

**CIVIL**

**SERVICE**

**COMMISSION**



# **ANNUAL REPORT**

## **FISCAL YEAR 2009–10**

**Civil Service Commission**  
**Annual Report Fiscal Year 2009–10**  
Covering the period July 1, 2009 through June 30, 2010

**Civil Service Commission**

Morgan R. Gorrono, President  
E. Dennis Normandy, Vice President  
Joy Y. Boatwright, Commissioner (Resigned January 22, 2010)  
Donald A. Casper, Commissioner  
Mary Y. Jung, Commissioner

**Commission Staff**

Anita Sanchez, Executive Officer  
Sandra Eng, Assistant Executive Officer  
Elizabeth Aldana, Administrative Assistant  
Lizzette Henríquez, Rules, Personnel & Office Coordinator  
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## MISSION

*The mission of the Civil Service Commission is to establish, ensure, and maintain an equitable and credible merit system for public service employment 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 2009-10

This continues to be a year of challenges and accomplishments in the fulfillment of the Commission's duty to carry out the merit system provisions of the Charter. The continuing economic downturn contributing to the City's budget deficit have had great impact on City employment and its employees. The role of the merit system in a time of limited resources and staffing reductions becomes more important to ensure fairness in employment decisions.

### ELECTION OF OFFICERS

Commissioner Morgan R. Gorrone was elected President, Civil Service Commission and Commissioner E. Dennis Normandy, Vice-President in June 2009.

### CONDUCTED REVIEW AND INVESTIGATION OF 124 INSPECTION SERVICE REQUESTS

Inspection and Service Requests cover selection procedures, minimum qualifications, conflict of interest in employment decisions, layoffs, acting assignments, probationary periods, and other merit system matters. Ninety four percent (94%) or 116 of the 124 Inspection Service Requests were completed in 60 days.

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

Audits to review procedures how departments apply uniform standards for maintaining employee personnel files or compliance with Civil Service Commission Rules. Six department audits were completed: Fine Arts Museums of San Francisco, Department of the Environment, Office of the Controller, Administrative Office of the General Services Agency, San Francisco International Airport, and San Francisco Employees Retirement System.

### HEARINGS AND APPEALS

Conducted 21 Regular meetings and 7 Special Meetings; Received 51 appeals and carried forward 52 active appeals from the previous fiscal year and resolved a total of 74 appeals.

### PERSONAL SERVICES CONTRACTS

Reviewed and approved 225 Personal Services Contracts Requests from City departments.

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

In accordance with Charter Section A8.409-1, the Commission annually adjusts the respective salaries of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff, to account for upward annual movement in the Consumer Price Index during the prior calendar year. The CPI change was 0.0%; therefore, the Commission did not increase the salaries of Elected Officials effective July 1, 2009.

#### ANNUAL ADJUSTMENT OF BOARD OF SUPERVISORS SALARY

Implemented annual Consumer Price Index (CPI) adjustment per Commission action. In 2004, the Civil Service Commission acted to increase the salary for each fiscal year, effective July 1, 2005 based on the Consumer Price Index for All Urban Consumers (CPI-U) reported in January of each year and not to exceed 5% and that the salary will not decrease in the event that the CPI-U falls below zero. The CPI change was 0.0%; therefore, the Commission did not increase the salaries of Board of Supervisors members effective July 1, 2009.

#### CONSIDERATION OF REDUCTION OF SALARY OF MEMBER, BOARD OF SUPERVISORS PURSUANT TO CHARTER SECTION 2.100 AND SALARIES OF ELECTED OFFICIALS (MAYOR, CITY ATTORNEY, DISTRICT ATTORNEY, PUBLIC DEFENDER, ASSESSOR-RECORDER, TREASURER, AND SHERIFF) PURSUANT TO CHARTER SECTION A8.409-1

In accordance with Charter Section A8.409-1 regarding Memoranda of Understanding Concessions, if the City and County of San Francisco and employee organizations agree to amend the compensation provisions of existing memoranda of understanding to reduce costs, the Commission shall review and amend the respective salaries of the Elected Officials as necessary to achieve comparable costs savings in the affected fiscal year or years. It was the decision of the Commission to reduce 2.45% the salaries for Elected Officials consistent with the wage concessions of 2.45% made by employee organizations for Fiscal Year 2009-10.

In accordance with Charter Section 2.100 regarding Memoranda of Understanding Concessions, if the City and County of San Francisco and employee organizations agree to amend the compensation provisions of existing memoranda of understanding to reduce costs, the Commission shall review and amend the respective salaries of the member, Board of Supervisors as necessary to achieve comparable costs savings in the affected fiscal year or years. It was the decision of the Commission to reduce 2.45% the salaries for Member, Board of Supervisors consistent with the wage concessions of 2.45% made by employee organizations for Fiscal Year 2009-10.

#### PREVAILING RATE OF WAGE:

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

#### TRAINING AND WORKSHOPS

Conducted training workshops on the merit system and on Personal Services Contracts. Available to provide merit system and PSC training to City departments and employee organizations as requested.

#### COMMISSIONER APPOINTMENTS

Commissioner Joy Y. Boatwright resigned on January 22, 2010.

## MEMBERSHIP AND BIOGRAPHIES OF THE COMMISSION

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



### **Morgan R. Gorrone, President**

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

Reappointment September 2006 by Mayor Gavin Newsom

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

Commissioner Gorrone is active in numerous community service and non-profit organizations. His fundraising activities have benefited P.A.W.S., The AIDS Emergency Fund, The God Father Service Fund, and Breast Cancer Research. His community service activities include: Board Member of Merchants of Upper Market and Castro (M.U.M.C.); Founding member and Vice President of the District 8 Democratic Club; Member of C.O.B., an oversight group working to create a Gay/Lesbian homeless youth shelter; Member of Upper Market Citizens Patrol; Member of Mayor Brown's Lavender Steering Committee; Member of Alice B. Toklas Democratic Club; and is an active Member of the S.P.C.A.

