

Rule 322

Employee Separation Procedures

Applicability: Rule 322 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Article I: Separation Procedures

Article II: Termination of Temporary Employee

Article III: Termination of Limited Tenure Employee

Article IV: Dismissal of Permanent Employee

Article V: Resignation - Services Unsatisfactory

Article VI: Absence from Duty Without Leave (Automatic Resignation)

Article VII: Request to Remove Non-Permanent Ban

Rule 322

Employee Separation Procedures

Article I: Separation Procedures

Applicability: Rule 322 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 322.1 **Rules of Procedure Governing Separation Hearings**

322.1.1 This Article prescribes the procedures governing the separation of the following:

1. Temporary employee from a list
2. Limited tenure employee
3. Dismissal of permanent employee

322.1.2 A notice of termination on the form prescribed by the Human Resources Director from the appointing officer to the employee detailing the specific reason(s) for the termination, shall serve as official notice of such termination. The notice of termination shall be sent by certified mail or personally delivered. Copies of the termination form must be filed in the Department of Human Resources.

322.1.3 The notice of termination must include the following information:

- 1) The employee has the right to a hearing before the Civil Service Commission provided that a request for hearing is made in writing and is received by the Executive Officer within twenty (20) calendar days from the date of termination of appointment or from the date of mailing of the Notice of Termination whichever is later. In the event the 20th day falls on a non-business day, the deadline shall be extended to the close of business of the first business day following the 20th day.
- 2) The decision of the Civil Service Commission may affect any future employment with the City and County of San Francisco.
- 3) Representation by an attorney or authorized representative of the employee's choice at the inquiry;
- 4) Notification of date, time and place of inquiry a reasonable time in advance; and

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5) Inspection by the employee's attorney or authorized representative of those records and materials on file with the Executive Officer which related to the termination.

322.1.4 Any interested party may request a continuance of the inquiry.

322.1.5 The stated reason(s) for the termination must be enumerated. Records of warnings, reprimands and previous suspensions, if applicable to the reasons for termination, must be attached to the termination form.

322.1.6 To the extent practicable, the departmental representative who has the most complete personal knowledge of the facts which constitute the basis for the termination shall appear when the matter is to be considered by the Civil Service Commission. The matter will be heard in accordance with the procedures provided elsewhere in these Rules. Interested parties may record the inquiry if they provide the necessary equipment.

Sec. 322.2 **Eligibility Status Pending Civil Service Commission Action on Termination or Dismissal**

Except as otherwise ordered by the Human Resources Director, pending action of the Civil Service Commission on termination of any appointment or upon preferral of charges for dismissal, the name of the appointee shall be placed under waiver for all appointment(s) on any eligible list on which the person has standing and shall be otherwise ineligible for any employment in the City and County service.

Sec. 322.3 **Effect of Commission Approval of Termination or Dismissal**

Unless specifically ordered otherwise by the Commission, approval of termination or dismissal shall result in the cancellation of all current examination and eligibility status, and all future applications will require the approval of the Human Resources Director, after completion of one (1) year's satisfactory work experience outside the City and County service and by recommendation of the department head or Human Resources Director, the person shall be ineligible for future employment with the department from which separated.

Sec. 322.4 **Effect of Failure to Request Civil Service Commission Review of Termination or Dismissal**

322.4.1 Failure to request a Civil Service Commission review within the twenty (20) day period as provided elsewhere within this Rule shall result in the following actions:

- 1) The adoption of the departmental recommendation as approved by the Human Resources Director; or approval of the separation, if such action is appropriate; and/or
- 2) Dismissal from the City and County service; and/or
- 3) The cancellation of all current examination and eligibility status; and/or
- 4) All future applications shall be subject to the review and approval of the Human Resources Director after satisfactory completion of one year's work experience outside the City and County service; and/or
- 5) By recommendation of the department head or Human Resources Director, the separated employee may not be employed with the same department in the future.

322.4.2 This action shall be final and shall not be subject to reconsideration unless the person can present evidence in writing of being unable to communicate with the Commission within thirty (30) days of being able to so communicate. All requests for reconsideration shall be in writing and shall be processed in accordance with the procedure for reconsideration provided elsewhere in these Rules.

