

# CIVIL SERVICE COMMISSION

## CITY AND COUNTY OF SAN FRANCISCO

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COMMISSIONER

JENNIFER C. JOHNSTON  
EXECUTIVE OFFICER

Date: August 4, 2014

To: Civil Service Commission

From: Jennifer Johnston  
Executive Officer

Subject: **Year-End Report on the Civil Service Commission's Activities and Achievements in Fiscal Year 2013-2014**

The following is a summary report on the activities of the Civil Service Commission ("Commission" or "Department") in Fiscal Year 2013-2014, the period covering July 1, 2013 through June 30, 2014.

The Commission primarily focused its efforts during the fiscal year on achieving its performance measures in support of the following six goals:

- Goal #1: Increase access to, and utilization of the Civil Service Commission's information and resources.
- Goal #2: Create greater transparency and efficiencies in the Civil Service Commission's processes and communications.
- Goal #3: Ensure the timely resolution of appeals so that merit system issues are addressed efficiently, effectively and fairly.
- Goal #4: Seek ways to address City departments' need for flexibility in personnel management issues while at the same time maintaining the integrity of the City's merit system.
- Goal #5: Work to ensure that the Civil Service Commission's Rules, policies and procedures are easily understood and known by all stakeholders, compliant with the law, consistent, and reflective of current and best practices.
- Goal #6: Strengthen the Civil Service Commission's ability to meet its Charter mandates and oversee the operation of the merit system.

The Commission was particularly productive under the leadership of President Scott Helffond and Vice President E. Dennis Normandy in Fiscal Year 2013-2014, as it was able to not only accomplish, but even surpass many of its performance measures. See Attachment A for a chart reflecting the Commission's achievements on the approximately 50 performance measures it established for Fiscal Year 2013-2014.

THIS DOCUMENT SUPPORTS  
CALENDAR ITEM 6

Also attached to this report are the following Fiscal Year 2013-2014 documents: 1) the Pending Appeals Log (Attachment B); 2) the Inspection Service Request Log (Attachment C); and, 3) the Commission's Merit System Audit Program report (Attachment D).

### **Administration**

*Staffing:* As a small department with only six employees, each position's duties and responsibilities are crucial to carrying out the Commission's mission. Department staff did an outstanding job of diligently and tirelessly working together to ensure that the Commission was able to achieve and surpass its performance measures for the fiscal year. They are to be commended for their continued excellent work and commitment to the merit system. In addition to performing their regular duties, Department staff also focused on documenting the Commission's standard operating procedures and on resolving (e.g., scanning and storing or purging) the Commission's numerous historical files.

*Budget:* The Department remained on budget in maintaining its six full-time employees and fulfilling its equipment, resource and technological needs throughout Fiscal Year 2013-2014.

As for next fiscal year, we are pleased to report that the Commission successfully negotiated with the Mayor's Budget Office to continue the Department's budget to fully support all six positions and fringe benefit costs in Fiscal Year 2014-2015. The Commission was also able to obtain additional funding for work orders with the City Attorney's Office for much needed legal advice and services, and with the Department of Human Resources to conduct best practice research and provide analytical support. The Board of Supervisors officially approved the Department's budget increase this past June 2014 with the finalization of the City's budget.

*Equipment and Resources:* With great appreciation to the City's PC Refresh Program, the Department obtained—at no cost to the Department—new computer monitors and speakers for Commission staff, in addition to the new computers and software we were able to acquire the previous fiscal year.

Moreover, the Department has been successful in reducing its paper consumption by more than 50% over the last two fiscal years as a result of our efforts to eliminate paper-intensive processes and post more documents and information on the Commission's website.

### **Appeals and Hearings**

One of the Commission's most important Charter-mandated functions is to consider appeals on the merit system and other matters within its jurisdiction. Appeal hearings provide a mechanism for the Commission to monitor and oversee the operation of the merit system and ensure compliance with merit system principles and the Civil Service Rules.

The Commission received a total of 43 new appeals and requests for hearing in Fiscal Year 2013-2014, in addition to the 30 active unresolved appeals that were carried over from the previous fiscal year. The Commission resolved 64 of those 73 appeals pending before it last fiscal year, representing the highest resolution percentage rate in over a decade (88% of the appeals, which is significantly above its target of 70%). (See Attachment B for a detailed

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summary of the Fiscal Year 2013-2014 Pending Appeals Log.) Not only did the Commission far exceed its targeted and historical appeal resolution rates, but it concluded the fiscal year having resolved all appeals filed prior to January 2014, with the exception of six appeals that had been taken off-calendar pending the resolution of ongoing litigation and/or arbitration.

The Commission's success in resolving this record number of appeals was primarily due to three factors. First, the Department's recently implemented staff report submission deadlines continue to be effective at ensuring that new appeals are scheduled quickly (departments must now submit a staff report within 60 days of an appeal, absent adequate justification). Second, the Department worked closely with the Department of Human Resources ("DHR") (in particular, the Director of Workforce Development, Donna Kotake and the Director of Equal Employment Opportunity Programs, Linda Simon) to schedule hearings for all pending discrimination appeals and appeals of restrictions on future employment that were not otherwise on hold pending litigation and/or arbitration. Third, there were no particularly controversial examination or classification issues involving a large group of appellants before the Commission in Fiscal Year 2013-2014 as there had been in some previous years (e.g., in Fiscal Year 2012-2013 there was a significant number of appeals of minimum qualification determinations for the Parking Control Officer examination, and in the fiscal year before that there were a number of appeals of minimum qualification determinations for the H22-H24 Fire Lieutenant examination), so the Commission was able to focus on resolving its appeals backlog.

### **Inspection Service Requests**

The Inspection Service is another important and effective mechanism under the Charter by which the Commission can ensure compliance with the Civil Service Rules and Commission policies. Any individual or entity may request that the Commission undertake an Inspection Service review into a merit system matter. In Fiscal Year 2013-2014, the Commission received a total of 107 Inspection Service requests from employees, departmental representatives, anonymous individuals or those requesting confidentiality, labor representatives, job applicants/candidates and members of the public. Again, see Attachment C for the Fiscal Year 2013-2014 Inspection Service Log.

Although Commission staff endeavors to resolve all Inspection Service requests as quickly as possible, more complex investigations often require more time, and departments sometimes lack the resources to quickly respond with the requisite information and records needed to undertake our review within prescribed timelines. Despite such delays, the Commission was able to complete 90% of its 107 Inspection Service requests within 60 days, far exceeding its goal of 80%.

The Fiscal Year 2013-2014 Inspection Service requests covered a wide gamut of merit system issues, including examination administrations, selection processes and appointments, separations, layoff procedures, classification actions, eligible lists and the certification of eligibles, and acting (out-of-class) assignments. However, there was a notable increase in the number of complaints and/or questions from employees and labor representatives regarding the Civil Service Rules and Commission policies requiring that employees meet the minimum qualifications for the positions to which they are appointed. Although in most instances we found the allegations to be without

merit, we did find that departments were not consistently verifying individuals' qualifications prior to appointment and/or maintaining verifying documentation in their personnel files as required under the Civil Service Rules and Commission policies. As detailed further below, these findings were also confirmed during our Audit review.

### **Merit System Audit Program**

The Commission formally established the Merit System Audit Program in 2006 for the purpose of ensuring that City departments are adhering to Federal and California State law, the Civil Service Rules, and Commission policies and procedures. The Commission's audit procedures generally include a review of all available public documents, a review of relevant internal department records and procedures, and interviews with department representatives.

The Commission's Fiscal Year 2013-2014 Audit Program focused on reviewing the following selection and appointment practices in eight randomly-selected departments to assess compliance with applicable Charter provisions, Commission Rules, and merit system policies and procedures:

- Departmental practices with respect to the verification and documentation of minimum qualifications for individuals appointed to Permanent Civil Service, Provisional or Exempt positions;
- Departments' justifications for exempting positions from civil service appointment, selection and removal procedures in accordance with Charter Section 10.104 and for making provisional hires under Charter Section 10.105; and
- Information provided on Permanent Civil Service examination announcements regarding appeal rights and other required information.

Again, refer to Attachment D for a detailed summary of the Fiscal Year 2013-2014 Merit System Audit Program findings. We generally found that the audited departments had provided the requisite information on examination announcements regarding the position requirements, selection process, and where to find information on how to file an appeal. However, we found that three of the eight audited departments had failed to verify minimum qualifications for appointees and/or maintain requisite documentation on employment verifications.

The primary reason for the departments' noncompliance with verification requirements was that the appointing officers had incorrectly assumed that Permanent Civil Service appointees' minimum qualifications were previously verified by the exams analyst or their DHR Client Services Representative. Some departments had also failed to verify hours/years of experience for current Exempt or Provisional employees, primarily because they had assumed that those employees' qualifications were verified at the time of their initial appointment. Although the departments took immediate action to correct these matters, it illustrated that there is much need for improvement and consistency in City-wide practices.

Commission staff continues to work with, and provide training to departments to ensure that they verify the minimum qualifications of all individuals prior to appointment, and that records

verifying qualifications are maintained in every employee's personnel file. We expect that the Commission's recently updated policy on Exempt appointments will help correct these deficiencies (at least with respect to Exempt appointees). Further, in addition to the directives that we will send out in the next week to departments in follow-up to our Audit findings, Commission staff will issue policy reminders on verification requirements for all appointment types this August 2014, and provide follow-up trainings throughout next fiscal year to ensure departments' compliance with applicable Rules and policies.

### **Rules, Policies Review and Revision**

The Charter obligates the Commission to adopt rules, policies and procedures to carry out the civil service merit system provisions of the Charter. Foremost on the Commission's agenda is to modernize and streamline the Civil Service Rules, to protect the civil service merit system, and to control costs which result from practices which may not be conducive to the efficient operation of City departments. The Commission was particularly productive in updating its Rules and policies in Fiscal Year 2013-2014 with these goals in mind.

*Civil Service Commission Rule Amendments.* The Commission adopted the following seven Civil Service Rule amendments in Fiscal Year 2013-2014 in its continuing efforts to ensure that they are easily understood and known by all stakeholders, consistent, compliant with the law, and reflective of best and current practices:

- Civil Service Rule Series 004, Administration, was amended to align the terms of the Commission President and Vice President with the City's fiscal year, beginning on July 1<sup>st</sup> and concluding on June 30<sup>th</sup> of each year.
- Civil Service Rule 211.3, Examination without Charge, was amended to eliminate fees in examinations for uniformed members of the San Francisco Police Department, except for during a pilot period not to exceed 18 months absent further action by the Commission. During that 18-month pilot period, an outside vendor may charge applicants a fee (subject to waiver due to financial hardship) for entry-level Police examinations for the purpose of implementing a continuous testing program for those positions.
- Civil Service Rule 311.5.2, Examination without Charge, was amended to allow, for a pilot period not to exceed 18 months absent further action by the Commission, an outside vendor to charge applicants a fee (subject to waiver due to financial hardship) for entry-level Firefighter examinations for the purpose of implementing a continuous testing program for those positions.
- Civil Service Rule 311.10.1, Pilot Program – Release of Rating Key, was amended to extend by one additional year the pilot program allowing the release of rating keys for review or inspection by Fire promotional candidates for examinations developed by the Department of Human Resources.
- Civil Service Rule 411A, Position-Based Testing Program, was amended to expand upon and permanently establish the Position-Based Testing ("PBT") Program for Municipal

Transportation Agency (“MTA”) service-critical positions/classifications included in the City’s PBT Program under Rule 111A to expedite and facilitate hiring in those positions/classifications.

