

# **Rule 313**

## **Certification of Eligibles - Fire Department**

Applicability: Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

### **Article I: Personnel Requisitions**

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# **Rule 313**

## **Certification of Eligibles - Fire Department**

### **Article I: Personnel Requisitions**

Applicability: Article I, Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 313.1      Personnel Requisitions**

##### **313.1.1      Requirement for Personnel Requisitions**

Whenever a position is to be filled, the appointing officer shall issue a personnel requisition on the prescribed form. Fully approved personnel requisitions shall immediately be time stamped in the order of receipt in the Department of Human Resources.

##### **313.1.2      Separate or Group Personnel Requisitions**

A separate personnel requisition shall be made for each permanent position to be filled. Group personnel requisitions may only be made for temporary positions.

##### **313.1.3      Cancellation of Personnel Requisitions**

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the Human Resources Director.

##### **313.1.4      Priority of Personnel Requisitions**

Except as otherwise provided in these Rules, certification shall be made in accordance with priority of approval of the personnel requisition in the Department of Human Resources or the date to report to duty, whichever is later.

##### **313.1.5      Tenure of Temporary Appointments**

1) Temporary employments may be requisitioned for a period not to exceed twelve (12) months.

**Sec. 313.1**      **Personnel Requisitions (cont.)****313.1.5**      **Tenure of Temporary Appointments (cont.)**

2) Original personnel requisitions for less than twelve (12) months may be extended from the date of appointment but may not exceed the maximum allowable personnel requisition time. Upon completion of the allowable maximum time, the temporary appointment(s) may be extended when funds are available and when the employee continues to have standing on an eligible list for that class.

3) Beginning on the effective date of this Rule, the Department of Human Resources shall keep records of the number of temporary employments extended as provided in this Rule. On July 30, 1977, and each July 30 thereafter, a list of extended temporary employments for the past fiscal year shall be made available for public inspection.

**313.1.6**      **Flexible Staffing Personnel Requisitions**

A personnel requisition for a permanent vacancy filled by an appointee in accordance with the flexible staffing authority of the Salary Ordinance shall also be valid for subsequent certification for appointment of the same eligible, when qualified, to the class designated on the personnel requisition.

## **Rule 313**

### **Certification of Eligibles - Fire Department**

#### **Article II: Certification Rules - Entry and Promotive**

Applicability: Article II, Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 313.2      Certification of Eligibles – General Policy**

**313.2.1** The Civil Service Commission endorses and supports the broadening of the Rules governing the certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to ensure equal employment opportunity to all persons. Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, sex, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointing officers and their designees shall be responsible for establishing non-discriminatory selection procedures which may include scheduling each interested eligible for interview, conducting interviews by a diverse panel, asking job-related questions, maintaining documentation of selection criteria, and reviewing the proposed selection with the department's Equal Employment Opportunity Officer or with the Department of Human Resources Equal Employment Opportunity Unit. When making appointments, the appointing officer or designee will consider the following job-related criteria: length and variety of Fire Department experience, training and education, completion of State Fire Marshal courses or equivalent, and disciplinary record. In the event of a recommendation to change the criteria specified above, prior to the issuance of any job announcement, that change shall be presented to the Civil Service Commission for its approval in advance and will be discussed in open session with all interested parties. Unless otherwise instructed by the Civil Service Commission, the Department of Human Resources shall annually report to the Civil Service Commission on the selection processes administered for the Fire Department uniformed ranks. In addition to the annual reports, the Department of Human Resources shall make regular reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures. The Human Resources Director shall report to the Civil Service Commission on the progress of continuous testing and the entry-level certification expansion on an annual basis for two (2) years and thereafter on a schedule to be determined.

**Sec. 313.2**      **Certification of Eligibles –General Policy (cont.)****313.2.2**      **In implementing this Rule, the Human Resources Director shall:**

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City & County of San Francisco, and
- 2) ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all decentralized units as delegated by the Human Resources Director, and
- 3) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

**Sec. 313.3**      **Certification Rules****313.3.1**      **Rule of Three Scores**

- 1) The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three highest scores on the list of eligibles for the position who are available for appointment.
- 2) Except as otherwise may be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at less than three (3) scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

**313.3.2**      **Rule of Three or More Scores**

- 1) The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with the three highest scores shall be certified to each available position.
- 2) Except as otherwise may be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule applicable to the eligible list being certified minus one.

**Sec. 313.3**      **Certification Rules (cont.)****313.3.3**      **Rule of the List**

- 1) The names of all eligibles on the eligible list shall be certified to each available position.
- 2) An eligible list adopted under the Rule of the List shall be exhausted when there are less than one third of the number of eligibles on the original list still available, provided however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

**313.3.4**      **Statistically Valid Grouping (Sliding Band)**

- 1) The Department of Human Resources shall certify to the appointing officer the names of eligibles that are within a statistically valid grouping/sliding band of scores (“grouping”).
- 2) The grouping shall be determined through the standard error of the difference (SED) of the examination multiplied by a confidence factor of 1.96. Eligibles within the grouping are considered to be of comparable knowledge, skills and abilities with respect to the areas tested on the examination.
- 3) If at any time, the highest score in the grouping is exhausted, the grouping will slide so that its upper limit rests on the highest score remaining on the list. Any additional eligibles whose scores fall within the new grouping shall be certified to available positions. The grouping shall also slide if all eligibles at the highest score waive or fail to respond within the time limits provided in this Rule.
- 4) Charter Section 10.101 provides that the minimum rule for the certification of eligibles shall be the Rule of Three Scores. Therefore, if at any time the grouping includes fewer than three scores, then the Department of Human Resource shall certify to the appointing officer the names of eligibles with the three highest scores as described in Section 313.3.1 of this Rule.
- 5) Selection of an eligible within the grouping shall be made under the authority and direction of the appointing officer.

