

# SAN FRANCISCO FIRE COMMISSION

## MINUTES OF THE FIRE COMMISSION SPECIAL MEETING

February 24, 2022 – 11:00 AM

698 Second Street, Room 102, San Francisco, CA 94107

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*President Feinstein called the meeting to order at 11:08 a.m.*

### ***Item No.***

#### **1. ROLL CALL**

President	Katherine Feinstein
Commissioner	Francee Covington
Commissioner	Ken Cleaveland
Commissioner	Armie Morgan

Also present: Court Reporter Janine P. Branco  
Member  
Chief Jeanine Nicholson  
Deputy City Attorney Jennifer Stoughton  
Deputy City Attorney Brad Russ  
Floyd Rollins, Local 798  
Fire Commission Secretary Maureen Conefrey

#### **2. CASE NO. 2021-09: HEARING AND DELIBERATIONS ON VERIFIED COMPLAINT FILED WITH THE COMMISSION BY CHIEF OF DEPARTMENT** ***[Discussion and possible action]***

On November 3, 2021, Chief of Department Jeanine Nicholson filed a Verified Complaint with the Fire Commission against member for a non-disciplinary separation

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 Special Meeting Agenda Item; Possible Closed Session**

Caller Landis: So with those 25 percent of the remaining had at least one co-morbidity, which, in fact, in New York, which was hit hard in the beginning and had heavy mandates, has had 4.89 million cases with 66,418 deaths. Again, .01 chance of death. Again, four or more co-morbidities. 75 percent of those had four or more. California, which has had the strictest mandates, all of us know that very well, 8.85 million cases and 83,179 deaths, .009 chance. That is only .002 or one chance difference. And Florida has had minimal mandates; we've all seen them partying and doing their thing throughout the entire last two years, 5.78 million cases, 68,902 deaths, .01 chance of death. Again, .001 difference. Remember, 75 percent of those numbers had four or more co-morbidities as well as the majority of the other 25 percent had at least one. Most, if not all, of the firefighters in the Department have none. So, the chances are basically zero percent, if you do the math correctly. In 2020, when the virus was at its most deadly stage, the Department had a little over a hundred cases. 2021, there was hundreds. If you

look at the history for major viruses encountered, you find the mortality rate is high in the beginning and it mutates to spread. A virus needs a body to live. It wants to spread without killing a host. According to the Department physician, we had 361 cases since December and a hundred percent -- that's in a hundred percent-vaccinated Department. Some of those members also had their boosters and they got sick and had the exact same symptoms as others that are not working that did not have a vaccine. Unlike other vaccines that are mandatory, this one does not stop the spread. The other vaccines kill the virus and keep people from getting it at a rate of 99.99 percent or higher. The bottom line is these firefighters are not criminals. They are positive members of our society. They have not done anything but take their own calculated risk with a virus and the vaccine. These are people that wake up and go to work not knowing if they will ever see their families again all for the sake of putting others first. Any given moment

UNIDENTIFIED CALLER: Okay. I find it -- I don't even want to use the word hilarious. I find it sort of upsetting what's happening to our firefighters in San Francisco. Guys who risk -- men and women who risk so much where there was no, quote/unquote, vaccine, going home to their families, got COVID themselves, heroes one day and turned out to be complete zeroes by society and the City of San Francisco the next. We look at our state leaders, our governor. Our governor, Gavin Newsom, mayor -- San Francisco's mayor, CD-1 of our department all showed up to events unmasked during the height of this, during the time these people are laid off. And at the same time I feel that this panel and everybody else finds it lighthearted -- all the lighthearted giggles and jokes while you've got these people laid down on the guillotine who risk so much. So with that said, I know this is all going to deaf ears; all these decisions have already been made. I just hope for some reason, for some way you guys find it in your heart of hearts to find it inside yourselves to dig deep and look at real stuff, real science. That's all I've got to say.

