

File No. 100966

Committee Item No. 10

Board Item No. 14

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Sub-Committee: BUDGET AND FINANCE

Date: August 4, 2010

BOARD OF SUPERVISORS MEETING

Date: 8/10/10

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Andrea S. Ausberry  
Completed by: AS

Date Thursday, July 29, 2010  
Date 8/5/10

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.



1 [Approving the Hiring of Displaced Federal Firefighters]

2  
3 **Resolution approving the hiring of permanent career civilian federal firefighters**  
4 **displaced by the closure of the National Park Service Fire Station in the Presidio,**  
5 **pursuant to the authority granted by California Government Code Section 53270.**  
6

7 WHEREAS, California Government Code Section 53270 permits a local government,  
8 when hiring additional firefighters, to appoint as a member a permanent career civilian federal  
9 firefighter who meets specific criteria, upon approval of the local government's governing body  
10 and notwithstanding any other provision of law; and

11 WHEREAS, The California legislature found that hiring of permanent career civilian  
12 federal, state and local government firefighters by local governments was a matter of  
13 statewide concern, and provided that the appointment authority in Government Code Section  
14 53270 would take "precedence over any provision of, or any condition or circumstance arising  
15 from a provisions of a charter, ordinance or resolution that governs employment of  
16 firefighters;" and

17 WHEREAS, Under Section 53270, to effectuate the purposes of that Section, the  
18 California Firefighter Joint Apprenticeship Program administers, prepares and circulates to  
19 local governments a list of permanent career civilian firefighters eligible for appointment under  
20 that Section; and

21 WHEREAS, The federal government, National Park Services (NPS), is ceasing to  
22 provide fire and emergency medical services in the Presidio of San Francisco (Presidio), and  
23 not later than September 30, 2010, will close its fire station in the Presidio. The federal  
24 firefighters at the Presidio fire station have been providing fire and emergency medical  
25 services to all of the Presidio, including "Area A" under the jurisdiction of the NPS and "Area

1 B" under the jurisdiction of the Presidio Trust (Trust), a wholly-owned United States  
2 government corporation; and

3 WHEREAS, The City and County of San Francisco has negotiated agreements with the  
4 NPS and the Trust for the San Francisco Fire Department (SFFD) to provide fire, emergency  
5 medical and related services in the Presidio; and

6 WHEREAS, Not later than September 30, 2010, all Presidio firefighters will be  
7 terminated from their positions as firefighters at the Presidio due to the closure of the Presidio  
8 fire station; and

9 WHEREAS, Firefighters at the Presidio Station were notified that if they wished to seek  
10 appointment to the SFFD, they could advise SFFD of their interest; and

11 WHEREAS, The SFFD conducted a selection process, including interviews of  
12 interested Presidio firefighters, and has selected fifteen permanent career civilian federal  
13 firefighters from the Presidio station for appointment, subject to the requirement that the  
14 selected firefighters pass SFFD's minimum hiring qualifications regarding physical and  
15 medical requirements, as well as the Candidate Physical Agility Test (CPAT) and a  
16 background check; and

17 WHEREAS, All firefighters the SFFD selected meet the criteria for appointment set  
18 forth in California Government Code Section 53270; and

19 WHEREAS, All firefighters the SFFD selected for appointment are on the list prepared  
20 and circulated by the California Firefighter Joint Apprenticeship Program under Section  
21 53270; and

22 WHEREAS, SFFD intends to offer a limited Fire Academy to introduce and orient the  
23 federal firefighters selected for appointment to SFFD policies, procedures and practices; and

24 WHEREAS, the San Francisco Fire Department is in need of firefighters; and  
25

1           WHEREAS, San Francisco Firefighters Union Local 798, IAFF, AFL-CIO does not  
2 object to the SFFD hiring these fifteen Presidio firefighters; and

3           WHEREAS, On July 19, 2010, the Civil Service Commission approved appointment by  
4 the SFFD of fifteen federal firefighters displaced from the Presidio; now, therefore, be it

5           RESOLVED, That the SFFD may appoint fifteen permanent career civilian federal  
6 firefighters from the Presidio Fire Service, on the following conditions:

- 7           1. The SFFD must select for appointment Presidio firefighters who are on the list  
8           prepared and circulated by the California Firefighter Joint Apprenticeship Program  
9           under California Government Code Section 53270;
- 10          2. The SFFD shall hire twelve (12) displaced federal firefighters in the H2 Firefighter  
11          classification;
- 12          3. The SFFD shall hire three (3) displaced federal firefighters in the H3, Level II  
13          classification;
- 14          4. The SFFD shall appoint the federal firefighters within 48 months after termination  
15          from their positions as federal firefighters at the Presidio;
- 16          5. SFFD shall not appointment a federal firefighter under this resolution unless that  
17          individual passes SFFD's minimum hiring qualifications regarding physical and  
18          medical requirements, as well as the CPAT and a background check; and
- 19          6. All firefighters appointed pursuant to this resolution are subject to the same  
20          requirements of any other newly appointed SFFD firefighter, including successful  
21          completion of a standard one year probation, subject to all applicable Civil Service  
22          Commission Rules.



**Item 10**  
**Files 10-0966**

**Department(s):**  
Fire Department (SFFD)

### **EXECUTIVE SUMMARY**

#### **Legislative Objective**

Resolution authorizing the San Francisco Fire Department (SFFD) to appoint 15 permanent career civilian Federal firefighters to authorized vacant positions. These Federal firefighters were displaced by the closure of the National Park Service (NPS) Fire Station in the Presidio.

