



# CIVIL SERVICE COMMISSION

## CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

MEMORANDUM  
CSC No. 2015 – 14

DOUGLAS S. CHAN  
PRESIDENT

DATE: November 13, 2015

GINA M. ROCCANOVA  
VICE PRESIDENT

TO: Department Heads  
Department Personnel Officers  
Employee Organization Representatives

KATE FAVETTI  
COMMISSIONER

FROM: Michael L. Brown  
Executive Officer

SCOTT R. HELDFOND  
COMMISSIONER

SUBJECT: **Civil Service Commission Rule Change No. 2000 – 81:  
Amendment to Civil Service Commission Rule 311 – Examinations,  
Applicable to the Uniformed Ranks of the Fire Department.**

On November 2, 2015 the Civil Service Commission voted to replace the expired pilot program language with the attached Rule amendments under Rule 311.10.1 following the meet and discuss with the affected labor union(s) and interested stakeholders.

MICHAEL L. BROWN  
EXECUTIVE OFFICER

The approved rule change expressly clarifies the authority of the Civil Service Commission and the Department of Human Resources Director to disclose examination questions, scoring keys and related examination material pertaining to the H-50 Assistant Chief Examination administered in 2010, in the interest of fairness and impartial treatment of all applicants.

A revised copy of the Amendment Control Sheet Page VI (Amendment Control Sheet) dated November 13, 2015 is attached for your inclusion in your copy of the Civil Service Commission Rules. Substitute the updated pages for the corresponding pages in your copy of the Civil Service Commission Rules Volume III.

Sincerely,

CIVIL SERVICE COMMISSION

MICHAEL L. BROWN  
Executive Officer

Attachment

cc: Douglas S. Chan, President, CSC  
Gina Roccanova, Vice President, CSC  
Kate Favetti, Commissioner, CSC  
Scott Helffond, Commissioner, CSC  
Micki Callahan, Human Resources Director

Rule Change No.	Adoption Date	Effective Date	Rule Section	Page Number	Action	Remarks
2000-78	5/29/15	5/29/15	320.1.3, 320.1.6, 320.1.8, 320.2, 320.4.1, 320.7.1, 320.7.6, 320.7.8, 320.8.1 – 320.8.2, 320.9.1, 320.9.3 – 320.9.4, 320.10.2, 320.11.1, 320.13.2	320.2 – 320.13	Amend	Replace pages 320.2 – 320.13 and page V
2000-80	8/17/15	8/17/15	311.13,311.1 4.1, 311.15.2	311.13	Amend	Replace pages 311.12 – 311.13 and page VI
2000-81	11/13/15	11/13/15	311.10.1	311.9	Amend	Replace pages 311.8 – 311.13 and page VI

**Sec. 311.8**     **Qualifications Appraisal Interview - Procedures (cont.)**

- 311.8.2** No fraternal rings, organization pins, or insignia of any kind shall be displayed by the board members in any qualification appraisal interview. Nor shall such rings, pins, or insignia be worn by any candidate who appears before such a board.
- 311.8.3** 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 that it would create an appearance of impropriety.
- 311.8.4** 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.
- 311.8.5** No letters of reference or recommendation shall be presented to the qualification appraisal board.
- 311.8.6** The board may only consider relevant documents as specified in the scheduling notice. The scheduling notice is a letter sent to candidates that contains relevant examination information, such as test appointment times and dates, and test locations.
- 311.8.7** The same rating standards shall apply to all candidates who appear for a qualification appraisal interview for a particular examination.
- 311.8.8** The minimum passing or qualifying rating must be related to a class, not to a specific position within a class.
- 311.8.9** Recordings of qualifications appraisal interviews shall be retained only until all ratings become final and any timely litigation based thereon has been resolved. A defective recording shall not invalidate the interview unless the Human Resources Director finds the omitted or unintelligible material critically relevant to the case, in which event the Human Resources Director may authorize a second interview or order a new examination.

**Sec. 311.9**     **Passing Marks**

For examinations that require the use of passing marks or qualifying scores, the Human Resources Director shall establish the passing mark. No changes in the passing mark shall be made once those taking an examination have been identified by name.

# Rule 311

## Examinations

### Article III: Inspection and Appeal Procedure

Applicability: Article III, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 311.10**    **Rating Keys**

Rating keys shall not be available for review or inspection, except as otherwise provided in Section 311.10.1. Protests of questions or answers on any examination shall not be allowed.

