

# SAN FRANCISCO FIRE COMMISSION

## Fire Commission Regular Meeting Wednesday, August 23, 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 August 9, 2017, 2017.

#### 4. OVERVIEW OF FUTURE PUBLIC SAFETY ACADEMY IN AN SFUSD HIGH SCHOOL

Rita Molloy, Academy Coordinator- Health, Biotech and Agriculture Academies Career Technical Education SFUSD to provide a general presentation about the future academy, how it will be implemented, and how SFFD has been and will continue to be involved.

#### 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 of August 9, 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.

#### 6. COMMISSION REPORT *[Discussion]*

Report on Commission activities since last meeting of August 9, 2017, including site visit to Station 9 to view antique apparatus and equipment.

**7. AGENDA FOR NEXT FIRE COMMISSION MEETING *[Discussion]***  
Discussion regarding agenda for the September 13, 2017 regular meeting.

**8. ADJOURNMENT**

MINUTES FOR ADOPTION

SAN FRANCISCO FIRE COMMISSION

**FIRE COMMISSION REGULAR MEETING  
DRAFT MINUTES**

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**Wednesday, August 9, 2017 - 9:00 a.m. – 12:00 p.m.**  
**City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416, San Francisco, California, 94102**

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The Video can be viewed by clicking this link:  
[http://sanfrancisco.granicus.com/MediaPlayer.php?view\\_id=180&clip\\_id=28500](http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=180&clip_id=28500)

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

**1. ROLL CALL**

Commission President	Ken Cleaveland	Excused
Commission Vice President	Stephen Nakajo	Present
Commissioner	Michael Hardeman	Present
Commissioner	Francee Covington	Present
Commissioner	Joe Alioto Veronese	Present
Chief of Department	Joanne Hayes-White	Present
Raemona Williams	Deputy Chief – Administration	
Alex Balmy	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		
Victor Wyrsh	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 July 26, 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.

**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 July 26, 2017. She announced that Deputy Chief Mark Gonzales had to report to jury duty and that Deputy Chief Raemona Williams will be presenting the Operations Report today. She mentioned that the 2016-2017 fiscal year budget has been closed out and they are working in close collaboration with the Controller's office and the Mayor's office on the current budget. With regards to the academy classes, she noted that the 122<sup>nd</sup> class is in their 16th week and they look forward to graduating 43 members on September 8, 2017, at 10:00 a.m., at the Treasure Island training facility and that everyone is invited. She acknowledged the great work of the training staff, under the direction of Chief Jeff Columbini. She added that the 123<sup>rd</sup> class will be comprised of 54 members, 42 off the list and 12 coming from Station 49, and they are currently in the process of completing medical evaluations and anticipate a start date in late September. She acknowledged the good work done by Chief Columbini and Human Resource Director Jesusa Bushong who represented the department at the Civil Service Commission meeting involving the protest of the H-20 Lieutenants exam and the minimum qualifications of 5 years. She added that the Department creatively suggested that members that come into the Department with previous fire and fire/paramedic experience will be considered to substitute two years of that service, which was unanimously adopted and amended at the Civil Service Commission meeting. She touched on the strike team that was recently sent to assist at the Minerva fire in Plumas County on July 30, 2017, and was happy to report they all returned safe on August 4, 2017. She asked Vice President Nakajo to consider adjourning the meeting in honor and memory of retired Director of Community Service, Earl Gage, who entered the Department in 1955 as the first African American firefighter.

There was no public comment.

**REPORT FROM OPERATIONS, DEPUTY CHIEF MARK GONZALES**

Report on overall field operations, including greater alarm fires, Emergency Medical Services, Bureau of Fire Prevention & Investigation, Airport and status on the H-23 classification..

Chief Williams presented the Operations report on behalf of Chief Gonzales who was summoned to Jury Duty. Chief Williams reported on events from the month of July. She mentioned that there were two greater alarm fires during the reporting period. The first was a second alarm on July 7, 2017, which was a wildland fire at Maclaren Park, and burned 23 acres. No structures were affected and the SFFD worked closely with DEM, Recreation and Parks Department and the Unified School District. The second greater alarm was also a second alarm on July 14, 2017, at 1831 Polk Street. She described the fire in detail and stated that the cause of the fire was determined to be accidental due to an electrical fault or failure. She touched on other notable incidents including a bay rescue of a capsized boat near Treasure Island, deployment of strike teams to the Wall fire in Orville and the Detweiler fire in Mariposa, and a cliff rescue. Chief Williams read a few of the social media responses received by PIO Lt. Baxter. She announced that on July 1, 2017, members of the Command Staff, Fire Commission and members of the Department, celebrated the 20<sup>th</sup> year anniversary of EMS in the San Francisco Fire Department. With regards to other outreach efforts, there have been multiple public safety announcements, engine companies continue to pass out fire prevention and education materials while on calls or

out in the public. She touched on a few noteworthy incidents involving EMS, under Assistant Deputy Chief Andy Zano. She mentioned that under Fleet and Apparatus, they continue to work with Central Shops to keep the fleet in running order and with regard to the ambulance deployment facility, they continue to work with their partners at DPW and the architects on the building design. She reported on EMS-6, Division of Fire Prevention and Investigations and NERT. She concluded the report by stating that they continue to support bike safety through TASC and that response times during the reporting period were 8.58 minutes, which represents 94.78 percent on the scene under 10 minutes.