**Sec. 313.3**      **Certification Rules (cont.)****313.3.4**      **Statistically Valid Grouping (Sliding Band) (cont.)**

- 6) The appointing officer shall develop secondary criteria to guide the selection process.
- 7) Secondary criteria may include, but need not be limited to experience(s), training and employment history.
- 8) Secondary criteria shall be job related.
- 9) Secondary criteria shall not be based on relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition, or other non-merit factors or otherwise prohibited nepotism or favoritism.

**Sec. 313.4**      **Certification Rules – General Provisions Applicable to All Certification Rules**

**313.4.1**      If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

**313.4.2**      The Certification Rule established at the time of the announcement may be appealed to the Civil Service Commission provided such appeal is received by the Executive Officer by close of business on the fifth (5<sup>th</sup>) working day (excluding Saturdays, Sundays, and holidays) following the postmarked mailing date of notification to the appellant. Such appeals shall be limited to an expansion of the Certification Rule beyond the Rule of Three Scores. The decision of the Civil Service Commission shall be final and no reconsideration shall be allowed. Use of the Statistically Valid Grouping under Section 313.3.4 of this Rule applied to a promotive eligible list shall not be subject to appeal.

**Sec. 313.5**      **Certification of Entry Eligible List**

The entry level Certification Rule to be utilized shall be established and announced on the examination announcement. For entry level eligible lists, the Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment under the Rule of Three Scores, Rule of Three or More Scores, Statistically Valid Grouping, or Rule of the List.

**Sec. 313.6**      **Certification of Promotive Eligible List – Statistically Valid Grouping**

For a promotive eligible list, the Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment in the Statistically Valid Grouping under Section 313.3.4 of this Rule.

**Sec. 313.7**      **Certification of Eligible List – Continuous List Class**

The certification rule for all eligible lists that the Human Resources Director designates as “continuous list class” shall be Rule of the List.

# Rule 313

## Certification of Eligibles - Fire Department

### Article III: Administration of Certifications

Applicability: Article III, Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 313.8**      **Response Period**

##### **313.8.1**      **Notice of Inquiry**

1) Eligibles are required to respond in writing to the Department of Human Resources within a minimum period from the date of such notice not to be less than three (3) business days as established by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to respond, 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 selection procedures.

2) The Human Resources Director may authorize that eligibles be polled by telephone, provided however that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.

##### **313.8.2**      **Notice of Certification**

1) Eligibles are required to respond to the appointing officer or designated representative within a minimum period after the date of such Notice not to be less than three (3) business days as established by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to respond, 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 selection procedures.

2) Eligibles are required to notify the Department of Human Resources as to their certification status within a minimum period not to be less than three (3) business days after the date of the Notice of Certification as established by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to respond, 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 selection procedures.

**Sec. 313.8**      **Response Period****313.8.2**      **Notice of Certification**

3) Departments are required to notify the Department of Human Resources of the results of a certification within twenty (20) business days after the date of the Notice of Certification.

**313.8.3**      **Extensions**

Response period time limits may be extended by the Human Resources Director.

**Sec. 313.9**      **Effect of Failure to Respond**

**313.9.1**      An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

**313.9.2**      Except if the Human Resources Director determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.

**Sec. 313.10**      **Waivers****313.10.1**      **General Waivers**

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.
- 3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.
- 4) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.

**Sec. 313.10   Waivers (cont.)****313.10.1   General Waivers (cont.)**

- 5) For reasons prescribed elsewhere in these Rules.
- 6) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

**313.10.2   Waiver of Part-Time Employment**

Any part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

**313.10.3   Conditional Waivers**

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

**313.10.4   Effects of Waivers**

- 1) A general or conditional waiver of certification by an eligible having standing on more than one list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) Notices of Certification. Refusal of consideration from the third (3<sup>rd</sup>) Notice of Certification shall result in the removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.

**Sec. 313.10   Waivers (cont.)****313.10.4   Effects of Waivers (cont.)**

4) Unless otherwise ordered by the Human Resources Director if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.

**313.10.5   Withdrawal of Waivers**

1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.

2) Such requests must be received in Department of Human Resources offices before the close of business on the third (3<sup>rd</sup>) Friday of the month to be effective the first (1<sup>st</sup>) business day of the following month. In the event the third (3<sup>rd</sup>) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1<sup>st</sup>) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles next in line for certification to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.

5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

**Sec. 313.11   Change of Address**

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 any notice within time limits.