

# SAN FRANCISCO FIRE COMMISSION

## Fire Commission Regular Meeting Wednesday, July 26, 2017 – 5:00 p.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400 ■ San Francisco ■ California ■ 94102

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### AGENDA

*Item No.*

#### 1. ROLL CALL

President	Ken Cleaveland
Vice President	Stephen A. Nakajo
Commissioner	Michael Hardeman
Commissioner	Francee Covington
Commissioner	Joe Alioto Veronese
Chief of Department	Joanne Hayes-White

#### 2. GENERAL PUBLIC COMMENT

Members of the public may address the Commission for up to three minutes on any matter within the Commission's jurisdiction and does not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Commissioners are not to enter into debate or discussion with a speaker. The lack of a response by the Commissioners or Department personnel does not necessarily constitute agreement with or support of statements made during public comment.

#### 3. APPROVAL OF THE MINUTES *[Discussion and possible action]*

Discussion and possible action to approve meeting minutes.

- Minutes from Regular Meeting on July 12, 2017, 2017.

#### 4. PRESENTATION FROM GUARDIANS OF THE CITY

James Lee (SFFD ret'd) and Al Casciato (SFPD ret'd) to provide an overview of G.O.T.C. activities and the status of antique Fire Department apparatus.

#### 5. RESOLUTION 2017-02 *[Discussion and possible action]*

Discussion and possible action regarding proposed Resolution 2017-02, recommending that the Board of Supervisors authorize the San Francisco Fire Department to accept and expend Fiscal Year 2016 Assistance to Firefighters Grant Program funding in the amount of \$785,762 from the Federal Emergency Management Agency to purchase thermal imaging cameras and resources for the Department's Stress Unit.

#### 6. UPDATE ON DRONE POLICY AS IT RELATES TO THE SAN FRANCISCO FIRE DEPARTMENT

Assistant Deputy Chief Shane Francisco to provide an overview of the Drone Policy as it relates to the San Francisco Fire Department.

**7 CHIEF OF DEPARTMENT'S REPORT *[Discussion]***

**REPORT FROM CHIEF OF DEPARTMENT, JOANNE HAYES-WHITE**

Report on current issues, activities and events within the Department since the Fire Commission meeting of July 12, 2017, including budget, academies, special events, communications and outreach to other government agencies and the public.

**REPORT FROM ADMINISTRATION, DEPUTY CHIEF RAEMONA WILLIAMS**

Report on the Administrative Divisions, Fleet and Facility status, Finance, Support Services, Homeland Security and Training within the Department.

**8. AGENDA FOR NEXT FIRE COMMISSION MEETING *[Discussion]***

Discussion regarding agenda for the August 9, 2017 regular meeting.

**9. ADJOURNMENT**

MINUTES FOR ADOPTION

SAN FRANCISCO FIRE COMMISSION

**FIRE COMMISSION REGULAR MEETING  
MINUTES**

Wednesday, July 12, 2017 - 9:00 a.m. – 12:00 p.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, California, 94102

The Video can be viewed by clicking this link:

[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=180&clip\\_id=28299](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=180&clip_id=28299)

President Cleaveland called the meeting to order at 9:00 AM.

**1. ROLL CALL**

Commission President	Ken Cleaveland	Present
Commission Vice President	Stephen Nakajo	Present
Commissioner	Michael Hardeman	Present
Commissioner	Francee Covington	Present
Commissioner	Joe Alioto Veronese	Excused
Chief of Department	Joanne Hayes-White	Jury Duty
Mark Gonzales	Deputy Chief – Operations	
Raemona Williams	Deputy Chief – Administration	
Dan DeCossio	Bureau of Fire Prevention	
Tony Rivera	Support Services	
Andy Zanoft	EMS	
Shane Francisco	Homeland Security	
Rudy Castellanos	Airport Division	
Jeff Columbini	Division of Training	
Assistant Chiefs		
Jose Velo	Division 2	
William Storti	Division 3	
Staff		
Mark Corso	Deputy Director of Finance	
Elaine Walters	Finance Director	
Dr. Clement Yeh	Medical Director	

**2. PUBLIC COMMENT**

There was no public comment.

**3. APPROVAL OF THE MINUTES [Discussion and possible action]**

Discussion and possible action to approve meeting minutes.

- Minutes from Regular Meeting on June 28, 2017.

Commissioner Hardeman Moved to approve the above meeting Minutes. Vice President Nakajo Seconded. Motion to approve above Minutes was unanimous.

There was no public comment.

**4. REQUEST LEAVE TO ATTEND THE CALIFORNIA METROPOLITAN FIRE CHIEFS EMS TASK FORCE SUMMIT *[Discussion and possible action]***

Discussion and possible action to approve Chief of Department's request with pay for one day on July 25, 2017 to attend the California Metropolitan Fire Chiefs EMS Task Force Summit. Assistant Deputy Chief Andy Zanoft will be joining her. The workshop will be at the Hyatt Regency located in downtown Long Beach. The source of funds for this trip is provided for in the Fire Department 2017-2018 approved budget. Deputy Chief Raemona Williams will serve as acting Chief of Department during Chief Hayes-White's absence.

