



THE CITY AND COUNTY OF SAN FRANCISCO

# Civil Service Commission



Annual Report  
Fiscal Year 2012–2013



## Civil Service Commission

Kate Favetti  
PRESIDENT

Scott R. Heldfond  
VICE PRESIDENT

Mary Y. Jung  
COMMISSIONER

E. Dennis Normandy  
COMMISSIONER

## Commission Staff

Jennifer Johnston  
EXECUTIVE OFFICER

Sandra Eng  
ASSISTANT EXECUTIVE OFFICER

Elizabeth Aldana  
ADMINISTRATIVE ASSISTANT

Lizzette Henríquez  
RULES, PERSONNEL & OFFICE COORDINATOR

Luz Morganti  
SENIOR PERSONNEL ANALYST

Gloria Sheppard (Retired February 2013)

Jennifer Maglalang (Appointed May 2013)  
APPEALS COORDINATOR

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## Transmittal Letter to Mayor Edwin M. Lee

October 11, 2013

The Honorable Edwin M. Lee  
Mayor of the City and County of San Francisco  
City Hall, Room 200  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Mayor Lee:

It is with great pleasure that the Civil Service Commission submits its Annual Report for the fiscal year concluding June 30, 2013. This Annual Report commemorates the Commission's 113 continuous years of service in managing the Charter-mandated civil service merit system for public employment in the City and County of San Francisco.

The Report reflects the Commission's overall commitment to, and focus on, providing fair and equitable opportunities for all prospective and current employees of the City and County. The quality of life in our great City is enhanced through the vital services provided by our City and County employees, and the Civil Service Commission strives to ensure an environment that is conducive to achieving the highest quality performance in carrying out the City's mission.

The Civil Service Commission is proud of its accomplishments in Fiscal Year 2012-2013. Despite its small staff of six, vacancies in key positions throughout the fiscal year, and the record high number of appeals it received, the Commission was able to not only accomplish but even surpass many of its performance measures for Fiscal Year 2012-2013. Notably, the Commission had its highest appeal resolution rate in over a decade, resolving all outstanding discrimination complaints and peace officer appeals filed prior to 2012 that were not otherwise appropriately on hold pending litigation, arbitration or a majority vote; and the Commission also completed 92% of its Inspection Service requests within 60 days, far exceeding its goal of 75%. In addition, the Commission revised a number of its Civil Service Rules to ensure that they are consistent with the law and City departments' operational needs, updated its antiquated policy on Personal Services Contracts, adjusted the salaries of elected officials in accordance with Charter mandates, certified the prevailing wage rates for various employees of City contractors, conducted training workshops on the merit system, and administered the Commission's Merit System Audit program.

This was a year of change, challenges, and certainly many accomplishments. We would also like to take this opportunity to highlight the outstanding performance of the Civil Service Commission staff for their excellent work and continued dedication to the merit system. On behalf of the members of the Civil Service Commission and its staff, I am pleased to forward the Commission's Fiscal Year 2012-2013 Annual Report.

Respectfully submitted,

CIVIL SERVICE COMMISSION

A handwritten signature in black ink, appearing to read "Scott R. Heldfond".

Scott R. Heldfond, President

A handwritten signature in blue ink, appearing to read "Jennifer Johnston".

JENNIFER JOHNSTON, Executive Officer

## 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's goal is to consistently provide the best-qualified candidates for public service in a timely and cost-effective manner.



# **Highlights of Fiscal Year 2012-2013**

Fiscal Year 2012-2013 continued to be a year of challenges, transitions and accomplishments in the fulfillment of the Civil Service Commission's duty to carry out the merit system provisions of the Charter. This year's Annual Report focuses on the accomplishments of the Civil Service Commission and its department during Fiscal Year 2012-2013, and highlights the important role the Commission plays in creating a fair and equitable employment structure for the City and County of San Francisco.

## **ELECTION OF OFFICERS**

The Civil Service Commission elected Commissioner Kate Favetti as its President and Commissioner Scott R. Heldfond as its Vice President in June 2012.

## **HEARINGS**

The Civil Service Commission convened a total of 24 meetings during Fiscal Year 2012-2013. Of those meetings, 21 were Regular Meetings and three were Special Meetings.

## **PERSONAL SERVICES CONTRACTS**

The Commission reviewed 156 Personal Services Contracts requests from City departments to ensure that the City does not contract out work inappropriately where work can otherwise be performed by civil service employees.

## **GOALS AND OBJECTIVES**

The Commission primarily focused its efforts in Fiscal Year 2012-2013 on accomplishing approximately 60 performance measures in furtherance of the following six goals:

- Increase access to, and utilization of the Civil Service Commission's information and resources.
- Create greater transparency and efficiencies in the Civil Service Commission's processes and communications.
- Ensure the timely resolution of appeals so that merit system issues are addressed efficiently, effectively and fairly.
- Seek ways to address City departments' need for flexibility in personnel management issues while at the same time maintaining the integrity of the City's merit system.
- Work to ensure that the Civil Service Commission's Rules, policies and procedures are easily understood and known by all stakeholders, compliant with the law, consistent, and reflective of current and best practices.
- Strengthen the Civil Service Commission's ability to meet its Charter mandates and oversee the operation of the merit system.

Despite staffing shortages in critical positions, the Commission was able to not only accomplish, but even surpass many of its performance measures established for the fiscal year. As detailed further in this report, those achievements included:

- **Inspection Service Requests** – Commission staff reviewed and investigated 115 Inspection Service requests. Those requests covered a wide gamut of merit system issues, including examinations, reinstatements, layoff procedures, classification actions, post-referral selection processes, eligible lists and the certification of eligibles, exempt appointments, and acting assignments. The Commission was able to complete all but two of those Inspection Service requests by the end of the fiscal year; and 92% of those Inspection Service requests were resolved within 60 days, far exceeding the Commission’s goal of 75%.
- **Appeal Resolution** – The Commission was able to achieve its highest appeal resolution rate in over a decade (80% of the appeals were resolved last year, which was significantly above its target of 65%) despite the fact that it also experienced a record number of appeals and requests for hearing during the same period of time.
- **Merit System Audit Program** – The Commission met its goal to conduct seven audits to review and assess departments’ compliance with merit system requirements. A total of 12 departments/divisions were included in the audit reviews. Commission staff worked to ensure future compliance with those departments whose practices were deemed inconsistent with merit system requirements.
- **Merit System Training and Workshops** – Commission staff provided training workshops on the merit system to over 200 Commission stakeholders, including human resources analysts, employee organizations, and City managers.
- **Salary and Benefit Setting for Elected Officials** – The Civil Service Commission certified the annual benefit and five-year base salary cycle for Members of the Board of Supervisors and other elected officials in accordance with Charter Sections 2.100 and A8.409-1.
- **Wage Rate Certifications** – The Commission certified the rates of pay for Police Officers, Firefighters and Registered Nurses. The Commission also certified the prevailing wage rates for various employees of private contracting with the City to ensure they receive a fair rate of pay.

