

# FIRE COMMISSION

## City and County of San Francisco

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Katherine Feinstein, *President*  
Stephen A. Nakajo, *Vice President*  
Francee Covington, *Commissioner*  
Ken Cleaveland, *Commissioner*  
Armie Morgan, *Commissioner*



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Maureen Conefrey, *Secretary*

### Resolution 2021-03

#### RESOLUTION APPROVING ADDENDUM TO PROCEDURAL RULES GOVERNING TRIAL OF DISCIPLINARY CASES FOR COVID-19 VACCINATION POLICY-RELATED CASES

WHEREAS, To protect the health and safety of City employees and the public, and to comply with legal mandates, the City required all employees to report their COVID-19 vaccination status by July 29, 2021. For employees who reported their status as unvaccinated, City policy required them to update that status as they received vaccination for COVID-19. Employees who failed to comply with this reporting requirement are subject to progressive discipline, up to and including termination of employment; and

WHEREAS, City policy and the San Francisco Health Officer's Safer-Return-Together Order require City employees who in the course of their duties may enter or work in high-risk settings, such as acute care hospitals, skilled nursing facilities, residential care facilities, homeless shelters, and jails, even on an intermittent or occasional basis or for short periods of time, to be fully vaccinated against COVID-19 no later than October 13, 2021, subject to limited exceptions for medical disability or sincerely held religious beliefs; and

WHEREAS, City policy requires City employees who do not work in or occasionally enter high-risk settings to be fully vaccinated against COVID-19 no later than November 1, 2021, subject to limited exceptions for medical disability and sincerely held religious beliefs; and

WHEREAS, City policy provides that employees who are not vaccinated consistent with these requirements and who do not have an approved exemption on medical or religious grounds that the department is able to reasonably accommodate will be subject to non-disciplinary separation from City employment for failure to meet a condition of City employment; and

WHEREAS, The Chief of Department has reported at Commission meetings that a significant number of members have not yet been vaccinated despite the impending mandate; and

WHEREAS, The Fire Commission's Procedural Rules Governing Trial of Disciplinary Cases ("Procedural Rules") provide in Section VI.B.4, that where the Chief of Department brings a verified complaint against a uniformed member and recommends dismissal from employment that the Commission will sit to take evidence

in the case; for all other disciplinary cases, the Commission President may assign the case to a single Commissioner for the taking of evidence; and

WHEREAS, Cases can be heard and decided more quickly if assigned to a Commissioner for the taking of evidence, as convening a meeting of the Commission for an evidentiary hearing is cumbersome and coordinating the schedules of all five Commissioners may lead to delay; and

WHEREAS, In the event the Chief of Department brings a significant number of disciplinary cases to the Commission regarding the vaccination requirement in which the Chief recommends dismissal, to ensure that members obtain a hearing and decision as quickly as possible, a limited modification to the Procedural Rules to allow the Commission greater flexibility in handling the cases is necessary; now, therefore, be it

RESOLVED, That, subject to meet and confer with the affected unions, the Fire Commission adopts the attached Addendum to the Procedural Rules Governing Trial of Disciplinary Cases for COVID-19 Vaccination Policy-Related Cases, to allow the President discretion to assign any case in which the Chief of Department recommends dismissal for failure to comply with the City's COVID-19 vaccination policy to a single Commissioner to preside over the taking of evidence in the case.

San Francisco Fire Commission

**ADDENDUM TO PROCEDURAL RULES GOVERNING TRIAL OF DISCIPLINARY CASES FOR COVID-19  
VACCINATION POLICY-RELATED CASES**

Notwithstanding Section VI.B.4 of the Fire Commission's Procedural Rules Governing Trial of Disciplinary Cases, for any case in which the Chief of Department files a verified complaint recommending the Commission dismiss a member from employment for failure to comply with City policy concerning vaccination against COVID-19, the Commission President shall determine, in the President's discretion, whether to assign the matter to a Hearing Officer for the taking of evidence, or whether the Commission will take evidence. All other provisions of the Procedural Rules shall apply to such cases.

Adopted at the Regular Meeting of the San Francisco Fire Commission on October 13, 2021.

Ayes: 5  
Nays: 0

  
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Maureen Conefrey, Fire Commission Secretary