

Rule 311

Examinations

Applicability: Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Article I: Examination General Principles

Article II: Examination Process

Article III: Inspection and Appeal Procedure

Article IV: Veterans Preference in Examinations

Rule 311

Examinations

Article I: Examination General Principles

Applicability: Article I, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 311.1 Charter Authority

The examination program shall be in accordance with the provisions of the Charter.

Sec. 311.2 General Provisions Governing Promotional Examinations

311.2.1 Except as specifically provided in this or other sections of these Rules, all promotions in the Uniformed Ranks of the Fire Department shall be made from the next lower permanent civil service rank or ranks attained by examination and reflected in the San Francisco Fire Department career track as outlined in the examination announcement.

311.2.2 All promotive examinations in the Fire Department shall be job-related, valid, and consistent with State and Federal laws that promote the non-discrimination policies of the City and County of San Francisco.

Sec. 311.3 Frequency of Promotional Examinations

The Civil Service Commission shall provide for promotion in the Fire Department on the basis of examinations and tests at least once every five (5) years for each promotive position or rank in the Fire Department. However, if a test is due and there are no vacancies or anticipated vacancies in a rank, the Human Resources Director may postpone the administration of an examination in said class until such time as vacancies are anticipated.

Sec. 311.4 Human Resources Director Empowered to Act

311.4.1 The Human Resources Director shall rule on all matters concerning the examination program in accordance with these Rules. The decisions of the Human Resources Director may be appealed to the Civil Service Commission unless specifically noted otherwise in these Rules. The decision of the Civil Service Commission is final and not subject to reconsideration.

Sec. 311.4 Human Resources Director Empowered to Act (cont.)

- 311.4.2** Subject to the approval of the Civil Service Commission, the Human Resources Director shall judge the adequacy of the tests to rate the capacity of the applicants to perform service for the City and County.
- 311.4.3** Except for reasons beyond the Human Resources Director's control, the Department of Human Resources shall immediately commence to conduct an examination whenever a provisional appointment is made to a permanently budgeted position.
- 311.4.4** Except for reasons beyond the Human Resources Director's control, the Department of Human Resources will, on a priority basis, commence to conduct examinations at least sixty (60) days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.

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Article II: Examination Process

Applicability: Article II, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 311.5 Examination of Applicants

311.5.1 Requirement for Competitive Examinations

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three (3) or more persons shall participate. However, any such examination may be held for less than three (3) qualified applicants with the approval of the Human Resources Director, after a finding that reasonable publicity of the proposed examination has been given.

311.5.2 Examination without Charge

311.5.2.1 Such examinations shall be without charge to the applicants.

311.5.2.2 Pilot Exception to the Requirement that Examinations be without Charge

1) Notwithstanding Section 311.5.2.1 above, on a pilot basis for a period not to exceed thirty-six (36) months from the date of adoption, November 18, 2013, applicants for the entry-level firefighter classification may be charged a fee by an outside vendor to take a City-approved examination that is administered by that vendor. Such fee may be waived for financial hardship.

2) The decision to deny an applicant's request for fee waiver based on financial hardship may be protested to the Human Resources Director within five (5) calendar days from the date of the notice of such denial. A day the Department of Human Resources is closed shall not be counted as the fifth (5th) calendar day. The Human Resources Director's decision to deny a request for fee waiver based on financial hardship shall be appealable to the Civil Service Commission in accordance with Civil Service Rule 305.12.1 - Appeal of Human Resources Director's and Executive Officer's Action, Examination Matters.

3) The Department of Human Resources shall provide the Civil Service Commission with reports on a semiannual basis on those examinations for which applicants were charged a fee pursuant to this Section 311.5.2.2. Such reports shall include, but not be limited to, the following information for each examination: the number of applicants; the number of fee waiver

Sec. 311.5 Examination of Applicants (cont.)**311.5.2 Examination without Charge (cont.)****311.5.2.2 cont.****3) cont.**

requests, denials, protests and appeals; no-show rates; and available statistical information on the sex, race or ethnic group of applicants and eligibles.

4) This Section 311.5.2.2 shall become inoperable and removed on November 15, 2016 unless otherwise authorized by action of the Commission. The Rule shall be recorded and retained as part of the permanent Civil Service Commission records.

311.5.3 Examination Control and Employment of Examiners

The Human Resources Director shall control all examinations and may employ suitable persons in or out of the public service to act as examiners.

311.5.4 Type of Examinations

The examinations used shall measure the relative capacities of the persons examined to perform the functions, duties, and responsibilities of the class to which they seek appointment. Examinations shall consist of selection techniques which will test fairly the relative qualifications, merit and fitness of the applicants for the position to be filled. Examinations shall be used to measure job-related aptitude, knowledge, skills, and ability.