#### **Fiscal Impact**

The proposed resolution would have no significant fiscal impact, as the cost of additional firefighter personnel and associated training is already included in the SFFD FY 2010-11 budget, as previously approved by the Board of Supervisors.

#### **Key Points**

The hiring of civilian Federal firefighters from the NPS Fire Station in the Presidio would require that the SFFD use a recruitment list prepared and circulated by the California Firefighter Joint Apprenticeship Program. This apprenticeship program was created under California Government Code Section 53270, which allows local governments to appoint displaced federal civil service firefighters with special consideration not normally afforded as part of the standard competitive civil service recruitment process.

#### **Recommendation**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

### **MANDATE STATEMENT AND BACKGROUND**

#### **Mandate Statement**

The proposed hiring of 15 Federal firefighters is subject to Board of Supervisors approval because California Government Code Section 53270, the State law that allows local governments to circumvent some local civil service rules in the hiring of displaced Federal firefighters, stipulates that such local hiring is conditional "upon approval by its governing body."

#### **Background**

Since the closing of the Presidio of San Francisco as a military post on October 1, 1994, the National Park Service (NPS) has assumed responsibility for the Presidio and retained firefighting and emergency medical response for the area. Additionally, the SFFD has provided emergency services to the Presidio, without the existence of a Mutual Aid Agreement, on an as-needed basis when the NPS resources are insufficient to respond to events within its boundaries.

As part of a transition in which NPS will contract fire and emergency response services to the SFFD (refer to Files 10-0964 and 10-0965), the NPS will cease to operate its fire station in the Presidio by no later than September 30, 2010. This will create a need for new firefighter personnel within SFFD and will leave the current federal firefighters displaced.

## DETAILS OF PROPOSED LEGISLATION

The proposed resolution would authorize the Fire Department to appoint 15 permanent career civilian federal firefighters from the NPS Fire Station in the Presidio conditional upon six criteria, as follows:

1. The SFFD must select for appointment Presidio firefighters who are on the list prepared and circulated by the California Firefighter Joint Apprenticeship Program under California Government Code Section 53270;
2. The SFFD shall hire twelve (12) displaced federal firefighters in the H2 Firefighter classification;
3. The SFFD shall hire three (3) displaced federal firefighters in the H3 Firefighter/Paramedic, Level II classification;
4. The SFFD shall appoint the federal firefighters within 48 months after termination from their positions as federal firefighters at the Presidio;
5. SFFD shall not appoint a federal firefighter under this resolution unless that individual passes SFFD's minimum hiring qualifications regarding physical and medical requirements, as well as the CPAT (Certified Physical Agility Test) and a background check; and
6. All firefighters appointed pursuant to this resolution are subject to the same requirements of any other newly appointed SFFD firefighter, including successful completion of a standard one year probation, subject to all applicable Civil Service Commission Rules.

On July 19, 2010, the Civil Service Commission authorized the civil service appointment of 15 displaced Federal Presidio firefighters (0254-10-1).

## FISCAL IMPACT

The proposed resolution would have no additional fiscal impact. The resolution calls for the hiring of 15 Federal firefighters, of which 12 will be hired into the H2 Firefighter classification, and three will be hired into the H3 Firefighter/Paramedic, Level II classification. According to Mr. Mark Corso, SFFD Chief Financial Officer, SFFD allocated funding in the FY 2010-11 budget for the hiring of 55 entry-level firefighters to replace the anticipated retirements of 55 current members. The 15 federal firefighters currently working at the Presidio would be incorporated into the 55 anticipated hires in FY 2010-11.

Therefore, the 15 subject Federal firefighters would be filling vacant authorized budgeted positions in the FY 2010-11 Fire Department's budget as previously approved by the Board of



Supervisors. Additionally, the costs associated with the offering of a limited Fire Academy are also included in the department's budget.

The NPS will stop providing the fire and emergency medical services at the Presidio of San Francisco no later than September 30, 2010.

## **POLICY CONSIDERATIONS**

### **Special Circumvention of Civil Service Rules**

California Government Code Section 53270 allows local governments to appoint displaced Federal civil service firefighters with special consideration not normally afforded as part of the standard competitive civil service recruitment process. Specifically, Section 53270 states that "the appointment authority created by this section takes precedence over any provision of, or any condition or circumstance arising from a provision of, a charter, ordinance, or resolution that governs employment of firefighters." Section 53270 also stipulates that such local hiring is conditional "upon approval by its governing body." As a result, in this instance, the SFFD may lawfully conduct the hiring process outside of the Civil Service Merit System, as allowed by California Government Code Section 53270, should the Board of Supervisors approve such action. Because the proposed resolution would waive the City's Civil Service Merit System, the Budget and Legislative Analyst considers this to be a policy matter.

### **Housing and Pension Benefits**

NPS firefighters are currently provided housing on the Presidio property with reduced rent. Additionally, the NPS firefighters currently participate in a federal pension system. According to Mr. Corso, the Federal personnel will be hired with "no lateral transfer of rank, seniority, pension or benefits." Therefore, the SFFD will not be responsible for providing for the continuance of these housing and pension benefits.

## **RECOMMENDATION**

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

