

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



**ORANGE COUNTY FIRE AUTHORITY**

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## 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 form and any supplement required by the Human Resources Director for employment/promotion application purposes.

**APPLICATION APPRAISAL PANEL** shall mean a group of individuals designated by the 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 essays, in-baskets exercises, role-plays, group discussions, oral presentations, and practical exercises simulating actual job situations and testing a candidate's ability to respond effectively.

**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 Division 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 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.

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

**FILING PERIOD** shall mean a period of time, designated by the Human Resources Director or his/her designee.

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

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

**HUMAN RESOURCES DIRECTOR** shall mean the Human Resources Director or his/her designee.

**INCUBMENT** shall mean an employee currently holding an indicated position.

**JOB ANNOUNCEMENT** shall mean a printed 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.

**MINIMUM QUALIFICATIONS** shall mean the knowledge, skills, abilities, education level, experience, and licenses/degrees listed as minimum qualifications on a class specification or included on a job announcement.

**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 REQUISITION or REQUISITION** shall mean a form designated by the 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 at least one (1) full step higher than the maximum step of the old salary range or where the maximum rate on the new salary range is at least two and seventy-five hundredths (2.75) percent higher than the maximum rate of the old salary range.

**PROMOTIONAL SELECTION PROCEDURE** shall mean completion is limited to employees of the Authority employment within the preceding two (2) years, 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 PSR.

**PSR** shall mean the Personnel and Salary Resolution.

**QUALIFICATIONS APPRAISAL PANEL** shall mean a group of individuals designated by the 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 at least one (1) full step lower than the maximum step of the old salary range or where the maximum rate of the new salary range is at least two and seventy-five hundredths (2.75) percent lower than the maximum rate 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 among eligible 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.

**SPECIAL QUALIFICATION** shall mean knowledge, skills, or abilities required for a specific position because of the peculiar characteristic of the assignment. Normally, this is not included in the minimum qualifications for the class.

**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 division to another. The employee maintains a position in the same class.

**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 Human Resources Director shall determine the method of evaluating the qualifications of applicants and employees. The Human Resources Director shall administer the Authority Merit System Selection Rules and Appeals Procedure (Rules). The 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 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 Human Resources Director alone is ultimately responsible for the appropriateness of all actions described as falling within the 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. Senior Executive Assistant
  - 2. Executive Management
  - 3. Those to be filled by temporary promotion, provisional appointment, and extra help according to the PSR
  - 4. 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
  - 5. Those to be filled by provisional appointment



- a. The Human Resources Director may authorize a hiring authority to make a provisional appointment to a regular or limited-term position when he/she determines it is in the best interests of the vacancy until a new eligible list can be established as provided in Article V.
  - b. The Human Resources Director may also authorize a provisional appointment to a limited-term position when the position is of extremely short duration and he/she determines 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 Human Resources Director.
6. Those reclassified as provided in Article VIII, Section 2.

## ARTICLE II

### **RECRUITMENT AND ANNOUNCEMENTS**

#### **Section 1. General Provision**

- A. A hiring authority may suggest appropriate methods of recruitment and selection. The Human Resources Director shall determine specific methods of recruitment and selection to be used. He/she 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 Human Resources Director may modify, postpone, or cancel examinations. He/she may extend the final filing date for accepting applications.

#### **Section 2. Job Announcements**

- A. The Human Resources Director shall prepare job announcements and/or use such other communication methods as he/she determines appropriate. The Human Resources Director shall post announcements in the Human Resources Division, on the Internet, and on the Authority's intranet. All Authority facilities shall post job announcements at locations readily accessible to employees. Promotional job announcements shall be posted in the Human Resources Division 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; salary; when the number of applications to be accepted is limited, the date the Human Resources Division 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; type of eligible list shall be established. Additionally, job announcements shall state the Authority is an Equal Employment Opportunity.
- C. Modifications
  1. When a selection procedure is postponed or cancelled, applicants shall be notified by mail at their last known addresses, if the Human Resources Director determines time allows. Otherwise, cancellations or postponement notices may be given by phone or posted at the time and place of the schedule 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 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 mailed to the last known address of each applicant. Faster means of notification may be used when the Human Resources Director determines applicants must receive notification in a timelier manner.

**APPLICATIONS**

**Section 1. Filing of Applications**

- A. All applications must be made on official forms supplied by the Human Resources Director and received by the Human Resources Division on or before the final filing date. Filed applications and attachments become the property of the Human Resources Division and will not be returned.
- 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 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 Human Resources Director that (1) his/her application be rendered inactive and that (2) he/she 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. Only original signatures will be accepted.