311.5.5 Non Discrimination in Examinations

During the examination, no applicant for public employment shall be questioned as to political views, religious beliefs, labor or political affiliations, race, national origin, ethnicity, age, gender identification, sexual orientation, ancestry, marital status, medical conditions or disabilities, parental status, or other non-merit factors, nor will such factors be utilized in establishing minimum qualifications requirements and developing examinations. Nepotism and otherwise prohibited favoritism shall be prohibited.

Sec. 311.6 Means of Identification

The Human Resources Director shall determine the method of candidate identification to be used in all entry-level and promotional examinations and shall ensure candidate confidentiality for the purposes of scoring.

Sec. 311.7 **Examination Misconduct****311.7.1** **Cheating or Fraud in Examinations**

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Rules, the Charter and other laws. Actions to be taken by the Human Resources Director include elimination from the examination process, recommendation for dismissal and recommendation of ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the Human Resources Director.

311.7.2 **Aid, Hindrance, Fraud and Collusion in Examinations**

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

If any eligible secures standing on a list by fraud, concealment of fact or violation of Civil Service Commission Rules, the Human Resources Director may remove the eligible from such list and if certified, remove from certification; and if assigned to a position, shall recommend removal therefrom.

Sec. 311.7 Examination Misconduct (cont.)**311.7.3 Confidentiality of Examination Questions**

Examination questions are confidential information. Breaching this confidentiality is prohibited. Examples of breaching confidentiality include, but are not limited to the following:

- 1) The copying of examination questions or the taking of unauthorized notes or outlines during the examination.
- 2) The use of a personal tape recorder during the examination.
- 3) Dissemination of examination information including verbal dissemination of examination questions or topics.

Any person caught breaching this confidentiality shall be prosecuted to the full extent of these Rules, the Charter and other laws. Actions which may be taken by the Human Resources Director include elimination from the examination process, recommendation for dismissal, and recommendation of ineligibility for future employment.

311.7.4 Appeals

An action by the Human Resources Director on examination misconduct matters may be appealed to the Civil Service Commission as provided elsewhere in these Rules.

Sec. 311.8 Qualifications Appraisal Interview - Procedures

A Qualifications Appraisal Board is a panel of subject matter experts convened to rate candidate responses to questions that comprise an oral interview/performance examination.

- 311.8.1** The orientation of the Qualifications Appraisal Board may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the essential knowledge, skills and abilities needed by employees in this class, and other job-related information. The department head or representative shall not discuss any candidate with any member or members of the Qualifications Appraisal Board at this time or any other time prior to the completion of the examination.

Sec. 311.8 **Qualifications Appraisal Interview - Procedures (cont.)**

- 311.8.2** No fraternal rings, organization pins, or insignia of any kind shall be displayed by the board members in any qualification appraisal interview. Nor shall such rings, pins, or insignia be worn by any candidate who appears before such a board.
- 311.8.3** No board member shall rate a candidate who is related to that person or rate a candidate if any strong personal or working association exists between that candidate and the board member so that it would be difficult to make an impartial rating or that it would create an appearance of impropriety.
- 311.8.4** No candidate shall discuss her/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.
- 311.8.5** No letters of reference or recommendation shall be presented to the qualification appraisal board.
- 311.8.6** The board may only consider relevant documents as specified in the scheduling notice. The scheduling notice is a letter sent to candidates that contains relevant examination information, such as test appointment times and dates, and test locations.
- 311.8.7** The same rating standards shall apply to all candidates who appear for a qualification appraisal interview for a particular examination.
- 311.8.8** The minimum passing or qualifying rating must be related to a class, not to a specific position within a class.
- 311.8.9** Recordings of qualifications appraisal interviews shall be retained only until all ratings become final and any timely litigation based thereon has been resolved. A defective recording shall not invalidate the interview unless the Human Resources Director finds the omitted or unintelligible material critically relevant to the case, in which event the Human Resources Director may authorize a second interview or order a new examination.

Sec. 311.9 **Passing Marks**

For examinations that require the use of passing marks or qualifying scores, the Human Resources Director shall establish the passing mark. No changes in the passing mark shall be made once those taking an examination have been identified by name.

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Article III: Inspection and Appeal Procedure

Applicability: Article III, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 311.10 **Rating Keys**

Rating keys shall not be available for review or inspection, except as otherwise provided in Section 311.10.1. Protests of questions or answers on any examination shall not be allowed.

311.10.1 Release of Examination Questions and Rating Key

Notwithstanding any other provision of this Rule 300 series, the test questions, rating keys, and similar information pertaining to the H-50 Assistant chief examination administered in 2010 may be disclosed by the Director of Human Resources subject to Civil Service Commission approval, on a nondiscriminatory basis to persons scheduled to take a subsequent H-50 Assistant Chief examination to be administered following adoption of this provision.