Commissioner Gorrone is deeply interested in public safety and law enforcement and works closely with the Mission Police Station, the Police Department and the Police Commission on community safety and protection and officer safety programs. Commissioner Gorrone served as President from June 2003 to June 2004 and June 2009 to June 2010.



### **E. Dennis Normandy, Vice President**

Appointed September 2008 by Mayor Gavin Newsom

Reappointed July 2009 by Mayor Gavin Newsom

E. Dennis Normandy, Commission Vice President, is no stranger to public service. Commission President Normandy has served in California Governor George Deukmejian's Task Force for the Study of Asia. In San Francisco he has worked with 5 mayors. As Library Commissioner for Mayors Dianne Feinstein and Art Agnos he helped oversee the design and construction of the magnificent New Main Library. For Mayors Frank Jordan, Willie L. Brown, Jr. and Gavin Newsom, he served an unprecedented 15 years and 4 terms as President of the Public Utilities Commission, the \$35 billion enterprise which provides water, power and waste management for 2.5 million customers in the City and 3 adjacent counties.

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

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

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





## Joy Y. Boatwright, Commissioner

Appointed January 13, 2009 by Mayor Gavin Newsom

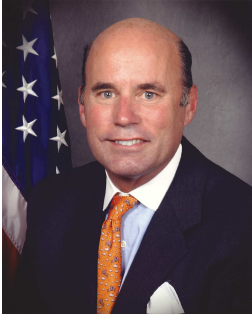
Resigned January 22, 2010

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

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

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

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



## Donald A. Casper

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

Reappointed September 2006 by Mayor Gavin Newsom

Commissioner Donald A. Casper is a member of the San Francisco law firm of Jacobs, Spotswood & Casper LLP. He maintains a general civil practice serving the needs of small businesses and individuals in both transactional and litigation matters. His areas of concentration include professional, non-profit and closely held business corporations; contractual relations between business entities; real property and landlord-tenant law; and election law. A fourth-generation San Franciscan, Commissioner Casper lives in the North Beach neighborhood. He has a long history of community involvement, both within his neighborhood and citywide. He currently serves on the boards of Janet Pomeroy Center (formerly Recreation Center for the Handicapped), the Salesian Boys' and Girls' Club, and the Columbus Day Celebration. He was chairman of the Janet Pomeroy Center Board of Directors from 1985 to 1988. Since 1994, he has chaired the board of Columbus Day Celebration, sponsor of the City's annual Italian Heritage Parade. He also, has served as a director of the Italian-American Community Services Agency and the Tenderloin Senior Organizing Project. In 1986, Commissioner Casper served as president of the St. Thomas More Society of San Francisco, an association of Catholic lawyers and jurists. He has been a member of the Legal Affairs Advisory committee of the Roman Catholic Archdiocese of San Francisco. From 1991 to 1994, he sat on the Community Advisory Board of St. Mary's Hospital and Medical Center. Long active in Georgetown University alumni affairs, he sits on the Georgetown Library Board. Commissioner Casper was chairman of the San Francisco Republican County Central Committee from January 1997 until June 2002. Appointed to fill a vacancy on the committee in 1991, he was returned by Republican voters in the 13th Assembly District every two years between 1992 and 2000. His fellow committee members elected him chair three times. He also served on the California Republican State Central Committee.

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

Commissioner Casper attended Salesian Grammar School and St. Ignatius College Preparatory in San Francisco. He received his undergraduate and law degrees from Georgetown University. He was editor-in-chief of Georgetown's undergraduate weekly newspaper, *The Hoya*, and was the first recipient of the university's Edward Bunn Award for Journalistic Excellence. In 1982-83, he was president of the Georgetown Alumni Club of Northern California. An avid long-distance runner, Commissioner Casper has completed nine marathons, including the 2001 Marine Corps Marathon in Washington, D.C. Commissioner Casper served as president of the Civil Service Commission from June 2002 until June 2003.



