Date: March 25, 2022

To: Department Heads
   Department Personnel Officers
   Employee Organization Representatives

From: Sandra Eng
   Executive Director

Subject: Notice of Posting:
Proposed Amendments to Volume II Civil Service Commission Rule 210.8
Qualifications of Applicants – Applicable to All Classifications of the Uniformed
Ranks of the Police Department.

The Civil Service Commission (Commission) acted at its Regular Meeting on July 19, 2021, to direct
the Executive Director to post the proposed amendments to Civil Service Commission Rule 210.8,
and to meet and discuss the proposed Rule changes with any interested stakeholders. The proposed
rule amendment is designed to define sustained finding and serious misconduct in detail and how
these actions would disqualify an applicant for a position as a peace officer or custodial officer in the
San Francisco Police Department.

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

Date: Tuesday, March 29, 2022
Time: 2:00 p.m. to 3:00 p.m.

Date: Wednesday, March 30, 2022
Time: 10:00 a.m. to 11:00 a.m.

The meetings will take place virtually using WebEx. Please contact Commission staff at
civilservice@sfgov.org or by phone at (628) 652-1100 to RSVP for any of the virtual meetings
scheduled. If you are unable to attend any of the scheduled meetings above, please contact the Civil
Service Commission office at civilservice@sfgov.org to schedule a meeting. Attached is a copy of the
proposed amendment to Civil Service Commission Rule 210.8 and the staff report submitted to the
Civil Service Commission from the meeting of July 19, 2021 for your reference.

If you have additional questions, please contact me at Sandra.Eng@sfgov.org.

Attachments

C: Jaqueline Minor, President
   Kate Favetti, Vice President
   Douglas Chan, Commissioner
   FX Crowley, Commissioner
   Elizabeth Salveson, Commissioner
Date: July 19, 2021

To: Civil Service Commission

From: Sandra Eng
Executive Director

Subject: Proposed Rule Amendments to Volume II Civil Service Commission Rules 210.8 Qualifications of Applicants-Applicable to All Classifications of the Uniformed Ranks of the Police Department

Background

Due to national crisis over repeated instances of police brutality and killings of people of color and the recent killing of George Floyd, a Black man, killed by a Minneapolis Police Officer, the Civil Service Commission (Commission), at the Regular Meeting of June 1, 2019, requested a presentation on the City’s hiring and promotion process for the uniformed officers of the San Francisco Police Department and the Sheriff’s Department with emphasis on what selection procedures are used to screen out applicants who are likely to abuse power or endanger people of color.

At the Special Meeting of August 31, 2020, the Department of Human Resources, San Francisco Police Department (SFPD), and the Sheriff’s Department responded to the Commission’s request and provided a presentation on Law Enforcement Hiring, Promoting, and Training. At this same meeting, the Commission heard from Shamann Walton, Member of the Board of Supervisor and District Attorney Chesa Boudin after reviewing the Board of Supervisors Resolution (BOS Resolution No. 291-20) urging the Civil Service Commission to establish disqualifying standards for applicants for the position of Police Officer and Sheriff Deputy applicants based on misconduct. The Commission took the following action to direct the Executive Director to propose rules or policies effectuating Part I of the Board of Supervisors Resolution for sustained complaints and to include a definition for misconduct.

Discussion

Commission staff conducted research, met with departments, and reviewed material including the following:

- BOS Resolution 291-20 (Attachment B)
- California Penal Code Sections 831, 832.7, and 832.8 (Attachment C)
- SFPD General Order 5.17 “Bias-Free Policing Policy” (Attachment D)
- SFPD General Order 11.07 Prohibiting Discrimination, Harassment, and Retaliation (Attachment E)
- Q050 Sergeant Examination Announcement, dated December 18, 2020 (Attachment F)
• Rule 203 Equal Employment Opportunity Policy (Attachment G)

The proposed amendments to Rule 210.8 (Attachment A) defines sustained finding and serious misconduct in detail and how these actions would disqualify an applicant for a position as a peace officer or custodial officer in the San Francisco Police Department.

The Department of Human Resources together with the San Francisco Police Department and the Sheriff’s Department will be providing further reports on the types of trainings conducted in the department to address the concerns expressed by the Commission at the meeting of June 1, 2020.

After receiving further direction from the Commission on the proposed amendments to Rule 210.8, Commission staff will begin drafting proposed rule amendments for Volume I (Miscellaneous employees including the Sheriff’s Department), Volume III (Uniformed Ranks of the San Francisco Fire Department), and Volume IV (Service-Critical Classes of the Municipal Transportation Agency).

**Recommendation:** Accept the Executive Director’s report, incorporate any changes made by the Commission, direct the Executive Director to post the proposed amended Rule 210 for meet and discuss with the affected labor union and interested stakeholders.

Attachments
Attachment A
Attachment A

Rule 210

Police Examination Qualifications And Applicants

Applicability: Rule 210 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Article I: Applications And Notice Of Examinations

Sec. 210.1 Applicants
Sec. 210.2 Notice of Examinations
Sec. 210.3 Application Custody
Sec. 210.4 Cheating or Fraud in Examinations
Sec. 210.5 Names Not to Be Made Public
Sec. 210.6 Change of Address
Sec. 210.7 Correction of Examination Announcements

Article II: Qualifications of Applicants

Sec. 210.8 Qualifications of Applicants
Sec. 210.9 Application for Examination
Sec. 210.10 Applicants for Entrance Positions - Uniformed Force of Police Department
Sec. 210.11 Recruitment of Applicants
Sec. 210.12 Review of Applicant Pool Demographics
Sec. 210.13 Promotional Applicants
Rule 210

Police Examination Qualifications And Applicants

Article I: Applications And Notice Of Examinations

Applicability: Rule 210 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 210.1 Applicants

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 and maintains eligibility until the time of appointment. Verification shall be the official time receipt of the Examination Division of the Police Department or postmark.

Sec. 210.2 Notice of Examinations

Official notice of examinations will be posted at the San Francisco Police Department and the Department of Human Resources. Notice of entrance examinations will be posted for a minimum period of five (5) workdays, and notice of promotional examinations will be posted for a minimum period of ten (10) workdays. Requests for notice of filing dates for entrance examinations may be filed online through the Department of Human Resources website. Notifications shall be emailed at the inquirer’s risk. Failure to receive a requested notification shall not result in any special consideration or remedy related to the examination process.

Sec. 210.3 Application Custody

Applications and supporting documents become the property of the Department of Human Resources when received. Return of such documents shall require the approval of the Human Resources Director or his or her designee.
Sec. 210.4 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 Human Resources Director.

210.4.1 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 make, 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. 210.5 Names Not to Be Made Public

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 any examination shall not be made public.

Sec. 210.6 Change of Address

In all cases of change of address, the Examination Division of the Police Department must be notified in writing separately for each class involved. Notice of change of address to the Post Office, the employee’s current assignment and/or the Police Department Personnel Division will not be a reasonable excuse for special consideration in case of failure to respond within time limits.
Sec. 210.7  Correction of Examination Announcements

Examination announcements may be corrected with respect to clerical errors, misprints and incorrect wording by the Human Resources Director or his or her 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 210

Police Examination Qualifications And Applicants

Article II: Qualifications of Applicants

Applicability: Rule 210 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 210.8 Qualifications of Applicants

210.8.1 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 Rules shall not be recognized. It is the responsibility of the appointing officer and of the employee to have out-of-class experience recorded as provided in the Civil Service Commission Rules.

210.8.2 Except with permission of the Human Resources Director, 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 Human Resources Director.

210.8.3 If an applicant for a peace officer position in the uniformed ranks of the San Francisco Police Department has a Sustained Finding of Serious Misconduct arising from that applicant’s prior employment as a peace officer or custodial officer, then the applicant is disqualified.

210.8.4 If an applicant resigned, retired, or otherwise separated from their employment as a peace officer or custodial officer in any jurisdiction during the pendency of a disciplinary proceeding that could lead to a Sustained Finding of Serious Misconduct by the applicant, the applicant is disqualified until such a time as an investigating agency, commission, board, hearing officer, or arbitrator reaches a final determination that 1) the peace officer or custodial officer did not violate law or department policy; 2) there is insufficient evidence to sustain a finding of Serious Misconduct; 3) the evidence establishes that the allegations are unfounded; or 4) the final determination is otherwise incompatible with a Sustained Finding of Serious Misconduct.