Sec. 311.11 **Protests and Appeals – Examination Administration**

311.11.1 All protests regarding the administration of an examination component must be filed in writing with the Fire Department Examination Unit within seven (7) calendar days of the administration of that specific examination component. A day the Examination Unit is closed shall not be counted as a calendar day. Protests shall be limited to allegations of bias, malfeasance, or misfeasance by exam administrators.

311.11.2 All protests properly filed under this section shall be resolved in accordance with the provisions of these Rules. The decision of the Human Resources Director on these protests may be appealed to the Civil Service Commission. Appeals of the Human Resources Director's decisions must be filed as provided elsewhere in these Rules.

Sec. 311.12 **Qualifications Appraisal Board Interview – Challenges**

311.12.1 In the Event of Challenge

In the event of any challenge of a board member or any ratings in qualification appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.

Sec. 311.12 Qualifications Appraisal Board Interview – Challenges (cont.)**311.12.2 Challenge of Board Members**

1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.

2) Any challenge as to personal bias or competence of a person serving as a board member in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director, the rating by the challenged board member shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the remaining members of the examining board.

If more than one-half of the board members are successfully challenged, then the Human Resources Director shall cancel this session and a new board shall be constituted, unless more than one board has been convened for the examination, in which case the candidate shall be examined by an alternate board of equal number.

3) Any challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and submitted to the Fire Department Examination Unit within two (2) business days from when the qualifications appraisal interview was held. Challenges based on bias, malfeasance or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the specific grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved by the Human Resources Director in accordance with the provisions of these Rules before the examinations of the participants are scored. The protest time periods in Section 311.11 do not apply to this section.

4) The Civil Service Commission, in acting on an appeal of the qualification appraisal board, shall consider only the applications, records, tape recordings, and questions and answers which constitute the record of the qualification appraisal board interview. The Civil Service Commission will sustain challenges only when the candidate presents evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.

Sec. 311.12 Qualifications Appraisal Board Interview – Challenges (cont.)**311.12.2 Challenge of Board Members (cont.)**

- 5) The decision of the Civil Service Commission on this subject shall be final.
- 6) In absence of a challenge under this section or upon a decision by the Civil Service Commission under this section, later challenges shall be precluded.

311.12.3 Inspection of Ratings in Qualifications Appraisal Board Interviews by Participants

- 1) After the qualifications appraisal interviews for an examination are scored, the ratings shall be available for a minimum period of two (2) business days following the completion of the scoring for all participants or for some other two (2) day period set by the Human Resources Director, provided that the candidates are advised of the dates, during which period each participant may inspect their own ratings. During the inspection period, participants will be able to determine how their final score was computed. The identity of the board member giving any mark or grade in a qualification appraisal interview shall not be disclosed.
- 2) Any challenges shall be filed in writing within the inspection period and shall be limited to:
 - failure of the qualifications appraisal board to apply uniform standards; and
 - any questions propounded by the board which occur during a qualifications appraisal interview which require an answer in conflict with any Federal, State, or City and County laws, rules, or regulations which apply to the government of the City and County of San Francisco, the Department of Human Resources, and/or the Civil Service Commission.
- 3) All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules. The Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The Human Resources Director will not substitute her/his judgment for the judgment of the qualification appraisal interviewers. Ratings by a qualification appraisal board of less than the minimum passing score shall not be raised to more than the minimum passing score.
- 4) No evidence or documents supportive of qualifications shall be presented to the Human Resources Director which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.

311.12.3 Inspection of Ratings in Qualifications Appraisal Board Interviews by Participants (cont.)

5) The decision of the Human Resources Director on this subject shall be final.

6) In the absence of a challenge under this section or upon a decision by the Human Resources Director under this section, later challenges shall be precluded.

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Article IV: Veterans Preference in Examinations

Applicability: Article IV, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 311.13 Definition of Veteran for Purposes of Entitlement Under This Rule

The term “veteran” as used in this Rule shall be as defined under Cal. Gov’t Code §18540.4, which at the time of amendment of this Rule stated: Any person who has served full time in the armed forces in time of national emergency or state military emergency or during any expedition of the armed forces and who has been discharged or released under conditions other than dishonorable.

Sec. 311.14 Definition of Disabled Veteran for Purposes of Entitlement Under This Rule

- 311.14.1** For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 311.13, who has suffered a permanent service-connected disability that is of record in the United States Veterans Administration.
- 311.14.2** Notwithstanding any preference allowed under this Rule, disabled veterans as defined above shall be afforded all rights under the Americans with Disabilities Act, including any reasonable accommodation if appropriate.

Sec. 311.15 Veterans Entitlement

311.15.1 Veteran, Widow or Widower, or Domestic Partner

A veteran as defined above in Sec. 311.13, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of five percent (5%) toward his/her entrance qualifying score.

311.15.2 Spouse or Domestic Partner of Disabled Veteran

Spouse or registered domestic partner of a one hundred percent (100%) disabled veteran as defined above in Sec. 311.14, who becomes eligible for certification from an eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.