## CIVIL SERVICE RULE AMENDMENTS

Foremost in the Civil Service Commission’s agenda is to modernize and streamline the Civil Service Rules. The Commission considered a number of Civil Service Rule amendments in Fiscal Year 2012-2013 in its continuing efforts to ensure that they are easily understood and known by all stakeholders, consistent, compliant with the law, and reflective of best and current practices. The Commission ultimately adopted the following four Rule amendments with those goals in mind:

- **Rule Series 003, Equal Employment Opportunity** – Amended to create more meaningful EEO reporting requirements and to ensure that the City is taking measures to address underrepresentation in its workforce.

- **Rule Series 010, Examination Announcements and Applicants** – Amended to create consistent minimum posting requirements for examination notifications. These amendments served to: 1) align the Rules with state standards to ensure that federal and state funding continued for the City’s social service programs; 2) further the Commission’s goal of providing hiring departments with an adequate pool of qualified candidates for public service; 3) ensure consistency among and within the Rules; and 4) update the Rules to reflect current and best practices.
- **New Pilot Rule 411A, Position-Based Testing (“PBT”) Program at the Municipal Transportation Agency (“MTA”)** – Established a pilot PBT Program to streamline and expedite the hiring of permanent Civil Service employees at the MTA while maintaining a competitive and fair merit-based examination process. The new PBT Program is expected to: 1) enable the MTA to fill critical positions and resolve its hiring backlogs; 2) improve the MTA’s ability to compete more effectively to hire the best qualified candidates for key positions; 3) reduce the need for provisional hiring due to the greater availability of eligible lists; and 4) create a greater incentive for departments to make Permanent Civil Service appointments over Exempt appointments.
- **Rule Series 015, Rules Related to the Employment of Persons with Disabilities** – Amended to align the Rules with the City’s policy and practices on reasonable accommodations, consistent with the law.

## COMMISSION POLICIES AND PROCEDURES

The Commission also strives to ensure that its policies are likewise reflective of current and best practices. Accordingly, the Commission revised its policies and procedures in Fiscal Year 2012-2013 as follows:

- **Personal Services Contracts (“PSC”)** – The Commission’s PSC policies and procedures had not been updated since their adoption over 15 years ago and therefore no longer reflected current practices, operational realities or subsequent technological advancements. The Commission considered input from numerous stakeholders and revised its policy to: 1) create efficiencies (both in time and resources); 2) realign the Commission’s procedures with current practices; 3) implement available technological capabilities; 4) increase transparency and accountability; and 5) improve communications and accessibility to information to ensure that the City does not contract out inappropriately or unnecessarily.
- **Peace Officer Appeals** – The Commission adopted policies and internal protocols for hearing appeals by or otherwise implicating peace officers in order to comply with applicable Penal Code and California State Constitutional privacy protections. This enabled the Commission to resolve its pending peace officer appeals in full compliance with the law.

# Overview on the Civil Service Commission



## Commissioner Biographies

The Civil Service Commission is composed of five members, each appointed to serve a six-year term. The following Commissioners served on the Civil Service Commission during Fiscal Year 2012-2013:



### **KATE FAVETTI, PRESIDENT**

*Appointed September 22, 2011 by Mayor Edwin Lee*

As a City and County of San Francisco retiree with 36 years of dedicated service, the appointment of Commissioner Kate Favetti to the Civil Service Commission is hailed as an outstanding addition to the work and the betterment of the civil service merit system.

Commissioner Favetti's City and County career encompassed progressively more complex positions in the professional, managerial and executive ranks culminating as a City Department Head for the Civil Service Commission. Her 36 years of work experience is a reflection of the civil service merit system at work, starting as a Clerk Typist, working her way to qualify and be appointed in the positions of Senior Clerk-Typist, Management Assistant, Personnel Analyst, Senior Personnel Analyst, Senior Departmental Personnel Officer, Human Resources Manager, Special Assistant, Assistant Executive Officer, Principal Employee Relations Representative, SFGH Human Resources Director, and ultimately as a City Department Head.

Commissioner Favetti is a well-known and respected facilitator of the City and County's civil service personnel system. Her extensive knowledge of the legal framework of civil service and her considered judgment have established her as the key resource person to whom so many turn for advice and information on personnel matters. Commissioner Favetti's experience and achievements have earned her the honor and recognition of the International Public Management Association for Human Resources, IPMA-HR Executive Level Certification.

As a native and long-time resident of San Francisco, Commissioner Favetti is active in numerous neighborhood, community service and non-profit organizations. She is President of the Westwood Park Homeowners Association; and a member of the OMI Cultural Participation Project, the Ocean Avenue Public Plaza Naming Committee, the Ocean Avenue Association Street Life Committee, the Phelan Loop Design Committee and the San Francisco Botanical Gardens.

Commissioner Favetti and her husband Ray are the proud parents and doting grandparents. She is also a proud and regular rider of SFMuni.



### **SCOTT R. HELDFOND, VICE PRESIDENT**

*Appointed January 4, 2012 by Mayor Edwin Lee*

Commissioner Scott R. Heldfond received a Certificate of Honor from the Board of Supervisors on September 27, 2011, for his accomplishments and dedication serving as the Commissioner on the Health Services Commission for over 15 years. At the ceremony in his honor, Supervisor Sean Elsbernd, who worked with Commissioner Heldfond on the Health Services Commission, stated that Commissioner Heldfond epitomized what is a public servant. Commissioner

Heldfond was appointed to the HSS by four Mayoral administrations. He was elected and served as President over five times. During challenging periods, Commissioner Heldfond conducted himself as a professional and exercised good stewardship for both the City and HSS constituency. His business experience has been a huge contribution during significant budget challenges and reviewing health benefits for employees and retirees and serving the people of San Francisco.

Commissioner Heldfond is Director of Aon Risk Services, a global insurance brokerage and consulting firm and previously the Director of Nasdaq Insurance Group, LLC owned by Nasdaq Stock Market. His former positions are as President and Chief Operating Officer of other insurance brokerage firms and investment banking firms. He is also a Retiree of the Honorary Consul General to the United States for the Republic of Rwanda.

