

**AUTHORITY MERIT SYSTEM
SELECTION RULES
AND
APPEALS PROCEDURE**



**ORANGE COUNTY FIRE AUTHORITY
Updated October 20, 2022**

TABLE OF CONTENTS

	Page
DEFINITIONS	4
ARTICLE I GENERAL PROVISIONS	8
Section 1. Authority to Adopt and Revise Rules	8
Section 2. Applicability.....	8
ARTICLE II RECRUITMENT AND ANNOUNCEMENTS	10
Section 1. General Provisions	10
Section 2. Job Announcements.....	10
ARTICLE III APPLICATIONS	12
Section 1. Filing of Applications	12
Section 2. Qualification of Applicants	12
Section 2. Disqualification of Applicants.....	12
ARTICLE IV SELECTION PROCEDURES	14
Section 1. Use of Selection Procedures	14
Section 2. Types of Selection Procedures	14
A. Promotional Selection Procedure.....	14
B. Open Selection Procedure	14
Section 3. Content of Selection Procedures	14
Section 4. Appraisal Panels	15
A. Application Appraisal Panels.....	15
B. Qualifications Appraisal Panels.....	16
Section 5. Notification of Applicants	17
Section 6. Confidentiality of Scores	17
Section 7. Fire Apparatus Engineer and Fire Captain Selection Procedures	17
ARTICLE V ELIGIBLE LISTS	18
Section 1. Retention of Records.....	18
Section 2. Order of Eligibles.....	18
Section 3. Effective Date of Eligible Lists	18
Section 4. Duration of Eligible Lists.....	18
Section 5. Removal of Names from Eligible Lists	19
Section 6. Reinstatement to Firefighter Trainee Eligible Lists	19
Section 7. Types of Eligible Lists and Precedence	20
A. Authority Reinstatement Lists	20
B. Authority Preferred Eligible Lists	20
C. Authority Promotional Eligible Lists.....	20
D. Open Eligible Lists	20
ARTICLE VI CERTIFICATION	21
Section 1. Certification of Eligibles	21
A. Requests for Certification of Eligibles.....	21

B. Requests for Selective Certification.....	21
C. Requests for Recertification	21
Section 2. Method of Certification From Eligible Lists.....	21
A. Authority Reinstatement Lists.....	21
B. Authority Promotional Eligible Lists and Open Eligible Lists	22
1. Single Vacancy (Excludes Fire Academy Vacancies)	22
2. Multiple Vacancies (Excludes Fire Academy Vacancies).....	22
3. Fire Academy Vacancies	22
C. Certification of Special Category Eligibles	22
D. Certification From Alternate Eligible Lists	23
Section 3. Notification of Certified Eligibles	23
A. Notification by the Assistant Chief/Human Resources Director	23
B. Notification by the Hiring Authority.....	23
Section 4. Waiver of Consideration	23
Section 5. Additional Certified Eligibles	23
ARTICLES VII REASSIGNMENT, REDUCTION, REEMPLOYMENT, AND TRANSFER	25
Section 1. Reassignment and Reduction Qualifications	25
Section 2. Reemployment Qualifications.....	25
Section 3. Transfer Qualifications.....	25
ARTICLE VIII APPOINTMENT	26
Section 1. General Conditions.....	26
Section 2. Appointment to a Reclassified Position	26
Section 3. Appointment of Limited-Term Employees.....	26
Section 4. Reassignment and Reduction Appointments	26
Section 5. Appointment of Reemployment Eligibles	26
Section 6. Appointment From Prior Certification Lists	26
ARTICLE IX SELECTION COMPLAINT AND APPEALS PROCEDURE	28
Section 1. Scope	28
Section 2. Selection Complaints	28
Section 3. Selection Appeals	39
Section 4. Basic Rules	30
Section 5. Conduct of Hearing.....	31
Section 6. Disclosure of Evidence.....	31
Section 7. Findings, Decisions, and Remedies.....	31
ARTICLE X EMPLOYMENT OF RELATIVES	33

DEFINITIONS

The following definitions as used in these Rules shall --- unless the context clearly indicates otherwise--- have the respective meanings herein set forth:

APPEALS OFFICER shall mean an independent, neutral third person appointed to hear and consider the merits of the dispute and to render a decision as stated in the Selection Appeals Procedure.

APPLICANT shall mean a person who competes in a selection procedure according to these Rules.

APPLICATION shall mean an official online document and any supplement required by the Assistant Chief/Human Resources Director for employment/promotion application purposes.

APPLICATION APPRAISAL PANEL shall mean a group of individuals designated by the Assistant Chief/Human Resources Director to evaluate applicants' knowledge, abilities, experience, education, and training from information contained in their applications.

APPOINTMENT shall mean the designation by a hiring authority of an eligible to fill a position.

ASSESSMENT EXERCISES shall mean exercises, such as--- but not limited--- to interviews, written examinations, group discussions, oral presentations, and practical exercises simulating actual job situations and testing an applicant's ability to perform effectively.

ASSISTANT CHIEF/HUMAN RESOURCES DIRECTOR shall mean the Assistant Chief/Human Resources Director or their designee.

AUTHORITY shall mean the Orange County Fire Authority (OCFA). The Authority is a joint powers agency created to discharge the functions of the Orange County Fire Department. Effective March 1, 1995, the OCFA became the successor organization to the Orange County Fire Department.

AUTHORITY PROMOTIONAL SELECTION PROCEDURE shall mean competition limited to the employees of the Authority.

BOARD shall mean the Board of Directors of the Authority.

CERTIFICATION shall mean the submission by the Human Resources Department of names of eligible to a hiring authority according to these Rules. The hiring authority may make an appointment only from such a list of eligible or as otherwise provided in these Rules.

CLASS shall mean all positions with the same official title and salary range or pay grade.

CLASSIFICATION shall mean the allocation of a position to a class.

DISCRIMINATION shall mean any act that constitutes unlawful different treatment in the administration of these Rules, because of a protected status as defined under the Fair Employment and Housing Act or other applicable state or federal law.

ELIGIBLE shall mean a person whose name appears on an eligible list.

ELIGIBLE LIST shall mean a list, in order of score or score group, of applicants who have qualified for appointment.

EMPLOYEE shall mean a person employed by the Authority in a regular, probationary, limited-term , extra-help.

EXECUTIVE MANAGEMENT shall mean an employee employed in one (1) of the classes as listed in the Personnel and Salary Resolution (PSR), Appendix A.

EXTRA HELP EMPLOYEE shall mean an employee employed in an extra help position. An extra help employee serves at the pleasure of the Authority in an extra help position and may be removed from an extra help position at any time with or without notice or cause and without a hearing.

FILING PERIOD shall mean a period of time, designated by the Assistant Chief/Human Resources Director or their designee.

FINAL FILING DATE shall mean the last date and hour, designated by the Assistant Chief/Human Resources Director, to receive applications for a selection procedure.

HIGHLY DESIRED QUALIFICATION shall mean knowledge, skills, or abilities desired for a specific position because of the unique nature of the assignment. These qualifications, if applicable, are not minimum qualifications for the class.

