


# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED  
MAYOR

MEMORANDUM  
CSC NO. 2018-13

F. X. CROWLEY  
PRESIDENT  
ELIZABETH SALVESON  
VICE PRESIDENT  
DOUGLAS S. CHAN  
COMMISSIONER  
KATE FAVETTI  
COMMISSIONER  
SCOTT R. HELDFOND  
COMMISSIONER

Date: December 20, 2018  
To: Ed Reiskin, Director of Transportation  
Personnel Officers, Municipal Transportation Agency  
Employee Organization Representatives  
From: Michael L. Brown   
Executive Director  
Subject: **Notice of Posting:**  
**Proposed Amendments to Volume IV Civil Service Commission Rules 402 Definitions, 410 Examination Announcements and Applicants, 411 Examinations, 411A Position-Based Testing, 412 Eligible Lists, and 413 Certification of Eligibles – Applicable to Service-Critical Classes of the Municipal Transportation Agency (MTA).**

The Civil Service Commission (Commission) acted at its Regular Meeting on December 17, 2018, to direct its Executive Director to post the proposed amendments to Civil Service Commission Rules 402, 410, 411, 411A, 412 and 413, and to meet and discuss the proposed Rule changes with any interested stakeholders. The proposed rule amendments are designed to reduce implicit bias while still maintaining some transparency in the hiring process with the following:

MICHAEL L. BROWN  
EXECUTIVE OFFICER

- 1) Strengthen the statement for endorsement from the Civil Service Commission to include the purpose of de-identification in Rule 413;
- 2) Eligible names on active eligible lists are not to be disclosed to the public;
- 3) Include the requirement for reporting by MTA to the Commission on the progress of the implementation of de-identification in Rule 413;
- 4) Enhance transparency in the hiring process by posting all permanent civil service appointments to positions with the City by name, department, classification, and rank on the eligible list;
- 5) Eligible lists become available for public inspection once the eligible list is exhausted or expired and the referrals resolved;
- 6) Include that MTA will ensure that all hiring managers comply with the Charter provisions, Rules, policies, procedures, directive policies as well as laws and ordinances in Rule 413; and
- 7) Provide clarification under the appeal language in Rule 411A for PBT (after the examination) to be consistent with language found elsewhere in the rules.

At the meeting of September 17, 2018, the Commission adopted amendments to Civil Service Commission Rules in Volume I applicable to miscellaneous employees: 102 Definitions, 110 Examination Announcements and Applicants, 111 Examinations, 111A Position-Based Testing, 112 Eligible Lists, and 113 Certification of Eligibles. MTA conducts examinations for service-critical classifications and Citywide classifications which are covered under both Rules Volumes I and IV. For consistent administration and application of the Civil Service Commission Rules for MTA's entire workforce, MTA has requested similar proposed rule amendments to reduce implicit bias in the hiring process and to efficiently/consistently administer the merit system hiring process for both miscellaneous and service-critical employees.

With these proposed rule amendments, the Commission is also including proposed changes to Rule 413 Certification of Eligibles to allow TWU Local 200 and 250-A the opportunity to expand the certification rule through mutual agreement. In addition, the mention of Local 535 and SFAPP have been removed.

Any employee organizations or other stakeholders interested in discussing the proposed amendments are invited to attend any or all of the following scheduled meetings:

Date: **Thursday, January 3, 2019**

Time: **1:00 p.m. to 3:00 p.m.**

Date: **Wednesday, January 9, 2019**

Time: **3:00 p.m. to 5:00 p.m.**

Date: **Friday, January 11, 2019**

Time: **2:00 p.m. to 4:00 p.m.**

The meetings will take place in the Civil Service Commission's Office, located at 25 Van Ness Avenue, Suite 720. Please contact Commission staff at [CivilService@sfgov.org](mailto:CivilService@sfgov.org) or by phone at (415) 252-3247 to RSVP for any of the meetings scheduled. In order to make time available for each stakeholder to share their concerns, seating is limited for each meeting. If you are unable to attend any of the scheduled meetings above, please contact our office to schedule a meeting.

Attached is a copy of the proposed amendments to Civil Service Commission Rules 402, 410, 411, 411A, 412, and 413.

If there are any questions, please contact me at (415) 252-3247.

Sincerely,

CIVIL SERVICE COMMISSION



MICHAEL L. BROWN  
Executive Director

Attachments

Cc: F.X. Crowley, President, CSC  
Elizabeth Salveson, Vice President, CSC  
Douglas S. Chan, Commissioner, CSC  
Kate Favetti, Commissioner, CSC  
Scott R. Heldfond, Commissioner, CSC

## Rule 402

### Definitions

Applicability: Rule 402 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

<u>Sec. 402.1</u>	<u>Appointment</u>
<u>Sec. 402.2</u>	<u>Appointing Officer</u>
<u>Sec. 402.3</u>	<u>Appointment Date</u>
<u>Sec. 402.4</u>	<u>Bulletin Board</u>
<u>Sec. 402.5</u>	<u>Certification Date</u>
<u>Sec. 402.6</u>	<u>Charter</u>
<u>Sec. 402.7</u>	<u>City</u>
<u>Sec. 402.8</u>	<u>Civil Service Department</u>
<u>Sec. 402.9</u>	<u>Class</u>
<u>Sec. 402.10</u>	<u>Classification Plan</u>
<u>Sec. 402.11</u>	<u>Classified Service</u>
<u>Sec. 402.12</u>	<u>Commission</u>
<u>Sec. 402.13</u>	<u>Commissioner</u>
<u>Sec. 402.14</u>	<u>Department</u>
<u>Sec. 402.15</u>	<u>Department of Human Resources</u>
<u>Sec. 402.16</u>	<u>Eligible</u>
<u>Sec. 402.17</u>	<u>Eligible List</u>
<u>Sec. 402.18</u>	<u>De-Identification</u>
<u>Sec. 402.189</u>	<u>Executive Session</u>
<u>Sec. 402.1920</u>	<u>Human Resources Director</u>
<u>Sec. 402.201</u>	<u>Layoff</u>
<u>Sec. 402.212</u>	<u>Near List</u>
<u>Sec. 402.223</u>	<u>Part-Time Employment</u>
<u>Sec. 402.234</u>	<u>Position</u>
<u>Sec. 402.245</u>	<u>Post</u>
<u>Sec. 402.256</u>	<u>School Districts</u>
<u>Sec. 402.267</u>	<u>Seniority</u>
<u>Sec. 402.278</u>	<u>Service</u>
<u>Sec. 402.289</u>	<u>Start Work Date</u>
<u>Sec. 402.2930</u>	<u>Time Periods</u>
<u>Sec. 402.301</u>	<u>Validation Date</u>

## **Rule 402**

### **Definitions**

Applicability: Unless otherwise noted, Rule 402 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Unless otherwise required by the context, the words listed below and as used in these Rules have the following meanings:

#### **Sec. 402.1     Appointment**

##### **402.1.1     Permanent Civil Service**

An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.

##### **402.1.2     Probationary**

Status of civil service employees during a trial period following permanent appointment.

##### **402.1.3     Temporary Civil Service**

An appointment made to a temporary position as a result of certification from an eligible list.

##### **402.1.4     Provisional**

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which in either case, is time limited as provided elsewhere in these Rules.

##### **402.1.5     Exempt**

An appointment to a permanent or temporary position exempt from being filled from an eligible list in accordance with the provisions of Sections 10.104 and 8A.104 of the Charter.

#### **Sec. 402.2     Appointing Officer**

**402.2.1** The head of an organizational unit having appointive authority within the organizational unit and the powers of a department head as defined by former Charter Section 3.501 as enacted into ordinance under Charter Section 18.103 and existing Administrative Code Section 2A.30.

**Sec. 402.2**    **Appointing Officer (cont.)**

**402.2.2**    **Appointing Officer - MTA**

The MTA Director of Transportation.

**Sec. 402.3**    **Appointment Date**

**402.3.1**    The date on which an appointing officer notifies the Department of Human Resources of his or her selection from a list of eligibles certified by the Department of Human Resources.

**402.3.2**    **Appointment Date - MTA**

The date on which the MTA Director of Transportation issues official notice of the selection from a list of eligibles.

**Sec. 402.4**    **Bulletin Board**

The official bulletin boards, so designated, at the Civil Service Department, Municipal Transportation Agency (MTA) and the City's Department of Human Resources, used for posting of examinations and public announcements of the Commission, MTA and the City's Department of Human Resources.

**Sec. 402.5**    **Certification Date**

**402.5.1**    The date on which the City's Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill a position.

**402.5.2**    **Certification Date - MTA**

The date the MTA Director of Transportation/ Designee issues a notice to eligibles from which appointments may be made to fill a Service-Critical position at the MTA.

**Sec. 402.6**    **Charter**

The Charter of the City and County of San Francisco.

**Sec. 402.7**    **City**

The City and County of San Francisco.

**Sec. 402.8**    **Civil Service Department**

The administrative office of the Commission under the direction of the Executive Officer.

**Sec. 402.9**     **Class**

A position or group of positions for which a common descriptive job title may be used.

**402.9.1**     **Job Code**

The term job code is used within the Human Resources classification system interchangeably with the Civil Service/Charter term class or classification.

**Sec. 402.10**     **Classification Plan**

All the classes which have been established, the procedures for maintaining the plan, and the specifications or descriptions of each of the classes.

**Sec. 402.11**     **Classified Service**

Includes all positions in the City service subject to competitive examination.

**Sec. 402.12**     **Commission**

The administrative body of Civil Service Commissioners empowered to enforce the civil service provisions of the Charter.

**Sec. 402.13**     **Commissioner**

A member of the Civil Service Commission of the City and County of San Francisco, appointed by the Mayor.

**Sec. 402.14**     **Department**

Organizational unit or units under one appointing officer.

**Sec. 402.15**     **Department of Human Resources**

The City-wide Department charged with performing such duties and functions as set forth in the Charter.

**Sec. 402.16**     **Eligible**

A person who has standing on an eligible list.

**Sec. 402.17 Eligible List**

A confidential list of names of persons applicants who have passed a civil service examination used for certification purposes only. Applicant information, including names of applicants on eligible lists, shall not be made public, unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

**Sec. 402.17.1 Eligible List Examination Score Report**

A list of scores by rank of successful applicants, without names.

**Sec. 402.18 De-Identification**

De-Identification is the process of redacting candidates' information including names, addresses, schools attended, and other personal identifying information to reduce the potential of biases (implicit or explicit) in the examination or selection process.

**Sec. 402.189 Executive Session**

A meeting or part of a meeting of the Commission legally held in private or with the general public excluded.

**Sec. 402.1920 Human Resources Director**

Director of the City's Department of Human Resources.

**Sec. 402.201 Layoff**

Separation from a position because of economy, lack of funds, or lack of work.

**Sec. 402.212 Near List**

An eligible list or a holdover roster in a class similarly related to a class for which there is no eligible list from which the City's Human Resources Director or the MTA Director of Transportation may authorize the certification of eligibles for temporary civil service appointment.

**Sec. 402.223 Part-Time Employment**

Part-time employment is regularly scheduled, less than full-time, permanent or temporary appointment to a permanent or temporary position.

**Sec. 402.234 Position**

Duties and responsibilities assigned by an appointing officer to be performed by one employee.

**402.234.1 Permanent**

A collection of duties, regardless of the source and nature of the funds, performed by one individual, which represent the ongoing work of the City and County. Such position(s) may be either:

- 1) enumerated in the Annual Salary Ordinance for which funds have been provided on a continuing basis; or
- 2) a position declared to be permanent by action of the City's Human Resources Director or the MTA Director of Transportation.

**402.234.2 Temporary**

A position in which the duties and responsibilities exist for a maximum duration of 1040 hours except in the case of a special project, defined elsewhere in these Rules, for up to a maximum duration of 2080 hours.

**402.234.3 Part-Time**

Positions less than the established full-time normal schedule of hours per day or days per week.

**402.234.4 Exempt**

Temporary or permanent positions excluded from civil service hiring and removal procedures in accordance with the provisions of Section 8A.104 or 10.104 of the Charter.

**402.234.5 School-Term Only**

Positions in the School Districts established for school term periods only.

**402.234.6 As-Needed**

A temporary or provisional appointment on either a full-time or part-time work schedule against a temporary requisition designated as as-needed to cover peak workloads, emergency extra workloads, necessary relief, and other situations involving a fluctuating staff.



**Sec. 402.245 Post**

To place on the official Bulletin Board.

**Sec. 402.256 School Districts**

San Francisco Unified School District and San Francisco Community College District.

**Sec. 402.267 Seniority****402.267.1 Civil Service - Permanent**

Seniority shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior. Employees who resign or are terminated and subsequently are reappointed shall have their seniority determined by their certification date following separation.

**402.267.2 Civil Service - Temporary (from eligible list)**

Seniority shall be determined by the date of certification which resulted in a temporary appointment to a temporary position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.

