

A photograph of the Golden Gate Bridge in San Francisco, California. The bridge is a suspension bridge with two large towers and a long span. The bridge is painted a reddish-orange color. The water is blue and there are some boats visible. The sky is clear and blue. The bridge is the central focus of the image.

CIVIL SERVICE COMMISSION

ANNUAL REPORT

FISCAL YEAR 2008-09

Civil Service Commission

Annual Report Fiscal Year 2008-09

Covering the period July 1, 2008 through June 30, 2009

Civil Service Commission

Donald A. Casper, President

Morgan R. Gorrono, Vice President

Joy Y. Boatwright, Commissioner (Appointed January 13, 2009)

Mary Y. Jung, Commissioner

E. Dennis Normandy, Commissioner (Appointed September 19, 2008)

Yu-Yee Wu Sheridan, Commissioner (Resigned November 30, 2008)

Commission Staff

Anita Sanchez, Executive Officer

Sandra Eng, Assistant Executive Officer

Elizabeth Aldana, Administrative Assistant

Lizzette Henríquez, Rules, Personnel & Office Coordinator

Luz Morganti, Senior Personnel Analyst

Gloria Sheppard, Appeals Coordinator

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Mission Statement

The Civil Service Commission's Mission is to establish, ensure and maintain an equitable and credible merit system for public service for the citizens of San Francisco. The Commission seeks to set the standard for excellence in personnel management through an effective, fair and modern system that recognizes and builds on the diversity, skills and dedication of public employees. The Commission's goal is to consistently provide the best-qualified candidates for public service in a timely and cost-effective manner.

Highlights of Fiscal Year 2008-09

► ELECTION OF OFFICERS:

Commissioner Donald A. Casper was elected President, Civil Service Commission and Commissioner Morgan R. Gorrono, Vice-President in June 2008.

► ADOPTED AMENDMENTS TO CONFLICT OF INTEREST RULES

The amendment to Rule Series 18 updated reference on incompatible activities, reporting requirements on additional employment expanded to include all employees and requirement to obtain approval prior to accepting work with the City as an independent contractor.

► SCHEDULING CIVIL SERVICE COMMISSION MEETING DAYS

On December 15, 2008, the Commission adopted the amendment to Rule 5 series to provide the Commission the flexibility to schedule and manage its meetings in response to the amount of agenda items and departmental needs. In addition, the Commission is not required to meet on the succeeding day when its regular meeting day falls on a holiday.

► AUTHORIZATION FOR THE CIVIL SERVICE COMMISSION TO OVERRIDE CIVIL SERVICE RULES TO EFFECTUATE A DISCRIMINATION REMEDY

The amendments to Rule Series 3 provide the Commission authority to override or depart from Civil Service Rules in order to effectuate an appropriate remedy for discrimination in an appeal heard by the Commission. The amendments also clarify the authority of the Human Resources Director and MTA Director of Transportation in reviewing or resolving employment discrimination complaints. Specifically, that neither has the authority to depart from provisions of the Civil Service Rules without specific authorization from the Commission in a particular case, following a request for such authority from either.

► CONDUCTED REVIEW AND INVESTIGATION OF 145 INSPECTION SERVICE REQUESTS

Inspection Service Requests cover selection procedures, minimum qualifications, conflict of interest in employment decisions, layoffs, acting assignments, probationary periods, and other merit system matters. Ninety one percent (91%) or 132 of the 145 Inspection Service Requests were completed in 60 days.

► MERIT SYSTEM AUDIT PROGRAM- AN INQUIRY INTO THE OPERATION OF THE MERIT SYSTEM

Audits to review procedures how departments apply uniform standards for maintaining employee personnel files. Five department audits were completed: Port of San Francisco, Department of Technology, Department of Emergency Management, Public Defender's Office, and San Francisco Planning Department.

► HEARINGS AND APPEALS

Conducted 24 Regular meetings and 9 Special Meetings; Received 61 appeals and carried forward 51 active appeals from the previous fiscal year and resolved a total of 59 appeals.

► PERSONAL SERVICES CONTRACTS

Reviewed and approved 260 Personal Services Contracts Requests from City departments.

► ANNUAL ADJUSTMENT OF ELECTED OFFICIALS SALARY ADJUSTMENT BASED ON CONSUMER PRICE INDEX (CPI) CHANGE

In accordance with Charter Section A8.409-1, the Commission annually adjusted the respective salaries of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff, to account for upward annual movement in the Consumer Price Index during the prior calendar year. The CPI change was a 3.3% increase; therefore, the Commission increased the salaries of elected officials 3.3% effective July 1, 2008.

► ANNUAL ADJUSTMENT OF BOARD OF SUPERVISORS SALARY

Implemented annual Consumer Price Index (CPI) adjustment per Commission action. In 2004, the Civil Service Commission acted to increase the salary for each fiscal year, effective July 1, 2005 based on the Consumer Price Index for All Urban Consumers (CPI-U) reported in January of each year and not to exceed 5% and that the salary will not decrease in the event that the CPI-U falls below zero. The CPI change was a 3.3%; therefore, the Commission increased the salaries of Board of Supervisors members 3.3% effective July 1, 2008.

► PREVAILING RATE OF WAGE:

Certified the rates of pay for Police Officers, Firefighters, Registered Nurses, and the prevailing rate of wages of various crafts and kinds of labor paid in private employment for workers performing public works and improvements, janitorial services, working in garages and off-street parking lots *owned or leased by* the City, engaged in theatrical and technical services for shows; performing moving services, and hauling solid waste;

► TRAINING AND WORKSHOPS

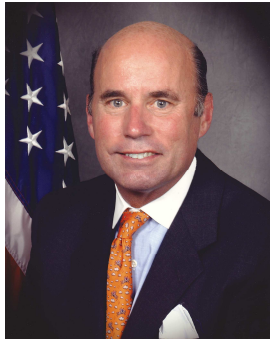
Conducted training workshops on the merit system at the Public Utilities Commission, Office of the Controller and IFTPE Local 21. Available to provide merit system training to City departments and employee organizations as requested.

► COMMISSIONER APPOINTMENTS

Commissioner Alicia D. Becerril resigned on June 2, 2008 and the Mayor appointed Commissioner E. Dennis Normandy on September 19, 2008. Commissioner Yu-Yee Wu Sheridan resigned on November 30, 2008 and the Mayor appointed Commissioner Joy Y. Boatwright on January 13, 2009.

Membership of the Commission

The Civil Service Commission is composed of five (5) members, each appointed to serve a six-year term. Commissioners presently serving on the Commission are:



Donald A. Casper

President

Appointed March 2000 by Mayor Willie L. Brown, Jr.

Reappointed September 2006 by Mayor Gavin Newsom

Commissioner Donald A. Casper is a member of the San Francisco law firm of Jacobs, Spotswood & Casper LLP. He maintains a general civil practice serving the needs of small businesses and individuals in both transactional and litigation matters. His areas of concentration include professional, non-profit and closely held business corporations; contractual relations between business entities; real property and landlord-tenant law; and election law.

A fourth-generation San Franciscan, Commissioner Casper lives in the North Beach neighborhood. He has a long history of community involvement, both within his neighborhood and citywide. He currently serves on the boards of Janet Pomeroy Center (formerly Recreation Center for the Handicapped), the Salesian Boys' and Girls' Club, and the Columbus Day Celebration. He was chairman of the Janet Pomeroy Center Board of Directors from 1985 to 1988. Since 1994, he has chaired the board of Columbus Day Celebration, sponsor of the City's annual Italian Heritage Parade. He also, has served as a director of the Italian-American Community Services Agency and the Tenderloin Senior Organizing Project.

In 1986, Commissioner Casper served as president of the St. Thomas More Society of San Francisco, an association of Catholic lawyers and jurists. He has been a member of the Legal Affairs Advisory committee of the Roman Catholic Archdiocese of San Francisco. From 1991 to 1994, he sat on the Community Advisory Board of St. Mary's Hospital and Medical Center. Long active in Georgetown University alumni affairs, he sits on the Georgetown Library Board.

Commissioner Casper was chairman of the San Francisco Republican County Central Committee from January 1997 until June 2002. Appointed to fill a vacancy on the committee in 1991, he was returned by Republican voters in the 13th Assembly District every two years between 1992 and 2000. His fellow committee members elected him chair three times. He also served on the California Republican State Central Committee.

Since 1993, Commissioner Casper has been a member of the governing board of the San Francisco State Building Authority, a state-local joint powers agency charged with the restoration of the Earl Warren State Office Building and construction of the adjoining Hiram W. Johnson Building, in San Francisco's Civic Center. The complex houses the California Supreme Court, and the First District Court of Appeal, as well as regional offices of other state government entities.

Commissioner Casper attended Salesian Grammar School and St. Ignatius College Preparatory in San Francisco. He received his undergraduate and law degrees from Georgetown University. He was editor-in-chief of Georgetown's undergraduate weekly newspaper, *The Hoya*, and was the first recipient of the university's Edward Bunn Award for Journalistic Excellence. In 1982-83, he was president of the Georgetown Alumni Club of Northern California.

An avid long-distance runner, Commissioner Casper has completed nine marathons, including the 2001 Marine Corps Marathon in Washington, D.C.

Commissioner Casper served as president of the Civil Service Commission from June 2002 until June 2003. For civil service matters, he can be reached at casper.civil.service@gmail.com



Morgan R. Gorrone

Vice President

Appointed February 2000 by Mayor Willie L. Brown, Jr.

Reappointed September 2006 by Mayor Gavin Newsom

Commissioner Morgan R. Gorrone is current owner of *EIGHT*, an upscale lounge in the South of Market area and is the former owner of *The Bar on Castro* and has been credited for turning the establishment into an upscale lounge-type meeting place and changing the gay bar scene in San Francisco. He was also the Chief Operations Manager of *The Café* and was instrumental in creating a diverse customer base and initiating an aggressive diversity-hiring program of bartenders and staff receiving full benefits. His efforts made *The Café* the 2nd biggest employer in the Castro area. He also has a business venture in home restoration and repair.