210.8.5 As used in this Rule, “Serious Misconduct” is defined as the following:

- Use of excessive force resulting in injury;
• Racial or identity profiling or bias, or other discriminatory actions or actions demonstrating discriminatory intent against any person or group based on any factors described in Rule 203.2;
• Sexual harassment in the workplace, whether directed at a member of the public or a co-worker, including any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature directed at a person because of or relating to that person’s sex, sexual orientation, or gender identity;
• Dishonesty in the reporting, investigation, or prosecution of a crime, including perjury; false statement; filing false reports; or destruction, falsifying, or concealing of evidence; or
• Dishonesty in the reporting or investigation of misconduct by another peace officer or custodial officer, including but not limited to perjury; false statements; filing false reports; or destruction, falsifying, or concealing of evidence.

210.8.6 Unless otherwise specified, words used in this Rule shall have the same definitions or meanings as in California Penal Code Sections 832.7 and 832.8.

Sec. 210.9 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 the Department of Human Resources.

Sec. 210.10 Applicants for Entrance Positions - Uniformed Ranks of Police Department

Applicants for entrance positions in the Uniformed Ranks of the Police Department shall not be less than 20 years of age at the time of taking the examination, nor less than 21 years of age at the time of appointment.
Sec. 210.11  Recruitment of Applicants

Recruitment shall be conducted to attract qualified applicants. Where appropriate or needed, the Human Resources Director or his or her designee shall conduct outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified candidates.

Sec. 210.12  Review of Applicant Pool Demographics

When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Human Resources Director or his or her 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 Human Resources Director or his or her designee may take such action as appropriate including extending the filing period, reopening the examination for filing or canceling the examination.

Sec. 210.13  Promotional Applicants

Applicants for promotional examinations shall meet the requirements of the examination announcement under which they apply and be eligible to participate in an examination on a promotive basis as defined by the examination announcement.
Attachment B
[Urging the Civil Service Commission to Establish Disqualifying Standards for Applicants for Position of Police Officer and Sheriff Deputy Applicants Based on Misconduct]

Resolution urging the Civil Service Commission to adopt rules to disqualify any applicant for employment in the Uniformed Ranks of the Police Department and the Sheriff’s Office based on prior acts of misconduct.

WHEREAS, The San Francisco Police Department (SFPD) and the San Francisco Sheriff’s Office are entrusted with keeping all community members in San Francisco safe and enforcing laws; and

WHEREAS, All San Franciscans equally deserve to feel safe when interacting with police and should be able to trust that the officers tasked with protecting them have no prior history of excessive force, racial bias, or other significant misconduct; and

WHEREAS, There is a national crisis over repeated instances of police brutality and killings of Black people and persons of color; and

WHEREAS, There is a longstanding history of racial bias in policing nationwide, especially towards Black people; and

WHEREAS, George Floyd, a Black Man, was killed by a Minneapolis Police Officer who kneeled on his neck for over eight minutes while he struggled to breathe and who had 17 prior complaints against him and multiple officer-involved shootings but was permitted to remain on the police force; and

WHEREAS, Video footage taken in San Francisco recently depicted a police officer using a similarly violent tactic of kneeling on a Black man during an arrest; and

WHEREAS, SFPD and the San Francisco Department of Police Accountability are actively investigating the actions depicted in the video; and

Attachment B
WHEREAS, There have been over 70 officer-involved shootings in San Francisco in the past decade; and

WHEREAS, The San Francisco Community Corrections Partnership, Juvenile Justice Coordinating Council, Reentry Council, Juvenile Probation Commission, Police Commission and Sentencing Commission all voted affirmatively to prioritize racial equity so that all people may thrive; and

WHEREAS, Various San Francisco criminal justice policy bodies have acknowledged that communities of color have borne the burdens of inequitable social, environmental, economic, and criminal justice policies, practices, and investments; and

WHEREAS, The legacy of these injustices has caused deep racial disparities throughout San Francisco's juvenile justice and criminal justice system; and

WHEREAS, Various San Francisco criminal justice policy bodies, have committed to the elimination of racial disparities in the criminal justice system; and

WHEREAS, Members of the public cannot fully trust law enforcement officers or feel safe if they are uncertain whether an officer with whom they interact had a prior history of significant misconduct or abuse; and

WHEREAS, It is difficult, and in some cases prohibited, especially under California law for members of the public to know about prior complaints or findings related to law enforcement officer misconduct; and

WHEREAS, Public trust, including in San Francisco, is badly damaged between law enforcement and many of the communities they serve, particularly communities of color; and

WHEREAS, The Board of Supervisors aspires to hold the San Francisco Police Department and the San Francisco Sheriff’s Office to the highest standard of professionalism and integrity; now, therefore, be it
RESOLVED. That the Board of Supervisors urges the Civil Service Commission to adopt rules requiring the disqualification of any applicant for employment in the Uniformed Ranks of the San Francisco Police Department or San Francisco Sheriff’s Office if:

(1) The applicant has been the subject of a sustained finding or two unsustained complaints by different complainants against the applicant by any law enforcement agency or oversight agency, following an investigation and opportunity for administrative appeal by the applicant, that the applicant, while employed as a peace officer, engaged in serious misconduct, which includes but is not limited to the following: use of excessive force, racial bias, sexual assault, discrimination against any person or group based on race, gender, religion, nationality, or sexual orientation, or dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting or investigation of misconduct by another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence; or

(2) The applicant resigned or retired from their employment as a peace officer in any jurisdiction during the pendency of a disciplinary proceeding related to alleged serious misconduct by the applicant while they were employed as a peace officer, and the proceeding was suspended or terminated as a result of the applicant’s resignation or retirement, until such a time that the applicant has been exonerated for the pending allegation.
Resolution urging the Civil Service Commission to adopt rules to disqualify any applicant for employment in the Uniformed Ranks of the Police Department and the Sheriff’s Office based on prior acts of misconduct.

June 19, 2020 Public Safety and Neighborhood Services Committee - RECOMMENDED AS COMMITTEE REPORT

June 23, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200592

I hereby certify that the foregoing Resolution was ADOPTED on 6/23/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

UnSigned
07/03/2020
London N. Breed
Mayor
Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

07/03/2020
Date
Attachment C
831. (a) A custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of a city or county who has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a local detention facility used for the detention of persons usually pending arraignment or upon court order either for their own safekeeping or for the specific purpose of serving a sentence in that facility.

(b) A custodial officer shall not carry or possess firearms in the performance of his or her official duties. A custodial officer may use a firearm that is a less lethal weapon, as defined in Section 16780, in the performance of his or her official duties, at the discretion of the employing sheriff or chief of police, as applicable, or his or her designee. A custodial officer who uses a less lethal weapon shall be trained in its use and shall comply with the policy on the use of less lethal weapons as set forth by the sheriff or chief of police.

(c) Each person described in this section as a custodial officer shall, within 90 days following the date of the initial assignment to the position, satisfactorily complete the training course specified in Section 832. In addition, each person designated as a custodial officer shall, within one year following the date of the initial assignment as a custodial officer, have satisfactorily met the minimum selection and training standards prescribed by the Board of State and Community Corrections pursuant to Section 6035. Persons designated as custodial officers, before the expiration of the 90-day and one-year periods described in this subdivision, who have not yet completed the required training, may perform the duties of a custodial officer only while under the direct supervision of a peace officer as described in Section 830.1, who has completed the training prescribed by the Commission on Peace Officer Standards and Training, or a custodial officer who has completed the training required by this section.

(d) At any time 20 or more custodial officers are on duty, there shall be at least one peace officer, as described in Section 830.1, on duty at the same time to supervise the performance of the custodial officers.

(e) This section does not confer any authority upon any custodial officer, except while he or she is on duty.

(f) A custodial officer may do all of the following:

1. Use reasonable force in establishing and maintaining custody of persons delivered to him or her by a law enforcement officer.

2. Make arrests for misdemeanors and felonies within the local detention facility pursuant to a duly issued warrant.

3. Release without further criminal process persons arrested for intoxication.
(4) Release misdemeanants on citation to appear in lieu of or after booking.

(Amended by Stats. 2017, Ch. 73, Sec. 1. (SB 324) Effective January 1, 2018.)
832.7. (a) Except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney’s office, or the Attorney General’s office.

(b) (1) Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, or any other law, the following peace officer or custodial officer personnel records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code):

(A) A record relating to the report, investigation, or findings of any of the following:
   (i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
   (ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.

(B) (i) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public.
   (ii) As used in this subparagraph, “sexual assault” means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.
   (iii) As used in this subparagraph, “member of the public” means any person not employed by the officer’s employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.

