



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

MEMORANDUM
CSC No. 2014 - 01

SCOTT R. HELDFOND
PRESIDENT

Date: January 8, 2014

E. DENNIS NORMANDY
VICE PRESIDENT

To: Department Heads
Department Personnel Officers
Employee Organization Representatives

DOUGLAS S. CHAN
COMMISSIONER

From: Jennifer Johnston
Executive Officer

KATE FAVETTI
COMMISSIONER

Subject: **Civil Service Commission Rule Change No. 2000 - 67:
Amendment to Volume II, Civil Service Commission Rule 211 -
Examinations, Section 211.3 - Examination without Charge.**

GINA M. ROCCANOVA
COMMISSIONER

The Civil Service Commission acted on December 16, 2013, to adopt amendments to Civil Service Commission (CSC) Rule 211 - Examinations, adding a new Section 211.3 - Examination without Charge.

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

Under the new Section 211.3, examinations covered under Volume II of the Civil Service Commission Rules must be given without charge to applicants; however, such requirement is suspended for a pilot duration not to exceed 18-months. At the conclusion of the pilot period (which concludes on or before June 15, 2015), the prohibition on examination fees under Volume II will be permanently imposed, absent further action by the Commission.

Attached for inclusion in your copy of the Civil Service Commission Rules is the entire Civil Service Commission Rule 211 (dated December 16, 2013) as amended to include the new Section 211.3 - Examination without Charge. Note that because the amendment created an entirely new section, all sections thereafter required renumbering. Please substitute all of Rule 211 with the attached updated copy in your copy of the Civil Service Commission Rules - Volume II. A revised copy of page V (Amendment Control Sheet) dated December 16, 2013 is also attached for inclusion in your copy of the Civil Service Commission Rules

Should you have any questions, you may contact me at Jennifer.Johnston@sfgov.org or (415) 252-3247.

Sincerely,

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

Attachments

Rule Change No.	Adoption Date	Effective Date	Rule Section	Page Number	Action	Remarks
2000-50	3/3/08	3/3/08	220.29	220.23	Add and Amend	Replace pages 220.22 – 220.34 & page V
2000-52	12/15/08	12/15/08	205.1.3	205.2	Amend	Replace pages 205.2 – 205.3 & page V
2000-53	3/16/09	3/16/09	Entire Rule	Entire Rule	Add and Amend	Replace entire Rule 218 & page V
2000-55	6/1/09	6/1/09	203.12	203.1, 203.4 – 203.6	Add	Replace pages 203.1, 203.4 – 203.6 & page V
2000-56	8/2/10	8/2/10	213.3.3, 213.7	213.1, 213.4 – 213.7	Amend	Replace pages 213.1, 213.4 – 213.7 & page V
2000-57	2/6/12	2/6/12	Entire Rule	Entire Rule	Amend	Replace entire Rule 207 & page V
2000-58	2/6/12	2/6/12	Entire Rule	Entire Rule	Amend	Replace entire Rule 218 & page V
2000-61	3/18/13	3/18/13	Section 210.2	210.2	Amend	Replace pages 210.2 – 210.3 and page V
2000-63	5/6/13	5/6/13	Sections 203.9.3 – 203.9.5	203.4	Amend	Replace pages 203.4 – 203.6
2000-64	5/6/13	5/6/13	Sections 215.12.2, 215.13.2, 215.14.2 – 215.14.3	215.7 – 215.8	Amend	Replace pages 215.7 – 215.8 and page V
2000-66	11/18/13	11/18/13	204.1	204.2 – 204.3	Amend	Replace pages 204.2 – 204.3 and page V
2000-67	12/16/13	12/16/13	211.3	Entire Rule	Add and Amend	Replace entire Rule 211 and page V

Rule 211

Examinations

Applicability: Rule 211 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Article I: Promotional Examinations In The Uniformed Ranks Of The Police Department

Sec. 211.1 **General Provisions Governing Promotional Examinations**

Sec. 211.2 **Frequency of Promotional Examinations**

Sec. 211.3 **Examinations without Charge**

Article II: Examination Process and Announcement

Sec. 211.4 **Human Resources Director Empowered to Act**

Sec. 211.5 **Announcement**

Sec. 211.6 **Protests and Appeals of Examination Announcements**

Sec. 211.7 **Reissuance of Examination Announcements**

Sec. 211.8 **Official Time Periods**

Sec. 211.9 **Posting and Notice of Promotional Examination Announcements**

Sec. 211.10 **Means of Identification**

Sec. 211.11 **Copying of Examination Questions - Dissemination of Examination Information**