Commissioner Gorrone is active in numerous community service and non-profit organizations. His fundraising activities have benefited P.A.W.S., The AIDS Emergency Fund, The God Father Service Fund, and Breast Cancer Research. His community service activities include: Board Member of Merchants of Upper Market

and Castro (M.U.M.C.); Founding member and Vice President of the District 8 Democratic Club; Member of C.O.B., an oversight group working to create a Gay/Lesbian homeless youth shelter; Member of Upper Market Citizens Patrol; Member of Mayor Brown's Lavender Steering Committee; Member of Alice B. Toklas Democratic Club; and is an active Member of the S.P.C.A.

Commissioner Gorrone is deeply interested in public safety and law enforcement and works closely with the Mission Police Station, the Police Department and the Police Commission on community safety and protection and officer safety programs. Commissioner Gorrone served as President from June 2003 to June 2004.



Joy Y. Boatwright

Commissioner

Appointed January 2009 by Mayor Gavin Newsom

Commissioner Joy Y. Boatwright is a Certified Financial Manager and Senior Financial Advisor at Merrill Lynch and Company. Commissioner Boatwright joined Merrill Lynch in 2002 with ten years of experience in venture capital and consulting. Prior to Merrill Lynch, Commissioner Boatwright was the Vice President of Business Development at a consulting firm where she provided consulting services to CEOs and corporate executives in over 150 companies in the Bay Area. Commissioner Boatwright has also headed up the global investments practice for the leading venture capital firm in Korea.

As a member of The JG / JB Group, Global Wealth Management at Merrill Lynch, Commissioner Boatwright's role is to facilitate and implement specific solutions for clients to successfully reach their life-long goals. She has also started a seminar series called, "Women in the Know: Empowering Women through Knowledge" to help educate women on financial and life issues.

Commissioner Boatwright has long been active in numerous civic, cultural, business, and community organizations. She is an active member of the Asian Art Museum's Korean Art & Culture Committee, the Cornell Alumni Association of Northern California, San Francisco Ballet Opening Gala Host Committee, Golden Gate Mothers' Group, and National Unification Advisory Council (for the reunification of North and South Korea) Advisor. She has also worked with Junior Achievement of the Bay Area, Symphonix of the San Francisco Symphony and The Boys and Girls Club of San Francisco.

Commissioner Boatwright received her Bachelor of Science (Human Development) from Cornell University. Commissioner Boatwright lives in San Francisco with her husband, Wayne, and their two children, Wesley and Cassatt.



Mary Y. Jung

Appointed January 2008 by Mayor Gavin Newsom

Prior to her current work with Pacific Gas and Electric Company (PG&E), Commissioner Jung served as the Commission Secretary for the San Francisco Public Utilities Commission for over five years. As a member of the PUC executive staff; she acted as the liaison for the Commission and PUC Divisions, other city, regional and state agencies, and elected officials. Her office also maintained the official records of meetings and official actions of the Commission and certified all official documents and Commission resolutions.

Commissioner Jung also served under Mayor Willie L. Brown, Jr. in the Mayor's Office of Community Development and the Mayor's Office of Housing for four years as Office and Personnel Manager, where she managed the department's operations and human resources functions

Currently, Commissioner Jung is a Principal in PG&E's Customer Energy Efficiency Department. Her job focuses on the development of government strategies and partnerships to help slow climate change. She has been successful in creating partnerships with government, industry and retailers to pursue the goals of meeting customer energy needs while reducing California's greenhouse gas emissions. She is involved in strategic planning to educate and help customers make important energy-efficient changes at home and at work that can add up to significant reductions in carbon.

Commissioner Jung is an elected member of the San Francisco Democratic County Central Committee representing the 12th Assembly District since 2000. She is on the Executive Board of the California Democratic Party and also serves on the Credentials Committee. She is active in county and Democratic voter registration, fundraising, candidate development and support, and advocacy projects. She is devoted to increasing the visibility and participation of people of color and the disenfranchised in all aspects of society, especially in the political arena.

Since 1992, Commissioner Jung has served as a Board Member of the Pacific Asian American Women Bay Area Coalition (PAAWBAC). PAAWBAC represents the interests of Pacific and Asian American women, supports programs of relevance to Pacific Asian women in areas such as career advancement, relationships, educational equity, health care, business/economic development, and political empowerment. She is a strong believer in forming networks with concerned individuals, members of other community organizations and leaders in the community to address issues affecting Asian and Pacific women and their communities.

Commissioner Jung is a recognized and respected community leader, active in numerous non-profit activities. She is a mentor and role model through her dedicated efforts of promoting the personal, professional and political development of the young emerging leaders in the community.



E. Dennis Normandy

Appointed September 2008 by Mayor Gavin Newsom

E. Dennis Normandy, Commission President, is no stranger to public service.

Commission President Normandy has served in California Governor George Deukmejian's Task Force for the Study of Asia. In San Francisco he has worked with 5 mayors. As Library Commissioner for Mayors Dianne Feinstein and Art Agnos he helped oversee the design and construction of the magnificent New Main Library. For Mayors Frank Jordan, Willie L. Brown, Jr. and Gavin Newsom, he served an unprecedented 15 years and 4 terms as President of the Public Utilities Commission, the \$35 billion enterprise which provides water, power and waste management for 2.5 million customers in The City and 3 adjacent counties.

He served on the Boards of 5 Philippine corporations and managed Standard Oil Agrichemicals' Asian advertising. In his early twenties he moved to San Francisco where he directed worldwide advertising in the multi-nationals food conglomerate Del Monte. Following a stint heading promotions for the 73-country ad agency Foote, Cone & Belding, over the next 2 decades he led the PSN Group, a consortium of marketing, communications and graphic design firms. He recently formed Infrastructure Development Group, LLC which brings sustainable energy technology to Asia.

He has contributed locally and nationally to the positive visibility and empowerment of ethnic communities: as a columnist for the nationally-circulated newspaper *Philippine News*, host for public television's *Asian Journal*, and Chairman of both the National Filipino American Council and the National Asian and Pacific American Coalition. He is Chairman of the Filipino American Political Action Committee and Vice-Chair for Books for the Barrios Foundation. For 19 years he has chaired the San Francisco-Manila Sister City Committee. Two Philippine Presidents have conferred upon him awards recognizing his work as ambassador of good will between the United States and the Philippines, and for his dynamic involvement in trade and commerce benefiting both countries.

Born in Manila to a French-American-Filipino family that pioneered public transit systems in the Philippines, President Normandy was schooled in both the Humanities and Business Administration at Jesuit universities and later in public sector executive leadership at Harvard's Kennedy School of Government.



Yu-Yee Wu Sheridan

Appointed February 2007 by Mayor Gavin Newsom.
Resigned November 30, 2008.

Commissioner Yu-Yee Wu Sheridan has significant employment law experience, both as an attorney championing employment protections and as counsel to the California Department of Industrial Relations, implementing regulatory reform. As Industrial Relations Counsel with the California Department of Industrial Relations, Division of Workers' Compensation, Commissioner Wu Sheridan is responsible for developing regulations and implementing statutory reforms; performing regulatory oversight and analysis; counseling and training of workers' compensation judges and staff; overseeing the agency's compliance with Title II of the Americans with Disabilities Act; and drafting of administrative opinions.

Formerly an attorney in the employment group of Minami, Tamaki, LLP and a civil litigation attorney with Lieff, Cabraser, Heimann & Bernstein, LLP, Commissioner Wu Sheridan has litigated before the Equal Employment Opportunity Commission and in federal and state courts, trying cases predominantly involving Title VII of the Civil Rights Act and the Americans with Disabilities Act.

Commissioner Wu Sheridan is active in professional and community organizations. She is a member of the board of the Asian American Bar Association as well as the

Association for Dispute Resolution of Northern California. She is also a past board member of the Organization of Chinese Americans-San Francisco Chapter. She is also a community mediator for East Bay Community Mediation/SEEDS and for San Francisco Community Boards.

Commissioner Wu Sheridan received her J.D. Degree, with honors, from the University of Virginia School of Law, Charlottesville and a B.A. with highest honors, in Journalism and a minor in Public Policy from the University of North Carolina at Chapel Hill.

Important Events that have Shaped the City and County of San Francisco Merit System

1900

Establishment of the Civil Service Commission

The San Francisco Civil Service System was established under the 1900 Freeholder Charter.

- ✳ San Francisco Civil Service Commission was established, simultaneously with the establishment of the merit system for the City and County of San Francisco.
- ✳ The Civil Service Commission one of the oldest in the country, predated only by just a few years by Chicago, New York, and a few other Eastern municipalities. San Francisco has the oldest civil service system West of the Mississippi.
- ✳ The first members of the Commission were P.H. McCarthy, John E. Quinn, and Richard Freud, who were appointed by Mayor James D. Phelan on December 30, 1899.
- ✳ The Commission's first meeting occurred on January 5, 1900; Richard Freud was elected president.
- ✳ The first competitive examination was held on January 8, 1900, and as a result, Edward F. Moran was appointed "Chief Examiner and Secretary" of the Commission.
- ✳ The offices of the Commission opened to the public at noon, January 8, 1900, and by 5:00 p.m., 621 Laborers applications were received and hundreds of applications for examinations were issued.