Commissioner Hardeman Moved to approve the above Leave. Commissioner Covington Seconded. Motion to approve above Leave was unanimous.

**5. CHIEF OF DEPARTMENT'S REPORT *[Discussion]***  
**REPORT FROM CHIEF OF DEPARTMENT, JOANNE HAYES-WHITE**

Report on current issues, activities and events within the Department since the Fire Commission meeting on June 28, 2017, including budget, academies, special events, communications and outreach to other government agencies and the public.

Chief Hayes-White reported on events since the last meeting on June 28, 2017. She introduced Tony Boone, the newly hired Certified Industrial Hygienist. He gave a brief update on his background. Chief Hayes-White also acknowledged Vickie Wells from the Department of Public Health, and mentioned that she was able to arrange a work order through DPH to have Tony assigned to the SFFD. All of the Commissioners present welcomed Mr. Boone. It was announced that a formal presentation from Mr. Boone would be offered at a later date, most likely in the fall.

Chief Hayes-White talked about the budget and stated that they just closed out the fiscal year and are in the process of rectifying all final matters related to the budget and they are moving forward into the new fiscal year, and were able to sustain the hiring and fleet plans. With regards to the academies, the 122<sup>nd</sup> academy is in its 12 weeks with 48 members remaining. She acknowledged her appreciation for the hard work of Chief Columbini and all his staff at the Division of Training and dealing with all of the back to back academies. She added that the 123<sup>rd</sup> academy is on track for a start date at the end of September. Related to activities since the last meeting, Chief Hayes-White mentioned that she participated in a "read aloud day" as part of the library's annual read aloud day at various branches, she attended the Chinese Chamber of Commerce installation event, and the 20 year anniversary event for the merger of the EMS into the Fire Department. She acknowledged Chief Zanoft, who put together a very nice tribute, as well as the embers of Station 49, President Cleaveland, Commissioner Alito Veronese and former Chief of Department Robert Demmons for attending that event. She touched on other events and meetings attended throughout the reporting period.

Chief Hayes-White stated that because of the wild fires in the State of California, they were asked to send resources to the Butte County area, particularly the Wall fire and they deployed a strike team which is comprised of a strike team leader, Captain Pablo Siguenza, his assistant Battalion Chief Brook Baker and 20 members from the Department. She added that they did a very good job and she was happy to say they all returned safely home. She also mentioned that they sent a strike team to Southern California to the Alamo fire in the Santa Barbara County area. Chief Hayes-White announced that they are working on setting a date for a promotional ceremony, possibly occurring in September, followed by a meritorious ceremony in late fall.

She announced that the City went live with a new financial and procurement system and many users in the Department went through a lot of training to make this transition go smoothly.

Commissioner Hardeman told a story about his daughter who has a horse rescue ranch in Bangor and how they were concerned that the fire was close and 15 volunteers showed up and took 63 of her horses off here property and all ended well as they were able to control the fire. He was glad to see the firefighters return safely home and was appreciative for their work.

Commissioner Covington confirmed that there is enough backup equipment in the City when the strike teams get called out of the area. She asked if the Department has a contingency plan for what might happen as we get closer to the really dry months. Chief Hayes-White stated that they have about 200 members trained for wildland firefighting and they are very organized when it comes to deployment.

Vice President Nakajo thanked the Chief for her report and confirmed that a total of 26 members were deployed as strike teams, 22 went up north and four to Southern California. He acknowledged the expertise of Chief Siragusa and retired Chief Franklin in their strike team leadership. He also confirmed that the Chief would not be deploying strike teams to other areas if the City and County of San Francisco was in any danger if any incidents occurred within the City. Chief Hayes-White described the Master Mutual Aid Agreement from the State of California. Vice President Nakajo welcomed Mr. Boone and thanked Vicki Wells for all of her support within the Fire Department.

President Cleaveland asked for a brief update on the H-23. Chief Hayes-White stated that they are moving forward and they put a General Order out for the promotional opportunity. They are currently in the application process.

There was no public comment.