**Section 2. Qualification of Applicants**

- A. The Human Resources Director shall review each application filed in accordance with Section 1. He/she 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 Human Resources Director rejects an application for lack of minimum qualifications, written notice of such rejection shall be mailed to the applicant's last known address.
- 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 he/she 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 candidate's answers to test questions

## ARTICLE IV

### **SELECTION PROCEDURES**

#### **Section 1. Use of Selection Procedures**

- A. 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
  - 1. Competition is limited to 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 Human Resources Director, promotional selection procedures may include Firefighter Reservists.
- B. Open Selection Procedure
  - 1. 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 Human Resources Director. He/she 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 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. Written tests
    - a. Such tests shall be accurately scored.
    - b. The identity of each applicant shall remain confidential until the test has been scored and a passing score established
  - 2. Oral assessment interviews
  - 3. Performance tests
  - 4. Assessment exercises
  - 5. Appraisals of education, training, experience, knowledge, and ability--- including a determination as to whether or not an applicant meets the minimum qualifications
  - 6. Ability tests
  - 7. Medical examinations
    - a. Applicants for all regular, limited-term, and designated extra help positions, who are not Authority employees, shall pass a medical examination before

appointment to a position is considered permanent. Applicants who are Authority employees may be required to pass a medical examination before a permanent assignment is made to a position with higher medical standards.

- b. Any applicant for employment may not meet the medical standards established for his/her 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.
- c. If the medical examination results indicate medical restrictions are to be placed on an applicant, the hiring authority in consultation with the Human Resources Director

- 8. Reference checks
- 9. Background investigations
- 10. Fingerprint checks
- 11. Final selection interviews

#### **Section 4. Selection Procedure Components**

##### **A. Application Appraisal Panels**

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

- 1. The 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 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 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 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 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 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 Human Resources Director will consult with the hiring authority in determining weights.
2. Only persons authorized by the 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 Division 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 his/her 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 Human Resources Director. If an applicant identifies a panel member who he/she feels may not rate him/her objectively, the panel member may remove himself/herself or may consult with the 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 him/her. Rating shall be made independently by each panel member and then may be discussed. The 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 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 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. His/her 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 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**

- A. 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**

A. The Human Resources Director shall preserve records used in the publishing of eligible lists for at least three (3) 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 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 eligible 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**

A. Eligible lists shall be in effect from the date approved by the Human Resources Director.

#### **Section 4. Duration of Eligible Lists**

A. The 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 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 mailed to the last known address of each eligible on the list.

#### **Section 5. Removal of Names From Eligible Lists**

A. The Human Resources Director may remove eligibles' names from eligible lists for any of the reasons cited in Article III, Section 3. Additionally, the Human Resources Director may remove from an eligible list the name of any eligible who:

1. Requests in writing to have his/her name temporarily or permanently removed from the list or states in writing that he/she is not interested in employment in that class.
2. Is appointed to a regular position in the class for which his/her 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 his/her employment because of a medical impairment existing on the date of his/her employment (California Government Code Sections 31009 and 31720).
4. Refuses to sign a medical work restriction notice obligating the applicant to observe at all times 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---only for promotional recruitment---an Authority employee.

#### **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 he/she was 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 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 his/her release from the academy, is permanent and stationary and no restrictions have been placed on the employee prohibiting him/her 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 candidates. 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**

1. 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 Preferred Eligible Lists**

1. As described below, this list shall consist of the names of persons subject to layoff and shall have precedence over all eligible lists, except the Authority Reinstatement List as described in Article V, Section 6.A. As described in Article VI, Section 2.B., this list may be complemented by eligible from a coexisting promotional or open eligible list.
2. As described in various MOUs and in the PSR, the names of persons subject to layoff shall be placed on an Authority Preferred Eligible List for any class from which previously voluntarily reduced in lieu of layoff in the order of their layoff scores going from highest to lowest. Such names shall remain on the eligible list for two (2) years except, as provided in Article V, Section 5.

### **C. Authority Promotional Eligible Lists**

1. The names of employees successful in promotional selection procedures shall be placed on an Authority Promotional Eligible List. When the number of names on an 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.

#### D. Open Eligible Lists

1. 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.
2. As described in various MOUs and in the PSR, the names of persons subject to layoff shall be placed on an Authority Preferred Eligible List for any class from which previously voluntarily reduced in lieu of layoff in the order of their layoff scores going from highest to lowest. Such names shall remain on the eligible list for two (2) years except, as provided in Article V, Section 5.

**REQUISITION AND CERTIFICATION**

**Section 1. Personnel Requisition**

A. Requests for Certification of Eligibles

1. Whenever a vacancy is to be filled, the appointing authority shall submit a Requisition to the 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 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 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 Human Resources Director.

