



CITY OF OAKLAND
Office of the City Auditor

INVESTIGATION

DATE: November 17, 2022

TO: Mayor Schaaf, City Council President Bas, Members of the City Council, City Administrator Reiskin, City Attorney Parker, Fire Chief Freeman, and Oakland Residents

FROM: City Auditor Courtney Ruby, CPA, CFE

SUBJECT: **SUBSTANTIATED WHISTLEBLOWER ALLEGATION: Oakland Fire Prevention Bureau Employees Lack Required Certifications**

Allegations and Investigation History

In July 2021, the Office of the City Auditor received an anonymous complaint alleging a Fire Prevention Bureau employee did not meet the minimum certification requirements for their position.

We determined the issue could be investigated internally by the Fire Department (Department). Accordingly, pursuant to our Office's whistleblower complaint procedures, we forwarded the allegation to the Department on July 19, 2021, with instructions to investigate the matter and notify my Office by August 19, 2021, of the work conducted regarding the complaint, as well as any findings that emerged from their work.

On August 12, 2021, the Fire Department provided my Office with a memo stating the Department completed an investigation and concluded the allegation was without merit, and all employees were "current in their certifications."

In December 2021, the Whistleblower Hotline received another anonymous complaint, which claimed a Fire Prevention supervisor did not have a required certification; this was the same supervisor named in the July 2021 complaint.

Due to the multiple allegations about the Fire Prevention supervisor, we decided to initiate an internal another investigation, even though the Fire Department reported to us that the complaint had no merit.

Investigation Conclusions

The investigation substantiated the allegations. Specifically:

- ✓ A Fire Prevention supervisor was managing employees without meeting the necessary certification requirement.

The investigation further revealed:

- ✓ Several fire inspectors did not meet their certification requirements.
- ✓ The Fire Department failed to enforce certification requirements.

The following sections of this report list the findings and recommendations arising from the investigation.

Background

Job classification specifications are the official job descriptions of positions in the City of Oakland. These job descriptions list the skills, abilities, characteristics, experience, and other requirements, such as licenses or certificates, applicants or incumbents must meet to qualify for the position.

The City uses the following language for the Civilian Fire Inspector and Fire Inspection supervisor job descriptions and requirements:

Fire Inspector (Civilian): *“Under general supervision in the Oakland Fire Department, uses a full range of technical skills to perform inspections of residential, educational, institutional, commercial and/or industrial facilities, new construction of any encompassing structure, tenant improvements, and places of public assembly to determine compliance with the California Fire Code, California Building Code, state, local, fire and life safety codes; implements vegetation management projects; issues notices of violations and follows up on uncorrected conditions; attends public meetings; may conduct fire safety inspections in the wildland urban interface*

environment and enforce the District's defensible space ordinance; conducts inspections for and issues operational work permits; and performs related duties as assigned."

Fire Inspection Supervisor (Civilian): *"Under direction in the Oakland Fire Department, plans, organizes, directs and reviews work in a unit within the Fire Prevention Bureau in the areas of fire safety and prevention, vegetation management, and engineering services. The Fire Inspection Supervisor performs a wide range of technical and supervisory duties related to interpreting and enforcing city codes, ordinances, and regulations; coordinating fire prevention and education programs and operations; assisting in the development of goals and objectives, priorities, and policies and procedures within an assigned unit; and overseeing and resolving difficult and sensitive inquiries or complaints; and performs other related duties as assigned."*

According to these job requirements, Fire Inspectors and Fire Inspector supervisors must possess a valid California International Code Council (ICC) Fire Inspector I Certification (or higher) through one of the following entities: 1) International Code Council (ICC), 2) California Office of the State Fire Marshal (OSFM), 3) National Fire Protection Association (NFPA), or 4) equivalents as defined by the California Office of the State Fire Marshal. The job descriptions state these certifications are required prior to the completion of probation and must be renewed before the expiration dates. The job requirement further specifies that "Fire Prevention Officer/Fire Inspector I & II certifications are desirable."

