

## **Rule 312**

### **Eligible Lists - Fire Department**

Applicability: Rule 312 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

**Article I: Eligible Lists - General Provisions**

**Article II: Protest of Tentative Eligible List**

**Article III: Holdover Rosters and Return to Duty**

## **Rule 312**

### **Eligible Lists - Fire Department**

#### **Article I: Eligible Lists - General Provisions**

Applicability: Article I, Rule 312 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 312.1**     **Establishment of Eligible Lists**

**312.1.1**     The Human Resources Director may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles.

**312.1.2**     Qualified participants successfully passing all phases of the examination shall be ranked on an "Eligible List" in the order of their total score.

#### **Sec. 312.2**     **Discrete Eligible Lists**

Discrete eligible lists are lists derived from examinations which are open for filing for a specific time period and in which the selection procedure is administered on a specific date or dates.

#### **Sec. 312.3**     **Continuous Eligible Lists**

A continuous eligible list may be used for a class after the Human Resources Director has designated the class as a "continuous list class." Each time an examination for such a class is given, the names of the eligibles resulting from the examination shall be added to the existing eligible list, ranked by the eligible's score on the examination taken. For eligibles with the same score, names shall be listed alphabetically.

#### **Sec. 312.4**     **Duration of Eligibility on Continuous Lists**

Each examination announcement for a continuous list class shall state the time period during which the names of eligibles successfully passing the examination will remain on the continuous list. This time period will be referred to as the "eligibility period." An eligible's name shall be removed from a continuous list at the end of the eligibility period.

**Sec. 312.5**      **Priority of Eligible Lists**

The order of priority of eligible lists regardless of adoption dates is as follows:

- 1) Promotive lists
- 2) Combined promotive and entrance lists
- 3) Entrance lists

Within each category, earlier lists have priority over later lists.

**Sec. 312.6**      **Maintenance of Eligibility**

**312.6.1**      Except as otherwise provided in these Rules, eligibles who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated will forfeit their eligibility.

**312.6.2**      Except for persons designated as "holdovers" (see Holdover Roster and Return to Duty section of this Rule), eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with previous rank on the list restored.

**312.6.3**      The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions described above.

**Sec. 312.7**      **Adoption of Eligible List**

**312.7.1**      Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Department of Human Resources during the posting period. After the posting period and in the absence of protests, tentative eligible lists shall automatically become official as posted.

**312.7.2**      If protests are received during the applicable filing period under these Rules, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting, except for reasons beyond the control of the Human Resources Director.

**Sec. 312.7**      **Adoption of Eligible List (cont.)**

**312.7.3**      The Human Resources Director may adopt an eligible list pending the resolution of any protest or appeal. Eligibles who would be reachable regardless of the outcome of the protest or appeal may be certified.

**312.7.4**      Changes in an eligible list because of clerical errors or computation errors shall not change the date of adoption of the eligible list.

**Sec. 312.8**      **Duration of Eligible Lists and Eligibility**

The Human Resources Director may provide in the examination announcement that the eligible lists secured thereby shall automatically expire at a date not less than two (2) or more than four (4) years after the adoption of such list.

If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

**Sec. 312.9**      **Extension of Eligibility**

The Human Resources Director may extend an eligible list or eligibility period for up to one (1) additional year up to and not to exceed a total of four (4) years. Eligibles shall be notified of the extension or any change in the expiration of their eligibility.

**Sec. 312.10**      **Cancellation of Entrance Eligibility**

The Human Resources Director may cancel an entrance eligible list after the minimum duration of six (6) months. In canceling an eligible list, the Human Resources Director shall consider, among other factors, the number of eligibles remaining, the length of time since the selection procedures were administered, the Equal Employment Opportunity Policy, and labor market availability. Eligibles and the recognized employee organization representing the affected class shall be notified.

**Sec. 312.11**      **Merging of Entrance Eligible Lists**

**312.11.1**      The Human Resources Director may authorize the merging of an earlier list in a class with a later eligible list in the same class.

**Sec. 312.11    Merging of Entrance Eligible Lists (cont.)**

- 312.11.2** The names of eligibles from the earlier eligible list shall be interpolated with the names of eligibles on the later eligible list by score. Eligibles with the same score shall be listed in alphabetical order.
  