1932

Charter Reform

- ✳ Enlarged the scope of duties of the Civil Service Commission
- ✳ Gave greater powers to the Civil Service Commission to enforce its rulings and included the following important components:
 - Control of the classification plan;
 - Restrictions on exempt appointments;
 - Provisions for practical, free and competitive examinations;
 - Persons appointed subject to a six-month probationary period;
 - Decision of Civil Service Commission on appeals is final;
 - Prohibition of political activity;
 - Central control to assure the unhampered operation of the merit system

1975 Expansion of Civil Service Commission

The electorate voted to:

- * Expand the Civil Service Commission from three (3) members to five (5) members;
- * Require not less than one member be a woman;
- * Require a special oath upon appointment.

1979 Compliance agreement between the Office of Revenue Sharing and the City & County of San Francisco.

- * Created open, competitive process for promotive examination;
- * Allowed horizontal and vertical access to the promotive system;
- * Permitted an accelerated examination process to address long-term temporary employees;
- * Expanded recruitment efforts for city jobs to support the citywide equal employment opportunity plan;
- * Established an in-house discrimination complaint procedure.

1991 Civil Service Reform and Collective Bargaining

The electorate approved four (4) ballot measures that:

- * Removed a number of Charter provisions word for word and added them to the Civil Service Commission Rules to allow for negotiation on changes through a meet and confer process;
- * Increased flexibility in classification of positions;
- * Established the minimum certification Rule of Three Scores;
- * Provided for collective bargaining subject to merit system carve-outs.

1993 Creation of the Department of Human Resources

Ballot measure approved by the electorate:

- * To create the Department of Human Resources effective January 1, 1994;
- * Redefined the Civil Service Commission role from an operational personnel department to a policy making/appeals board.

1996

Charter Revision

- ✳ The 1932 Charter was revised, recodified and reorganized;
- ✳ The role of the Civil Service Commission was clarified to reflect the Civil Service Commission's jurisdiction and the merit system in the new collective bargaining environment;
- ✳ Limits were placed in the Charter on the duration of provisional appointments;
- ✳ Required that not less than two (2) members of the Civil Service Commission shall be women.

1999

Creation of Municipal Transportation Agency (MTA) (Proposition E)

- ✳ Voters approved the creation of the Municipal Transportation Agency (MTA) in November 1999 election;
- ✳ Preserved the role of the Civil Service Commission as to merit system issues in the Municipal Transportation Agency.

2001

Appeal to the Civil Service Commission of the Removal of the Director of Elections (Proposition E)

- ✳ Voters approved amendments to the Department of Elections in November 2001;
- ✳ The Elections Commission to appoint the Director of Elections from a list of qualified applicants according to the civil service provisions of the Charter;
- ✳ Removal of the Director of Elections by the Elections Commission may be appealed to the Civil Service Commission.

2002

Salary Setting - Board of Supervisors (Proposition J)

- ✳ Voters approved Proposition J, November 2002 amending Charter Section 2.100 to provide that the job of the members of the Board of Supervisors is full time and that the salaries be set by the Civil Service Commission once every five (5) years.

2003 Ethics Reform (Proposition E)

- ✧ The voters approved Charter amendments in November 2003 that consolidated all of the City's ethics laws into the Campaign and Governmental Conduct Code, created new laws and amended some of the existing laws including laws on hiring of family members and incompatible activities. The Civil Service Commission comments from a merit system perspective on Statements of Incompatible Activities forwarded by the Ethics Commission.

2006 Salary Setting - Elected Officials (Proposition C)

- ✧ The voters approved Proposition C, November 2006 amending Charter Section A8.409-1 - Employees Covered, to provide that the Civil Service Commission shall determine the base salaries every five (5) years of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff effective July 1, 2007.

2007 Transit Reform - Additional Authority to the MTA in Several Areas (Proposition A)

- ✧ The voters approved Proposition A, November 2007 amending Charter Section 8A.104 giving the MTA Director of Transportation to act in place of the Human Resources Director on merit system matters including resolving discrimination complaints for Service-Critical classes in the MTA.
- ✧ Requests for accommodation under the Americans with Disabilities Act (ADA) remain with the Human Resources Director.

The San Francisco Civil Service Merit System Responsibilities-2009

The Civil Service Commission is charged to oversee, regulate and serve as final arbiter of the City and County of San Francisco civil service merit system. The Civil Service Commission fulfills its Charter and legal mandates by:

- ▲ Establishing Rules, regulations, policies, and procedures that provide the framework for the operation of the City and County personnel system. For example, the Commission approves Rules and procedures governing equal employment opportunity, applications, examinations, eligibility, duration of eligible lists, appointments, promotions, transfers, resignations, and other personnel related matters;
- ▲ Hearing of appeals of administrative actions and decisions of the Human Resources Director, the Director of Transportation and its Executive Officer, including discrimination complaints, and rendering final and binding decisions;
- ▲ Investigating and resolving charges and complaints of discrimination, sexual harassment, and otherwise prohibited nepotism and favoritism;
- ▲ Instituting legal proceedings, if necessary, to abate violations of the Civil Service merit system provisions of the City and County Charter and Commission regulations;
- ▲ Directing the Human Resources Director to take such action as the Commission believes necessary to carry out the civil service merit system provisions of the Charter;
- ▲ Directing the Municipal Transportation Agency Director to take such action as the Commission believes necessary to carry out the civil service merit system provisions of the Charter applicable to Service-Critical classifications at the Municipal Transportation Agency;
- ▲ Providing training and education on the merit system;
- ▲ Monitoring and auditing the operation of the merit system through Inspection Services and various reports;

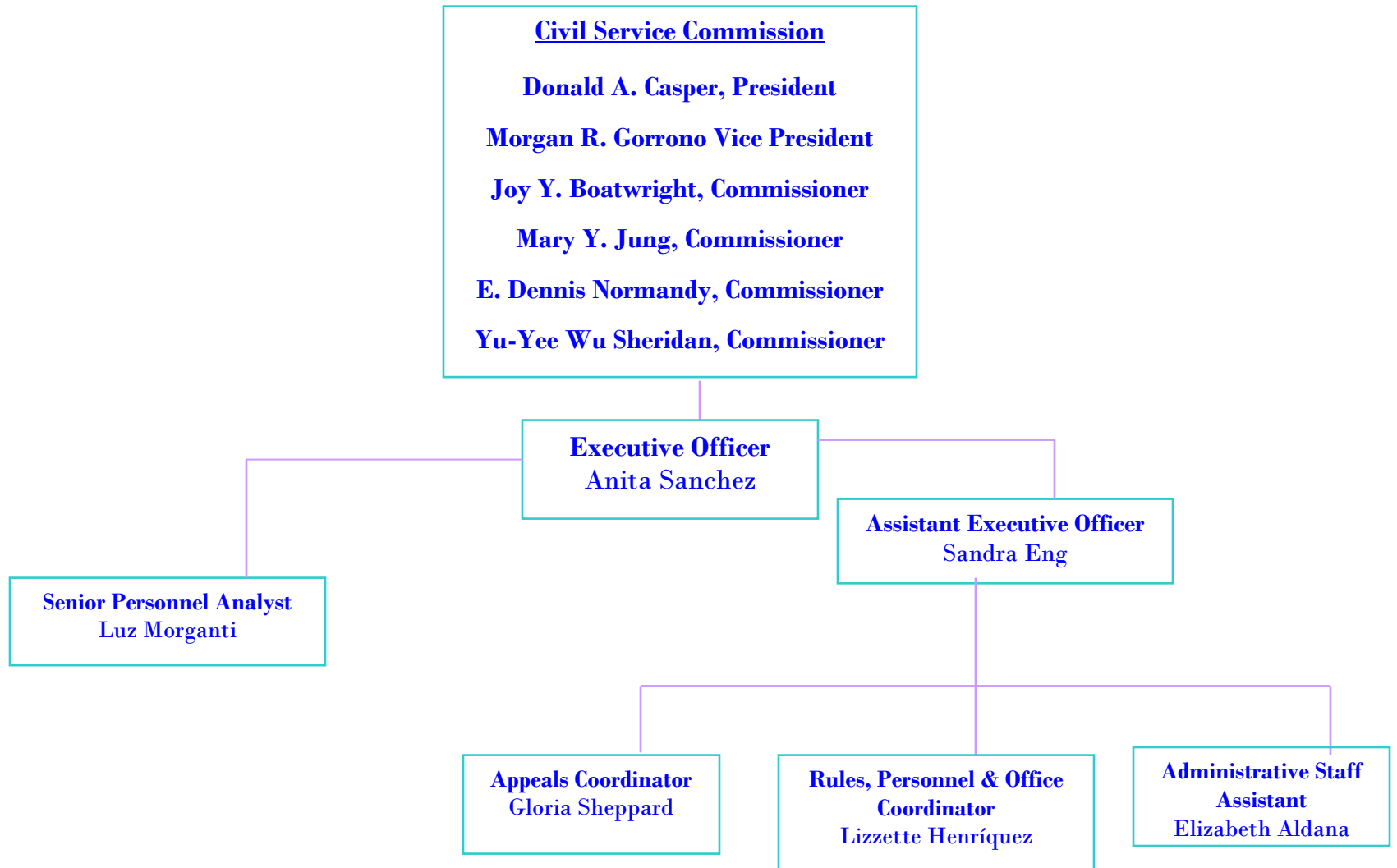
- ▲ Conducting salary and other personnel, human resources related surveys;
- ▲ Setting salaries and benefits of elected officials;
- ▲ Providing outreach, information and notification of the Catastrophic Illness Program (CIP); and,
- ▲ Administering the City's Employee Relations Ordinance.

The Civil Service Commission continues to focus on its Charter-mandated functions on formulating policy and creating the structure for the personnel system of the City and County of San Francisco.

Consistent with its mission and goals, the Commission regularly reviews its Rules, policies and procedures to address City departments' need for flexibility in personnel management while maintaining the integrity of the City's merit system.