**402.267.4 Departmental**

Seniority for shift and work assignments, vacation or holiday schedule is determined by the appointing officer and is not within the authority of the Civil Service Commission.

**Sec. 402.278 Service**

The City and County of San Francisco government service, including the classified positions in the School Districts.

**Sec. 402.289 Start Work Date**

The date on which an appointee is first reported on the time roll as working.

**Sec. 402.2930 Time Periods**

Reference to time periods, such as one week or one month, etc., shall mean calendar days unless the Rule specifically refers to business days.

**Sec. 402.301 Validation Date**

The date on which the City's Department of Human Resources notifies an appointing officer that it has approved an appointment or the MTA Director of Transportation/Designee issues a notice of having approved an appointment.

## **Rule 410**

### **Examination Announcements and Applicants**

#### **Article I: Equal Employment Opportunity Policy**

Applicability: Article I, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Article II: Examination Announcements**

Applicability: Article II, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Article III: Applicants**

Applicability: Article III, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Article IV: Applications and Notice of Examinations**

Applicability: Article IV, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Article V: Qualifications of Applicants**

Applicability: Article V, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

## **Rule 410**

### **Examination Announcements and Applicants**

#### **Article I: Equal Employment Opportunity Policy**

Applicability: Article I, Rule 410 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 410.1 Civil Service Commission Equal Employment Opportunity Policy Related to Examination Announcements and Application Procedures**

It is the goal and policy of the Civil Service Commission to achieve a work force that is fully reflective of the multicultural, ethnic, and gender diversity of the City and County of San Francisco. The MTA Director of Transportation/Designee shall conduct outreach for the purpose of announcing upcoming examinations. Outreach shall include such procedures among others as periodic mailings, job fairs, and presentations to inform the public of the employment opportunities and the examination process within the civil service merit system.

# **Rule 410**

## **Examination Announcements and Applicants**

### **Article II: Examination Announcements**

Applicability: Article II, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Sec. 410.2 Examination Announcements**

The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates, and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

#### **Sec. 410.3 Promotional Examinations**

Examination announcements for a promotional examination shall be posted on the official bulletin board for a minimum period of ten (10) calendar days. Examination announcements for promotional examinations shall be distributed to all City and County departments. Appointing officers shall make reasonable efforts to properly notify employees.

#### **Sec. 410.4 Appeals of Examination Announcements**

Appeals concerning the provisions of an examination announcement must be received by the MTA Director of Transportation/Designee within five (5) business days from the issuance date. The MTA Director of Transportation/Designee shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

#### **Sec. 410.5 Reissuance of Examination Announcements**

After considering appeals submitted under these Rules, the MTA Director of Transportation/Designee may reissue an examination announcement. When reissued, an examination announcement is not open to appeal.

**Sec. 410.6 Correction of Examination Announcements**

Examination announcements may be corrected by the MTA Director of Transportation/Designee with respect to clerical errors, misprints, and incorrect wording by posting notice of such corrections next to the original examination announcement. When examination announcements are corrected under the provisions of this section, additional time shall not be allowed for the protest or appeal of the substantive provisions contained in the original examination announcement.

# Rule 410

## Examination Announcements and Applicants

### Article III: Applicants

Applicability: Article III, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Sec. 410.7**     **Recruitment of Applicants**

Recruitment shall be conducted to attract qualified applicants and to maximize the multicultural, ethnic, and gender diversity of the workforce in the City and County of San Francisco. Where appropriate or needed, the MTA Director of Transportation/Designee shall conduct targeted outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified members of underrepresented groups.

#### **Sec. 410.8**     **Definition of an Applicant**

An applicant is a person who has filed an application for examination within the time limits or under the conditions specified on the examination announcement.

#### **Sec. 410.9**     **Qualifications of Applicants**

- 410.9.1** Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement for the examination. Experience gained in violation of Commission Rules shall not be recognized. City and County employees in Service-Critical classes at the Municipal Transportation Agency shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees in Service-Critical classes at the Municipal Transportation Agency may receive credit for duties not usually performed by incumbents in a Service-Critical class if their employee file contains contemporaneous documentation that the duties were assigned and performed. By way of example but not limitation, records that describe and verify the out-of-class assignment that may be accepted as documentation include a valid performance appraisal completed during the normal evaluation period, payroll records filed at the time of the assignment and Notice of Assignment. Credit for duties in Service-Critical classes at the Municipal Transportation Agency not usually performed by incumbents in a Service-

**Sec. 410.9 Qualifications of Applicants (cont.)****410.9.1 (cont.)**

Critical class based on non-contemporaneous documentation shall require the certification of the Municipal Transportation Agency Deputy Director, Labor Relations and Human Resources, and the approval of the Director of Transportation.

- 410.9.2** Except with permission of the MTA Director of Transportation/Designee, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class nor for a class in which the employee has current permanent appointment.

**Sec. 410.10 Review of Applicant Pool Demographics**

When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the MTA Director of Transportation/Designee shall review the ethnic and gender demographics of the pool of qualified applicants. Where the pool of applicants does not reflect the demographics of the relevant labor market, and upon consideration of factors such as the number of anticipated vacancies and the level of underrepresentation, the MTA Director of Transportation/Designee may take such action as appropriate including extending the filing period, reopening the examination for filing, or canceling the examination.

**Sec. 410.11 Promotional Applicants**

Applicants for promotive only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, civil service employees with permanent, probationary, temporary civil service, or holdover status and who have had six (6) months of verifiable satisfactory experience in any class in any status (including provisional) qualify promotionally.

**Sec. 410.12 Change of Address**

In all cases of change of address, MTA must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or an employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.



**Sec. 410.13 Custody of Examination Applications**

Examination applications and supporting documents become the property of MTA when received. Return of such documents shall require the approval of the MTA Director of Transportation/Designee.

**Sec. 410.14 ~~Names Not to be Made Public~~ Confidentiality of Applicant Information**

~~Except as otherwise authorized by the MTA Director of Transportation/Designee, neither the names of participants who fail in any examination nor the name of applicants for any examination shall be made public until the tentative eligible list is posted. Applicant information, including names of applicants on eligible lists shall not be made public unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.~~

# Rule 410

## Examination Announcements and Applicants

### Article IV: Applications and Notice of Examinations

Applicability: Article IV, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Sec. 410.15**     **Qualifications of Applicants**

**410.15.1** Every applicant for entrance or promotional examination must possess and maintain the qualifications required by law and by the announcement of the examination for which applied. Experience gained in violation of Commission Rule will not be recognized. It is the responsibility of the appointing officer and of the employee to have out-of-class experience recorded as provided elsewhere in these Rules.

**410.15.2** Except with permission of the MTA Director of Transportation/Designee, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class. No employee may participate in an examination for a class in which the employee has current permanent appointment status except with the approval of the MTA Director of Transportation/Designee.

#### **Sec. 410.16**     **Application Time Periods**

An applicant is a person who has filed an application for examination within the time limits specified in the announcement of the examination for which the applicant applied. Verification shall be the official time receipt of the MTA or postmark. Examination announcements shall not be distributed after the end of the filing period.

#### **Sec. 410.17**     **Notice of Examinations**

Official notice of examinations will be posted. Notice of promotional examinations will be posted for a minimum period of ten (10) calendar days. Requests(s) for notice of filing dates for entrance examinations may be filed in the MTA designated department. Notification cards shall be mailed at the inquirer's risk.

**Sec. 410.18**      **Additional Notice of Promotional Examinations**

Notices of promotional examinations shall be distributed to the appropriate departments. Appointing officers shall employ any method of distribution to insure that employees are properly notified.

**Sec. 410.19**      **Application Custody**

Applications and supporting documents become the property of MTA when received. Return of such documents shall require the approval of the MTA Director of Transportation/Designee.

**Sec. 410.20**      **False Statements by Applicants**

Significant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in the qualifications appraisal interview shall be good cause for the exclusion by the MTA Director of Transportation/Designee of such person from any examination, the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

**Sec. 410.21**      **~~Names Not to Be Made Public~~ Confidentiality of Applicant Information**

~~The names of applicants for any examination shall not be made public prior to announcement of the results of the examination. Names of participants who fail in any examination shall not be made public. Applicant information including names of applicants on eligible lists shall not be made public unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.~~

**Sec. 410.22**      **Change of Address**

In all cases of change of address, the MTA designated department must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

**Sec. 410.23**      **Correction of Examination Announcements**

Examination announcements may be corrected with respect to clerical errors, misprints and incorrect wording by the MTA Director of Transportation/Designee, by posting notice of such corrections next to the original examination announcement. The issuance of examination announcements corrected under the provisions of this section shall not allow additional time for protest or appeal of the substantive provisions contained in the original examination announcement.

# **Rule 410**

## **Examination Announcements and Applicants**

### **Article V: Qualifications of Applicants**

Applicability: Article V, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

**Sec. 410.24**     **Application for Examination**

Any person having the qualifications prescribed by these Rules and the terms of the examination announcement may submit himself or herself for any examination under conditions established by MTA.

**Sec. 410.25**     **Recruitment of Candidates**

MTA shall advertise and may take further appropriate means to interest suitable applicants.

**Sec. 410.26**     **Notice of Promotional Examinations**

When examinations for promotion are to be held, MTA shall give notice thereof to all persons in positions entitling them under the Civil Service Commission Rules, to participate in such examination, by posting information thereof on the designated bulletin board at MTA for a period of ten (10) days and notifying the office, agency, or department concerned.

## **Rule 411 Examinations**

### **Article I: Examination Provisions**

Applicability: Article I, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

### **Article II: Examination Process**

Applicability Article II, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

### **Article III: Veterans Preference in Examinations**

Applicability: Article III, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

# Rule 411

## Examinations

### Article I: Examination Provisions

Applicability: Article I, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Sec. 411.1** **Civil Service Commission Equal Employment Opportunity Policy Related to the Conduct of Examinations**

411.1.1 It is the policy of the Civil Service Commission that job-related criteria be utilized in establishing minimum qualification requirements and developing examination procedures, without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parent status, domestic partner status, color, medical condition (cancer-related), ethnicity or the conditions Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions or other non-merit factors or any other category provided by ordinance.

411.1.2 The MTA Director of Transportation/Designee shall make every effort to ensure the representation of women and minorities on examination boards, panels and screening committees.

#### **Sec. 411.2** **MTA Director of Transportation/Designee Empowered to Act**

The MTA Director of Transportation/Designee shall rule on all matters concerning the examination program in accordance with these Rules.

#### **Sec. 411.3** **Requirement to Conduct Examinations**

411.3.1 Except for reasons beyond the MTA Director of Transportation/Designee's control, the MTA Director of Transportation/Designee shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.

411.3.2 Except for reasons beyond the MTA Director of Transportation/Designee's control, the MTA Director of Transportation/Designee will make every attempt, on a priority basis, to commence work required to conduct examinations at least sixty (60) days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.

**Sec. 411.3 Requirement to Conduct Examinations (cont.)**

411.3.3 Where possible, the MTA Director of Transportation/Designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

**Sec. 411.4 Requirement for Competitive Examinations**

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three (3) or more persons participate. However, any such examination may be held for less than three (3) qualified applicants with the approval of the MTA Director of Transportation/Designee after a finding that reasonable publicity of the proposed examination has been given. Notice of such determination by the MTA Director of Transportation/Designee will be provided to the employee organization(s) representing employees within the classification.

**Sec. 411.5 Examinations Without Charge**

Examinations shall be without charge to the applicants.

**Sec. 411.6 Apprenticeship Positions**

Appropriate rosters of eligibles established by a trade, craft, or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists.

**Sec. 411.7 Adequacy of Examinations**

Subject to the approval of the Commission, the MTA Director of Transportation/Designee, subject to appeal to the Civil Service Commission, shall judge the adequacy of the examination to rate the capacity of the applicants to perform service for the City and County.

**Sec. 411.8 Establishing Cutoff Scores and Number on Eligible Lists**

For each selection procedure, the MTA Director of Transportation/Designee shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list based on the needs of the Service and equal employment opportunity principles and goals. Once established, the cutoff score shall not be changed.

**Sec. 411.9 Cheating or Fraud in Examinations**

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the MTA Director of Transportation/Designee.

**411.9.1 Aid, Hindrance, Fraud and Collusion in Examinations**

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Any eligible securing standing on a list by fraud, concealment of fact or violation of Commission Rules shall be removed from such list and if certified or assigned to a position shall be removed therefrom.

**Sec. 411.10 Copying of Examination-Related Materials**

The copying or the making of notes or outlines of examination-related materials is prohibited.

**Sec. 411.11 Rating Keys - Written Examinations Other Than Essay Questions**

**411.11.1** Written examinations other than essay questions are defined as those tests which present answers that may be available for inspection. Typical formats of written examinations include multiple-choice, true-false, or fill-in.