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Article II: Termination of Temporary Employee

Applicability: Rule 322 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 322.5 **Procedure for Termination of Temporary Employee**

322.5.1 A temporary employee may be terminated for cause by an appointing officer at any time. The notification and hearing procedure shall be in accordance with the provisions of this Rule.

322.5.2 The Commission shall take one or more of the following actions:

- 1) Declare the person dismissed from the service and remove the name of the person from the eligible list;
- 2) Order the name of the person removed from any other list or lists on which the person has eligibility;
- 3) Restrict future employment as it deems appropriate.

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Article III: Termination of Limited Tenure Employee

Applicability: Rule 322 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 322.6 Procedure for Termination of Limited Tenure Employee

322.6.1 A limited tenure employee may be terminated for good cause by an appointing officer at any time with the approval of the Commission. The notification and hearing procedure shall be in accordance with the provisions this Rule.

322.6.2 The Commission shall take one or more of the following actions:

- 1) Approve the termination and declare the person dismissed from the service.
- 2) Order the name of the person removed from any regular eligible list or lists on which the person may have standing.
- 3) Restrict future employment as it deems appropriate.
- 4) Disapprove the termination and reinstate the person to the department.

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Article IV: Dismissal of Permanent Employee

Applicability: Rule 322 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 322.7 **Procedure for Hearing on Charges Against an Employee When the Appointing Officer Neglects or Refuses to Act**

322.7.1 When the appointing officer neglects or refuses to act pertaining to the removal of any employee subject to the civil service provisions of the Charter, the Commission may hear and determine any charge filed by a citizen, or by any member of or by an authorized agent of the Commission. In rendering its decision, the Commission shall determine the charges and may exonerate, suspend or dismiss the accused employee in accordance with the provisions of Charter Section A8.341.

322.7.2 The appointing officer or the departmental representative shall appear when the matter is to be considered. The matter will be heard in accordance with this procedure provided elsewhere in these Rules.

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Article V: Resignation - Services Unsatisfactory

Applicability: Rule 322 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 322.8 **Procedure for Review of Resignation - Services Unsatisfactory**

322.8.1 **Notice of Proposed Action**

If the services of a resignee are to be designated as unsatisfactory, the appointing officer or designated representative shall notify the resignee of intention to so certify the resignation. The resignee shall be informed of the reasons for this determination and shall be offered an opportunity for review by the appointing officer or designated representative.

322.8.2 **Action by Appointing Officer**

As a result of review, if such review is requested by the resignee, the appointing officer may amend or sustain the certification of services.

322.8.3 **Notification to Employee**

If the appointing officer amends the resignation, the resignee shall immediately be notified by copy of the resignation form with services clearly marked satisfactory. If the appointing officer sustains the original determination, the appointing officer shall immediately notify the resignee on the separation form prescribed by the Department of Human Resources.

322.8.4 **Report Requirement**

A resignation certified by the appointing officer as services unsatisfactory shall be accompanied with a statement of the reasons for this action and shall contain a statement that the notification and review procedure outlined above was completed.

Sec. 322.8 **Procedure for Review of Resignation - Services Unsatisfactory**
(cont.)

322.8.5 **Civil Service Commission Review**

The Civil Service Commission shall consider the resignations of persons whose services have been designated as unsatisfactory provided that a request for review is made in writing and is received in the Civil Service Commission office within twenty (20) calendar days of the date of mailing of the Notice of Separation designating the services as unsatisfactory. In the event the 20th day falls on a non-business day, the deadline shall be extended to the close of business on the first (1st) business day following the 20th day. The Commission shall take one (1) or more of the following actions:

- 1) Accept the resignation as certified;
- 2) Remove the name of the resignee from other eligible lists on which the eligible's name appears;
- 3) Restrict participation in future examinations as it deems just;
- 4) Restrict future employment as it deems just;
- 5) Accept the resignation as certified and order that future employment be without restriction including the right to request reappointment; or
- 6) Remand the resignation to the appointing officer for reconsideration.

322.8.6 **Failure to Request Review**

1) Failure to request a Civil Service Commission review within the twenty (20)-day period provided above shall result in the adoption of the departmental recommendation as approved by the Human Resources Director; or the cancellation of all current examination and eligibility status; and all future applications shall be subject to the review and approval of the Human Resources Director after satisfactory completion of one (1) year's work experience outside the City and County service.