- Civil Service Rule 414.37.7, Charter Limit on Certain Categories of Exempt Appointments, was revised to align Civil Service Rule 414 with Charter Section 8A.104(i) as it was amended by the voters in 2007 with the passage of Proposition A. Specifically, the cap on exempt appointments for “service-critical” managerial positions/classification at MTA was increased from 1.5% of the MTA’s total workforce to 2.75% as provided under the Charter.
- Civil Service Rule Series 022, Separations, was amended to no longer make a distinction between future employment restrictions that are City-wide versus department-only for the purpose of eligibility for reconsideration, but rather on whether a restriction is permanent or not. The Rule now provides that a permanent, unconditional ban is not subject to reconsideration; however, any non-permanent ban imposed after April 21, 2014 may be subject to reconsideration after five years.

*Commission Policies and Procedures.* The Commission also updated existing and/or adopted new policies as follows:

- Personal Services Contracts (“PSC”): The Commission’s updated PSC policy was issued upon the launch of the City’s new PSC Database in October 2013. The prior policy had not been updated in over 15 years and therefore no longer reflected current practices, operational realities or subsequent technological advancements. The Commission’s new PSC policy was revised and adopted to: create efficiencies (both in time and resources); realign the Commission’s procedures with current practices; implement available technological capabilities; increase transparency and accountability; and improve communications and accessibility to information to ensure that the City does not contract out inappropriately or unnecessarily.

The Commission also adopted new guidelines to ensure consistency and transparency in departmental requests to contract out personal services beyond the terms approved under an existing PSC (i.e., to submit requests for extensions as new PSCs or modifications to existing PSCs).

- Exempt Appointments: Like its PSC policy, the Commission’s policy on Exempt appointments had not been substantively updated since its original adoption, nearly 20 years ago in 1996. Therefore, the Commission revised its policy on Exempt appointments to: address recurring issues of concern and confusion; align departmental practices to ensure consistency and compliance with Commission policies; and update the Commission’s policy to reflect subsequently adopted Charter provisions granting the Director of Transportation authority over MTA service-critical personnel issues and the discretion to designate additional MTA service-critical managerial positions as exempt.

- **Future Employment Restrictions:** An appointing officer may impose restrictions on a separated employee's future employment with the City, either indefinitely or conditioned on the individual meeting certain requirements, subject to appeal to the Commission. However, departments had little guidance in determining when it was appropriate to impose a restriction on future employment and the kind of restriction that would be appropriate under the circumstances. The Commission had also expressed frustration over the years regarding the inconsistent standards and criteria by which departments were imposing employment restrictions. Therefore, the Commission adopted new comprehensive policies and guidelines on the imposition, review, documentation and reconsideration of future employment restrictions.

### **Merit System Outreach and Training**

The Commission significantly increased the amount of current and historical documents available on its website in its continued effort to increase access to, and the utilization of the Commission's information and resources. The Commission also transitioned to a new website platform to enable expanded, refined searches within its website; and established a computer kiosk in its front office for the public to access electronic Commission and DHR records and information.

In addition, the Executive Officer provided presentations and trainings on various merit system issues to over 500 attendees (e.g., City department managers/supervisors, human resources representatives, employees and union representatives) throughout the fiscal year.

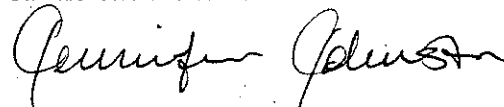
### **Attachments:**

- Attachment A: Report on the Civil Service Commission Department's Achievement of its Fiscal Year 2013-2014 Goals and Objectives (see pages 8 - 20)
- Attachment B: Fiscal Year 2013-2014 Pending Appeals Log (see pages 21 - 26)
- Attachment C: Fiscal Year 2013-2014 Inspection Service Request Log (see pages 27 - 34)
- Attachment D: Merit System Audit Program Report (see pages 35 - 52)

### **Recommendation: Adopt this Report.**

Respectfully submitted,

CIVIL SERVICE COMMISSION



JENNIFER JOHNSTON  
Executive Officer

# ATTACHMENT A





# CITY AND COUNTY OF SAN FRANCISCO CIVIL SERVICE COMMISSION

## Final Year-End Report on the Civil Service Commission Department's Achievement of its Fiscal Year 2013-2014 Goals and Objectives

### Goal #1: Increase access to, and utilization of the Civil Service Commission's information and resources.

Objective	Performance Measures	Status of Performance Measures
<p>Increase the availability of information about the Civil Service Commission.</p>	<p>Continue to ensure that all information on the Civil Service Commission's website is accurate and current.</p> <p>Expand upon the information available on the Civil Service Commission's Facebook page and Twitter feed by winter 2014, and update the information as needed throughout the fiscal year.</p>	<p>Completed/Ongoing. Commission staff regularly updated the Commission's website after each meeting, and immediately upon any Civil Service Rule or Commission policy change.</p> <p>Completed/Ongoing. All Commission meeting agendas and minutes were also posted on the Commission's Facebook and Twitter pages. All prospective Commission Annual Reports and Civil Service Rule changes were also posted on the accounts.</p>
<p>Ensure that information on the Civil Service Commission's website is intuitive and easily accessible.</p>	<p>Prepare and/or update informational publications about the Civil Service Commission as needed throughout the fiscal year.</p> <p>Work with the Department of Technology to shift by December 2013 the Commission's website to a new platform that will enable a single, comprehensive word search of the Commission's entire website.</p>	<p>Completed/Ongoing. As of June 30, 2014, there had not been a need to update or publish formal informational publications about the Commission. However, the Executive Officer developed numerous informational presentations on the Commission and the merit system for various stakeholders (including City managers and supervisors, human resources representatives, finance/budget personnel, elected officials and labor organizations) throughout Fiscal Year 2013-2014.</p> <p>Completed in March 2014 (unfortunately, the Department of Technology (DT) experienced a number of delays in the procurement process, which in turn delayed the implementation date of the project).</p>
<p>Continue to ensure that the Civil Service Rules are in a format conducive to printing (e.g., consistent font and</p>	<p>Continue to ensure that the Civil Service Rules are in a format conducive to printing (e.g., consistent font and</p>	<p>Ongoing. [The one regrettable consequence of the Commission's continued productivity in updating</p>

	<p>paragraph spacing, review for legibility, etc.).</p>	<p>and modernizing its Rules has been that it has delayed staff's progress on this performance measure.] Commission staff is also preparing formal, official pdf versions of the Civil Service Rules for publication on the Commission's website by this fall 2014.</p>
<p><b>Increase the availability of information on the Civil Service Commission's website.</b></p>	<p>Continue to increase the availability of information and documents under the Civil Service Commission's purview on the Commission's website (e.g., post established policies, publications and relevant historical documents).</p>	<p>Completed/Ongoing. In addition to posting all staff reports and meeting materials on the Commission's website, Commission staff also posted all regular department staff reports (e.g., reports on Exempt appointments under the Charter, etc.) on the Commission's website for historical, research and transparency purposes.</p>
<p><b>Ensure that Commission staff and the Civil Service Commissioners have quick, efficient and easy access to the Commission's historical documents and files for proper record retention purposes and any specific research needs.</b></p>	<p>Continue to expand the use of the Commission's web-based document management system ("DocumentMall"):</p> <ul style="list-style-type: none"> <li>o Expand upon the types of documents uploaded into the system (e.g., meeting materials, policies, communications and reports).</li> <li>o Ensure that all Commission staff members are trained on DocumentMall no later than September 2013; and specifically require all Commission staff to use, access and/or upload documents into DocumentMall on a weekly basis beginning in October 2013.</li> <li>o Convert paper reports and other Civil Service Commission documents into digital files on DocumentMall, with the goal of uploading at least 200 pages of documents into the system on a weekly basis from July to October 2013, and 500 pages beginning in September 2013.</li> </ul>	<ul style="list-style-type: none"> <li>o Completed/Ongoing. Commission staff continued to systematically scan relevant historical documents into its database system, (including communications, reports, Commission meeting materials, etc.) throughout the fiscal year.</li> <li>o Completed in September 2013 and Ongoing. All Commission staff members were trained on the DocumentMall system—both for scanning, document management and research purposes.</li> <li>o Completed/Ongoing. Commission staff regularly uploaded a minimum of 500 of document pages each week.</li> <li>o Commission staff was able to achieve its goal of resolving half of its storage boxes by the end of the fiscal year (June 30<sup>th</sup>).</li> </ul>
	<p>Update the Commission's records retention policy no later than December 2013.</p>	<p>Draft completed in June 2014 (however, it still requires review by the City Attorney's Office to ensure compliance with litigation disclosure/discovery requirements).</p>

	<p>Undertake a systematic review of all Commission hard copy documents and files—purge all duplicative/unnecessary hard copy documents (either through proper destruction procedures, or by sending them to storage at the San Francisco Public Library) and upload all relevant historical documents and files into the system.</p> <ul style="list-style-type: none"> <li>o Prior to adoption of the updated policy, Commission staff will review and resolve an average of one box of documents/files each week.</li> <li>o Once the <del>policy</del> updated policy is adopted, Commission staff will review and resolve no less than two boxes of documents/files each week.</li> </ul>	<p>Completed/Ongoing. Commission staff continued to systematically scan, purge (when appropriate) and/or transmit for storage at the Library, an average of one box of historical files/documents (including communications, reports, Commission meeting materials, etc.) each week.</p>
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**Goal #2: Create greater transparency and efficiencies in the Civil Service Commission's procedures and communications.**

Objective	Performance Measures	
<p>Improve communications with appellants so that they understand the Civil Service Commission's Rules, policies and meeting procedures.</p>	<p>Update the Commission's appeal and meeting procedures in fall 2013 to reflect improvements implemented in Fiscal Year 2012-2013 and to include information on meeting procedures for peace officer appeals.</p>	<p>In Progress. The Executive Officer updated the policies on appeals of peace officers and EEO complaints; they are currently pending review by the City Attorney's Office (we expect the review to be completed by fall 2014). However, the Executive Officer had to reprioritize the goal of updating the appeal and meeting procedures in order to meet more pressing, unexpected assignments from the Commission in the last half of the fiscal year. The Executive Officer expects to finalize the miscellaneous appeal and meeting procedures by the end of fall 2014.</p>
<p>Improve communications with departments so that they understand the Civil Service Commission's policies, meeting procedures</p>	<p>By winter 2014, create template staff reports for departmental use, and update the Commission's instructions on staff report content to ensure consistency in, and quality of staff report submissions.</p>	<p>Completed/In Progress. Staff reports were posted online for departments to use as template, and the Executive Officer provided departments with templates of staff reports that the Commission had identified as exceptional, upon request. The</p>