**Sec. 411.11**     **Rating Keys - Written Examinations Other Than Essay Questions**  
**(cont.)**

- 411.11.2     The examination booklet in written examinations, if not exempted from inspection privileges, shall state the time period where participants in an examination may review the rating key to be used for scoring. No changes in the rating key shall be made after the passing score has been established.
- 411.11.3     Inspection of the rating key is for the purpose of determining if any of the questions asked or answers are ambiguous, incorrect, or improper. Appeals concerning the rating key must be completed in the inspection room on forms supplied by MTA. Appeals must include substantiating data or authoritative references. If any appeals have been filed, an additional period for review of appeals and submission of counter-appeals will be provided. The MTA Director of Transportation/Designee shall act on all appeals. The decision of the MTA Director of Transportation/Designee shall be final.
- 411.11.4     Inspection privileges shall not apply to questions and answers in a continuous or standardized examination. The MTA Director of Transportation/Designee may delete obsolete or erroneous questions or answers from any examination exempted by this Rule for inspection privileges prior to the establishing of a passing mark.

**Sec. 411.12**     **Inspection of Rating Keys by Review Committee**

- 411.12.1     The examination announcement may provide for review of questions and answers by a review committee in those examinations where large numbers of appeals might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three (3) or more persons expert in the field of subject matter covered by the examination

**Sec. 411.12**     **Inspection of Rating Keys by Review Committee**

**411.12.2** The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the MTA Director of Transportation/Designee for approval. The rating key, when approved by the MTA Director of Transportation/Designee, shall be made available for review by participants in the examination for a minimum period of two (2) days. The time allowed for such review may be extended if in the judgment of the MTA Director of Transportation/Designee, the number of applicants warrants. The participants may appeal to the MTA Director of Transportation/Designee concerning only those questions or answers where documented claim of significant error is made. The decision of the MTA Director of Transportation/Designee shall be final. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

**Sec. 411.13**     **Inspection of Papers by Unsuccessful Candidates**

Where there are remaining parts of an examination, unsuccessful candidates may inspect their papers during a two (2) day period specified by the notice informing them of their scores. Such inspection shall be for the sole purpose of determining that the computation of the score has been accurate.

**Sec. 411.14**     **Oral Interview and Other Selection Tests - Definition and Appeals**

This Rule section shall govern examination procedures such as oral interviews, performance tests, work sample tests, essay questions, and assessment center exercises.

**411.14.1**     **Procedures and Practices**

1) The orientation of the raters may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal characteristics needed by employees in the class, and related information. The department head or representative shall not discuss any candidate with any rater at this time or any other time prior to the completion of the examination.

**Sec. 411.14**     **Oral Interview and Other Selection Tests - Definition and Appeals**  
**(cont.)**

**411.14.1**     **Procedures and Practices (cont.)**

- 2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by any rater.
- 3) No rater shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the rater so that it would be difficult to make an impartial rating. If possible, the excused rater shall be replaced by an alternate with similar qualifications.
- 4) Raters may only consider relevant documents from candidates that are required by the scheduling notice.
- 5) Uniform standards shall be applied to every candidate in each examination. The minimum passing rating must be related to a class, not to a single position within a multiple-position class, unless specified by the examination announcement.
- 6) Except as otherwise permitted by law, applicants shall not be questioned regarding their race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, medical condition (cancer-related), ethnicity, or the conditions Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions or other non-merit factors; nor shall such factors be utilized in establishing minimum qualification requirements and developing examination procedures.
- 7) Recordings of an examination shall be retained until the eligible list is adopted. A defective recording shall not invalidate the examination unless the MTA Director of Transportation/Designee finds the omitted or unintelligible material critically relevant to the examination, in which event the MTA Director of Transportation/Designee may order a new examination.
- 8) In the event of an appeal that could invalidate the examination, all other candidates whose standing in the examination may be affected shall be notified of the appeal prior to final action being taken.

**Sec. 411.14**      **Oral Interview and Other Selection Tests - Definition and Appeals**  
**(cont.)**

**411.14.1**      **Procedures and Practices (cont.)**

9) Any violation of the following procedures and practices by candidates may be cause for disqualification:

- no fraternal rings, organization pins or insignia of any kind shall be displayed by any candidate;
- no candidate shall discuss her or his candidacy or any relationship thereto with any rater prior to the completion of all parts of the examination and the final adoption of the eligible list; and
- unless expressly directed by the notice to candidates to report for examination, no letters of reference or recommendation, performance evaluations, work samples, work products, awards, certificates, or other materials shall be presented to the raters.

**411.14.2 Appeals**

1) An appeal based on personal bias or competence of a rater shall be made by a candidate to the designated representative of MTA present at the examination immediately prior to participation in this phase of the examination. The candidate shall then proceed with the examination. If such appeal is sustained, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged raters. If more than one-half of the raters are successfully challenged, a new rating board shall be constituted, unless more than one rating board has been convened for the examination, in which case the candidate shall be examined by an alternate rating board of equal number.

2) An appeal based on the conduct of the raters must be made in writing and filed with the MTA Director of Transportation/Designee not later than the second (2<sup>nd</sup>) business day after the examination was held and must be based on a claim of bias, malfeasance, or misfeasance of board members; documented inconsistencies, or any questions propounded by the raters which occur during any examination which require an answer in conflict with any Federal, State or City and County laws, rules, or regulations. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.

**Sec. 411.14**     **Oral Interview and Other Selection Tests - Definition and Appeals**  
**(cont.)**

**411.14.2 Appeals (cont.)**

3) An appeal based on inconsistencies in examination administration shall be made in writing and filed with the MTA Director of Transportation/Designee not later than the fifth (5<sup>th</sup>) business day after the examination.

4) In acting on appeals, only the applications, records, and questions and answers which constitute the record of the examination shall be considered. Appeals will only be sustained when the candidate presents evidence that clearly substantiates a charge or charges as to the above listed items. In the absence of an appeal under this section, later appeals shall be precluded.

**Sec. 411.15**     **Inspection of Ratings by Participants**

**411.15.1** Composite ratings for examinations administered under this section shall be available for a minimum period of two (2) working days during which period each participant may inspect their own ratings. The identity of the examiner giving any mark or grade shall not be disclosed.

**411.15.2** Any appeal shall be filed in writing within the inspection period and shall be limited to failure of the raters to apply uniform standards. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the specific grounds for the appeal and provide facts shall nullify the appeal.

**411.15.3** All appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules. Appeals shall not be considered merely because candidates believe they are entitled to a higher score. Neither the Commission nor the MTA Director of Transportation/Designee shall substitute their judgment for the judgment of the raters. Ratings of less than the minimum passing score shall not be raised to more than the minimum passing score.

**411.15.4** No evidence or documents shall be presented, which were not presented to the raters, unless the candidate was denied the opportunity to do so.

**411.15.5** In the absence of an appeal under this section, later appeals shall be precluded.

**Sec. 411.16**      **Authorization for Flexible Staffing Program**

The MTA Director of Transportation/Designee is authorized to establish flexible staffing programs to promote permanent civil service employees past the probationary period to higher classes within an occupational series or to another series by methods other than traditional selection procedures. In establishing a flexible staffing program, the MTA Director of Transportation/Designee shall consider, among other factors, length of permanent service, performance appraisal ratings, availability of positions, budgetary restrictions, and affirmative action. The specific procedures and qualifications established shall be listed in the flexible staffing examination announcement for the class(es) involved.

# Rule 411

## Examinations

### Article II: Examination Process

Applicability Article II, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

**Sec. 411.17**      **Charter Authority**

The examination program shall be in accordance with the provisions of the Charter. The MTA Director of Transportation/Designee shall rule on all matters concerning the examination program as provided elsewhere in these Rules.

**Sec. 411.18**      **Announcement**

The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.

**Sec. 411.19**      **Protests of Examination Announcements**

Appeals concerning the provisions of an announcement must be received by MTA within seven (7) business days from the issuance date. The MTA Director of Transportation/Designee will rule upon appeals and notify petitioners in writing. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

**Sec. 411.20**      **Reissuance of Examination Announcements**

After considering appeals submitted in accordance with this Rule, the MTA Director of Transportation/Designee may reissue the announcement. When reissued, an examination announcement is not subject to the appeal procedure.

**Sec. 411.21**      **Official Time Periods**

Examination announcements shall set forth time limits for determination of the qualifications of applicants.

**Sec. 411.22**      **Promotional Applicants**

**411.22.1**      Applicants for promotional examinations shall meet the requirements of the examination announcement under which they apply and be eligible to participate in examinations on a promotive basis as defined by this Rule.

**411.22.2**      The following employees who are otherwise qualified are entitled to participate in examinations on a promotive basis if they meet the service requirements specified below:

- 1) Employees with permanent status who have completed the probationary period;
- 2) Employees with permanent civil service, probationary, or certified temporary status currently on authorized leave of absence;
- 3) Employees with holdover rights;
- 4) Employees serving a probationary period in a different class but who were last employed in a next lower rank class as a certified temporary, probationary, or permanent employee past the probationary period;
- 5) Appointees from a regular adopted eligible list to a non-permanent position other than a "near list" appointment;
- 6) Employees serving a probationary period.

**411.22.3**      All employees entitled to participate in promotive examinations as outlined above shall meet the following requirements:

- 1) A period of six months of service in the class or for the period provided in the examination announcement in any status; AND
- 2) Certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the forms and in the manner prescribed by the MTA Director of Transportation/Designee.



**Sec. 411.23**      **Means of Identification**

- 411.23.1**      The MTA Director of Transportation/Designee shall determine the method of candidate identification to be used in written and performance examinations.
- 411.23.2**      When the sealed identification method is used, candidates are prohibited from making identifying marks on their examination papers. The examination papers of a candidate who makes identifying marks may be canceled. Sealed identification sheets of successful candidates may not be opened until all ratings and the passing mark are final.
- 411.23.3**      Where a number of candidates have competed in two (2) or more examinations in a series and at least one candidate has passed one and failed one of the examinations, the identification sheets of the candidates who have failed one examination may be opened prior to the qualifications appraisal interview but only for the purpose of determining which candidates should participate in the qualifications appraisal interview. Under no circumstance may the score on the examination passed be divulged by MTA prior to the posting of the tentative eligible list.

**Sec. 411.24**      **Cheating or Fraud in Examinations**

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the MTA Director of Transportation/Designee.

**Sec. 411.24**      **Cheating or Fraud in Examinations (cont.)****411.24.1**      **Aid, Hindrance, Fraud and Collusion in Examinations**

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Any eligible securing standing on a list by fraud, concealment of fact or violation of Commission Rules shall be removed from such list and if certified or assigned to a position shall be removed therefrom.

**Sec. 411.25**      **Copying of Examination Questions**

The copying of examination questions or the making of notes or outlines regarding an examination is prohibited.

**Sec. 411.26**      **Rating Keys**

**411.26.1**      The examination booklet in examinations not exempted from inspection privileges shall provide the time period wherein participants in an examination may review the rating key to be used for scoring. Participants in an examination shall be allowed only one review of the rating key unless otherwise ordered by the MTA Director of Transportation/Designee. No changes in the rating key shall be made after the identification sheets of any participants have been opened.

**411.26.2**      Inspection of the rating key is for the purpose of correcting errors in the key or determining if any of the questions asked are ambiguous or incorrectly phrased. Protests concerning the rating key must be filled out in the inspection room on forms supplied by MTA. Petitions must include substantiating data or authoritative references. If any protests have been filed, an additional period for review of protests and submission of counter-protests will be provided.

**Sec. 411.27**      **Rating Keys - Continuous Examination**

- 411.27.1      Inspection privileges shall not apply to questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written examination. This includes examinations under the continuous testing program.
- 411.27.2      The MTA Director of Transportation/Designee may order obsolete or erroneous questions deleted from any examination exempted by this Rule from inspection privileges.

**Sec. 411.28**      **Inspection of Rating Keys by Review Committee**

- 411.28.1      Notwithstanding any other provision of these Rules, the examination announcement may provide for review of questions and answers thereto by a review committee in those examinations wherein large numbers of protests on key answers might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three (3) or more persons expert in the field of subject matter covered by the examination.
- 411.28.2      The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the MTA Director of Transportation/Designee for approval. Such rating key when approved by the MTA Director of Transportation/Designee shall be made available for review by participants in the examination for a period of two (2) days. The time allowed for such review may be extended if, in the judgment of the MTA Director of Transportation/Designee, the number of applicants warrants. The participants may appeal to the Commission concerning only those questions or answers wherein documented claim of significant error is made. If any appeals have been filed, an additional period for submission of counter-arguments will be provided. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

**Sec. 411.29**      **Examination Passing Mark**

- 411.29.1      For each examination, the MTA Director of Transportation/Designee shall establish a passing mark or shall determine the total number of persons to be included on the list of eligibles based on the needs of the service.