Organization Chart

For the period covering July 1, 2008 through June 30, 2009



Staff

Anita Sanchez, Executive Officer
Sandra Eng, Assistant Executive Officer
Elizabeth Aldana, Administrative Staff Assistant
Lizzette Henríquez, Rules, Personnel and Office Coordinator
Luz Morganti, Senior Personnel Analyst
Gloria Sheppard, Appeals Coordinator

Budget

The Fiscal Year 2008-09 budget appropriation was as follows:

Account	Adopted Budget	Total
Salary & Fringe Benefits		
Permanent	520,978	
Temporary	1500	
Fringe Benefits	139,379	661,857
Special and Professional Services		
Professional Services	15,756	15,756
Materials and Supplies		
Material and Supplies	6,048	6,048
Services of Other Departments		
DHR, DTIS, PUR Mail & Repro, Real Estate	104,923	104,923
Total Budget Appropriation		788,584

Commission Meetings

The Civil Service Commission held a total of 33 meetings during Fiscal Year 2008-09. Of the 33 meetings, 24 were Regular meetings and 9 were Special Meetings.

Regular Commission meetings are on the first and third Mondays of each month in City Hall Hearing Room 400. When the regular meeting falls on a holiday, the Commission meets on the next succeeding business day unless it designates another day to meet at a prior regular meeting. Special meetings are called by the President or a majority of the Commission. All meetings of the Commission are open to the public except as otherwise legally authorized.

Commission meetings are conducted in accordance with the Commission's Hearing Policies and Procedures attached to each Agenda and Notice of Commission Meeting documents.

Regular Commission meetings are organized as follows:

Call to Order and Roll Call

Public Comment on Matters Appearing on the Agenda

Public comment on Agenda items

Approval of Minutes

Announcements

Changes to the Agenda, change in meeting schedule and other relevant information

Ratification Agenda

These are non-contested matters to be acted by a single vote of the Commission. No separate discussion on the items unless requested; the item is severed from the Ratification Agenda and considered a separate item. Matters on Ratification Agenda are proposed personal services contracts that have been posted for seven (7) calendar days by the Department of Human Resources and no appeals were received during the posting period.

Consent Agenda

All matters on the Consent Agenda will be acted upon by a single vote of the Commission. There will be no separate discussion on these items unless a request is made; in which event, the matter shall be removed from the Consent Agenda and considered as a separate item.

Commission Old Business

Follow up of previously discussed policy, procedure, or items having impact on the jurisdiction of the Commission.

Regular Agenda

Requests for hearing on examination, classification, certain compensation matters, and appeals of the Human Resources Director's decisions on certain administrative matters; appeals of the Director of Transportation's decisions on merit system matters affecting service-critical classes at the Municipal Transportation Agency; and appeals of the Executive Officer's decision.

Separations Agenda

Appeals of separated employees on future employment restrictions recommended by appointing officers and automatic resignations for certain employee groups.

Commissioners' Other Business

Policy, procedures and matters impacting the jurisdiction of the Commission.

Human Resources Director's Report

Report on merit system issues and items administered by the Department of Human Resources.

Executive Officer's Report

Report on merit system issues and items impacting the jurisdiction of the Civil Service Commission.

Request to Speak on Any Matter within the Jurisdiction of the Civil Service Commission

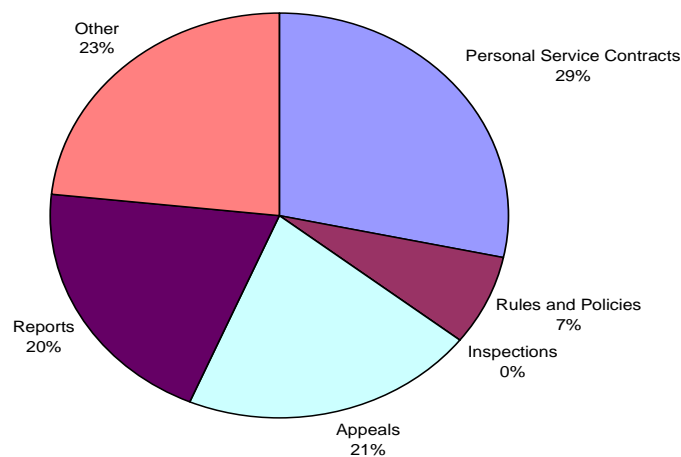
Public comment on matters under the Commission's jurisdiction.

Commissioners' Announcements/Requests

Adjournment

The Commission meets to review requests for hearing of employee separations from service, examination appeals, classification appeals, certain compensation appeals, and appeals of the Human Resources Director's decisions on certain administrative matters. The Commission also hears appeals of decisions of the Director of Transportation on merit system matters affecting service-critical classes at the Municipal Transportation Agency. The Commission considers at its meetings proposed Civil Service Commission Rule and policy changes, and proposed Charter amendments.

**Matters Heard in Civil Service Commission Meetings
Fiscal Year 2008-09**



WAGE SETTING RESPONSIBILITIES OF THE CIVIL SERVICE COMMISSION

Certification of Rates of Pay and Prevailing Wages

The Charter provides that the Commission certify the rates of pay for Police Officers, Firefighters, Registered Nurses, and the prevailing rate of wages for: 1) workers performing work under City contracts for public works and improvement; 2) workers performing work under City contracts for janitorial services; 3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; 4) workers engaged in theatrical or technical services for shows on property owned *by* the City; 5) workers performing moving services under City contracts at facilities owned or leased by the City; and 6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City.

Setting of Salary and Benefits of Elected Officials

In addition, the Commission sets the salary and benefits of all elected officials of the City and County of San Francisco in accordance with the Charter Section A8.409-1.

On November 7, 2006, the City and County of San Francisco's Electorate approved Proposition C amending City Charter Section A8.409-1 - Employees Covered, to provide that the Civil Service Commission shall determine the base five (5) year salaries of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff effective July 1, 2007.

The Charter amendment requires that the Civil Service Commission set the base salary of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff once every five (5) years by averaging the salaries of the comparable elected officials in Alameda, Contra Costa, Marin, San Mateo, and Santa Clara counties. For each year between the five (5) year cycles, the Civil Service Commission is required to adjust the salaries to reflect the upward movement in the CPI during the prior calendar year not to exceed 5%.

In setting the initial and subsequent base five-year salary of elected officials, the Commission may not reduce the salaries of each elected official. If the City and employee organizations agree to amend the compensation provisions of an existing

memorandum of understanding to reduce costs, the Civil Service Commission shall review and amend the salaries of the above named elected officials.

At the Civil Service Commission meeting on January 2, 2007, Civil Service Commission directed Commission staff to conduct a salary survey of the offices of chief executive officer, county counsel, district attorney, assessor-recorder, treasurer, public defender, and sheriff for the counties of Alameda, Contra Costa, Marin, San Mateo, and Santa Clara. Commission staff surveyed the five (5) counties for annual salaries effective January 1, 2007 for each job title or comparable job function. The average salary for each office was determined by calculating the sum of the annual salaries for each office divided by the five (5) counties, except for the public defender. In determining the average annual salary for the office of public defender, the sum of the annual salaries was divided by four (4) counties. San Mateo County reported not having an office of public defender and was omitted in calculating the average salary in accordance with Charter Section A8.409-1.

At the Civil Service Commission meeting on May 7, 2007, the Commission certified the salary and benefits of the elected officials except for the salary of the Treasurer. Under the direction of the Commission, staff reviewed the salary survey results for the Treasurer and confirmed that the average salary for the office of the treasurer was below the current salary for the Treasurer of the City and County of San Francisco. In accordance with the Charter Section A8.409-1, the base salary of the Treasurer was not reduced and there was no change to the existing salary. The salary of the Treasurer was certified by the Commission on May 21, 2007.

This initial base five (5) year salary certification by the Commission covers the period from July 1, 2007 through June 30, 2012. The subsequent five (5) year salary certification shall cover the next five (5) year period of July 1, 2012 through June 30, 2017. Salaries will be adjusted annually to account for upward movement in the CPI, not to exceed 5%.

The Civil Service Commission shall continue to set the benefits of elected officials to take effect July 1 of each year. Benefits of elected officials may equal but may not exceed those benefits provided to any classification of miscellaneous officers and employees as of July 1 of each year.

Setting of Salary for Members of the Board of Supervisors

On November 5, 2002, the City and County of San Francisco Electorate approved Proposition J, amending City Charter Section 2.100 - Composition and Salary to direct that Member, Board of Supervisors is a full-time position. The amended Charter Section also directs the Civil Service Commission to: 1) establish a five (5)

year salary cycle; 2) consider a salary survey of California cities and counties with full-time City Councils and County Supervisors; 3) transmit its salary determination to the Controller in a timely manner to coordinate with City budget processes and related procedures; and 4) set the salary of the Board of Supervisors once every five (5) years. However, the Charter provided that the Civil Service Commission could establish a shorter cycle for the initial determination.

In its initial determination on May 19, 2003, the Civil Service Commission established a one (1) year cycle. The Civil Service Commission set the annual salary for Members, Board of Supervisors effective July 1, 2003 through June 30, 2004 at \$112,320.

On May 17, 2004, the Civil Service Commission established a five (5) year cycle effective July 1, 2004 through June 30, 2009 and set the annual salary for the City and County of San Francisco Board of Supervisors at \$90,000. The Civil Service Commission also acted to increase the salary for each fiscal year, effective July 1, 2005 based on the Consumer Price Index for All Urban Consumers (CPI-U) reported in January of each year and not to exceed 5% and that the salary will not decrease in the event that the CPI-U falls below zero.

The CPI-U reported in January 2008 was 3.3%; therefore, in accordance with the Civil Service Commission action and direction, the annual salary for Member, Board of Supervisors for FY 2008-09, effective July 1, 2008 was \$98,660 (\$95,508 x 3.3%).

The Civil Service Commission will again set the salary for the Board of Supervisors for a five (5) year cycle, effective July 1, 2009 through June 30, 2014.