Sec. 211.12 **Examination Passing Mark**

Sec. 211.13 **Appraisal/Review Boards**

Article III: Inspection and Appeal Procedures

Sec. 211.14 **Rating Keys**

Sec. 211.15 **Inspection of Rating Keys by Review Committee**

Sec. 211.16 **Inspection and Appeal Procedures**

Sec. 211.17 **Qualifications Appraisal Interview - Procedures and Appeals**

Article IV: Veterans Preference In Examinations

Sec. 211.18 **Requirements for Entitlement to Veterans Preference**

Sec. 211.19 **Definition of Veterans**

Sec. 211.20 **Entitlement at Time of Separation From Active Duty**

Sec. 211.21 **Restriction on Entitlement**

Sec. 211.22 **Entitlement Exhausted Upon Acquiring Permanent Appointment**

Sec. 211.23 **Additional Entitlement for Veterans with Permanent Disability**

Sec. 211.24 **Definition of Time of War**

Rule 211

Examinations

Article I: Promotional Examinations In The Uniformed Ranks Of The Police Department

Applicability: Rule 211 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 211.1 **General Provisions Governing Promotional Examinations**

211.1.1 Except as specifically provided in this or other sections of these Rules, all promotions in the Uniformed Ranks of the Police Department, shall be made from the next lower civil service rank attained by examinations and/or other legally valid, job-related, selection procedures.

211.1.2 All promotive examinations in the Police Department shall be job-related, valid, and consistent with State and Federal laws that promote the non-discrimination policies of the City and County of San Francisco.

Sec. 211.2 **Frequency of Promotional Examinations**

The Civil Service Commission shall provide for promotion in the Police Department on the basis of examinations and tests at least once every four years for each promotive position or rank in the Police Department.

Sec. 211.3 **Examination without Charge**

211.3.1 Examinations shall be without charge to the applicants.

211.3.2 Pilot Exception to the Requirement that Examinations be without Charge.

1) Notwithstanding Section 211.3.1 above, on a pilot basis for a period not to exceed eighteen (18) months, applicants for the entry-level Police Officer classification may be charged a fee by an outside vendor to take a City-approved examination that is administered by that vendor. Such fee may be waived for financial hardship.

2) The decision to deny an applicant's request for fee waiver based on financial hardship may be protested to the Human Resources Director within five (5) calendar days from the date of the notice of such denial. A day the Department of Human Resources is closed shall not be counted as the fifth (5th) calendar day. The Human Resources Director's decision to deny a request for fee waiver based on financial hardship shall be

Sec. 211.3 **Examination without Charge (cont.)****211.3.2** Pilot Exception to the Requirement that Examinations be without Charge (cont.)**2) cont.**

appealable to the Civil Service Commission in accordance with Civil Service Rule 205.12.1 - Appeal of Human Resources Director's and Executive Officer's Action, Examination Matters.

3) The Department of Human Resources shall provide the Civil Service Commission with reports on a semiannual basis on those examinations for which applicants were charged a fee pursuant to this Section 211.3.2. Such reports shall include, but not be limited to, the following information for each examination: the number of applicants; the number of fee waiver requests, denials, protests and appeals; no-show rates; and available statistical information on the sex, race or ethnic group of applicants and eligibles.

4) This Pilot Rule Section 211.3.2 shall become inoperable and removed on June 15, 2015 unless otherwise authorized by action of the Commission. The Rule shall be recorded and retained as part of the permanent Civil Service Commission records.

Sec. 211.4 **Human Resources Director Empowered to Act**

The Human Resources Director or his or her designee shall rule on all matters concerning the examination program in accordance with these Rules.

Rule 211

Examinations

Article II: Examination Process and Announcement

Applicability: Rule 211 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 211.5 **Announcement**

The examination announcement shall provide the qualifications, dates, duration of eligible lists, type of examination, selection procedure(s) and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply. Not less than thirty (30) days prior to the issuance of this announcement, it shall be provided to the bargaining agent for review and comment. Should the document not be returned within the thirty (30) days, the department will proceed with the job announcement.

Sec. 211.6 **Protests and Appeals of Examination Announcements**

- 211.6.1** Protests concerning provisions of an announcement must be received by the Department of Human Resources/Examination Division of the Police Department within five (5) calendar days from the issuance date. A day the Exam Unit is closed shall not be counted as the fifth (5th) calendar day.
- 211.6.2** The Human Resources Director or his or her designee will rule upon protests and notify the petitioners in writing.
- 211.6.3** This decision is subject to appeal to the Civil Service Commission as provided elsewhere in these Rules.