**Sec. 411.29**      **Examination Passing Mark (cont.)**

411.29.2      No changes in the passing mark shall be made after the identification sheets have been opened.

**Sec. 411.30**      **Inspection of Papers by Unsuccessful Candidates**

Where there are remaining parts of an examination, and where the examination is not exempted from inspection under these Rules, unsuccessful candidates may inspect their papers during a two (2) day period specified by the notice informing them of their scores. Such inspection shall be for the sole purpose of determining that the scoring has been accurate.

**Sec. 411.31**      **Veterans Preference in Examinations**

411.31.1      Veterans' preference in examinations completed on or after July 7, 1976, shall be administered in accordance with these Rules.

411.31.2      The following definitions apply to the administration of this section:

1) Completion date of an examination: The date the eligible list is adopted or on which all competitive parts of the examination have been administered and the passing mark set.

2) Time for filing claim: Applicants must claim preference on the original application form or pre-application form, whichever is filed first. All such claims or withdrawals of claims must be made prior to participation in the first part of the test to be administered.

3) First entitlement to claim preference: The date upon which the applicant was first separated from active duty service, including separations for re-enlistment purposes, and such service would have qualified the applicant to claim preference under the then-current requirements.

**Sec. 411.32**      **Qualifications Appraisal Interview - Procedures and Appeals****411.32.1**      **Procedures and Practices**

- 1) The orientation of the qualifications appraisal board may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal characteristics needed by employees in this class, and related information. The department head or representative shall not discuss any candidate with any member or members of the qualifications appraisal board at this time or any other time prior to the completion of the examination.
- 2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by the board members in any qualifications appraisal interview nor shall such rings, pins, or insignia be worn by any candidate who appears before such a board.
- 3) No board member shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the board member so that it would be difficult to make an impartial rating.
- 4) No candidate shall discuss her/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.
- 5) No letters of reference or recommendation shall be presented to the qualifications appraisal board.
- 6) The board may consider relevant documents such as specified in examination announcements.
- 7) In all qualifications appraisal interviews, the same standards shall apply to all candidates who appear for the same class.
- 8) The minimum passing or qualifying rating must be related to a class, not to a single position within a multiple position class.

**Sec. 411.32**      **Qualifications Appraisal Interview - Procedures and Appeals**  
**(cont.)**

**411.32.1**      **Procedures and Practices (cont.)**

9) No applicant for public employment shall be questioned as to political views, religious beliefs, labor affiliations, or racial extraction.

10) Recordings of qualifications appraisal interviews shall be retained only until all ratings become final and any timely litigation based thereon has been resolved. A defective recording shall not invalidate the interview unless the MTA Director of Transportation/Designee finds the omitted or unintelligible material critically relevant to the case, in which event the MTA Director of Transportation/Designee may authorize a second interview or order a new examination.

11) In the event of any challenge of an examiner or of any ratings in qualifications appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.

**411.32.2**      **Challenge of Board Members**

1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.

2) Any challenge as to personal bias or competence of a person serving as an examiner in a qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of MTA or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Commission following denial by the MTA Director of Transportation/Designee, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board. If more than one-half of the board members are successfully challenged, then the MTA Director of Transportation/Designee shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.

**Sec. 411.32**      **Qualifications Appraisal Interview - Procedures and Appeals**  
**(cont.)**

**411.32.2**      **Challenge of Board Members (cont.)**

3) Any appeal or challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and presented to the representative of the Examination Unit not later than the second (2<sup>nd</sup>) business day on which the qualifications appraisal interview was held. Challenges based on bias, malfeasance, or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules before the identification sheets of those admitted to the oral examination are opened and scores of the participants are known.

4) The Commission, in acting on a challenge or appeal of the conduct of the qualification appraisal board, shall consider only the applications, records, and questions and answers which constitute the record of the qualifications appraisal interview. The Commission will sustain protests only when the candidate presents evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.

5) The decision of the Civil Service Commission on this subject shall be final.

6) In the absence of a challenge under this section or upon a decision by the Commission under this section, later challenges shall be precluded.

**411.32.3**      **Inspection of Ratings in Qualifications Appraisal Interviews by Participants**

1) After the qualifications appraisal interviews for an examination are computed, such composite ratings shall be available for a minimum period of two (2) working days following the completion of the computations for all participants or for some other two (2) day period set by the MTA Director of Transportation/Designee, provided that the candidates are advised of the dates, during which period each participant may inspect their own ratings.

**Sec. 411.32**      **Qualifications Appraisal Interview - Procedures and Appeals**  
**(cont.)**

**411.32.3**      **Inspection of Ratings in Qualifications Appraisal Interviews by Participants (cont.)**

The identity of the examiner giving any mark or grade in a qualification appraisal interview shall not be disclosed.

2) Any challenges shall be filed in writing within the inspection period and shall be limited to:

- failure of the qualifications appraisal board to apply uniform standards; and

- any questions propounded by the panel of examiners which occur during a qualifications appraisal interview which require an answer in conflict with any Federal, State, or City and County laws, rules, or regulations which apply to the government of the City and County of San Francisco, MTA, and/or the Civil Service Commission.

3) All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules. The MTA Director of Transportation/Designee shall not consider challenges merely because candidates believe they are entitled to a higher score. The MTA Director of Transportation/Designee will not substitute her/his judgment for the judgment of the qualifications appraisal interviewers. Ratings by a qualifications appraisal board of less than the minimum passing score shall not be raised to more than the minimum passing score.

4) No evidence or documents supportive of qualifications shall be presented to the MTA Director of Transportation/Designee which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.

5) The decision of the MTA Director of Transportation/Designee on this subject shall be final.



**Sec. 411.32**      **Qualifications Appraisal Interview - Procedures and Appeals (cont.)****411.32.3**      **Inspection of Ratings in Qualifications Appraisal Interviews by Participants (cont.)**

6) In the absence of a challenge under this section or upon a decision by the MTA Director of Transportation/Designee under this section, later challenges shall be precluded.

**Sec. 411.33**      **Requirement to Conduct Examinations**

**411.33.1**      Except for reasons beyond the MTA Director of Transportation/Designee's control, MTA shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.

**411.33.2**      Except for reasons beyond the MTA Director of Transportation/Designee's control, MTA will make every attempt, on a priority basis, to commence to conduct examinations at least sixty (60) days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.

**411.33.3**      Where possible, the MTA Director of Transportation/Designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

**Sec. 411.34**      **Examination of Applicants**

Incorporating former Charter Section 8.321 into the Civil Service Commission Rules pursuant to former Charter Section 8.320-1 Incorporating Former Charter Provision (Proposition C - November 5, 1991 Election)

**411.34.1**      **Requirement for Competitive Examinations**

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three (3) or more persons shall participate. However, any such examination may be held for less than three (3) qualified applicants with the approval of the MTA Director of Transportation/Designee, after a finding that reasonable publicity of the proposed examination has been given.

**Sec. 411.34**      **Examination of Applicants (cont.)****411.34.2**      **Examination without Charge**

Such examinations shall be without charge to the applicants.

**411.34.3**      **Examination Control and Employment of Examiners**

The MTA Director of Transportation/Designee shall control all examinations and may employ suitable persons in or out of the public service to act as examiners.

**411.34.4**      **Type of Examinations**

The examinations used shall measure the relative capacities of the persons examined to perform the functions, duties, and responsibilities of the class to which they seek appointment. Examinations shall consist of selection techniques which will test fairly the relative qualifications, merit and fitness of the applicants for the position to be filled. Examinations may include written tests to determine job-related aptitude, knowledge, or achievements; and oral tests by qualifications appraisal boards.

**411.34.5**      **Rules Governing Qualification Appraisal Boards**

The MTA Director of Transportation/Designee shall establish rules governing the size and composition of qualification appraisal boards. Qualification appraisal boards may consider, in the case of employees of the City and County of San Francisco, all prior performance evaluations completed on MTA forms and, in the case of all applicants, may consider prior work experience, assessment center evaluations, and work samples as part of their evaluation of candidates for employment to any position.

**411.34.6**      **Apprenticeship Positions**

Appropriate rosters of eligibles established by a trade, craft or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists.

**Sec. 411.34**      **Examination of Applicants (cont.)****411.34.7**      **Adequacy of Examinations**

Subject to the approval of the Commission, the MTA Director of Transportation/Designee shall judge the adequacy of the tests to rate the capacity of the applicants to perform service for the City and County.

**411.34.8**      **Establishment of Passing Mark and Number of List**

The MTA Director of Transportation/Designee may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles.

**411.34.9**      **Preparation and Order of Eligible List**

The MTA Director of Transportation/Designee shall prepare the eligible list from the returns of the examiners, arranged in order of relative performance.

**411.34.10**      **Confidentiality of Applicant Information**

Applicant information, including names of applicants on eligible lists shall not be made public unless required by law.

**411.34.10<sub>1</sub>**      **Prohibition of Political, Religious or Fraternal Questions**

No question submitted to applicants shall refer to political or religious opinions or fraternal affiliations.

**Sec. 411.35**      **Protest of Written Questions and Answers**

Incorporating former Charter Section 8.322 into the Civil Service Commission Rules  
Pursuant to former Charter Section 8.320-1 Incorporating Former Charter Provision  
(Proposition C - November 5, 1991 Election)

**411.35.1**      **Review Period by Participants in Written Examinations**

After the written portion of a civil service examination has been held, the questions used and the answers thereto shall be available for review by the participants.

**411.35.2**      **Exclusion from Review of Continuous or Standardized Tests**

This review period shall not apply to questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written tests.

**411.35.3**      **Opportunity to Protest Questions and Answers**

During the review period, participants shall have an opportunity to protest questions or answers they believe to be incorrect or improper.

**Sec. 411.35**      **Protest of Written Questions and Answers (cont.)**

**411.35.4**      **Changes in Rating Key**

After all protested items have been acted on and after the official rating key has been adopted and the identification sheets have been opened, further changes in the rating key shall not be made.

## **Rule 411**

### **Examinations**

#### **Article III: Veterans Preference in Examinations**

Applicability: Article III, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

**Sec. 411.36**     **Definition of Veteran for Purposes of Entitlement Under This Rule**

The term “veteran” as used in this Rule shall be as defined under Cal. Gov’t Code §18540.4, which at the time of amendment of this Rule stated: Any person who has served full time in the armed forces in time of national emergency or state military emergency or during any expedition of the armed forces and who has been discharged or released under conditions other than dishonorable.

**Sec. 411.37**     **Definition of Disabled Veteran for Purposes of Entitlement Under This Rule**

**411.37.1** For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 411.36, who has suffered a permanent service-connected disability that is of record in the United States Administration.

**411.37.2** Notwithstanding any preference allowed under this Rule, disabled veterans as defined above shall be afforded all rights under the Americans with Disabilities Act, including any reasonable accommodation if appropriate.

**Sec. 411.38**     **Veterans Entitlement**

**411.38.1**     **Veteran, Widow or Widower, or Domestic Partner**

A veteran as defined above in Sec. 411.36, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of five percent (5%) toward his/her entrance qualifying score.

**Sec. 411.38 Veterans Entitlement (cont)****411.38.2 Disabled Veteran, Widow or Widower, or Domestic Partner**

A disabled veteran as defined in Sec. 411.37.1, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

**411.38.3 Spouse or Domestic Partner of Disabled Veteran**

Spouse or registered domestic partner of a one hundred percent (100%) disabled veteran as defined in Sec. 411.37, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

**411.38.4 Notice of Veteran Status**

Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive Veterans Preference credit must notify the Department of Human Resources of his/her veterans status at the time he/she submits the initial job application. Veterans preference is limited to an applicant for entrance employment, however, it may be applied to either an entrance only announcement or a combined entrance and promotional announcement.

**Sec. 411.39 Entitlement at Time of Separation from Active Duty**

An individual qualifying for veterans preference as herein defined shall be deemed entitled thereto on the date of separation from active duty in the armed forces.

**Sec. 411.40 Entitlement Exhausted Upon Acquiring Permanent Appointment**

The exercise of said veterans preference shall be exhausted upon permanent appointment from an eligible list and the completion of the required probationary period. The application of any other veterans credits on any other examination shall be automatically cancelled.