Commissioner Veronese asked for clarification on the EMS-6 encounters. Chief Williams responded that the definition of a high-frequency 9-1-1 caller is four or more San Francisco Fire Department patient care reports in 30 days. Chief Zano added that a patient encounter for EMS-6 means that it was somebody that they identified as a person in need of services, and they went out and either located that person or found the location the person was at and were able to try to get them into services to meet their needs. He confirmed that the EMS-6 team is to attend to people who have high-frequency 9-1-1 calls and address the issues that the individual has and alleviate the 9-1-1 calls. Commissioner Veronese voiced his concern on the department providing healthcare when they are in the business to provide emergency care and the cost of providing these services to frequent flyers.

Commissioner Nakajo asked Dr. Yeh to address some of Commissioner Veronese's concerns about the "frequent flyers". Dr. Yeh gave an overview of the concept of the EMS-6 program and offered to share his presentation that he presented to the Commission in March, reporting on 12 months of EMS-6 activities. He added that as an emergency physician, although the purpose is to take care of emergencies, they are also able to prevent emergencies and part of that is connecting people with healthcare and improving their health so they don't require emergency services quite as often. Commissioner Veronese expressed how he would like to learn more about the program and how he would like to do a ride-a-long.

Commissioner Covington responded to Commissioner Veronese's point of calling 9-1-1 and stated that if there was a way to discern over the phone whether or not a person was having an actual emergency, that would be helpful to the Department, but it isn't until members of the Department arrives on scene that they can ascertain whether or not it is an actual emergency and the Fire Department is the first line of defense. Commissioner Covington asked Chief Hayes-White if the strategic plan has been printed and distributed to all of the members of the Department. Chief Hayes-White answered that it has not, but is in its final review and is anticipated to be completed this month. Commissioner Covington asked if members will be able to give feedback on the strategic plan. Chief Hayes-White responded she anticipates an avenue to solicit feedback in writing through a general form or email submitted through the chain of command and will be available for the Commission to see. Commissioner Covington stated that she took a tour of the ladder shop and was fascinated to see how the ladders are built and she was wondering if the ladder team will be impacted during the anticipated relocation of Central Shops. Chief Rivera responded that he anticipated some growing pains and other issues when they first move, but in the long run, the new location will allow for better efficiency. They both acknowledged the great team that works on the ladders.

Vice President Nakajo appreciated the discussion on EMS-6 and he encouraged all of the commissioners to arrange a ride along. He talked about the merger of the ambulances from DPH to the Fire Department 20 years ago. He touched on his perception of the EMS-6 program and how it reduces the response of a truck, engine, and ambulance to 9-1-1 calls from "frequent

flyers”. He acknowledged Chief Gonzales for his 16-page report and stated he enjoyed reading it as well as to Chief Castellanos for his hospitality when he and Commissioner Veronese visited the airport last week.

There was no public comment.

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

Discussion regarding agenda for the August 23, 2017 regular meeting.

- Presentation from Lt. Baxter on Education and Outreach efforts.
- Future Public Safety Academy In An SFUSD High School

**6. PUBLIC COMMENT ON ITEM 7**

Public comment on all matters pertaining to Item 7 below, including public comment on whether to hold Items 7 (b), (c), and (d) in closed session.

*Vice president Nakajo called for public comment. No member of the public came forward and Vice President Nakajo closed public comment. A short recess was taken to clear the room.*

**7. POSSIBLE CLOSED SESSION REGARDING EXISTING LITIGATION AND PERSONNEL MATTERS**

**a. VOTE ON WHETHER TO CONDUCT ITEMS 7(b), (c) AND (d) IN CLOSED SESSION [Action]**

The Commission may hear Item 7(b) regarding existing litigation in closed session if it votes to invoke the attorney-client privilege (Government Code § 54956.9; Administrative Code § 67.10(d)). The Commission may hear Items 7(c) and (d) regarding personnel matters in closed session pursuant to Government Code Section 54957(b) and Administrative Code Section 67.10(b).