#### REPORT FROM OPERATIONS

Report on overall field operations, including greater alarm fires, Emergency Medical Services, Bureau of Fire Prevention & Investigation, and Airport Division

Chief Gonzales' report covered the month of June 2017. His report is attached: <http://sf-fire.org/sites/default/files/COMMISSION/Fire%20Commission%20Support%20Documents%202015/packetpacket.pdf>

Chief Gonzales reported that there was one greater alarms, a fourth alarm at 1300 Donner. Assistant Chief Storti was the Incident Commander. He thanked Commissioner Veronese for showing up to that fire. He added that there was a total of 18 other working fires in the month of June. He mentioned that on June 2<sup>nd</sup>, it was the 6<sup>th</sup> anniversary of the Berkeley Way fire where they lost their brothers, Lieutenant Vincent Perez and Firefighter/Paramedic Anthony Valerio and wished them to rest in peace. He touched on a cliff rescue at Mile Rock, a vehicle collision rollover at Martin Luther Kind and Kezar, a working fire at 775 Post Street, and an active shooter incident at the UPS building at 17<sup>th</sup> and Utah. He described other incidents that occurred during his reporting period. He read a few of the media responses that were received by PIO Jonathan Baxter and commended him for his coordination that remotely through his social media accounts gets in touch with many of the other agencies and gets them on scene and in touch with victims that need to be placed somewhere and stated he does a good job. He touched on drills and training, including the recent training with the National Park Service VA Hospital and the California Highway Patrol that allowed members firsthand experience in training on how to

conduct an air based water rescue. He touched on other notable incidents as well which are contained in his attached report.

Chief Gonzales stated that Chief Zanoft, Chief Rivera and Olivia Scanlon are working diligently with DPW on the ambulance deployment facility. He touched on the Sharps containers. With regards to the Division of Fire Prevention he commended Captain Russell and her staff for community outreach and the 100 percent target completion for the permit annual inspections. He mentioned that high-rise inspections are at 99.8 percent. He gave a plan check and TASC update. He announced that at the Bureau of Fire Investigations they have 100 open active fire investigations.

Vice President Nakajo thanked him for his comprehensive report and asked for clarification from Chief Zanoft on the hiring plan of the H-8's. Chief Zanoft explained that the H-8 application process is an open process which means they are always collecting applications. He commended Captain April Bassett and Captain Simon Pang for all the accomplishments in the EMS-6 program.

Commissioner Hardeman thanked Chief Gonzales for his report. He acknowledged all the folks that have been doing a great job in the Department, including Fire Marshal DeCossio, Captain Coffin, Fire Captain Bowdin, Chief Castellanos, Chief Storti, Chief Columbini and Chief Williams.

Commissioner Covington thanked Chief Gonzales for his report and asked how many helipads are in the City. Chief Gonzales stated he will provide the information once he receives it. She asked him to explain more about the H-23 position and how it was developed. Chief Gonzales stated that there was never a promotive path for the H-3 Level 1 and this classification provides that promotive opportunity. Commissioner Covington stated that members of the Department fear that the H-23s will in some way supplant the H-33s and she confirmed with Chief Gonzales that he has put it in writing to Local 798 that this is not the intent and never was. The intent was to have a promotive rank for a rank that did not have that and he thinks that it very important.

President Cleaveland asked what was lost at the Koret Playground fire. Chief Gonzales stated that it was the huge intricate play structure that the kids loved and they think someone just lit it up. President Cleaveland confirmed that the H-8 position is a potential stepping stone into the Department as well as being a Fire Reserve. There was discussion on the EMS-6 encounters and Dr. Yeh explained the differences, including addiction abuse, mental health issues and chronic medical issues as being the most complicated cases. President Cleaveland and Chief Castellanos touched on the meeting with the Airport Chief Operating Officer, Jeff Littlefield and the members being in compliance with the FAA and stringent rules that they have in regards to being in compliance with record keeping and drills.

Commissioner Hardeman brought up a recent article in the Chronicle concerning the Asiana crash and the 47 minute video that popped up showing how wonderful the Fire Department responded. He also described his recent tour at the 9-1-1 facility on Turk Street stating that it was a wonderful presentation and tour. Chief Gonzales stated that they also met with Director Kronenberg and Rob Smuts at the end of May and made a proposal to add a couple more supervisors from the Fire Department to oversee some of the operations on the fire side, but overall, it's a good collaboration.

There was no Public Comment.

**6. AGENDA FOR NEXT FIRE COMMISSION MEETING [Discussion]**

Discussion regarding agenda for the July 26, 2017 regular meeting.

- Update on Drone Policy
- Update on H-23
- Presentation from Guardians of the City
- Public Education and outreach presentation

There was no public comment.

**7. CASE NO. 2016-07: COMMISSION DELIBERATIONS AND POSSIBLE ACTION ON EMPLOYEE SUSPENSION APPEAL [Action item]**

The appeal is from a ten calendar day suspension for violation of the Rules and Regulations as follows:

- Section 1501 – Vehicle Operations Manual
- Section 3905 – Familiarity with the Rules
- Section 3923 – Acts Detrimental to the Welfare of the Department
- Section 3924 – Disobedience
- Section 3925 – Insubordination
- Section 3939 – Loss or Damage of Tools and/or Equipment

This case may be heard in closed session pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b).

**A. Public Comment on Agenda Item 7; Possible Closed Session**

i. Members of the public may comment on all matters pertaining to Agenda Item 7, including anything pertaining to the suspension appeal and whether to hold the deliberations in closed session.