(C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained
finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

(2) Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

(3) A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure pursuant to this subdivision.

(4) If an investigation or incident involves multiple officers, information about allegations of misconduct by, or the analysis or disposition of an investigation of, an officer shall not be released pursuant to subparagraph (B) or (C) of paragraph (1), unless it relates to a sustained finding against that officer. However, factual information about that action of an officer during an incident, or the statements of an officer about an incident, shall be released if they are relevant to a sustained finding against another officer that is subject to release pursuant to subparagraph (B) or (C) of paragraph (1).

(5) An agency shall redact a record disclosed pursuant to this section only for any of the following purposes:

(A) To remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.

(B) To preserve the anonymity of complainants and witnesses.

(C) To protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.

(D) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.

(6) Notwithstanding paragraph (5), an agency may redact a record disclosed pursuant to this section, including personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information.

(7) An agency may withhold a record of an incident described in subparagraph (A) of paragraph (1) that is the subject of an active criminal or administrative investigation, in accordance with any of the following:
(A) (i) During an active criminal investigation, disclosure may be delayed for up to 60 days from the date the use of force occurred or until the district attorney determines whether to file criminal charges related to the use of force, whichever occurs sooner. If an agency delays disclosure pursuant to this clause, the agency shall provide, in writing, the specific basis for the agency’s determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. This writing shall include the estimated date for disclosure of the withheld information.

(ii) After 60 days from the use of force, the agency may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer who used the force. If an agency delays disclosure pursuant to this clause, the agency shall, at 180-day intervals as necessary, provide, in writing, the specific basis for the agency’s determination that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding. The writing shall include the estimated date for the disclosure of the withheld information. Information withheld by the agency shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18 months after the date of the incident, whichever occurs sooner.

(iii) After 60 days from the use of force, the agency may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against someone other than the officer who used the force. If an agency delays disclosure under this clause, the agency shall, at 180-day intervals, provide, in writing, the specific basis why disclosure could reasonably be expected to interfere with a criminal enforcement proceeding, and shall provide an estimated date for the disclosure of the withheld information. Information withheld by the agency shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18 months after the date of the incident, whichever occurs sooner, unless extraordinary circumstances warrant continued delay due to the ongoing criminal investigation or proceeding. In that case, the agency must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest in prompt disclosure of records about use of serious force by peace officers and custodial officers. The agency shall release all information subject to disclosure that does not cause substantial prejudice, including any documents that have otherwise become available.

(iv) In an action to compel disclosure brought pursuant to Section 6258 of the Government Code, an agency may justify delay by filing an application to seal the basis for withholding, in accordance with Rule 2.550 of the California Rules of Court, or any successor rule thereto, if disclosure of the written basis itself would impact a privilege or compromise a pending investigation.

(B) If criminal charges are filed related to the incident in which force was used, the agency may delay the disclosure of records or information until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea pursuant to Section 1018.
(C) During an administrative investigation into an incident described in subparagraph (A) of paragraph (1), the agency may delay the disclosure of records or information until the investigating agency determines whether the use of force violated a law or agency policy, but no longer than 180 days after the date of the employing agency’s discovery of the use of force, or allegation of use of force, by a person authorized to initiate an investigation, or 30 days after the close of any criminal investigation related to the peace officer or custodial officer’s use of force, whichever is later.

(8) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint, shall not be released pursuant to this section if the complaint is frivolous, as defined in Section 128.5 of the Code of Civil Procedure, or if the complaint is unfounded.

(c) Notwithstanding subdivisions (a) and (b), a department or agency shall release to the complaining party a copy of his or her own statements at the time the complaint is filed.

(d) Notwithstanding subdivisions (a) and (b), a department or agency that employs peace or custodial officers may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.

(e) Notwithstanding subdivisions (a) and (b), a department or agency that employs peace or custodial officers may release factual information concerning a disciplinary investigation if the officer who is the subject of the disciplinary investigation, or the officer’s agent or representative, publicly makes a statement he or she knows to be false concerning the investigation or the imposition of disciplinary action. Information may not be disclosed by the peace or custodial officer’s employer unless the false statement was published by an established medium of communication, such as television, radio, or a newspaper. Disclosure of factual information by the employing agency pursuant to this subdivision is limited to facts contained in the officer’s personnel file concerning the disciplinary investigation or imposition of disciplinary action that specifically refute the false statements made public by the peace or custodial officer or his or her agent or representative.

(f) (1) The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

(2) The notification described in this subdivision shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of this state or the United States.

(g) This section does not affect the discovery or disclosure of information contained in a peace or custodial officer’s personnel file pursuant to Section 1043 of the Evidence Code.

(h) This section does not supersede or affect the criminal discovery process outlined in Chapter 10 (commencing with Section 1054) of Title 6 of Part 2, or the admissibility of personnel records pursuant to subdivision (a), which codifies the court decision in Pitchess v. Superior Court (1974) 11 Cal.3d 531.
(i) Nothing in this chapter is intended to limit the public’s right of access as provided for in Long Beach Police Officers Association v. City of Long Beach (2014) 59 Cal.4th 59.

(Amended by Stats. 2018, Ch. 988, Sec. 2. (SB 1421) Effective January 1, 2019.)
832.8. As used in Section 832.7, the following words or phrases have the following meanings:
   (a) “Personnel records” means any file maintained under that individual’s name by his or her employing agency and containing records relating to any of the following:
       (1) Personal data, including marital status, family members, educational and employment history, home addresses, or similar information.
       (2) Medical history.
       (3) Election of employee benefits.
       (4) Employee advancement, appraisal, or discipline.
       (5) Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties.
       (6) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.
   (b) “Sustained” means a final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Sections 3304 and 3304.5 of the Government Code, that the actions of the peace officer or custodial officer were found to violate law or department policy.
   (c) “Unfounded” means that an investigation clearly establishes that the allegation is not true.

(Amended by Stats. 2018, Ch. 988, Sec. 3. (SB 1421) Effective January 1, 2019.)
Attachment D
Department General Order 5.17  
"Bias-Free Policing Policy"  
Update Packet #67

The purpose of this directive is to announce the REVISION of Department General Order 5.17, Bias-Free Policing, adopted by the Police Commission on August 12th, 2020.

Members are expected to have a working knowledge of all directives as applicable to their respective assignment and comply with their provisions, per DGO 3.01.12. Members shall obey all written orders, policies and procedures of the Department, per DGO 2.01, Rule 10.

Department General Order update packet #67 is attached to this notice and is available to members on the SFPD Network Intranet site.

WILLIAM SCOTT  
Chief of Police

Per DN 20-122, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Notice in PowerDMS. Any questions regarding this policy should be made to sfpd.writendirectives@sfgov.org who will provide additional guidance about the directive.
BIAS-FREE POLICING POLICY

A guiding principle of the San Francisco Police Department is its commitment to treating all people with dignity, fairness and respect. It is crucial for members to carry out their duties in a manner free from bias and eliminate any perception of policing that appears biased. This order outlines the policy for bias-free policing.

A fundamental right guaranteed by the Constitution of the United States is equal protection under the law. Along with this right is the fundamental right to be free from unreasonable searches and seizures by government agents as guaranteed by the Fourth Amendment. Department members are charged with protecting these rights for all people, regardless of race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, or socio-economic status. Police action that is biased is illegal and violates these rights. Biased policing is unsafe, unjust and ineffective. It also alienates the public, fosters distrust of police, and undermines legitimate law enforcement efforts.

I. POLICY

This policy establishes the San Francisco Police Department’s commitment to just, transparent and bias-free policing and reinforces existing policies and procedures that serve to assure the public that the SFPD is providing services and enforcing laws in an equitable manner. It also clarifies the limited circumstances in which members can consider race, color, ethnicity, national origin, religion, age, gender identity or expression, sexual orientation, mental or physical disability, or socio-economic status when making law enforcement decisions.

II. DEFINITIONS

A. RACIAL & IDENTITY PROFILING. The California Penal Code defines racial and identity profiling as the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability in deciding which person to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. These activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.
B. BIASED POLICING. When providing law enforcement services or enforcement, bias policing occurs when law enforcement inappropriately considers characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, socio-economic status, age, cultural group, disability or affiliation with any non-criminal group.

C. IMPLICIT BIAS. Implicit Bias refers to the attitudes or stereotypes that affect a person’s understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual’s awareness or intentional control. Implicit biases are different from known biases that individuals may choose to conceal. Rather, implicit biases are not accessible through self-reflection or examination.