## Rule 411A

### Position-Based Testing Program for MTA Service-Critical Positions or Classes

Applicability: Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

#### Article I: Civil Service Commission Policy Related to Position-Based Testing

- Sec. 411A.1 Purpose
- Sec. 411A.2 Merit Based Examinations
- Sec. 411A.3 Diversity of Workforce

#### Article II: Examination Provisions

- Sec. 411A.4 Application of Position-Based Testing
- Sec. 411A.5 Reporting Requirement
- Sec. 411A.6 Civil Service Commission Rules for Position-Based Testing
- Sec. 411A.7 Responsibilities of the Director of Transportation

#### Article III: Examination Announcements

- Sec. 411A.8 Examination Announcements
- Sec. 411A.9 Reissuing of Examination Announcements
- Sec. 411A.10 Correction of Examination Announcements

#### Article IV: Examination Applicants and Applications

- Sec. 411A.11 Definition of Applicant
- Sec. 411A.12 Qualifications of Applicants
- Sec. 411A.13 False Statements by Applicants
- Sec. 411A.14 Promotive Applicants
- Sec. 411A.15 Veterans Preference in Examinations
- Sec. 411A.16 Change of Address
- Sec. 411A.17 Custody of Examination Applications
- Sec. 411A.18 Names Not to be Made Public Confidentiality of Applicant Information

## Article V: Examinations

- Sec. 411A.19 Adequacy of Examinations
- Sec. 411A.20 Examination Rating Panels
- Sec. 411A.21 Establishing Cutoff Scores and Number of Eligibles
- Sec. 411A.22 Cheating in Examinations Prohibited
- Sec. 411A.23 Review of Ratings by Examination Participants

## Article VI: Administration of Eligible Lists

- Sec. 411A.24 Eligible Lists
- Sec. 411A.25 ~~Adoption and~~ Posting of Tentative Eligible List Examination Score Report
- Sec. 411A.26 Maintenance of Eligibility
- Sec. 411A.27 Management of Eligible Lists
- Sec. 411A.28 Rosters of Eligibles Established by Other Authorities

## Article VII: Certification of Eligibles

- Sec. 411A.29 Certification
- Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule
- Sec. 411A.31 Establishment of the Certification Rule for Position-Based Testing

## Article VIII: Appeals of Examination Processes

- Sec. 411A.32 Substance of Appeals
- Sec. 411A.33 Timeliness of Appeals
- Sec. 411A.34 Continuance of Examinations with Appeals Pending
- Sec. 411A.35 Authority to Rule on Appeals
- Sec. 411A.36 Appeals to the Civil Service Commission
- Sec. 411A.37 Appeals to the Director of Transportation



## **Rule 411A Position-Based Testing**

### **Article I: Civil Service Commission Policy Related to Position-Based Testing**

**Applicability:** Article I, Rule 411A shall apply to examinations designated to this Position-Based Testing Program, and shall apply to employees in all MTA Service-Critical positions or classes.

#### **Sec. 411A.1 Purpose**

**411A.1.1** The Civil Service Commission recognizes the importance of reducing the time it takes to make permanent civil service appointments and reducing reliance on provisional and other forms of temporary hiring. Therefore, this Position-Based Testing Program is being established with the goal of adopting eligible lists resulting from merit-based examination processes within sixty (60) days from the posting of the examination announcement.

**411A.1.2** It is the policy of the Civil Service Commission that examination processes in the City and County of San Francisco under this Position-Based Testing Program are conducted in an efficient and fair manner to ensure that the best-qualified individuals are selected to perform service for the City.

#### **Sec. 411A.2 Merit Based Examinations**

**411A.2.1** It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment as expressed in Rule 403 Equal Employment Opportunity.

**411A.2.2** All applicants for positions in the classified service shall submit to verifiable competitive examinations based on merit and fitness as shown by appropriate tests. Job-related criteria shall be utilized in all phases of the examination and employee selection process without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, ethnicity, medical condition (cancer-related), Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions, other non-merit factors or any other category provided by ordinance.

**411A.2.3** All forms of cheating, improper aid or hindrance are prohibited.

**Sec. 411A.3   Diversity of Workforce**

- 411A.3.1** Subject to existing law, it is the policy of the Civil Service Commission to achieve a workforce that is fully reflective of the diversity of the City and County of San Francisco.
  
- 411A.3.2** When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Director of Transportation may take appropriate legal actions to correct or mitigate the underrepresentation.
  
- 411A.3.3** The Civil Service Commission endorses and supports the broadening of the Rules governing the certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize diversity of the work force.

## Rule 411A Position-Based Testing

### Article II: Examination Provisions

**Applicability:** Article II, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in MTA Service-Critical positions or classes.

#### **Sec. 411A.4 Application of Position-Based Testing**

The term "Position-Based Testing" as used in this Rule shall apply to any examination for a classification that has been designated by the Human Resources Director to be included in the Position-Based Testing Program under Civil Service Rule 111A. Inclusion of classes in the Program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Human Resources Director.

#### **Sec. 411A.5 Reporting Requirement**

The Director of Transportation shall provide quarterly reports to the Civil Service Commission on any examinations administered under this Position-Based Testing Program during the first three years following the adoption of this Civil Service Rule 411A on April 21, 2014. At the conclusion of the three-year period, the Civil Service Commission shall consider whether to require such reports from the MTA on a semi-annual basis instead of quarterly, consistent with the Department of Human Resources' reporting requirement under Civil Service Rule 111A.

These reports shall include, but not be limited to the following information for each examination: the applicable certification rule and duration of the eligible list; the number of applicants, and how many were deemed qualified under the terms of the examination announcement; the number of candidates who participated in the examination, and how many were placed on the eligible list; and the number and types of protests submitted to the Director of Transportation, and their disposition (i.e., the response of, or any action taken by the Director of Transportation in response; and whether they were appealed to the Civil Service Commission). The Director of Transportation shall also include in its reports a list of the known Service-Critical positions or classifications for which the MTA intends to administer a Position-Based Test under this Civil Service Rule 411A.

#### **Sec. 411A.6 Civil Service Commission Rules for Position-Based Testing**

- 411A.6.1** All examination provisions for Position-Based Testing are specified in Rule 411A. Provisions specified in Civil Service Commission Rule 405.12.1, 405.12.4 and 405.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 410, 411 Articles I and II, 412 Articles I – IV, and 413 Article III, do not apply to the Position-Based Testing Program.

**Sec. 411A.6 Civil Service Commission Rules for Position-Based Testing (cont.)**

**411A.6.2** Pursuant to its Charter authority, the Civil Service Commission may independently inquire into the operation of the Position-Based Testing Program to determine compliance to its Rules, regulations, policies, and procedures and respond to Inspection Service requests.

**Sec.411A.7 Responsibilities of the Director of Transportation**

**411A.7.1** The Director of Transportation shall adhere to the procedures, requirements and standards established by the Human Resources Director for the Position-Based Testing Program under Rule 111A to implement this Rule 411A, and the policies of the Civil Service Commission concerning this Position-Based Testing Program, and to improve the City's ability to make prompt hires of best-qualified applicants. Nothing in this Rule is intended to extend to the Human Resources Director or the Director of Transportation the authority to change Civil Service Commission policy or to cause or permit the Human Resources Director or the Director of Transportation to take any action not in compliance with the law.

**411A.7.2** The Director of Transportation shall administer and rule on all matters concerning this Position-Based Testing Program. The decision of the Director of Transportation related to Position-Based Testing Program matters under this Rule is final, unless this Rule expressly provides for appeal to the Civil Service Commission.

**411A.7.3** The Executive Officer of the Civil Service Commission may initiate audits or investigations of the MTA's administration or implementation of this Position-Based Testing Program for compliance with Civil Service Commission policies and Rules; or for compliance with Department of Human Resources' policies, procedures and standards for Position-Based Testing.

**411A.7.4** Additionally, the Department of Human Resources shall conduct periodic independent reviews of the MTA's administration and implementation of this Position-Based Testing Program during the first three years following the adoption of this Civil Service Rule 411A on April 21, 2014 to ensure compliance with the Department of Human Resources' policies, procedures and standards for Position-Based Testing. The Department of Human Resources shall report any deficiencies to the Executive Officer of the Civil Service Commission to ensure that they are appropriately addressed. At the conclusion of the three-year period, the Department of Human Resources shall report to the Civil Service Commission on its findings regarding the operation of the MTA's Position-Based Testing Program under this Rule 411A.

## **Rule 411A Position-Based Testing**

### **Article III: Examination Announcements**

**Applicability:** Article III, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

#### **Sec. 411A.8 Examination Announcements**

**411A.8.1** The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

**411A.8.2** Municipal Transportation Agency examination announcements shall be officially posted at the Department of Human Resources and the Municipal Transportation Agency.

#### **Sec. 411A.9 Reissuing of Examination Announcements**

The Director of Transportation may reissue an examination announcement to extend the application-filing period or in response to an appeal. When reissued for these reasons, an examination announcement is not open to an appeal.

#### **Sec. 411A.10 Correction of Examination Announcements**

Examination announcements may be corrected by the Director of Transportation with respect to clerical errors, misprints and incorrect wording by posting notice of such corrections. Additional time shall not be allowed for appeal of the substantive provisions contained in the original examination announcement.

## **Rule 411A**

### **Position-Based Testing**

#### **Article IV: Examination Applicants and Applications**

**Applicability:** Article IV, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

##### **Sec. 411A.11 Definition of Applicant**

An applicant is a person who has filed an application for examination within the time limits and under the conditions specified on the examination announcement.

##### **Sec. 411A.12 Qualifications of Applicants**

**411A.12.1** Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement.

**411A.12.2** City and County employees in Service-Critical classes at the Municipal Transportation Agency shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees in Service-Critical classes at the Municipal Transportation Agency may receive credit for duties not usually performed by incumbents in a Service-Critical class if their employee file contains contemporaneous documentation that the duties were assigned and performed. Credit for duties in Service-Critical classes at the Municipal Transportation Agency not usually performed by incumbents in a Service-Critical class based on non-contemporaneous documentation shall require the Certification of the Municipal Transportation Agency Deputy Director, Labor Relations and Human Resources, and the approval of the Director of Transportation.

##### **Sec. 411A.13 False Statements by Applicants**

Relevant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in any phase of the examination or hiring process shall be good cause for the exclusion of such person from any examination, or the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

##### **Sec. 411A.14 Promotive Applicants**

Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, City employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

**Sec. 411A.15 Veterans Preference in Examinations**

**411A.15.1** The Director of Transportation shall adhere to the procedures for veterans preference in examinations established by the Human Resources Director in accordance with applicable law and Civil Service Commission Rules.

**411A.15.2** Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive veterans preference credit as provided in Civil Service Commission Rules must notify the Department of Human Resources of his/her veteran status at the time he/she submits the initial job application or as specified on the examination announcement.

**Sec. 411A.16 Change of Address**

The Municipal Transportation Agency must be notified in writing (including e-mail) by the applicant of any change of address, e-mail address or telephone number. Notice of change to the Post Office and/or an employee's current department only, does not meet the notification requirement.

**Sec. 411A.17 Custody of Examination Applications**

Examination applications and supporting documents become the property of the Municipal Transportation Agency when received. Return of such documents shall require the approval of the Director of Transportation.

**Sec. 411A.18 ~~Names Not to be Made Public~~ Confidentiality of Applicant Information**

~~Except as otherwise authorized by the Director of Transportation, the names of successful participants for any examination shall not be made public until the eligible list is posted. The names of participants who fail in any examination shall not be posted. Applicant information, including names of applicants on eligible lists shall not be made public, unless required by law.~~

## **Rule 411A**

### **Position-Based Testing**

#### **Article V: Examinations**

**Applicability:** Article V, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

##### **Sec. 411A.19 Adequacy of Examinations**

The Director of Transportation shall approve the adequacy of the examination to rate the capacity of the applicants to perform the job. Examinations may include, but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, assessment centers, successful completion of requirements imposed by other authorities for the award of certification, licensure, academic recognition (e.g. degree, course completion), placement on a roster as provided in Sec. 411A.28, or any other devices or methods to determine merit and fitness for tested positions.

##### **Sec. 411A.20 Examination Rating Panels**

The Director of Transportation shall make every reasonable effort to ensure diversity of the qualified raters.

##### **Sec. 411A.21 Establishing Cutoff Scores and Number of Eligibles**

The Director of Transportation shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list.

##### **Sec. 411A.22 Cheating in Examinations Prohibited**

**411A.22.1** Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.



**Sec. 411A.22 Cheating in Examinations Prohibited (cont.)**

**411A.22.2** Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal and ineligibility for future employment and such other appropriate action as may be recommended by the Director of Transportation.

**Sec. 411A.23 Review of Ratings by Examination Participants**

**411A.23.1** Examination participants shall have a minimum period of five (5) working days to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. The identity of the examiner giving any mark or grade shall not be disclosed.

**411A.23.2** The Director of Transportation shall establish the procedures for Review of Ratings.

## Rule 411A Position-Based Testing

### Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

#### **Sec. 411A.24 Eligible Lists for Certification Purposes Only**

**411A.24.1** The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list. Eligible information, including names on eligible list shall not be made public unless required by law; however, any eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

**411A.24.2** The Director of Transportation shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

#### **Sec. 411A.25 Adoption and Posting of Tentative Eligible List Examination Score Report**

**411A.25.1** ~~After the period for Review of Ratings, the eligible list shall be adopted and posted.~~ At the beginning of the inspection period the Tentative Eligible List Score Report shall be posted and made available for public inspection.

**411A.25.2** Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

**411A.25.3** The Director of Transportation may adopt an eligible list pending the resolution of any appeal. Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire. Resolutions of appeals shall not affect earlier hires from the eligible list.