Civil Service Commission and Merit System Policy and Rules Making Authority

The City and County of San Francisco Charter delineates the responsibilities of the Civil Service Commission and outlines the civil service merit system to include (but not limited to):

- ✱ the authority, purpose, definitions, administration, and organization of the merit system and the Civil Service Commission;
- ✱ the establishment of policies, procedures and Rules governing allegations of discrimination or otherwise prohibited nepotism or favoritism; applications; examinations; eligibility; duration of eligible lists; certification of eligibles; leaves of absence; appointments; promotions; transfers; resignations; lay-offs or reduction in force, both permanent and temporary, due to lack of work or funds, retrenchment or completion of work; the designation and filling of positions, as exempt, temporary, provisional, part-time, seasonal, or permanent; status and status rights; probationary status and the administration of probationary periods except duration; pre-employment and fitness for duty medical examinations, except for the conditions under which referrals for fitness for duty medical examinations will be made, and the imposition of new requirements; classification; conflict of interest; and such other matters not in conflict with this Charter;
- ✱ the ability to inquire into the operation of the civil service merit system to ensure compliance; and,
- ✱ the hearing of appeals from an action of the Human Resources Director or the Director of the Municipal Transportation Agency.

Rules, Policies and Procedures Administration

Civil Service Commission Rules

Foremost in the Commission's agenda is to modernize and streamline the Civil Service Commission Rules, to protect the civil service merit system, and to control costs which result from practices which may not be conducive to the efficient operation of a department. The Civil Service Commission recognizes the need to make our workforce more efficient by providing managers with the necessary tools which conform with and anticipate changes in the work environment so as to avoid expending unnecessary personnel time and resources on duplicative or archaic practices.

In its effort to address City departments' need for flexibility in personnel management, the Commission has an on-going process of seeking input from departments and responding to the needs expressed regarding the City's merit system. The Committee on Policy and Rules Revision (COPAR), made up of various departmental representatives, Department of Human Resources representatives and Commission staff convenes regularly to share concerns, provide advice and address the operation of the merit system. COPAR reviews, evaluates and makes recommendations on needed Rule changes. Commission Rules are evaluated to assure compliance with federal, state and local laws.

Meet and confer sessions are conducted by Commission staff. All Rule changes are posted for ten (10) days prior to adoption by the Civil Service Commission.

Policies and Procedures

Service accessibility and utilization of its services is a priority of the Civil Service Commission. The Commission has made available and expanded its on-line information through the Commission website. Policy and procedures on "Appeals and Requests for Hearings" and "Submission of Written Reports on Appeals" have been updated and available in on-line, electronic and print formats.

CIVIL SERVICE COMMISSION RULES

The Civil Service Commission acted on October 4, 1999 to recodify and reformat the Rules to provide consistent administration, uniformity and easy readability.

Civil Service Commission Rules 1996 Edition		Civil Service Commission - Year 2000 Edition Rules			
Rule Number and Title		Volume I Miscellaneous Classes	Volume II Uniformed Ranks of the Police Department	Volume III Uniformed Ranks of the Fire Department	Volume IV Municipal Transportation Agency Service- Critical
	Rules Amendment Guide - <i>Information on Rules changes, deletions and additions</i>	Rule Amendment Control Sheet	Rule Amendment Control Sheet	Rule Amendment Control Sheet	Rule Amendment Control Sheet
Rule 1	Authority and Purpose	Rule 101	Rule 201	Rule 301	Rule 401
Rule 2	Definitions	Rule 102	Rule 202	Rule 302	Rule 402
Rule 3	Equal Employment Opportunity	Rule 103	Rule 203	Rule 303	Rule 403
Rule 4	Administration	Rule 104	Rule 204	Rule 304	Rule 404
Rule 5	Meetings and Hearings of the Commission	Rule 105	Rule 205	Rule 305	Rule 405
Rule 6	TWU Trust Fund	Rule 106	Blank	Blank	Rule 406
Rule 7	Rules Related to the Employer-Employee Relations Ordinance	Rule 107	Rule 207	Rule 307	Rule 407
Rule 8	Blank	Blank	Blank	Blank	Blank
Rule 9	Position Classification	Rule 109	Rule 209	Rule 309	Rule 409
Rule 10	Examination Announcements and Applicants	Rule 110	Rule 210	Rule 310	Rule 410
Rule 11	Examinations	Rule 111	Rule 211	Rule 311	Rule 411
Rule 12	Eligible Lists	Rule 112	Rule 212	Rule 312	Rule 412
Rule 13	Certification of Eligibles	Rule 113	Rule 213	Rule 313	Rule 413
Rule 14	Appointments	Rule 114	Rule 214	Rule 314	Rule 414
Rule 15	Rules Related to the Employment of Persons with Disabilities	Rule 115	Rule 215	Rule 315	Rule 415
Rule 16	Medical Examinations	Rule 116	Rule 216	Rule 316	Rule 416
Rule 17	Probationary Period	Rule 117	Rule 217	Rule 317	Rule 417
Rule 18	Conflict of Interest	Rule 118	Rule 218	Rule 318	Rule 418
Rule 19	Resignation	Rule 119	Rule 219	Rule 319	Rule 419
Rule 20	Leaves of Absence	Rule 120	Rule 220	Rule 320	Rule 420
Rule 21	Layoff	Rule 121	Rule 221	Rule 321	Rule 421
Rule 22	Employee Separation Procedures	Rule 122	Rule 222	Rule 322	Rule 422

An Effective Classification Plan

Class Consolidation Priority

The Civil Service Commission adopted in 1991, a policy directive to reduce the number of City and County classes to 1,000 or fewer by the year 2000. The Commission continues to pursue this goal directing its efforts towards rules, policies and procedures that facilitate classification transactions conducted by the Department of Human Resources. According to the October 6, 2008 Progress Report on Class Consolidation submitted by the Department of Human Resources, the City has approximately 1177 classes, down 923 from over 2,100 in a 1991 peak (a 44% decrease).

Professional-Personal Services Contracts

The Civil Service Commission's review of proposed professional-personal services contracts is consistent with its authority to oversee the merit system. This authority includes that where there is a merit system, services provided to the public use public employees.

The Civil Service Commission also determines whether the circumstance pertaining to the need to provide services in a particular situation (or situations) warrants the use of a professional-personal services contract or contractors in lieu of civil service employees. Professional-personal services contracts include agreements for services paid by the City and County of San Francisco with individuals, companies, corporations, non-profit organizations, and other public agencies. The Commission's role and responsibilities are in accordance with City Attorney opinions and are consistent with the objectives of Proposition L (November 1993) in that it places the Civil Service Commission in a policy making, rather than an administrative role in the selection of individual contractors.

The Commission adopted revised policies and procedures on December 5, 1994, which became effective on January 1, 1995. The revised procedures streamlined and expedited the processing of professional-personal services contracts by eliminating a significant amount of bureaucratic red tape. This was accomplished without loss of the monitoring and auditing of the contracting procedure placed by the Charter in the Commission's jurisdiction.

The procedures are periodically reviewed and revised by the Civil Service Commission. Most recent was a memo issued on May 30, 2007, to remind City department heads and staff of long-standing Rules, policies, procedures, and guidelines on personal services contracts. The May 30, 2007 memo also provided clarification by the Commission of procedures for extending amounts and duration of contract approval requests.

Important points in the procedures include:

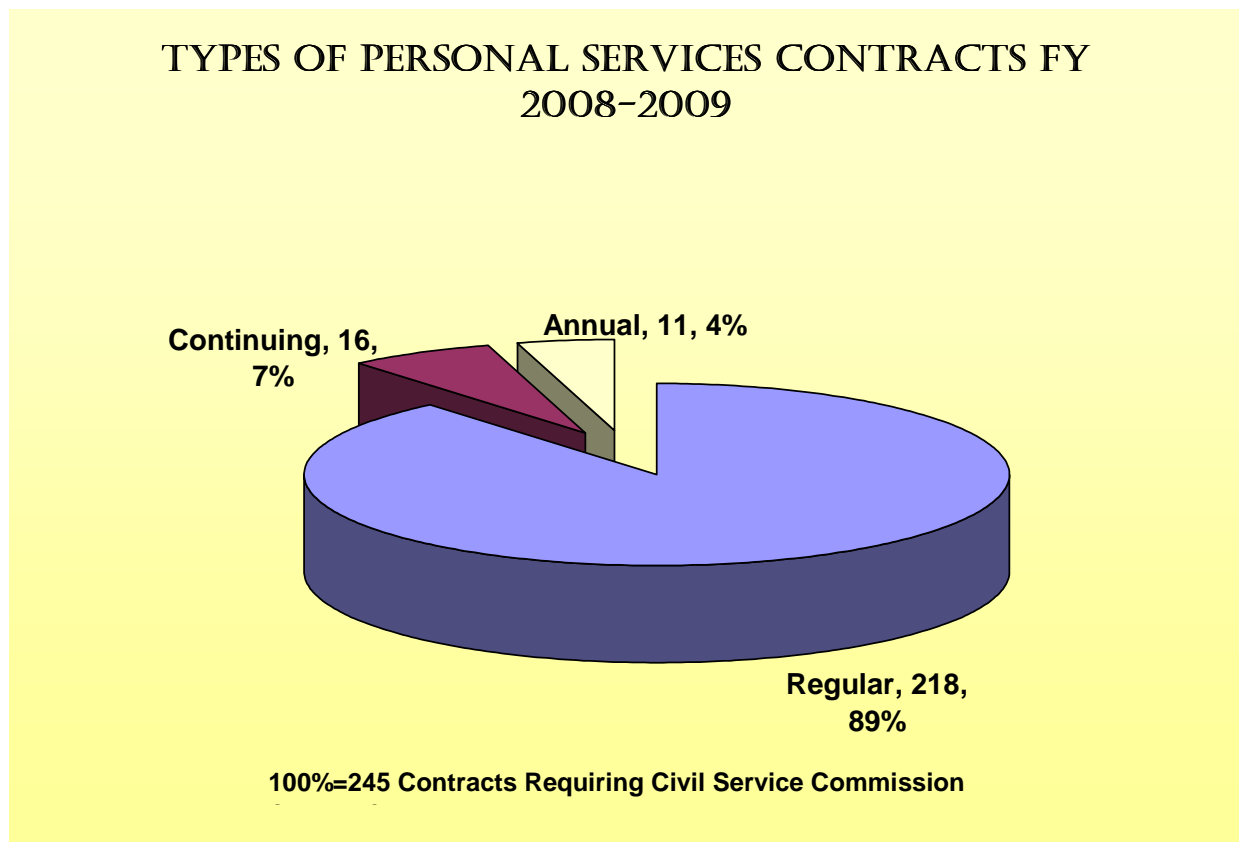
- An appeal procedure to insure merit system oversight;

- A streamlined Civil Service Commission approval process for professional-personal services contracts; the Civil Service Commission reviews proposed professional-personal services contracts greater than \$50,000;

- A professional-personal services contracts approval option that is consistent with the City and County's budgetary process by providing departments with the ability to include contracted services as part of the departmental budget when being submitted to the Mayor's Office.