Commissioner Heldfond's numerous community involvement include: Official Member of San Francisco-Bangalore India Sister City Committee; Member of the President's Council at St. Ignatius College Preparatory School; Past Board Member of Catholic Healthcare West Bay Area; Boys & Girls Club in San Francisco; St. Francis Memorial Hospital; and, San Francisco Symphony Youth Orchestra

Commissioner Heldfond received his Bachelor of Arts Degree from the University of California, Berkeley and attended the University of San Francisco Law School.



### **MARY Y. JUNG, COMMISSIONER**

*Appointed January 2008 by Mayor Gavin Newsom*

Commissioner Mary Y. Jung was appointed to the Civil Service Commission in January 2008. Currently, Commissioner Jung is the Director of Community and Government Relations for the San Francisco Association of Realtors. Her job focuses on the development of government strategies and partnerships to promote homeownership and creating a community development program for the San Francisco Association of Realtors Foundation. Prior to her work with the San

Francisco Association of Realtors, 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.

Commissioner Jung has been an elected member of the San Francisco Democratic County Central Committee (DCCC) representing the 12th Assembly District since 2000, and was unanimously elected to the Chair of the DCCC in 2012. She is on the Executive Board of the California Democratic Party and also serves on the newly formed Affirmative Action 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 Pacifica 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, COMMISSIONER**

*Appointed September 2008 by Mayor Gavin Newsom*

*Reappointed July 2009 by Mayor Gavin Newsom*

E. Dennis Normandy is a public official, community leader, and independent businessman.

He began in public service as a member of Governor George Deukmejian's Task Force for the Study of Asia. He has served in the administrations of 6 San Francisco 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 Brown and Gavin Newsom, he completed an unprecedented 15 years and 4 terms as President of the Public Utilities Commission, the \$35 billion enterprise which annually contributes \$500 million to the City's general fund while providing water, power and waste management for 2.5 million customers in The City and 3 adjacent counties. Under current Mayor Edwin Lee, Normandy is on the Civil Service Commission, which is charged with the steering and streamlining of policies and processes affecting The City's more than 25,000 employees, their unions, and the hundreds of contractors providing services to the City and County. On the Civil Service Commission, he has held the posts of President (Fiscal Years 2010-2011 and 2011-2012) and Vice President (Fiscal Years 2009-2010 and 2013-2014).

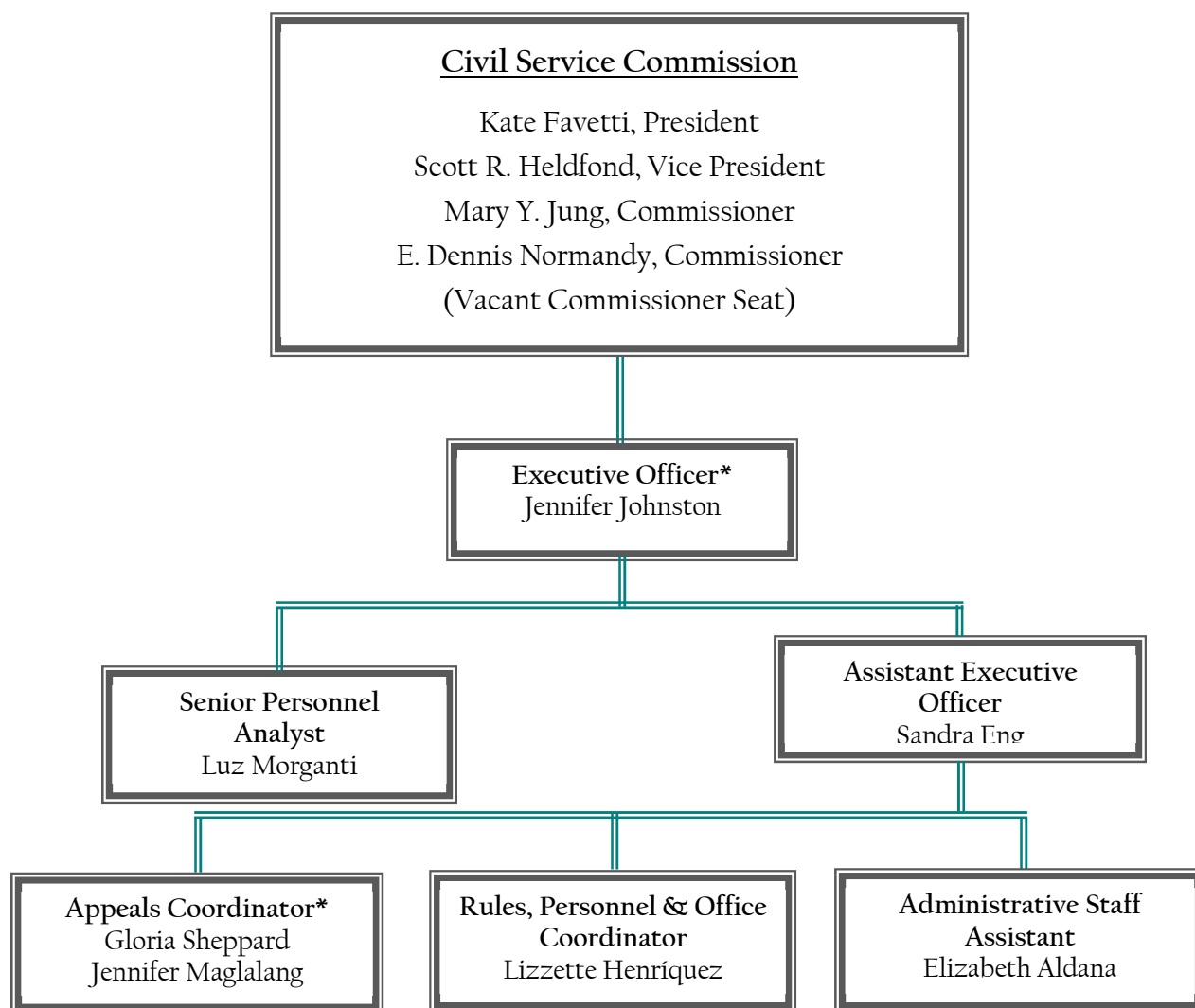
As a community leader he has contributed locally and nationally to the positive visibility and empowerment of ethnic communities. He was a columnist for the nationally-circulated Philippine News and host for public television's Asian Journal. He was Chairman of the National Filipino American Council, the National Asian and Pacific American Coalition, the Filipino American Political Action Committee and Vice-Chair for Books for the Barrios Foundation. For 20 years until July 2011, he 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 benefitting both countries.