CALLER WICKHAM: Thank you. Good morning, fire commissioners. My name is Hahn Wickham (phonetic). I'm a resident of San Francisco. I live and work in San Francisco, and I'm greatly thankful to the fire department, you know, for the protection they provide to the citizens of San Francisco. I would like to bring to your kind attention, you know, one main point. The order of the health officer No. C19-07 got updated based on the idea that the COVID-19 vaccines would prevent transmission. And to quote Dr. Rochelle Walensky, who is the director of CDC, what vaccines can't do anymore is prevent transmission. And to quote Dr. Anthony Fauci, who is the director of NIAID, we know now as a fact that vaccinated people with COVID-19 are capable of transmitting the infection to someone else. Now, we all know that San Francisco Fire Department and numerous other city departments saw major outbreaks in the last few months after the unvaccinated employees were placed outside their workplaces. To just clarify that, employees were removed from workplaces in 4 October and November of last year, and the vaccinated employees in the hundreds in the fire department, police department, SFPD, and numerous other departments, they got sick. The vaccinated can transmit the virus even though the unvaccinated employees were kept out of the workplace. So based on what Dr. Rochelle Walensky had said, Dr. Anthony Fauci had said, and based on what we have seen here in San Francisco, the vaccines have failed to prevent transmission and infection. Why? Again, basically the vaccinated are spreading the infection just as much as the unvaccinated may have spread the infection, so because of that the mandate becomes null and void even though it comes from the health department and the person may have located a doctor and, you know, they may -- there is a small chance that they had good intentions writing that, you know, to prevent transmission, but that intention has not been fulfilled. We now know that the vaccines

do not prevent transmission. So to keep a firefighter, you know, out of their workplace any longer is a disservice to San Francisco public because we all know that San Francisco is grossly understaffed with 3800 vacancies, of which many are in the fire department, from the fire department, so all of the firefighters who are unvaccinated should return back to work today. We cannot wait one more day for these firefighters to stay out of the workforce. They have put their lives at risk. We know that. They are our heroes, and to treat them like this is completely unacceptable mainly because the mandate

CALLER CAMPBELL: My name is Chris Campbell. I'm a firefighter on Truck 16, and we're -- actually, just got a call so I can't make a comment. But these firefighters have suffered enough. You asked us to do a job in the height of the pandemic, and all of them did what they were asked to do at the peril of their lives. These people need to get back to work. Please consider giving these people a chance. Thank you.

UNIDENTIFIED CALLER: Yes. I would like to speak. As a concerned citizen of San Francisco, I -- I feel that we are going into some pandemic phase. As the previous caller stated, the vaccine no longer prevents the transmission or contraction between unvaccinated and vaccinated, so I'm fearful that the commission is making permanent decisions that will affect the livelihood of these firefighters forever and terminate their job after they served the city and county bravely and unconditionally through this entire pandemic. I implore you to look at the entire situation and the science. The Health Order provides many avenues for firefighters to return to duty. It's not cut and dry. They should be accommodated and placed back into the workforce. And I implore the commissioners to use their own decisions and not to be influenced by outside stuff to make these decisions. These firefighters are no longer a threat, and it is absurd to claim undue hardship to bring them back to the workforce.

Christopher Salas again, retired, under duress firefighter for San Francisco. The only thing I want to say is from listening to the last commission meeting is that there is a lot of conversation about not letting unvaccinated people into high-risk situations, and I think our Department is only a few in the country that are terminating -- separating people for not being vaccinated when there is quite a few departments, I would say 90 percent of them, allow testing, a weekly test or a biweekly test for unvaccinated firefighters to continue working in the Department. I believe that should have been an option for those of us that are no longer working since October 13th, 2021. I believe the first speaker, and maybe it was the second, I can't remember, that gave all the information about the mortality rates, which are .000 for -- .0001 for healthy people with healthy immune systems, which most of us are. We all trust our immune systems. So I don't believe that it's -- I do believe that it's disingenuous to say that an unvaccinated firefighter cannot go into a high-risk situation because there are ways to prove that that person is not carrying the virus just as their -- as a matter of the fact, the vaccinated should be tested too because they also carry the virus. It's been shown with 140 firefighters getting COVID with all of the unvaccinated gone in the fire department. That's a plain fact that people with the vaccine can spread the virus. It's undisputable. So, I don't understand why these hearings are continuing. You guys just separated some of the five children last meeting, and I don't know how -- how that feels comfortable to any of you. And I don't know if my man having this hearing today would say this for himself, but this guy served in the United States Marine Corps and flew a helicopter for your country and our country and fought for your freedoms and my freedoms, for your liberty and my liberty. And these hearings that are happening, if the decision's already made before you go to hearing or to

your -- when you go to state whether you're going to separate or not and behind closed doors in secret, if the decision's already made to let somebody go before you even hear what he has to say or before you even acknowledge most of the science that's come out, people call it new, but all of us that decided not to get vaccinated knew this science almost two years ago. Most of the information that is coming out is not new to us but is new to you. And, like I said last time at the end, I'm going to end here.