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

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

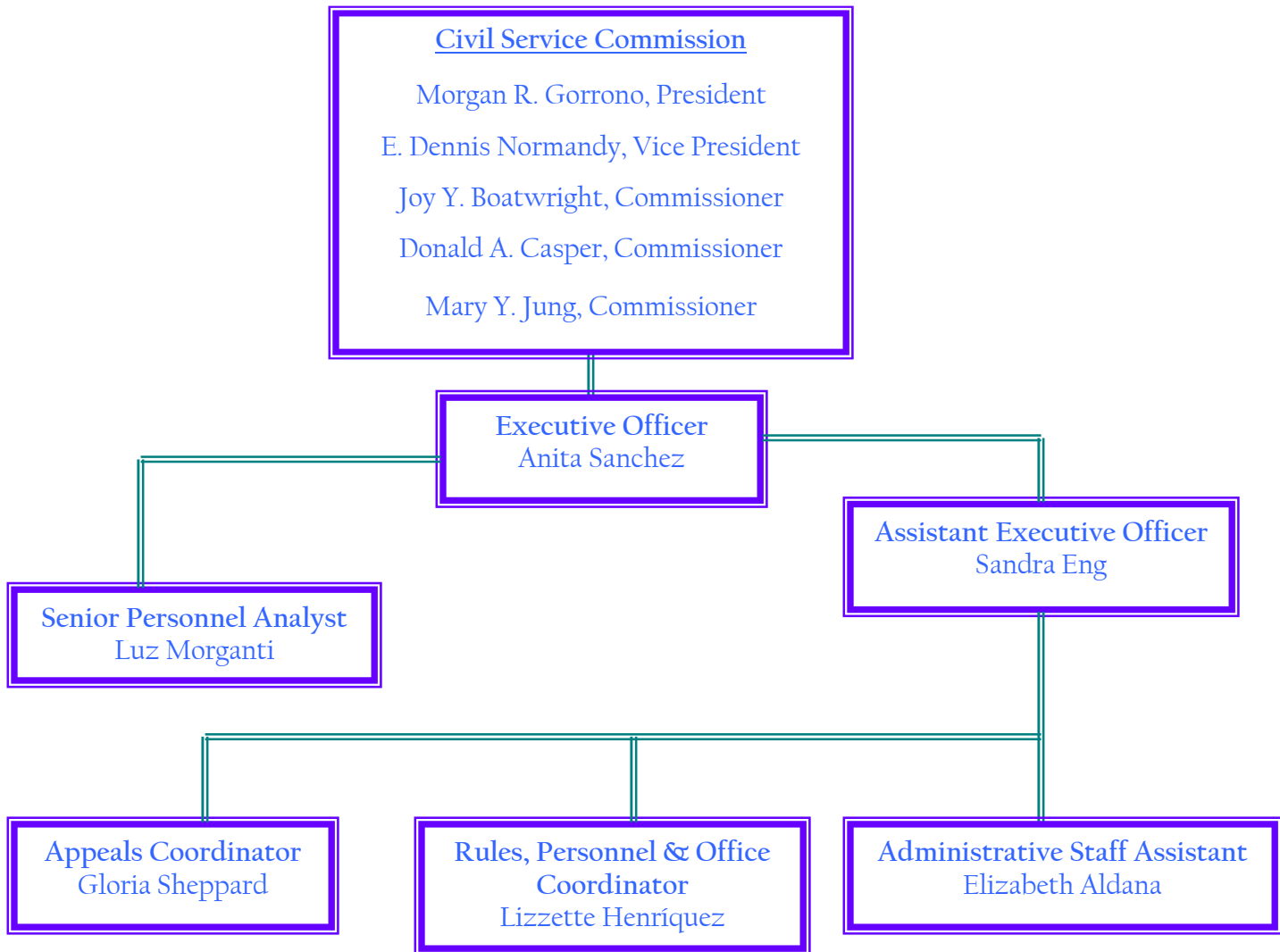
Currently, Commissioner Jung is a Principal in PG&E's Customer Energy Efficiency Department. Her job focuses on the development of government strategies and partnerships to help slow climate change. She has been successful in creating partnerships with government, industry and retailers to pursue the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

Commissioner Jung is an elected member of the San Francisco Democratic County Central Committee representing the 12th Assembly District since 2000. She is on the Executive Board of the California Democratic Party and also serves on the 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 Pacific and Asian American women, supports programs of relevance to Pacific Asian women in areas such as career advancement, relationships, educational equity, health care, business/economic development, and political empowerment. She is a strong believer in forming networks with concerned individuals, members of other community organizations and leaders in the community to address issues affecting Asian and Pacific women and their communities.

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

## ORGANIZATION CHART



Department staffing has been stable this fiscal year, with Commission staff remaining at six. The small number of staff makes the duties and tasks performed by each member crucial in carrying out the Department's mission. While the staff is small in number, we are pleased that the Department has accomplished in a timely and efficient manner, its many responsibilities.

## BUDGET

The Fiscal Year 2009-10 budget appropriation was as follows:

Account	Adopted Budget	Total
Salary & Fringe Benefits		
Permanent	520,054	
Temporary	1500	
Fringe Benefits	167,279	688,833
Special and Professional Services		
Professional Services	10,300	10,300
Materials and Supplies		
Material and Supplies	3,500	3,500
Services of Other Departments		
DHR, DTIS, PUR Mail &	103,061	103,061
Repro, Real Estate		
<b>Total Budget Appropriation</b>		<b>805,694</b>

The Department has operated on a bare-bones, maintenance budget and staff is continually challenged to operate on a limited scale and provide timely and efficient service.

The Department is funded at 5.83 FTE while there are six (6) actual FTE positions. This creates an inherent deficit in the Departments salaries and fringes budget category at the end of the fiscal year. In the past, the deficit was covered by reducing expenditures in other budget categories. However, continued reductions in the other budget categories results in a small deficit at the end of the fiscal year.

## THE CIVIL SERVICE MERIT SYSTEM

Civil service, also known as the merit system, was created to assure that the recruitment and retention of a qualified work force, and, the selection and promotion of employees providing public service and compensated by tax dollars 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 mandate to oversee the City's merit system through establishment of Rules, policies and procedures, hearing of appeals, inspection and audit service, training, and reports from the Executive Officer, Human Resources Director and Director of Transportation on the operation of the merit system.

As applied to employee 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 hiring qualified individuals who have successfully completed the examination process, been 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.

## MAJOR PROGRAM AREAS AND FUNCTIONS

The Civil Service Commission administers three (3) programs that are essential core functions of its Charter mandate, 1) Appeals and Requests for Hearings, Rules, Policies, and Administration; 2) Merit System Review, Inspection Services and Audit; and 3) Employee Relations Ordinance Administration to accomplish its Mission. 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 such as recruitment, examination, certification, and appointment, to increase permanent civil service hiring and decrease provisional hiring;
- ✎ increasing outreach, training to departments and employee organizations and customer service efforts by enhancing access to its Rules, activities and actions through informational and increased online materials;
- ✎ streamlining the processing and resolving of appeals and other disputes to simplify and expedite resolution; and,
- ✎ conducting audits and Inspection Services on the 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 responsibilities of the Civil Service Commission and outlines the civil service merit system to include (but not limited to):

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



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

## Policies and Procedures

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

# Oversight through Hearings and Appeals

## Commission Meetings

The Civil Service Commission held a total of twenty eight (28) meetings during Fiscal Year 2009-10. Of the meetings, twenty one (21) were Regular meetings and seven (7) were Special Meetings.