- 312.11.3** The duration of the merged eligible lists shall be established as provided elsewhere in these Rules and eligibles from the earlier eligible list shall have their eligibility extended accordingly.

## **Rule 312**

### **Eligible Lists - Fire Department**

#### **Article II: Protest of Tentative Eligible List**

Applicability: Article II, Rule 312 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 312.12 Posting of Tentative Eligible List**

Following the completion of any examination, a tentative eligible list shall be posted for the inspection of the public and of participants. The tentative eligible list shall be posted at the Department of Human Resources and the Fire Department Examination Unit bulletin board at Fire Department headquarters.

#### **Sec. 312.13 Duration of Tentative Eligible List Posting Period**

The posting period shall be for a minimum period as determined by the Human Resources Director not to be less than three (3) business days for entrance, promotional or combined entrance and promotional examinations. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, the stability and reliability of the messaging platform in sending and receiving notifications, extent of access by eligibles to the means for receiving timely notification, and complexity of the examination ratings.

#### **Sec. 312.14 Documents Included in Inspection and Maintenance of Anonymity of Examiners**

Inspection during the posting period of the tentative eligible list shall include the eligible's application, documents supporting qualifications to participate in the examination, rating sheets and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions or answers shall be provided.

#### **Sec. 312.15 Inspection Restricted to Examination Participants**

Only participants in the examination may review the examination documents during the posting period.

**Sec. 312.16**    **Protest Procedures**

During this posting period, participants shall be allowed to file protests allowed by this Rule. The inspection of the tentative eligible list, the candidate's scores and examination papers shall commence with the posting of the tentative eligible list. Allowable protests of the tentative eligible list and/or scoring shall be filed within four (4) business days after the initial date of posting. Protests shall be limited to scoring miscalculations, typographical errors, computational errors in scoring, and the listing on a tentative eligible list of a person or persons allegedly ineligible for promotion. No protests shall be permitted that were or could have been raised at an earlier stage. The Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The decisions of the Human Resources Director on all matters related to this section shall be final and not subject to appeal to the Civil Service Commission.

## **Rule 312**

### **Eligible Lists - Fire Department**

#### **Article III: Holdover Rosters and Return to Duty**

Applicability: Article III, Rule 312 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 312.17 Holdover Status and Return to Duty**

##### **312.17.1 Holdover Roster - General Requirements**

- 1) Subject to the provisions of this Rule, permanent or probationary civil service appointees who are laid off or placed on an involuntary leave of absence shall be designated as holdovers.
- 2) The names of holdovers shall be ranked on a holdover roster for the class or classes from which layoff occurs and in the order of total seniority in the class in the City and County service. Seniority prior to resignation or termination shall not be used in determining holdover rights in a class.
- 3) Holdovers shall be returned to duty in rank order from holdover rosters.
- 4) Holdovers shall, for a period of five (5) years from the date of layoff, have preference for appointment over eligibles on civil service lists, or employees requesting transfer, reinstatement, or reappointment. The Human Resources Director, upon review of all the circumstances, may extend the holdover status for such specified period of time as he/she may deem proper.
- 5) Holdover rosters shall be canvassed in the following order: first, permanent holdover rosters; then, temporary holdover rosters.
- 6) Permanent holdovers shall be returned to duty in temporary positions before temporary holdovers. Permanent holdovers shall displace any temporary or part-time exempt appointee in the same class in any City and County department. Permanent holdovers returned to duty in temporary positions shall retain their status on the permanent holdover roster. In the event of a displacement, the least senior temporary or part-time exempt appointee in the City and County service shall be laid off first.



**Sec. 312.17 Holdover Status and Return to Duty (cont.)****312.17.1 Holdover Roster - General Requirements (cont.)**

7) Permanent holdovers in classes with citywide seniority for layoff purposes shall be entitled to displace only the least senior permanent employee in that class in City service. Holdovers who waive such appointment shall remain on the holdover list for subsequent permanent appointment to vacant positions, but may accept a temporary position in the class, if available.

