



The City and County of San Francisco

## CIVIL SERVICE ADVISER

Civil Service Commission

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No: 034/2018

### EXEMPT APPOINTMENTS

#### (Know Your Status)

Charter Section 10.104 provides for positions and appointments excluded from permanent 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. Departments are required to give notification to the exempt appointee of their exempt status.

**Group I** (Charter Sections 10.104-1 through 12) is comprised of a variety of positions, including but not limited to, deputy directors and department heads, executive assistants, confidential secretaries, and legislative analysts/assistants. This group is subject to a Charter imposed 2% “cap” for the percent of full-time exempt employees to the total number of employees that existed on July 1, 1994. Any requests for exempt positions over that “cap” require Commission approval as provided under Civil Service Rules Series 014. (There are no limits to appointment duration.)

**Group II** (Charter Section 10.104-13 through 15) continues the 1932 Charter exempt appointments. Included in Group II by example but not limitation, are attorneys, most physicians and dentists, and the Retirement System Actuary. The Commission plays no role with respect to these appointments. (There are no limits to appointment duration.)

**Group III** (Charter Section 10.104-16 through 19) includes Category 16, temporary and seasonal appointments which do not exceed half time (1040 hours of service) in a fiscal year; Category 17, appointments to temporarily backfill civil service employees on leave (limit of 2 years); Category 18, special project and professional services with limited term funding (limit of 3 years), and Category 19 (entry level exempt employment for severely disabled individuals who can become permanent civil service after one-year of satisfactory service.)

**Group IV** (Charter Section 8A.104 (i)) is comprised of managerial employees in MTA service-critical positions/classifications designated by the Director of Transportation as exempt from civil service (in addition to those positions exempted in Groups I, II and III under Charter Section 10.104). Group IV exempts are also subject to a cap; the total number of these positions may not exceed 2.75% of the MTA’s total workforce, exclusive of the exempt positions provided in Charter Section 10.104. The Charter does not allow the Director of Transportation or the Commission any discretion to approve exempt appointments over this 2.75% cap. The provisions of Charter Section 8A.104 (i) are codified in Civil Service Rule 414.37.7. (There are no limits to appointment duration.)

#### **Leave to Accept an Exempt Position**

Permanent civil service employees may be considered for exempt positions, and may take a leave of absence from their permanent civil service positions to accept an exempt appointment. Such leave is subject to the approval of their appointing officer (or his or her designee), whose decision is subject to appeal in accordance with the Civil Service Rule Series 020. Upon conclusion of the exempt appointment or duration of the approved leave, the employee returns to the former class and department where the employee has permanent civil service status. Although the employee may return, he or she does not have a right to a specific assignment in the department.

**Questions:** Please review the entire Civil Service Commission Policy on Exempt Appointments for more information:

<http://sfgov.org/civilservice/sites/default/files/4-7-14%20CSC%20Policy%20on%20Exempt%20Apts%20-%20.pdf> .

Or call the Commission staff at (415) 252-3247.

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