HIRING AUTHORITY shall mean the Board of Directors, member of Executive Management, or a designee empowered to appoint staff.

INCUMBMENT shall mean an employee currently holding an indicated position.

JOB ANNOUNCEMENT shall mean a notice of an employment opportunity containing a description of the class and/or position requirements, salary, instructions for applications, selection procedures, filing deadlines, and any other pertinent information.

LIMITED-TERM EMPLOYEE shall mean an employee employed in a limited-term position, except where a regular position is converted to a limited-term position, in which case, the incumbent shall retain his/her former status. As an exception to this definition, a limited-term employee may also be used to fill a regular position when the incumbent employee is on Official Leave of Absence.

MERIT SYSTEM shall mean the process of hiring and promoting government employees based on their educational and occupational qualifications, testing, and job performance as criteria for selecting, hiring, and promoting civil servants.

MINIMUM QUALIFICATIONS shall mean the knowledge, skills, abilities, education level, experience, and licenses/degrees required in order to perform the essential duties of a class specification.

MOU shall mean Memorandum of Understanding.

OPEN SELECTION PROCEDURE shall mean that competition is open to any person possessing the applicable minimum qualifications.

PASS POINT shall mean a minimum qualifying score.

PERSONNEL REQUISTION or REQUISTION shall mean an electronic form designated by the Assistant Chief/Human Resources Director to be used by an appointing authority. The form requests certification of eligible to fill a current or anticipated vacancy.

PROMOTION shall mean the movement of a regular, limited-term, or probationary employee from one (1) class to another class where the maximum step on the new salary range is higher than the maximum step of the old salary range.

PROMOTIONAL SELECTION PROCEDURE shall mean a recruitment is limited to current employees of the Authority who possess the applicable minimum qualifications.

PROVISIONAL APPOINTMENT shall mean an appointment of a qualified person who is not a regular, probationary, or limited-term employee of the Authority to a regular or limited-term position on a temporary basis in accordance with the Personnel and Salary Resolution (PSR).

PSR shall mean the Personnel and Salary Resolution.

QUALIFICATIONS APPRAISAL PANEL shall mean a group of individuals designated by the Assistant Chief/Human Resources Director to evaluate the applicant's knowledge, abilities, experience, education, and training. This information shall be gained from oral statements and other evidence furnished by each applicant during an interview conducted prior to and for the purpose of establishing an eligible list.

RANDOM SELECTION shall mean use of a computer-generated number series in random order to determine which applicants will participate in a selection procedure.

RANK shall mean a relative position of an applicant on an eligible list in order of score or grouping.

REASSIGNMENT shall mean the movement of a regular, limited-term, or probationary employee from one (1) class to another class on the same salary range or to a class where the maximum step of the new salary range is less than one (1) full step higher or lower than the maximum step of the old salary range or where the maximum rate of the new salary range is less than two and seventy-five hundredths (2.75) percent or lower than the maximum rate of the old salary range.

RECRUITMENT shall mean the process of attracting applicants for selection.

REDUCTION shall mean the movement of a regular, limited-term, or probationary employee from one (1) class to another class where the maximum step of the new salary range is lower than the maximum step of the old salary range.

RULES shall mean the Authority Merit System Selection Rules and Appeals Procedure.

SCORE GROUP shall mean a group of scores considered to indicate an essentially equivalent level of competence the person scored. Equivalency may be determined by various job-related numerical or statistical measures. All candidates in a score group are considered equally qualified for individual positions allocated to the subject class.

SELECTION PROCEDURE shall mean a test or series of tests used to measure applicants' abilities to perform the duties of a class or position, to rank applicants on an eligible list, and to appoint eligible to vacant positions.

SELECTIVE CERTIFICATION shall mean certification from an eligible list based on a special qualification, such as foreign language skills; shift preference, job location preference; and minimum qualifications required for some, but not all, positions in the class.

SPECIAL CATEGORY ELIGIBLES shall mean persons eligible for certification on the basis of reemployment/reinstatement, transfer, reduction, or reassignment. Requests for reemployment/reinstatement must be made within a period not to exceed two (2) years from the requesting individual's last employment date with the Authority.

SUBJECT MATTER EXPERT shall mean an individual or group of individuals who possesses authority, special skills, deep knowledge, and expertise over a particular subject designated by the Assistant Chief/Human Resources Director to evaluate applicants' knowledge, abilities, experience, education, and training from information contained in their application. A Subject Matter Expert may also evaluate the applicant's knowledge, abilities, experience, education, and training as a member of the Qualifications Appraisal Panel.

TERMINATION shall mean any separation of an employee from Authority service.

TEST shall mean any single selection device or event used to measure applicants' abilities to perform the duties of a class or position and which comprises part of a total selection procedure. Examples include application screening or evaluation, written test, skill test, appraisal interview, assessment exercise, interview, or reference check.

TRANSFER shall mean a movement of an employee from one department, division, or section to another. The employee maintains a position in the same class.

ARTICLE I

GENERAL PROVISIONS

Section 1. Authority to Adopt and Revise Rules

- A. Consistent with Part 1, Article I, Section 1.A. and Section 7, of the Orange County Fire Authority Personnel and Salary Resolution (PSR), the Assistant Chief/Human Resources Director shall determine the method of evaluating the qualifications of applicants and employees. The Assistant Chief/Human Resources Director shall administer the Authority Merit System Selection Rules and Appeals Procedure (Rules). The Assistant Chief/Human Resources Director may revise such Rules, provided no revision that nullifies the basic principle of a merit system shall be effective, unless approved by the Board.

- B. The reference to actions by the Assistant Chief/Human Resources Director contained in these Rules are to be considered in the context of the following assumptions, which underline the basic rationale of these Rules:
 - 1. The Assistant Chief/Human Resources Director alone is ultimately responsible for the appropriateness of all actions described as falling within the Assistant Chief/Human Resources Director's prerogatives in these Rules.

 - 2. Actions will be taken according to these rules and in consideration of the Authority's needs.

Section 2. Applicability

- A. Except as indicated below, these Rules shall apply to all selection processes for all regular and limited-term positions under the control of the Board.

- B. Any person receiving a temporary promotion or a provisional appointment, as defined in the PSR and/or applicable Memorandum of Understanding (MOU), or who is appointed to an extra help, limited-term, or regular position must possess the minimum qualification of the applicable class.

- C. Positions exempted from these Rules:
 - 1. Executive Management

 - 2. Those to be filled by temporary promotion, provisional appointment, and extra help according to the PSR

 - 3. Those which must be filled in a manner other than through the normal selection and certification procedures described in these Rules, as required by:
 - a. Contractual agreements
 - b. Program regulations
 - c. Laws, ordinances, resolutions, or other legislative actions
 - d. Resolution of a complaint, grievance, or appeal

 - 4. Those to be filled by provisional appointment

- a. The Assistant Chief/Human Resources Director may authorize a hiring authority to make a provisional appointment to a regular or limited-term position when determined it is in the best interests of the vacancy until a new eligible list can be established as provided in Article V.
 - b. The Assistant Chief/Human Resources Director may also authorize a provisional appointment to a limited-term position when the position is of extremely short duration and when determined it is impractical to establish an eligible list.
 - c. If a provisional appointment is initiated due to the lack of an eligible list, such provisional appointment shall not continue for more than ninety (90) days after an appropriate eligible list has been established or for more than six (6) months from the date of provisional appointment, unless an extension is authorized by the Assistant Chief/Human Resources Director.
5. Those reclassified as provided in Article VIII, Section 2.