*President Cleaveland called for public comment. No member of the public came forward and President Cleaveland closed public comment.*

ii. Vote on whether to hold Closed Session. **[Action Item]**

*Commissioner Covington made a motion to conduct the deliberations in Closed Session. Commissioner Hardeman seconded, and the motion was unanimously approved. (4-0; Cleaveland, Nakajo, Hardeman, Covington)*

*The Commission went into closed session at 10:13 a.m.*

**B. Deliberations/Possible Action, Open or Closed Session**

Deliberations and possible action on Suspension Appeal **[Action Item]**

**C. If Closed Session is held, reconvene in Open Session**

*The Commission reconvened in Open Session to report action taken at 10:46 a.m.*

i. Report on any action taken in Closed Session as specified in California Government Code Section 54957.1(a)(5) and San Francisco Administrative Code section 67.12(b)(4).

*By a unanimous vote of commissioners present (Cleaveland, Nakajo, Hardeman, Covington), the Commission voted to sustain the charges against member and the penalty of a 10-day suspension imposed by Chief of Department.*



ii. Vote to elect whether to disclose any or all discussions held in Closed Session, as specified in San Francisco Administrative Code Section 67.12(a). **[Action Item]**

*Commissioner Covington made a motion not to disclose discussion held in Closed Session. Vice President Nakajo seconded, and the motion was unanimously approved. (4-0; Cleaveland, Nakajo, Hardeman, Covington)*

**8. ADJOURNMENT** Meeting adjourned at 10:47 a.m.

CC'S TO THE COMMISSION

JOANNE HAYES-WHITE  
CHIEF OF DEPARTMENT



EDWIN M. LEE  
MAYOR

**SAN FRANCISCO FIRE DEPARTMENT**  
CITY AND COUNTY OF SAN FRANCISCO

VIA EMAIL & US MAIL

July 20, 2017

Larry Jacobs  
P.O Box 151  
Pinole CA 94564

Dear Firefighter Jacobs:

I am in receipt of your letter dated July 6, 2017, regarding the recent assignment to a 24-hour Arson Investigator position of a member who is below you on the H-6 eligible list. The member you are referring to is Acting Investigator Janet Brock.

When the A/Investigator position in Community Outreach, which was a 40-hour work week, became available in September 2016, then Firefighter Brock was the only member on the eligible list who accepted the assignment. Later in June 2017, after the Department learned of then A/Investigator Edward Yup's intention to return to Fire Suppression, A/Investigator Brock was re-assigned to the 24-hour shift to receive the training and experience to readily move in to A/Investigator Yup's spot. Although her Acting Assignment in Community Outreach was largely administrative, A/Investigator Brock was still utilized as an Arson Investigator on an as-needed basis. Thus, it was a logical transition to place her in the 24-hour spot as an acting assignment.

It is true that, in general, I have made appointments in rank order from promotional eligible lists. However, the Civil Service rules do not preclude me from making selections out of order and, on occasion, I have exercised the discretion granted by the rules to make a promotion out of rank order. In fact, for promotional eligible lists, the operative Certification Rule is Statistically Valid Grouping. Under this certification rule, for the H-6 eligible list, I can select anyone from the 39-point band width calculated from the highest remaining and available score at the time of selection.

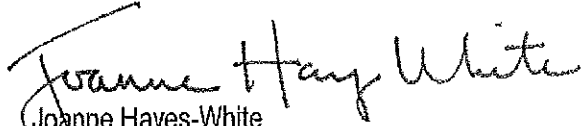
If a permanent H-6 vacancy becomes available in the future before the expiration of the eligible list, I will reconsider employing rank order selection and offer the next permanent position to the member with the highest available score from the eligible list. Enclosed is a copy of the H-6 eligible list for your reference.

In summary, A/Investigator Brock's original selection occurred because she was the only one who accepted the assignment. Her subsequent acting re-assignment to the 24-hour position was operationally expedient because she was already in an H-6 role. I did not conduct a selection process for the 24-hour position because A/Investigator Brock was immediately available and familiar with the position. Moreover, the vacancy was for an acting assignment and not for a Permanent Civil Service appointment. In addition, for your information, Firefighters Holback and Yup have tied scores. Due to seniority, FF Yup was offered an

acting assignment ahead of FF Holback, therefore FF Holback would be next due for an acting assignment to an H-6 position.

Based on my discussion above, the actions I took in selecting A/Investigator Brock were appropriate, not in retaliation against you and not in violation of Civil Service rules.

Sincerely,

A handwritten signature in cursive script that reads "Joanne Hayes-White". The signature is written in black ink and is positioned above the printed name and title.

