



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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MEMORANDUM  
CSC No. 2018 – 03

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MICHAEL L. BROWN  
EXECUTIVE OFFICER

Date: April 17, 2018

To: Department Heads  
Departmental Personnel Officers  
Employee Organization Representatives

From: Michael L. Brown  
Executive Officer

Subject: **Notice of Posting: Proposed Amendments to the Civil Service Commission Rule 113 Certification of Eligibles.**

The Civil Service Commission acted at its Regular Meeting of April 16, 2018, to direct its' Executive Officer to post the proposed amendments to the Civil Service Commission Rule 113 Certification of Eligibles, and to meet and discuss the amended Rule changes with any interested stakeholders. The proposed amendments will clean-up old outdated language in Article III Application of Certification Rules which refers to bargaining units that are no longer in existence and to provide the opportunity for Local 200 and 250A the ability to take advantage of the expanded certification rules for examination announcements upon mutual agreement.

Employees previously covered under Service Employees International Union (SEIU) Local 535 are now represented by SEIU 1021. The San Francisco Association of Personnel Professionals no longer exists and these members are currently represented by International Federation of Technical Engineers, Local 21.

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

**Date: Tuesday, April 24, 2018**  
**Time: 2:00 p.m. – 4:00 p.m.**

**Date: Wednesday, April 25, 2018**  
**Time: 10:00 a.m. – 12:00 p.m.**

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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) to RSVP for either or both meetings.

Should you have any questions about the proposed amendments, you may contact me at (415) 252-32247 or at [michael.brown@sfgov.org](mailto:michael.brown@sfgov.org)

Respectfully submitted,

CIVIL SERVICE COMMISSION



MICHAEL L. BROWN  
Executive Officer

Attachment

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

## **Rule 113**

### **Certification of Eligibles**

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

Applicability: Article III, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

**Sec. 113.6**     **Certification Rules Applicable to Employees in all classes except Unrepresented, 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**

##### **113.6.1     Rule of Three Scores**

- 1) Unless mutually agreed between the employee organization representing the class and the Human Resources Director to use a broader Certification Rule, the Rule of Three Scores shall be used exclusively.
- 2) The Department of Human Resources 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).

##### **113.6.2     Expansion of Certification Rules**

- 1) Notwithstanding any other provisions of these Rules, the Human Resources Director 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.

**113.6.2 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. 113.7 Certification Rules Applicable to Service Employees International Union—Local 535 and Transport Workers Union—Locals 200 & 250A**

**113.7.1 Rule of Three Scores—Exclusively**

- 1) The Rule of Three Scores shall be used exclusively.
- 2) The Department of Human Resources 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. 113.87 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**

**113.87.1 Rule of Three or More Scores**

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

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.

**113.87.1 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).

**113.87.2 Rule of the List**

1) The 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.

**113.87.3 Establishment of Certification Rule**

- 1) The Human Resources Director 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 Human Resources Director.
- 3) In establishing the Certification Rule, the Human Resources Director may consult with appointing officers, representatives of employee organizations and other pertinent parties.



## **Rule 113**

### **Certification of Eligibles**

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

Applicability: Article IV, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

**Sec. 113.98 Personnel Requisitions**

**113.98.1 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 Department of Human Resources.

**113.98.2 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.

**113.98.3 Cancellation of Personnel Requisitions**

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the Human Resources Director.

**113.98.4 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 Department of Human Resources or the date to report to duty, whichever is later.

**113.98.5 Tenure of Temporary Appointments**

1) Temporary employments may be requisitioned for periods 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.

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

3) Beginning on the effective date of this Rule, the Department of Human Resources 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.

**113.98.6 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.



## **Rule 113**

### **Certification of Eligibles**

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

Applicability: Article V, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

**Sec. 113.409 Response Period**

**113.409.1 Notice of Inquiry**

- 1) Eligibles are required to respond in writing to the Department of Human Resources within five (5) business days of the date of such notice.
- 2) The Human Resources Director may authorize that eligibles be polled by telephone; provided, however, that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.

**113.409.2 Notice of Certification**

- 1) Eligibles are required to respond to the appointing officer or designated representative within five (5) business days after the date of such Notice.
- 2) Eligibles are required to notify the Department of Human Resources as to their certification status within seven (7) business days after the date of the Notice of Certification.
- 3) Departments are required to notify the Department of Human Resources of the results of a certification within twenty (20) business days after the date of the Notice of Certification.

**113.409.3 Extensions**

Response period time limits may be extended by the Human Resources Director.

**Sec. 113.410 Effect of Failure to Respond**

- 113.410.1** An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

**Sec. 113.1110 Effect of Failure to Respond (cont.)**

113.11.2 Unless the Human Resources Director determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.

**Sec. 113.1211 Waivers**

**113.1211.1 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) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.
- 3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.
- 4) 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 Human Resources Director.
- 5) For reasons prescribed elsewhere in these Rules.
- 6) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

**113.1211.2 Waiver of Part-Time Employment**

Any part-time position may be declared by the Human Resources Director 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.

**113.1211.3 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;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director.

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

**113.1211.4 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 consideration for temporary or permanent appointment from two (2) Notices of Certification. Refusal of consideration from the third (3<sup>rd</sup>) Notice of Certification shall result in the removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.
- 4) Unless otherwise ordered by the Human Resources Director, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.

**113.1211.5 Withdrawal of Waivers**

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.

**113.1211.5 Withdrawal of Waivers (cont.)**

- 2) Such requests must be received in Department of Human Resources offices 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 Human Resources Director 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 next in line for certification to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.
- 5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

**Sec. 113.1312 Change of Address**

In all cases of change of address, the Department of Human Resources 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 shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

## **Rule 113**

### **Certification of Eligibles**

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

**Applicability:** Article VI, Rule 113, shall apply to employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Sec. 113.1413 Selective Certification of Certified Temporary Employees**

**113.1413.1** 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 Human Resources Director.

**113.1413.2** The Human Resources Director 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.