

The Civil Service Commission has established the Civil Service Adviser to enhance delivery of information on important employment issues and policies affecting the merit system of the City and County of San Francisco.

## APPOINTMENTS

# Civil Service Adviser



This issue of the Adviser covers the various types of appointments defined in the Civil Service Commission Rules and the Charter.

### PERMANENT CIVIL SERVICE

An appointment made as a result of a certification/referral from an eligible list to a permanent position or to a position declared permanent. Employees appointed permanent civil service are required to serve a probationary period. Permanent employees who have completed the probationary period acquire certain rights under the merit system including but not limited to rights described in Civil Service Commission Rules on status, employment and separations.

### PROBATIONARY

Probationary describes the status of civil service employees during a trial performance period following permanent appointment. This is the final and most important phase of the selection process. The probationary period for permanent civil service employees commences when the person selected from an eligible list starts work on the payroll as permanent civil service. Employees serving a probationary period are considered "at-will" and serve at the discretion of the Appointing Officer.

### TEMPORARY CIVIL SERVICE

An appointment made as a result of a certification from an eligible list to a temporarily funded position. Temporary appointments are of limited duration. Temporary civil service employees may have some rights to "just cause" (see applicable CBA) and seniority for layoff purposes. Temporary appointees may be eligible for selective certification as addressed in Civil Service Adviser No. 11/2000.

### PROVISIONAL

Provisional is the term used when an appointment is made to a permanent, declared permanent or temporary position in the absence of an available eligible or eligible list or in an emergency which in either case, is time limited to a Charter maximum of three (3) years unless otherwise approved by the Board of Supervisors. With the exception of service critical classifications at the Municipal Transportation Agency (MTA), the Human Resources Director (HRD) approves all provisional appointments. In accordance with Civil Service Commission (CSC) Rules, provisional appointments, including those at the MTA, are made on the basis of a combination of merit factors, equal employment opportunity and, if promotive, consideration of performance appraisal ratings and experience. Provisional employees may have some rights to "just cause" and seniority for layoff purposes (see applicable CBA), but do not acquire any preference or right to permanent employment.

### EXEMPT

The Charter provides for positions and appointments excluded from civil service appointment and removal procedures. These positions and appointments are defined as "exempt." Exempt employees are considered "at-will" and serve at the discretion of the appointing officer. Department Heads may but are not required to use merit system criteria as guidelines in exempt selection, appointment and employment. However, Federal, State and Local anti-discrimination laws continue to apply to exempt selection, employment, and removal decisions.

### CATEGORIES AND LIMITATIONS OF EXEMPT POSITIONS/APPOINTMENTS

In 1996, the voters approved the 1996 Charter, which defined the use of exempt employment. The Charter provides for 19 categories of employment excluded from civil service:

The 19 categories are generally organized into three groups: *Group I*, which is subject to a Charter imposed "cap" of the percent of full-time exempt employees to the total number of employees that existed on July 1, 1994, is comprised of a variety of positions including but not limited to deputies of department heads, executive assistants, confidential secretaries, legislative analysts/assistants. In accordance with the Charter, the CSC established the "cap" at 2% and adopted Rules and policies that require requests for exempt positions over the "cap" be approved by the CSC. *Group II* continues the 1932 Charter exempted appointments. *Group III* includes temporary and seasonal appointments which do not exceed half time in a fiscal year; replacement of civil service employees on leave (limit of 2 years); special projects and professional services with limited term funding; and the City's program of employment of the severely disabled. In accordance with the Charter, the CSC adopted Rules and policies that allow the Department of Human Resources (DHR) to approve exempt positions in Group III subject to appeal to the CSC. The CSC also requires the HRD to report regularly on these positions.

Each request for an exempt position under Charter Section 10.104 is reviewed by staff of the Merit System Services unit of DHR to determine if the proposed position meets established criteria for use of exempt appointment.

### ADDITIONAL EXEMPT APPOINTMENTS

In November 1999 the voters also approved Proposition E which created the MTA and added an additional category of exempt appointments exclusive to MTA managerial positions. Under Charter Section 8A.104, MTA reports to the CSC on an annual basis on the status of its Classification plan and exempt appointments.

### QUESTIONS:

Department Of Human Resources:  
 Merit System Services 557-4923  
 Employee Relations Division 557-4990  
 Internal Services 557-4849  
 Equal Employment Opportunity 557-4832  
 Civil Service Commission 252-3247

### Civil Service Commission

Rosabella Safont, President  
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Kate Favetti, Executive Officer

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