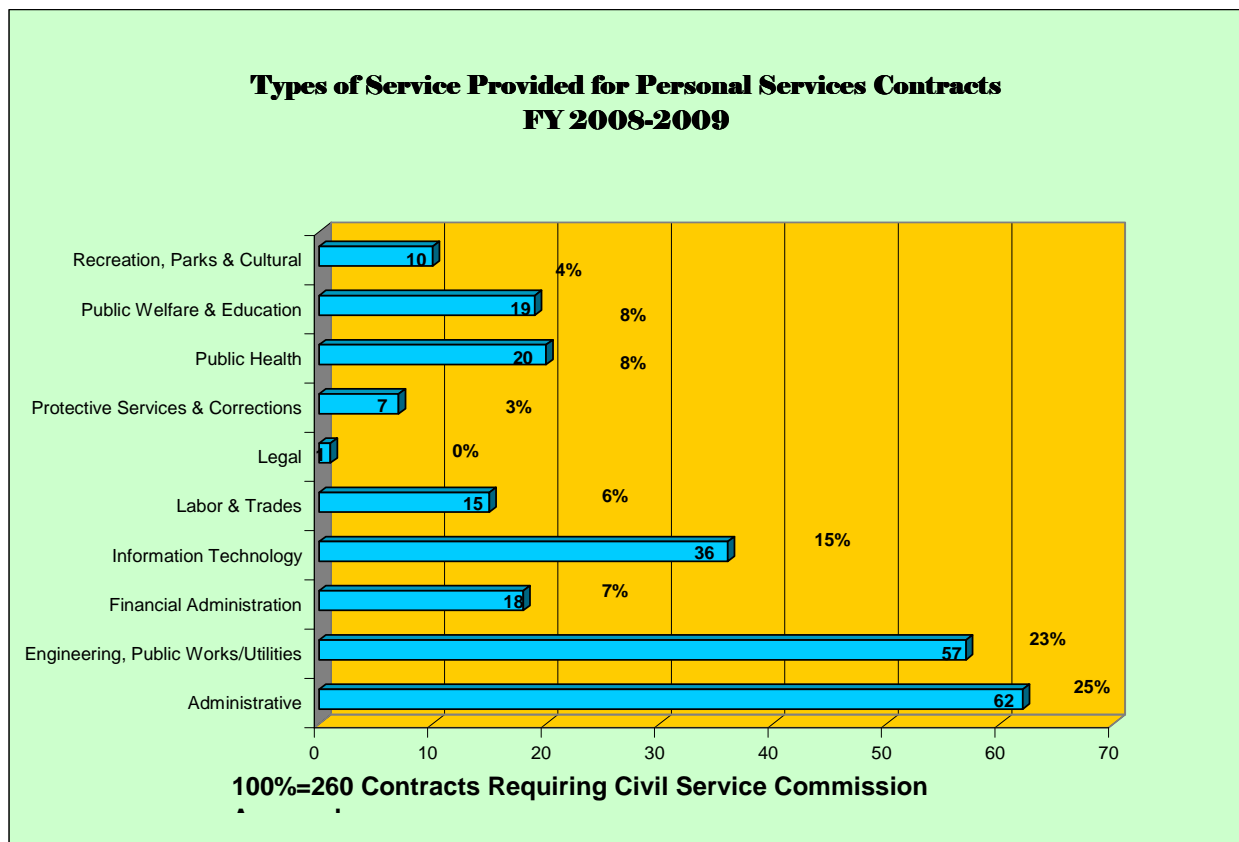
Modifications in *amount* and/or *duration* less than 50% of the original amount or duration approved by the Commission are administratively approved by the Department of Human Resources. Modifications 50% or greater of the original amount and/or duration require Commission approval.

The following chart is a breakdown of the approval types for professional services contracts.



Policies and Procedures on Personal Services Contracts was reissued in May 2007 as a reminder to all City department heads and staff of the longstanding Rules, policies, procedures and guidelines on Personal Services Contracts. The reissued Policies and Procedures included a clarification of policy by the Civil Service Commission regarding “amount” and “duration.” The amount posted on the Civil Service Commission Agenda is the total amount of the multi-year request. The Commission also recognizes that actual contract awards may not occur months or as much as one year after the Commission’s approval. Departments requesting to extend a contract beyond the duration and/or amount approved by the Commission must return to the Commission for any length of time and/or amount that is 50% or longer or higher of the original duration and/or amount approved by the Commission. Extensions less than 50% of time approved by the Commission are to be requested and administratively extended by the Department of Human Resources

Below is a breakdown of the type of service provided for professional-personal services contracts:



Merit System

Civil service, also known as the merit system, was created to assure that the recruitment and retention of a qualified work force, and, the selection and promotion of employees providing public service and compensated by tax dollars is conducted in a fair and impartial manner and in a competitive fashion.

The demand for accountability, high performance and ethical standards require a visible, objective public personnel process provided by a merit system. This demand for accountability is reflected in the Civil Service Commission Charter mandate to oversee the City's merit system through establishment of Rules, policies and procedures, hearing of appeals, inspection and audit service, training, and reports from the Executive Officer, Human Resources Director and Director of Transportation on the operation of the merit system.

Oversight through Hearings and Appeals

The Charter provides that a major function of the Commission is to consider appeals on merit system and other matters under the jurisdiction of the Civil Service Commission. Consideration of appeals provides a mechanism for the Commission to monitor the status of the merit system.

The Commission also considers requests for hearings on separations and appeals on future employment with the City and County following employee separations from service: provisional, exempt and probationary; automatic resignations due to abandonment of position; terminations of temporary employees appointed from civil service lists; resignations certified as services unsatisfactory; and dismissals of permanent employees.

Appeals before the Commission cover a range of matters under the Commission's jurisdiction. Many are routine and a few are uncommon and unusual.

The Commission had 53 active unresolved appeals at the end of Fiscal Year 2007-08. A total of 60 appeals and requests for hearings were received in the Commission office during Fiscal Year 2008-09. A total of 59 appeals were resolved. Many appeals were successfully resolved administratively and did not require a Civil Service Commission hearing, or, are still pending. The Civil Service Commission heard 34 appeals. The other 25 appeals were deemed untimely, administratively resolved, withdrawn, or determined not to be in the Commission's jurisdiction or resolved through other mechanisms.

Inspection Service Requests

The Inspection Service serves as another mechanism for the Civil Service Commission in its role and responsibility to review the operation of the merit system and to respond to merit system issues presented by applicants, employees, employee organization representatives, advocates, and members of the public.

Under its Charter authority, the Civil Service Commission operates the inspection service for the purpose of investigating the conduct or an action of appointees in all positions and of securing records for promotion and other purposes, as well as, ensuring compliance with merit system principles and rules established by the Civil Service Commission. All departments are required to cooperate with the Civil Service Commission and its staff in making its inquiries and investigations.

The Civil Service Commission is further authorized in carrying out its Charter mandate to inquire into the conduct of any department or office of the City and County, and may hold hearings, subpoena witnesses, administer oaths, and compel the production of books, paper, testimony, and other evidence.

An inspection service request may be submitted by applicants, employees, departmental representatives, advocates, employee organization representatives, or a member of the public by letter, telephone, email, or in person. Inspection service requests are also generated by Civil Service Commissioners in response to items heard at Civil Service Commission meetings or other venues.

Inspection Service investigations may include reviewing or auditing departmental records, determining departmental and merit system practices, interviewing relevant parties, reviewing related merit system publications, and applying relevant merit system Rules, policies and procedures.

The investigation may result in counseling on procedures for either the requestor or the department, incorporating information in training workshops on the merit system, publication of the *Civil Service Adviser* to clarify merit system policies and procedures, or a hearing of the matter at the Civil Service Commission with subsequent remedial action, as appropriate.

An Example of an Inspection Service Issue

Inspection Service Issue:

An anonymous complaint was submitted to the Whistleblower Complaints Unit of the City Controller's Office which was then forwarded to the Civil Service Commission for Inspection Service review. The complaint focused on the hiring procedures utilized by the Municipal Transportation Agency (MTA) for the position of Payroll Manager, Class 9175 Manager I. The complainant stated that the job announcement was not issued for the position and that the individual appointed did not possess the qualifications required.

