in-person* trainings are challenging to schedule because stations must be available for emergencies, and the bureau has not budgeted for overtime needed to backfill positions while crews are in training." We believe that this problem could be resolved by additional resources to pay for the increased overtime required for in-person workplace trainings, but also recognize the real funding constraints we operate under as a General Fund bureau.

In 2021, we were able to provide HR 2.02 training to all supervisors. In the same year, the Bureau also entered into an agreement with the Workforce Development Team to allow the Bureau to host City e-Learner courses. While this is video-based training and not in-person, this has increased the bureau's ability to participate in the City's mandatory trainings and to track and report trainings to the BHR Workforce Development Team.

### **Supervisors received little guidance on complaint-handling**

All new supervisors attend specialized training that includes topics specific to handling complaints. This is training hosted and taught by the City Attorney's Office.

While developing the FY 2022-23 Budget, the Fire Bureau executive team concluded that lacking a Professional Standards program puts the Bureau at a disadvantage when trying to develop a robust accountability system. The identification of a Professional Standards Unit as a bureau priority predated this audit report, which was still in the investigative stages when the bureau's requested budget was developed. We raised the importance of this funding request, received broad support, and the City Council has approved two years of funding to implement a Professional Standards program which will create a framework of accountability for the bureau. We look forward to the work ahead of us.

### **Bureau offered little guidance and few options for filing complaints**

In developing the FY 2022-23 Budget, the Fire Bureau executive team identified the critical gaps in the bureau. Of these needs, a Records and Policy Coordinator position was determined to be one of the highest priority needs for the bureau, precisely for the purpose of managing bureau policies and to build systems and structure for managing records and policies. This request did not receive approval for funding in the FY 2022-23 Adopted Budget, but we plan to bring this forward again next year, knowing how critical it is to have sound processes and structures around our records and policies. We know that many of the Bureau's General Orders have not been updated to reflect current practices, but this is a project we are unable to complete without additional resources.

However, HRAR 2.02 training is provided to PF&R employees upon hire and refresher training is provided to employees every two years. This is relevant because the City's HRAR 2.02 is the definitive policy regarding complaint reporting.

### **Employees perceive investigations as inconsistent, unfair, and slow...**

#### **Discipline decisions were unpredictable, time-consuming, and viewed as unfair**

While employee perceptions of inconsistency may have validity, we also know that within any large organization employees operate on limited information regarding investigations and can feel frustrated by a lack of information due to confidentiality requirements. We understand that it is entirely plausible that employees who engage in similar misconduct may receive dissimilar discipline.

In response to complaints about unpredictable and time-consuming decisions, we will continue to pursue opportunities for improvement both internally and with our partners at BHR. We will also work with our partners and stakeholders, including Portland Firefighters Association, to develop a more transparent and objective discipline matrix that is in alignment with industry best practices and the City's core values.

Auditor Mary Hull Caballero

June 23, 2022

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I genuinely appreciate the opportunity to provide additional and clarifying information in response to your audit report. Be assured that my team and I will continue to address many of the report's critical findings in the upcoming two years.

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Boone". The signature is fluid and cursive, with a large initial "S" and "B".

Sara Boone, Fire Chief  
Portland Fire & Rescue

Auditor's Recommendation	PF&R Action/Response
The Commissioner-in-charge and the Fire Chief should:	
1. Set clear expectations for work requirements and employee conduct, including:	
a) Implementing the Portland State University workplace culture study recommendations on training and norm-setting.	<p>The bureau concurs. Clear expectations have been set through various mechanisms on workplace culture and conduct. We have developed a Strategic Plan and a six-month communication plan that have set expectations for work requirements and employee conduct. These expectations have been reinforced by Chief's Memos and Chief's Corner videos to station personnel.</p> <p>Since the PSU study, PF&amp;R has received funding for an Equity Manager, who started a five-year Equity Plan, created an Equity Committee, and worked with Bureau Leadership to embed equity competencies into our hiring practices and promotional processes. In 2020, much of this work was paused as we pivoted to meet challenges created by the Covid pandemic, social disruptions, and an unprecedented wildfire season, when external equity became the priority to save lives. We have since hired a new Equity Manager to continue to make progress in this area.</p>
b) Verifying that all employees complete training on prohibited conduct in the workplace, as required by City rules.	The bureau concurs with this recommendation with the goal of obtaining necessary resources in FY 2023-24.
2. Develop methods and guidance to ensure:	
a) Employees and the public understand how to file complaints and have access to multiple reporting options, including one for anonymous complaints.	The bureau concurs with this recommendation and looks to develop this capability with the implementation of the new Professional Standards program in or before FY 2023-24
b) Managers and supervisors know procedures for complaint-handling, including how they are documented, routed, and tracked.	The bureau concurs with this recommendation and looks to develop this capability with the

	implementation of the new Professional Standards program in or before FY 2023-24
c) Complaints are centrally and accurately recorded in a format that enables trends to be identified and evaluated for intervention, training, and policy changes, and that this analysis is performed.	The bureau concurs with this recommendation and looks to develop this capability with the implementation of the new Professional Standards program in or before FY 2023-24
d) Investigations into employee misconduct are consistent, impartial, and timely. The Bureau should adopt guidance for investigations that: Outlines clear instructions on how to conduct investigations; Documents Human Resources' role in investigations; Ensures investigators are trained and have the time needed to conduct investigations; Addresses possible issues unique to the Fire Bureau, such as familiarity bias; Sets timeliness benchmarks for key investigative steps; Includes instructions to help investigators streamline the process; Requires investigations to be periodically reviewed to identify inconsistencies or missed benchmarks; and requires complainants and investigated employees to be notified when investigations are completed.	The bureau concurs with this recommendation and looks to develop this capability with the implementation of the new Professional Standards program in or before FY 2023-24
e) Discipline decisions are predictable, fair, consistent, and prompt.	The bureau concurs with this recommendation and looks to develop this capability with the implementation of the new Professional Standards program in or before FY 2023-24
f) Improvements to the workplace made as a result of complaints, investigations, and discipline are periodically communicated to employees to show that the accountability system is working.	The bureau concurs with this recommendation and looks to develop this capability with the implementation of the new Professional Standards program in or before FY 2023-24