##### **311.10.1**    **Release of Examination Questions and Rating Key**

Notwithstanding any other provision of this Rule 300 series, the test questions, rating keys, and similar information pertaining to the H-50 Assistant chief examination administered in 2010 may be disclosed by the Director of Human Resources subject to Civil Service Commission approval, on a nondiscriminatory basis to persons scheduled to take a subsequent H-50 Assistant Chief examination to be administered following adoption of this provision.

#### **Sec. 311.11**    **Protests and Appeals – Examination Administration**

**311.11.1**    All protests regarding the administration of an examination component must be filed in writing with the Fire Department Examination Unit within seven (7) calendar days of the administration of that specific examination component. A day the Examination Unit is closed shall not be counted as a calendar day. Protests shall be limited to allegations of bias, malfeasance, or misfeasance by exam administrators.

**311.11.2**    All protests properly filed under this section shall be resolved in accordance with the provisions of these Rules. The decision of the Human Resources Director on these protests may be appealed to the Civil Service Commission. Appeals of the Human Resources Director's decisions must be filed as provided elsewhere in these Rules.

#### **Sec. 311.12**    **Qualifications Appraisal Board Interview – Challenges**

##### **311.12.1**    **In the Event of Challenge**

In the event of any challenge of a board member or any ratings in qualification appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.

**Sec. 311.12 Qualifications Appraisal Board Interview – Challenges (cont.)****311.12.2 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 a board member 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, the rating by the challenged board member shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the remaining members of the examining board.

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

3) Any 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 submitted to the Fire Department Examination Unit 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 by the Human Resources Director in accordance with the provisions of these Rules before the examinations of the participants are scored. The protest time periods in Section 311.11 do not apply to this section.

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

**Sec. 311.12 Qualifications Appraisal Board Interview – Challenges (cont.)****311.12.2 Challenge of Board Members (cont.)**

- 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 Civil Service Commission under this section, later challenges shall be precluded.

**311.12.3 Inspection of Ratings in Qualifications Appraisal Board Interviews by Participants**

- 1) After the qualifications appraisal interviews for an examination are scored, the ratings shall be available for a minimum period of two (2) business days following the completion of the scoring for all participants or for some other two (2) day period set by the Human Resources Director, provided that the candidates are advised of the dates, during which period each participant may inspect their own ratings. During the inspection period, participants will be able to determine how their final score was computed. The identity of the board member giving any mark or grade in a qualification appraisal interview shall not be disclosed.
- 2) Any challenges shall be filed in writing within the inspection period and shall be limited to:
  - failure of the qualifications appraisal board to apply uniform standards; and
  - any questions propounded by the board which occur during a qualifications appraisal interview which require an answer in conflict with any Federal, State, or City and County laws, rules, or regulations which apply to the government of the City and County of San Francisco, the Department of Human Resources, and/or the Civil Service Commission.
- 3) All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules. The Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The Human Resources Director will not substitute her/his judgment for the judgment of the qualification appraisal interviewers. Ratings by a qualification appraisal board of less than the minimum passing score shall not be raised to more than the minimum passing score.
- 4) No evidence or documents supportive of qualifications shall be presented to the Human Resources Director which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.

**311.12.3 Inspection of Ratings in Qualifications Appraisal Board Interviews by Participants (cont.)**

5) The decision of the Human Resources Director on this subject shall be final.

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

## **Rule 311**

### **Examinations**

#### **Article IV: Veterans Preference in Examinations**

Applicability: Article IV, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 311.13 Definition of Veteran for Purposes of Entitlement Under This Rule**

The term “veteran” as used in this Rule shall be as defined under Cal. Gov’t Code §18540.4, which at the time of amendment of this Rule stated: Any person who has served full time in the armed forces in time of national emergency or state military emergency or during any expedition of the armed forces and who has been discharged or released under conditions other than dishonorable.

#### **Sec. 311.14 Definition of Disabled Veteran for Purposes of Entitlement Under This Rule**

**311.14.1** For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 311.13, who has suffered a permanent service-connected disability that is of record in the United States Veterans Administration.

**311.14.2** 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. 311.15 Veterans Entitlement**

##### **311.15.1 Veteran, Widow or Widower, or Domestic Partner**

A veteran as defined above in Sec. 311.13, 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 five percent (5%) toward his/her entrance qualifying score.

##### **311.15.2 Spouse or Domestic Partner of Disabled Veteran**

Spouse or registered domestic partner of a one hundred percent (100%) disabled veteran as defined above in Sec. 311.14, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.