Civil Service Commission's Goals and Objectives for Fiscal Year 2013-2014

<p>and expectations with respect to staff reports.</p>		<p>Executive Officer offered presentations/trainings on how to prepare and improve upon staff reports throughout the fiscal year, and regularly advised departments on staff reports when requested. The Executive Officer also provided a training/presentation to Citywide Personal Services Contract ("PSC") Coordinators in March 2014 in an effort to ensure that PSC submissions are thorough, comprehensive, accurate and complete.</p>
<p>Increase the use of electronic communications with departments and appellants (if requested) in an effort to reduce paper consumption and staff resources, create efficiencies and expedite communications with Commission stakeholders.</p>	<p>Throughout the fiscal year, seek ways to further expedite and streamline the Commission's communications with its stakeholders, and reduce the Commission's paper consumption and drain on staff resources.</p>	<p>Completed/Ongoing. Notifications and Rule amendments were also sent via email to all City representatives (unless otherwise specifically requested). We also continued to find ways to expedite and streamline our processes.</p> <p>The Department has reduced its paper consumption by approximately 50% over the past two fiscal years as a result of these efforts.</p>
<p>Issue all reports regarding Civil Service Commission deliverables and achievements on a timely basis.</p>	<p>No later than the first meeting in August 2013, finalize the draft Fiscal Year 2012-2013 Annual Report and Year-End Report for the Commission's review and approval.</p> <p>No later than the first meeting in February 2014, report to the Civil Service Commission on the status of the Commission's achievement of its goals and objectives for the first half of Fiscal Year 2013-2014.</p> <p>No later than the second meeting in May 2014, schedule the Civil Service Commission's Strategic Planning Session to establish the Commission's new goals and objectives for Fiscal Year 2014-2015.</p>	<p>Completed in September 2013 (following updates by the Commissioners).</p> <p>Completed at the Civil Service Commission meeting of February 3, 2014.</p> <p>Completed in May 2014 (reviewed and adopted by the Commission at its meeting of June 2, 2014).</p>
<p>Ensure that Commission staff understand and are focused on supporting the Civil Service Commission's mission, goals and objectives.</p>	<p>No later than August 2013, complete all Commission staff performance evaluations for the preceding review period concluding on June 30, 2013.</p> <p>No later than August 2013, establish all Commission staff performance plans for the next performance review period (Fiscal Year 2013-2014), and ensure that the plans</p>	<p>Completed in August 2013.</p> <p>Completed in August 2013. Additionally, Commission staff conducted mid-year progress reviews in January 2014.</p>

<p>Ensure that the Commission's internal policies and administrative procedures are documented for Commission staff.</p>	<p>include deliverables specifically tied to the Civil Service Commission's goals and objectives for Fiscal Year 2013-2014. No later than June 2014, update and document all Commission internal policies and standard operating procedures to ensure consistency and facilitate cross training,</p>	<p>Completed in April 2013—all Commission staff have documented their standard operating procedures.</p>
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**Goal #3: Ensure the timely resolution of appeals so that merit system issues are addressed efficiently, effectively and fairly.**

Objective	Performance Measures	
<p>Resolve appeals in a timely manner to the extent possible.</p>	<p>Process 100% of appeals and requests for hearing within seven (7) days of receipt in Fiscal Year 2013-2014 (i.e., review for jurisdiction and timeliness, record the appeal into the Commission's Pending Appeal Log (PAL) and communication log, send appellants acknowledgement of receipt letters, and notify departments of the appeal and targeted hearing dates). By June 30, 2014, resolve and/or forward to the Civil Service Commission for hearing, at least 70% of the appeals received in Fiscal Year 2013-2014. <i>W</i></p>	<p>Achieved (in fact, most appeals were processed within two business days of receipt).</p>
<p>Monitor appeals and develop strategies to improve the efficiency by which appeals are</p>	<p>By May 2014, evaluate the effectiveness of the new appeals policies procedures established in Fiscal Year 2012-2013 (e.g., staff report deadlines, revised communications to departments, etc.) based on</p>	<p>Achieved. The Commission was able to resolve 64 of the 73 appeals pending before it in Fiscal Year 2013-2014, representing the highest resolution percentage rate in over a decade (88% of the appeals—significantly above its target of 65%). Further, the Commission concluded the fiscal year having resolved all appeals filed prior to January 2014 (with the exception of six appeals of future employment restrictions which are pending due to litigation or arbitration on the underlying separations). Completed. All staff reports are now due within 60 days of an appeal. Additionally, in an effort to ensure that staff reports are submitted within the deadline, the Executive Officer provided training and guidance</p>

<p>resolved.</p>	<p>performance measure achievements over the past three fiscal years. By June 30, 2014, implement new, or adjust existing policies and procedures as appropriate for Fiscal Year 2014-2015.</p>	<p>to departments on preparing staff reports. The Executive Officer also established timelines for response to non-appealable matters.</p>
<p>As noted above, the Commission far exceeded its goal for expediting appeals during the fiscal year. Completed on November 4, 2013.</p>	<p>Issue the Civil Service Commission's Meeting Schedule and Deadlines for Calendar Year 2014 no later than November 2013 to ensure that departments are aware of staff report submission deadlines.</p>	<p>Completed/Ongoing.</p>
<p>Regularly update and monitor the Pending Appeals Log on a biweekly basis, and communicate with departments as appropriate, to ensure that staff reports on appeals are submitted within a reasonable period of time.</p>	<p>Convene monthly meetings with the Department of Human Resources on the status of departments' staff reports.</p>	<p>Completed/Ongoing.</p>
<p>Obtain advice and guidelines from the City Attorney's Office as needed on legal issues concerning appeals in as far advance as possible to avoid delays and backlogs (e.g., closed session matters, privacy protections, Brown Act requirements, etc.).</p>	<p>Convene monthly meetings with the Department of Human Resources on the status of departments' staff reports.</p>	<p>Ongoing. The Executive Officer submitted to the City Attorney's Office a draft updated policy on peace officer and EEO appeals, and expects to finalize the policies by the end of fall 2014.</p>

**Goal #4: Seek ways to address City departments' need for flexibility in personnel management issues while at the same time maintaining the integrity of the City's merit system.**

Objective	Performance Measures
<p>Work collaboratively with departmental representatives, the Department of Human Resources and City Attorney's staff to establish new or amend current Rules, policies and procedures to address changing needs as</p>	<p>Throughout the fiscal year, seek input from operating departments on the effectiveness of the merit system and areas needing improvement.</p> <p>Convene regular meetings of the Commission's Committee on Policy and Rules Revision (COPAR) throughout the fiscal year to: 1) discuss and vet with</p>
<p>Completed/Ongoing. The Department regularly solicited input from departments on merit system issues of concern, including through presentations and trainings and at monthly human resource representatives' meetings.</p>	<p>Completed/Ongoing. COPAR monthly meeting topics during the review period (July 1 to December 31, 2013) included restrictions on future</p>

<p><b>appropriate.</b></p>	<p>departmental human resources representatives any new Rules, policies or procedures, or needed/requested revisions thereto; and 2) seek departmental input on inconsistencies between the Civil Service Rules and current departmental practices, to recommend appropriate action to the Commission (e.g., consider proposing a Rule change, issue an Adviser to clarify Rule requirements, etc.).</p>	<p>employment, exempt appointments, applicants for City employment, separations, appointment types, eligible list referrals and post-referral selection processes.</p>
<p><b>Ensure that the Civil Service Rules, policies and procedures are consistent with current departmental practices and system requirements/capabilities/limitations under the new eMerge PeopleSoft system.</b></p>	<p>Meet with eMerge representatives on a monthly basis with the goal of identifying inconsistencies in existing Rules, policies and procedures resulting from the implementation of the new eMerge system.</p> <p>By no later than June 2014, propose for the Commission's consideration revisions to Commission Rules, policy and procedures as needed to conform to the new eMerge system.</p>	<p>Completed. In fall 2013 eMerge and Commission staff completed their review of the Civil Service Rules and determined that, since the City's terminology and practices remain the same following the implementation of phase one of the new PeopleSoft system, there is no need at this time to update any of the Civil Service Rules.</p> <p>This goal is no longer necessary, as indicated above. The City/Department of Human Resources has not implemented any substantive changes that would require any policy or Rule revisions in this phase of eMerge implementation.</p>

**Goal #5: Work to ensure that the Civil Service Commission's Rules, policies and procedures are easily understood and known by all stakeholders, consistent with the law, and reflective of current and best practices.**

Objective	Performance Measures	
<p><b>Review the Civil Service Rule series and recommend revisions/deletions/additions to the Rules for the Commission's consideration as necessary and appropriate.</b></p>	<p>Review one Civil Service Rule series every other month on average beginning in fall 2013 and recommend revisions/deletions/additions for the Commission's consideration. Revisions will be prioritized as follows:</p> <ol style="list-style-type: none"> <li>1. Rule provisions that conflict with, or that are otherwise inconsistent with the law.</li> <li>2. Rules that are confusing, inconsistent with other</li> </ol>	<p>Achieved. During the fiscal year, the Commission reviewed and adopted amendments to the following seven Civil Service Rules:</p> <ul style="list-style-type: none"> <li>• Rule Series 004, Administration (election of President and Vice President)</li> <li>• Rule 211, Examinations (charges in entry-level exams and continuous testing model)</li> </ul>

	<p>Rules or policies, or inconsistently applied by departments.</p> <ol style="list-style-type: none"> <li>3. Rule provisions that would support operational needs.</li> <li>4. Rule provisions that are no longer applicable.</li> <li>5. Revisions that would consolidate or streamline the Rules.</li> <li>6. Typos/clean-up.</li> </ol>	<ul style="list-style-type: none"> <li>• Rule 311, Examinations (charges in entry-level exams and continuous testing model)</li> <li>• Rule 311, Examinations (pilot program allowing for the inspection of rating keys)</li> <li>• Rule 411A (adoption of a permanent PBT Program for the MTA)</li> <li>• Rule 414 (Charter limit on exempt appointments at the MTA)</li> <li>• Rule Series 022, Future Employment Restrictions</li> </ul>
<p><b>Review existing Civil Service Commission policies and procedures; and recommend revisions to existing policies and procedures, or the creation of new ones, as appropriate.</b></p>	<p>Review at least one existing Civil Service Commission policy every quarter on average beginning in November 2013 and recommend revisions as appropriate for the Commission's consideration. The Executive Officer will also recommend for the Commission's consideration the creation of policies as needed and appropriate on merit system issues for which Civil Service Commission stakeholders require more guidance.</p> <p>The Executive Officer's policy review will be prioritized based on directives from the Civil Service Commission, requests from Commission stakeholders, and the frequency of Inspection Service complaints received on a particular issue.</p>	<p>Completed. During the fiscal year, the Commission adopted policies on:</p> <ul style="list-style-type: none"> <li>• PSC Submissions (new versus modified)</li> <li>• Exempt Appointments (updated policy)</li> <li>• Restrictions on Future Employment (new policy)</li> </ul>
<p><b>Conduct meet and confer negotiations and adopt new and amended Rules, policies and/or procedures.</b></p>	<p>As needed during the fiscal year, conduct meet and confer sessions with the City's labor unions on any new or amended Rules or policies as required under state law.</p>	<p>Completed/Ongoing. The Executive Officer scheduled meet and confer/informational sessions with the City's labor unions on the seven proposed Rule changes indicated above.</p>
<p><b>Conduct best practice reviews of merit system matters in other jurisdictions.</b></p> <p><b>Provide outreach, training and support to the Civil Service Commission's stakeholders regarding the Civil Service</b></p>	<p>Research best practices in the Bay Area and/or comparable jurisdictions (e.g., Los Angeles) upon request of the Civil Service Commission during the fiscal year.</p> <p>Upon request/as needed during the fiscal year, develop and conduct seminars and trainings on the merit system; the Civil Service Rules, policies and procedures; and other matters under the jurisdiction of the Civil Service</p>	<p>Not applicable, as there were no such formal requests made during the fiscal year.</p> <p>Completed. The Executive Officer provided presentations/trainings on various merit system issues to over 500 people to date, including:</p> <ul style="list-style-type: none"> <li>• HR Monthly in December 2013 (60 attendees): Personnel Files and Merit System Reminders</li> </ul>