*The Commission went into closed session at 10:03 a.m.*

**b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.** Conference with legal counsel to discuss existing litigation pursuant to Government Code Section 54956.9(a), (c), (d), and Administrative Code Section 67.10(d)(1) and possible recommendation to the Board of Supervisors for settlement approval or to take other action. *[Action item]*

Existing Litigation:

*Price v. City and County of San Francisco  
San Francisco Superior Court No. CGC-14-543349*

*Commissioner Covington made a motion to conduct existing litigation and personnel matters in Closed Session. Commissioner Veronese seconded, and the motion was unanimously approved. (4-0; Nakajo, Hardeman, Covington, Veronese)*

*Chief Hayes-White and Deputy City Attorney Bond left the meeting for items 7(c) and (d) and Commissioner Veronese rejoined the meeting for Items 7(c) and (d).*

**c. CASE NO. 2016-04: COMMISSION DELIBERATIONS ON PROPOSED FINDINGS OF FACT, AND POSSIBLE APPROVAL OF FINDINGS OF FACT REGARDING COMMISSION’S DECISION ON EMPLOYEE DISCIPLINE CONCERNING VERIFIED COMPLAINT FILED BY CHIEF OF DEPARTMENT AGAINST MEMBER, DATED SEPTEMBER 20, 2016, FOR VIOLATIONS AS FOLLOWS:**

- Section 2004 – Restricted Passengers
- Section 3905 – Familiarity with the Rules
- Section 3907 – Safety Rules

- Section 3909 – False Reports
- Section 3921 – Inattention to Duty
- Section 3923 – Acts Detrimental to Welfare of Department
- Section 3941 – Use of Vehicles
- Section 4003 – Duty to Report Breach of Duty or Misconduct.

At a Special Meeting of the Fire Commission on May 25, 2017, the Commission found member guilty of violating the rules mentioned above, except Section 3909, and Commission imposed a penalty. The Commission is now considering proposed Findings of Fact in relation to that decision. *[Action item]*

**d. CASE NO.: 2016-07 COMMISSION DELIBERATIONS ON PROPOSED FINDINGS OF FACT, AND POSSIBLE APPROVAL OF FINDINGS OF FACT REGARDING COMMISSION'S DECISION ON EMPLOYEE DISCIPLINE CONCERNING MEMBER'S APPEAL OF 10-SUSPENSION FOR VIOLATION 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

At the Fire Commission meeting on July 12, 2017, the Commission deliberated on member's appeal of a 10-day suspension imposed by the Chief of Department and decided to sustain the charges against member and the penalty of a 10-day suspension. The Commission is now considering proposed Findings of Fact in relation to that decision. *[Action item]*

**8. REPORT ON ANY ACTION TAKEN IN CLOSED SESSION *[Discussion]*** as specified in California Government Code Section 54957.1(a) and San Francisco Administrative Code section 67.12(b).

**9. 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]*

*The Commission reconvened in open session at 10:46 a.m.*

*On Item 7(b), by a unanimous vote of commissioners present (Nakajo, Hardeman, Covington, Veronese), the Commission voted to recommend to the Board of Supervisors for settlement approval of existing litigation in the Price v. CCSF matter, San Francisco Superior Court No.: CGC-14-543349.*

*On Item 7(c), by a unanimous vote of commissioners present (Nakajo, Hardeman, Covington, Veronese), the Commission voted to approve the Findings of Fact as amended for Fire Commission Case No.: 2016-04.*

*On Item 7(d), by a unanimous vote of commissioners present (Nakajo, Hardeman, Covington, Veronese) the Commission voted to approve the Findings of Fact as submitted for Fire Commission Case No.: 2016-07.*

**10. ADJOURNMENT**

Meeting adjourned in the memory of retired Firefighter, Director of Community Relations Earl Gage at 10:48 a.m.



CC'S TO THE COMMISSION



**CIVIL SERVICE COMMISSION**  
**City and County of San Francisco**  
 25 Van Ness Avenue, Suite 720  
 San Francisco, California 94102-6033  
 Executive Officer  
 (415) 252-3247

CSC Register No.
_____
To:
_____
CC:
_____

**APPEAL TO THE CIVIL SERVICE COMMISSION**

<b>INSTRUCTIONS:</b> Submit an original copy of this form to the Executive Officer of the Civil Service Commission at the address above within the designated number of days following the postmarked mailing date or email date (whichever is applicable) of the Department of Human Resources' or Municipal Transportation Agency's notification to the appellant. The appellant's/authorized representative's original signature is required. (E-mail is not accepted.) It is recommended that you include all relevant information and documentation in support of your appeal.	<b>TYPE OF APPEAL:</b> (Check One)
	<input type="checkbox"/> Examination Matters (by close of business on 5 <sup>th</sup> working day) <input type="checkbox"/> Employee Compensation Matters (by close of business on 7 <sup>th</sup> working day) - Limited application <input type="checkbox"/> Personal Service Contracts (Posting Period) <input type="checkbox"/> Other Matters (i.e., Human Resources Director/Executive Officer Action) (30 Calendar days) <input type="checkbox"/> Future Employability Recommendations (See Notice to Employee)