#### **Sec. 411A.26 Maintenance of Eligibility**

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Director of Transportation is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

#### **Sec. 411A.27 Management of Eligible Lists**

**411A.27.1** The Director of Transportation shall have the right to correct errors on an eligible list or amend an eligible list as a result of the outcome of an appeal or if required by Civil Service Commission Rules or other legal requirements. Corrections and/or amendments of the eligible list shall not affect earlier hires from the eligible list.

**Sec. 411A.27 Management of Eligible Lists (cont.)**

- 411A.27.2** The Director of Transportation may extend the duration of an eligible list or eligibility periods for individuals on the eligible list based on the needs of the Municipal Transportation Agency or merit factors. Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. During the first three years following the adoption of this Civil Service Rule 411A on April 21, 2014, the maximum duration of the eligible list shall not exceed twenty-four (24) months. At the conclusion of the three-year period, the Civil Service Commission shall consider whether to increase the allowable maximum duration of the eligible list to forty-eight months, consistent with the provisions of Civil Service Rule 111A. Affected eligibles will be notified of the extension of the eligible list or eligibility period.
- 411A.27.3** The Director of Transportation may authorize the merging of eligible lists in the same Service-Critical class or different Service-Critical classes. Affected eligibles will be notified of the merging of eligible lists.
- 411A.27.4** The Director of Transportation may cancel an eligible list, or make optional the use of an eligible list based on the needs of the Municipal Transportation Agency or merit factors such as inability of eligibles to meet job specific qualifications or requirements. Affected eligibles will be notified of the cancellation of eligible lists.
- 411A.27.5** The Director of Transportation may approve the use of an eligible list established under this Rule 411A Position-Based Testing Program for permanent civil service appointments to other positions in the same or similar classes in the MTA or other City departments.
- 411A.27.6** The Human Resources Director may approve the use of an eligible list established pursuant the Position-Based Testing Program under Rule 111A for permanent civil service appointments to MTA Service-Critical positions or classes.

**Sec. 411A.28 Rosters of Eligibles Established by Other Authorities**

- 411A.28.1** By mutual agreement with the affected employee organization, appropriate rosters of eligibles established by other recognized authorities, such as the State of California, may be utilized to fill Service-Critical positions, or as the basis for establishing eligible lists for Service-Critical classifications.
- 411A.28.2** The Director of Transportation shall determine the criteria and standards for approving the use of rosters established by other authorities. In assessing appropriateness, the Director of Transportation shall ensure that placement on a roster does not require membership in an organization.
- 411A.28.3** The use of such rosters shall be specified on the examination announcement and shall not be subject to appeal to the Civil Service Commission.

## **Rule 411A**

### **Position-Based Testing**

#### **Article VII: Certification of Eligibles**

**Applicability:** Article VII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

##### **Sec. 411A.29 Certification**

**411A.29.1** The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Municipal Transportation Agency, the initial notice of certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

**411A.29.2** If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).

##### **Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule**

**411A.30.1** The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

**411A.30.2** The most restrictive formula for application of the Rule of Three Scores shall be:

- 1) When there is one (1) approved personnel requisition on file for a class, the Municipal Transportation Agency shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.
- 2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is  $12 + 3 - 1 = 14$ .

##### **Sec. 411A.31 Establishment of the Certification Rule for Position-Based Testing**

**411A.31.1** The Director of Transportation and/or representative is authorized to discuss and pursue agreement with employee organizations as to the certification rule applicable to an eligible list resulting from an examination in the Position-Based Testing Program, provided however, that the minimum rule cannot be fewer than the Rule of Three Scores. Nothing

in this Section is intended to change the scope of bargaining specified by Charter or applicable law.

**Sec. 411A.31 Establishment of the Certification Rule for Position-Based Testing (cont.)**

**411A.31.2** Unless agreed between the employee organization representing the class and the Director of Transportation, the Rule of Three Scores shall be used exclusively, except as set forth in Rule 413, Article III.

**411A.31.3** The Certification Rule shall be specified as a term of the examination announcement. Appeals of the Certification Rule shall not be permitted.

## Rule 411A

### Position-Based Testing

#### Article VIII: Appeals of Examination Processes

**Applicability:** Article VIII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

##### **Sec. 411A.32 Substance of Appeals**

**411A.32.1** An action by the Municipal Transportation Agency under Rule 411A may be appealed by a party alleging injury by that action as provided in this Article VIII. For each appeal the appellant must state the specific grounds upon which the appeal is based, cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that the appellant contends was violated by the action which is the subject of the appeal, provide facts including available documents to support the appeal, and demonstrate a rational relationship between the alleged injury suffered by the appellant as a result of the action being appealed and the alleged violation of Rule or Policy. Failure to meet all of the above requirements to support the appeal may be sufficient grounds for denial of the appeal by the Civil Service Commission.

**411A.32.2** An appeal that objects to ratings or rankings based solely on the candidate's belief that he or she is entitled to a higher or passing score shall not be considered. Neither the Director of Transportation nor the Civil Service Commission shall substitute his, her or its judgment for the judgment of qualified raters.

##### **Sec. 411A.33 Timeliness of Appeals**

Protests and appeals that are not submitted within the prescribed time limits shall not be considered.

##### **Sec. 411A.34 Continuance of Examinations with Appeals Pending**

The Director of Transportation may proceed with any and all phases of the Position-Based Testing process pending an appeal.

##### **Sec. 411A.35 Authority to Rule on Appeals**

###### **411A.35.1 Civil Service Commission**

Appeals to the Civil Service Commission may occur at three (3) points in the examination process: (1) after the examination announcement has been issued, (2) after the examination has been administered and prior to the posting of the Tentative Eligible List Score Report eligible list and (3) after the merging of eligible lists in different classes. Appeals of the

**Sec. 411A.35 Authority to Rule on Appeals (cont.)****411A.35.1 Civil Service Commission (cont.)**

examination announcement may be based only on challenges to the position description and/or the minimum qualifications. Appeals after the examination administration may be based only on claims of inconsistency in examination administration, bias of raters and/or failure of raters to apply uniform standards. Appeals of merging of eligible lists in different classes may be based only on claims of substantial differences in the knowledge, skills and abilities required to perform the essential functions of the positions. Decisions of the Civil Service Commission on these examination matters will be final.

**411A.35.2 Director of Transportation**

All other appeals may be made to the Director of Transportation whose decision will be final.

**Sec. 411A.36 Appeals to the Civil Service Commission****411A.36.1 Appeals of the Examination Announcement**

- 1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Director of Transportation made decisions beyond his/her authority or had no rational basis for his/her decision.
- 2) Appeals under this Section must be submitted directly to the Executive Officer of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.
- 3) Appeals must be in writing and shall include a statement of the specific component(s) or item(s) of the examination announcement being contested and specific reason(s) why adoption of the cited portions of the examination announcement constitutes abuse of discretion by the Director of Transportation. To the extent possible, all supporting documentation must be submitted with the written appeal.
- 4) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified of the particulars of the hearing in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

**Sec. 411A.36 Appeals to the Civil Service Commission (cont.)****411A.36.1 Appeals of the Examination Announcement (cont.)**

- 5) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.
- 6) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

**411A.36.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards**

- 1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.
- 2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.
- 3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.



**411A.36.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards (cont.)**

4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed. In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

**411A.36.3 Appeals of Merging of Eligible Lists of Different Classes**

1) The standard of review for appeals under this Section shall be abuse of discretion in merging eligible lists of different classes. Appeals shall include a statement of the specific facts that demonstrate that the merging of eligible lists in different classes is not supported by job analyses that demonstrate that the same or similar knowledge, skills and abilities are required to perform the essential functions of the positions.

2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of the merging of eligible lists.

3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appropriate, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

**411A.36.3 Appeals of Merging of Eligible Lists of Different Classes (cont.)**

- 4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.
- 5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

**Sec. 411A.37 Appeals to the Director of Transportation****411A.37.1 Protests at the Examination Site**

- 1) An examination participant may protest the assignment of a rater to his/her board or panel based on a claim of the rater's inability to rate the examination participant competently or without bias. The protest of the rater must be made to the designated representative of the Director of Transportation present at the examination prior to participation in this phase of the examination. If no protest is made, then no appeal of the assignment of the rater will be permitted.
- 2) An examination participant may submit a protest of a problem occurring at an examination site, such as, but not limited to equipment malfunction or disturbance of the examination process, that interfered with the examination participant's performance in the examination. Such protest must be made to the designated representative of the Director of Transportation present at the examination site immediately upon encountering or experiencing the problem and before leaving the examination site. If no protest is submitted, then the Director of Transportation may refuse an appeal of a problem occurring at the examination site.
- 3) The decision or action in response to a protest at the examination site may be appealed to the Director of Transportation. The appeal must be submitted in writing and must be received at the Municipal Transportation Agency not later than the fifth (5th) business day after the candidate's examination date.

**411A.37.2 Appeal of Accuracy of the Calculation of Examination Scores and/or Ranking**

An appeal of the accuracy of the calculation of examination scores and/or rank must be submitted directly to the Director of Transportation or representative within the period designated for review of ratings (see Section 411A.23). The decision of the Director of Transportation related to calculation of examination scores and rank is final.

**411A.37.3 Appeals of Other Examination Matters**

An appeal of any other examination matter must be made in writing and received by the Director of Transportation not later than the fifth (5th) business day after the occurrence or notice of the issue of appeal. The decision of the Director of Transportation on all these matters is final.



## **Rule 412**

### **Eligible Lists**

#### **Article I: Administration of Eligible Lists**

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Article II: Eligible Lists and Eligibility**

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Article III: Protest of Tentative Eligible List**

Applicability Article III, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Article IV: Duration of Eligible Lists**

Applicability Article III, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Article V: Holdover Rosters and Return to Duty**

Applicability: Article IV, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

## Rule 412

### Eligible Lists

#### Article I: Administration of Eligible Lists

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### Sec. 412.1    Types of Eligible Lists

The names of ~~candidates~~ applicants passing all phases of an examination shall be placed on one of the following types of eligible lists in the order of total score. Eligibles with tie scores shall be listed in alphabetical order. Applicant information, including applicant names on eligible lists shall not be made public, unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

##### 412.1.1    **Discrete Eligible Lists**

Discrete eligible lists are lists derived from examinations which are open for filing for a specific time period and in which the selection procedure is administered on a specific date or dates.

##### 412.1.2    **Continuous Eligible Lists**

A continuous eligible list may be used for a class after the MTA Director of Transportation/Designee has designated the class as a "continuous list class." Each time an examination for such a class is given, the names of the eligibles resulting from the examination shall be added to the existing eligible list, ranked by the eligible's score on the examination taken. For eligibles with the same score, names shall be listed alphabetically.

##### 412.1.3    **Duration of Eligibility on Continuous Lists**

Each examination announcement for a continuous list class shall state the time period during which the names of eligibles successfully passing the examination will remain on the continuous list. This time period will be referred to as the "eligibility period." An eligible's name shall be removed from a continuous list at the end of the eligibility period.

**Sec. 412.2**     **Duration of Eligible Lists and of Eligibility****412.2.1**     **Duration of Discrete Eligible List**

For discrete eligible lists, the eligible list shall state the duration of the list with the minimum duration being six (6) months and the maximum twenty-four (24) months.

**412.2.2**     **Duration of Eligibility - Continuous Eligible Lists**

For continuous eligible lists, the examination announcement shall specify the duration of eligibility with the minimum period of eligibility being six (6) months and the maximum being twelve (12) months.

**412.2.3**     **Establishment of Duration of Eligible Lists**

In establishing duration of an eligible list or duration of eligibility, the MTA Director of Transportation/Designee shall consider, among other factors, the size of the applicant pool, the number of positions in the class, the rate of turnover, and equal employment opportunity goals.

**412.2.4**     **Expiration of Eligible Lists and Eligibility**

If the expiration date of an eligible list or eligibility period falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

**Sec. 412.3**     **Extension of Eligibility**

The MTA Director of Transportation/Designee may extend an eligible list or eligibility period for up to one (1) additional year. Eligibles shall be notified of the extension and any change in the expiration of their eligibility.

**Sec. 412.4**     **Cancellation of Eligibility**

The MTA Director of Transportation/Designee may cancel an eligible list after the minimum duration of six (6) months. In canceling an eligible list, the MTA Director of Transportation/Designee shall consider, among other factors, the number of eligibles remaining, the length of time since the selection procedures were administered, equal employment opportunity goals, and labor market availability. Eligibles and the recognized employee organization representing the affected class shall be notified.

**Sec. 412.5 Merging of Eligible Lists**

- 412.5.1 The MTA Director of Transportation/Designee may authorize the merging of an earlier list in a class with a later eligible list in the same class.
- 412.5.2 The names of eligibles from the earlier eligible list shall be interpolated with the names of eligibles on the later eligible list by score. Eligibles with the same score shall be listed in alphabetical order.
- 412.5.3 The duration of the merged eligible list shall be established as provided elsewhere in these Rules and eligibles from the earlier eligible list shall have their eligibility extended accordingly.

