

RULE 8 ¹

REQUISITION, CERTIFICATION, AND APPOINTMENT

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¹ **Editor’s Note:** In June 2005, all rule number designations were converted from Roman to Arabic numerals.

² **Editor’s Note:** The *Table of Contents* was first added with the annotations of June 30, 2005. It is considered part of the annotations and not part of the text of the rule.

Section 1. Filling Vacancies in the Classified Service.

(Added August 15, 2005)

A. All vacancies in the Classified Service ranks of the Police and Fire departments shall be filled according to the procedures of this Commission Rule 8. Except as provided for the ranks of Master Mechanic and Superintendent of Fire Alarm in the Fire Department, all such vacancies shall be filled by original or promotional appointment, as applicable, from those individuals certified to the Manager of Safety by the Commission from those listed on the eligible register(s) established by examination for appointments to the particular rank (and grade, as applicable).

B. Police Department:

1. Police Officer Recruit: All vacancies at the rank and grade of Police Officer Recruit shall be filled by original appointment.
2. Sergeant, Lieutenant or Captain: All vacancies at the rank of Sergeant, Lieutenant or Captain shall be filled by promotional appointment.

C. Fire Department:

1. Firefighter: All vacancies at the rank and grade of Firefighter 4th Grade, and at the rank of Firefighter regardless of grade pursuant to a duly approved intergovernmental agreement, shall be filled by original appointment.
2. Mechanic V and Fire Systems Technical Specialist V: All vacancies at the rank and grade of Mechanic V or Fire Systems Technical Specialist V, to include any and all special skill positions within the rank of Fire Systems Technical Specialist, shall be filled by original appointment.
3. Engineer, Lieutenant, Captain, Assistant Fire Chief, Assistant Master Mechanic, Assistant Superintendent of Fire Alarm: All vacancies at the rank of Engineer, Lieutenant, Captain, and Assistant Fire Chief, or at the rank of Assistant Master Mechanic and of Assistant Superintendent of Fire Alarm shall be filled by promotional appointment.
4. Master Mechanic, Superintendent of Fire Alarm:
 - a. Any vacancy in the rank of Master Mechanic or Superintendent of Fire Alarm shall be filled by the promotional appointment of the one individual then currently holding, respectively, the rank of Assistant Master Mechanic or Assistant Superintendent of Fire Alarm. However, the Manager of Safety shall submit a requisition as provided in this Commission Rule 8, and the Commission shall certify as eligible for consideration for appointment, without

examination, the name of the one individual currently holding the respective rank immediately below the rank to be filled.

- b. Should the circumstance ever arise where two or more individuals concurrently hold the rank of Assistant Master Mechanic, or Assistant Superintendent of Fire Alarm, any vacancy in the rank of Master Mechanic or Superintendent of Fire Alarm, respectively, shall be filled according to the procedures of this Rule 8 regarding requisition, certification from an eligible register established by examination for the rank in question, and appointment from the list of names of those certified.

D. Demotions not Precluded or Prohibited:

Nothing in this Rule 8 shall be interpreted to preclude or prohibit the Manager of Safety from ordering and/or authorizing the demotion of any member of the Classified Service to a lower rank and/or grade, either as a matter of discipline or disqualification, or in providing a reasonable accommodation to a member's physical or mental limitations or disability, or in response to a member's voluntary written request for demotion.

Section 2. Requisition of Names of Those Eligible For Appointment. ³

(Amended August 15, 2005)

A. General Provisions:

(Subsection added August 15, 2005)

1. For each and every position vacancy to be filled in the Classified Service, the Manager of Safety shall requisition from the Commission a list of the names of those individuals eligible to be considered for appointment to the position.
(Amended Mar. 27, 1987; Nov. 15, 1989; Oct. 13, 1995; Oct 27, 2000; Aug. 15, 2005)
2. The requisition from the Manager of Safety shall be in writing and shall state the rank/grade of the Classified Service position to be filled, the number of appointments to be made to the rank/grade, and the anticipated date(s) of appointment.
(Amended October 27, 2000; August 15, 2005)
3. The requisition shall be submitted to the Commission prior to the anticipated date of original or promotional appointment and shall provide reasonable notice of such appointment(s). For anticipated appointments to a Fire or Police academy class, not less than six (6) months advance notice shall be provided.
(Amended September 6, 1986; March 26, 1987; August 15, 2005)

³ **Editor's Note:** The provisions regarding *Requisition* were previously labeled as Section 1.

B. Requisition for Original Appointment – Special Provisions:

(Added August 15, 2005)

1. Police Department: Any requisition for appointments to the Police Academy (as Police Officer Recruit) must individually specify the number of Cadets, certified peace officers, civilians, Reserve Police Officers, and/or applicants from any respective deferred appointment eligible register(s) to be appointed.
2. Fire Department: Any requisition for original appointment(s) to the Fire Department must individually specify the number of civilians, Cadets, and/or applicants from any respective deferred appointment eligible register(s) to be appointed to the Fire Academy as Firefighter Fourth Grade, and/or the number of applicants to be appointed as a Firefighter, regardless of grade, from a duly authorized intergovernmental agreement; and the individual number of Mechanics V or Fire Systems Technical Specialists V to be appointed. Further, any requisition for appointment to the rank/grade of Fire Systems Technical Specialist V must also specify the number of the appointments for each special skill position of Computer Technician, Radio Technical Electronic Technician, Electrician, and/or any other special skill position as may be established.
3. Cadets Limited to No More Than 25% of Academy Class: In any requisition for appointment of Police Officer Recruits to a Police Academy class, or for appointment of Firefighters Fourth Grade to a Fire Academy class, the Manager of Safety shall requisition, from those Cadets listed on the respective Cadet eligible register, to include any respective Cadet deferred appointment eligible register, no more than twenty-five percent (25%) of the total of all those to be appointed to the academy class.⁴

Section 3. Certification of Names to the Manager of Safety.