SAN FRANCISCO FIREFIGHTERS LOCAL 798 1139 MISSION ST, 94103 415 621-7103  
 Full Name of Appellant Work Address Work Telephone

Job Code Title Department  
 1139 MISSION ST, SAN FRANCISCO, CA 94103 415 621-7103  
 Residence Address City State Zip Home Telephone

THOMAS P. O'CONNOR 415 717-5322  
 Full Name of Authorized Representative (if any) Telephone Number of Representative (including Area Code)

**NOTE:** If this is deemed to be a timely and appealable matter, the department will submit a staff report to the Civil Service Commission to request that it be scheduled for hearing. You will be notified approximately one week in advance of the hearing date, at which time you will be able to pick up a copy of the department's staff report at the Commission's offices. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please provide your email address below.

Email: tpconnor1@gmail.com

COMPLETE THE BASIS OF THIS APPEAL ON THE REVERSE SIDE. (Use additional page(s) if necessary)

Does the basis of this appeal include new information not previously presented in the appeal to the Human Resources Director? If so, please specify.	Check One: <input checked="" type="radio"/> Yes <input type="radio"/> No SEE ATTACHED
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Original Signature of Appellant or Authorized Representative: Thomas P. O'Connor Date: 8/16/17

CSC-12 (10/14) Date Received by Civil Service Commission: \_\_\_\_\_



THOMAS P. O'CONNOR JR.  
PRESIDENT

DANIEL A. GRACIA  
VICE PRESIDENT

FLOYD K. ROLLINS II  
SECRETARY

SHON M. BUFORD  
TREASURER



DIRECTORS  
STEPHEN V. GIACALONE  
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

August 17, 2017

Dear Honorable Civil Service Commission,

IAFF 798 appeals the Commission decision regarding the H-20 Lieutenant Class minimum qualification of Department experience for the reasons cogently explained by the July 18, 2017 Memorandum to the Commission from Human Resources Director (HRD) Micki Callahan.

The determination that individuals possess sufficient knowledge, skill and ability to serve as an officer in the San Francisco Fire Department (SFFD) with as little as three years of actual SFFD experience is unwarranted. An H-20 Lieutenant position is an officer position within the SFFD involving life and death decision-making in the often split-second context of fire and emergency scenes concerning both SFFD personnel and civilians. Therefore, the position requires as a minimum qualification demonstration of experience within the City of San Francisco and the SFFD as a prerequisite for promotion in the responsibility laden H-20 officer classification.

There is no other City in the world like San Francisco. Therefore, there are emergency and fire scene conditions in San Francisco like no other City in the world. Accordingly, at a minimum, as forcefully and clearly expressed in the HRD's memorandum, there is "predictive value between job experience and effective job performance" based on substantive experience in the SFFD as a minimum qualification for promotion into the H-20 officer classification.

Mere claims of training in other departments, short of five years, is insufficient to meet the logic of the HR Director's memorandum and common sense.

IAFF 798 summarizes the main points of its appeal in accord with the HRD's memorandum as follows:

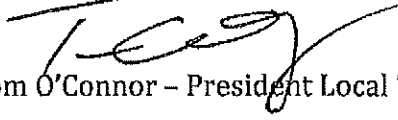
1. Both IAFF 798 and the Department of Human Resources (DHR) agreed in 2017 to review and study the appropriateness of a short three year minimum of SFFD experience as a minimum qualification for promotion into the H-20 classification.

2. Both IAFF 798 and the DHR agreed to the results of a national survey of fire department minimum qualifications for departmental experience for officer promotions: revealing an effective national standard of five years.
3. Both IAFF 798 and the DHR agree that the three year minimum of SFFD experience as a minimum qualification for officer promotion is outdated and inappropriate. Local 798 notes that the three year minimum has been used previously only once in the history of the SFFD. There is no effective expectation on any employee's part to the continued use of the three year minimum qualification.
4. Both IAFF 798 and the DHR agree that the job decisions of H-20 Lieutenants "can have a significant consequences that impact life and safety, it would be more prudent to adopt the more conservative minimum experience requirement of five years" of SFFD experience for promotion,
5. Both IAFF 798 and the DHR agree that there is "predictive value between job experience and effective job performance," such that "a total experience requirement of five years is not unreasonable" and better prepares a candidate for a supervisory role.
6. Both IAFF 798 and the DHR agree that "[I]n the case of public safety supervisory jobs, it is better to establish an experience requirement that errs on the side of validity" - which augers the need for five years of SFFD experience as a minimum qualification for promotion to a field supervisory position.
7. Both IAFF 798 and the DHR agree that it is not feasible to "quantify" non-SFFD fire department experience "relative to SFFD experience, let alone fairly compare such experience across jurisdictions." Again, the City of San Francisco is sui generis in the safety challenges presented to the SFFD compared to other jurisdictions. "[O]utside experience" does not necessarily prepare individuals for "functioning effectively in the SFFD . . . "