<p><b>Rules, policies and procedures.</b></p>	<p>Commission.</p>	<ul style="list-style-type: none"> <li>• Citywide HR Analysts in December 2013 (110 attendees) – Overview on the Merit System</li> <li>• DPH Supervisors and Managers in January 2014 (90 attendees) – Overview on the Merit System, Appointments and Assignments</li> <li>• Controller's Office Supervisors in February 2014 (30 attendees) – Overview on the Merit System and Assignments</li> <li>• Accountant Interns in March 2014 (30 attendees) – Overview on the Merit System, Appointments and Assignments</li> <li>• MEA Represented Employees in March 2014 (80 attendees) – Overview on the Merit System</li> <li>• PSC Coordinators (50 attendees) – Standards and Requirements for PSC Submissions</li> <li>• HR Group Meeting in May 2014 (70 attendees) – Overview on the Updated Exempt Policy and the New Policy on Future Employment Restrictions policy</li> </ul> <p>Completed. The Executive Officer provided regular presentations and updates on merit system reminders to HR representatives throughout the fiscal year on matters such as personnel files, merit system requirements, updates on Civil Service Rule and policy amendments, etc.</p> <p>Completed in December 2013.</p> <p>Completed. The Executive Officer offered to provide presentations to employees, unions (e.g., IFFTE, Local 21; SEIU, Local 1021; and MEA) and department representatives (analysts, supervisors and managers) alike on numerous occasions.</p> <p>Completed. The Executive Officer frequently and regularly asked unions and department representatives (analysts, supervisors and</p>
<p>Give regular presentations and updates on merit system issues during the Department of Human Resources' HR Managers' meetings.</p>	<p>Completed.</p>	
<p>Provide a presentation on the merit system to new human resources analysts on an annual basis.</p>	<p>Completed.</p>	
<p>Offer to provide other Commission stakeholders with an overview of the merit system upon request (e.g., union representatives, operational managers, Deputy City Attorneys, etc.).</p>	<p>Completed.</p>	
<p>Seek input from the Commission's stakeholders on common merit system areas of confusion and issue publications on Frequently Asked Questions and develop</p>	<p>Completed.</p>	

	<p>new Advisers on reoccurring issues as needed during the fiscal year. Offer to provide labor representatives with informational articles on the Civil Service Commission for their member newsletters upon request.</p>	<p>managers) for recommendations on Adviser or policy memoranda topics. Completed.</p>
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**Goal #6: Strengthen the Civil Service Commission's ability to meet its Charter mandates and oversee the operation of the merit system.**

Objective	Performance Measures	
<p><b>Review the operation of the merit system in City departments.</b></p>	<p>Conduct eight departmental audits in Fiscal Year 2013-2014. In the event that Commission staff determines that some department practices conflict with established Rules or policies, issue formal clarifying statements and/or trainings within 60 days so that all departments are aware of and understand applicable merit system requirements.</p>	<p>Completed. The Commission's Fiscal Year 2013-2014 Audit Program focused on reviewing the following selection and appointment practices in eight randomly-selected departments to assess compliance with applicable Charter provisions, Commission Rules, and merit system policies and procedures on verifying and documenting appointees' minimum qualifications; justifications for exempting positions from Civil Service under the Charter; and including requisite information on examination announcements.</p>
<p><b>Increase the Civil Service Commission's access to information regarding the operation of the merit system.</b></p>	<p>Resolve/complete within 60 days, 80% of Inspection Service Requests received in Fiscal Year 2013-2014.</p> <p>By November 2013, submit for the Commission's review its Calendar of Reports for calendar year 2014 (this details the reports that City departments are required to submit to the Civil Service Commission each year). Include for the Commission's review a list of available canned queries, reports and available information related to merit system matters in the event that the Civil Service Commission wishes to expand upon the information it currently receives from Commission staff and/or City departments (e.g., exempt appointment justifications, personal services</p>	<p>Achieved. The Commission was able to complete 96 of its 107 Inspection Service requests within 60 days (90%--far exceeding its goal).</p> <p>Completed at the Commission meeting of November 18, 2013.</p>

Civil Service Commission's Goals and Objectives for Fiscal Year 2013-2014

	<p>contracts, examination plans, etc.) By the end of December 2013, issue the final 2014 Calendar of Reports to departments so that departments are aware of their reporting requirements in advance; and issue an electronic reminder one month prior to each report's due date.</p>	<p>Completed in December 2013. The Executive Officer also sent meeting invitations to department representatives to ensure that the reporting requirements are included on their calendars.</p>
<p><b>Ensure that departments are complying with the Civil Service Commission's request for reports and/or additional information.</b></p>	<p>When applicable, record any conditions, restrictions or reporting requirements that the Civil Service Commission places on a Personal Services Contract (PSC). Utilize a tickler system so that the Commission is able to ensure that departments comply with the Commission's conditions, restrictions or reporting requirements for PSC approvals.</p> <p>When applicable, record and create a "tickler system" for any additional reports that the Commission requests throughout the fiscal year.</p>	<p>Completed. The Executive Officer sent out reminders to departments regarding the terms of any conditional approval within one week of a Commission meeting. Commission staff also tracked conditional approvals in the Citywide PSC database, and documented when the conditions have been satisfied.</p> <p>Completed. When applicable, the Executive Officer sent out meeting invitations within one week of each Commission meeting to ensure any future reporting requirements were on the department representatives' calendars.</p>
<p><b>Complete/coordinated all Charter-mandated wage/benefit surveys requiring Commission certification under the Charter.</b></p>	<p>By November 2013, develop a work plan and schedule for achieving Charter-mandated surveys for the fiscal year.</p> <p>Utilize the "tickler system" for departmental reports established in Fiscal Year 2012-2013 to ensure that Charter-mandated surveys are timely submitted (e.g., Office of Labor Standards and Enforcement prevailing wage survey, and Department of Human Resources survey of nurse salaries and benefits).</p>	<p>Completed at the Commission meeting of May 19, 2014.</p>
	<p>No later than May 2014, complete the annual salary adjustments for Elected Officials in accordance with Charter Section A8.409-1-Employees Covered.</p> <p>Benefit certification for Elected Officials and Board of Supervisors will also be proposed.</p>	<p>Completed at the Commission meeting of May 19, 2014.</p>
	<p>No later than April 2014, complete the salary survey for the Board of Supervisors in accordance with Charter Section 2.100 Compensation and Salary.</p>	<p>Completed at the Commission meeting of May 19, 2014.</p>
<p><b>Ensure that the Civil</b></p>	<p>Negotiate with the Mayor's Office, Controller's Office and</p>	<p>Completed. The Mayor's Office and Board of</p>

<p>Service Commission's budget in Fiscal Year 2014-2015 is sufficient so that it can adequately carry out its Charter obligations to oversee the merit system.</p>	<p>Board of Supervisors to maintain the Commission's budget in Fiscal Year 2014-2015 at an adequate level to support its operations.</p>	<p>Supervisors approved the Commission's budget next year that: 1) exempted the Department from the 3.5% budget reduction amount required by the Mayor's Office; 2) increased the Department's budget to support future projected increases in fringe and salary costs for current staff; and 3) increased the Department's budget to support work orders with the City Attorney's Office and Department of Human Resources for much-needed services.</p>
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# **ATTACHMENT B**