Joanne Hayes-White  
Chief of Department

Enclosure

cc: ADC Daniel de Cossio, Fire Marshal, SFFD  
Fire Commission, SFFD  
Kevin Smith, President Black Fire Fighters Association  
Murlene Randle, Attorney at Law  
Kevin Brunner, Attorney at Law, Law Offices of Siegel and Yee  
Micki Callahan, Director, Department of Human Resources  
Thomas O'Connor, President, San Francisco Fire Fighters Local 798



**City and County of San Francisco Department of Human Resources  
Eligible List**

<b>List ID:</b>	900679 CBT Discrete	<b>List Type:</b>	Limited
<b>Class:</b>	H006 Invstgtor, Fire Dept	<b>Scope:</b>	SFFD Only
<b>Working Title:</b>	H-6 Fire Investigator		
<b>Post:</b>	3/31/2015	<b>Cert Rule:</b>	Statistically Valid Grouping
<b>Inspection Start:</b>	4/1/2015	<b>Inspection End:</b>	4/7/2015
		<b>Duration:</b>	36 months
		<b>Adoption:</b>	Tentative

Score	Last Name	First Name	Middle
1000	BORTMAS	DARREN	K
932	LABRADO	EDWARD	C
931	JOHANSEN	RONALD	J
925	LA EACE	ROBERT	J
916	MURPHY	ERIN	K
914	HORTA	MICHAEL	A
894	MILICI	ROBERT	P
874	MURPHY	CARLA	B
869	MARTINEZ	ERICK	A
856	GIBBS	CHRISTINA	M
838	MATEIK	ROBERT	S
836	HOLBACK	RICHARD	A
836	YUP	EDWARD	
834	JACOBS	LARRY	
829	TUIASOSOPO	JOHN	M
822	KNIGHT	ROHAN	
799	BROCK	JANET	L
796	WHITE	LEON	J
780	CLETHEN	LORI	J
740	MACKENZIE	COLIN	J
723	MARTINEZ	EDWARD	
700	DEVER	KEN	J

Consistent with Civil Service Rule 313.3.4, the Department of Human Resources will certify to the appointing officer the names of eligibles who are within a statistically valid grouping/sliding band of scores using a confidence factor of 1.96. The band width for the H-6 Investigator examination is 39 points. Candidates with tied scores are listed in alphabetical order.



**SAN FRANCISCO FIRE DEPARTMENT**  
CITY AND COUNTY OF SAN FRANCISCO

Delivered via Facsimile Transmission and U.S. Mail

July 24, 2017

Tom O'Connor  
President  
San Francisco Fire Fighters Local 798  
1139 Mission St.  
San Francisco, CA 94103

Mr. O'Connor,

I write to respond to your letter dated July 11, 2017 requesting clarification about General Order 17 A-39 re H-23 EMS Lieutenants at Station 49. The San Francisco Fire Department ("Department") issued General Order 17 A-39 after meeting on numerous occasions since 2016 with Local 798 and its attorney to discuss issues concerning the H-23 classification. We are at a loss, therefore, to understand why Local 798 now asserts that General Order 17 A-39 is confusing and incomplete. Nonetheless, the Department has responded to your questions, below:

*"What a forty (40) hour work week, plus four (4) hours of planned overtime per pay period means for payroll purposes."*

- 3-4 flop pay period = 1 week 40 hours +1 week 44 hours = 4 hours of overtime per pay period, **if all regularly scheduled hours worked.**

*Whether the employee can plan their overtime hours in the pay period.*

- No, it is a fixed schedule.

*Whether the employee will receive the 6.5% Holiday premium or receive 11 legal holidays and 4 floating days off.*

- The employee will receive the 6.5% Holiday premium.

*What the start time and days of the shift schedule are.*

- Start time to be determined.
- 3-4 flop schedule.

*What other administrative positions in the department are on a 12-hour shift and is overtime paid after 8 hours of continuous work for these positions?*

- There are other administrative positions in the Department on 12-hour shifts, such as the H-33 officers working at Station 49 and EMS6. The Department will follow the same pay practices for the H-23s.

*If the "3-4 flop schedule" will result in a pay period with 8 hours of overtime followed by a pay period with only 36 hours of pay?*

- 3-4 flop pay period = 1 week 40 hours +1 week 44 hours = 4 hours of overtime, **if all regularly scheduled hours worked.**

*Lastly, how do FLSA guidelines apply to administrative jobs with mandatory overtime and shift schedules of 12 hours?*

- As this is a legal question, we advise you to consult with your counsel for an explanation.

Sincerely,

  
Joanne Hayes-White  
Chief of Department

cc: Mark Gonzales, Deputy Chief of Operations  
Micki Callahan, Human Resources Director  
Ken Cleaveland, President of the Fire Commission

## Conefrey, Maureen (FIR)

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**From:** Seibert, Tina (FIR)  
**Sent:** Saturday, July 15, 2017 10:14 AM  
**To:** Commission, Fire (FIR)  
**Subject:** Fw: Harassment, retaliation, federal law

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**From:** Seibert, Tina (FIR)  
**Sent:** Saturday, July 15, 2017 8:19:47 AM  
**To:** Board of Supervisors, (BOS)  
**Subject:** Harassment, retaliation, federal law

July 15, 2017

Good Morning Board of Supervisors,

My name is Tina Seibert and I am a H3 Fire Fighter Paramedic with 18 years in the SFFD. I am forwarding an email to you. I wrote this letter to my union begging for representation. At this time my union declines to represent me. I have filed a complaint with the DFEH, CalOSHA, DOL, Civil Grand Jury, and Ethics committee. Is my only option a civil lawsuit? Must I use a civil rights attorney to right this wrong ?