In sum, the decision by the Commission to perpetuate the three year minimum SFFD experience as a qualification for promotion to the inherently demanding and critical job of H-20 Lieutenant is not justified on rational or experiential grounds and should be reversed.

Local 798 thus requests that the Commission reconsider its decision on this issue important and vital to the safety of SFFD personnel and to the public, and join with Local 798 and the DHR in adopting a five year SFFD experience standard as the minimum qualification for promotion to the H-20 classification.

Sincerely,



Tom O'Connor - President Local 798

Cc: Joanne Hayes-White, Chief of Department  
Fire Commission  
DHR - Micki Callahan



MEMORANDUM

TO: The Honorable Civil Service Commission

THROUGH: Micki Callahan, Human Resources Director *macal*

FROM: Dave Johnson, Manager, Public Safety Team

DATE: July 18, 2017

RE: Denial of Appeals of H-20 Lieutenant Class Specification

Background

The class specification for H-20 Lieutenant was amended in July 2009 to include a minimum requirement of three years of experience. The specific language in the class specification was "Permanent status in class H-2 Firefighter or H-3 Firefighter Paramedic - Level 3, with three years experience as a permanent appointee in the San Francisco Fire Department."

In 2012, the recognized bargaining unit, San Francisco Firefighters Local 798, and Fire Department administration both agreed that a five-year requirement was appropriate [see attachment A]. That requirement was set forth in job announcement CBT-0H20-058946 [see attachment B] issued in July 2012. According to the Department of Human Resources' [DHR] policy, the H-20 class specification should have been updated at that time to ensure that the minimum requirements in the H-20 job announcement agreed with the minimum requirements outlined in the H-20 job specification. Unfortunately, due to an oversight, this did not occur.

In 2017, however, DHR recognized the inconsistency and proposed to revise the class specification to reflect the five-year requirement agreed to by both Local 798 and Fire Department administration in 2012. DHR planned to post the revision concurrent with the "review" of the draft announcement by Local 798. [Civil Service Commission (CSC) Rule 310.2 specifies that the draft announcement shall be provided to the bargaining agent not less than 15 business days prior to issuance.] Local 798 and two other employee organizations, in fact, expressed a preference to continue with the five-year requirement (see Attachments C, D, and E).

However, the Fire Department requested to return to the pre-2009 three-year requirement. To address this matter, DHR in accordance with CSC Rule 309.8.1, conducted a nation-wide survey of fire departments. Its purpose was to identify how much time one needed to serve in a lower rank in order to qualify and compete for the first supervisory position in the fire department that was surveyed. DHR did not specify a rank title [e.g., Lieutenant] in that survey, recognizing that departments may use different labels for the first supervisory position. The survey results supported a five-year requirement. DHR then posted an amended class specification reflecting the five year requirement in accordance with the national standard.

Seventeen Fire Department members subsequently protested the five year requirement during the inspection period. Three members protested a lack of clarity in the proposed language in that it

allowed, for example, an individual with five years of experience in a non-fire suppression rank<sup>l</sup> (e.g., EMT or Paramedic) and one day in a suppression rank<sup>ll</sup> (e.g., Firefighter/Paramedic or Firefighter) to qualify as a supervisor of members involved in fire suppression. DHR agreed that this was not the intent, and reposted the class specification to clarify that the five years had to include suppression experience as a permanent appointee in the rank of Firefighter and/or Firefighter/Paramedic.

DHR denied the other 14 protests. Six of those protesters have appealed this decision to the CSC.

### Issue

Is five years of experience in the ranks of H-2 Firefighter and/or H-3 Firefighter/Paramedic in the San Francisco Fire Department an appropriate minimum requirement to prepare and qualify someone for the supervisory rank of Fire Lieutenant?

### Authority/Standards

309.1.5 The Human Resources Director may amend class specifications as necessary to reflect the major duties of positions within the class and the job related knowledge, skills and abilities necessary to perform the functions of the class.

309.1.7 The decision of the Human Resources Director regarding classification matters including the authority to determine the status of an employee shall be final unless appealed to the Civil Service Commission.