ARTICLE II

RECRUITMENT AND ANNOUNCEMENTS

Section 1. General Provision

A hiring authority may suggest appropriate methods of recruitment and selection. The Assistant Chief/Human Resources Director shall determine specific methods of recruitment and selection to be used and may determine to limit recruitment to Authority employees and/or individuals in the Firefighter Reserve Program or may authorize opening recruitment to the public. The Authority shall not limit the number of applications to be accepted in promotional selection procedures. The Assistant Chief/Human Resources Director may modify, postpone, or cancel examinations. The Assistant Chief/Human Resources Director may extend the final filing date for accepting applications.

Section 2. Job Announcements

- A. The Assistant Chief/Human Resources Director shall prepare job announcements and/or use such other communication methods as deemed appropriate. The Assistant Chief/Human Resources Director shall send all employees via Authority email announcements and shall post announcements, on the Internet, and on the Authority's intranet. Promotional job announcements shall be sent to all employees via Authority email announcements and shall post on the Internet, and on the Authority's intranet for a minimum of fourteen (14) consecutive calendar days. The posting period may be seven (7) consecutive calendar days for intra-department Promotional Selection Procedures when the major portion of qualified employees is located at only one worksite.
- B. Job announcements shall describe the general duties of the class; minimum qualifications; when applicable, highly desired qualifications; salary; when the number of applications to be accepted is limited, the date the Human Resources Department will begin accepting applications; when applicable, the final filing date for accepting applications' testing or other selection procedures' relative weights of each predetermined test when more than one is used; and the type of eligible list shall be established. Additionally, job announcements shall state the Authority is an Equal Employment Opportunity employer.
- C. Modifications
 1. When a selection procedure is postponed or cancelled, applicants shall be notified by email to the email address provided by the applicant at time of application submission. Cancellations or postponement notices may also be given by phone or posted at the time and place of the scheduled examination.
 2. If the job announcement or other information source is modified prior to the established final filing date, substitute correction notices shall be distributed to previously notified locations. This shall be done when the Assistant Chief/Human Resources Director determines it is reasonable to expect applicants would have time to observe such notices prior to the final filing date and the modification would not have an adverse effect on applicants who have already filed applications. Otherwise, Article II, Section 2.C.3., shall apply.

3. If modifications are made after the final filing date or at a time or of a nature not allowing a substitute correction notice to be distributed as provided in Article II, Section 2.C.2., written notification shall be emailed to the email address provided by the applicant at time of application submission. Faster means of notification may be used when the Assistant Chief/Human Resources Director determines applicants must receive notification in a timelier manner.

ARTICLE III

APPLICATIONS

Section 1. Filing of Applications

- A. All applications must be made on official electronic forms supplied by the Assistant Chief/Human Resources Director and received by the Human Resources Department on or before the final filing date. Filed applications and attachments become the property of the Human Resources Department.
- B. A separate and complete application is required for each recruitment unless otherwise specified in the job announcement. Each application must be legible, as determined by the Assistant Chief/Human Resources Director, to qualify for inclusion in the recruitment.
- C. Prior to the final filing date, changes to an applicant's application will be accepted upon the written request of the applicant. At any time, an applicant may request in writing to the Assistant Chief/Human Resources Director that (1) their application be rendered inactive and that (2) they not be given any further consideration in a particular selection procedure.
- D. The applicant must sign each application, certifying the truth of statements contained therein. Electronic signatures will be accepted.

Section 2. Qualification of Applicants

- A. The Assistant Chief/Human Resources Director shall review each application filed in accordance with Section 1. They shall determine whether the applicant meets the minimum qualifications stated in the class specification or job announcement. Applicants may be required to submit evidence of required education, training, licensure, service in the armed forces, or required special qualifications prior to the final filing date or prior to appointment (whichever is stated in the job announcement) and/or as specified by the hiring authority.
- B. Applicants must meet these minimum qualifications by the final filing date stated on the announcement. Another date may be noted on the application for obtaining licenses and certifications in some selection procedures. Such date will be clearly stated in the announcement.
- C. Whenever the Assistant Chief/Human Resources Director rejects an application for lack of minimum qualifications, written notice of such rejection shall be emailed to the email address provided by the applicant at time of application submission.
- D. Individuals currently in the Authority's Reserve Program are not eligible to compete in Fire Apparatus Engineer, Fire Captain, or Fire Battalion Chief Recruitments.

Section 3. Disqualification of Applicants

- A. Any of the following actions or deficiencies shall constitute sufficient grounds for the disqualification of an applicant:

1. Failure to appear for or pass any required tests
2. False statements of a material fact in the application
3. Actual or attempted use of any method to obtain an advantage to which an applicant is not rightfully entitled in an examination or appointment
4. Obtaining unauthorized knowledge of test contents or participation in compiling, administering, or scoring the examination
5. Failure to submit an application correctly
6. Submitting an application after the final filing date
7. Assisting others to obtain an unfair advantage in a recruitment, if proven
8. Cheating or copying from another applicant's answers to test questions

ARTICLE IV

SELECTION PROCEDURES

Section 1. Use of Selection Procedures

Selection procedures shall be used to determine the eligibility of applicants for employment and their relative rank on eligible lists.

Section 2. Types of Selection Procedures

- A. Promotional Selection Procedure which is a recruitment where competition is limited to current employees of the Authority and persons laid off from Authority employment within the preceding two (2) years who possess the applicable minimum qualifications. At the discretion of the Assistant Chief/Human Resources Director, promotional selection procedures may include Firefighter Reservists.
- B. Open Selection Procedure which is a recruitment where competition is open to any person possessing the applicable minimum qualifications.