(Amended August 15, 2005)

A. For Original Appointment:

(Subsection Added August 15, 2005)

1. In response to a requisition for original appointment to the Classified Service, the Executive Director shall certify to the Manager of Safety a list of names equal to the number to be appointed to the particular rank(s) from each of one or more registers, as specified in the Manager's requisition, if there be so many on a respective eligible register, plus as many additional names from the respective eligible register as the Commission deems necessary.⁵

⁴ **Charter Note:** By Charter § 9.3.18(B), the appointment of individuals from the Cadet eligible register(s) is limited to no more than 25% of any academy class.

⁵ **Charter Note:** In the election of May 6, 2003, through amendments at Charter § 9.3.11(E), the prior Charter requirement for certification for original appointment of the number requisitioned plus two was eliminated. The provisions for requisition and certification for original appointment are to be established by Commission Rule. A Charter requirement for certification of number requisitioned plus two remains for promotions [§ 9.3.11(F)].

2. The applicants certified to the Manager as eligible for consideration for original appointment shall be those who are the highest ranking on the respective eligible register(s) for the specified rank who have not been already appointed, unless alternate certification procedures are otherwise required by court decree or mandate. Those certified shall be listed on the letter of certification by name and address, in appropriate rank order as listed on the eligible register, unless alternate certification procedures are otherwise required by court decree or mandate.
3. The Executive Director may provide a notice to each person certified for original appointment, informing them of the date of certification and the rank and grade, and special skill position if any, for which they were certified.

B. For Promotional Appointment:

(Subsection added August 15, 2005; Provisions amended Mar. 26, 1987; Oct. 13, 1995; August 15, 2005)

1. The Executive Director shall certify to the Manager of Safety, a list of candidate names equal to the total number to be appointed to the particular rank, as specified in the Manager's requisition, plus two (2) additional names, if there be so many on the respective eligible register.
2. The candidates certified to the Manager of Safety, as eligible for consideration for promotional appointment, shall be those who are the highest ranking on the respective eligible register for the specified position who have not already been appointed, or been appropriately removed or stricken from the register. Those certified shall be listed on the letter of certification, by name, in their appropriate rank order, as listed on the eligible register, unless alternate certification procedures are otherwise required by court decree or mandate.

C. Certification of Additional Names:

(Subsection Added August 15, 2005; Provisions amended Sept. 6, 1986; Mar. 26, 1987; Oct. 27, 2000; August 15, 2005)

1. If it shall be established to the satisfaction of the Commission that any person certified is currently unsuitable for consideration for appointment to the position to which they were certified, the applicant's or candidate's name shall be stricken from the list of those certified. The Executive Director may then, as deemed necessary and appropriate, certify an additional name for each name stricken. Any name so stricken from the certification list shall remain on the eligible register for the position unless it has been determined, in accordance with the provisions of Commission Rule 7, that the name also be removed from the eligible register.
2. If an applicant for original appointment declines appointment to the position for which certified, the Executive Director shall strike the applicant's name from the list of those certified. The Executive Director may then, as deemed necessary and appropriate, certify an additional name for each name so stricken.

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3. If a candidate for promotional appointment declines appointment to the position for which certified, the Executive Director shall strike the candidate's name from the list of those certified. The Executive Director shall then certify an additional name in its place.

Section 4. Appointment.

A. From List of Names Certified:

(Subsection Added August 15, 2005)

For each and every position vacancy to be filled in the Classified Service by original or promotional appointment, the Manager of Safety shall appoint one individual from among the list of names certified to him/her in response to the position requisition.

B. Report to the Commission:

(Subsection Added August 15, 2005; Provisions amended August 15, 2005)

Upon an original or promotional appointment, the Manager of Safety shall report to the Commission the name of such appointee, the rank and grade (as applicable), the date of commencement of service in the rank/grade, the salary thereof, and such other information as the Commission may require.

C. Limitation on Cadets:

(Subsection Added August 15, 2005;)

No more than twenty-five per cent (25%) of the total number of original appointments to any one Police or Fire academy class may be made from those names certified from a Cadet eligible register(s). The remainder of appointments in an academy class shall come from other non-cadet eligible registers for original appointment.⁶

(Provisions Adopted August 15, 1989; Amended August 15, 2005)

Section 5. Declining an Appointment – Removal from Eligible Register.

(Added August 15, 2005; Amends provisions previously under Section 4)

As provided in Commission Rule 7, the name of any person who declines original or promotional appointment after certification, or who provides notice that they are unavailable for such appointment, may or shall be removed from the eligible register from which such certification was made or would be made.

END

⁶ **Charter Note:** The 25% limitation on the appointment of Cadets is stipulated in Charter § 9.3.18(B). A provision requiring that Cadets be appointed first was repealed from the Charter and deleted from the Rule.