I am without a doubt experiencing retaliation and harassment because I filed a sexual harassment complaint and a whistle blower complaint. Is this the world we live in now? A woman over 40 takes a promotional exam and passes with an excellent score. Her score and experience mean nothing because she had a gall to open her mouth to speak the truth. Her suppression position instead goes to men with very little time in the Fire Department with No Fire Training. These men pose as fire fighters pretending and dressing as if they have the training. How very cute that they can play dress up at work. What would the public think and feel if they knew that Non Suppression , untrained employees are responding to Fire calls? This whole situation is so very Trump.

I am sickened, insulted, disrespected, and harassed. I worked very hard to get and maintain my suppression training. 24 hour shifts and 207k are the privilege of suppression training. Fact Sheet 8 per the Department of Labor is very clear about the requirements for our 31 day tours.

<https://www.dol.gov/whd/regs/compliance/whdfs8.htm>

It is not just about our 24 hr shifts. The non suppression, single function employees in the rank of H33 rescue captain are working outside of their scope of training. This violates NFPA standards and CalOSHA standards.

Thank you for your time. I would appreciate any help or advice with my situation.

Tina Seibert  
Tina.seibert@sfgov.org  
415 812 4292  
tinamcg@gmail.com

June 10,2017

Dear Tom Fogle,

New email, new topic, current situation. I wanted to talk to you about G.O. 16A-56, mandatory harassment training.

I want to fill you in on the complaints I filed in 2016 and 2017. I think that I can summarize my complaints for you in one email. I feel that I am receiving retaliation because of my complaints. I will discuss each one separately but they both unite with my assignment change to the airport last December. And my return this June.



Let's go back to 2016. I filed a sexual harassment complaint against FF Dastous in August 24, 2016 at Station 51. He was reassigned to Station 48 while the matter was investigated. He remained on the H20 list and he goes out as the H20 on most days. On November 20, 2016 I noticed that my assignment had been changed to SFO. I was not informed of the change. I was not asked if I want to go to the airport. The airport has a system for those interested in the airport. They will ask you 3 times if you want to go to SFO. If you decline 3 times then your name is removed from the list. No one called me. No one asked me. Here's my question. Why was the complainant, me, removed from St51 after I had filed an EEO? The harassment training clearly states that the complainant will not be punished for the complaint.

I was most definitely punished and retaliated against for my EEO complaint. I was at the airport December 2016 through March 2017. Four months. In those 4 months I never once went out as the H33 because my name was no longer on the H33 list. FF Dastous, on the other hand, experienced no punishment or retaliation. He continued to remain on the H20 list and went out as the Lieutenant Every watch is that same 4 month period. (1. EEO filed August 24, 2016)

Next complaint. On October 16, 2016 I filed a whistleblower complaint with the City and County of SF. I reported the non suppression single function RCs are working in the field. I told them that the non suppression, single function H33 RCs working in the field violates Federal Law, FLSA. I also told them they are not trained and therefore pose a safety risk to themselves and their co-workers. On November 14, 2016, I received this email from the Confidential Whistleblower program.

Good Morning Tina,

Our Whistleblower Program conducted a preliminary investigation and determined that your complaint falls within the jurisdiction of the City's Department of Human Resources. Per the Campaign and Governmental Conduct Code's Article Section 4.107(b), the Controller shall refer complaints where another City agency is required by federal, state, or local law to adjudicate.

We would like to facilitate the transfer of information from our preliminary investigation to the Department of Human Resources ("DHR"). Do you consent to us releasing your contact information and your correspondence with us to DHR?

Thank you,

Tiffany Wong  
Whistleblower Program  
Office of the Controller  
Phone: 415-554-5327  
Fax: 415-554-7856

I emailed her back and said that she could share the information. That was on November 14th. And what happened next? I said she could give my name and information to the department and then I was sent to the airport for December 2016. They would have contacted Neunecker because he's in charge of scheduling. I'm sure they contacted the command staff downtown too. I believe my whistleblower contributed to my first move to the airport. (2. Whistleblower)

Let's talk about 2017 and my demotion. In February I filed official grievances with CalOSHA and the DOL. CalOSHA was the first to act. I started at radio as the H33 at the end of March 2017. On April 10th CalOSHA sent a letter to the department asking for proof of training for all RCs. The department responded to OSHA and said the RCs had been trained per G.O. 16 A-10. That RC training was purely administrative. I immediately emailed my investigator at OSHA. I wrote another official complaint. I asked OSHA to specially ask for proof of all fire training. Completion of the tower. Completion of engine and truck probation. I provided OSHA with a copy of G.O. 14A-05 because it provided a list for OSHA to follow. I believe my complaint to OSHA and the continued investigation played a part in my demotion.