Regular Commission meetings are on the first and third Mondays of each month in City Hall Hearing Room 400. When the regular meeting falls on a holiday, the Commission 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.

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

Regular Commission meetings are organized as follows:

*Call to Order and Roll Call*

*Approval of Minutes*

*Announcements*

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

*Ratification Agenda*

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

*Consent Agenda*

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

*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.

#### *Human Resources Director's Report*

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

#### *Executive Officer's Report*

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

#### *Request to Speak on any Matters within the Jurisdiction of the Civil Service Commission*

#### *Commissioners' Announcement/Requests*

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

#### *Adjournment*

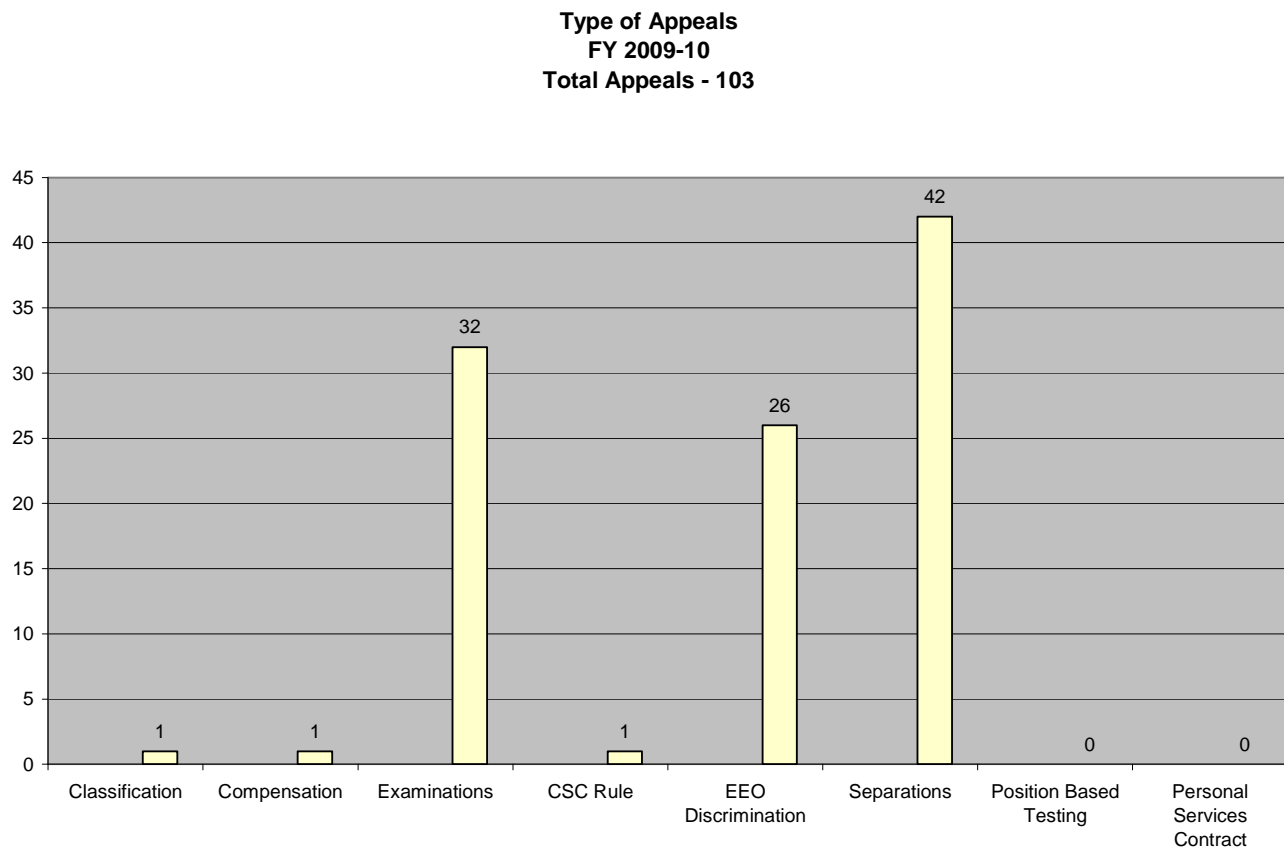
The Commission meets to review requests for hearing of future employment restrictions placed on employees after separation from service, examination appeals, classification appeals, certain compensation appeals, and appeals of the Human Resources Director's decisions on certain administrative matters. 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 also considers at its meetings proposed Civil Service Commission Rule and policy changes, and proposed Charter amendments.

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

The Charter provides that a major function of the Commission is to consider appeals on merit system and other matters under the jurisdiction of the Civil Service Commission. Consideration of appeals provides a mechanism for the Commission to monitor the status of the merit system. The Commission also considers requests for hearings of appeals on future employment with the City and County following employee separations from service: provisional, exempt and probationary; automatic resignations due to abandonment of position; terminations of temporary employees appointed from civil service lists; resignations certified as services unsatisfactory; and of permanent employees. Appeals before the Commission cover a range of matters under the Commission's jurisdiction. Many are routine and a few are uncommon and unusual.

The Commission received a total of 51 appeals and requests for hearings during Fiscal Year 2009-10. 52 active unresolved appeals were carried over from Fiscal Year 2008-09, for a total of 103 appeals before the Commission in Fiscal Year 2009-10. The Commission heard 30 appeals; and 44 appeals were deemed untimely, administratively resolved, withdrawn, or determined not to be in the Commission's jurisdiction or resolved through other mechanisms. A total of 74 appeals were resolved; or 72% of the appeals were resolved in Fiscal Year 2009-10. The Commission has exceeded by 12%, meeting its target of resolving 60% of appeals in FY 2009-10.