Sec. 211.7 **Reissuance of Examination Announcements**

After considering appeals submitted in accordance with this Rule, the Human Resources Director or his or her designee may reissue the announcement. When reissued, an examination announcement is not subject to the appeal procedure.

Sec. 211.8 **Official Time Periods**

Examination announcements shall set forth time limits for determination of the qualification of applicants.

Sec. 211.9 **Posting and Notice of Promotional Examination Announcements**

Examination announcements for a promotional examination shall be posted on the official bulletin board at the Police Department and the Department of Human Resources and will be distributed to each Bureau and Division. The minimum posting period shall be twenty (20) calendar days prior to the beginning of the filing period. A copy of the posting will be provided to the certified bargaining representative. The Department shall develop procedures making examination announcement information available, upon request, to Police Officers detailed to outside agencies or on approved extended leaves of absence.

Sec. 211.10 **Means of Identification**

The Human Resources Director or his or her designee shall determine the method of candidate identification to be used in all entry-level and promotional examinations.

Sec. 211.11 **Copying of Examination Questions - Dissemination of Examination Information**

The copying of examination questions or the taking of unauthorized notes or outlines during the examination is prohibited. Dissemination of examination information including verbal dissemination of examination questions or topics is prohibited.

Sec. 211.12 **Examination Passing Mark**

For examinations that require the use of passing marks or qualifying scores, the Human Resources Director or his or her designee shall establish the passing mark or shall determine the total number of persons to be included on the list of eligibles based on the needs of the service.

Sec. 211.13 **Appraisal/Review Boards**

1) The orientation of an appraisal board may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements or personal characteristics needed by employees in this class, and related information. The department head or representative shall not discuss any candidate with any member or members of the qualifications appraisal board at this time or any other time prior to the completion of the examination.

Sec. 211.13 Appraisal/Review Boards (cont.)

- 2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by any candidate who appears before the board in any qualification appraisal interview.
- 3) No board member shall rate a candidate who is related to that person or rate a candidate if any strong personal or working association exists between that candidate and the board member so that it would be difficult to make an impartial rating or create a serious appearance of impropriety.
- 4) No candidate shall discuss her/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.
- 5) No letters of reference or recommendation shall be presented to the qualifications appraisal board.
- 6) The board may consider relevant documents such as specified in the scheduling notice.
- 7) In all qualifications appraisal interviews, the same standards shall apply to all candidates who appear for the same class.
- 8) The minimum passing or qualifying rating must be related to a class, not to a single position within a multiple position class.
- 9) No applicant for public employment shall be questioned as to political views, religious beliefs, labor affiliations, race, national origin, ethnicity, age, gender identification, sexual orientation, ancestry, marital status, medical conditions or other non-merit factors, nor will such factor be utilized in establishing minimum qualification requirements and developing examinations. Otherwise prohibited nepotism and favoritism shall be prohibited.
- 10) Recordings of qualifications appraisal reviews shall be retained only until all ratings become final and any timely appeals and litigation based thereon have been resolved. A defective recording shall not invalidate the interview unless the Human Resources Director or his or her designee find the omitted or unintelligible material critically relevant to the case, in which event the Human Resources Director or his or her designee may authorize a second interview or order a new examination.

Rule 211

Examinations

Article III: Inspection and Appeal Procedures

Applicability: Rule 211 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 211.14 **Rating Keys**

Rating keys shall not be available for review or inspection. Protests of written questions or answers on any examination shall not be allowed.

Sec. 211.15 **Inspection of Rating Keys by Review Committee**

Notwithstanding any other provision of these Rules, the examination announcement may provide for review of questions and answers thereto by a review committee. Such review committee shall be composed of three or more persons appointed by the Human Resources Director or his or her designee from among a panel of five officers submitted by the Chief of Police and shall hold a rank not less than that of the class for which the examination is being held.