309.2.1 Any employee, employee representative or appointing officer affected by a classification action or status grant under this Rule may appeal the action to the Civil Service Commission. The appeal shall be in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

309.2.2 Proposed changes in classification and/or status of permanent civil service incumbents with existing status rights shall be posted for seven (7) calendar days. A day the Department of Human Resources is closed shall not be counted as the seventh (7<sup>th</sup>) calendar day. Proposed changes will become effective on the eighth (8<sup>th</sup>) calendar day following the posting date, with the following exception:

309.2.3 Protests shall be submitted to the Human Resources Director prior to the end of the posting period.

309.2.4 The decision of the Human Resources Director is appealable to the Civil Service Commission. The decision of the Civil Service Commission shall be final and not subject to reconsideration.

309.8.1 The Human Resources Director shall analyze positions and/or classifications whenever the Human Resources Director deems it necessary.

Rule 310.2 The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply. Not less than fifteen (15) business days prior to the issuance of this announcement, it shall be provided to the bargaining agent for review and comment.



**Findings**

1. A summary of the issues raised by the 17 members in their initial protests is shown in the table below. The number of members who raised the issue is reflected in the left column.

	Issue
11	114th class will not qualify until 08.20.17
10	computation date tied to list adoption
10	computation date tied to expiration of current list
8	Move back to 3 years service
7	Prior fire service exp
6	SFPD changed requirement to 3 years
6	Support of Fire administration for 3 years
5	Other Departments require 3 years
4	Allowing time in H-3 L1 or 2
2	Seniority points
2	Training and certificates
1	Comparing Captain to Lieutenant

2. As indicated previously, three members expressed concern about a lack of clarity in the language of the proposed amendment. DHR has since revised the language to resolve that lack of clarity.
3. Fourteen members protested the class specification based on other issues. The most common complaint was that members of the 114th Fire Academy class could possibly fall just short of the five-year experience requirement. This might require them to wait an additional four years to become eligible for the Fire Lieutenant exam [Fire Department promotional lists have historically been a three-year duration that is extended for a fourth year]. Instead of shortening the five-year experience requirement, these appellants have proposed changing the date upon which the five years is calculated. For example, rather than calculating the five years prior to the closing date of the Lieutenant announcement, they have proposed computing it either prior to the date the new list is adopted or prior to the date the current list expires.
4. Less common issues raised by appellants include reverting to the three-year requirement, allowing consideration of prior non-SFPD experience or time served in ranks H-3 Level 1 EMT and/or H-3 Level 2 Paramedic, citing the San Francisco Police Department's requirement of three years of experience, and citing the SFPD administration's support of the three-year requirement.
5. DHR surveyed 92 fire departments across the nation, and received responses from 38 departments.
6. The lowest time in rank required before the first-level promotion indicated by survey respondents were zero years for Baton Rouge LA, and one year for Cleveland OH [see Attachment F for survey results].
7. The highest time in rank required for promotion was Memphis TN, with eight years.

8. The average time in rank required for promotion across the 38 departments was 4.3 years. If Baton Rouge and Cleveland were removed from the calculations (given that we do not consider zero and one year of experience to be reasonable options) the average increases to 4.6 years.
9. Nineteen of the responding departments indicated that the time in rank included a probationary period which varied from 3 to 12 months, with an average of just under 10 ½ months. It is unclear whether the other 17 departments include a probationary period in their experience requirement. If there is a probationary period that is not included, then that would in effect increase the time in rank requirement when equated to the SFFD

### Analysis

As indicated above, the class specification for H-20 Lieutenant currently lists as a minimum requirement three years of experience in the San Francisco Fire Department and permanent status in Class H-2 Firefighter or Class H-3 Level 3 Firefighter Paramedic. However, the most recent job announcement for H-20 Lieutenant included a requirement of five years of experience. In such situations, DHR views the specification's minimum qualifications as outdated since those reflected in the recent announcement are more current. When there is a discrepancy between the class specification and the announcement, DHR updates the class specification.

San Francisco Fire Department Firefighters spend approximately 15 weeks in the Fire Academy upon hire, then an additional 12 months on probation. In the case of the three-year requirement, a member with less than two years of journey-level experience (e.g., only 21 months of experience) could compete for the supervisory H-20 Lieutenant job. This is a very low and potentially risky requirement for a supervisor who will be responsible for directing the activities of a crew in life-threatening situations. Indeed, because the decisions of an H-20 Lieutenant incumbent can have significant consequences that impact life and safety, it would be more prudent to adopt the more conservative minimum experience requirement of five years.

Research shows that there is some predictive value between job experience and effective job performance. This positive correlation often tends to plateau or diminish after one has served in a particular job for approximately five years. From this perspective, a total experience requirement of five years is not unreasonable, as the two additional years (beyond the job specification's 3-year requirement) would continue to enhance firefighting performance and thereby better prepare a firefighter for a supervisory role.