The following chart is a summary analysis of the type of appeals for Fiscal Year 2009-10.



## Review of Requests for Approval of Proposed Personal Services Contracts

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

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

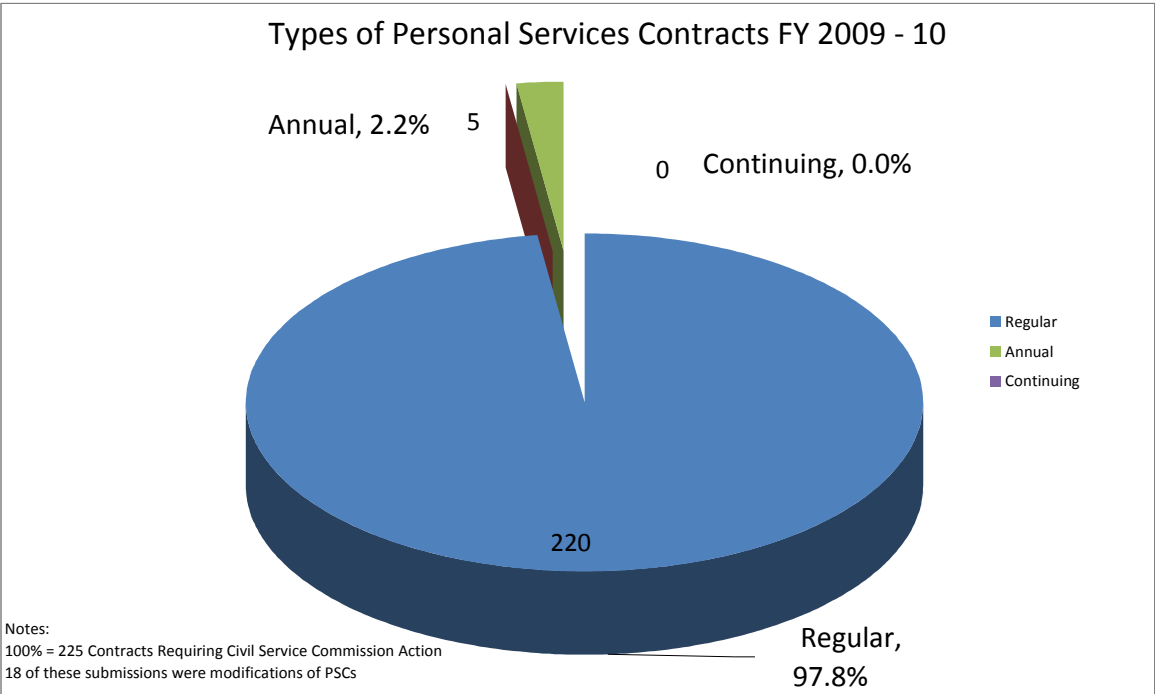
The Commission adopted revised policies and procedures on December 5, 1994, which became effective on January 1, 1995. The revised procedures streamlined and expedited the processing of personal services contracts by eliminating a significant amount of bureaucratic red tape. This was accomplished without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

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

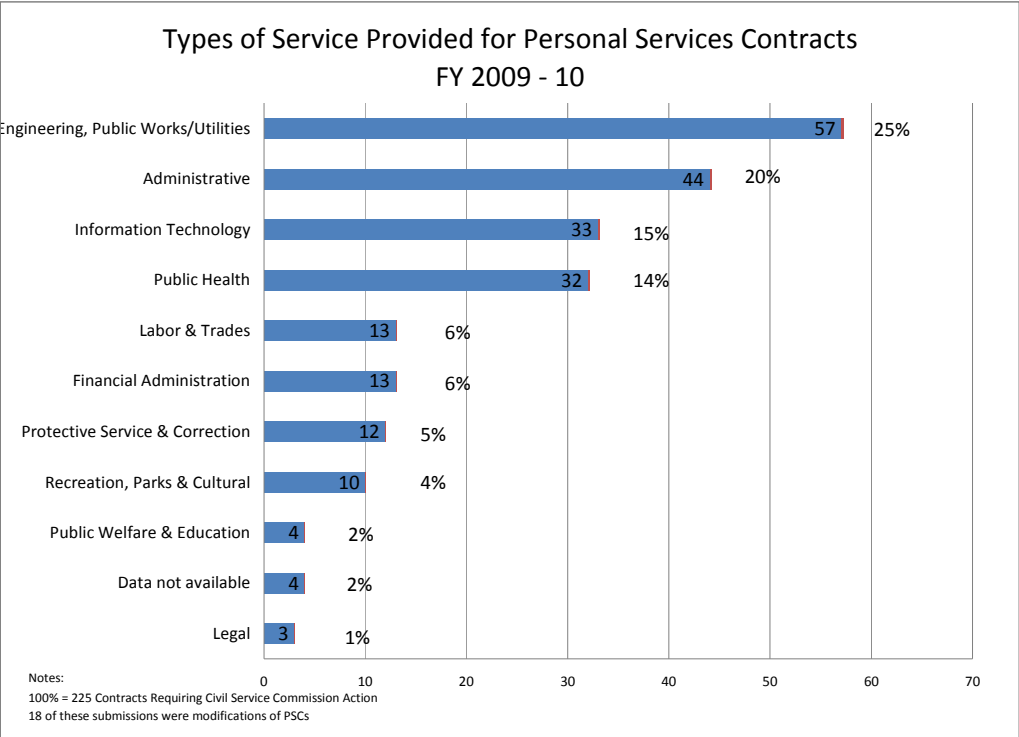
Important points in the Procedures include:

- ☆ An appeal procedure to insure merit system oversight;
- ☆ A streamlined Civil Service Commission approval process for personal services contracts; the Civil Service Commission reviews proposed personal services contracts greater than \$50,000;
- ☆ A personal services contracts approval option that is consistent with the City and County's budgetary process by providing departments with the ability to include contracted services as part of the departmental budget when being submitted to the Mayor's Office.
- ☆ Modifications in *amount* and/or *duration* less than 50% of the original amount or duration approved by the Commission are administratively approved by the Department of Human Resources. Modifications 50% or greater of the original amount and/or duration require Commission approval.