Civil Service Commission Inspection Service Review Process:

- ✓ Contacts City department to notify the department of the complaint and to request the department to provide information and supporting documents regarding the selection of the individual appointed as the Payroll Manager;
- ✓ Reviews the job announcement and corresponding eligible list (if applicable) and any other additional documents;
- ✓ Review the appointee's application and employment history to determine if they met the minimum qualifications as listed on the job announcement;
- ✓ Reviews Civil Service Commission Rule Series 410 - Examination Announcements and Applicants, Rule Series 414 - Appointments; related policies, procedures, publications, practices, and Civil Service Commission actions;
- ✓ Interviews the Department Head and/or Human Resources Representative who conducted the selection and appointment process;
- ✓ If the selection was appropriate:
 - ▮ Respond to the Whistleblower Complaints Unit summarizing the findings of the Inspection Service and concluding that the appointment was made in accordance with Civil Service Commission Rules;
 - ▮ Include a description and/or outline of the selection process;
- ✓ If the selection was inappropriate:
 - ▮ Commission staff contacts the City Department Head to advise them of the areas requiring correction including scheduling the matter for Civil Service Commission consideration and action if necessary or appropriate;
 - ▮ Notifies the Whistleblower Complaints Unit of the results and action recommended.

Inspection Service Review - Summary of Findings: Selection Procedures for Class 9175 Payroll Manager at the Municipal Transportation Agency

- 1) The MTA obtained budgetary approval for a Temporary Exempt Manager I, Class 9175 position.
- 2) This position is exempt from Civil Service appointment pursuant to Sections 10.104 and 8A.104 of the City Charter.
- 3) Civil Service Commission Rule 414.36 Exclusions from Civil Service Appointment describes exempt appointments as appointments excluded by Charter from the competitive civil service examination and selection process. Any person occupying a position under exempt appointment shall not be

subject to civil service selection, appointment, and removal procedures and shall serve at the pleasure of the appointing officer.

4) Department heads *may* but are *not* required to use merit system criteria as guidelines in exempt selection, employment and removal decisions.

5) The position of Payroll Manager (Class 9175 Manager I) was designed and designated as temporary exempt by MTA because of its limited duration of twelve (12) to eighteen months (18) for the implementation and completion of special payroll projects to transition to a new payroll system, Trapeze.

6) Due to the short time frame and urgency of completing the payroll system transition, MTA surveyed internal and external candidates from the Class 1218 Payroll Supervisor Eligible List seeking candidates familiar with the City's payroll process and systems.

7) The individual appointed expressed an interest in the project. The survey of candidates determined that the appointed individual's experience met the needs and requirements of the position.

8) The appointed individual had previously held the position of Chief Payroll and Personnel Clerk for the San Francisco Police Department since October 29, 2007. In addition, the individual held various supervisory payroll positions in the San Francisco Police and Fire Departments since September 7, 1999.

9) Summary Conclusion:

A review of the records indicates that the MTA complied with Civil Service Commission Rules, policies and procedures on exempt appointments.

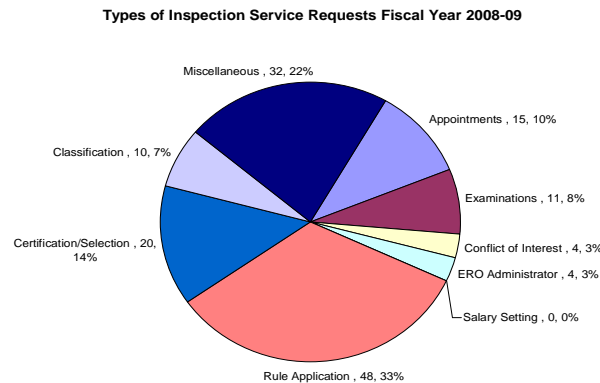
Inspection Requests for Fiscal Year 2008-09

In Fiscal Year 2008-09 the Department received a total of one hundred forty-five (145) Inspection requests. Thirty (30) Requests were received by letter or email and one hundred fifteen (115) by telephone or drop-ins.

A majority of the requests came from or were submitted by individuals, employees, applicants, departmental representatives, and employee organization representatives. Twenty seven (27) requested anonymity and/or confidentiality in requesting an Inspection service of an issue of which there were concerns. The Department also received five (5) referrals or requests from the Controller's Office Whistleblower Complaints Unit. In the case of Whistleblower complaints, the complainants are not known to the Department and responses to these complaints are submitted to the Whistleblower.

Merit system issues and concerns submitted to the Commission that are not subject to protests or appeals under Civil Service Commission Rules are investigated as Inspection Service Requests. Other requests involve reviewing merit system provisions of the Charter, Civil Service Commission Rules, policies and procedures, and investigating how departments are applying the policies and procedures in human resources and personnel transactions. Responses to issues and concerns raised by Inspection Service requests have ranged from an immediate response to more lengthy response periods requiring extensive research, review of materials and documents and interviews.

One hundred forty five (145) Requests were received and the following chart illustrates the types of Requests received in FY 2008-09:



Appointments: Some example of these requests were questions regarding reappointment, hiring of a Class 1844 position, request for American with Disabilities Act (ADA) accommodation appointment, returning to City employment from a departmental ban, and appointment procedures used.

Examinations: Administration of examinations, history of promotional opportunities and requirements for Truck Driver class, examination appeals determined untimely but issues were reviewed as inspection service, questions on promotive merit and service points, requirements for verification of experience, review of examination questions and scores, and special conditions.

Conflict of Interest: Questions on employee supervision of their spouse, additional employment, favoritism on making work assignments, and allegations of hiring relatives.

Employee Relations Ordinance (ERO) Administration: Process of filing unfair labor practice charge and complaint of grievance process.

Salary Setting: When did Board of Supervisors begin receiving health benefits, how does the City set salaries for Board of Supervisors and salary adjustment for Board of Supervisors and Elected Officials.

Rule Application: Probationary period, future employment restrictions, seniority application, duration of eligible lists, out-of-class assignment, requirements for scheduling examinations, reassignment, furlough rules, return from holdover roster, leaves of absence, work assignments, layoff notices, and Rules for class of employees.

Certification and/or Selection: Concerns on how departments make appointment selections become Inspection service requests as these are not appealable matters to the Commission. Staff conducted reviews on selection procedures in appointments to various classes, allegations that a position was created for an individual, not being reachable on an eligible list, selection for acting pay without using the eligible list, not being informed of interview results; and an appointment of an individual who did not meet the minimum qualifications.

Classification: Reclassification procedures and assigned work outside of classification.

Miscellaneous: Complaints on actions/behavior of supervisors, separation without restrictions, resignation after leave, request for information on personal services contracts, denial of leave and ADA accommodation, and job announcement not posted.

Merit System Audits

The Commission's Merit System Audit program is another example of its merit system oversight. The Audit program is an inquiry into the operation of the merit system. The Audit program consists of pre-planned departmental review of a specific merit system Rule, policy and/or procedure. The topics of the pre-planned audits are determined each fiscal year as part of setting the goals and objectives of the Civil Service Commission.

In FY 2008-09 the audit program focused on reviewing departments' application of the Civil Service Commission's longstanding policy and procedure on personnel files enumerated in the "Citywide Employee Personnel Records Guidelines." The Citywide Employee Personnel Records Guidelines was first adopted by the Commission at its meeting of April 6, 1992 and became effective May 1, 1992. By Commission action of May 7, 2007, the Guidelines were updated and reissued to reflect the role of the Civil Service Commission as a Rules and policy making

appeals body approved by the voters (Prop L; 11/93) and the delegation to the Human Resources Director and for Service-Critical classes at the Municipal Transportation Agency (MTA), the Director of Transportation/designee, the authority to establish procedures on the implementation of the Civil Service Commission Policy and Guidelines on Employee Personnel Records and Employment Verification.

The Audit program was designed utilizing the Citywide Employee Personnel Records Guidelines to review procedures for maintaining employee personnel files to ensure compliance to Civil Service Commission Rules, policies and procedures. The Guidelines assist departments in applying uniform standards in maintaining the employee's history, organizing documents in the employee's file, storing, and providing access to employee personnel records

The scope of the audit depends on a number of factors such as size of the department, subject matter and staffing resources. Commission staff reviews a department's human resource office or office where the official personnel files are located to determine compliance with security, content and compliance of internal human resources procedures and to the Guidelines.

Commission staff conducted five (5) audits of the official employee personnel files in the departments of The Port of San Francisco, Department of Technology, Department of Emergency Management, Public Defender's Office, and San Francisco Planning Department. Employee files were audited for the documents that should be contained in each file according to the Citywide Employee Personnel Records Guidelines. Staff reviewed files to determine if the department's personnel records complied with State and Federal laws, Civil Service Commission Rules, and Human Resources policies and procedures.

Twenty (20) to fifty (50) files were audited in each department. Department personnel were interviewed regarding department procedures in handling employee personnel files, access to files by authorized personnel, storage, and releasing employee information.

Audit findings indicate departments overall understood the policies and procedures in maintaining and organizing employee files but procedures were not consistently followed. Federal Employee Eligibility Verification I-9 forms (required of employees hired after November 6, 1986) were not always complete with dates or signatures. Job applications with the employee's signatures certifying the information is true and understanding any false information could result in disciplinary action or dismissal were not in most employee files. Performance Appraisals were in many

employee files; however, the Report of Probationary Status was often not completed. Departments were reminded that all required forms are to be signed, dated and completed thoroughly.

Notices of Probationary Status and Notices to Exempt or Provisional Employees were in most employee files. Reports of Completion of Probationary Periods for permanent civil service employees were often not in the employee file.