**8) Exceptions to Return to Duty in Rank Order**

If two (2) or more approved requisitions are on file, the Human Resources Director may permit holdovers in line for appointment, and in accordance with their standing on the roster, to select from the available requisitions the positions to which they desire appointment. In cases where there are holdovers on rosters who would be reached for appointment on requisitions, the Human Resources Director may consult with appointing officers and employees involved, and if it is in the best interest of the service, may offer said positions to holdovers so as to make it possible for them to return to duty in the department from which laid off.

9) Holdovers who are notified that they are being returned to duty are required to respond to the Department of Human Resources within five (5) business days of the date of notification. The Human Resources Director may extend the time response period beyond five (5) business days. Failure of a holdover to respond within the time limits shall be considered a refusal of the offer and forfeiture of holdover rights.

10) Except as otherwise provided in these Rules, holdovers who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

11) In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only, shall not be a reasonable excuse for special consideration in case of failure to respond to notice of return to duty within time limits.

12) Except as otherwise directed by the Human Resources Director, holdovers being returned to duty shall not be required to pass a new medical examination.

**Sec. 312.17   Holdover Status and Return to Duty (cont.)****312.17.1   Holdover Roster - General Requirements (cont.)**

13) A properly completed copy of the designated report of layoff or involuntary leave of absence form shall be forwarded to the Department of Human Resources as soon as possible (in advance of the action if possible) so that the Department of Human Resources may record the action and place the employee's name on a holdover roster for immediate consideration for return to duty.

14) Late reports of layoff shall not interfere with nor affect the rights of holdovers to whom notices of return to duty have already been mailed and who have been or may be returned to duty in response to such notices.

15) If there is no holdover roster for a class or if the holdover roster is exhausted, the Human Resources Director may authorize that a holdover be returned to duty from another holdover roster deemed suitable to temporarily provide the required service. If no other roster is available, the position shall be offered to eligibles on regular civil service eligible lists or to individuals requesting transfer, reinstatement or reappointment.

16) Holdovers returned to duty shall be reinstated with accrued compensatory time, if any, and with their original anniversary date for the purposes of computing sick leave and vacation benefits.

**312.17.2   Holdover - Temporary Appointees**

1) Appointees certified from an eligible list who have satisfactorily served under temporary appointment shall upon expiration of the list be designated a "temporary holdover."

2) Resignation from temporary appointment from a holdover roster or refusal of temporary appointment from a holdover roster cancels all temporary holdover rights in that class.

**Sec. 312.17 Holdover Status and Return to Duty (cont.)****312.17.3 Holdover - Permanent and Probationary Appointees**

- 1) A permanent or probationary appointee to a promotional or entrance position who is laid off shall be designated a "permanent holdover" and shall be returned to duty in a position in the class from which laid off from a holdover roster as provided in this Rule.
- 2) A permanent holdover returned to duty on a permanent basis in a department other than the one from which laid off shall serve a new probationary period.
- 3) Return to duty of a permanent holdover to a position in the class from which laid off shall be subject to the following conditions:
  - a) Permanent Vacancy - A permanent holdover who refuses an offer to return to duty on a permanent basis in the department from which laid off shall forfeit all holdover rights in that class, and shall be removed from all rosters for that class. Such refusal of return to duty shall be deemed a resignation.
  - b) Temporary Vacancy - Permanent holdovers may refuse an offer to return to duty on a temporary basis in the department from which laid off without affecting future offers to be returned to duty. Waiver of temporary appointment shall not be removed without the permission of the Human Resources Director.
  - c) Permanent holdovers may refuse an offer to return to duty on a permanent or temporary basis in a department other than the department from which laid off without affecting future offers to be returned to duty. Such departmental waivers shall not be withdrawn without the approval of the Human Resources Director.
  - d) A permanent holdover who was laid off during the probationary period and who is returned to duty in the department from which laid off shall complete the remaining period of probationary service.
- 4) Transferees who are laid off during the probationary period shall be ranked on the permanent holdover roster for the class in accordance with their seniority in the class in the City and County service.

**Sec. 312.17   Holdover Status and Return to Duty (cont.)**

**312.17.3   Holdover - Permanent and Probationary Appointees (cont.)**

5) Permanent holdovers who resign or are released during the probationary period may be returned to the holdover roster from which appointed subject to the provisions of these Rules. Such holdovers shall not displace any current permanent or probationary employees, but shall remain on the list for subsequent permanent appointment to vacant positions and may accept a temporary position in the class, if available.