Sec. 322.8 **Procedure for Review of Resignation - Services Unsatisfactory**
(cont.)

322.8.6 **Failure to Request Review (cont.)**

2) This action shall be final and shall not be subject to reconsideration unless the person can present evidence in writing of being unable to communicate with the Civil Service Commission within thirty (30) days of being able to so communicate. All requests for reconsideration shall be in writing and shall be processed in accordance with the procedure for reconsideration provided elsewhere in these Rules.

322.8.7 **Hearing Procedures**

Hearings pursuant to this Rule shall be conducted in accordance with the procedures provided elsewhere in these Rules.

322.8.8 **Waiver of Employment**

Pending final action, the resignee shall be ineligible for all employment.

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Article VI: Absence from Duty Without Leave

Applicability: Rule 322 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 322.9 **When Five Days or Less**

Absence from duty without proper authorization for any period of time up to and including five (5) or less working days shall be cause for disciplinary action by the appointing officer.

Sec. 322.10 **When Over Five Days - Automatic Resignation**

322.10.1 Absence from duty without proper authorization in excess of five (5) continuous working days shall constitute abandonment of the position and shall be reported to the Department of Human Resources and recorded as an automatic resignation. The appointing officer shall notify the employee on the form prescribed by the Human Resources Director. The employee shall be notified by certified mail.

322.10.2 The automatic resignation shall be subject to appeal to the Civil Service Commission, if so requested by the person in writing, within fifteen (15) calendar days of the mailing date of the notice of automatic resignation. The fifteen (15) days includes the date on which the notice was mailed. The Civil Service Commission shall hear such appeal. The decision of the Civil Service Commission shall be final and not be reconsidered.

322.10.3 Failure to appeal within the fifteen (15) day period shall result in the adoption of the recommendation of the department head as approved by the Human Resources Director, or the cancellation of all current examination and eligibility status; the review and approval of the Human Resources Director, of all future applications after satisfactory completion of one (1) year's work experience outside the City and County service.

322.10.4 If the person can present evidence in writing of being unable to communicate with the appointing officer within thirty (30) calendar days of being able to so communicate, the automatic resignation may then be subject to reconsideration by the Civil Service Commission. All requests for reconsideration will be in writing and will be processed in accordance with the procedures for reconsideration provided elsewhere in these Rules.

Sec. 322.10 **When Over Five Days - Automatic Resignation (cont.)**

322.10.5 Pending final action under this Rule, an individual under automatic resignation shall be placed under waiver on all eligible lists on which the individual's name appears.

322.10.6 In considering the appeal of an automatic resignation, the Civil Service Commission shall take one or more of the following actions:

- 1) deny the appeal and approve the resignation;
- 2) order the name of the person removed from any other eligible list or lists on which the person's name appears,
- 3) restrict participation in further examinations as it sees fit,
- 4) return the name to the eligible list under such conditions for further appointment as it deem appropriate, or
- 5) disapprove the resignation.

Sec. 322.11 **Hearing Procedures**

Hearings conducted under this Rule shall be conducted in accordance with the procedures provided elsewhere in these Rules.

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Article VII: Request to Remove Non-Permanent Ban

Applicability: Article VII, Rule 322, shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 322.12 **Those Individuals Covered Under Rule 322, Article VII**

Former employees of the City and County of San Francisco who were banned from future employment in one or more department(s) in accordance with the provisions of Civil Service Rule 322 may request reconsideration of any non-permanent ban if it has been five (5) or more years since the ban was imposed. For the purpose of this Rule, any City-wide ban imposed before April 21, 2014 is considered a permanent ban not subject to reconsideration.

Sec. 322.13 **Reconsideration**

Individuals as defined in Section 322.12 may submit a written request to the Human Resources Director for reconsideration of a ban on their future employment. It shall be the responsibility of the requesting individual to submit to the Human Resources Director all available documentation and information regarding the separation. The individual must also provide reasons for the request for reconsideration of the employment restriction.

Sec. 322.14 **Action of the Human Resources Director**

The Human Resources Director shall consider the request and the recommendation from the affected department(s). The Human Resources Director may request additional information deemed necessary to make a recommendation to the Civil Service Commission. The decision of the Civil Service Commission is final.