Ok we are still on 2017. Do you remember my EEO from 2016? San Francisco DHR mailed me a letter on April 7, 2017. I received the letter on April 10, 2017. The letter states that they found that I was harassed by FF Dastous. The letter states that I had filed a valid complaint. I was interviewed by Division Chief Storti on April 20, 2017. He said that now the Fire Department will do their own investigation. He believed that nothing would happen to FF Dastous as he believed there were no Rules & Regulations infractions.

According to the DHR website, the department does not have the right to downgrade their finding of harassment. To be perfectly honest, I do not expect the department to punish FF Dastous in any way for his actions. The point I am making is that I have been sent back to SFO and removed from the H33 list in part because my EEO complaint has resurfaced.

Ok. Let's recap. EEO complaint. Whistleblower complaint. CalOSHA complaint.

Let's get to my general form. Yes. I did say I cannot go to St 49. But Why did I refuse? I said the department was asking me to help them break the law. A non suppression, single function paramedic RC has no legal right to work a 24 hour shift in the field. I would be asked to backfill for four different men who are not in any way sharp or fire suppression trained. I have 18 years of suppression experience in the Fire Department. I have earned the privilege of 24 hour shifts. The department is now handing that privilege to untrained men significantly younger than me.

What response do I receive? "We don't like your tone." Really? You don't like my tone. Not one word about the Department breaking Federal Law. Not one word about the department ignoring CalOSHA safety standards. Not one word about the department violating our MOU. Not one word about the department forcing me to break the law. Not one word about the department handing 24 hour shifts to non suppression Men. Not. One. Word.

I know you must operate within the realms of the Department Rules & Regulations. The R&Rs will not hold up in a court of law. I have been harassed period. I have received retaliation. I have been punished for my complaints. I believe I can prove this to a judge. Why are you and the Department avoiding the elephant in the room? FLSA is Federal Law and we are breaking it.

I understand that you are busy with department business. An immediate response is not necessary. I also have sent you a multi paged email. I am done. Absolutely positively done. If I had to do all of this I over again I would do it. I would even include my offensive "tone", otherwise known as stating facts. I would however have hired an attorney in September of 2016. Who knew it would be so expensive to demand a safe workplace, to demand the department obey Federal law, and to demand some common courtesy.

I'm going to include one more thing. It's not another complaint. Many of you who work in the union do not have children but I do. Life is different for a parent. I am a mother of 4 children. Three of my four are grown women, 35, 30, and 25. What exactly do I tell my daughters? If you're harassed at work by a man, please keep your mouth shut. Please just accept that that's the way things work. If you speak up there will be retaliation and you will need money for an attorney. If your employer is breaking the law and not following the MOU then please just look the other way. You have no right to question your boss or your union. You have no right to follow your good judgement or moral ethics. If you speak up there will be retaliation and you'll need money for an attorney. Please remember that your place on a civil service test means absolutely nothing. Your boss can pick anyone they want for a job even you're more qualified and higher on a civil service exam. Do not ask your union for help. Help is reserved for friends of your boss. Please remember not to speak up because you will need money for an attorney.

These are the life lessons that I am passing on to my daughters and my son.

Sincerely, Tina Seibert



THOMAS P. O'CONNOR JR.  
PRESIDENT

DANIEL A. GRACIA  
VICE PRESIDENT

FLOYD K. ROLLINS II  
SECRETARY

SHON M. BUFORD  
TREASURER



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THOMAS A. FOGLE  
ADAM H. WOOD  
ADRIENNE R. SIMS  
DANIEL V. CASEY

**SAN FRANCISCO FIRE FIGHTERS**  
- Local 798 -

1139 MISSION STREET, SAN FRANCISCO, CA 94103-1514  
TELEPHONE (415) 621-7103 • FAX (415) 621-1578  
WWW.SFFDLOCAL798.ORG

July 11, 2017

Dear Chief Hayes White,

This letter seeks to answer questions regarding your recent issuance of G.O. 17 A-39, H-23 EMS Lieutenant. As stated in our June 30, 2017 correspondence, Local 798 believes the issuance of your General Order was both "wrong-headed and illegal". Further review by Local 798 also finds your General Order confusing and incomplete.

Local 798 requests clarification of the following:

- What a "forty (40) hour work week, plus four (4) hours of planned overtime per pay period" means for payroll purposes.
- Whether the employee can plan their overtime hours in the pay period.
- Whether the employee will receive the 6.5% Holiday premium or receive 11 legal holidays and 4 floating days off.
- What the start time and days of the shift schedule are.
- What other administrative positions in the department are on a 12-hour shift and is overtime paid after 8 hours of continuous work for these positions?
- If the "3-4' flop schedule" will result in a pay period with 8 hours of overtime followed by a pay period with only 36 hours of pay?
- Lastly, how do FLSA guidelines apply to administrative jobs with mandatory overtime and shift schedules of 12 hours?