D. BIAS BY PROXY. Bias by proxy occurs when individuals call the police and make false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request for service rooted in implicit or explicit bias, they risk perpetuating the caller’s bias. Members should use their critical decision-making skills drawing upon their training to assess whether there is criminal conduct.

III. PROCEDURES

A. Policing Impartially

1. The Fourth Amendment of the United States Constitution and statutory authority require reasonable suspicion for investigative detentions and traffic stops, and probable cause for arrests and certain searches and seizures. To meet either standard, members must be able to articulate specific facts, circumstances, and conclusions that support the probable cause or reasonable suspicion determination.

2. Except as part of a specific individual description, members may not use, to any degree, race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability or socio-economic status as a basis for establishing either reasonable suspicion or probable cause; for deciding whether to initiate a consensual encounter; when requesting a consensual search; or for determining if there is a lawful basis to search.

3. Members seeking one or more specific persons who have been identified or described in part by any of the above listed characteristics may rely on them only when the characteristic is part of a specific description based upon relevant information that links a specific person to a particular unlawful incident or a call for service. The listed characteristics should not be given undue weight.
4. Members should use their critical decision-making skills drawing upon their training to assess whether there is evidence of criminal activity after independently assessing the circumstances. When carrying out their duties, members should be cognizant of racial and identify profiling, implicit bias and bias by proxy.

B. Preventing Perceptions of Biased Policing

In an effort to prevent perceptions of biased policing:

1. When conducting an investigative detention, members, with consideration for officer safety, shall do the following:

   a. Be courteous and professional (SEE DGO 2.01, General Rules of Conduct, Rule 14).

   b. Approach the person being stopped, identify themselves by their name and rank, and provide an explanation for the stop as soon as practical and when safe. When effecting vehicle stops, members shall provide this information before asking the driver for his or her a driver’s license and registration. (SEE DGO 5.03, Investigative Detentions)

   c. Ensure the detention is no longer than necessary to take appropriate actions for the known or suspected offense, including but not limited to conducting a pat search, and that the person understands the nature of reasonable delays. Members shall provide a Certificate of Release in accordance with the provisions in DGO 5.03, Investigative Detentions.

   d. Answer questions the person may have regarding the stop, including an explanation of options for traffic citation disposition, if relevant. (SEE DGO 5.03, Investigation Detentions)

2. For consensual encounters (see DGO 5.03), members shall provide, if requested:

   a. The member’s name, star number, and assignment. (SEE DGO 2.01, General Rules of Conduct, Rule 14)

   b. Written information regarding the filing of a commendation or complaint that includes the SFPD’s and the DPA’s website addresses. (SEE DGO 2.04, Complaints Against Officers)
C. Training

1. The California State legislature has enacted Penal Code § 13519.4 mandating additional training for all California law enforcement officers to foster mutual respect and cooperation between law enforcement and members of all racial, identity and cultural groups. To comply with this mandate, the Training Division shall develop training that is informed by contemporary, evidence-based best practices that includes, but is not limited to:

   a. Identification of key indices and perspectives that make up racial, identity and cultural differences among residents;

   b. Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest, detention and incarceration rights, and wrongful convictions;

   c. The history and role of the civil and human rights movement and struggles and their impact on law enforcement;

   d. Specific obligations of peace officers in preventing, reporting and responding to discriminatory or biased practices by fellow peace officers;

   e. Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations; and

   f. The prohibition against racial or identity profiling.

2. The Training Division shall ensure that both sworn and civilian members of SFPD attend training that is consistent with legislative, Peace Officer Standards and Training (P.O.S.T.) and SFPD requirements, including but not limited to:

   a. Equal Employment Opportunity/Harassment

   b. Principled Policing and Procedural Justice

   c. Racial and Cultural Diversity and Racial Profiling

   d. Creating an Inclusive Environment

   e. Managing Implicit Biases

   f. Bias by Proxy
D. Member’s Responsibility and Compliance

All members are responsible for knowing and complying with this policy. Any member who becomes aware of biased policing, as defined by this DGO 5.17, or any other violation of this policy shall report it in accordance with established procedure.

References:

DGO 2.01, General Rules of Conduct
DGO 2.04, Complaints Against Officers
DGO 5.03, Investigative Detentions
Penal Code Section 13519.4
Attachment E
PROHIBITING DISCRIMINATION, HARASSMENT AND RETALIATION

This General Order establishes the San Francisco Police Department’s (Department) policy prohibiting discrimination, harassment, and retaliation, and the Department’s commitment to federal, state, and City equal employment opportunity (EEO) laws prohibiting discrimination, harassment, and retaliation. All members are responsible for knowing and complying with this General Order to ensure that each member works in an environment free of discrimination, harassment, and retaliation. For the purposes of this General Order the term “member” refers to all Department sworn and civilian members, applicants, unpaid interns, volunteers, or persons providing services to the City by contract.

This General Order is not intended to limit or restrict any member’s rights under federal, state or local law, or any applicable Memorandum of Understanding.

11.07.01
POLICY

A. FAIRNESS IN THE WORKPLACE. The Department values diversity in its workforce and is committed to fair and equal treatment of all members in the terms, conditions and privileges of employment. The Department affirms its ethical and legal obligations to provide work environments free from discrimination, harassment and retaliation and treat all individuals professionally, with courtesy, dignity and respect.

This policy applies at all Department locations, Department-sponsored trainings or events, and any activities where a member represents the Department.

In accordance with federal, state and local law, the Department prohibits discrimination, harassment, and retaliation against all individuals, and will not tolerate such conduct. (See also DGO 5.17)

B. PROTECTED CATEGORIES. The Department prohibits discrimination or harassment based on actual or perceived membership in the following protected categories:

- Age (40 or older)
- Ancestry
- Color
- National Origin
- Race
- Religion (includes religious dress and grooming practices)
- Disability (physical or mental)
- HIV and AIDS status
• Marital Status or Domestic Partner Status
• Medical Condition (associated with cancer, a history of cancer, or genetic characteristics)
• Genetic Information
• Parental Status
• Military and Veteran Status
• Sex (includes pregnancy, childbirth, breastfeeding, medical conditions relating to pregnancy, childbirth or breastfeeding)
• Gender, Gender Identity, or Gender Expression
• Sexual Orientation
• Political Affiliation
• Height
• Weight

The Department also prohibits discrimination against or harassment of any member because of that member’s association with a person who is, or is perceived to be, a member of any of the protected categories listed above.

C. RETALIATION. The Department prohibits retaliation against any member who in good faith made a complaint regarding, or who otherwise opposes, conduct the member reasonably believes to be discrimination, harassment or retaliation, or who has assisted or participated in any manner in an investigation, proceeding, hearing, or resolution of any such complaint.

11.07.02
DEFINITIONS

A. DISCRIMINATION. Discrimination against any member is prohibited. Discrimination occurs when a member is subjected to an adverse employment action based on their actual or perceived membership in one or more of the protected categories listed above. An adverse employment action or issue complained of may include, but is not limited to, the following:

1. Denial of Employment
2. Denial of Reasonable Accommodation
3. Layoff
4. Compensation
5. Constructive Discharge
6. Denial of Promotion
7. Termination
8. Denial of Training
9. Disciplinary Action
10. Work Assignment

B. HARASSMENT. The Department prohibits harassment of any member. Harassment is unwelcome, offensive or intimidating conduct that is directed at an individual or group of individuals because of their actual or perceived membership in one or more of the protected categories listed above, and that is, or if repeated or allowed to continue might become,
sufficiently severe or pervasive as to alter the condition of the individual’s employment and create an abusive working environment.

Harassment may take many forms including but not limited to:

1. VERBAL CONDUCT. Verbal conduct includes but is not limited to epithets, derogatory comments, unwelcome jokes or stories, slurs, deliberate misuse of appropriate forms of address and pronouns, unwelcome sexual or romantic advances or invitations, innuendoes, suggestive comments or sounds, requests for sexual favors, or harassing phone calls.

2. VISUAL CONDUCT. Visual conduct includes but is not limited to derogatory, offensive or suggestive posters, cartoons, bulletins, drawings, signs, symbols, photographs, magazines, written articles or stories, notes, poems, letters, screen savers, e-mail transmissions, text messages, or social media applications.

3. PHYSICAL CONDUCT. Physical conduct includes but is not limited to touching, patting, pinching, grabbing, staring, leering, lewd or suggestive gestures, brushing against another’s body, assault, blocking normal movement, or other physical interference.