C. Requests for Dual Certification

1. If separate eligible lists exist for two classes, one of which is a temporary classification or a "temporary fill" within the same occupation group, the hiring authority may request simultaneous certification from both eligible lists.
2. If the Human Resources Director approves dual certification, the total number of eligible certified shall be the number that could have been certified had certification been from only one eligible list.

D. Requests for Recertification

2. 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.
3. If recertification is approved by the 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 the Requisition, the Human Resources Director shall determine from which eligible list(s) certification is to be made. He/she shall certify eligibles' names in the manner indicated below:

A. Authority Reinstatement Lists

1. For each vacancy in the applicable class, the Human Resources Director shall certify the person whose name is the highest on the list. This person shall be offered the position. The 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 Preferred Eligible Lists

1. For each vacancy in the applicable class, the Human Resources Director shall certify the appropriate number of names, as provided in Article VI, Section 2.C., starting at the top of the list. If there is a tie among layoff points or medical retirement dates at the last name to be certified, all tied eligible shall be certified. If the number of names on the Authority Preferred Eligible List is less than the allowed total that can be certified, after consideration of the certified Authority Preferred Eligible List, the hiring authority may request that additional names, up to the allowed total, be certified from a coexisting promotional or open eligible list.

#### C. Authority Promotional Eligible Lists and Open Eligible Lists

Eligibles shall be certified by highest score group. If the Human Resources Director determines that the number of candidates 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. When the highest score group contains ten (10) names, the entire group shall be certified.
- b. 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 Human Resources Director of such preference prior to preparation of the Certification List.
- c. When the highest score group(s) contains less 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 Human Resources Director of such preference prior to preparation of the Certification List, certification of only the names in the highest score group. Then, after consideration of these highest score group eligible, the hiring authority may consider additional eligible by requesting sufficient addition eligibles be certified from the next lower score group eligible. The hiring authority may consider additional eligible by requesting sufficient additional eligible be certified from the next lower score groups to ten (10). In all cases, if the number of eligible in the lowest score group from which certification can be made would bring the total number of certified eligible to more than ten (10), eligible shall be randomly processed from that score group.

## 2. Multiple Vacancies (Excludes Fire Academy Vacancies)

- a. 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 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.

## D. Certification of Special Category Eligibles

1. 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.

## E. Certification From Alternate Eligible Lists

1. The 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 Human Resources Director

1. The Human Resources Director shall provide written notice to certified eligible. Notices of certification shall indicate on of the following:
  - a. The eligible must contact the hiring authority within seven (7) calendar days from the date the notice of certification was mailed.
  - b. The hiring authority will contact the eligible to schedule their interviews.
  - c. 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 Human Resources Director determines such other records are appropriate.

### B. Notification by the Hiring Authority



1. When the 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 eligible. 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 mailed in which to contact the hiring authority.
2. During the life of an eligible list, if an eligible is certified to a hiring authority for an interview more than once and the hiring authority does not wish to reinterview the eligible, the hiring authority shall contact the eligible and ask if he/she has any experience, training, education, or other qualifications for the position not previously considered. If the eligible indicates he/she has nothing additional to present, the hiring authority shall not be required to reinterview the eligible, shall consider the eligible's previous interview(s) when making the hiring decision, and shall notify the eligible of the hiring decision. If the eligible indicates he/she does have additional qualifications to present, the hiring authority shall reinterview the eligible.
3. The hiring authority shall notify all certified eligible of the hiring decision.

**Section 4. Waiver of Consideration**

- A. An open or promotional eligible specifically wishing to waive consideration for appointment may do so by notifying the Human Resources Director within seven (7) calendar days from the date the notice of certification was mailed. 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**

- A. 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 VI

### **REASSIGNMENT, REDUCTION, REEMPLOYMENT, AND TRANSFER**

#### **Section 1. Reassignment and Reduction Qualifications**

- A. The 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 he/she meets 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 he/she was 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 his/her former class in good standing.
- B. The employee may request to have his/her name placed on any existing open or promotional eligible list for any class in which he/she held status or for any lower class in the same occupational series. Such request must be made in writing and addressed to the 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.

#### **Section 3. Transfer Qualifications**

- A. An employee not on probation may request a transfer on a form designated by the Human Resources Director. An employee on probation may request a transfer only with the approval of the 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 form, completed by the employee and the employee's supervisor and signed by the authorized Authority representative, shall be submitted with an employment application to the Human Resources Director. The Human Resources Director may disapprove a Request for Transfer when the employee's work record has not been acceptable. Once the 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.