3. Encourage employees to report harassment, discrimination, racism, and retaliation. The option to report directly to Human Resources should be clear and promoted in case employees are not comfortable reporting up the chain-of-command. Supervisors and managers who fail to forward such complaints to Human Resources should be disciplined, as required by City rule.

The bureau concurs. The option to report directly to Human Resources is already clearly stated in General Order #41. Discipline for supervisors and managers who fail to forward complaints to HR is already clearly stated in General Order #41.



TO: Mayor Ted Wheeler

DATE: June 23, 2022

FROM: Cathy L. Bless, Chief Human Resource Officer *CB*

RE: Bureau of Human Resources response to the Fire Accountability System Audit and companion document, "Observations from audit of Fire & Rescue's accountability system"

Please let this memorandum serve as confirmation of my receipt of the Auditor's June 8, 2022, *Fire accountability system audit* and the associated, *Observations from audit of Fire & Rescue's accountability system* letter sent to my attention. Following my review of this audit and the accompanying recommendations provided to my bureau, I would like to take this opportunity to share my appreciation for the detailed risk areas you have identified for the Bureau of Human Resources (BHR). As we have considered the areas of risk your audit has documented and the recommendations you have provided, I would offer the following response which outlines our assessment of your recommendations, plans for application, as well a timetable for implementation where applicable.

The *Observations from audit of Fire & Rescue's accountability system* letter includes areas of risk in three categories, including the policy and administration of HRAR 2.02 investigations, the tracking and maintenance of discipline data, and the use of outside investigators.

Regarding the areas of risk identified under HRAR 2.02, you raised concern that the City is not accurately communicating the extent of Rule 2.02 investigations. As you are aware, page 8, Attachment A, of the City's HRAR 2.02 outlines the steps taken following receipt of a complaint which alleges a Rule 2.02 violation. While Attachment A provides an overview of the routine steps taking during a Rule 2.02 investigation, it does not provide an exhaustive or comprehensive listing of all possible steps because Rule 2.02 complaints often vary in terms of the most effective and efficient method of resolution. As BHR looks to update HRAR 2.02, we will incorporate your recommendation on including additional information on intake, interviews, and notifications in Attachment A.

In addition, you raised a concern that the instructions included in HRAR 2.02 for conducting investigations may not be consistent with state law. We appreciate the reference information you provided regarding ORS 243.319, ORS 243.321, and ORS 659A.375. Your recommendations were reviewed with the City Attorney's Office, and we believe, given their counsel, we are in compliance with state law. As the audit notes, the City requires managers and supervisors to give a copy of Rule 2.02 to complainants. Our HR Business Partners who conduct these investigations are also trained to give complainants a copy of HRAR 2.02. However, we will endeavor to make this practice more explicit within the Rule.

Regarding better support for complainants, BHR has an HRAR 2.02 process improvement project currently underway. This project is staffed by a cross-functional team and is focused on Rule 2.02 investigation processes

**Ted Wheeler, Mayor**

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and internal standard operating procedure revisions. The team's work is focused on training options for trauma informed investigations; tracking HRAR 2.02 complaints; guidelines for when to use outside investigators, including list of acceptable outside investigators; forms and documents for following the City's procedures and tracking investigations; and a reference document for employees that provides a clear and accurate description of the HRAR 2.02 investigation process.

Finally, your letter raised concerns about the risk for BHR removing discipline from the central tracking records and that central tracking may not reflect changes to discipline resulting from the grievance process. Our process for the removal of discipline is guided by applicable collective bargaining agreement language. In relevant cases, we remove discipline from the individual's personnel file, and we update our tracking log to reflect the reason to include those that are amended by a grievance resolution.

We again thank you for the hard work spent on this audit, and hope this letter serves to provide additional insights into current practices and efforts to improve HRAR 2.02 investigation processes.

Cc: Michael Jordan, Chief Administrative Officer  
City Auditors Office  
Sara Boone, Fire Chief  
Heidi Brown, Chief Deputy City Attorney  
Fallon Niedrist, Deputy City Attorney  
Stephon Okibedi, Deputy Chief Human Resource Officer  
Ron Zito, Employee & Labor Relations Manager  
Marquis Fudge, Public Safety Employee Relations Manager  
Katina Lackey, Human Resource Business Partner  
Bobby Lee, Chief of Staff to Mayor Wheeler  
Sara Morrissey, Deputy Chief of Staff to Mayor Wheeler  
Hayley Blonsley, Budget and Central Services Advisor to Mayor Wheeler

**Ted Wheeler, Mayor**

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Please notify the City of Portland of the need for ADA accommodations no less than five (5) days prior to any City-sponsored event by contacting the Bureau of Human Resources at 503-823-3572 or the City's TTY at 503-823-6868.



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## **Portland Fire & Rescue does not have a coherent accountability system**

June 2022, Report #532

View this report online: [www.portland.gov/fire-discipline-audit](http://www.portland.gov/fire-discipline-audit)

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