**Civil Service Commission  
Fiscal Year 2013-14 Appeals Log**

Register No.	Type	Appellant	Subject	Date Received	Date Trans	Referred To	Scheduled Hearing Date	Report Due Date	Resolved On	Res. No.	Comments
0336-13-4	4	Stephen Albonico	Appealing his background rejection for a 1054 IS Business Analyst - Principal position with San Francisco Police Department.	12/11/13	12/12/13	Kotake Houston Waltz	3/3/2014	02/20/14	03/17/14	1	Resolved
0265-13-4	4	Connor Bane	Appealing the background disqualification for the Q-2 Police Office Application.	09/25/13	09/26/13	Kotake Kraus Oberzeir Houston Waltz	12/2/2013	11/21/13	03/11/14	5	Resolved
0160-13-6	6	Keith R. Baraka	Appealing the HRD's decision to administratively close his complaint of discrimination.(EEO File No. 17200)	05/09/13	05/10/13	Callahan Kotake	07/01/13	06/20/13	08/05/13	1	Resolved
0031-14-4	4	Dora J. Barnes	Appealing th rejection of application for Class 2940 Adult Protective Services Worker.	02/19/14	02/20/14	Kotake Kraus L. Kim Hodgkinson	05/05/14	04/24/14	04/17/14	4	Resolved
0307-13-14	4	Valerie Cantiller	Appealing her employment application with the Department of Emergency Management.	11/18/13	11/20/13	Callahan Kotake	03/03/14	02/20/14	12/03/13	4	Resolved
0205-13-4	4	Jason A. Cardoza	Appealing his background disqualification for a 1934 Storekeeper at the San Francisco Police Department.	07/18/13	07/19/13	Kotake Kraus Oberzeir Houston Waltz	09/16/13	09/05/13	12/16/13	1	Resolved
0311-13-4	4	Richard Chio	Appealing the rejection of his application for the 5241 Engineer - Civil eligible list.	11/21/13	11/22/13	Kotake Callahan Whithead	02/03/14	01/23/14	02/04/14	4	Resolved
0086-12-4	4	Vince Courtney, L261	Appealing the determination of the DHR to preclude all 3410 Gardener Apprentices from taking the exam.	04/05/12	04/09/12	Callahan Kotake	05/07/12		04/09/14	4	Resolved
0288-13-4	4	Vince Courtney, L261	Appealing the 0923 Manager II and 0922 Manager I job announcements at the Recreation and Park Department.	10/30/13	10/30/13	Callahan Kotake Kraus Gee	12/16/13	12/05/13	11/18/13	4	Resolved
0269-13-8	8	Jeff Durfiz, Union of American Physician and Dentists	Appealing the Department of Public Health's request for Commission approval for PSC #4027-13/14.	09/28/13	09/27/13	Kotake	10/07/13		10/07/13	1	Resolved
0219-13-4	4	Gonzalo J. Ferrer	Appealing the rejection of application for Contract Compliance Officer II (Job Code 2978) examination.	08/05/13	08/06/13	Callahan Kotake A. Ignacio J. Wood	10/07/13	09/26/13	09/12/13	4	Resolved
0319-13-4	4	Daniel Gerard	Appealing the rejection of his application for the 0923 Manager II exam.	11/25/13	11/26/13	Kotake Kraus Leg	02/03/14	01/23/14	12/05/13	4	Resolved
0154-13-4	4	Karina Ghor	Appealing her background rejection for IS Engineer Principal (Job Code 1044) with the SFPD.	05/06/13	05/08/13	Callahan Kotake	07/01/13	06/20/13	06/05/13	1	Resolved
0195-11-6	6	Karla Gottschalk	Appealing the HRD's decision regarding her age, religion, sexual orientation, and gender discrimination complaint.	07/14/11	07/15/11	Callahan Kotake Simon	09/19/11		03/17/14	1	Resolved
0125-14-4	4	James E. Grant	Appealing the disqualification for the 7329 Electronic Technician Maintenance Assistant Supervisor examination.	05/29/14	05/30/14	Callahan Kotake Kraus	06/04/14	07/24/14			
0096-14-6	6	Jon Gray	Appealing the Human Resources Director's decision of his discrimination and retaliation complaint.	04/30/14	05/01/14	Callahan Kotake Simon K. Gag	07/07/14	06/26/14	05/02/14	2	Resolved
0163-12-6	6	Michelle Guiral	Appealing the decision of the HRD to close her EEO File No. 1640	05/31/12	06/04/12	Callahan Kotake Simon	07/02/12		11/04/13	1	Resolved
0273-13-4	4	Marty Guy	Appealing the oral/performance examination for the 7355 Truck Driver classification	10/09/13	10/10/13	Callahan D. Kotake J. Kraus	12/16/13	12/05/13	11/18/13	4	Resolved
0260-13-4	4	William R. Harper	Appealing the oral/performance examination for the 7355 Truck Driver classification	10/21/13	10/23/13	Kotake Kraus	12/16/13	12/05/13	11/16/13	4	Resolved
0236-13-6	6	Paul Haynes	Appealing the Human Resources Director's decision to close his discrimination complaint EEO File No. 1691.	06/13/13	06/14/13	Callahan Kotake Simon	10/21/13	10/10/13	01/06/14	1	Resolved

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Register No.	Type	Appellant	Subject	Date Received	Date Trans	Referred To	Scheduled Hearing Date	Report Due Date	Resolved On	Res. No.	Comments	
0186-13-6	6	(Redacted - Peace Officer)	Appealing the Human Resources Director's decision to close his discrimination complaint EEO File No. 1707.	06/19/13	06/20/13	Callahan Kolake L. Simon (Redacted)	09/16/13	09/05/13	10/21/13	1	Resolved	
0300-13-6	6	(Redacted - Peace Officer)	Appealing the Human Resources Director's findings of his Discrimination Complaint EEO File 1707.	11/12/13	11/14/13	Kolake Simon (Redacted)	02/04/14	01/23/14	03/03/14	1	Resolved	
0254-13-6	6	Sonya Knudsen	Appealing the HRD's decision to close her EEO File #1618 due to insufficient evidence.	09/10/13	09/11/13	Callahan Kolake Simon	10/10/13	11/07/13	02/02/14	1	Resolved	
0343-09-6	6	Sonya Knudsen	Appealing the HRD's decision to dismiss EEO File #1371 due to insufficient evidence	10/23/09	10/26/09	Calleno Callahan Huey Kolake Simon	12/07/09		02/02/14	1	Resolved	
0185-13-4	4	Aaron Lampkin	Appealing his background rejection for Community Police Services Aide (Job Code 9209)with the SFPD.	06/17/13	06/19/13	Callahan Kolake B. Houston	09/16/13	09/05/13	12/16/13	1	Resolved	
0243-13-6	6	Clarence Lee	Appealing the Municipal Transportation Agency's decision to close his discrimination complaint due to insufficient evidence.	08/22/13	08/23/13	Ellison	11/04/13	10/24/13	11/04/13	1	Resolved	
0365-10-6	6	Frank Lee (Peace Officer)	Appealing the HRD's decision to dismiss his EEO File #1493 due to insufficient evidence to sustain a complaint of discrimination and retaliation	11/05/10	11/09/10	Holman Callahan Kolake Simon	12/20/10		04/07/14	1	Resolved	
0334-10-6	6	Frank Lee (Peace Officer)	Appealing the HRD's decision to dismiss his EEO File #1429 due to insufficient evidence	09/16/10	09/17/10	Vazquez Callahan Kolake Simon	10/18/10		03/10/14	1	Resolved	
0052-14-2	2	Diane Lim	Appealing the downward substitution of your position with the Department of Adult Probation from a 0933, Manager V to a 0932 Manager IV.	03/06/14	03/10/14	Callhan Kolake			03/10/14	4	Resolved	
0005-14-4	4	Denise Lopez	Appealing her CBT score for the 2913 Program Specialist with HSA.	01/16/14	01/21/14	Kolake			01/21/14	3	Resolved	
0279-13-4	4	Sean Maurer	Appealing his background disqualification for Q-2 Police Officer.	10/17/13	10/18/13	Kolake Houston Oberzeit	12/16/13	12/05/13	04/21/14	1	Resolved	
0155-13-6	6	(Redacted - Peace Officer)	Appealing the HRD's decision to deny his complaint.	05/06/13	05/08/13	Wate Callahan	07/01/13	08/20/13	09/16/13	1	Resolved	
0027-14-4	4	Thierry Mukaz	Appealing the administration of the Q-2 Police Officer examination.	02/12/14	02/13/14	Kolake Kraus	05/05/14	04/24/14	02/26/14	4	Resolved	
0281-13-6	6	Jimmy A. Parrish	Appealing the Human Resources Director's decision to close his harassment complaint EEO File No. 1734.	10/23/13	10/25/13	Johnson Kolake	1/6/2014	12/26/13	03/17/14	4	Resolved	
0117-14-6	6	Tyrone Pruitt	Appealing the Human Resources Director's decision on his discrimination complaint, EEO File No. 1777.	05/22/14	05/27/14	Callahan Simon	08/04/14	07/24/14			Scheduled for CSC meeting of 8/18/14.	
0305-13-4	4	Janny J. Shen	Appealing the denial of her application for Class 4230 Estate Investigator due to not meeting the minimum qualifications.	11/14/13	11/15/13	Bushata Callahan Kolake Kraus	2/3/2014	01/23/14	12/04/13		4	Resolved
0028-14-6	6	Mardana Siyadat	Appealing the Human Resources Director's decision on her discrimination complaint EEO File No. 1852.	02/14/14	02/18/14	Callahan Kolake Simon	5/5/2014	04/24/14	05/05/14	1	Resolved	
0323-13-4	4	David D. Smallwood	Appealing the San Francisco International Airport's disqualification of his application for the 7205 Chief Stationary Engineer Examination.	11/27/13	12/02/13	Weibel Kolake Kraus	3/3/2014	02/20/14	03/25/14	4	Resolved	
0320-13-4	4	Ying Wall	Appealing the disqualification for a 1241 Personnel Analyst position with Recreation and Park Department. (Conviction history appeal)	11/26/13	11/27/13	Cedeno Kolake Kraus	2/3/2014	01/23/14	03/03/14	1	Resolved	
0088-14-4	4	William Wong	Appealing the rejection of application for Class 9145 Traffic Signal Electrician examination with the MTA.	04/24/14	04/25/14	Ellison Kim	7/7/2014	06/26/14	05/09/14	4	Resolved	



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Register No.	Type	Appellant	Subject	Date Received	Date Transmitted	Referred To	Scheduled Hearing Date	Report Due Date	Resolved On	Res. No.	Comments
0003-11-7	7	Fa'Alai Leao	Request for hearing on future employment restrictions as a 1426 Sr. Clerk Typist with SFPD	01/06/11	01/10/11	Callahan Kotake De Vera V Gomez	03/07/11		04/04/14	5	Resolved
0289-11-7	7	Anthony Aguiar	Request for hearing on future employment restrictions as a 4308 Sr. Collections Officer with the Treasurer/ Tax Collector.	09/29/11	09/29/11	Callahan Kotake De Vera	11/07/11		11/04/13	1	Resolved
0322-11-7	7	Onofia Antonucci	Request for hearing on future employment restrictions as a 3434 Arborist Technician with the Rec & Parks Department	11/30/11	12/02/11	Cisneros Kotake De Vera K. Gee	01/09/11				On hold pending arbitration; scheduled for the CSC mtg of 7/21/14 following the union's withdrawal of the matter
0185-13-7	7	Kurt Bader	Requesting a hearing on his future employability as a 9163 Transit Operator with MTA.	05/15/13	05/16/13	Reiskin Ellison Iborra	07/15/13	07/03/13	07/15/13	1	Resolved
0320-12-7	7	Glynn Barnes	Request for hearing on future employment restrictions as a 7514 General Laborer with the PUC	08/31/12	09/04/12	Callahan De Vera Kotake	10/01/12		10/17/13	4	Resolved
0038-14-7	7	Manuel Bermudez	Requesting a hearing on future employability with the Municipal Transportation Agency.	01/22/13	01/23/14	Kotake Ellison Iborra	04/07/14	03/27/14			Scheduled for CSC mtg of 7/21/14
0079-11-7	7	Bernard Block	Request for hearing on future employment restrictions as a 9163 Transit Operator. MTA	03/11/11	03/16/11	Ford Ellison DeVera	04/04/11		03/17/14	1	Resolved
0288-12-7	7	Edward Campos	Requesting a hearing on his designation as "services unsatisfactory" in his resignation as a 2996 Representative with the Human Rights Commission	07/05/12	07/09/12	Callahan De Vera Kotake Sparks	08/20/12				On hold - Appellant requested postponement to the meeting of 9/15/14 for [redacted confidential personal reason]
0204-13-7	7	Marcus Campos	Requesting a hearing on his future employability as a 2430 Medical Evaluation Assistant with DPH.	07/18/13	Withdrawn prior to transmittal	N/A	N/A	N/A	08/06/13	5	Resolved/Withdrawn
0223-13-7	7	Marcus Campos	Requesting a hearing on his future employment restrictions and services deemed unsatisfactory with DPH as a 2340 Medical Evaluation Assistant.	08/06/13	08/07/13	Callahan Kotake L. Falliso R. Wadell	10/07/13	09/26/13	03/03/13	1	Resolved
0304-10-7	7	Cynthia Carter	Request for hearing on future employment restrictions as Transit Operator (Job Code 9163) MTA	08/18/10	08/19/10	Ford Kwong DeVera	10/04/10		10/07/13	1	Resolved
0050-13-7	7	Anna Donkor	Requesting a hearing on her future employability as a Registered Nurse (Job Code 2320) with LHH	02/19/13	02/13/13	Callahan Kotake	05/06/13	04/22/13	11/18/13	1	Resolved
0162-12-7	7	George Dugan	Request for hearing on future employment restrictions with the PUC	05/29/12	06/04/12	Callahan Kotake De Vera	07/02/12				On hold - pending resolution of grievance/arbitration
0126-06-7	7	Augustine Fallay	Request for hearing on future employment restrictions as a Planner IV (DBI)	03/05/06	03/08/06	Marini Ginsburg Jacobi	06/05/06				On hold - pending litigation; appellant requested postponement to fall 2014.
0059-12-7	7	Requel Ferrer	Request for hearing on future employment restrictions as a 2320 Registered Nurse with Laguna Honda Hospital.	03/13/12	03/14/12	Callahan Kotake De Vera	04/16/12		09/16/13	1	Resolved
0006-13-7	7	Artis Jones	Request for hearing on future employability with the Municipal Transportation Agency.	12/27/12	01/04/13	Bamirez Ellison Iborra	12/13/13		05/19/14	1	Resolved
0046-12-7	7	Lock Kwan	Request for hearing on future employment restrictions as a 5297 Associate Engineer	02/28/12	03/01/12	Callahan Kotake Marini	04/02/12		12/16/13	1	Resolved
0060-12-7	7	George Mande	Request for hearing on future employment restrictions as a 2320 Registered Nurse with Laguna Honda Hospital.	03/13/12	03/14/12	Callahan Kotake De Vera Bamirez	04/16/12		09/16/13	1	Resolved