4. SEXUAL HARASSMENT. Sexual harassment includes but is not limited to any unsolicited and unwelcome sexual advance, request for sexual favors, and other verbal, physical, visual, or written conduct of a sexual nature directed to persons of the same or opposite sex when:

   a. Submission to such conduct is made explicitly or implicitly as a term or condition of employment; or
   b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
   c. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

C. RETALIATION. The Department prohibits retaliation against any member. Retaliation against a member for any of the following actions undertaken in good faith is prohibited:

1. Reporting discrimination, harassment or retaliation;
2. Filing a complaint of discrimination, harassment or retaliation;
3. Opposing conduct one reasonably believes to be discrimination, harassment or retaliation;
4. Participating in or cooperating with an investigation of a complaint of discrimination, harassment or retaliation; and/or
5. Participating in or cooperating with the resolution of a complaint of discrimination, harassment or retaliation.
D. HOSTILE WORK ENVIRONMENT. A hostile work environment may exist when a person’s inappropriate and unwelcome behavior within a workplace creates an environment that is intimidating, abusive or offensive for another person because of the person’s membership in one or more protected categories.

The following factors may result in a hostile work environment:

1. An individual was subjected to inappropriate and unwelcome behavior that constitutes harassment;
2. The inappropriate and unwelcome behavior is sufficiently severe or pervasive; or
3. The inappropriate and unwelcome behavior altered the individual’s employment and created an abusive work environment.

11.07.03 PROCEDURES

A. FILING A COMPLAINT

1. WHO CAN FILE

   a. MEMBERS: Members may make a complaint whenever they reasonably believe they been subjected to discrimination or harassment based on one or more of the protected categories listed above in section 11.07.01, POLICY B., or have been subjected to retaliation.

   b. SUPERVISORS AND MANAGERS: Supervisors and managers upon learning about a discrimination, harassment or retaliation complaint directly from a complaining member; indirectly through another member; by personal observation of the conduct; or by other means shall immediately report the matter in writing.

Supervisors and managers shall place the complaint, or their report of the matter, in a sealed envelope clearly marked "confidential” and hand carry the envelope to the Commanding Officer of the Risk Management Division or the EEO Liaison if the Commanding Officer is not available, by the end of their tour of duty.

If the Risk Management Office is closed, the sealed complaint shall be placed in the drop box labeled “SFPD EEO Mailbox” located near the front counter window of Southern Station’s lobby. In cases where the envelope is too large to fit in the mail slot at Southern Station, supervisors and managers shall maintain custody of the envelope in a locked location until 0900 hours on the next business day when the supervisor or manager shall hand deliver the envelope to the Commanding Officer of the Risk Management Division, or the EEO Liaison if the
Commanding Officer is not available. Confidential EEO complaints shall NOT be placed in Department mail.

To ensure that EEO complaints are treated with discretion, the chain of command for discrimination, harassment or retaliation complaints is from the supervisory officer or manager who learns of the complaint or observes the conduct to the Commanding Officer of the Risk Management Division or the EEO Liaison if the Commanding Officer is unavailable.

2. WHERE TO FILE

a. INTERNAL FILING: Members may file a complaint through any of the following internal channels:
   i. The member’s supervisory officer;
   ii. Any supervisory officer or manager outside the member's chain of command;
   iii. The Department's EEO Liaison;
   iv. The EEO Division in the City’s Department of Human Resources (DHR)

Members who need further information on how to initiate an internal complaint may contact SFPD EEO Liaison (415) 837-7178, or DHR's Equal Employment Opportunity (EEO) Helpline at (415) 557-4900. Members with a hearing impairment can call (415) 775-9484 (TDD). The EEO Helpline is staffed during normal business hours, Monday through Friday, 8 a.m. – 5 p.m.

b. EXTERNAL FILING. Members are not required to file their complaint through internal channels. Members may file a complaint with:
   i. the United States Equal Employment Opportunity Commission (EEOC),
   ii. the California Department of Fair Employment and Housing (DFEH), and/or
   iii. consult with a private attorney or union representative.

3. TIME LIMITS

All complaints alleging discrimination, harassment or retaliation in violation of this General Order shall be reported in a timely manner. Complaints filed with the SFPD or DHR shall be filed 180 days from the date of the alleged violation or no later than 180 days from the date the member should have first become aware of the violation. A complaint is considered filed on the date it is received by the City, whether that is to the Department, or directly to DHR.

The filing deadlines for the EEOC and DFEH differ from the City’s deadlines. Members should consult with the EEOC or the DFEH for their specific timelines if a member wishes to file directly with one of those agencies.

4. COMPLAINT DESCRIPTION
A complaint of discrimination, harassment or retaliation should include the following information:

a. Personal contact information, including name, contact number, and email;
b. A#, Star number, Disaster Service Worker Number and Civil Service Classification, Bureau/Division/Team/Station, and work location;
c. The discriminatory, harassing, or retaliatory action: *i.e.*, termination, denial of promotion, inappropriate touching, etc.;
d. Basis or protected category, *i.e.* the reason the action occurred;
e. The date(s) of the alleged discriminatory, harassing, or retaliatory action(s);
f. A detailed chronology and explanation of the sequence of events believed to be discriminatory, harassing, or retaliatory;
g. The name(s), Work Title, Bureau/Division/Team/Station and work location of the individual(s) accused of discrimination, harassment, or retaliation;
h. The names of any witnesses to the alleged discriminatory, harassing, or retaliatory action; and
i. The specific action sought to remedy the alleged discrimination, harassment, or retaliation.

5. CONFIDENTIALITY

The Department and DHR will maintain the confidentiality of the complaint to the fullest extent practical, although some disclosure may be necessary to assist in a thorough and complete investigation of the complaint and/or to take appropriate corrective or disciplinary action.

B. COMPLAINT PROCESS AND REVIEW

1. ROLE OF RISK MANAGEMENT OFFICE

The Chief of Police shall designate a member to act as a Liaison with DHR’s EEO Division. To the extent needed, the Liaison will assist DHR in serving orders to appear for witness interviews.

Upon receipt of a complaint of discrimination, harassment or retaliation from a member, supervisory officer, or manager, the Commanding Officer of the Risk Management Division, through the EEO Liaison, shall promptly (within 5 business days) forward the complaint to DHR’s EEO Division.

2. DEPARTMENT OF HUMAN RESOURCES, EEO DIVISION

All complaints alleging violation of this General Order shall be forwarded to DHR’s EEO Division for review and the undertaking of one or more of the following actions:

a. Further Investigation: If a complaint is assigned for further investigation, DHR EEO Division staff shall notify the Chief of Police and the Commanding Officer
of the Risk Management Division. The purpose of investigating further is to collect facts and gather data.

Further investigation may include interviews; review of documents, records and data; site visits; or other activities as necessary. The Commanding Officer of Risk Management, through the EEO Liaison, will make materials available for review by DHR’s EEO investigators.

b. Resolution through mediation: Mediation may be pursued, with the facilitation by trained staff, if parties are willing to participate.

c. Administrative closure for lack of jurisdiction: Closure of a complaint by DHR does not preclude review under the Department’s Internal Affairs Division for possible rule violations.

The complaining member will be notified of the action to be taken.

C. COMPLAINT RESOLUTION

1. DETERMINATION BY HUMAN RESOURCES DIRECTOR

Pursuant to the San Francisco Charter, §10.103, the City’s Human Resources Director is responsible for reviewing and resolving claims of discrimination, harassment and retaliation. When a complaint has been investigated, the Human Resources Director will review the investigation and any relevant materials, including EEO investigative reports, letters of complaint, and departmental responses. The Human Resources Director shall make a determination on the charges and shall issue a letter of determination to the complainant and the Chief of Police. This determination may take the following forms:

<table>
<thead>
<tr>
<th>DHR Determination</th>
<th>SFPD Equivalent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finding; sufficient evidence</td>
<td>• Sustained</td>
</tr>
<tr>
<td></td>
<td>• Policy failure</td>
</tr>
<tr>
<td></td>
<td>• Supervision failure</td>
</tr>
<tr>
<td></td>
<td>• Training failure</td>
</tr>
<tr>
<td>Dismissed; insufficient evidence</td>
<td>• Not sustained</td>
</tr>
<tr>
<td></td>
<td>• Proper conduct</td>
</tr>
<tr>
<td></td>
<td>• Unfounded</td>
</tr>
<tr>
<td>Administrative closure</td>
<td>• Information only</td>
</tr>
<tr>
<td></td>
<td>• No finding</td>
</tr>
<tr>
<td></td>
<td>• Withdrawal</td>
</tr>
</tbody>
</table>
2. APPEAL OF HUMAN RESOURCES DIRECTOR ACTION

Consistent with San Francisco Charter §10.101, the decision of the Human Resources Director may be appealed to the Civil Service Commission. Appeals may be made by the complaining party, the accused and/or the Department. Under Civil Service Rule 205.12.4, appeals must be received by the Executive Officer of the Civil Service Commission within thirty (30) calendar days following the postmarked mailing date of the determination. The Civil Service Commission does not have authority to impose discipline on civilian or sworn members of the Department.