Section 3. Content of Selection Procedures

- A. All parts of any selection procedure, reference check, and/or background investigation conducted by any hiring authority shall be conducted only as authorized by the Assistant Chief/Human Resources Director. They shall have the authority to revoke, cancel, or nullify the results of any or all portions of any selection procedure, which do not have such authorization.
- B. The Assistant Chief/Human Resources Director shall determine the content and combinations of tests to be used, the weights assigned to each test, and the passing point or qualifying score. Except for the use of applications, no selection device of any sort, which was used to establish the eligible list, shall be used or counted more than once in any selection procedure. Selection procedures may include, but are not limited to:
 - 1. Competitive Selection Procedures
 - a. Competitive selection procedures consist of a variety of assessment exercises and may include any or all of the following: interviews, written examinations, group discussions, oral presentations, and practical exercises simulating actual job situations and testing an applicant's ability to perform effectively.
 - b. Competitive selection procedures shall be accurately scored.
 - c. The identity of each applicant shall remain confidential until the assessment exercises have been scored and a passing score established.
 - 2. Non-competitive Selection Procedures
 - a. Final selection interview
 - b. Medical examinations

1. Applicants for all regular, limited-term, and designated extra help positions, who are not Authority employees, shall pass a medical examination before appointment. Applicants who are Authority employees may be required to pass a medical examination before an assignment is made to a position with higher medical standards.
2. Any applicant for employment may not meet the medical standards established for employment, because of a medical impairment existing on the date of employment. The Authority may require the applicant, as a condition of employment, to execute a waiver of any and all rights to a disability retirement as a result of such impairment or any aggravation thereof while in Authority services, according to California Government Code Sections 31009 and 31720.
3. If the medical examination results indicate medical restrictions are to be placed on an applicant, the hiring authority in consultation with the Assistant Chief/Human Resources Director shall make a determination on whether the applicant's medical restrictions can be reasonably accommodated and are acceptable for a permanent assignment to a position. If the hiring authority accepts the applicant with the medical restrictions, the applicant shall be required to sign a medical work restriction notice obligating the new employee to observe at all times the medical restrictions while performing the duties of the position.

c. Reference checks

d. Background investigations

e. Fingerprint checks

Section 4. Appraisal Panels

A. Application Appraisal Panels

The Assistant Chief/Human Resources Director may authorize an appraisal panel to evaluate and rate applications.

1. The Assistant Chief/Human Resources Director shall approve selection application appraisal panel members based on their familiarity with the duties of the class, position, position group, or occupational field to which the selection procedure applies. Applicants in a selection procedure shall not be members of the panel appraising the applications for that selection procedure. Rating factors shall be established in the same way as described for qualifications appraisal and assessment panels in Article IV, Section 4.B.
2. The appraisal shall be based on information contained in applications, supplemental forms, and any other source approved by the Assistant Chief/Human Resources Director.

3. After the application appraisal has been completed, the number of applicants eligible to be scheduled for subsequent portions of a selection procedure may not allow all to be scheduled. The Assistant Chief/Human Resources Director shall determine the procedure to be followed in limiting the number scheduled. Such procedures included, but are not limited to, the following examples:
 - a. Limiting to those within predetermined number of top scores
 - b. Limiting to a predetermined number of top scoring applicants
 - c. Limiting to those within highest score group(s)
 - d. Limiting to those randomly processed from highest score group(s)

B. Qualifications Appraisal Panels

The Assistant Chief/Human Resources Director may designate a qualifications appraisal panel to interview the applicant and to evaluate, assess, and rate the applicant's knowledge, skills, and abilities.

1. The Assistant Chief/Human Resources Director shall determine the relative weight that the final score of the qualifications appraisal panel shall have in relation to other tests that may constitute a part of a selection procedure. The Assistant Chief/Human Resources Director will consult with the hiring authority in determining weights.
2. Only persons authorized by the Assistant Chief/Human Resources Director shall serve on qualification appraisal or assessment panels. Applicants in a selection procedure shall not be members of the qualifications appraisal or assessment panel evaluating applicants for that selection procedure. At least one (1) member of a two (2) or three (3) member panel, at least two (2) members of a four (4) or five (5) member panel, or at least half of the members of a larger panel shall be technically qualified in the pertinent occupational field.
3. Qualifications appraisal panel members shall be provided instruction on evaluation standards and procedures by the Human Resources Department and shall rate applicants according to such standards and procedures. During the interview, each applicant shall be allowed an opportunity to present additional information on their qualifications as they relate to the class, position, position group, or occupational field to which the selection procedure applies. This shall be separate and distinct from specific questions the qualifications appraisal panel asks the applicant.
4. The qualifications appraisal panel shall rate applicants only on factors identified and in the manner authorized by the Assistant Chief/Human Resources Director. If an applicant identifies a panel member who they feel may not rate them objectively, the panel member may remove themselves or may consult with the Assistant Chief/Human Resources Director to make a final decision. The applicant's scores on other portions of the selection procedure shall not be available to the qualifications appraisal panel.
5. Panel members may jointly discuss each applicant's interview prior to rating them. Rating shall be made independently by each panel member and then may be

discussed. The Assistant Chief/Human Resources Director shall prescribe the method of integrating the scores of all qualifications appraisal panel members.

Section 5. Notification of Applicants

- A. Applicants shall be notified of the date, time, and place of any required test(s).
- B. Applicants placed on an eligible list shall be notified of:
 - 1. Their final score group on the eligible list.
 - 2. The number of individuals in each of the eligible list's score groups at the time the eligible list is established.
- C. Applicants shall be notified of their failure to pass any required test.

Section 6. Confidentiality of Scores

- A. Unless otherwise authorized by the Assistant Chief/Human Resources Director, the names of the eligible certified to the hiring authority shall appear in alphabetical order within their designated score groups.
- B. Neither an applicant's individual final score nor any score received in any portion of the selection procedure shall be available to the appointing authority or the applicant, unless specifically authorized by the Assistant Chief/Human Resources Director. Any hiring authority requesting such information shall clearly state how this information would be used and how it would assist in making a selection. When an applicant's score is made available to the hiring authority, the affected applicant shall be notified of the following:
 - 1. Their score
 - 2. The appointing authority to whom the score was made available
 - 3. The reason the score was made available
- C. Unless specifically authorized in writing by the Assistant Chief/Human Resources Director, test materials and confidential recruitment documents will not be shared with applicants.

Section 7. Fire Apparatus Engineer and Fire Captain Selection Procedures

The selection procedures for Fire Apparatus Engineer and Fire Captain shall be in accordance with the MOU for the Firefighter Unit, Article III, Section 1.

ARTICLE V

ELIGIBLE LISTS

Section 1. Retention of Records

The Assistant Chief/Human Resources Director shall preserve records used in the publishing of eligible lists for at least four (4) years or until the final resolution of any appeal filed in connection with a selection procedure, whichever is longer.

Section 2. Order of Eligibles

- A. Applicants who qualify in a selection procedure shall have their names placed on an appropriate eligible list by score group, as defined in the Definitions. Eligibles will be listed alphabetically within each score group. The Assistant Chief/Human Resources Director may consult with the hiring authority on establishing score groupings but will retain the confidentiality of eligible's individual scores, except as required by the certification process.
- B. The order of eligibles for Fire Apparatus Engineer and Fire Captain shall be in accordance with the MOU for the Firefighter Unit, Article III, Section 1.

Section 3. Effective Date of Eligible Lists

Eligible lists shall be in effect from the date approved by the Assistant Chief/Human Resources Director.