CALLER McCue: Wonderful. I'm Eddie McCue, San Francisco firefighter, born and raised in San Francisco. Yeah, a lot of people already said what I was going to say from the physician doctor from February the email was the Mount Everest of surges. You knew it was bad, but did you realize how bad? You filed 361 workers' comp claims between December 16, 2021, and 22 January 31st, 2022. Most of them were COVID forced. If anyone on this call doesn't realize, that's with a fully vaccinated fire department, 100 percent. If anyone here doesn't realize that vaccinated people can spread this virus, I don't know what to say. The attorney and the City and everyone is hiding behind this Health Order saying there is no way to accommodate. That they can't accommodate us. Right now, in the fire department unboosted firefighters are being accommodated with masking and testing entering high-risk settings. You have people in the fire department that put in valid medical exemptions signed by their doctor. The Department declined them. They got severe reactions to the shot, and the Department still made them get a second shot in order to keep their jobs. Anthony Fauci says that it's waning to the point that we're seeing more and more people getting breakthrough infections and winding up in the hospital. Okay. So, this is coming down to the choice of whether or not you want to take a treatment or not for your own body. It doesn't protect anybody. And there are known risks to this thing. We also have religious and medical. You're asking people to choose between their God-given conscience and their job to support their families. I do not understand how other departments with a smaller budget in the same San Francisco Bay Area can accommodate and accept exemptions and this fire department cannot. You have doctors and nurses COVID positive being allowed to work in hospitals in San Francisco and unvaccinated people with natural immunity and valid exemptions with no COVID not being allowed to support their families. The Health Order gives plenty of room to accommodate these firefighters in order to go back and do the job they love and they're good at. It seems completely unreasonable and extremist point of view.

CALLER GANZY: My name is Rick Ganzy. I am a dentist and one action that is pervasive throughout all of medicine is that if there is risk in a treatment option, the patient must be allowed to decide whether or not to engage in that risk. And it just seems to me that taking away someone's livelihood because they've made a decision with their own health is profoundly wrong and unfair. We all know that there are risks with taking the vaccines -- with any vaccine. Some people say the risk is small; some people say the risk is large, but nobody says there is no risk. So if there is risk, there must be freedom of choice for the patient to decide if he wants to engage in that risk. And I think if you take this man's livelihood away from him because he doesn't want to accept the risk that you are coercing a patient in his medical decisions, I think it's wrong and unfair. And I -- I know this gentleman. He is an extremely strong person, both mentally and physically. He is -- he's a thoughtful and intelligent man, and he's made a decision about his own healthcare. And for anybody to come and say we're going to take away your job because of this healthcare decision that you made regarding your own body is -- is just profoundly wrong, and I disagree with it wholeheartedly, and I hope you will allow this man to keep his job with the City

of San Francisco. Thank you for my time. Thank you.

UNIDENTIFIED CALLER: So what does it say in defense of someone that -- who has faithfully served his country and the City of San Francisco? Those of us in Tom's family and those who served with Tom in Iraq and Afghanistan, and those who served beside him in San Francisco would say that this man who stands for personal conviction, self-determination, loyalty, team play and honor is exactly the kind of man that epitomizes a member of the San Francisco Fire Department. At one time you agreed. You hired him. And that has not changed. Prior to the vaccine Tom and others faithfully provided aid to many throughout the city. They did so without regard to their personal health and safety. These firefighters were called heroes. You called them heroes. And they have not changed, but what has changed is the virus and the science. No longer does science say that the vaccine will prevent COVID; no longer does the science say that one cannot spread the virus if fully vaccinated; no longer does the science say that if vaccinated you can't get COVID a second time. The science has changed. Throughout the world governments have reviewed current science and prior mandates. The world has opened up.