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Register No.	Type	Appellant	Subject	Date Received	Date Trans	Referred To	Scheduled Hearing Date	Report Due Date	Resolved On	Res. No.	Comments
0350-11-7	7	Jim Meisenbach	Request for hearing on future employment restrictions as a 9332 Pile Worker Supervisor 1 with the Port of San Francisco	12/23/11	1/27/11	Callahan Kolake De Vera	03/07/12		04/07/14	1	Resolved
0007-14-7	7	Jimmy Ng	Requesting a hearing on his future employability as a 7381 Automotive Mechanic with the Department of Public Works.	01/21/14	01/23/14	Kolake	04/07/14	03/27/14			On hold - pending grievance/settlement discussions
0312-13-7	7	Michael S. Quinn	Requesting a hearing on designation of unsatisfactory services and future employment restrictions with the CCSF.	11/21/13	11/25/13	Wong	02/03/14	01/23/14	03/03/14	5	Resolved/Withdrawn
0010-13-7	7	(Redacted - Peace Officer)	Request for hearing on future employment restrictions as a [redacted class information] with the [redacted department information].	01/18/13	01/22/13	Callahan Kolake	04/01/13	03/21/13	05/16/14	4	Resolved
0162-13-7	7	Heru Oba Shamba	Requesting a hearing on their future employability as a 9163 Transit Operator	05/13/13	05/14/13	(Redacted) Reiskin Ellison	07/15/13	07/03/13	07/15/13	1	Resolved
0211-11-7	7	Andrew Sisneros	Request for hearing on future employment restrictions as a 9163 Transit Operator with the MTA	07/28/11	07/27/11	Iborra Johnson Ellison	10/03/11				On hold - pending resolution of litigation with the California Court of Appeals
0001-14-7	7	Donyelle Watson	Requesting a hearing on her future employability with the City and County of San Francisco.	01/03/14	01/06/14	Reiskin Ellison Iborra Kolaka	3/3/2014	02/20/14	06/02/14	1	Resolved
<b>POSITION-BASED TESTING APPEALS</b>											
0077-14-4	4	Elizabeth Angelini	Appealing the administration of the 8155 Worker's Comp. Supervisor I examination.						4/21/2014	5	Resolved/Withdrawn
0257-13-4	4	Daniel Boreen	Appealing the rejection of application for class 8238 Public Safety Dispatcher (PBT-8238-060438).	09/09/13	09/10/13	Callahan Kolake Kraus			09/10/13	4	Resolved
0202-13-4	4	Richard A. Denton	Appealing the administration of the examination for 5602 Utility Specialist	07/17/13	07/19/13	Callahan	8/5/2013	07/25/13	08/19/13	1	Resolved
0111-14-4	4	Khalid Khan	Appealing the administration for the 1218 Payroll Supervisor (PBT-1218-062934) examination.	05/19/14	05/21/14	Kolake L. Marini E. Jacob Callahan Kolake Kraus	6/16/2014		06/16/14	1	Resolved
0260-13-4	4	Amy S. Lee	Appealing his background rejection for an 8262 Criminalist III Forensic Biology (DNA) - PBT - 8262-059714.	09/19/13	09/20/13	Yocella Callahan Kolake Kraus			09/20/13	3	Resolved
0127-14-4	4	Max Luna	Appealing the disqualification of application for the 5306 Traffic Sign Manager examination.	06/03/14	06/05/14	Kraus Reiskin D. Kim A.			06/20/14	3	Resolved
0079-14-4	4	Margaret O'Shea	Appealing the incorrect scores that were provided to applicant in the 1823	03/28/14	04/01/14	Kaminska A. Blasbas			04/01/14	3	Resolved
0337-13-4	4	Joseph A. Quartell	Appealing the PBT 0922-062287 Supervisory Test Battery exam given on 12/20/13.	12/23/13	12/23/13	Callahan Kolake Kraus Taba			12/23/13	3	Resolved

Number of Appeals	
Carried Over from FY2012-13	30
Appeals Received in FY2013-14	43
<b>Total Number of Appeals in FY13-14</b>	<b>73</b>

Resolutions	
Hearing at CSC (1)	35
Untimely (2)	1
Not Appealable (3)	5
Resolved Administratively (4)	18
Other (5)	5
<b>Total Resolved</b>	<b>64</b>
<b>% Resolved</b>	<b>88%</b>

Total Appeals by Category	
Classification (2)	1
Compensation (3)	0
Examination (4)	30
EEO/Discrimination (6)	16
Future Employment Restrictions (7)	25
Personal Services Contracts (8)	1
<b>Position-Based Tests</b>	<b>8</b>

# **ATTACHMENT C**



Total for 2013-14 107

Totals by Category

Letter or Email	63
Phone - Walk in	44
Resolved in 60 days	96
90%	
28 Appointments (1)	
16 Examinations (2)	
0 Conflict of Interest (3)	
1 ERO Administrator (4)	
2 Salary Setting (5)	
21 Rule Application (6)	
17 Certification/Selection (7)	
3 Classification (8)	
12 Miscellaneous (9)	
6 Layoffs (10)	

Code	Received Date	Letter or Email	Phone or Walk in	Issue	Job Class	Dept.	Resolution/Remedy	Date Resolved	60 days
6	7/3/2013		1	Unfairly terminated by dept.; separated with future employment restrictions; what are his rights?		DPH	Reviewed his documents; explained separation process; He can appeal future employment restrictions with CSC but not termination. SE	7/8/2013	Y
10	7/3/2013		1	Lost accreditation; how is his civil service position protected? He is an ADA employee.	1406	CCD	If he is laid off, he would displace the 1406 with the least seniority citywide; must be able to perform the essential functions of the job with or without reasonable accommodations. SE	7/8/2013	Y
10	7/3/2013		1	Does she have bumping rights if she is laid off?		CCD	If she is in a PCS position, she would bump the employee within the same classification with least seniority citywide; if she does not have higher seniority, she will be placed on holdover roster. SE	7/8/2013	Y
10	7/5/2013		1	What is her civil service status?		CCD	She is in a PEX position; no civil service status; will not be able to displace or be put on holdover roster; no previous PCS position SE	7/8/2013	Y
10	7/5/2013		1	Instead of waiting for layoff, can he transfer?		CCD	He can always apply for a transfer, but he would have to contact departments and apply for the position; it is not a guarantee; City did not indicate there are any layoffs yet. SE	7/8/2013	Y
5	7/9/2013		1	Released from PB period but cannot return to SFUSD because he must complete background check again; will he be separated?		DPH	He can restate back to previous PCS position; he is not termed but can use vacation pay to receive paycheck. SE	7/10/2013	Y
6	7/11/2013		1	How can dept. hire eligible in rank 5 if it is the Rule of Three Scores?	6270		7 vacancies in the dept.; 7 vacancies + Rule of 3 minus 1 means 9 ranks were reachable; 25 eligibles were reachable; dept. required only to notify reachable eligibles and can hire anyone in ranks 1-9. SE	7/12/2013	Y
2	7/11/2013	1		Certain applicants were coached and informed of what questions would be on the examination.	7345	SFA	Multiple Choice question using scantron; no protests received during or after exam; complainant overheard a question being discussed that is common on these exams. SE	7/17/17/13	Y
9	7/16/2013		1	The dept. has approved requisitions and there is an eligible list, but the dept. is selecting favorites not from the eligible list to be put into acting assignments.	9140	MTA	Dept. is not required to select from the eligible list for acting assignments. Acting assignments do not place employees in a new classification; they remain in their old class and dependent on MOU, may receive 5% pay increase. SE	7/16/2013	Y
9	7/16/2013		1	Applicant stated that he has submitted a large number of applications and only recently was he interviewed for one vacancy. He wanted to know why he has not been hired for a position.			Lengthy meeting was held with individual and I explained to him that if he was rejected it was because the dept. determined he did not meet the qualifications or submit all required documents. He finally acknowledged that he received communications from dept. informing him of this. -LM	7/16/2013	Y
10	7/19/2013		1	May be laid off; can she transfer to another department?		CCD	She will bump the employee with the least seniority in that class; vacant position and she would still need to apply for the position; not a guarantee position. SE	7/19/2013	Y
1	8/2/2013	1		Employee appointed did not qualify for TEX 1241 position; eligibles not notified; favoritism in hiring S.T. for 9706	9706	H.S.A.	Employee met the MQs for the TEX 1241 position; employee met the MQs for the 9706 position - extensive inspection review conducted. SE/LM	12/20/2013	N
1	8/2/2013	1		Employee that was appointed to the PCS 1408 class did not meet special condition qualifications.	1408	H.S.A.	Did not meet special condition - corrective action taken. Extensive inspection review conducted. -SE/LM	12/20/2013	N
1	8/12/2013	1		TEX 1241 did not meet MQ	1241	H.S.A.	Employee had a baccalaureate degree from accredited college or university and met MQ. SE	8/13/2013	Y
6	8/14/2013		1	Why do part time employees need approval for additional employment outside CCSF?		SFPL	Rule 118.2 requires all employees to complete and obtain approval for additional employment outside of CCSF; explained conflict of interest. transparency. SE	8/14/2013	Y