Section 4. Duration of Eligible Lists

- A. The Assistant Chief/Human Resources Director shall establish open and promotional eligible lists based on, but not limited to, the following considerations:
 1. Number of eligible remaining on the existing eligible lists
 2. Score groups represented on the eligible lists
 3. Current and anticipated staffing requirements in the class
 4. The selection procedure(s) used to establish old and new eligible lists
 5. The date the eligible lists were established, and the number of times they have been certified
 6. Revisions in concept or usage of the class from which the eligible lists have been or will be established.
- B. If the old list is merged with the new, the order in which eligibles' names are placed on any such combined list shall be according to the score groups on the original lists.
- C. The Assistant Chief/Human Resources Director may abolish or extend open and promotional eligible lists or merge like open and promotional eligible lists at any time.
- D. When an existing eligible list is to be extended, merged, or abolished at a time different than that described in the selection procedure announcement, written notification shall be sent to each eligible on the list to the email address provided by the applicant at time of application submission.

Section 5. Removal of Names From Eligible Lists

- A. The Assistant Chief/Human Resources Director may remove eligibles' names from eligible lists for any of the reasons cited in Article III, Section 3. Additionally, the Assistant Chief/Human Resources Director may remove from an eligible list the name of any eligible who:
1. Requests in writing to have their name temporarily or permanently removed from the list or states in writing that they are not interested in employment in that class.
 2. Is appointed to a regular position in the class for which their name was on the eligible list. This restriction does not apply to an eligible who is appointed to a limited-term or extra help position or who receives a temporary promotion to a position in the class.
 3. Refuses to sign a waiver of right to disability retirement due to a failure in meeting the medical standards established for their employment because of a medical impairment existing on the date of their employment (California Government Code Sections 31009 and 31720).
 4. Refuses to sign a medical work restriction notice obligating the applicant to observe, always, the medical restrictions while performing the duties of the position.
 5. Rejects or fails to respond to an offer of an appointment two (2) times, fails to respond within five (5) calendar days to an offer of appointment, or waives consideration three (3) times.
 6. Fails to respond to a notice of certification within the prescribed time period.
 7. No longer possesses the minimum qualifications.
 8. Refuses to sign a loyalty oath, as required by the Constitution of the State of California as a condition of employment.
 9. Is no longer an Authority employee, for promotional recruitments only, unless the eligible is on the promotional list in the manner provided for Reinstatement in Article V, Section 7 or Reemployment in Article VI, Section 2.

Section 6. Reinstatement to Firefighter Trainee Eligible List

- A. An employee in a Firefighter Trainee position, who is prevented from completing academy training due to a work-related injury, may be reinstated to the Firefighter Trainee Eligible List from which they were selected. Such reinstatement must meet the following conditions:
1. The injury, which has prevented the employee from completing academy training, must be accepted by the Authority as a work-related injury, covered under the Authority's Workers' Compensation Program.
 2. The employee must formally request reinstatement to the list in writing to the Assistant Chief/Human Resources Director.

3. The reinstatement may only occur if the Eligible List from which the employee was originally selected is in effect at the time of the reinstatement.
4. Prior to the employee being reinstated, the employee must obtain a release from the Authority physician. The release must certify the injury, which caused their release from the academy, is permanent and stationary and no restrictions have been placed on the employee prohibiting them from participating in future academy training.
5. Reinstatement to the Eligible List is solely for consideration for selections regarding future openings. It is not a stated or implied guarantee of future employment with the Authority
6. If selected from the list, the individual will be required to participate in the same process as all other applicants. This includes, but is not limited to, background investigation, pre-employment physical, and passing physical agility test.

Section 7. Types of Eligible Lists and Precedence

- A. Authority Reinstatement Lists- As described in various MOUs and in the PSR, the names of persons subject to layoff shall be placed on an Authority Reinstatement List for the class from which laid off or reduced or for lower classes in that occupational series in the order of their layoff points. The person with the largest number of layoff points shall be listed first. Such names shall remain on the reinstatement list for two (2) years, except as provided in Article V, Section 5. For each vacancy in the applicable class and department, the person highest on the list shall be offered the position as provided in Article VI, Section 2.A. This list shall have precedence over all other eligible lists and must be exhausted before eligible are certified from any list lower in precedence.
- B. Authority Promotional Eligible Lists - The names of employees successful in promotional selection procedures shall be placed on an Authority Promotional Eligible List. When the number of names on Authority Promotional Eligible List is less than the number to be certified as provided in Article VI, Section 2.C., the hiring authority may request additional names be certified from a coexisting promotional or open eligible list.
- C. Open Eligible Lists - The names of applicants successful in open selection procedures shall be placed on Open Eligible Lists or Open Specialty Assignment Eligible Lists. The basis for establishing Open Specialty Assignment Eligible Lists and notifying eligibles shall conform to the procedures described in Article V, Section 6.C. When the number of names on an Open Eligible List or Open Specialty Assignment Eligible List is less than the number to be certified as provided in Article VI, Section 2.C., and the appointing authority may request additional names be certified from a coexisting promotional or open eligible list.

ARTICLE VI

CERTIFICATION

Section 1. Certification of Eligible List

- A. Requests for Certification of Eligibles - Whenever a vacancy is to be filled, the appointing authority shall submit a Requisition to the Assistant Chief/Human Resources Director, requesting certification from an eligible list. During the life of the eligible list, only one Certification List shall be prepared for each vacancy, unless approved by the Assistant Chief/Human Resources Director, as provided in these Rules. A request for certification from a specialty assignment eligible list shall include a specific description of duties to be performed by appointees.

- B. Requests for Selective Certification
 - 1. An appointing authority shall submit a request for selective certification on a Requisition, clearly describing the need for the special qualifications.

 - 2. If selective certification is approved by the Assistant Chief/Human Resources Director, certification shall be made from existing score groups --- in the manner described in these Rules, from among those eligible possessing the special qualifications, as determined by the Assistant Chief/Human Resources Director.

- C. Requests for Recertification
 - 1. A hiring authority may request that an eligible previously certified be recertified for additional vacancies in the same class. Such requests shall be made on a Requisition and may be granted if the same eligible list is still in effect and if the eligible is available and certifiable.

 - 2. If recertification is approved by the Assistant Chief/Human Resources Director, recertified eligible will be included as part of, not in addition to, the number to be certified, based on the number of vacancies.

Section 2. Method of Certification From Eligible Lists

Following receipt of a Requisition, the Assistant Chief/Human Resources Director shall determine from which eligible list(s) certification is to be made. They shall certify eligibles' names in the order and manner indicated below:

- A. Authority Reinstatement Lists
For each vacancy in the applicable class, the Assistant Chief/Human Resources Director shall certify the person whose name is the highest on the list. This person shall be offered the position. The Assistant Chief/Human Resources Director shall certify the next highest name on the list if the first person certified waives employment. In this manner, each person certified shall be offered the position until the position is filled or the list is exhausted.