**Sec. 412.6 Priority of Eligible Lists**

Except as otherwise provided in these Rules, the order of priority of discrete eligible lists regardless of adoption dates is as follows:

- 1) promotive lists;
- 2) combined promotive and entrance lists; and
- 3) entrance lists.

Within each category earlier discrete eligible lists have priority over later discrete eligible lists.

**Sec. 412.7 Posting Period for the Tentative Eligible List Examination Score Report and Review of Ratings by Examination Participants**

~~Following the completion of an examination, a tentative eligible list shall be posted for public inspection for a minimum of three (3) business days.~~

- ~~412.7.1 Examination participants shall have a minimum period of three (3) business days to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. The identity of the examiner giving any mark or grade shall not be disclosed.~~
- ~~412.7.2 The MTA Director of Transportation/Designee shall establish the procedures for Review of Ratings.~~
- ~~412.7.3 The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.~~

**Sec. 412.8 Documents Included in Inspection and Maintenance of Anonymity of Examiners**

~~Inspection Review of ratings of the final score calculations, if not exempted from inspection privileges, during the posting period of the tentative eligible list shall include the eligible's application, documents supporting qualifications to participate in the examination, written answer sheet, oral rating sheets, and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions and answers shall be provided. Individuals are not permitted to see other applicant's application materials, ratings or rating forms.~~



**Sec. 412.9 Appeal of ~~Tentative Eligible List~~ Accuracy of Scores**

The exclusive purpose of ~~the review of ratings period inspection during the posting period of the tentative eligible list~~ is to review papers supporting a person's standing on the eligible list. Appeals during this period shall be limited to ~~the qualifications of eligibles and the accuracy of scores~~. Appeals must be filed in the office of the MTA Director of Transportation/Designee during the inspection period of the eligible list. The MTA Director of Transportation/Designee shall rule on all appeals filed during this period. The decision of the MTA Director of Transportation/Designee on the appeal shall be final and shall not be reconsidered by the Commission.

**Sec. 412.10 ~~Fee for Inspection of Examination Papers~~**

~~During the inspection period of the eligible list, a fee for the inspection of the papers of each eligible shall be charged. The amount of such fee shall be established by the Commission. The fee shall be waived for eligibles who wish to inspect their own papers.~~

**Sec. 412.140 Adoption of Eligible List for Certification Purposes Only****412.140.1 Confidentiality of Applicant Information**

~~Applicant information, including applicant name on eligible lists shall not be made public unless required by law. Therefore all ~~if no appeals are received during the posting period, the eligible lists upon adoption, will be used for certification purposes only, shall be automatically adopted.~~ Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.~~

**412.140.2** The MTA Director of Transportation/Designee may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

**Sec. 412.121 Maintenance of Eligibility**

**412.121.1** Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

**Sec. 412.121 Maintenance of Eligibility (cont.)**

**412.121.2** Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.

**412.121.3** Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible list with promotive credit points and previous rank restored.

**412.121.4** The MTA Director of Transportation/Designee is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

**Sec. 412.132 The Use of Eligible Lists**

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligibles as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of an eligible list.

## Rule 412

### Eligible Lists

#### Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### Sec. 412.143      Establishment of Eligible Lists

~~Qualified participants successfully passing all phases of the examination shall be ranked on an "Eligible List" in the order of their total score. The names of applicants passing all phases of an examination shall be placed on one of the following types of eligible lists in the order of total score. Eligibles with tie scores shall be listed in alphabetical order. Applicant information, including applicant names on eligible lists shall not be made public, unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.~~

#### Sec. 412.154      Priority of Eligible Lists

The order of priority of eligible lists regardless of adoption dates is as follows:

- 1) Promotive lists
- 2) Combined promotive and entrance lists
- 3) Entrance lists

Within each category, earlier lists have priority over later lists.

#### Sec. 412.165      Maintenance of Eligibility

412.165.1      Except as otherwise provided in these Rules, eligibles who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated will forfeit their eligibility.

412.165.2      Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.

**Maintenance of Eligibility (cont.)**

**412.165.3** Except for persons designated as "holdovers," eligibles on a promotive only list who are separated from the City and County service shall be removed from such list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible lists with promotive credit points and previous rank restored.

**Sec. 412.176 Official Adoption Date**

**412.176.1** ~~At the beginning of the inspection period the tentative eligible list examination score report shall be posted and made available for public inspection.~~ Any protests must be filed in the office of the MTA Director of Transportation/Designee during the posting period. After the posting period and in the absence of protests on ratings, ~~tentative the eligible lists shall automatically become officially as posted adopted.~~

**412.176.2** If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.

**412.176.3** Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.

**412.176.4** Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

**Sec. 412.187 Duration of Eligibles**

**412.187.1** As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

**412.187.2** Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

**Sec. 412.198**     **Use of Eligible Lists**

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligible as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of the eligible list.

## Rule 412

### Eligible Lists

#### Article III: Protest of Tentative Eligible List

Applicability Article III, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

**Sec. 412.2019**     **Posting of Tentative Eligible List Examination Score Report**

Following the completion of any examination, a tentative eligible list examination score report shall be posted for the inspection of the public and of participants.

**Sec. 412.210**     **Duration of Posting Period**

The posting period shall be for a minimum of:

- 1) three (3) working days for entrance examinations; or
- 2) five (5) working days for promotional or combined entrance and promotional examinations.

**Sec. 412.221**     **Fee for Inspection of Examination Papers**

~~During this period, a fee for the inspection of the papers of each eligible shall be charged by the MTA Director of Transportation/Designee. The amount of such fee shall be established by ordinance of the Board of Supervisors. The fee shall be waived for eligibles who wish to inspect their own papers.~~

**Sec. 412.232**     **Documents Included in Inspection and Maintenance of Anonymity of Examiners**

Inspection of papers shall include all documents supporting the eligible's rank and score, except neither the identity of the examiner giving any mark or grade in an oral examination nor the questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written test, shall be provided.

**Sec. 412.243**     **Inspection Restricted to Examination Participants**

Only participants in the examination may review the questions used in the examination.

**Sec. 412.254**      **Automatic Adoption of Tentative List**

If no protests are received during the posting period the eligible list is automatically adopted.

**Sec. 412.265**      **Disposition of Protests**

If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.

**Sec. 412.276**      **Effect on Eligibles Pending Resolution of Protest**

Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s) may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.

## Rule 412

### Eligible Lists

#### Article IV: Duration of Eligible Lists

Applicability Article IV, Section 412.28 and 412.29, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Local 250A.

**Sec. 412.287**      **Tenure of Eligible Lists**

The MTA Director of Transportation/Designee may remove all names from the eligible lists after they have remained thereon for six (6) months and all names thereon shall be removed at the expiration of four (4) years.

**Sec. 412.298**      **Provision for Automatic Expiration of Eligible Lists**

The MTA Director of Transportation/Designee may provide in the examination announcement that the eligible lists secured thereby shall automatically expire at a date not less than six (6) months or more than four (4) years after the adoption of such list.

Applicability: Article IV, Sections 412.30 and 412.31 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union, Local 200.

**Sec. 412.3029**      **Tenure of Eligible Lists**

The MTA Director of Transportation/Designee may remove all names from the eligible lists after they have remained thereon for one (1) year and all names thereon shall be removed at the expiration of three (3) years.

**Sec. 412.310**      **Provision for Automatic Expiration of Eligible Lists**

The MTA Director of Transportation/Designee may provide in the examination announcement that the eligible lists secured thereby shall automatically expire at a date not less than one (1) year or more than three (3) years after the adoption of such list.



**Sec. 412.321**      **Extension of Eligibility**

Applicability: Article IV, Section 412.32 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

The MTA Director of Transportation Agency/Designee may extend an eligible list or eligibility period for up to one (1) additional year. Eligibles shall be notified of the extension and any change in the expiration of their eligibility.

## **Rule 412**

### **Eligible Lists**

#### **Article V: Holdover Rosters and Return to Duty**

Applicability: Article V, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

**Sec. 412.332**      **Holdover Status and Return to Duty**

**412.332.1**      **Holdover Roster - General Requirements**

- 1) Subject to the provisions of this Rule, permanent or probationary civil service appointees who are laid off or placed on an involuntary leave of absence shall be designated as holdovers.
  
- 2) The names of holdovers shall be ranked on a holdover roster for the class or classes from which layoff occurs and in the order of total seniority in the class in the City and County service. Seniority prior to resignation or termination shall not be used in determining holdover rights in a class.
  
- 3) Holdovers shall be returned to duty in rank order from holdover rosters.
  
- 4) Holdovers shall, for a period of five (5) years from the date of layoff, have preference for appointment over eligibles on civil service lists, or employees requesting transfer, reinstatement, or reappointment. The MTA Director of Transportation/Designee, upon review of all the circumstances, may extend the holdover status for such specified period of time as he/she may deem proper.
  
- 5) Holdover rosters shall be canvassed in the following order: first, permanent holdover rosters; then, temporary holdover rosters.
  
- 6) Permanent holdovers shall be returned to duty in temporary positions before temporary holdovers. Permanent holdovers shall displace any temporary or part-time exempt appointee in the same class in any City and County department. Permanent holdovers returned to duty in temporary positions shall retain their status on the permanent holdover roster. In the event of a displacement, the least senior temporary or part-time exempt appointee in the City and County service shall be laid off first.

**Sec. 412.332**      **Holdover Status and Return to Duty (cont.)****412.332.1**      **Holdover Roster - General Requirements (cont.)**

7) Permanent holdovers in classes with citywide seniority for layoff purposes shall be entitled to displace only the least senior permanent employee in that class in City service. Holdovers who waive such appointment shall remain on the holdover list for subsequent permanent appointment to vacant positions, but may accept a temporary position in the class, if available.

**8) Exceptions to Return to Duty in Rank Order**

If two (2) or more approved requisitions are on file, the MTA Director of Transportation/Designee may permit holdovers in line for appointment, and in accordance with their standing on the roster, to select from the available requisitions the positions to which they desire appointment. In cases where holdovers on rosters who would be reached for appointment on requisitions, the MTA Director of Transportation/Designee may consult with appointing officers and employees involved, and if it is in the best interest of the service, may offer out said positions to holdovers so as to make it possible for them to return to duty in the department from which laid off.

9) Holdovers who are notified that they are being returned to duty are required to respond to MTA within five (5) business days of the date of notification. The MTA Director of Transportation/Designee may extend the time response period beyond five (5) business days. Failure of a holdover to respond within the time limits shall be considered a refusal of the offer and shall be subject to the penalty, if any, provided in this Rule.

10) Except as otherwise provided in these Rules, holdovers who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

11) In all cases of change of address, MTA must be notified in writing separately for each class involved. Notice of change of address to the participant may inspect their own ratings. Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to notice of return to duty within time limits.

**Sec. 412.332**      **Holdover Status and Return to Duty (cont.)****412.332.1**      **Holdover Roster - General Requirements (cont.)**

12) Except as otherwise directed by the MTA Director of Transportation/Designee, holdovers being returned to duty shall not be required to pass a new medical examination.

13) A properly completed copy of the designated report of layoff or involuntary leave of absence form shall be forwarded to the MTA Director of Transportation/Designee as soon as possible (in advance of the action if possible) so that MTA may record the action and place the employee's name on a holdover roster for immediate consideration for return to duty.

14) Late reports of layoff shall not interfere with nor affect the rights of holdovers to whom notices of return to duty have already been mailed and who have been or may be returned to duty in response to such notices.

15) If there is no holdover roster for a class or if the holdover roster is exhausted, the MTA Director of Transportation/Designee may authorize that a holdover be returned to duty from another holdover roster deemed suitable to temporarily provide the required service. If no other roster is available, the position shall be offered to eligibles on regular civil service eligible lists or to individuals requesting transfer, reinstatement or reappointment.

16) Holdovers returned to duty shall be reinstated with accrued compensatory time, if any, and with their original anniversary date for the purposes of computing sick leave and vacation benefits.

**412.332.2**      **Holdover - Temporary Appointees**

1) Appointees certified from an eligible list who have satisfactorily served under temporary appointment shall upon expiration of the list be designated a "temporary holdover."

2) Resignation from temporary appointment from a holdover roster or refusal of temporary appointment from a holdover roster cancels all temporary holdover rights in that class.

**Sec. 412.332**      **Holdover Status and Return to Duty (cont.)****412.332.3**      **Holdover - Permanent and Probationary Appointees**

1) A permanent or probationary appointee to a promotional or entrance position who is laid off shall be designated a "permanent holdover" and shall be returned to duty in a position in the class from which laid off from a holdover roster as provided in this Rule.

2) A permanent holdover returned to duty on a permanent basis in a department other than the one from which laid off shall serve a new probationary period.

3) Return to duty of a permanent holdover to a position in the class from which laid off shall be subject to the following conditions:

**4) Return to Duty - Department From Which Laid Off**

Permanent Vacancy - A permanent holdover who refuses an offer to return to duty on a permanent basis in the department from which laid off shall forfeit all holdover rights in that class, and shall be removed from all rosters for that class. Such refusal of return to duty shall be deemed a resignation.