As you can see from these questions, your General Order was sent out without important questions being answered, legally vetted and memorialized in an MOU. Please respond at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. O'Connor', written over a horizontal line.

Thomas P. O'Connor Jr.

Cc: Fire Commission  
Micki Callahan - SF City & County Dept. of Human Resources



RESOLUTIONS

## RESOLUTION 2017-XX

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS AUTHORIZE THE SAN FRANCISCO FIRE DEPARTMENT TO ACCEPT AND EXPEND A GRANT IN THE AMOUNT OF \$785,762 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO PURCHASE THERMAL IMAGING CAMERAS AND STRESS UNIT RESOURCES

WHEREAS, The San Francisco Fire Department (SFFD) responds to over 140,000 incidents each year, including fires, vehicle accidents, and medical and other emergencies; and,

WHEREAS, The Department currently uses thermal imaging cameras (TICs) to assist crews in viewing areas of heat in response to an incident; and,

WHEREAS, The Department's current inventory of TICs are in need of replacement and upgrade given their use and age; and,

WHEREAS, The Department's Stress Unit is a vital resource for its members to assist with mental and emotional health issues given the highly stressful demands of the Fire and Emergency Medical Services professions; and,

WHEREAS, The SFFD applied for and was awarded a Federal Emergency Management Agency (FEMA) grant in the amount of \$785,762 to procure thermal imaging cameras as well as resources for its Stress Unit; and,

WHEREAS, The grant requires the City to provide matching funds worth 10 percent of the total Federal award, or \$78,576; and,

WHEREAS, the FEMA grant requires the SFFD to complete the grant project by May 4, 2018; and,

WHEREAS, The SFFD wishes to accept and expend the grant, to support its Bureau of Equipment and Stress Unit; now, therefore, be it

RESOLVED, That the Fire Commission recommends that the Board of Supervisors authorize the Fire Department to accept and expend a grant from FEMA in the amount of \$785,762 for the purchase of thermal imaging cameras and stress unit resources.

Adopted at the Regular Meeting of the San Francisco Fire Commission on July 26, 2017.

Ayes: 0

Nays: 0

Maureen Conefrey, Commission Secretary

U.S. Department of Homeland Security  
Washington, D.C. 20472



# FEMA

Ms. Joanne Hayes-White  
San Francisco Fire Department  
698 Second Street  
San Francisco, California 94107-2015

Re: Award No.EMW-2016-FO-06447

Dear Ms. Hayes-White:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2016 Assistance to Firefighters Grant has been approved in the amount of \$785,762.00. As a condition of this award, you are required to contribute a cost match in the amount of \$78,576.00 of non-Federal funds, or 10 percent of the Federal contribution of \$785,762.00.

**Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the Assistance to Firefighters Grant Programs' e-grant system.** By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo
- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2016 Assistance to Firefighters Grant Notice of Funding Opportunity.

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

**Prior to requesting Federal funds, all recipients are required to register in the System for Award Management (SAM.gov).** As the recipient, you must register and maintain current information in SAM.gov until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that the recipient review and update the information annually after the initial registration, and more frequently for changes in your information. There is no charge to register in SAM.gov. Your registration must be completed on-line at <https://www.sam.gov/portal/public/SAM/>. It is your entity's responsibility to have a valid DUNS number at the time of registration.

In order to establish acceptance of the award and its terms, please follow these instructions:

**Step 1:** Please go to <https://portal.fema.gov> to accept or decline your award. This will take you to the Assistance to Firefighters eGrants system. Enter your User Name and Password as requested on the login screen. Your User Name and Password are the same as those used to complete the application on-line.

Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see a column entitled Action. In this column, please select the View Award Package from the drop down menu. Click Go to view your award package and indicate your acceptance or declination of award. PLEASE NOTE: your period of performance has begun. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

**Step 2:** If you accept your award, you will see a link on the left side of the screen that says "Update 1199A" in the Action column. Click this link. This link will take you to the SF-1199A, Direct Deposit Sign-up Form. Please complete the SF-1199A on-line if you have not done so already. When you have finished, you must submit the form electronically. Then, using the Print 1199A Button, print a copy and take it to your bank to have the bottom portion completed. Make sure your application number is on the form. After your bank has filled out their portion of the form, you must fax a copy of the form to FEMA's SF-1199 Processing Staff at 540-504-2883. You should keep the original form in your grant files. After the faxed version of your SF 1199A has been reviewed you will receive an email indicating the form is approved. Once approved you will be able to request payments online. If you have any questions or concerns regarding your 1199A, or the process to request your funds, please call (866) 274-0960.

Sincerely,

Bridget Bean  
Acting Assistant Administrator for Grant Programs