B. Authority Promotional Eligible Lists and Open Eligible Lists

Eligibles shall be certified by highest score group. If the Assistant Chief/Human Resources Director determines that the number of applicants within a score group is unmanageable for the hiring authority to make an appointment, the following procedure shall be followed to establish a manageable size:

1. Single Vacancy (Excludes Fire Academy Vacancies)

- a. A minimum of three (3) eligibles shall be certified for a single vacancy.
- b. When the highest score group contains ten (10) names or less, the entire group shall be certified. The hiring authority may consider all eligible in the highest score group by notifying the Assistant Chief/Human Resources Director of such preference prior to preparation of the Certification List.
- c. When the highest score group contains more than ten (10) names, ten (10) names shall be randomly processed for certification from that group. Alternately, the hiring authority may consider all eligible in the highest score group by notifying the Assistant Chief/Human Resources Director of such preference prior to preparation of the Certification List.
- d. After consideration of the highest score group eligible, the hiring authority may consider additional eligible by requesting additional names be certified from the next score group eligible.
 - i. When the highest score group contains eligibles that were not previously certified, the remaining names shall be certified.
 - ii. When the next score group contains ten (10) names or less, the entire score group shall be certified.
 - iii. When the next score group contains more than ten (10) names, ten (10) names shall be randomly processed from that score group.

2. Multiple Vacancies (Excludes Fire Academy Vacancies)

Where more than one (1) vacancy is to be filled from an eligible list, the number of eligibles certified shall equal twice the number of vacancies plus an addition seven (7) eligible. When the number to be certified is either greater or less than the number in the highest score groups, the same procedure used for single vacancy certification will apply to yield the correct number of eligible to be certified.

3. Fire Academy Vacancies

- a. The highest score group will be certified.
- b. If the Assistant Chief/Human Resources Director determines the highest score group does not contain a sufficient number of names to fill vacancies, the hiring authority may consider additional eligible from the next highest score group.

C. Certification of Special Category Eligibles

Special Category Eligibles shall be certified in addition to or, at the request of the hiring authority, in lieu of any open or promotional eligible that are normally certified. The combined total of Special Category Eligibles appearing on any certification list according to these Rules shall not exceed the number of eligible normally certified. When the combined total of available Special Category Eligibles does exceed the number of eligible normally certified, the appropriate number of Special Category Eligibles shall be chosen by random processing from among all available Special Category Eligibles.

D. Certification from Alternate Eligible Lists

The Assistant Chief/Human Resources Director may certify names to vacancies from the eligible lists for related classes, provided the required qualifications of the related classes are at least equivalent to those of the class in which the vacancy exists. The names of the persons certified shall remain on the eligible lists on which their names were originally placed.

Section 3. Notification of Certified Eligibles

A. Notification by the Assistant Chief/Human Resources Director

The Assistant Chief/Human Resources Director shall provide written notice to certified eligible. Notices of certification shall indicate one of the following:

1. The eligible must contact the hiring authority within seven (7) calendar days from the date the notice of certification was emailed.
2. The hiring authority will contact the eligible to schedule their interviews.
3. The hiring authority will notify the eligible of the hiring decision, which will be based on a review of the eligibles' applications and other available written records, when the Assistant Chief/Human Resources Director determines such other records are appropriate.

B. Notification by the Hiring Authority

1. When the Assistant Chief/Human Resources Director notifies eligible that the hiring authority will contact the eligible to schedule their interviews, the hiring authority shall contact all the certified eligibles. When contact is made by written notice, the hiring authority shall notify the certified eligible that they have seven (7) calendar days from the date the notification was emailed in which to contact the hiring authority.
2. The hiring authority shall notify all certified eligible of the hiring decision.

Section 4. Waiver of Consideration

An open or promotional eligible specifically wishing to waive consideration for appointment may do so by notifying the Assistant Chief/Human Resources Director within seven (7) calendar days from the date the notice of certification was sent. Any eligible failing to provide this notification shall be considered to have failed to respond to the notice of certification and may be removed from the eligible list, as provided in Article V, Section 5.A.5.

Section 5. Additional Certified Eligibles

An additional eligible may be certified to replace any certified eligible—except a Special Category Eligible—who waived consideration, rejects an offer of appointment, fails to respond to a notice

of certification, fails the medical examination, or refuses to sign a waiver of right to disability retirement or medical work restriction notice.

ARTICLE VII

REASSIGNMENT, REDUCTION, REEMPLOYMENT, AND TRANSFER

Section 1. Reassignment and Reduction Qualifications

The Assistant Chief/Human Resources Director may, upon request of the hiring authority, approve the reassignment or reduction of an employee from one position to another. This approval shall be done provided the employee was previously appointed through the normal selection and certification procedures and they meet the minimum qualifications for the class to which reassigned or reduced.

Section 2. Reemployment Qualifications

- A. This section shall apply to a former Authority employee or to a present employee wishing to return to a class from which they were reduced through other than failure of probation, return from temporary promotion, or disciplinary action. An employee eligible for reemployment will have passed new or promotional probation and will have left their former class in good standing.
- B. The employee may request to have their name placed on any existing open or promotional eligible list for any class in which they held status or for any lower class in the same occupational series. Such request must be made in writing and addressed to the Assistant Chief/Human Resources Director. The request must be made while employed by the Authority or within two (2) years after termination of Authority employment, not including any time spent on military duty. The requesting employee must possess the current minimum qualifications for the applicable class(es). Reemployment eligible shall be placed on the applicable eligible list and certified in the manner provided for the certification of Special Category Eligibles in Article VI, Section 2.D.
- C. A regular employee who leaves Authority employment and is reemployed within fifteen (15) calendar days shall be deemed to have been on Authority Leave for such period of time.

Section 3. Transfer Qualifications

- A. An employee not on probation may request a transfer in the same classification by submitting an employment application to the Assistant Chief/Human Resources Director. An employee on probation may request a transfer only with the approval of the Assistant Chief/Human Resources Director. Extra help employees are not eligible for transfer. The requesting employee must meet the minimum qualifications of the applicable position.
- B. The Assistant Chief/Human Resources Director may disapprove a Request for Transfer when the employee's work record has not been acceptable. Once the Assistant Chief/Human Resources Director approves a request for a transfer, the employee shall be placed on an eligible list for the class and certified in the manner provided for the certification of Special Category Eligibles in Article VI, Section 2.D.

APPOINTMENT

Section 1. General Conditions

An appointment to any position shall be made only from eligible certified by the Assistant Chief/Human Resources Director or as otherwise provided in these Rules. Except as modified in Article VI, Section 3.B.2, the hiring authority must apply the same selection procedure to all eligibles, the hiring authority shall report to the Assistant Chief/Human Resources Director, regarding the appointment, non-consideration, non-selection, rejection of offer to an appointment, waiver of consideration, non-selection, rejection of offer to an appointment, waiver of consideration, failure to respond, or any alternative disposition of each certified eligible.

Section 2. Appointment to a Reclassified Position

When an occupied position is reclassified, the Assistant Chief/Human Resources Director may waive the normal selection and certification procedures and permit the incumbent to remain in the position.

Section 3. Appointment of Limited-Term Employees

- A. A limited-term employee shall only be appointed to a regular or limited-term position through the normal selection and certification procedures provided in these Rules, except as provided below.
- B. If requested by the hiring authority, limited-term employees may be appointed to regular or limited-term positions if all of the following conditions are met:
 1. The limited-term and regular positions are in the same class.
 2. The employee was appointed to the limited-term position through the normal selection procedures provided in these Rules.
 3. The hiring authority has determined the employee has satisfactorily performed the duties of the limited-term position.