FY 2013-14 Inspection Log

1	8/20/2013	1		Alleges that employee appointed to 9704 and 9705 did not meet minimum qualifications.	9704	H.S.A.	Employee met qualifications. Extensive inspection service review conducted. - SELM	12/20/2013	N
1	8/20/2013	1		Alleges that employee appointed to 9916 and 1402 did not meet minimum qualifications.	9916	H.S.A.	Employee met qualifications. Extensive inspection service review conducted. - SELM	12/20/2013	N
1	8/20/2013	1		Review of selection procedures for class 9705	9705	H.S.A.	Employee appointed met the qualifications. Extensive inspection service review conducted. - SELM	12/20/2013	N
1	8/20/2013	1		Alleges that employee appointed to 9705 did not meet minimum qualifications.	9705	H.S.A.	Employee met qualifications. Extensive inspection service review conducted. - SELM	12/20/2013	N
1	8/20/2013	1		Review of selection procedures for temporary exempt 9702.	9702	H.S.A.	all nine candidates appointed met the qualifications. Extensive inspection service review conducted. - SELM	12/20/2013	N
9	8/20/2013	1		Received performance appraisal that met expectations so why would dept. release him from his probationary period? Can he appeal?	7381	MTA	Non-disciplinary release from probationary period is not appealable; direct supervisor thought he met expectations; issues regarding trainer's communication and training style should be reported to MTA EEO. - SE	8/20/2013	Y
6	8/21/2013	1		What is the Rule of 3? If an eligible ranked 25 was hired, then an eligible ranked 18 should have been notified.			The 3 highest ranks on the eligible list are reachable; if there is more than 1 vacancy, the number of reachable ranks is equal to the number of vacancies plus 2; if eligibles have refused, waived or been hired, alternate ranks are notified. - SE	8/21/2013	Y
7	8/22/2013	1		Why they not interview all eligibles ranked 3 who met the desirable qualifications of being bilingual? Eligibles who were not bilingual were hired.	9132	MTA	Depts. are only required to notify all reachable eligibles of the vacancies; not all reachable eligibles are required to be interviewed; if job required eligibles to be bilingual, it would have been listed as MQ or special condition. - SE	8/22/2013	Y
1	8/22/2013	1		Inquiry regarding the appointment of a Child Support Services employee from a class 8159 to a class 8159 position who does not meet the minimum qualifications required for the 8159.	8159	CSS	Inspection Review conducted. Employee did not meet minimum qualifications and the department took corrective action. - LM	9/5/2013	Y
1	8/22/2013	1		Inquiry regarding the appointment of a Child Support Services employee from a class 8159 to a class 8159 position who does not meet the minimum qualifications required for the 8159.	8159	CSS	Inspection Review conducted. Employee did not meet minimum qualifications and the department took corrective action. - LM	9/5/2013	Y
6	8/23/2013	1		If an officer is separated but rehired within 2 years (reappointed), do they have a new seniority date? Are they at the bottom of the schedule for shift bidding?		SFPD	New seniority date: Rule 214.16.5 When reappointed, the resignee shall enter the service as a new appointee with no rights based on prior service...; new appointment and certification date because the employee was separated, then rehired. Check with department procedures and MQJ for shift bidding. - SE	8/23/2013	Y
5	8/26/2013	1		Are the allegations in the Matter and Ross article about an Airport employee true? What are the Commission's options to address potential merit system violations?		AIR	I investigated the matter with Airport Human Resources and confirmed that the individual is not reachable and will therefore not be selected for the position. - JJ	9/9/2013	Y
6	8/26/2013	1		Various questions regarding provisional appointments and whether she has bumping rights.	1458	Rent	I researched her employment history and verified that she has been in a Permanent Exempt status and does not have any permanent civil service status rights and therefore, bumping does not apply if she were to be laid off or displaced. Also clarified many other rules and discussed the employment application and selection process. - LM	9/24/2013	Y
6	8/27/2013	1		When was Rule 214.16.5 created? When was rule on Reappointment created?		SFPD	Rule 214.16.5 was created in April 2000 when Vol. II was created; Reappointment Rule 13.03 first adopted in Jan. 1977; Rule regarding reappointment as a new appointee found in 1959 CSC Rules. - SE	8/27/2013	Y
2	8/30/2013	1		TEX employees performed poorly on 1st exam (PUC) but recently scored unusually high on 2nd exam (AIR); heard them talking about questions on exam before the exam.	7345	S/A	Waiting for complainant to provide additional information; complainant could not provide additional information to support his claim. - SE	9/30/2013	Y
2	9/16/2013	1		Inquired about closed promotive examinations and the process for requesting them pursuant to Commission policy.	2615	USD	I provided them with the applicable Commission policies and directed them to DHR to request approval. - JJ	9/19/2013	Y
9	9/16/2013	1		Inquired about a PSC previously approved by the Commission and the circumstances of its approval. Also inquired about Commission policies on modifications to existing PSCs.		H.S.A.	I provided them with the requested information and advised them on discussing the matter further with the department.	9/19/2013	Y
1	9/19/2013	1		Electrical Engineer did not meet the MQs for the 5241 position	5241	MTA	Applicant provided education and employment verification and current license; Reachable eligible and competed in selection process. - SE	11/6/2013	Y
7	9/20/2013	1		can depts. force mgrs. to hire provisionals before reachable eligibles?	1708	DPH	Mgrs. May hire provisionals who are reachable eligibles before interviewing other reachable eligibles on the list. - SE	9/20/2013	Y
7	9/23/2013	1		Given different information by HR staff, told he was alternate ranked 9 but the hiring manager told him that he ranked 8	1934	PUC	After the exam, he was ranked 9; after post referral process, he was ranked 8; he is still an alternate. - SE	9/23/2013	Y

FY 2013-14 Selection Log

7	9/23/2013	1			Ranked # 1 on eligible list, interviewed but was not selected/appointed.	4213	ASR	Inspection Review conducted - ASR was compliant in following Commission Rules and DHR's procedures in the appointment and selection process. The candidates appointed were within the applicable certification rule. -LM	10/25/2013	Y
7	9/24/2013	1	1		Request for inspection service review regarding the selection process for class 1708. Complainant is ranked #3 and questions why someone ranked #5 was appointed.	1708	DPH	Inspection service Findings: 1. Eligible list posted 6/21/2013; 2. Cert rule: Rule of Three Scores ;3. DPH has not started the departmental selection process for its three PCS class 1708 vacancies; 4. Nine eligibles responded to the notice of referral. The complainant has been notified of the findings which are that the department has not made any appointments. This information was satisfactory to the complainant. (as of 11/13/13 the claimant has been appointed to PCS 1708 at DPH) -LM	10/10/2013	Y
7	10/15/2013	1	1		Meeting held with complainant regarding his application for Class 8226 Museum Guard at FAM. He ranked 3 on the eligible list yet he states candidates were appointed with lower rankings.	8226	FAM	Lengthy meeting was held explaining certification rule and how the number of applicants are certified. The cert rule for this list is Rule of Ten Scores and ranks go to 9. Under this circumstance, all eligibles are certified for consideration. -LM	10/15/2013	Y
6	10/22/2013	1	1		Her department has not yet requested that the Civil Service Commission grant her PCS status from her TCS appointment off of a Redevelopment-Only Priority Eligible List. Although not documented, she believes that she has performed in the position satisfactorily.	1460		Responded explaining that the department is in the performance evaluation process and that there must be documented satisfactory performance prior to requesting a status grant. However, I offered to reach out to the department if she provided me with more information. -JJ	10/23/2013	Y
9	10/21/2013	1	1		Commissioner Favetti requested that Commission staff conduct an inspection Service review into the PUC's policies and protocols on accepting and processing resignations. The inspection Service review is also to include any training provided to managers on that process.		PUC	Review conducted - report submitted to Commissioners - LM	12/20/2013	Y
9	10/21/2013	1	1		Commissioner Normandy requested that Commission staff conduct an inspection Service review into the controls and protections on the PUC's timekeeping Reappointment with four years of separation in accordance with Rule 114.		PUC	Review conducted - report submitted to Commissioners - LM	12/20/2013	Y
11	10/25/2013	1	1		Inquiring as to any limitations that may exist for previous employees with whom the City wishes to contract personal services.		AIR/ DHR/ MTA	Explained application of the Rule as it pertains to individuals requesting reappointment in accordance with the Rules. -JJ	10/25/2013	Y
6	10/25/2013	1	1		Requested information regarding the various work rules, policies, etc. that govern safety-sensitive positions/classifications.			Explained applicable limitations. -JJ	10/25/2013	Y
2	10/24/2013	1	1		Concerned about the department's decision to no longer automatically extend the 3630 Librarian I eligible list and her eligibility thereon. Also inquired about the applicable certification rule.	3630 Librarian I	LIB	Provided the requested information and explained the application of the Rules and collective bargaining agreements. -JJ	10/25/2013	Y
1	10/29/2013	1	1		Dept. was conducting selection process for 2 exempt appointments; ex-employee who was rehired did not go through selection process	4265	ASR	Replied to her concerns and informed her of her protest and appeal rights. Also, the department extended her eligibility on the list for one more year. -JJ	11/13/2013	Y
2	11/4/2013	1	1		He is asserting an untimely and unappealable matter regarding the raters for the PCS 2978 examination, and is also asking that the Commission interpret Sunshine Ordinance disclosure requirements.	2978	GSA	Depts. are not required to use civil service selection procedures for exempt appts.; ex-employee resigned from the same position in July and was rehired after interviewing with dept. head in Oct. Directed him to the Sunshine Ordinance Task Force complaint procedures, explained that the matter is not appealable but that the Commission would undertake an inspection service into the test administration to ensure that it was based on fair, merit-based procedures and criteria. Assigned to SE for review. -JJ	10/30/2013	Y
9	11/8/2013	1	1		Complaint regarding possible physical abuse by a downtown business against a disabled employee.			Referred the matter to the Mayor's Office on Disability and the OLSE, as the issues are outside the Commission's jurisdiction. -JJ	11/12/2013	Y
9	11/19/2013	1	1		Dept. has not responded to her request to remove disciplinary documentation from many years ago from her employee personnel file; MOU says she must submit request to CSC to have the documents removed; no action or suspension		MTA	MTA responded on 10-29-13 stating they are complying with MOU and removing old disciplinary documents from many years ago. -SE	11/19/2013	Y
10	11/19/2013	1	1		Requested guidance on how to obtain information regarding the reason an individual was rejected during the backgrounding process, and how to file a discrimination complaint based on veteran status.	Q-2	SFPD	Responded with requested information on the Rules and appeal processes, and provided the requisite forms for complaints. -JJ	11/19/2013	Y
7	11/21/2013	1	1		Appointee was not on the eligible list and not all reachable eligibles were notified	8208	REC	Confirmed that Dept contacted all reachable and alternate ranks up to rank 30; appointee became reachable after no response from reachable ranks; refusals or no show. -SE	1/15/2014	Y
8	11/22/2013	1	1		Requested guidance and information regarding the City's classification plan.	5207		Responded with requested information on the Civil Service Rules regarding the classification plan and examination announcements. -JJ	11/25/2013	Y
2	11/25/2013	1	1		Inquired about the examination process and appeal rights regarding background rejections. Also inquired about the background review process at the DEM and other departments.	8238	DEM	Responded with the requested information. -JJ	11/26/2013	Y
1	11/22/2013	1	1		Inquired as to the rights of TCS employees, and particularly those appointed from Redevelopment Agency-Only Priority Eligible Lists.			Responded with the requested information. -JJ	11/26/2013	Y