Even a valid selection instrument is not a perfect predictor of job success. A test can measure only a sample of the characteristics that someone needs to be successful in a job. However, that which is not measured by a selection instrument can often be presumed to have been obtained from experience or education. This is why merit selection generally entails an examination process along with an experience and/or education requirement. Both add to systemic validity. In the case of public safety supervisory jobs, DHR believes that it is better to establish an experience requirement that errs on the side of validity.

This raises the issue brought by a number of the appellants who requested that we allow non-SFFD experience to count for eligibility purposes. While we recognize that experience in other jurisdictions could enhance a firefighter's knowledge and ability with regard to the fire service, we see no way to quantify such experience relative to SFFD experience, let alone fairly compare such experience across jurisdictions. SFFD has in the past hired laterally or above entry-level [i.e., H-3 Level 3 Firefighter Paramedic] to complete the implementation of the Emergency Medical Services [EMS] branch of the Department. However, those hires were made based on EMS experience, and all were required to complete a Fire Academy to learn the "SFFD" way of conducting business. There was no

assumption that their outside experience prepared them for functioning effectively in the SFFD supplemental training. Furthermore, consideration of time in ranks H-3 Level 1 EMT and H-3 Level 2 Paramedic would not be appropriate to qualify for H-20 Lieutenant, because members in those positions do not have interior fire suppression work experience.

As to the specific issues raised by the appellants to the CSC that we have not already addressed:

Two members of the 114<sup>th</sup> Fire Academy Class protested the class specification based on a yet-to-be-determined computation date for determining eligibility. These members recognize that DHR typically requires meeting the minimum qualifications by the close of the application filing. Their protest is premature since it would be more relevant and timely after the job announcement establishes the date by which the experience requirement is calculated. That is, depending on how the announcement is issued, it may very well be a non-issue at that time. However, changing the date would likely result in demands that other fire promotional announcements be processed in a consistent manner with a similar computation date. And in every exam, no matter what date is ultimately used as the deadline for meeting the experience requirement, certain individuals will just miss qualifying.

Four members of the 114<sup>th</sup> Fire Academy Class focus their appeals mostly on prior fire service experience. While they make a strong argument for their own experiences, the issue is wider than just these four individuals. For example, any precedent with regard to consideration of outside experience would have prospective implications with regard to quantifying such experience across jurisdictions.

### Conclusion

While DHR appreciates the opinions of all parties with respect to what should be considered the minimum experience necessary for H-20 eligibility, a five-year experience requirement appears to best conform to the requirements of other jurisdictions. Given that there are life and safety considerations associated with a Lieutenant's decisions and actions, it also appears that the five-year requirement is prudent and reasonable. A broader issue, however, is DHR's desire to establish a consistent approach across fire promotional classes. Prospective applicants should know the eligible requirements well in advance of the examination. Ideally, the way experience is calculated should not vary from announcement to announcement, or from class to class. Also, absent compelling evidence in favor of a change, the number of years of experience required to be eligible for a given class should not change from announcement to announcement.

### Recommendation

It is recommended that the Civil Service Commission adopt the report of the Department of Human Resources, and deny the appeals.

### Attachments

- Attachment A: Email confirming SFFD Administration agreement to change the time in rank requirement from three years to five years
- Attachment B: 2012 exam announcement for H-20 Lieutenant [Recruitment CBT-H020-058946]
- Attachment C: Letter from Local 798 in support of five-year requirement
- Attachment D: Letter from Aslan Firefighters Association in support of five-year requirement
- Attachment E: Letter from United Fire Service Women in support of five-year requirement
- Attachment F: Results of survey of Fire Department

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<sup>i</sup> The non-suppression classes of EMT and Paramedic are designated as H-3 Level 1 and H-3 Level 2 respectively.

<sup>ii</sup> Both H-2 Firefighter and H-3 level 3 (Firefighter/Paramedic) are considered fire suppression classes.

Fire Commissioner,

Watching the fire commission meeting where Guardians of the City (GOTC) pleaded their case for a location for the apparatus was disturbing in the evasion and half truths that they used to try and sell the vision that they were "homeless" & "doing the best they can" when the reality is much different. Now to continue their campaign of mis-information they presented a false narrative to the public via the NBC Bay area news segment from last night.

The only true moment in the broadcast is James Lee admitting guilt that GOTC had failed at their duties "What I see here now, is there is a benign neglect with regards to the protection of this historical equipment.". Since GOTC has been tasked with caring for the equipment since June 2012 the condition of is apparatus falls squarely on their shoulders. The majority of the apparatus at the Academy of Art parking lot has been outside for years, some have been outside for nearly five years. The fact that they are just now asking for help shows they are way in over their head, have no understanding of how to provide support for the collection or they didn't care. In any of those cases they should no longer be trusted to hold the keys to the collection.