3. ENFORCEMENT OF HUMAN RESOURCES DIRECTOR ACTION

Consistent with the San Francisco Charter, the decision of the City’s Human Resources Director shall be enforced by every member, unless the decision is appealed to the Civil Service Commission, and is reversed.

Although the Human Resources Director may recommend corrective action, the Director does not have the authority to discipline members.

Following receipt of a finding of discrimination, harassment, or retaliation by the Human Resources Director, the Chief of Police shall initiate whatever disciplinary or other corrective action the Chief determines is appropriate. The Chief of Police may refer the matter to the Internal Affairs Division for further investigation consistent with time limits in Government Code § 3304. If appropriate, the Chief of Police shall schedule the matter for a Chief’s Hearing or file disciplinary charges with the Police Commission, consistent with General Order 2.07.

11.07.04
RESPONSIBILITIES

A. ALL MEMBERS

All members are responsible for knowing and complying with this General Order to ensure that the Department maintains a work environment free of discrimination, harassment and retaliation. Members shall conduct themselves professionally and shall treat other members professionally, with courtesy, dignity and respect.

Members shall report discriminatory, harassing or retaliatory behavior, whether directed at themselves or co-workers. (See Section 11.07.03, Procedures.)

Each member is prohibited from using peer pressure or otherwise attempting to discourage or dissuade any member from making a complaint under this General Order.

All members are required to cooperate with the investigation of any discrimination complaint, and be truthful in such investigation. In order to maintain the integrity of each investigation, members who receive a complaint, or who participate in the investigation
or resolution of any complaint, shall refrain from discussing the complaint and/or the investigation except where members must consult with legal counsel or recognized representatives.

B. SUPERVISORY OFFICERS AND MANAGERS

All supervisory members are required to know, comply with, and enforce this General Order. The following are examples of conduct that may result in disciplinary action:
1. Direct or tacit approval of discrimination, harassment or retaliation;
2. Implementing a retaliatory transfer;
3. Failing to take action to stop potential or reported complaints of discrimination, harassment or retaliation;
4. Failing to report potential or reported complaints of discrimination, harassment or retaliation;
4. Treating discrimination, harassment or retaliation, or a complaint of such conduct as a joke; and/or
5. Concealing discrimination, harassment or retaliation, or a complaint of such conduct.

A supervisory officer or manager who learns of a possible discrimination, harassment or retaliatory complaint or observes conduct that is potentially discriminatory, harassing or retaliatory shall take immediate corrective action to stop the conduct and provide some initial remedy, as appropriate. For assistance in determining how to take immediate corrective action, contact the EEO Liaison.

Supervisors shall also report the matter, in writing to the Commanding Officer of Risk Management Division by the end of their tour of duty. The Department will not accept or tolerate excuses to evade a supervisory or managerial member’s responsibilities and duties under this General Order.

C. CHIEF OF POLICE

The Chief of Police shall be responsible for enforcing the determination of the Human Resources Director and, where applicable, the decisions of the Civil Service Commission; and for initiating disciplinary or other corrective action when appropriate.

The Chief of Police shall assign a sworn member to be the Department’s EEO Liaison.

11.07.05
DISCIPLINE

Any member found to have engaged in unlawful discrimination, harassment or retaliation may be subject to disciplinary action, which may include written reprimand, demotion, suspension or termination of employment. A member may be subject to discipline for engaging in harassing
conduct that does not meet the definition of harassment under state or federal law but that, if repeated or allowed to continue, may meet that definition.

Any member who violates this General Order, interferes with its implementation, fails to cooperate, and/or answer truthfully during an investigation shall be subject to appropriate corrective or disciplinary action, which may include counseling, retraining, education, mediation, admonishment, demotion, or discipline up to and including suspension or termination of employment.

Any supervisory officer or manager who fails to report a complaint or who otherwise violates this General Order shall be subject to appropriate corrective or disciplinary action, which may include counseling, retraining, education, mediation, admonishment, demotion, or discipline up to and including suspension or termination of employment.

Consistent with the Department’s practices in all matters involving discipline, the individuals responsible for determining whether, when and to what extent a member shall be disciplined may refer to a variety of source materials including, but not limited to, Department General Orders and Bulletins/Notices, SFPD Disciplinary Penalty & Referral Guidelines, the Civil Service Rules, applicable Memorandums of Understanding, the City Charter, and the Administrative Code.

11.07.06
RESOLUTION OF COMPLAINTS FILED WITH THE DEPARTMENT PRIOR TO EFFECTIVE DATE OF THIS GENERAL ORDER

Complaints of discrimination, harassment or retaliation filed prior to the effective date of this General Order shall be reviewed and resolved in accordance with procedures established pursuant to the Department’s General Order 11.07 dated 05/06/09.

11.07.07
MANDATORY TRAINING

To ensure that all members are informed of the Department’s EEO policy and in an effort to prevent discrimination, harassment (including sexual harassment) and retaliation from occurring, the Department shall provide mandatory, DHR-approved discrimination, harassment, and retaliation prevention training (“mandatory DHR training”) to all members as follows:

A. All new Department hires shall complete mandatory DHR training within 30 days of hire.
B. All Department sworn (sergeants and above) and civilian supervisors shall attend mandatory DHR training within the first 30 days of appointment to a supervisory position.
C. All Department members shall complete mandatory DHR training each year.
D. Supervisors and managers are mandated to conduct annual (calendar year) discussions with their staff regarding the prevention of discrimination, harassment (including sexual harassment), and retaliation.

References:
DGO 2.07, Discipline Process for Sworn Members
DGO 5.17 Policy Prohibiting Biased Policing
SFPD Disciplinary Penalty & Referral Guidelines
Mayor Breed Executive Directive 18-03, Recognition, Expansion and Reaffirmation of Inclusive Gender Identities
Civil Service Commission Memorandum 2017-01 – Policy of Family and Romantic Relationships at Work
Department of Human Resources – Sexual Harassment Policy
Department of Human Resources – Equal Employment Opportunity Policy
California Family Rights Act (CFRA)
California Fair Employment and Housing Act (FEHA) of 1959 (including amendments)
California Genetic Information Non-discrimination Act (GINA) of 2008
Family and Medical Leave Act (FMLA)
Title VII of the Civil Rights Act of 1964 (including amendments)
Age Discrimination in Employment Act (ADEA) of 1967
Rehabilitation Act of 1973
Americans with Disabilities Act (ADA) of 1990 (including amendments)
Attachment F
Q050 Sergeant, (Police Department)

Recruitment #CBT-Q050-904291

DEPARTMENT  
Public Safety  
ANALYST  
Noemi Herndon  
DATE OPENED  
12/18/2020 08:00:00 AM  
FILING DEADLINE  
12/24/2020 4:00:00 PM  
SALARY  
$69.81 - $69.81/hour; $12,101.00 - $12,101.00/month; $145,210.00 - $145,210.00/year  
JOB TYPE  
CBT Discrete  
EMPLOYMENT TYPE  
Full-Time

INTRODUCTION

Clerically Amended to Reflect New Deadline for Required POST Intermediate Certificate Due to Postponed Job Knowledge Test Reposted for Informational Purposes Only

Under direction, as a sworn member of the San Francisco Police Department, the Q050 Sergeant's duties may include but are not limited to: supervises field incidents, crime scenes or special events; monitors, directs, evaluates, coaches and trains subordinate personnel; reviews documents and prepares routine paperwork; interacts with SFPD members, other city departments and law enforcement agencies; performs routine law enforcement and operations duties; conducts surveillance and search operations; obtains and serves arrest and search warrants; collects, processes and secures physical evidence; interacts with victims, witnesses, and suspects during investigations; conducts follow-up investigation, case management, and prosecution. A Q050 Sergeant is a first line supervisor position in the San Francisco Police Department and may be assigned to Field Operations, Investigations, and Administration Bureaus base on the needs of the department.