Not all departments required employees to sign acknowledgement forms of receiving the Employee Handbook. The Employee Handbook is a basic reference guide and educates new employees on personnel policies and procedures including safety on the job, prohibiting employee violence in the workplace, conflicts of interest and ethical obligations, drug-free workplace, probationary periods for permanent civil service positions, and separation procedures

After each Audit, findings are discussed with department personnel responsible for the employee personnel files. Commission staff answered questions regarding the reason for the Audit, why documents were necessary, and procedures in complying with citywide personnel policies. Discussions were also on subpoenas for records and procedures for disclosing employee information to individuals not employed with the City and County of San Francisco and other employers, agencies or organizations. Commission staff interviewed personnel for suggestions on what procedures or forms worked well for their departments and what support was needed to comply with citywide personnel policies. The Employee Handbook and the Citywide Employee Personnel File Guidelines were made available to departments as a reference for maintaining and storing files.

The Official Employee Personnel File Audit is one of the Civil Service Commission programs utilized to oversee the merit system. Findings from the Audit provided tools for the department to train employees on areas that needed improvement and to develop new procedures. One of the findings indicated performance appraisals were not being conducted on an annual basis. To assist departments in following the merit system principle of hiring and promoting employees based on their qualifications and performance, departments were encouraged to conduct performance appraisals on an annual basis. The Audit Program educates department personnel on the importance of maintaining and organizing personnel files, complying with Civil Service Commission Rules, regulations, policies, and procedures.

OVERSIGHT THROUGH REPORTS ON THE OPERATION OF THE MERIT SYSTEM SUBMITTED TO THE CIVIL SERVICE COMMISSION

Reports on the operation of the merit system are another important component of the Civil Service Commission's role and responsibility to oversee the operation of the merit system.

The Civil Service Commission receives reports from the Human Resources Director and the Director of Transportation/designee for Service-Critical classes at the Municipal Transportation Agency for its consideration and direction.

Reports are submitted to the Civil Service Commission on a variety of merit system benchmarks including: provisional appointments, class consolidation, exempt appointment, workforce analysis, and others.

An annual calendar of reports is established by the Executive Officer at the beginning of each calendar year. The Civil Service Commission may also request additional reports throughout the year as needed. The Annual Planning Calendar is included for reference in this Annual Report.

In addition, the Executive Officer, Civil Service Commission periodically reports to the Commission on the operation of the merit system and regularly reports on the status of its goals and objectives for the year.

Annual Planning Calendar- Required Civil Service Commission Agenda Items

(may not be all inclusive)

Title/Description	Source	Frequency
Provisional Employee Report	DHR/MTA	Semi-annual - Second meeting in February and August
Appointment Exempt from Civil Service under the 1996 Charter Section 10.104 - 1 through 10.104 - 12	DHR	Prior to approval of request & for appointments over 2 %
Appointment Exempt from Civil Service under the 1996 Charter Section 10.104 - 16 through 10.104 - 18	DHR/MTA	Semi-annual - Second meeting in February and August
Salary Survey for Registered Nurse Classifications	DHR	Second meeting in April
Class Consolidation	DHR	Annual Second meeting in August
Survey of monthly rates paid to Police Officer & Firefighters in all cities 350,000 or more in the State of California	DHR	First meeting in August
Equal Employment Opportunity Workforce Analysis	DHR/MTA	Second meeting in August
Annual Report on the Certification of Eligibles - Entry and Promotion- Uniformed Ranks of Police and Fire	Decentralized Personnel Units - SFPD and SFFD	Second meeting in August
Certification of Prevailing Rate of Wages for Workers 1) performing work under City contracts for public works and improvement; 2) performing work under City contracts for janitorial services; 3) performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; 4) engaged in theatrical or technical services for shows on property owned the City; 5) performing moving services under City contracts at facilities	DHR	Second meeting in September

owned or leased by the City; and 6) engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City		
Special Monitor Reports – Inspection Service: Office of the Assessor-Recorder	DHR	Special Report – 2 nd Meeting in January
Management Classification and Compensation Program – Status Grant Report	DHR	Semi-Annual 2 nd Meeting in June and December
Position-Based Testing Program	DHR	Semi-Annual 2 nd Meeting in February and August

Employee Relations Ordinance

The Employee Relations Ordinance (ERO) was established in 1973 to promote employee-employer relations and to recognize the right of City and County employees to join employee organizations of their own choice and to be represented by those organizations in their employment relationship with the City and County. This Ordinance is administered through the Civil Service Commission and is part of the Administrative Code that authorizes the Commission to perform functions required for ERO administration.

The Commission is both neutral and impartial in its role of providing a reasonable foundation to resolve labor relation disputes. The ERO promotes communication between the City and its employees and their representative employee organizations. Civil Service Commission Rule 07 Series – Rules Related to the Employee Relations Ordinance, was adopted to provide specific administrative procedures to carry out these functions which were assumed by the Commission in August 1976.

State legislation, SB 739 that took effect on July 1, 2001 impacted the Commission's administration of the City and County of San Francisco's Employee Relations Ordinance. With the implementation of SB 739 which amended the Meyers-Milias-Brown Act (MMBA), the State agency known as the "Public Employment Relations Board" (PERB) was given the authority to administer and decide unfair labor practice charges previously filed and remedied at the local level. PERB is not limited to enforcing local rules regarding Unfair Labor Practices, and, it may look to the MMBA and other State and local laws for guidance. PERB is authorized to enforce local rule regarding representational issues. The City's ERO remains in the City's Administrative Code and is currently reflected in the Civil Service Commission Rules.

The various functions assigned to the Civil Service Commission by the City and County of San Francisco's Employee Relations Ordinance includes, but is not limited to:

Unfair Labor Practice Charges

The Employee Relations Ordinance provides for the investigation and resolution of Unfair Labor Practice Charges for peace officers and management employees. An employee or group of employees, an employee organization or management may

file charges on the prescribed form (CSC 101) within the specified timeframe. Under the Rules, staff reviews the complaint to determine if it makes a “prima facie” case. If a “prima facie” case is not found, staff dismisses the charge. If there appears to be a “prima facie” case, staff attempts to mediate the dispute between the parties. If the parties do not agree to mediation or attempts are not successful, the charge is referred to an Administrative Law Judge for hearing and final determination.

Bargaining Unit Assignments

The Employee Relations Ordinance provides that the Department of Human Resources is responsible for assigning or reassigning classes to bargaining units. The Employee Relations Ordinance permits affected employees or registered employee organizations to file complaints over the allocation of classes to bargaining units. Complaints are filed on the required form (CSC 102) and must be received by the Civil Service Commission no later than twenty (20) calendar days from the date of the original notice from the Department of Human Resources. Staff reviews the complaint to determine if it is timely and contains sufficient information to proceed. The Employee Relations Division Director is informed, and requested to prepare a response to the complaint. If the complaint is not resolved, it is referred to an Administrative Law Judge for hearing.

Management, Supervisory, Confidential Designations

The Employee Relations Division of the Department of Human Resources is responsible for placing Management, Supervisory, or Confidential designations to specific positions after consulting with department heads because of the nature of their functional role within a department. Designation assignments may be protested by filing a complaint by using the prescribed form (CSC 103) with the Civil Service Commission. Staff reviews the complaint, and attempts to mediate the dispute. If mediation is not possible, staff arranges for the issue to be submitted before an Administrative Law Judge for hearing and final determination.

Recognition Elections: Employee Organization Certification or Decertification

Recognition

A registered employee organization may petition to become the recognized representative for a Bargaining Unit composed of classes with similar duties and responsibilities for employees not represented.

Challenge Petition

Another employee organization submits a valid petition, which affords the employee organization an opportunity to be added to the ballot.

Decertification/Recognition

Concurrent election to unrepresent and elect a new employee organization on the same petition.

Formal recognition of an employee organization entitles it to rights and responsibilities as specified in the ERO. Validity requires a 30% show of interest from all employees in the affected bargaining unit.

State labor law (AB 1281) enacted on October 13, 2001 streamlined recognition procedures for public agencies by allowing a signed petition, authorization cards, or union membership cards showing that a majority of the employees in an appropriate bargaining unit desire the representation unless another labor organization has previously been lawfully recognized as the representative. Disputes, in these cases, are remedied in accordance with the procedures outlined in Government Code Section 3507.1.

On May 15, 2009, the National Union of Healthcare Workers (NUHW) as the requesting party filed a Decertification Petition to decertify and remove the Service Employees International Union (SEIU) Local 1021 as the recognized employee organization of Bargaining Unit 6A; and to certify NUHW as the recognized employee organization. The submitted petitions represented at least thirty percent (30%) of the employees in Bargaining Unit 6A and asserted that the certified representative, SEIU Local 1021 was no longer their representative and such employees requested that NUHW be certified in its place.

The effective date for the Collective Bargaining Agreement between SEIU Local 1021 and the City and County of San Francisco is July 1, 2006 through June 30,

2010. The Civil Service Commission Department received the decertification petition filed by NUHW on May 15, 2009. In order for the petition to qualify, the petition should have been submitted within the time period of April 2, 2008 to May 2, 2008. The Decertification Petition was not submitted within the timeframes stipulated in the ERO Section 16.212. In accordance with Civil Service Commission Rule 107, Article II Section 107.4 and ERO Section 16.212, the request to decertify from SEIU Local 1021 was untimely and was not processed.

Affiliation, Disaffiliation or Merger of Labor Organizations

The Civil Service Commission certifies employee organizations when they affiliate, disaffiliate, or merge with other employee organizations. An affiliation is the formal joining or association of an employee organization with another organization. The employee organization remains a legal entity, but its name may change. A disaffiliation is when two (2) employee organizations agree to no longer affiliate. A merger occurs when two (2) or more employee organizations become a single new legal entity. The absorbed union(s) loses recognition for all its recognized bargaining units as recognition is transferred to the newly merged organization.

IN APPRECIATION

In the course of carrying out our duties, the members and staff of the Civil Service Commission interact with a wide range of people both in and outside of City government. The Commission works closely with the Mayor and other elected officials, employee organizations, departmental management and staff, and community leaders and groups. These people contribute a great deal of effort and support to the Commission and we would like to express our sincere appreciation to all of them. Thank you!