As a businessman in Manila he served on the Boards of 5 private corporations and managed Standard Oil Agrichemicals' Asian advertising. In his early 20s, he moved to San Francisco where he directed worldwide advertising at the multinational 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 now is a principal with Infrastructure Development Group, LLC which serves as a conduit for bringing sustainable energy technology to Asia.

Normandy was born in Manila to a French-American-Spanish-Filipino family that pioneered public transit systems in the main island of Luzon. He was schooled in the Humanities and Business at Jesuit universities and in Mastering Negotiation at Harvard's Kennedy School of Government.

## Organization Chart

(For the period covering July1, 2012 through June 30, 2013.)



As a small department with six employees, each position's duties and responsibilities are crucial to carrying out the Commission's mission. The Department experienced a number of challenges resulting from vacancies in two important positions in Fiscal Year 2012-2013. First, the Executive Officer position was vacant during the first quarter of the fiscal year, as the Commission endeavored to fill the position following the retirement of Anita Sanchez in June 2012 (\*Jennifer Johnston was appointed Executive Officer in September 2012). Later in the year, Appeals Coordinator Gloria Sheppard retired, leaving the position vacant for approximately four months pending the Department's recruitment and selection process (\*Jennifer Maglalang was appointed to the position in May 2013). However, Department staff did an outstanding job of diligently and tirelessly working together to minimize the impact on the Commission's operations and critical functions.

## Commission Budget

The Civil Service Commission's Fiscal Year 2012-2013 budget appropriation was as follows:

Account	Adopted Budget	Total
<b>Salary &amp; Fringe Benefits</b>		
Permanent	527,131	
Temporary	1500	
Fringe Benefits	215,471	\$744,102
<b>Special and Professional Services</b>		
Professional Services	10,300	\$10,300
<b>Materials and Supplies</b>		
Material and Supplies	3,395	\$3,395
<b>Services of Other Departments</b>		
DHR, DTIS, PUR Mail & Repro, Real Estate	101,129	\$101,129
<b>Total Budget Appropriation</b>		<b>\$858,926</b>

The Department has continued to operate on a skeletal, maintenance budget. As a result, staff is continually challenged to operate on a limited scale and provide timely and efficient service.

Although there are six (6) actual full-time equivalent (FTE) positions, the Department was funded at 5.68 FTE in Fiscal Year 2012-2013. This created an inherent and automatic deficit in the Department's salaries and fringes budget category at the end of the fiscal year.

# Commission Oversight of the Merit System



*Civil Service Commission*

Annual Report — Fiscal Year 2012-2013

## The Civil Service Merit System

The Civil Service Commission was established by the electorate in 1900 in response to widespread corruption. With its emphasis on merit principles, its aim was to eliminate the moral scourge of the “spoils system” in government employment. The City and County of San Francisco was the first public entity west of Chicago to establish a civil service system in the Freeholders Charter of 1900; and it remains one of the oldest merit systems in the country.

Under the Commission’s oversight, Civil Service, also known as the merit system, was created to ensure that the recruitment and retention of a qualified workforce, and the selection and promotion of employees providing public service and who are compensated by tax dollars, are 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 mandates to oversee the City’s merit system through the establishment of Rule, policies and procedures; hearing of appeals; inspection and audit services; training; and reports from the Executive Officer, Human Resources Director and Director of Transportation on the operation of the merit system.

As applied to classifications under the competitive civil service selection, appointment and removal procedures, the principles of the City and County’s merit system include:

- 1) Recruitment, employment, retention, and promotion of employees on the basis of qualifications and performance; and,
- 2) High performance and ethical standards, consistent with the employment of qualified individuals who successfully completed the examination process, were placed on an eligible list and completed the probationary period.

Further, it is the goal and policy of the Civil Service Commission to provide fair treatment of applicants in all aspects of employment without regard to race, religion, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, and otherwise prohibited nepotism or favoritism.

The Commission assists in carrying out the mission of the City and County of San Francisco through a qualified, well-motivated workforce. Managers utilize hiring techniques that meet merit system principles and employees are hired based on merit and regular evaluation and performance appraisals in accordance with established standards. The Commission supports the immediate filling of a vacancy by an employee who meets or exceeds the minimum qualifications of the job, and is hired permanent civil service with full benefits.

The ultimate goal of the Commission is to provide the framework of a strong, credible merit system resulting in a City and County workforce with an inherent pride in providing efficient service for the public.

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

The City's existing merit system is the result of a series of reform movements. The electorate has recognized throughout its 113 years of existence that the merit system must change and adapt to meet contemporary demands.

## **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, pre-dated 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; and,
  - Central control to assure the unhampered operation of the merit system.

## **1975 Expansion of Civil Service Commission**

- ✧ Expanded the Civil Service Commission from three (3) members to five (5) members;
- ✧ Required not less than one member be a woman; and,
- ✧ Required a special oath upon appointment.

### **1979 Compliance Agreement between the Office of Revenue Sharing and the City and 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; and,
- ✧ 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; and,
- ✧ Provided for collective bargaining subject to merit system carve-outs.

### **1993 Creation of the Department of Human Resources**

- ✧ Created the Department of Human Resources effective January 1, 1994; and,
- ✧ 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, re-codified 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; and,
- ✧ Required that not less than two (2) members of the Civil Service Commission shall be women.

### **1999 Creation of the Municipal Transportation Agency (Proposition E in November 1999)**

- ✧ Created the Municipal Transportation Agency (MTA); and,
- ✧ 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 in November 2001)**

- ✧ Amended the Department of Elections;
- ✧ Provided that the Director of Elections is to be appointed by the Elections Commission from a list of qualified applicants according to the civil service provisions of the Charter; and,
- ✧ Provided that the 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 in November 2002)**

Amended 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 in November 2003)**

- ✧ 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; and,
- ✧ Provided that the Civil Service Commission shall comment from a merit system perspective on Statements of Incompatible Activities forwarded by the Ethics Commission.

### **2006 Salary Setting – Elected Officials (Proposition C in November 2006)**

Amended Charter Section A8.409-1 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 Exempt Appointments in the Municipal Transportation Agency (MTA) (Proposition A in November 2007)**

Allowed the MTA to create new managerial positions that are exempted from the civil service protection, subject to an overall limit of 2.75% of its workforce.

