



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

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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

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