

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.

# PROTESTS AND APPEALS

# Civil Service Adviser



This issue of the Adviser addresses Protests and Appeals provided in the Civil Service Commission Rules, policies and procedures. The summary of Protests and Appeals timelines in this issue of the Civil Service Adviser are found in the Civil Service Commission Rules.

There are four (4) Volumes of Rules:

Volume I of the Rules covers Miscellaneous employees including separate sections covering Miscellaneous employees represented by the Transport Workers Union (TWU) Locals 200 and 250-A; Volume II covers the Uniformed Ranks of the Police Department; Volume III covers the Uniformed Ranks of the Fire Department; and, Volume IV covers Service-Critical Classifications of the Municipal Transportation Agency (MTA). To determine which Rule to apply, note the applicability statement on the first page of each Rule.

### Official Bulletin Boards for Posting Examination Announcements and Other Public Notices

The official bulletin boards used to post examinations and public announcements of the Civil Service Commission (CSC), Department of Human Resources (DHR) and for Service-Critical Classifications at the MTA are located at:

- ☆ CSC: 25 Van Ness Avenue, Suite 720
- ☆ DHR: 44 Gough Street – Lobby
- ☆ MTA: 401 Van Ness Avenue, Room 320

### Calendar Days vs. Work days

Deadlines for receipt of an appeal are calculated based on business, work or calendar days. If the Rules are silent on whether the deadline is based on a business, work or calendar day, the deadline is based on calendar days. In the event the final date for filing an appeal falls on a non-business day, the deadline is automatically extended to close of business on the first business day following the final date for receipt of the appeal.

### Timelines – Examination Matters

The Rules provide for a "Protest" in some examination matters. (See Adviser 19/2003 for more information) A protest must be filed with the Human Resources Director. In the event the examination covers a Service-Critical Class at the MTA, the protest must be filed with the Director of Transportation/designee.

Examples of protests are (not all inclusive):

*Examination Announcements:* Protests must be filed within five (5) business days from the date the announcement is issued.

*Adequacy of Examinations:* Protests must be no later than five (5) business days after the administration of the examination.

*Inconsistencies in the Administration of the Examination:* Protests must be filed no later than five (5) business days after the administration of the examination.

Unless the Rules specify that the decision of the Human Resources Director is final, an action taken on examination matters may be appealed to the CSC. The appeal must be filed with the Executive Officer, CSC by close of business on the fifth (5<sup>th</sup>) working day following the

postmarked mailing date of the notice of action/decision.

This deadline may be extended an additional five (5) days when the notification is sent exclusively by certified mail – return receipt requested. The same is true for a decision made by the Director of Transportation/Designee affecting Service Critical Classes at the MTA.

### Timelines – Personal Services Contracts:

Appeals on Personal Services Contracts are governed by the Personal Services Contracts Policy adopted by the CSC (Civil Service Adviser No. 17/2002). The Department of Human Resources posts proposed Personal Services Contracts and notifies the affected employee organizations of postings. Posted Personal Services Contracts may be appealed to the Civil Service Commission by noon of the seventh (7<sup>th</sup>) day of posting.

### Timelines – Other Matters:

*Classification:* The Rules provide for a protest of a posted or proposed action that must be filed within seven (7) calendar days. Decision on protests may be appealed to the CSC within thirty (30) calendar days following the postmarked mailing date of notification to the appellant.

*Discrimination Complaints:* The Rules do not provide for protests on a decision of the Human Resources Director. The Human Resources Director decides on the results of the investigation of all discrimination complaints including those affecting Service-Critical Classes at the MTA. The decision of the Human Resources Director may be appealed to the CSC within thirty (30) calendar days following the postmarked mailing date of notification to the appellant.

*Other:* Unless otherwise provided in the Civil Service Commission Rules, Policies or Procedures, appeals must be filed within thirty (30) calendar days following the postmarked mailing date of the notification to the appellant.

### Filing Protests or Appeals

Civil Service Commission Rules, Policies, and Procedures require that instructions on how to file an appeal and deadlines for filing be included in public postings as well as any correspondence to affected individuals and, when applicable, their representative or advocate.

Protests on matters under the jurisdiction of the Human Resources Director must be filed at Department of Human Resources, 44 Gough Street, San Francisco, CA 94103.

Protests on matters related solely to Service-Critical Classifications at the MTA must be filed at Municipal Transportation Agency, 401 Van Ness Avenue, Room 320 San Francisco, CA 94102.

Appeals must be filed in writing and submitted to the Executive Officer, CSC at Civil Service Commission at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 within the time frames specified in the Civil Service Commission Rules. Appeals may also be filed by fax – (415) 252-3260 followed by an original signed copy submitted to the Commission office. A Request to Appeal form is available on the CSC website ([www.sfgov.org/civil\\_service](http://www.sfgov.org/civil_service)) and in the Civil Service Commission office. Appeals may **not** be filed by E-mail.

### 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
- Website: [www.sfgov.org/civil\\_service](http://www.sfgov.org/civil_service)

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