### **2010 Wages and benefits for Municipal Transportation Agency Transit Operators (Proposition G in November 2010)**

- ✧ Eliminated the provision that the wages and benefits for MUNI transit operators would established annually based on a survey conducted by the Civil Service Commission; instead, wages are to be determined through collective bargaining; and,
- ✧ Eliminated the Charter-mandated trust fund (the general administration of which was established under the Civil Service Rules) created to receive and to administer the amount of money which represented the dollar value difference between benefits provided to MUNI transit operators under the Charter and those provided by the surveyed jurisdictions; instead, benefits are to be determined through collective bargaining.

## **Major Program Areas and Functions**

The Civil Service Commission administers three (3) programs that are the essential core functions of its Charter mandates: 1) Appeals and Requests for Hearings, Rules, Policies, and Administration; 2) Merit System Review, Inspection Services and Audit; and 3) Employee Relations Ordinance Administration.

The Commission is required to maintain its objective to modernize and strengthen the operation of the City and County's Merit System, consisting of these important functions:

- ✎ Maintaining and administering the regular schedule of meetings and hearings of the Commission as a policy and appeals body and carrying out the decisions of the Commission;
- ✎ Continuing to work to streamline its Rules, policies and procedures on merit system activities (e.g., recruitment, examination, certification and appointment) in order to increase permanent civil service hiring and decrease provisional hiring;
- ✎ Increasing outreach, training and customer service efforts to departments and employee organizations by enhancing access to its Rules, activities and actions through informational and increased online materials;
- ✎ Streamlining the process for reviewing resolving appeals and other disputes; and,
- ✎ Conducting audits and Inspection Services on departments' application of the merit system rules, regulations, policies and procedures.

## **Rules, Policies and Procedures Administration**

### **Policy and Rules Making Authority**

The City and County of San Francisco Charter delineates the Civil Service Commission's responsibilities and outlines civil service merit system requirements to include (but are 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.

## **Policies and Procedures**

Service accessibility and utilization of its services is a priority of the Civil Service Commission. The Commission has expanded upon the availability of its information through the Commission website ([www.sfgov.org/civil\\_service](http://www.sfgov.org/civil_service)). Policy and procedures on “Appeals and Requests for Hearings” and “Submission of Written Reports on Appeals” have been updated and are now available online, and in electronic and print formats.

## **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 on proposed Rules and/or amendments are conducted by Commission staff. All Rule changes are posted for ten (10) days prior to adoption by the Civil Service Commission.

## Civil Service Commission Rules Applicability

The Civil Service Commission acted on October 4, 1999 to recodify and reformat the Rules to provide consistent administration, uniformity and easy readability. Each volume of the Rules identifies the employee class(es) to which it applies.

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 SFPD	Volume III Uniformed Ranks of the SFFD	Volume IV MTA Service- Critical
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 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 11A	Position Based Testing	Rule 111A	N/A	N/A	Rule 411A
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

# Hearings and Appeals

## **Commission Meetings**

The Civil Service Commission held a total of 24 meetings during Fiscal Year 2012-2013. Of those meetings, 21 were Regular meetings and three were Special Meetings.

Regular Commission meetings are convened on the first and third Mondays of each month in City Hall Hearing Room 400. In the event that a regular meeting falls on a holiday, the Commission may meet 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 and/or required.

Commission meetings are conducted in accordance with the Commission's Hearing Policies and Procedures, which are attached to each Agenda and Notice of Commission Meeting documents. The Hearing Policies and Procedures are also located on the Commission's website at [www.sfgov.org/civil\\_service](http://www.sfgov.org/civil_service) under "Policies and Procedures."

Regular Commission meetings are organized as follows:

### *Call to Order and Roll Call*

*Request to Speak on any Matters within the Jurisdiction of the Civil Service Commission and which is not appearing on Today's Agenda*

### *Approval of Minutes*

### *Announcements*

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

### *Human Resources Director's Report*

Report on merit system issues and items administered by the Department of Human Resources. No action is taken on these reports, nor is there significant or substantive discussion on the issues reported; they are intended to be brief, informational updates on matters of concern to the Commission (e.g., a brief update on the progress of a classification study; an issue that may be appealed to the Civil Service Commission in the future, etc.). Formal presentations or reports and issues to be reported that are known at the time that the agenda is posted will be listed in bullet-point format.

### *Executive Officer's Report*

Report on merit system issues and items impacting the jurisdiction of the Civil Service Commission. No action is taken on these reports, nor is there significant or substantive discussion on the issues reported; they are intended to be brief, informational updates on matters of concern to the Commission (e.g., matters regarding the management of the

Department; brief updates on matters that may be appealed to the Civil Service Commission in the future, etc.). Formal presentations or reports and issues to be reported that are known at the time that the agenda is posted will be listed in bullet-point format.

#### *Ratification Agenda*

Consists of those proposed personal services contracts that were not protested during the seven (7) days that they were posted on the Department of Human Resources' website. These are considered non-contested matters, and are to be acted on by a single vote of the Commission. There is no separate discussion on the items unless requested; in the event that discussion is requested on an item, the item(s) is severed from the Ratification Agenda and is considered a separate item.

#### *Consent Agenda*

All matters on the Consent Agenda are acted upon by a single vote of the Commission. There is 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.