Temporary Vacancy - Permanent holdovers may refuse an offer to return to duty on a temporary basis in the department from which laid off without affecting future offers to be returned to duty. Waiver of temporary appointment shall not be removed without the permission of the MTA Director of Transportation/Designee.

**5) Return to Duty - Department Other Than the One From Which Laid Off**

Permanent holdovers may refuse an offer to return to duty on a permanent or temporary basis in a department other than the department from which laid off without affecting future offers to be returned to duty. Such departmental waivers shall not be withdrawn without the approval of the MTA Director of Transportation/Designee.

6) A permanent holdover who was laid off during the probationary period and who is returned to duty in the department from which laid off shall complete the remaining period of probationary service.

**Sec. 412.332**      **Holdover Status and Return to Duty (cont.)****412.332.3**      **Holdover - Permanent and Probationary Appointees**

7) Transferees who are laid off during the probationary period shall be ranked on the permanent holdover roster for the class in accordance with their seniority in the class in the City and County service.

8) Permanent holdovers who resign or are released during the probationary period may be returned to the holdover roster from which appointed subject to the provisions of these Rules. Such holdovers shall not displace any current permanent or probationary employees, but shall remain on the list for subsequent permanent appointment to vacant positions and may accept a temporary position in the class, if available.

## **Rule 413**

### **Certification of Eligibles**

#### **Article I: General Principles**

Applicability: Unless otherwise noted, Article I, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Article II: Definitions**

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Article III: Application of Certification Rules**

Applicability: Unless otherwise noted, Article III, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Article IV: Personnel Requisitions**

Applicability: Unless otherwise noted, Article IV, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Article V: Administration of Certifications**

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Article VI: Selective Certification of Certified Temporary Employees**

Applicability: Unless otherwise noted, Article VI, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

## Rule 413

### Certification of Eligibles

#### Article I: General Principles

Applicability: Unless otherwise noted, Article I, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### Sec. 413.1     General Policy

**413.1.1**     The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize multicultural diversity of the work force in the City and County of San Francisco.

**413.1.2**     Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. The MTA Director of Transportation/Designee shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. The Civil Service Commission endorses and supports efforts to de-identify the names, address, and other personal information whenever screening determinations are conducted prior to the selection of certified eligible for interviews. The MTA Director of Transportation/Designee shall also be responsible for maintaining documentation of selection criteria including efforts to de-identify eligibles' information. The MTA Director of Transportation/Designee shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures. The MTA Director of Transportation/Designee shall report to the Civil Service Commission on the progress of the implementation of de-identification on a quarterly basis for two (2) years and thereafter on a schedule to be determined.



**413.1.3 Implementation of the Rule by the MTA Director of Transportation/Designee**

Implementing this Rule, the MTA Director of Transportation/Designee shall:

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco, and
- 2) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

## **Rule 413**

### **Certification of Eligibles**

#### **Article II: Definitions**

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

**Sec. 413.2**     **Certification Rules**

**413.2.1**     **Rule of Three Scores**

The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

**413.2.2**     **Rule of Three or More Scores**

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

**413.2.3**     **Rule of the List**

The names of all eligibles on the eligible list shall be certified to each available position.

**Sec. 413.3**     **Notice of Certification**

Eligibles on the eligible list shall be simultaneously notified each time that the MTA Director of Transportation/Designee certifies their names to an appointing officer for a position as provided under this Article II.

**Sec. 413.4**     **Certification Date**

The Certification Date is the date on which the MTA Director of Transportation/Designee issues the Notice of Certification to eligibles as provided under this Article II.

**Sec. 413.5**     **Notice of Inquiry**

Upon receipt of the confidential certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue a Notice of Inquiry to those eligibles for the purpose of:

**Sec. 413.5**     **Notice of Inquiry (cont.)**

- 1) Assessing the eligibles' interest in the specific position in the department; and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

**Sec. 413.6**     **Exhaustion of the List****413.6.1**     **Rule of Three Scores**

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

**413.6.2**     **Rule of Three or More Scores**

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

**413.6.3**     **Rule of the List**

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

## Rule 413

### Certification of Eligibles

#### Article III: Application of Certification Rules

Applicability: ~~Unless otherwise noted,~~ Article III, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

**Sec. 413.7**     **Certification Rules Applicable to Employees in all classes except Unrepresented, and Municipal Executives Association, San Francisco Association of Personnel Professionals (SFAPP) – Local 21, Transport Workers Union – Locals 200 & 250A, and Service Employees International Union – Local 535**

#### 413.7.1     Rule of Three Scores

1) Unless mutually agreed between the employee organization representing the class and the MTA Director of Transportation/Designee to use a broader Certification Rule, the Rule of Three Scores shall be used exclusively.

2) The MTA Director of Transportation/Designee shall certify to the appointing officer the confidential list of candidate names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment to the position. Eligibles' information, including names on eligible lists shall not be made public unless required by law.

3) Except as otherwise provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two (2) scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

4) If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

#### 413.7.2     Expansion of Certification Rules

1) Notwithstanding any other provisions of these Rules, the MTA Director of Transportation/Designee is authorized to meet and confer with representatives of employee organizations to reach mutual agreement over the Certification Rule applicable to each of the classes covered by this section. If the parties fail to reach mutual agreement, the Rule of Three Scores shall be used.

**Sec. 413.7 Certification Rules Applicable to Employees in all classes except Unrepresented, and Municipal Executives Association, San Francisco Association of Personnel Professionals (SFAPP) Local 21, Transport Workers Union Locals 200 & 250A, and Service Employees International Union Local 535 (cont.)**

**413.7.2 Expansion of Certification Rules (cont.)**

2) The agreed-upon Certification Rule shall be promulgated as a term of the examination announcement and the agreed-upon Certification Rule shall not be appealable to the Civil Service Commission.

**Sec. 413.8 Reachable Eligible per Certification Rules and Other Related Matters Applicable to Service Employees International Union Local 535 and Transport Workers Union Locals 200 & 250A**

**413.8.1 Rule of Three Scores Exclusively**

- 1) The Rule of Three Scores shall be used exclusively.
- 2) The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.
- 3) Except as otherwise provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two (2) scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.
- 4) If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

**Sec. 413.98 Certification Rules Applicable to Employees in Unrepresented classes and classes represented by Municipal Executives Association and San Francisco Association of Personnel Professionals (SFAPP) Local 21**

**413.98.1 Rule of Three or More Scores**

**1) For a Single (1) Position**

The A confidential list of names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position. Eligibles' information include names on eligible list shall not be made public, unless required by law.

**Sec. 413.98** **Certification Rules Applicable to Employees in Unrepresented classes and classes represented by Municipal Executives Association and San Francisco Association of Personnel Professionals (SFAPP) – Local 21 (cont.)**

**Sec. 413.8** **Reachable Eligibles per Certification Rule and Other Related Matters**

**413.98.1** **Rule of Three or More Scores (cont.)**

**2) When More Than One Position Available**

Except as may otherwise be provided, when there are two or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the Certification Rule applicable to the eligible list being certified minus one.

**3) When Eligible List Exhausted**

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

**4) Supplementary Certification**

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

**413.98.2** **Rule of the List**

**1)** The confidential list of names of all eligibles on the eligible list shall be certified to each available position.

**2) When Eligible List is Exhausted**

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

**Sec. 413.98** **Certification Rules Applicable to Employees in Unrepresented classes and classes represented by Municipal Executives Association and San Francisco Association of Personnel Professionals (SFAPP) – Local 21**  
**(cont.) Reachable Eligibles per Certification Rules and Other Related Matters (cont.)**

**413.98.3** **Establishment of Certification Rule**

- 1) The MTA Director of Transportation/Designee shall establish the Certification Rule for each class by specifying the Certification Rule to be used to administer the eligible list in the first examination announcement for the class after the adoption of this section.
- 2) Once established, the Certification Rule shall be used to administer all future eligible lists in the class unless otherwise ordered by the MTA Director of Transportation/Designee.
- 3) In establishing the Certification Rule, the MTA Director of Transportation/Designee may consult with City's Human Resources Director, representatives of employee organizations and other pertinent parties.

## **Rule 413**

### **Certification of Eligibles**

#### **Article IV: Personnel Requisitions**

Applicability: Unless otherwise noted, Article IV, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Sec. 413.409 Personnel Requisitions**

##### **413.409.1 Requirement for Personnel Requisitions**

Whenever a position is to be filled, the appointing officer shall issue a personnel requisition on the prescribed form. Fully approved personnel requisitions shall immediately be time stamped in the order of receipt in the Office of the MTA Director of Transportation/Designee.

##### **413.409.2 Separate or Group Personnel Requisitions**

A separate personnel requisition shall be made for each permanent position to be filled. Group personnel requisitions may only be made for temporary positions.

##### **413.409.3 Cancellation of Personnel Requisitions**

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the MTA Director of Transportation/Designee.

##### **413.409.4 Priority of Personnel Requisitions**

Except as otherwise provided in these Rules, certification shall be made in accordance with priority of approval of the personnel requisition in the Office of the MTA Director of Transportation/Designee or the date to report to duty, whichever is later.

##### **413.409.5 Tenure of Temporary Appointments**

- 1) Temporary employments may be requisitioned for a period not to exceed twelve (12) months.
- 2) Original personnel requisitions for fewer than twelve (12) months may be extended from the date of appointment but may not exceed the maximum allowable personnel requisition time. Upon completion of the allowable maximum time, the temporary appointment(s) may be extended when funds are available and when the employee continues to have standing on an eligible list for that class.



## Rule 413

### Certification of Eligibles

#### Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### Sec. 413.110 Notice of Certification

For each available position, the MTA Director of Transportation/Designee shall certify to the appointing officer a confidential list of the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. Eligibles' information, including names on eligible lists shall not be made public, unless required by law.

The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

#### Sec. 413.121 Notice of Inquiry

**413.121.1** As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.

**413.121.2** Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limit is extended by the MTA Director of Transportation/Designee.

**413.121.3** If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

#### Sec. 413.132 Certification Results

MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee.

**Sec. 413.109 Personnel Requisitions (cont.)**

**413.109.5 Tenure of Temporary Appointments (cont.)**

3) Beginning on the effective date of this Rule, the MTA shall keep records of the number of temporary employments extended as provided in this Rule. On July 30, 1977, and each July 30 thereafter, a list of extended temporary employments for the past fiscal year shall be made available for public inspection.

**413.109.6 Flexible Staffing Personnel Requisitions**

A personnel requisition for a permanent vacancy filled by an appointee in accordance with the flexible staffing authority of the Salary Ordinance shall also be valid for subsequent certification for appointment of the same eligible, when qualified, to the class designated on the personnel requisition.

Sec. 413.12 Certification Results (cont.)

Upon notification of the selection of a reachable eligible, the MTA Director of Transportation/Designee shall post the appointee's name, department, classification and rank on the eligible list.

**Sec. 413.143 Waivers****413.143.1 General Waivers**

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the MTA Director of Transportation/Designee.
- 3) For reasons prescribed elsewhere in these Rules.
- 4) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the MTA to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or MTA Director of Transportation/Designee may not be removed unless ordered by the Civil Service Commission or MTA Director of Transportation/Designee.

**413.143.2 Waiver of Part-Time Employment**

Any part-time position may be declared by the MTA Director of Transportation/Designee to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

**413.143.3 Conditional Waivers**

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;

**Sec. 413.143 Waivers****413.143.3 Conditional Waivers (cont.)**

- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

**413.143.4 Effects of Waivers**

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse two (2) offers of employment resulting from certification off of the eligible list. Refusal of a third (3<sup>rd</sup>) offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class.

**413.143.5 Withdrawal of Waivers**

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.
- 2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3<sup>rd</sup>) Friday of the month to be effective the first (1<sup>st</sup>) business day of the following month. In the event the third (3<sup>rd</sup>) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1<sup>st</sup>) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer.
- 5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

**Sec. 413.154 Change of Address**

Eligibles are responsible for notifying the Office of the MTA Director of Transportation/Designee of any change of address.

## **Rule 413**

### **Certification of Eligibles**

#### **Article VI: Selective Certification of Certified Temporary Employees**

Applicability: Unless otherwise noted, Article VI, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Sec. 413.145 Selective Certification of Certified Temporary Employees**

**413.145.1** Notwithstanding anything to the contrary in this or any other section of these Rules, an employee who has been appointed from a regularly adopted eligible list to a non-permanent position shall be entitled to appointment to a permanent position within the same class before the certification of persons standing higher on the list of eligibles subject to a period of six (6) months of service in the class or for the period provided for in the examination announcement in any status and certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the form and in the manner prescribed by the MTA Director of Transportation/Designee.

**413.145.2** The MTA Director of Transportation/Designee is authorized to take such administrative action not in conflict with these Rules as is required to make this section operative including imposition and removal of waivers.