MINIMUM QUALIFICATIONS

1. Sworn members of the San Francisco Police Department who have completed probation as a Q002 Police Officer and possess a minimum of three (3) years of experience with the SFPD at the rank of Q002 Police Officer or higher as of December 3, 2020. Length of service is calculated from date of swearing in;  
AND  
2. Possession of a POST Intermediate Certificate (or more advanced POST certificate) issued by California Department of Justice, Commission on Peace Officer Standards and Training;  
AND  
The requirements for a POST Intermediate Certificate (as specified in SFPD Department Bulletin #16-008) are:  
1. Baccalaureate degree, plus two years law enforcement or;
2. Associate degree, plus four years law enforcement or;
3. 45 college units, plus four years law enforcement and 45 training points or;
4. 30 college units, plus six years law enforcement and 30 training points or;
5. 15 college units, plus eight years law enforcement and 15 training points;

AND

3. Possession of a valid Class C California Driver license. Evidence of possession of this license does not have to be provided but is a condition of continued employment.

Applicants must meet minimum qualifications (1) and (3) above by December 3, 2020 to be considered a "qualified candidate”. Evidence of possession of the POST Intermediate Certificate must be submitted no later than 1600 on June 30, 2021 to dhr-publicsafety@sfgov.org. Applicants who submitted evidence of a POST certificate in response to the January 2020 Q050 announcement do not need to resubmit. Candidates who do not provide a certificate by June 30, 2021 will be disqualified from the selection process.

OTHER DISQUALIFIER

Subject to the current terms of the Memorandum of Understanding, any applicant with a sustained allegation of misconduct for race-based conduct, for example, use of racial slurs, racial bias, racial disparate behavior or treatment of others or selective enforcement based on race, may be prohibited from moving forward in the selection process. Examples of disqualifying misconduct include, but are not limited to, violations of Department General Orders 5.17 or 11.07 that involve sustained allegations of racism. A sustained allegation of misconduct means all appeal rights have been exhausted (i.e., the member received notice of the allegation and either (1) did not contest the finding and accepted the recommended discipline; or (2) appealed the recommended discipline, and after an appeal hearing in accordance with the current MOU and POBR, a sustained finding of misconduct was issued).

HOW TO APPLY

New applications for this recruitment will be accepted through an online process from 0800, November 20, 2020 to 1600, December 3, 2020.

Visit www.jobaps.com/sf to register an account (if you have not already done so) and begin the application process.

- Select the "Q050 Police Sergeant” job announcement
- Select “Apply” and read and acknowledge the information
- Select either “I am a New User” if you have not previously registered, or “I have Registered Previously”
- Follow instructions on the screen

If you previously registered and have a JobAps account with the City and County of San Francisco, but do not remember your UserID and/or password please email dhr-publicsafety@sfgov.org for your login information.

In line with the Official Public Health Order to slow the spread of COVID-19, "shelter-in-place" has been issued for all San Francisco residents that is expected to be in effect until further notice. As a result, Department of Human Resources (DHR)'s office (located at 1 South Van Ness Avenue, 4thFloor, San Francisco, CA 94103) is currently closed to the general public. If you have any questions, please email the Human Resources Analyst listed on this announcement.

Applicants who file for this announcement will later be contacted by email. Therefore, it is their responsibility to ensure that their registered email address is accurate and kept up-to-date. Also, applicants must ensure that email from CCSF is not blocked on their computer by a spam filter. To prevent blocking, applicants should set up their email to accept CCSF mail from @sfgov.org.

In the experience section of the application, you need to include only your experience as a Q002 Police Officer in the San Francisco Police Department.
Applicants will receive a confirmation email that their online application has been received in response to every announcement to which they apply. Applicants should retain this confirmation email for their records. Failure to receive this email means that the online application was not submitted or received.

**If you wish to copy your last submitted Q050 application, here are the simple steps:**

1. Select a previously created application that you wish to copy from amongst the choices provided below.
2. Click on the Job Title/Bulletin Number of the application you have chosen to copy.
3. The information from the chosen application will be copied into a new application for Police Sergeant CBT-Q050-904291.
4. Finish the new application by completing each page. Make any edits necessary to ensure that your application has up-to-date information before submitting.

**Note:** Once you choose an application to copy from, you cannot reverse this action. Therefore, please be sure to review this page completely in order to identify the application that you prefer to copy.

**Applications completed improperly may be cause for ineligibility and disqualification.**

If you have any questions regarding this recruitment or application process, please email dhr-publicsafety@sfgov.org.

**SELECTION PLAN**

The selection process will consist of components such as the following: job knowledge test, job task simulation such as role-play and/or tactical exercises. A pass point will be established after administration of the job knowledge test, and only candidates scoring at or above that minimum passing score will be invited to participate in subsequent components of the examination. Final scores will be based on a composite of the scores from the job task simulation exercise(s). The job knowledge test is tentatively scheduled to be administered the week of December 14, 2020, and the job task simulation exercise tentatively the week of February 15, 2021. Qualified applicants will be notified of the exact date, time, and location for the test components.

**SELECTION PROCEDURES**

**Q050 Sergeant Examination Preparation Guides**

A description of the examination process will be included in Preparation Guides. Preparation Guides will also list the job-related duty areas and the knowledge, skills, and abilities to be evaluated in each test component, as well as specific reading materials [e.g., Department Bulletins, Department General Orders, State and local penal codes, etc.] with which candidates should be familiar for test purposes. Preparation Guides for each component will be made available approximately thirty (30) days prior to the administration of the component. The Preparation Guide for the Written exercise was made available on November 13, 2020. Applicants should obtain and review the Preparation Guide at https://sfdhr.org/sites/default/files/documents/Exam-Information/SFPD-Q50-Sergeant-Prep-Guide-2020.pdf. All Police Department members will be reminded via email when that Preparation Guide is available.

**Certification Rule:** The certification rule for the eligible list resulting from this test will be Rule of Ten (10) Scores.

**Eligible List:** The duration of the eligible list produced from this exam will be thirty-six (36) months and may be extended up to twelve (12) months upon approval of the Human Resources Director. In accordance to CSC Rule 212.14, any eligible who fail to maintain the qualifications required by laws and by the terms of the examination announcement (including receiving a subsequent sustained allegation that involves racism) will be removed from the eligible list.
Secondary Criteria: When making appointments, the Appointing Officer will consider the following secondary criteria:

- Assignments
- Training
- Education
- Community involvement
- Special qualifications
- Commendations/awards
- Bilingual certification
- Discipline history

CONVICTION HISTORY

As a selected candidate for a job, you will be fingerprinted, and your fingerprints will be sent to the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). The resulting report of your conviction history (if any) will be used to determine whether the nature of your conviction (or arrest, in limited circumstances) conflicts with the specific duties and responsibilities of the job for which you are a selected candidate. If a conflict exists, you will be asked to present any evidence of rehabilitation that may mitigate the conflict, except when federal or state regulations bar employment in specific circumstances, such as:

- Candidates for positions with the Unified School District and the Community College District may be disqualified from consideration should their conviction history not meet the standards established under the California Education Code.
- Candidates for positions with the Recreation and Park Department may be disqualified from consideration should their conviction history not meet the standards established under California Public Resources Code 5164.

Having a conviction history does not automatically preclude you from a job with the City.

If you are a selected candidate, the hiring department will contact you to schedule a fingerprinting appointment.

DISASTER SERVICE WORKERS

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

CONCLUSION

1. All examination procedures including policies and procedures on announcements, applications and examinations are subject to the Civil Service Commission Rules, Volume II, Uniformed Ranks of the San Francisco Police Department available at https://sfgov.org/civilservice and the policies and procedures of the Department of Human Resources.

2. Applicants must be guided solely by the provisions of this announcement, including requirements, time periods and other particulars, except when superseded by federal, state or local laws, rules or regulations. Clerical errors may be corrected by posting the correction on the Department of Human Resources website at www.jobaps.com/sf. The terms of this examination announcement may be appealed under Civil Service Rule 211.6, provided that such appeal is submitted in writing in the Department of Human Resources, 1 S Van Ness Avenue, 4th Floor,
San Francisco, CA 94103-5413 by close of business on the 5th business day following the issuance date of this examination announcement.