The following chart is a breakdown of the approval types for personal services contracts:



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





# Merit System Oversight

## Inspection Service Requests

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

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

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

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

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

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

## Inspection Requests for Fiscal Year 2009-10

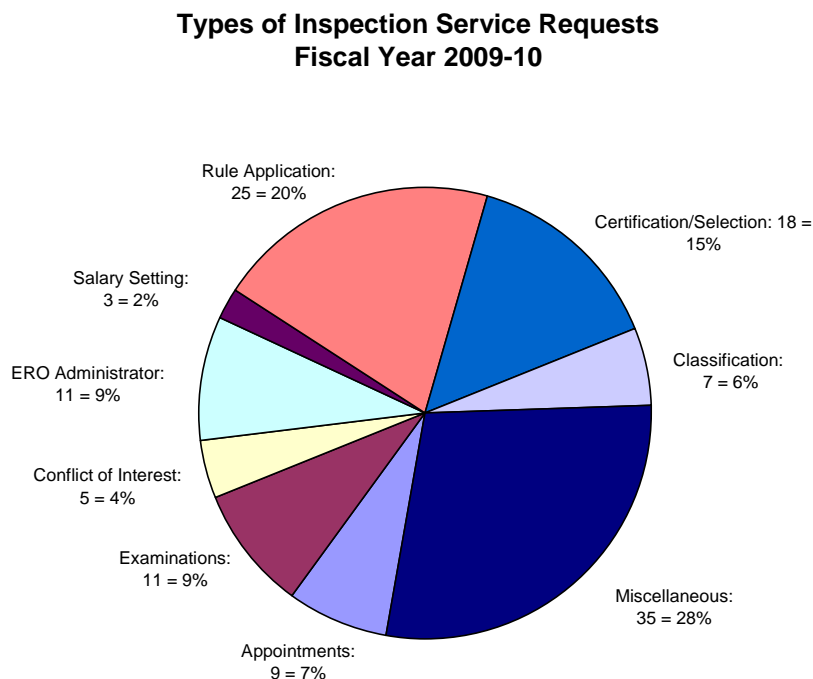
In Fiscal Year 2009-10 the Department received a total of one hundred twenty four (124) Inspection requests. Forty four (44) requests were received by letter or email and eighty (80) by telephone or drop-ins.

A majority of the requests came from or were submitted by individuals, employees, applicants, departmental representatives, and employee organization representatives. Nine (9) requested

anonymity and/or confidentiality in requesting an Inspection service of an issue of which there were concerns. The Department also received three (3) referrals or requests from the Controller's Office Whistleblower Complaints Unit. In the case of Whistleblower complaints, the complainants are not known to the Department and responses to these complaints are submitted to the Whistleblower.

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

Staff logs and tracks Inspection Requests to monitor responses in a timely manner. Our target to complete 70% of Inspection Service requests in 60 days has been met and exceeded with 94% completed during the period ending June 30, 2010. One hundred twenty four (124) requests were received and the following chart illustrates the types of Requests received in FY 2009-10:



***Appointments:*** Some example of these requests were questions regarding reappointment, hiring of a Class 0932 Manager IV position, request for American with Disabilities Act (ADA) accommodation appointment, returning to City employment from a departmental ban, and appointment procedures used.

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

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

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

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

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

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

***Classification:*** Reclassification procedures and assigned work outside of classification.

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

## Merit System Audits

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

In FY 2009-10 the audit program focused on reviewing departments' application of the Civil Service Commission's longstanding policy and procedure on personnel files enumerated in the "Citywide Employee Personnel Records Guidelines." The Citywide Employee Personnel Records Guidelines was first adopted by the Commission at its meeting of April 6, 1992 and became effective May 1, 1992. By Commission action of May 7, 2007, the Guidelines were updated and reissued to reflect the role of the Civil Service Commission as a Rules and policy making appeals body approved by the voters (Prop L; 11/93) and the delegation to the Human Resources Director and for Service-Critical classes at the Municipal Transportation Agency (MTA), the Director of Transportation/designee, the authority to establish procedures on the implementation of the Civil Service Commission Policy and Guidelines on Employee Personnel Records and Employment Verification.

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

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

Commission staff conducted six (6) audits of the official employee personnel files in the departments of the Fine Arts Museum of San Francisco, Department of the Environment, Office of the Controller, Administrative Office of the General Services Agency, San Francisco International Airport, and San Francisco Employees Retirement System. For Fiscal Year 2009-10 the objective was to assess whether departments are compliant with Civil Service Commission Rule 117 Probationary Period. Employee files were audited for the documents related to the Probationary Status that should be contained in each file according to the Citywide Employee Personnel Records Guidelines.

Twenty (20) to thirty (30) files were audited in each department. Department personnel were interviewed regarding department procedures in handling employee personnel files, access to files by authorized personnel, storage, and releasing employee information. The findings indicated that the Notices of Probationary Status and Notices to Exempt or Provisional Employees were in most employee files. Reports of Completion of Probationary Periods for permanent civil service employees were often not in the employee file.