Sec. 211.16 **Inspection and Appeal Procedures**

- 211.16.1** All appeals regarding the administration of an examination component(s) must be filed in writing with the Department of Human Resources/Police Department Examination Division within five (5) calendar days of the administration of the examination component giving rise to the appeal. A day the Department of Human Resources/Exam Unit is closed shall not be counted as the fifth (5th) calendar day. These appeals which pertain to the administration of the examination shall be resolved in a single process to commence at the conclusion of the administration of the various examination components. Appeals shall be limited to allegations of malfeasance or bias during the administration of the examination.
- 211.16.2** Any challenges shall be filed in writing within the time limits provided in these Rules and shall state the basis upon which the appeal is being made.
- 211.16.3** All protests properly filed under this section shall be resolved in accordance with the provisions of these Rules of the Civil Service Commission. The decision of the Human Resources Director on these protests may be appealed to the Civil Service Commission. Appeals of the Director's decisions must be filed as provided elsewhere in these Rules.

Sec. 211.16 **Inspection and Appeal Procedures (cont.)**

211.16.4 The identity of any examiner giving any mark or grade shall not be disclosed.

Sec. 211.17 **Qualifications Appraisal Interview - Procedures and Appeals**

211.17.1 In the event of any challenge of an examiner or any ratings in qualifications appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.

211.17.2 **Challenge of Board Members**

1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.

2) Any challenge as to personal bias or competence of a person serving as an examiner in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director or his or her designee, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board.

If more than one-half of the board members are successfully challenged, then the Human Resources Director or his or her designee shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.

3) Any appeal or challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and presented to the representative of the Department of Human Resources/Police Department Examination Division within two (2) business days from when the qualifications appraisal interview was held. Challenges based on bias, malfeasance or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the specific grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules before the

Sec. 211.17 Qualifications Appraisal Interview - Procedures and Appeals (cont.)

211.17.2 Challenge of Board Members (cont.)

3) (cont.)

identification sheets of those admitted to the oral examination are opened and scores of the participants are known.

4) The Civil Service Commission, in acting on a challenge or appeal of the conduct of the qualification appraisal board, shall consider only the applications, records, tape recordings, and questions and answers which constitute the record of the qualifications appraisal interview. The Commission will sustain protests only when the candidate presents evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.

5) The decision of the Civil Service Commission on this subject shall be final.

6) In absence of a challenge under this section or upon a decision by the Commission under this section, later challenges shall be precluded.

Rule 211

Examinations

Article IV: Veterans Preference In Examinations

Applicability: Rule 211 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 211.18 **Definition of Veteran for Purposes of Entitlement Under This Rule**

For purposes of this Rule, the term “veteran” shall mean any person who has been mustered into or enlisted in any branch of the United States armed forces and who has served on active duty and who has been released from active duty under conditions other than dishonorable. Such service shall qualify an individual for veteran status under this Rule when such service shall have been for thirty (30) days or more during the period of September 16, 1940 through January 31, 1955, or after January 31, 1955, if such service shall have been for at least 181 consecutive days in time of war or peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States. The definition of the term “veteran” as used in this Rule shall not include reserve service.

Sec. 211.19 **Definition of Disabled Veteran for Purposes of Entitlement Under This Rule**

211.19.1 For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 211.17, who has suffered a permanent service-connected disability that is of record in the United States Veterans Administration.

211.19.2 Notwithstanding any preference allowed under this Rule, disabled veterans as defined above shall be afforded all rights under the Americans with Disabilities Act, including any reasonable accommodation if appropriate.

Sec. 211.20 **Veterans Entitlement**

211.20.1 **Veteran, Widow or Widower, or Domestic Partner**

A veteran as defined above in Sec. 211.17, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score

Sec. 211.20 Veterans Entitlement (cont.)**211.20.1 Veteran, Widow or Widower, or Domestic Partner (cont.)**

on an entrance qualifying examination or process, shall be entitled to an additional credit of five percent (5%) toward his/her entrance qualifying score.

211.20.2 Disabled Veteran, Widow or Widower, or Domestic Partner

A disabled veteran as defined in Sec. 211.18.1, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

211.20.3 Notice of Veteran Status

Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive Veterans Preference credit must notify the Department of Human Resources of his/her veterans status at the time he/she submits the initial job application. Veterans preference is limited to an applicant for entrance employment, however, it may be applied to either an entrance only announcement or a combined entrance and promotional announcement.

Sec. 211.21 Entitlement at Time of Separation from Active Duty

An individual qualifying for veterans preference as herein defined shall be deemed entitled thereto on the date of separation from active duty in the armed forces.

Sec. 211.22 Entitlement Exhausted Upon Acquiring Permanent Appointment

The exercise of said veterans preference shall be exhausted upon permanent appointment from an eligible list and the completion of the required probationary period. The application of any other veterans credits on any other examination shall be automatically cancelled.