

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.

PERSONAL SERVICES CONTRACTS (PSCs)

Civil Service Adviser

CIVIL SERVICE COMMISSION (COMMISSION) AUTHORITY

Consistent with its Charter authority to oversee the merit system, the Commission sets policy on the review of proposed Personal Services Contracts (PSCs)—that policy being that where there is a merit system, services provided to the public are to be performed by public employees hired through the City's merit system. Based on the criteria specified in its policy, the Commission determines if the scope of service is appropriate for contracting out under a PSC.

PSCs include agreements for services paid by the City and County of San Francisco with individuals, companies, corporations, non-profit organizations, and other public agencies. It is not the Commission's role to determine positions where work or services can be performed by contract at a lesser cost than similar work performed by City and County employees; by Charter definition (10.104-15), this function, often called "Prop J" contracting, is performed by the Controller and the Board of Supervisors.

REVISED POLICY

The Commission most recently updated its longstanding policies and procedures (originally adopted in 1996) governing PSC requests for approval on May 6, 2013, after carefully considering stakeholder input during its public meetings. The Commission's revised policy became effective on October 25, 2013 with the launch of the City's PSC database (the policy is available on the Commission's website at www.sfgov.org/Civil_Service).

ROLE OF THE DEPARTMENT OF HUMAN RESOURCES (DHR)

DHR reviews all departmental requests for PSCs and modifications to previously approved PSCs, to determine if they comply with the Commission's policies. Under the Commission's policy, DHR is responsible for establishing the procedures for PSC submissions. DHR's updated PSC submission guidelines (also issued on October 25, 2013) are attached to the Commission's policy for reference, though they may be updated by DHR as needed.

Once it has completed its review, DHR will then post and forward to the Commission requests for PSCs in excess of \$100,000 (referred to as "Regular PSCs") and those requests for PSC modifications that require Commission approval pursuant to the Commission's policy. Requests for PSCs of \$100,000 or less do not require Commission approval; these "Expedited PSCs" are reviewed and approved by DHR.

DHR is also responsible for reporting information regarding contract awards to the Commission by August 1st each year.

REQUESTS FOR PSC APPROVAL

All requests for PSC approval must be submitted through the Citywide PSC Database.

Requests for PSC approval are evaluated based on the following three questions:

- 1) Is there an existing civil service class that can perform the required work?
- 2) If so, then is it feasible or practical for civil service employees to perform the work? The Commission has identified the following seven examples of compelling reasons for contracting out: immediately needed services to address unanticipated or "transitional situations," or services needed to address emergency situations; short-term or capital projects requiring diverse skills, expertise and/or knowledge; services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload); regulatory or legal requirements, or requirements or mandates of funding source(s) which limit or preclude the use of civil service employees; services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator); circumstances where there is a demonstrable potential conflict of interest (e.g., independent appraisals, audits, inspections, third party reviews and evaluations); and cases where future funding is so uncertain that the establishment of new civil service positions, classes or programs is not feasible (including situations where there is grant funding).
- 3) If there is no current class, should one be created (what is the feasibility of creating a new class)? If services are short-term and non-repetitive or so specialized and unique that they could not be appropriately performed by city personnel, establishing a new class may not be practical and the use of a contract may be appropriate.

UNION NOTICE, POSTING AND APPEAL

Consistent with Commission policy, departments are responsible for notifying affected employee organizations of any request to contract out services, prior to forwarding the request to DHR for review. Some Collective Bargaining Agreements have additional requirements that must be considered in this process.

DHR will post the department's request once it has completed its review. Affected employee organizations are also notified of the posting. Appeals of the posted proposed PSCs must be received by the Executive Officer by noon of the seventh day of posting. Timely appeals will be considered by the Commission at its next regularly scheduled meeting.

Regular appeals for which there were no appeals filed are forwarded to the Executive Officer to calendar on the Ratification Agenda.



QUESTIONS:

For questions regarding the procedures for submitting a request for PSC approval, contact the Department of Human Resources at (415) 557-4800.

For questions regarding the Civil Service Commission's policy on PSCs, you may contact Commission staff at (415) 252-3247.

CIVIL SERVICE COMMISSION

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