3. The City and County of San Francisco reserves the right to revise the examination plan if necessary.

4. An applicant/eligible that changes his or her contact information (email, name, mailing address, phone, etc.) after having filed an application must promptly go to CCSF’s employment website: www.jobaps.com/sf. Click on “Update My Contact Info” button. Log in to your JobAps account by entering both UserID and password. Enter your new address/contact information. Click on the “Update Contact Information” button again. Failure to maintain current contact information may result in loss of eligibility.

5. Qualified candidates with disabilities who require a reasonable accommodation for this examination process must contact Amy Herndon by phone at 415.551.8943, email (noemi.herndon@sfgov.org), or if hearing impaired 415.557.4810 (TDD) as soon as possible, but no later than 1600 on December 04, 2020.

6. Requests for an alternate test date may be considered in limited circumstances and must be submitted in writing to noemi.herndon@sfgov.org within five (5) calendar days of the announcement.

7. Important Employment Information for the City and County of San Francisco can be obtained at http://www.sfdhr.org/index.aspx?page=20 or at 1 South Van Ness Avenue, 4th Floor.

8. Applicants are advised to keep copies of all items submitted to the Department of Human Resources Public Safety Team.

Exam Type: Promotive Only
Issued: November 20, 2020
Carol Isen
Acting Director of Human Resources
Recruitment ID Number: CBT-Q050-904291
PST/NH/415.551.8943

BENEFITS

All employees hired on or after January 10, 2009 will be required (pursuant to San Francisco Charter Section A8.432) to contribute 2% of pre-tax compensation to fund retiree healthcare. In addition, most employees are required to make a member contribution towards retirement, ranging from 7.5%-13.25% of compensation. For more information on these provisions, please contact the personnel office of the hiring agency.

For more information about benefits, please click here.
Attachment G
Rule 203
Equal Employment Opportunity Policy

Applicability:  Rule 203 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

Sec. 203.1 Police Department Equal Employment Opportunity Policy and Non-Discrimination Policy

Sec. 203.2 Civil Service Commission Policies for Equal Employment Opportunities

Sec. 203.3 Language Diversity Policy

Sec. 203.4 Employment of Persons with AIDS, HIV, and AIDS-related Conditions

Sec. 203.5 Prohibition of Sexual Harassment

Sec. 203.6 Prohibition of Unlawful Workplace Harassment

Sec. 203.7 Employment of Persons with Disabilities

Sec. 203.8 Prohibition of Retaliation

Sec. 203.9 Equal Employment Opportunity Analysis

Sec. 203.10 Discrimination Complaints

Sec. 203.11 Examination Panels

Sec. 203.12 Authority to Override Civil Service Rules to Effectuate a Discrimination Remedy
Rule 203
Equal Employment Opportunity Policy

Applicability: Rule 203 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 203.1 Police Department Equal Employment Opportunity Policy and Non-Discrimination Policy
It is the goal and policy of the Police Department to hire and promote qualified members of the police force in all ranks. The Human Resources Director or his or her designee shall conduct outreach for the purpose of announcing upcoming examinations. By way of example but not limitation, outreach for entry level examinations shall include periodic mailings, job fairs, and presentations to inform the public of the employment opportunities and the examination process within the civil service merit system. All persons shall have equal access to employment within the City and County, limited only by their ability to do the job.

Sec. 203.2 Civil Service Commission Policies for Equal Employment Opportunities
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; that selection of employees to positions within the Service be made on the basis of merit; and that continuing programs be maintained to afford equal employment opportunities at all levels. Vigorous enforcement of the laws against discrimination shall be carried out at every level of each department. All persons shall have equal access to employment and the terms, conditions and privileges of employment within the City and County, limited only by their ability to do the job.

No person in the Classified Service or seeking admission thereto, shall be appointed, reduced, removed, or in any way favored or discriminated against in employment or opportunity for employment because of 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 or any other category provided by ordinance.
Sec. 203.3  Language Diversity Policy

It is the policy of the Civil Service Commission that an employee's use of a language other than English is not only an asset in the provision of public services but, with few exceptions, such as business necessity, is a legally protected right.

Sec. 203.4  Employment of Persons with AIDS, HIV, and AIDS-related Conditions

Departments, agencies, boards, and commissions of the City and County of San Francisco shall be required to provide reasonable accommodation to qualified employees and applicants who have the conditions known as Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions.

Sec. 203.5  Prohibition of Sexual Harassment

It is the policy of the Civil Service Commission, consistent with Federal, State and local laws, rules and official policies that sexual harassment of City employees and applicants for employment is prohibited and will not be tolerated.

Sec. 203.6  Prohibition of Unlawful Workplace Harassment

It is the policy of the City and County of San Francisco that each official, employee, and agent acting in official capacity, will treat all persons equally and respectfully, and will refrain from unlawful workplace harassment in accordance with applicable Federal, State and local laws, rules and official policies.

Sec. 203.7  Employment of Persons with Disabilities

In accordance with the Federal, State and local laws, it is the policy of the Civil Service Commission to provide equal access for individuals with disabilities in all areas of employment. No disabled person shall be denied employment or any other term, condition, or privilege of employment based upon disability or the need for a reasonable accommodation, so long as the accommodation does not result in undue hardship on the operations of the department or the City and County of San Francisco.
Sec. 203.8  **Prohibition of Retaliation**

It shall be a violation of this Rule to discriminate against, retaliate against, or harass any employee or applicant because such employee or applicant has complained of or opposed any discriminatory practice prohibited under this Rule or has made a complaint, testified, supplied evidence, assisted, or participated in any manner in any investigation, proceeding, or hearing under this Rule.

Sec. 203.9  **Equal Employment Opportunity Analysis**

203.9.1  The Department of Human Resources shall annually prepare an analysis of the work force.

203.9.2  The City shall maintain records of its work force composition by race, sex, ethnicity, and classification (job code). These records shall also reflect new employments, promotions, transfers, and separations; and shall be reported to Federal, State and local agencies as required. Individual employee names shall remain a confidential part of these records. Non-confidential elements of these records shall be made available for public review upon request.

203.9.3  From the foregoing records, the Department of Human Resources staff shall prepare and report to the Civil Service Commission every five (5) years with an analysis of the work force to determine whether percentages of race, sex, or ethnic groups in occupational categories are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job-related qualifications.

203.9.4  For each year thereafter until the next five-year report, the Department of Human Resources staff shall report back to the Civil Service Commission on those City classes identified in the last five-year report as having lower percentages of sex, race or ethnic groups than those occupational categories in the relevant job market.

203.9.5  **Compliance with Reporting Requirements**

Nothing in these Rules shall prohibit compliance with Federal or State reporting requirements.
Sec. 203.10  Discrimination Complaints

203.10.1  Purpose

Any employee or applicant may file a complaint alleging that he or she has been discriminated against as a result of any employment decision made by any agency, department, or commission of the City and County of San Francisco on the basis of any protected category identified in Section 203.2 of this Rule. Any employee or applicant may file a complaint alleging that he or she has been retaliated against in violation of this Rule and any such complaint shall be filed and processed in the same manner as other discrimination complaints under this Rule.

203.10.2  Responsibility

1) The Human Resources Director shall be responsible for the review and resolution of employment discrimination complaints. The decision of the Human Resources Director shall forthwith be enforced by every employee and officer, unless the decision is appealed to the Commission and reversed.

2) The Civil Service Commission shall review and resolve complaints of employment discrimination appealed to it pursuant to procedures established by the Executive Officer as provided elsewhere in these Rules. The determination reached under Commission procedures shall be final and shall be enforced by every employee and officer.

203.10.3  Procedures for Complaints of Discrimination

Pursuant to the provisions of the Charter and this Rule, the Human Resources Director shall promulgate procedures for the review and resolution of employment discrimination complaints.

203.10.4  Appeal

Appeal of the Human Resources Director decision may be filed in writing with the Executive Officer to the Civil Service Commission as provided elsewhere in these Rules.

Sec. 203.11  Examination Panels

The Human Resources Director or his or her designee shall make every effort to ensure the representation of women and minorities on examination boards, panels and screening committees.
Sec. 203.12  **Authority to Override Civil Service Rules to Effectuate a Discrimination Remedy**

203.12.1  Commission Authority

In its discretion, the Commission may depart from any provision of these Rules in order to effectuate an appropriate remedy for discrimination in an appeal heard by the Commission.

203.12.2  Authority of Human Resources Director

The Human Resources Director may not depart from a provision of these Rules in order to effectuate an appropriate remedy for discrimination when reviewing and resolving an employment discrimination complaint, without specific authorization from the Commission in a particular case, following a request for such authority in that case from the Human Resources Director.