

File No. 100966

Committee Item No. 10

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Sub-Committee: BUDGET AND FINANCE

Date: August 4, 2010

BOARD OF SUPERVISORS MEETING

Date: _____

Cmte Board

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Completed by: Andrea S. Ausberry

Date Thursday, July 29, 2010

Completed by: _____

Date _____

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

1 [Approving Hiring of Displaced Federal Firefighters]

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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.**
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7 WHEREAS, California Government Code Section 53270 provides that
8 "[n]otwithstanding any other provision of law, upon approval of its governing body, a local
9 government, including but not limited to, a ... city and county, ... when hiring additional
10 firefighters, may appoint as a member ... any person who meets all of the following criteria:"
11 (1) was serving as a permanent career civilian federal firefighter in good standing at any
12 United States military installation; (2) successfully completed all firefighter training required for
13 employment as a permanent career civilian firefighter; (3) was terminated as a permanent
14 career civilian federal firefighter as a consequence of the closure, downsizing or realignment
15 of a federal military installation; and (4) was terminated not more than 48 months prior to
16 appointment to the local government; and

17 WHEREAS, The California legislature found that hiring of permanent career civilian
18 federal, state and local government firefighters by local governments was a matter of
19 statewide concern, and provided that the appointment authority in Government Code Section
20 53270 would take "precedence over any provision of, or any condition or circumstance arising
21 from a provisions of a charter, ordinance or resolution that governs employment of
22 firefighters;" and

23 WHEREAS, Under Section 53270, to effectuate the purposes of that Section, the
24 California Firefighter Joint Apprenticeship Program administers, prepares and circulates to
25

1 local governments a list of permanent career civilian firefighters eligible for appointment under
2 that Section; and

3 WHEREAS, The federal government, National Park Services (NPS), is ceasing to
4 provide fire and emergency medical services in the Presidio of San Francisco (Presidio), and
5 not later than September 30, 2010, will close its fire station in the Presidio. The federal
6 firefighters at the Presidio fire station have been providing fire and emergency medical
7 services to all of the Presidio, including "Area A" under the jurisdiction of the NPS and "Area
8 B" under the jurisdiction of the Presidio Trust (Trust), a wholly-owned United States
9 government corporation; and

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

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

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

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

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

1 WHEREAS, All firefighters the SFFD selected for appointment are on the list prepared
2 and circulated by the California Firefighter Joint Apprenticeship Program under Section
3 53270; and

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

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

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

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

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

- 13 1. The SFFD must select for appointment Presidio firefighters who are on the list
14 prepared and circulated by the California Firefighter Joint Apprenticeship Program
15 under California Government Code Section 53270;
- 16 2. The SFFD shall hire twelve (12) displaced federal firefighters in the H2 Firefighter
17 classification;
- 18 3. The SFFD shall hire three (3) displaced federal firefighters in the H3, Level II
19 classification;
- 20 4. The SFFD shall appoint the federal firefighters within 48 months after termination
21 from their positions as federal firefighters at the Presidio;
- 22 5. SFFD shall not appointment a federal firefighter under this resolution unless that
23 individual passes SFFD's minimum hiring qualifications regarding physical and
24 medical requirements, as well as the CPAT and a background check; and
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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.

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.