## ARTICLE VII

# **APPOINTMENT**

### **Section 1. General Conditions**

- A. An appointment to any position shall be made only from eligible certified by the 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 eligible, the hiring authority shall report to the Human Resources Director, on the prescribed form, 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**

- A. When an occupied position is reclassified, the Human Resources Director may waive the normal selection and certification procedures and permit the incumbent to remain in the position or limit the completion to employees of a particular occupation group. To determine whether this waiver or limitation is warranted, the Human Resources Director may consider:
1. Length of time the incumbent has performed the duties cited as the basis for the reclassification.
  2. Whether the reclassified position has been filled by rotation incumbents for training in higher-level duties.
  3. Availability of current eligible or current or potential competitors for the reclassified position.
  4. Availability of other vacant positions to which the incumbent could be reassigned.
- B. The Human Resources Director may waive the normal selection and certification procedures. He/she may permit the incumbent to remain in a position that is being reclassified or restored upward after being temporarily classified to a lower level for training purposes.
- C. When the Human Resources Director does permit an incumbent to remain in a position that is reclassified upward, the incumbent must serve a promotional probation period as provided in the MOU and the PSR.

### **Section 3. Appointment of Extra Help and Limited-Term Employees**

- A. An extra help or 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, extra help and limited-term employees may be appointed to regular or limited-term positions if all of the following conditions are met:
1. The extra help, limited-term, or regular positions are in the same class.
  2. The employee was appointed to the extra help or 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 extra help or limited-term position.

**Section 4. Reassignment and Reduction Appointment**

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

**Section 5. Appointment of Reemployment Eligibles**

- A. 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. 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.

**SELECTION APPEALS PROCEDURE**

**Section 1. Scope**

A. A selection 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 Appeals Procedure are:

1. Content of:
  - a. Selection rules
  - b. Minimum qualifications
  - c. Selection procedures
2. All matters expressly within the discretion of the 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 Human Resources Director. Such a selection complaint must be received by the 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 mailed notification of his/her disqualification or of his/her status in a portion of the selection procedure, whichever comes first.

B. If an applicant does not file his/her 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 Division. 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 mail to the applicant's last known address, stating the reasons for the rejection.

E. If the selection complaint contains an allegation of discrimination, it shall first be referred to the 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 Human Resources Director shall notify the applicant, by mail to the applicant's last known 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 Human Resources Director need not prepare a report on the merits of the selection complaint. When the Human Resources Director determines corrective action is required, he/she 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 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 Human Resources Director within seven (7) calendar days after the last date on which the 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 Human Resources Director's recommendation regarding the merits of the selection appeal within fourteen (14) days from the date his/her 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 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 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 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 his/her selection appeal heard by an impartial Appeals Officer.

B. If two (2) or more applicants have essentially the same selection complaint, the Authority may combine those cases for presentation before an Appeals Officer.

C. 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 to present the case before an Appeals Officer.

D. Upon written consent of the parties—the Human Resources Director and the applicant or his/her representative—the time limitations may be extended at any step in the Selection Appeals Procedure.

E. Appellants (applicants) may represent themselves or be represented at the Selection Appeals Hearing by persons they choose.

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 his/her case.

G. An Authority employee who has filed a selection appeal shall be given reasonable time off—without loss of pay—to present his/her 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 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. No incumbent shall obtain a vested right to a position until he/she has completed probation as may be modified by Article IX, Section 4.J.

L. An incumbent's probationary period may be extended by the provisions of Article IX, Section 4.J., 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 only upon the recommendation of the Appeals Officer and final determination by the Board according to the provisions of Article IX, Section 7.F.

### **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, even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him/her to testify; and to rebut any evidence against him/her.
4. If the appellant (applicant) does not testify on his/her behalf, he/she may be called and examine 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 rely on in the conducted 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 in itself 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**

A. Upon written request by the opposing party in a pending hearing given at least twenty-eight (28) calendar days prior to the submitting the 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 and provided further that a copy of copies 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 Authority 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 his/her 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. An exception is the Appeals Officer may revoke the appointment of an applicant where the Appeals Office may revoke the appointment of an applicant where the Appeals Officer determines that applicant obtained appointment by fraud rather than merit.

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 him/her 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.

F. the Appeals Officer may also make an advisory recommendation to the 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 discrimination and/or a misapplication of the Rules. In such an instance, the Human Resources Director shall forward the Appeals Officer's recommendation, accompanied by the Human Resources Director's recommendation, the Board for final determination. Such final determination shall be based on the written recommendations of the Appeals Officer and the Human Resources Director or any other statements that the Board in its discretion may wish to receive.

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