Governments are thinking again about the efficacy of vaccines, the impact the mandates had on communities and families. Social scientists are looking at the damage that shutdowns and mandates have had on schools and the workplace. Some cities and fire departments in particular never had vaccine requirements to begin with. Have you compared their rates of illness with San Francisco? Have you looked at the actual rates of hospitalizations from COVID as opposed to hospitalization rates with COVID? As the science changes, particularly with respect to natural immunity and herd immunity, I pray that this board will reflect on the guidelines that were initially established early in the pandemic and determine that this is a new day, we've had new information, and as responsible leaders you must have the courage to alter your stance. Finally, I hope that you will consider the Firefighters Code of Ethics whereby each firefighter, and I quote, will support the concept of fairness and the value of diverse thought and opinion. Thank you.

UNIDENTIFIED CALLER: Thank you for holding this public. When you are blessed with good, honorable hardworking men and women that have served the City of San Francisco faithfully for years and through this pandemic and you turn your backs on them, this is a disgrace. If my house is burning down or if I have a medical emergency, do you think I care if a firefighter is vaccinated against the common cold -- I mean COVID? No, absolutely not. You have the authority to do what is right. So you're putting these firefighters families' livelihoods on the line. I frankly do not see how you sleep at night causing so much stress and pain. You should be ashamed. You have the duty to do what is right. I will continue to pray for you. I pray that you have softened hearts and open minds. Calling the unvaccinated a threat to San Francisco is absolutely absurd. Your mandates and Health Orders are not law. I am so very thankful for these firefighters. Bring them back to work and do what is right. Thank you for your time.

UNIDENTIFIED CALLER: I have not. Good afternoon. Be on guard. Matthew 10: Be on guard against men. They will hand you over to the local councils and flog you in their synagogues. On my account you will be brought before governors and kings as witnesses to them and the Gentiles. But when they arrest you, do not worry about what to say or how to say it. At that time you will be given what to say for it will not be you speaking, but the Spirit of your Father speaking through you. Brothers will betray brother to death and a father his child. Children will rebel and have them put to death. All men will hate you because of me, but he who stands firm to the end will be saved. So do not be afraid of them for there is nothing

concealed that will not be disclosed or hidden that will not be made known. What I tell you in the dark, speak in the daylight. What is whispered in your ear, proclaim from the roofs. Do not be afraid of those who will kill the body, but not -- cannot kill the soul. Thank you.

UNIDENTIFIED CALLER: Thank you very much. I'm a concerned citizen. I'd like to leave my name anonymous. I prefer that because you're doing this to firefighters. What are you going to do the members of the public eventually? If a member of the public is unvaccinated, will there come a time where you're not going to respond to my place? So I'm concerned about retaliation. I'm not going to mention my name. My statement is the vaccines are supposed to protect vaccinated people. How do the vaccines protect other people? It makes no sense. This is political science. All I'm asking is that you do the right thing while there is time. People are watching. You will be exposed. You now have a chance to do the right thing. This is a travesty and it's unbelievable. That is all I have.

**B. Votes on Closed Session**

*Member requested an open session.*

1. Whether to hold the hearing on the verified complaint in closed session [Action]
2. Whether to conduct deliberations in closed session [Action]

*Commissioner Morgan Moved to hold deliberations in closed session. President Feinstein Seconded. The motion was approved 3-1 in favor of the motion with Commissioner Cleveland against.*

*Convened in closed session at 1:54 p.m.*

*Also in closed session was Deputy City Attorney Brad Russi and Fire Commission Secretary Maureen Conefrey.*

**C. Hearing and Deliberations**

1. Hearing on verified complaint (in open or closed session, per the Commission's vote)
2. Deliberations and possible action on charges (in open or closed session, per the Commission's vote) [Discussion and Possible Action]

*President Feinstein moved to find the Department proved by a preponderance of the evidence that member failed to comply with the City Health Order and the Department General Order and to uphold the Chief's recommendation for a non-disciplinary separation. Commissioner Morgan Seconded. The Motion was unanimously approved. (Ayes: Feinstein, Covington, Cleveland, Morgan)*

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

*Reconvened in open session at 2:29 p.m.*

1. 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).

2. 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 moved to not disclose discussion held in Closed Session. Commissioner Morgan Seconded. The motion passed with 3 votes for and Commissioner Cleavland against.*

**3. ADJOURNMENT:** President Feinstein adjourned the meeting at 2:43 p.m.