They have no lawyers on the board, no accountant and no museum professionals on their board. In the five years they've been operating they've never bothered to find people with the necessary professional skill sets that a board needs to succeed and thrive.

How long has any of the apparatus been outside at the Academy of Art Location?

What sites have they visited to attempt to find a home for the apparatus over the years?

How often is the SFFD Memorial Museum and Safety Learning Center open?

What is the function of the Safety Learning Center?

If you visited the Safety Learning Center today, what would you see or learn?

Where is the storage site for the remainder of the collection?

Have they been filing tax returns to maintain their 501c3 status?

Have they been filing financial reports with the fire commission or any other city/county entity?

Have they brought anything in to the collection without the consent or approval of the fire commission? (since GOTC doesn't own anything and are acting on behalf of the city/county of SF they should need approval/consent to bring anything in to the collection which is property of SF)

Where is a comprehensive list of the collection? Do they even know what they have?

Museum Boards are generally tasked primarily with fundraising.

What is their financial health?

How much money have they raised in the five years that they've been active?

How much have they spent?

Maybe the city accounting office should do an extensive multiyear audit if they cannot readily answer those questions?

No one doubts their passion for the history of SF and in particular the history of the departments they represent, but are they capable of caring for this history?

Should any more money be given to this group before they have proven without a doubt they are capable of caring for the collection? That they know how to spend their money in a constructive manner?

The former tenants of The Mint spent tons of money on studies, architects & artistic views of the completed Mint project and that never led to an avalanche of money like James Lee suggested those actions would at the Fire Commission Meeting.

Their emails are also public record. Maybe they need to have their email accounts audited?

What is the term limits for the board chair?

Has James Lee been the board chair for the entire 5+ years of the organization?

They have had over five years to grow and prove they are an organization capable of performing their duties to the city and county of SF.

Perhaps another group would be better to care for the collection?

Perhaps The Fine Arts Museums of San Francisco (which has many pieces of SF history in their collection, including pieces on long term loan to the SFFD

Memorial Fire Museum) would be a suitable steward of the collection even if it's just in safe storage for the time being?

Other potential stewards would be the Society of California Pioneers and/or California Historical Society.

Perhaps a temporary steward of the collection could be appointed until a functioning group can be put together that includes people with experience in the museum field, fundraising, SF history, etc.

In the meantime the apparatus needs to be moved to a city warehouse(s) before the next winter so they do not deteriorate further. Trusting GOTC to take care of the problem is a fools errand.



LIBERTY  
COMPANY NO. 1  
ENGINE  
COMSTOCK FIREMEN'S MUSEUM  
www.ComstockFiremensMuseum.com

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125 SOUTH C STREET  
VIRGINIA CITY, NV 89440  
MUSEUM 775-847-0717  
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LIBERTY ENGINE  
COMPANY NO. 1

P.O. BOX 466  
VIRGINIA CITY, NEVADA 89440

August 2, 2017

Honorable Edwin M. Lee, Mayor  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

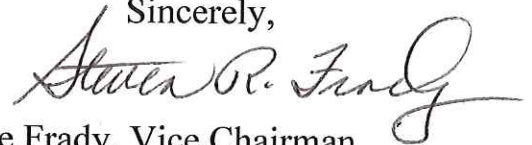
Dear Mayor Lee,

As a co-founder and current vice-chairman of the Comstock Firemen's Museum, I read with great interest the recent story in the San Francisco Examiner concerning the lack of storage for the motorized fire apparatus collection of the San Francisco Fire Department Museum.

I urge you to take quick action to help preserve and save this valuable collection that represents San Francisco's firefighting heritage by providing storage at no cost to the SFFD Museum through existing city and county resources.

Each of these historic pieces of fire apparatus must be preserved for future generations to see, study and enjoy. Each piece of equipment represents a life, a home, a business, a neighborhood, and even The City, saved. Even more important is the role they will play in education as extremely fine examples of engineering, design, and style, while providing a context of firefighting strategy and technique throughout San Francisco's very rich history.

Sincerely,



Steve Frady, Vice Chairman  
Comstock Firemen's Museum

Past Chief,  
Virginia City Fire Department

✓ cc: Ken Cleaveland, President  
San Francisco Fire Commission

"Faithful and Fearless."





**Sunday, September 10, 2017 - 1030 a.m.**  
**St. Monica's Church**  
**470 24th Avenue, San Francisco CA**

**APPROVED FOR POSTING**

*James Fay White*