#### *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' Announcement/Requests*

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

#### *Closed Session Agenda (if applicable)*

#### *Adjournment*

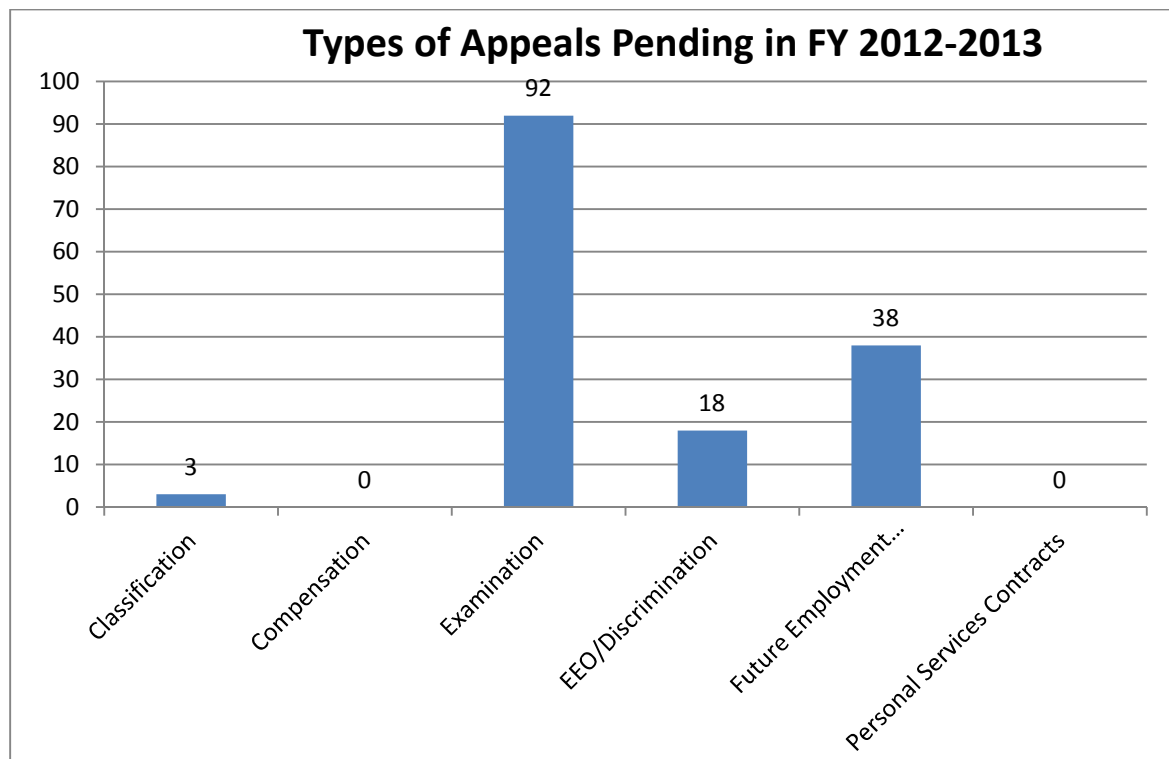
The Commission also considers at its meetings proposed Civil Service Commission Rule and policy changes, and proposed Charter amendments.

## **Hearing of Appeals on the Merit System**

One of the Commission's most important Charter-mandated functions is to consider appeals on the merit system and other matters within its jurisdiction. Appeal hearings provide a mechanism for the Commission to monitor and oversee the operation of the merit system and ensure compliance with merit system principles and the Civil Service Rules.

The Commission presides over hearings covering a range of merit system issues, including appeals of future employment restrictions placed on employees after separation 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 received a total of 107 appeals and requests for hearings during Fiscal Year 2012-2013. This was the largest number of appeals that the Commission had received annually in over a decade, and represented a 67% increase in the number of appeals and requests for hearing from the previous fiscal year. In addition, 44 active unresolved appeals were carried over from the prior fiscal year, making a total of 151 pending appeals that were before the Commission in Fiscal Year 2012-2013. The following chart provides a summary of the type of appeals before the Commission in Fiscal Year 2012-2013.



The Commission resolved a total of 121 appeals in Fiscal Year 2012-2013. This represented an appeal resolution rate of 80%-- far greater than the Commission's target of 65%, and the Commission's highest appeal resolution rate in over a decade. Of those 121 appeals, 72 were heard by the Commission; 19 were deemed untimely; 17 were administratively resolved; and 13 were either withdrawn, determined not to be in the Commission's jurisdiction or resolved through other mechanisms. The Commission concluded the fiscal year having resolved all appeals that were filed prior to 2012, with the exception of those that were pending due to litigation or arbitration, or that were placed on hold for failure to reach a three-member vote by the Commission.

## Review of Proposed Personal Services Contracts

The Civil Service Commission's review of proposed Personal Services Contracts ("PSCs") is consistent with its authority to oversee the merit system. This authority provides that, where there is a merit system, services to the public should be provided through the use of public employees.

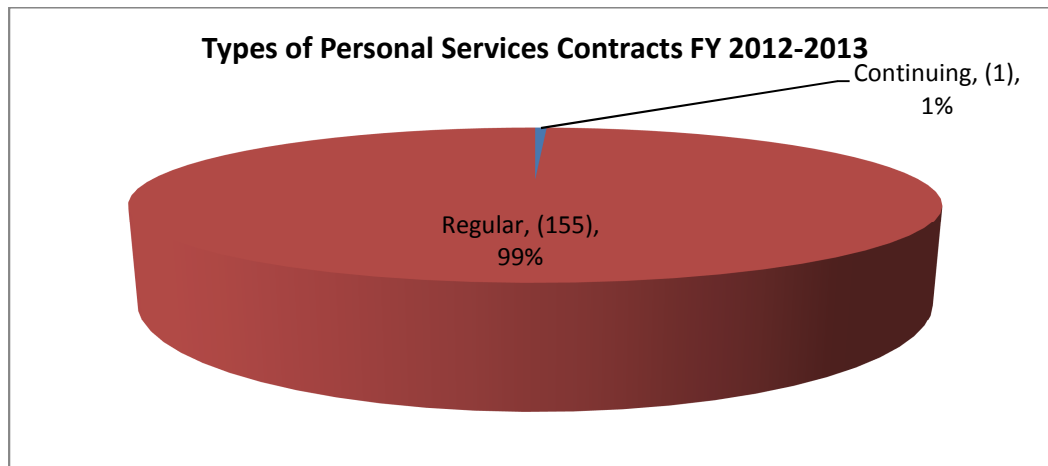
The Civil Service Commission also determines whether the circumstance pertaining to the need to provide services in a particular situation warrant the use of a personal services contract or contractors in lieu of civil service employees. PSCs include agreements for services paid by the City and County 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 recently revised its 15 year-old PSC policy and procedures on May 6, 2013 after carefully considering input and recommendations from numerous stakeholders over the course of two public meetings. The Commission's new PSC policy—which will be formally adopted upon implementation of the City's PSC database in early Fiscal Year 2013-2014—creates efficiencies, both in time and resources; realigns the Commission's procedures with current practices; implements available technological capabilities; increases transparency and accountability; and improves communications and accessibility to information to ensure that the City does not contract out inappropriately or unnecessarily.