Section 4. Reassignment and Reduction Appointment

Reassignments and reductions shall be accomplished by submitting the prescribed form, providing the employee meets all the requirements of Article VII, Section 1.

Section 5. Appointment of Reemployment Eligibles

The hiring authority may appoint without certification a former Authority employee by submitting the prescribed form, providing the former employee meets all the reemployment requirements of Article VII, Section 2.

Section 6. Appointment from Prior Certification Lists

A hiring authority may appoint to an additional vacancy an eligible certified for a previous vacancy in the same class, provided the same eligible list is still in effect and the eligible is available and certifiable.

ARTICLE IX

SELECTION COMPLAINT AND APPEALS PROCEDURE

Section 1. Scope

- A. A selection complaint and appeal may be filed only if an alleged act of discrimination or a misapplication of these Rules has adversely affected an applicant's status in a selection procedure.
- B. Specifically excluded from this Selection Complaints and Appeals Procedure are:
 1. Content of:
 - a. Selection rules
 - b. Minimum qualifications
 - c. Selection procedures
 2. All matters expressly within the discretion of the Assistant Chief/Human Resources Director as stated in these Rules
 3. All selection matters subject to resolution through an Authority grievance procedure
 4. The methods for establishing pass points and score groups
 5. Appointments to temporary promotion
 6. All matters having other means of appeal

Section 2. Selection Complaints

- A. An applicant may file a selection complaint with the Assistant Chief/Human Resources Director. Such a selection complaint must be received by the Assistant Chief/Human Resources Director within fourteen (14) calendar days from the occurrence that gave rise to the problem. Alternately, such a selection complaint must be received within fourteen (14) calendar days of the date the applicant was emailed notification of their disqualification or of their status in a portion of the selection procedure, whichever comes first.
- B. If an applicant does not file their selection complaint within the prescribed time limit, as stated in these Rules, the matter shall be considered resolved.
- C. The selection complaint shall be in writing, signed by the applicant, and submitted on the official form provided by the Human Resources Department. The selection complaint shall contain:
 1. The full name, address, and telephone number of the applicant
 2. The specific article, section, paragraph, and subparagraph from the Rules that was allegedly misapplied.
 3. A plain and concise statement of the facts constituting the alleged Rules violation.
 4. The adverse effect the alleged violation had on the applicant's status in the selection procedure.
 5. The specific remedy requested by the applicant.

- D. The complaint shall fail if it lacks the information needed to provide a clear understanding of the issues(s). In such an event, the complaint shall be returned to the applicant, by email to the applicant's email address, stating the reasons for the rejection.
- E. If the selection complaint contains an allegation of discrimination, it shall first be referred to the Assistant Chief/Human Resources Director for Investigation. This investigation may include—but is not limited to:
 - 1. Consulting with the applicant
 - 2. Advising of the applicant's rights
 - 3. Making necessary inquiries, which may include contacting witnesses and/or researching documents
 - 4. Seeking an informal resolution of problems
 - 5. Reporting to Executive Management regarding findings and recommendations for adjustment, if any
- F. Within fourteen (14) calendar days after receipt of the selection complaint or within thirty (30) calendar days if the complaint contains an allegation of discrimination, the Assistant Chief/Human Resources Director shall notify the applicant, by written notice to the applicant's last known email address, regarding the following:
 - 1. The applicability of the selection complaint under Article IX, Section 1. Notification shall state whether or not the selection complaint falls within the Scope of the Selection Appeals Procedure.
 - 2. The finding and recommendation regarding the merits of the selection complaint and, when appropriate, the corrective action or remedy procedure. The Assistant Chief/Human Resources Director need not prepare a report on the merits of the selection complaint. When the Assistant Chief/Human Resources Director determines corrective action is required, they shall have the authority to initiate corrective action and/or to prescribe any of the remedies provided in Article IX, Section 7.
 - a. If the Assistant Chief/Human Resources Director does not render a decision to the applicant within the time limitations set out in Article IX, Section 2. F., the applicant may file a selection appeal as provided in Article IX, Section 3.B. Such an appeal must be received by the Assistant Chief/Human Resources Director within seven (7) calendar days after the last date on which the Assistant Chief/Human Resources Director's decision could be rendered.

Section 3. Selection Appeals

- A. A selection appeal may be filed by an applicant whose selection complaint is within the scope of this procedure and is unresolved by the Assistant Chief/Human Resources Director's recommendation regarding the merits of the selection appeal within fourteen (14) days from the date their recommendation was mailed.
- B. The applicant shall submit a written request to have the selection appeal heard by an Appeals Officer. The request shall contain the full name, address, and telephone number of the appellant and the reason the request should be considered. It shall be signed and dated by the appellant.

- C. If the applicant does not request a Selection Appeals Hearing within the prescribed time limits, the Assistant Chief/Human Resources Director's recommendation regarding the merits of the selection complaint shall be final.
- D. If the applicant requests a Selection Appeals Hearing, the Assistant Chief/Human Resources Director shall, within seven (7) calendar days from the date the selection appeal is received, either arrange for the matter to be heard by an Appeals Officer or provide reasoning as to why the request is denied. The Selection Appeals Hearing shall be held as soon as practicable thereafter. Written notification of such hearing shall be sent by mail to the appellant's last known email address.

Section 4. Basic Rules

- A. Within the scope of this Selection Appeals Procedure, an applicant shall have the right to file a selection appeal and to have their selection appeal heard by an impartial Appeals Officer.
- B. Appellants (applicants) may represent themselves or be represented at the Selection Appeals Hearing by persons they choose.
- C. If two (2) or more applicants have essentially the same selection complaint, the Authority may combine those cases for presentation before an Appeals Officer.
- D. If the appellants are a group of more than three (3) applicants, the group shall, at the request of the Authority, appoint up to two (2) applicants or their representatives in lieu of an applicant to present the case before an Appeals Officer.
- E. Upon written consent of the parties—the Assistant Chief/Human Resources Director and the applicant or their representative, time limitations may be extended at any step in the Selection Appeals Procedure.
- F. The Authority shall pay the cost of the Appeals Officer. Each applicant and/or representative shall bear all costs associated with the presentation of their case.
- G. An Authority employee who has filed a selection appeal shall be given reasonable time off, without loss of pay, to present their case before an Appeals Officer.
- H. A selection appeal shall not automatically compel the delay of the normal process of selection and certification.
- I. An appellant may be permitted to continue to compete in the selection procedure pending resolution of the selection appeal.
- J. If an appeal is filed, the Assistant Chief/Human Resources Director shall extend the new or promotional probationary period of incumbents appointed as the result of an appealed selection procedure. Such probationary periods shall be extended no longer than sixty (60) calendar days from the date on which the Authority receives the Appeals Officer's findings and decision.
- K. An incumbent's probationary period may be extended by the provisions of Article IX, Section 4.J. of these Rules, and such an incumbent may have served a probationary period longer than that normally prescribed for new or promotional probation. In such an event, an incumbent may fail probation during the extended period upon final determination by the Board according to the provisions of Article IX, Section 7.F of these rules.
- L. No incumbent shall obtain a vested right to a position until they have completed probation as may be modified by Article IX, Section 4.J of these Rules.