After each Audit, findings are discussed with department personnel responsible for the employee personnel files. Commission staff answered questions regarding the reason for the Audit, why documents were necessary, and procedures in complying with citywide personnel policies. Commission staff interviewed personnel for suggestions on what procedures or forms

worked well for their departments and what support was needed to comply with citywide personnel policies. The Employee Handbook and the Citywide Employee Personnel File Guidelines were made available to departments as a reference for maintaining and storing files.

The Official Employee Personnel File Audit is one of the Civil Service Commission programs utilized to oversee the merit system. Findings from the Audit provided tools for the department to train employees on areas that needed improvement and to develop new procedures. The Audit Program educates department personnel on the importance of maintaining and organizing personnel files, complying with Civil Service Commission Rules, regulations, policies, and procedures.

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

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

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

### **Setting of Salary and Benefits of Elected Officials**

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 (5) years by averaging the salaries of the comparable elected officials in Alameda, Contra Costa, Marin, San Mateo, and Santa Clara counties. For each year between the five (5) year cycles, the Civil Service Commission is required to adjust the salaries to reflect the upward movement in the CPI during the prior calendar year not to exceed 5%.

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

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

At the Civil Service Commission meeting on 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 (5) year salary certification by the Commission covers the period from July 1, 2007 through June 30, 2012. The subsequent five (5) year salary certification shall cover the next five (5) year period of July 1, 2012 through June 30, 2017.

Salaries are adjusted annually to account for upward movement in the CPI, not to exceed 5%. The CPI-U reported in January 2009 was 0.0%; therefore, in accordance with the Civil Service Commission action and direction, the annual salary for Elected Officials was not increased for Fiscal Year 2009-10 (the third year of the five year cycle). The salaries remained at Fiscal Year 2008-09 amounts. However, the City and County of San Francisco and employee organizations agreed to amend the compensation provisions of existing memoranda of understanding to reduce costs. In accordance with Charter Section A8.409-1 regarding Memoranda of Understanding Concessions, the Commission reviewed and amended the respective salaries of the Elected Officials as necessary to achieve comparable costs savings in the affected fiscal year. It was the decision of the Commission to reduce 2.45% the salaries for Elected Officials consistent with the wage concessions of 2.45% made by employee organizations for Fiscal Year 2009-10.

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

## **Setting of Salary for Members of the Board of Supervisors**

On November 5, 2002, the City and County of San Francisco Electorate approved Proposition J, amending City Charter Section 2.100 - Composition and Salary to direct that Member, Board of Supervisors is a full-time position. The amended Charter Section also directs the Civil Service Commission to: 1) establish a five (5) year salary cycle; 2) consider a salary survey of California cities and counties with full-time City Councils and County Supervisors; 3) transmit its salary determination to the Controller in a timely manner to coordinate with City budget processes and related procedures; and 4) set the salary of the Board of Supervisors once every five (5) years.

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

salary will not decrease in the event that the CPI-U falls below zero. The Civil Service Commission again set the salary for the Board of Supervisors for a five (5) year cycle effective July 1, 2009 through June 30, 2014 and set the base salary at \$98,660.

The CPI-U reported in January 2009 was 0.0%; therefore, in accordance with the Civil Service Commission action and direction, the annual salary for Member, Board of Supervisors for FY 2009-10, effective July 1, 2009 was not increased and remained at \$98,660.

However, the City and County of San Francisco and employee organizations agreed to amend the compensation provisions of existing memoranda of understanding to reduce costs. Therefore, in accordance with Charter Section 2.100 regarding Memoranda of Understanding Concessions, the Commission reviewed and amended the respective salaries of the member, Board of Supervisors as necessary to achieve comparable costs savings in the affected fiscal year. It was the decision of the Commission to reduce 2.45% the salaries for Member, Board of Supervisors consistent with the wage concessions of 2.45% made by employee organizations for Fiscal Year 2009-10. Therefore, for Fiscal Year 2009-10 their salary was reduced to \$96,243.

## **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 Employee Relations Ordinance. With the implementation of SB 739 which amended the Meyers-Milias-Brown Act (MMBA), the State agency known as the "Public Employment Relations Board" (PERB) was given the authority to administer and decide unfair labor practice charges previously filed and remedied at the local level. PERB is not limited to enforcing local rules regarding Unfair Labor Practices, and, it may look to the MMBA and other State and local laws for guidance. PERB is authorized to enforce local rule regarding representational issues. The City's ERO remains in



the City's Administrative Code and is currently reflected in the Civil Service Commission Rules.

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

## Unfair Labor Practice Charges

The Employee Relations Ordinance provides for the investigation and resolution of Unfair Labor Practice Charges for peace officers and management employees. An employee or group of employees, an employee organization or management may file charges on the prescribed form (CSC 101) within the specified timeframe. Under the Rules, staff reviews the complaint to determine if it makes a "prima facie" case. If a "prima facie" case is not found, staff dismisses the charge. If there appears to be a "prima facie" case, staff attempts to mediate the dispute between the parties. If the parties do not agree to mediation or attempts are not successful, the charge is referred to an Administrative Law Judge for hearing and final determination.

## Bargaining Unit Assignments

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

On September 4, 2009, the Department of Human Resources (DHR) Employee Relations Director (ERD) issued a memorandum to the Sheriff of the City and County of San Francisco stating that Bargaining Unit 12 had been severed into two bargaining units effective June 4, 2009.

The following chart shows Unit 12A and 12B and the classes assigned to each unit.