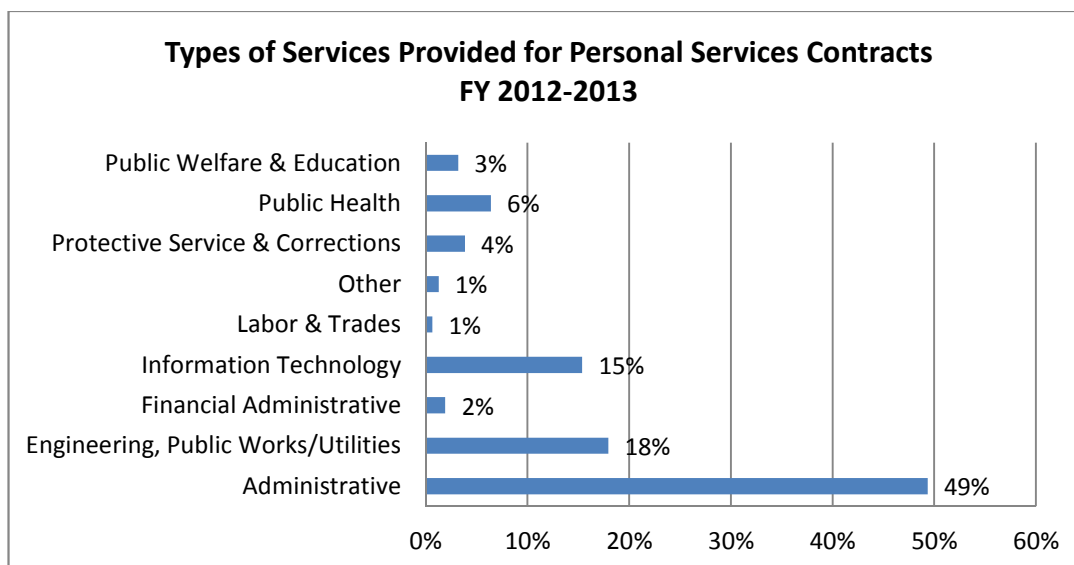
Important points in the new policy include:

- A revised list of examples of compelling reasons for contracting out when there are Civil Service classifications that could potentially perform the work, to better reflect the current business and operational realities of departments providing services to the public and other City agencies.
- An increase to the threshold amount for Expedited PSCs from \$50,000 to \$100,000, to establish a more meaningful threshold and to further simplify and streamline the City's complicated procurement processes.
- Implementation of a Citywide PSC database, in order to increase transparency, facilitate PSC approval submissions, and facilitate stakeholder reviews.
- Public posting, notification and appeal procedures, to ensure merit system oversight.
- Delegation of authority to the Department of Human Resources to establish procedures by which PSCs are to be submitted for approval, in order to facilitate and expedite future revisions to the procedures, consistent with the Commission's policy.

The following chart is a breakdown of the approval types for PSCs received in Fiscal Year 2012-2013 (note that there was only one request for continuing approval):



The following chart provides a breakdown of the type of service provided for personal services contracts:



## **Merit System Oversight Functions**

### **Inspection Service Requests**

The Inspection Service is another important and effective mechanism under the Charter by which the Civil Service Commission ensures compliance with the Civil Service Rules and Commission policies. Commission staff investigates as Inspection Service requests those merit system complaints, questions and concerns it receives which are not otherwise subject to protest or appeal under Civil Service Rules. The Civil Service Commission is further authorized under the Charter 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 in pursuing such inquiry.

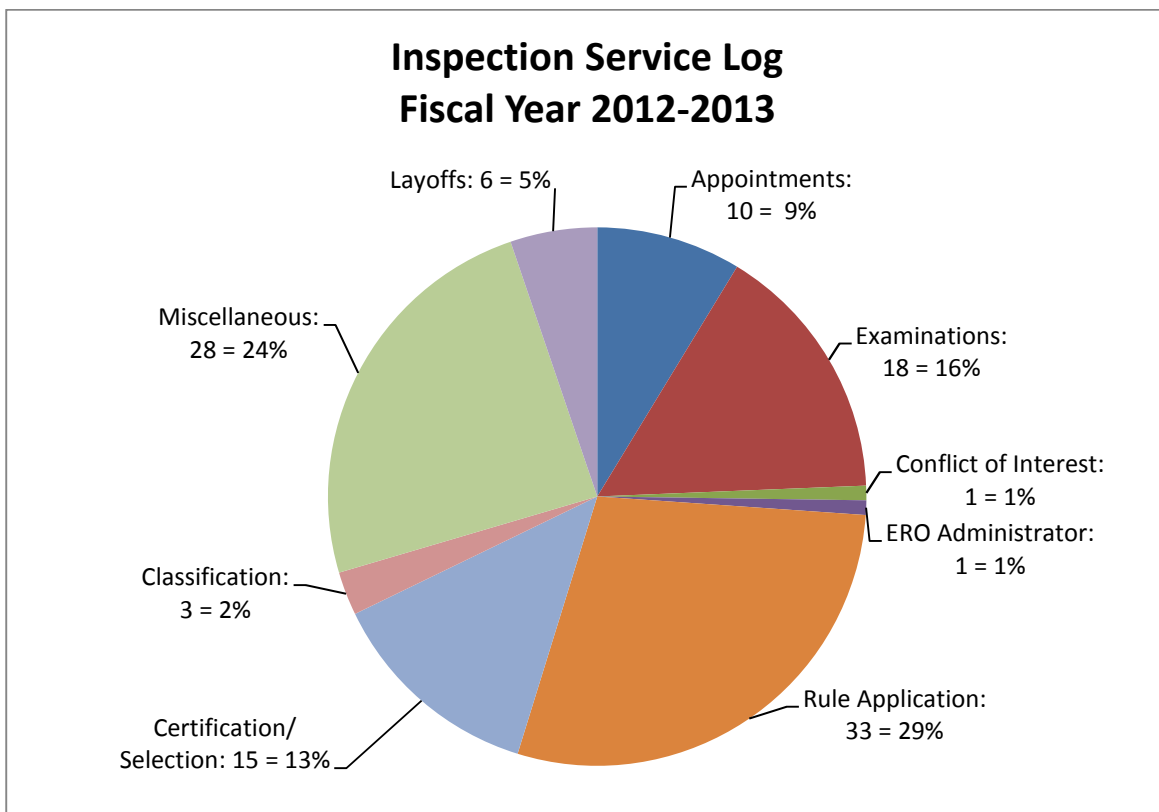
All departments are required to cooperate with the Civil Service Commission and its staff in any inquiry or investigation. The Commission's investigations may include a review or audit of departmental records, a review or audit of departmental and merit system practices, and interviews with witnesses or departmental representatives. In all instances where there is a finding, Commission staff works with departments to correct practices or actions that are found to violate merit system principles; findings of significant merit system violations are scheduled for hearing before the Civil Service Commission so that an appropriate remedial action may be ordered.

Any individual or entity may request that the Commission undertake an Inspection Service review into a merit system matter; in Fiscal Year 2012-2013, the Commission received a total of 115 Inspection Service requests from employees, departmental representatives, anonymous individuals or those requesting confidentiality, labor representatives, job applicants/candidates and members of the public. Of those 115 requests, 50 were submitted by letter or email and 65 were submitted by telephone or in person. Nine were submitted anonymously, and six were referrals or requests from the Controller's Office Whistleblower Complaints Unit. (In the case of Whistleblower complaints, the Whistleblower Complaints Unit does not disclose the name or identity of the complainants, and the Commission staff's findings and recommendations are submitted to the Whistleblower Complaints Unit for final determination and action.)