Investigation Findings

Finding 1: Supervisor Does Not Have the Required Certifications

In April 2021, an employee was promoted to Fire Inspection supervisor to oversee inspectors. When the employee applied for the job, the employee disclosed they did not possess any certifications and acknowledged certification must be completed before the end of their probationary period.

The employee's 6-month probationary period ended in October 2021.

Our Office confirmed that, as of September 2022, the employee is a supervisor and manages employees without the required certifications.

Finding 2: Several Fire Inspectors Do Not Meet Certification Requirements

We also substantiated several other civilian employees in the Fire Prevention Bureau lacked the required certification, as of September 2022.

Job Function	Never Had Certification	Had Expired Certification	Total Employees ¹	% of Total Employees Without Certification
Fire Inspector Supervisors	1	2	4	75%
Fire Inspectors	3	3	15	40%

Finding 3: The Fire Prevention Bureau Failed to Enforce Certification Requirements

As noted above, on August 12, 2021, the Fire Department notified my Office in writing, that the supervisor in question was certified. This information was inaccurate and appears to have been based on a mistaken assumption about a City process that was not validated or confirmed.

It appears the Department assumed the supervisor was compliant since they had made the eligible list.² However, as stated in the job descriptions above, the Fire Department requires that certifications are earned prior to the completion of an employee's probationary period. Therefore, the Human Resources Management Department can place candidates without certifications on the eligible list. It is up to the Department to follow up with employees to ensure they obtain certifications before the completion of their probationary period. In other words, the Human Resources Management Department can place candidates without certifications on the eligible list, but it is the Fire Department's responsibility to track their employees' certification status after hire.

As the investigation results demonstrate, the Fire Department allowed employees without certification to remain in these inspector and supervisory roles.

Investigation Summary

The Fire Department did not properly investigate the allegations that a Fire Prevention Bureau employee lacked the certification required for their position, and falsely notified my Office that the employee was current on their required certification. Additionally, our investigation found that 75 percent of Fire Inspector supervisors and 40 percent of Fire Inspectors did not meet certification requirements.

¹ Information from 03.07.2022, City Wide Position Report

² An eligible list is a list of qualified candidates to be considered for employment. Candidates are ranked on an eligible list based on their overall score in the examination (Civil Service Rule Section 4.20)

Unfortunately, this is not the first time deficiencies in tracking the Fire Prevention Bureau inspectors' training and certifications have been called out by the City Auditor. In September 2020, Auditor Ruby released a Performance Audit of the Oakland Fire Prevention Bureau, noting numerous concerns, including that the Bureau has no central tracking of individual inspectors' training and certifications.

Recommendations

We recommend:

1. The Fire Department, in consultation with the Human Resources Management Department, must immediately enforce the certification requirements.
2. The Fire Department should establish a continuous verification process to ensure all employees are current on their required certifications.

Next Steps

Within a month from the date of this report, the City Administration should provide a written report on the status of the recommendations outlined in this investigation report to the Office of the City Auditor. The Office will publicly report on the status of the recommendations after receiving a report from the City Administration and verifying the status of the recommendations.

Methodology

The Office performed a preliminary review of the whistleblower report to confirm our understanding of the reported allegations, and to determine if all the following four investigation criteria were met:

1. The alleged incident(s) involved City of Oakland property, infrastructure, employees, officials, or otherwise falls within the City's jurisdiction.
2. If true, the concern meets the definition of "fraud," "waste," or "abuse".
3. The alleged incident(s) occurred within 12 months of being reported.
4. The alleged incident(s) are not known to be the subject of current litigation.

After completing the preliminary review, the Office conducted an investigation to arrive at the findings and conclusions in this report. This investigation included:

- Reviews of personnel records;
- Interviews with City staff;

- Reviews of City job descriptions;
- Reviews of the City's recruitment process; and
- Reviews of the International Code Council's website.



WHISTLEBLOWER HOTLINE

To File a Complaint

Call the **WHISTLEBLOWER HOTLINE**
1-888-329-6390 (Interpreter available)

SUBMIT A REPORT ONLINE
www.OaklandAuditor.com/Whistleblower

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