Section 5. Conduct of Hearing

- A. The hearing shall be conducted in the following manner:
1. Selection Appeals Hearings shall be private.
 2. Oral evidence shall be taken only on oath or affirmation.
 3. Each party shall have the right to call and examine witnesses on any matter relevant to the issues:
 - a. Even if that matter was not covered in the direct examination
 - b. To impeach any witness regardless of which party first called them to testify; and
 - c. To rebut any evidence against them.
 4. If the appellant (applicant) does not testify on their behalf, they may be called and examined on a cross-examination.
 5. The hearing need not be conducted according to technical rules of evidence. Any relevant evidence shall be admitted if it is the sort which reasonable people are accustomed to relying on in the conduct of serious affairs.
 6. Hearsay evidence shall be admitted and may be used for the purpose of supplementing or explaining any direct evidence. It shall not be sufficient to support a decision by an Appeals Officer.
 7. Irrelevant and unduly repetitious evidence shall be excluded.
 8. The Appeals Officer shall have the authority to decide any procedural issues or questions not covered by the rules of this Selection Appeals Procedure.

Section 6. Disclosure of Evidence

Upon written request, the opposing party in a pending hearing may request copies of all documentary evidence to be used by that party at the hearing. Such evidence shall be provided no later than ten (10) calendar days prior to the scheduled hearing date. Any evidence not provided may not be admitted or offered as evidence at the subsequent hearing. An exception is any documentary evidence discovered by a party after such a request for copies but not soon enough to comply with the above time limits may be admitted provided it could not have been discovered sooner by reasonable means. In such case, a copy of such evidence can be afforded to the requesting party as soon as practicable after such discovery. Nothing contained herein shall operate to prevent either party from presenting additional documents by way of rebuttal.

Section 7. Findings, Decisions, and Remedies

- A. Within thirty (30) calendar days after completion of the Selection Appeals Hearing, the Appeals Officer shall render a decision that shall include the findings upon which the decision is based and, when appropriate, the remedy required. This decision shall be communicated in writing to the Assistant Chief/Human Resources Director and the appellant.
1. The Appeals Officer may find in favor of the appellant (applicant) and prescribe a remedy only if the appellant can demonstrate to the Appeals Officer's satisfaction that both:
 - a. Discrimination and/or a misapplication of these Rules were committed in the conduct of the selection procedure within the scope of this Selection Appeals Procedures.
 - b. Such discrimination and/or misapplication had an adverse effect on the appellant with respect to their standing in the selection procedure.

- B. Remedies shall be limited to correcting the misapplication of the Rules and making corresponding adjustments to the appellant's and/or other affected applicants' status in subsequent portions of the selection procedure. Such corrective action may include revoking the portion of the selection procedure that included the alleged misapplication and, where appropriate, subsequent portions of the selection procedure and readministering any such portions of the selection procedure, which were revoked.
- C. The Appeals Officer shall not have the authority to appoint an applicant to a position or to remove an incumbent from a position.
- D. Upon a finding of discrimination, remedies shall not include orders requiring legislative action by the Board, fines, or goals. Remedies shall be limited solely to the appellant(s) except as provided in Article IX, Section 7.B.
- E. The Appeals Officer's decision, under the authority invested in them in Article IX, Section 7.A., B., C., and D., shall be binding. In the event of a mistake or error in the award by the Appeals Officer, the Appeals Officer may reopen the hearing to correct such mistake or error upon petition from either party or by the Appeals Officer's own motion within thirty (30) calendar days after the award is served upon the parties. The Appeals Officer shall render amended findings as provided in Article IX, Section 7.A.
- F. The Appeals Officer may also make an advisory recommendation to the Assistant Chief/Human Resources Director recommending an incumbent's appointment be revoked. This shall be done when in the Appeals Officer's judgment such a recommendation is required to remedy properly a finding of fraud, discrimination and/or a misapplication of the Rules. In such an instance, the Assistant Chief/Human Resources Director shall forward the Appeals Officer's recommendation, accompanied by the Assistant Chief/Human Resources Director's recommendation, to the Board for final determination. Such final determination shall be based on the written recommendations of the Appeals Officer and the Assistant Chief/Human Resources Director or any other statements that the Board, in its discretion, may wish to receive.

EMPLOYMENT OF RELATIVES

Section 1. Employment of Relatives

- A. To provide guidelines for employment of close relatives as situations involving relatives working in the Authority may result in morale problems, inappropriate supervision, conflict of interest, or public criticism. The intent is to avoid the opportunity for an officer or employee of the Authority to use personal influence to aid or hinder another in the employment setting or situation because of a personal relationship.
1. No person may be appointed, promoted, reduced, transferred, or reassigned to a position in which that person is in the direct line of supervision of a close relative. "Supervision" includes the assignment of work, evaluation of performance, and setting or influencing the pay or granting of benefits to the other.
 2. A close relative shall be defined as an individual related by blood, adoption, or marriage, e.g., spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, first cousin, nephew, niece, mother/father in-law, son/daughter in-law, sister/brother in-law, step-parent, step-child, step-brother/sister or half-brother/sister.
 3. All applicants for employment, promotion, reduction, transfer, or reassignment to a position in the Authority shall be required to disclose on their employment application the name(s) and position title(s) of any close relative currently employed in the Authority prior to appointment, promotion, reduction, transfer, or reassignment. An employee who becomes a "close relative" by marriage subsequent to appointment shall disclose the new relationship(s) to their supervisor.
 4. The Fire Chief may grant exemptions required for the effective and efficient operation of the Authority. The Fire Chief shall develop appropriate procedures to ensure the objective review of requests for exemption.
- B. Procedure for Exemption from Policy
1. The hiring supervisor shall request authority for an exemption from policy from the Fire Chief prior to appointing, promoting, reducing, transferring, or reassigning a close relative of an employee, if such action shall result in a violation of policy above.
 2. The written request for exemption from policy shall include:
 - a. Names of prospective employee and known close relative employee(s) and relationship(s).
 - b. Titles and summary of duties, and work relationship of affected positions.
 - c. Qualifications of applicant indicating why the selected applicant is the best qualified or better qualified than other applicant.

- d. Justification for exemption, indicating why it is necessary for the effective and efficient operation of the Authority and including a statement of why supervisor believes problems shall not result.
3. The Fire Chief shall approve or disapprove supervisor's recommendation and notify the Assistant Chief/Human Resources Director of specific reasons for decision. Upon request, the Assistant Chief/Human Resources Director shall review and provide comments to the Fire Chief. The Assistant Chief/Human Resources Director shall maintain a listing of exemptions granted after the effective date of this policy.
4. When an exemption is requested for a close relative of the Fire Chief, the Board shall be promptly notified.