The Commission resolved all but two of the 115 Inspection Service requests by the end of the fiscal year (we note that the two were submitted in the last two weeks of the fiscal year, leaving very little time to resolve them). Further, the Commission was able to conclude 92% of those requests within 60 days, greatly exceeding our goal of 75% of requests.

The Commission's 115 Inspection Service requests covered a wide gamut of merit system issues, including appointments, examinations, reinstatements, layoff procedures, classification actions, post-referral selection processes, eligible lists and the certification of eligibles, exempt appointments, and acting assignments.

The following chart reflects those 115 Inspection Service requests, by category.



## Merit System Audits

The Commission formally established the Merit System Audit Program in 2006 as another mechanism to carry out its merit system oversight functions, with the goal of ensuring that City departments are adhering to Federal and California State law, the Civil Service Rules, and Commission policies and procedures. The audits are conducted in the same manner as Inspection Service reviews. The topics of the pre-planned audits are determined each fiscal year as part of the process by which the Civil Service Commission sets its annual goals and objectives.

The Commission met its goal to complete seven audits in Fiscal Year 2012-2013. The audits included a review of merit system practices in the following departments/divisions: Municipal Transportation Agency, Department of Human Resources' Equal Employment Opportunity Division, Department of Building Inspection, Public Utilities Commission, San Francisco Police Department, Recreation and Parks Department, San Francisco International Airport, Fine Arts Museums of San Francisco, General Services Agency, Department of Emergency Management, San Francisco Employees' Retirement System and the San Francisco General Hospital and Trauma Center.

The Commission's audits and its findings were as follows:

1. Commission staff audited 10 randomly selected examination announcements, and found that they included sufficient and accurate information regarding candidate appeal rights. This was a significant improvement from the previous year's audit findings.
2. Commission staff audited five randomly selected departments to determine if their rejection letters to candidates for failure to meet minimum qualifications contained adequate information regarding the basis for rejection and applicable appeal rights. Unfortunately, we found that most did not. The Executive Officer provided training to departments to correct the deficiency, and in fall 2013 will issue a memorandum formally reminding all departments of applicable merit system notification requirements.
3. Commission staff audited 10 randomly selected discrimination complaint response letters from various departments and found that one department's determination letters did not consistently include information about appeal rights in accordance with Commission policy. The Department will continue to work with the department in 2013 to ensure compliance with merit system requirements.

# **Wage Setting Responsibilities of the Civil Service Commission**

## **Certification of Rates of Pay and Prevailing Wages**

The Charter mandates 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 for Elected Officials**

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. 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 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-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 five percent.

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 May 7, 2007, the Commission certified the salary and benefits of the elected officials, except for the salary of the Treasurer. The salary of the Treasurer was certified by the Commission on May 21, 2007. This initial base five-year salary certification by the Commission covered the period from July 1, 2007 through June 30, 2012.

In accordance with the Charter, the Civil Service Commission at its meeting of May 7, 2012 certified the base salary for elected officials for the next five-year cycle effective July 1, 2012 through June 30, 2017.

The Civil Service Commission will continue to set the benefits of elected officials to take effect July 1<sup>st</sup> 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<sup>st</sup> 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 of the Board of Supervisors is a full-time position. The amended Charter Section also directs the Civil Service Commission to: 1) establish a five-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 years.

On May 17, 2004, the Civil Service Commission established a five-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 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; provided however, that that amount not to exceed five percent and that the salary will not decrease in the event that the CPI-U falls below zero. The Civil Service Commission again set the salary for Members of the Board of Supervisors for a five-year cycle effective July 1, 2009 through June 30, 2014, and set the base salary at \$98,660.

The CPI-U reported a 2.9% increase in January 2012; therefore, in accordance with the Civil Service Commission action and direction, the annual salary for Members of the Board of Supervisors for Fiscal Year 2012-2013 was increased to \$105,723 effective July 1, 2012 through June 30, 2013. This was the fourth year of the five-year cycle.

## **Employee Relations Ordinance Administration**

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 relations 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 ERO. SB 739 amended the Meyers-Milias-Brown Act (MMBA) and gave the State agency known as the "Public Employment Relations Board" (PERB) 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 will often look to the MMBA and other State and local laws for guidance. PERB was also authorized to enforce local rules regarding representational issues.

The City's ERO remains in the City's Administrative Code. The ERO was updated and amended on December 3, 2010 to be consistent with State and local law and the processing of unfair labor practice charges involving peace officers and management employees for administrative law judge hearings. Civil Service Commission Rule Series 007 – Rules Related to the Employee Relations Ordinance was subsequently amended on February 6, 2012 to incorporate the changes to the amended ERO.

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

### **Unfair Labor Practice Charges**

The ERO provides for the administration and processing of Unfair Labor Practice Charges (ULPC) 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. The Commission will no longer investigate ULPCs, but will continue to coordinate the process for an administrative law judge to convene a hearing and issue a final determination on the charge.

During Fiscal Year 2012-2013, the San Francisco Deputy Sheriffs' Association (DSA) filed three ULPCs with the Civil Service Commission against the San Francisco Sheriff's Department (SFSD), alleging various violations of the ERO. The Commission's ERO Administrator facilitated the notification and communication process between the parties. DSA subsequently withdrew two of the ULPCs based on the SFSD's agreement to meet and confer with DSA on the violation charges. DSA requested to pursue an Administrative Law Judge hearing on the remaining charge.

## **Bargaining Unit Assignments**

The ERO provides that the Department of Human Resources is responsible for assigning or reassigning classes to bargaining units. The ERO 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 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 notified of the complaint and is given an opportunity to respond. Complaints that cannot be resolved are referred to an Administrative Law Judge for hearing.

## **Management, Supervisory, Confidential and 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 un-represent 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.

### **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*

*The Civil Service Commission lost a highly valued, long-term member of its staff with the retirement of Appeals Coordinator Gloria Sheppard in February 2013. Ms. Sheppard was known for her grace, charm, subject matter expertise and no-nonsense attitude throughout her approximately fourteen years of dedicated service with the Commission. Ms. Sheppard will be greatly missed by the Civil Service Commission, her colleagues and Commission stakeholders. We hope that she may enjoy the fullest measure of good health, prosperity and happiness in her well-deserved retirement.*

*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!*

City and County of San Francisco Civil Service Commission  
Annual Report 2012-2013

~ End ~