Bargaining Unit 12A	Bargaining Unit 12B
Deputy Sheriff 1 – Class 8302 Deputy Sheriff – Class 8304 Senior Deputy Sheriff – Class 8306	Sheriffs Sergeant – Class 8308 Sheriffs Lieutenant – Class 8310 Sheriffs Captain – Class 8312 Chief Deputy Sheriff – Class 8314



On September 24, 2009, the President of the San Francisco Deputy Sheriff's Association (DSA) filed with the Civil Service Commission Department a Bargaining Unit Assignment Complaint on behalf of the affected employees in the classification of Sheriffs Sergeant. The DSA complaint cited that the classification of Sheriffs Sergeant should remain in bargaining Unit 12A. One of the reasons stated was that Class 8308 Sheriffs Sergeant has a community of interest with the Deputy class due to similarity of skills, and has a closer identity to the Deputy and Senior Deputy Sheriff.

The Employee Relations Ordinance Administrator of the Civil Service Commission reviewed the issues and proposals filed in the complaint by DSA and the response submitted by ERD. It was concluded that there was supporting justification for assigning Class 8308, Sheriffs Sergeant to Unit 12B on the basis of community of interest and similarity of supervisory job functions and skills. Due to DSA's disagreement of the conclusion, DSA proposed as a resolution to the bargaining unit issue, that the employees in Class 8308, Sheriffs Sergeant be given the opportunity to participate in a secret ballot election to determine their preference of bargaining unit placement.

The DSA, ERD and all interested parties agreed to the secret ballot election as the resolution to the complaint and agreed to abide by the results of the election. The secret ballot election was conducted by the Employee Relations Ordinance Administrator of the Civil Service Commission through the U.S. Postal mail from December 16, 2009 through January 7, 2010. The ballots that were returned to the Civil Service Commission were counted and tallied on January 8, 2010. The majority of ballot votes were cast for Unit 12B as the bargaining unit for Class 8308, Sheriffs Sergeant. The election was conducted in accordance with ERO Section 16.210 Establishment of Representation Units.

## **Management, Supervisory, Confidential Designations**

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

## Recognition Elections: Employee Organization Certification or Decertification

### Recognition

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

### Challenge Petition

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

### Decertification/Recognition

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

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

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

### Recognition Election

On August 21, 2009 the San Francisco Sheriffs Managers and Supervisors Association (MSA) filed a petition to become the recognized representative for employees assigned to Bargaining Unit 12B. The process was delayed due to the San Francisco Deputy Sheriffs Association (DSA) challenge and complaint that was filed on September 24, 2009 regarding the bargaining unit assignment of Class 8308, Sheriffs Sergeant to Unit 12B. The following chart below lists the classes assigned to Unit 12B.

Bargaining Unit 12B
Sheriffs Sergeant – Class 8308
Sheriffs Lieutenant – Class 8310
Sheriffs Captain – Class 8312
Chief Deputy Sheriff – Class 8314

The Bargaining Unit Assignment Complaint regarding the designation of Class 8308 to Unit 12B was resolved by the ballot election that was conducted and finalized on January 8, 2010 in accordance with ERO Section 16.210 Establishment of Representation Units. Due to the resolution of the Bargaining Unit Assignment Complaint, procedures for the recognition/representation election were initiated in accordance with section 16.211 of the Employee Relations Ordinance.

The secret ballot election was conducted by the Employee Relations Ordinance Administrator of the Civil Service Commission through the U.S. Postal mail from February 11, 2010 through February 25, 2010. Eligible employees assigned to Unit 12B individually voted by secret ballot to be represented for purposes of collective bargaining by MSA or chose no organization for representation. The ballots that were returned to the Civil Service Commission were counted and tallied on February 26, 2010. The election results of the majority of votes cast selected MSA for representation.

### **Decertification Petition Filed**

On April 21, 2010, employees in Class 7346, Painter as the requested party and represented by the Auto, Marine and Specialty Painters, Local Union No. 1176 filed a Decertification Petition to decertify and remove the Auto, Marine and Specialty Painters, Local Union No. 1176 as the recognized employee organization of Bargaining Unit 1-S. The submitted petitions represented at least thirty percent (30%) of the employees in Bargaining Unit 1-S and asserted that the certified representative, Local Union No. 1176 was no longer their representative and such employees requested decertification from this employee organization.

The effective date for the Collective Bargaining Agreement between Auto, Marine and Specialty Painters, Local Union No. 1176 and the City and County of San Francisco is July 1, 2006 through June 30, 2010. The Civil Service Commission Department received the decertification petition filed by employees in Class 7346 on April 21, 2010. In order for the petition to qualify, the petition should have been submitted within the time period of April 2, 2008 to May 2, 2008. The Decertification Petition was not submitted within the timeframes stipulated in the ERO Section 16.212. This section states in part that the decertification petition must be filed within the period between the 90<sup>th</sup> and 60<sup>th</sup> day immediately preceding the expiration date of the recognized employee organization's existing memorandum agreement; provided, however, that the existing memorandum agreement does not exceed a two year period. In the event the existing memorandum does exceed a two year period, the decertification petition must be filed within the period between the 90<sup>th</sup> and 60<sup>th</sup> day immediately preceding the expiration of the second year of the memorandum agreement. Therefore, in accordance with Civil Service Commission Rule 107, Article II Section 107.4 and ERO Section 16.212, the request to decertify from Auto, Marine and Specialty Painters, Local Union No. 1176 was untimely and was ineligible for processing.

## **Affiliation, Disaffiliation or Merger of Labor Organizations**

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

## *IN APPRECIATION*

*In the course of carrying out our duties, the members and staff of the Civil Service Commission interact with a wide range of people both in and outside of City government.*

*The Commission works closely with the Mayor and other elected officials, employee organizations, departmental management and staff, and community leaders and groups. These people contribute a great deal of effort and support to the Commission and we would like to express our sincere appreciation to all of them. Thank you!*