FY 2013-14 Inspection Log

1	12/4/2013	1	1	Appointee was hired off an expired PBT Eligible List from another dept.; others were not informed that the dept. was hiring for this promotional position	1931	MTA	MTA used PBT Eligible List with approval from DHR; Certified Eligible List was extended; all reachable eligibles and alternates up to rank 30 were contacted. SE	1/15/2014	Y
8	12/15/2013	1	1	Current PCS 0923 position mirrors the newly created PEX 0931 position; dept. hired 10 new PEX positions to bypass merit system; hiring process	931	HSS	Dept submitted job descriptions, project description, and project timelines to justify Category 18 Exempt positions, which were approved by DHR. JJ/SE	2/25/2014	N
1	12/18/2013	1	1	He has been referred to several departments from the eligible list but has not been selected; he is seeking information regarding certification rules and the post-referral selection process.			Responded with the requested information. -JJ	12/19/2013	Y
1	12/26/2013	1	1	On 9139 Transit Supervisor Eligible List but was informed by a mgr that they did not qualify for the position	9139	MTA	TEX 9139 Training position had special condition according to Calif. Education Code and 60 months required exp per MTA; MTA needs to train several 9163s in the next few years. SE	1/17/2014	Y
1	1/6/2014	1	1	The Commissioners requested a briefing on the issues raised by Gabriella Cardona during public comment at its January 6, 2014 meeting regarding her request to be placed back on the Redevelopment-Only Priority Eligible List following her release from probation at the DPW.	5261	RED	Researched issues and provided relevant information to Executive Officer. Previously there was a similar request by A. Heyward on May 20, 2013 at a Commission meeting. An inspection review was conducted on that issue. -LM	1/8/2014	Y
1	1/7/2014	1	1	Dept should not be hiring TEX if there is an active eligible list	9139	MTA	Backing in filling Transit Operator positions because of the lack of sufficient numbers of trainers; project (36 months) involves the training of a large number of new Transit Operators in order to meet the service demands of the department. SE	1/15/2014	Y
7	1/14/2014	1	1	Mgr guaranteed him a job if he returned to the City after his resignation; has applied several times but dept. did not select him; informed him that he did not meet MQs	1488 4320	CCD	He was determined not to be the best qualified candidate in the post referral process; applied for a TEX job in a different class and informed he did not meet MQ; dept. cannot guarantee him a position after he has resigned from the City. not appealable. SE	1/15/2014	Y
2	1/14/2014	1	1	Inspection review request regarding when an examination for class 8322 Senior Counselor at Juvenile Justice Center will occur. An employee in class 8320 has been receiving acting pay for 8322 - but this has been for over three years.	8322	JUV	JUV anticipates posting a job/exam announcement in the next few months. 4 employees are currently receiving acting class pay for class 8322. This information reported to SEJU - LM	1/23/2014	Y
9	1/17/2014	1	1	Requested information regarding Category 1 exempt appointments (what positions are included; which historically which positions fell under this umbrella)			Researched historical records on exempt appointments in general, the implementation of new Charter Section 10.104, and the issue of special assistants. Emailed the information and copies of historical documents to MFA. JJ	2/11/2014	Y
9	1/19/2014	1	1	Inquiring about policies regarding contractors supervising City employees.		DPH	Responded that there is no policy prohibiting it per se. -JJ	1/20/2014	Y
2	1/22/2014	1	1	Applicant did not pass brake exam but was allowed to continue in exam process; should not have made the truck driver eligible list	7355	DHR	All candidates were required to complete all 3 parts of the exam and were notified of their scores 3 weeks after the exam was completed; candidate passed all 3 parts of the exam. SE	2/10/2014	Y
6	2/3/2014	1	1	Requested a review of the circumstances of her EEO complaint; and information on the applications of the Rule regarding discrimination appeals, probationary periods and compensation matters.			Researched the information and provided her an explanation of her appeal rights. -JJ	2/4/2014	Y
7	2/3/2014	1	1	HR Mgr. made decision to hire 1244 before the PBT selection process was conducted	931	DPH	DPH conducted a competitive examination and post referral process; appointee met the MQs and was a reachable eligible SE/JJ	4/1/2014	Y
6	2/3/2014	1	1	The Commission requested that an Inspection Service review into various practices at the HSA raised during the 2/3/14 hearing on the Eligibility Worker classifications (i.e., documentation of out-of-class assignments, procedures on performance evaluations, and greater specificity on the use of the 2903s and 2905s).	2903	HSA	JJ granted an extension of the HSA's deadline to submit a response to 2/28 and 3/17/14. Inspection Service review completed on 4/3/14; Commission staff reviewed relevant records and audited personnel files and found that the HSA's practices for recording and maintaining documentation on out-of-class assignments and performance evaluations comported with applicable Civil Service Rules and Commission policies. -JJ	4/3/2014	Y
7	2/5/2014	1	1	Requested information regarding the conversion of LT-PV employees in the 1980s and 1990s.			Researched historical records and emailed the responsive information and copies of historical documents as requested. -JJ	2/7/2014	Y
2	2/7/2014	1	1	The union reported that it has been four years since the expiration of the eligible list, during which time there has been an individual working in an acting capacity. The union requested information regarding the City's obligations to conduct timely examinations and wanted to know what	7248	AIR	The Airport reported that they expect to administer the examination by the end of August 2014. JJ requested monthly status updates to ensure that the Airport adheres to the projected timelines. JJ regularly provided monthly updates to the union through July, and will continue to do so until the examination is through. SE	2/10/2014	Y
4	2/10/2014	1	1	She has concerns regarding representation issues for social workers at the HSA.			Researched the representation issues. Responded with information on representation requirements and contact information for PERB. -JJ	2/11/2014	Y
7	2/20/2014	1	1	informed by the mgr. that interviews were conducted and job offer was made; HR staff informed mgmt. reviewing recruitment process; claimed he should have been contacted for interview because of his experience	932	DT	Exempt appointment; no requirement to interview all qualified applicants; dept. conducted interviews and selected best qualified candidate for the position. SE	2/25/2014	Y
1	2/18/2014	1	1	Requested history on the Charter exemption for District Attorney investigators.	8132	DA	Researched the issue and provided historical documents and applicable court cases. -JJ	2/21/2014	Y



FY 2013-14 Section Log

1	2/21/2014	1		Requested information regarding exempt appointments and the process for converting them to permanent civil service positions.					Researched the issue and responded with the requested information; offered to meet to discuss the issues further and to provide training on exempt appointments. -JJ	2/21/2014	Y
1	2/18/2014	1		She is inquiring about TCS appointments and status grants, and the effective date of her status grant.		2910	HSA		Responded with the requested information and informed her that the effective date of the status is the date of the Commission action granting her PCS status. -JJ	2/26/2014	Y
1	2/24/2014	1		Dept. conducted exam but only hired TEX employees; there was no posting for TEX appointments; why were these employees not hired as PCS and why is the dept. refusing to inform employees on who is the new supervisor for the division		2916/ 2915	HSA		Dept. is waiting for the budget approval for the PCS positions; supervisor has not been appointed yet. SE	2/26/2014	Y
8	2/25/2014	1		President of MSA requests an inspection review for Class 8314 Chief Deputy Sheriff due to the position status change from Permanent Civil Service to exempt. Inquired about the application of the Rules requiring a probationary period for certain situations (specifically, the transfer of a probationary employee).		8314	Sheriff		Review completed - exempt status for class 8314 complies with Charter exemption provisions. -LM	4/24/2014	Y
6	2/26/2014	1					JPD		Researched the Rules and explained that probationary employees may not transfer to another department until they complete the probationary period. -JJ	2/28/2014	Y
7	2/28/2014	1		Rater for exam 1708 Sr. Telephone Operator alleges that the was directed by DHR and the DPH manager to change her rating scores so that provisional employees would be released and replaced by new individuals who were not as experienced. -		1708	DPH		Review Completed - documents reviewed included 67 applicant supplemental questionnaires and the rater's rating sheets for each and other related documents which took a considerable amount of time. Findings: there were no violations of Rules in establishing the eligible list and the appointees were reachable	4/28/2014	N
6	3/4/2014	1		Why do ADA transfers have higher ranking on the seniority list than reachable eligibles hired from an eligible list?		9132	MTA		Rule 415.13-14 These employees have priority over eligibles on existing eligible list. -SE	3/5/2014	Y
6	3/6/2014	1		Is department seniority determined by appointment date? Was appointed before another employee but that employee is ranked higher on the seniority roster; is there a Rule that applies to ADA transfers?		9132	MTA		Rule 421.3 Both employees had the same dept. seniority date but one was ranked higher on the eligible list; Rule 415.13-14 for priority over existing eligible list. -SE	3/6/2014	Y
6	3/10/2014	1		Request for advice on how to establish a new Volume of the Rules and/or amend the Rules.			SFFD		Explained the legal issues and historical background on the four Volumes of the Rules; provided information on how to seek Rule amendments. -JJ	3/14/2014	Y
1	3/28/2014	1		Requested information regarding the appointment of PSC employees to positions which are less than 20 hours per week.			SFUSD		Explained that there are no policies prohibiting such appointments, provided references to applicable Rules, and explained the implications of such appointments. -JJ	3/31/2014	Y
1	4/1/2014	1		Favoritism/Nepotism in the hiring of 2587 Health Worker III; rater personally knew applicant but did not recuse themselves		2586	DPH		Appointee was a transfer. SE	4/2/2014	Y
1	4/8/2014	1		Appointee was late to examination but dept. allowed her to take the exam at a later date because she was currently an Acting Manager in the dept. and she was favored because of her ethnicity; most of the of 2322s are of the same ethnicity		2322	DPH		DPH had alternate exam date scheduled for another applicant; 2nd applicant who was late was allowed to participate on the alternate exam date; dept. must be consistent with DHR policy on make-up exams; appointee was a reachable eligible and successfully completed competitive selection process; calculation error corrected and eligible list amended; delayed response from dept. SE	6/26/2014	N
6	4/9/2014	1		Dept. did not give an explanation why he was released from his probationary period. Does Rule 417.9.1 require depts. to provide an explanation?			MTA		Rule 417.9.1 Employee may be released at any time by the MTA Director during the probationary period upon written notice; explanation for release is not required. SE	4/9/2014	Y
6	4/18/2014	1		Requested information regarding the application of the Rules on Transfers for employees.			GSA		Researched the specific facts with DHR and in eMerge to understand background on the request. Explained the difference between permanent transfers and limited term transfers under the Civil Service Rules, a probationary period employee's ability to transfer temporarily but not permanently, and the impact on his or her probationary period. -JJ	4/21/2014	Y
6	4/23/2014	1		Requested clarification on the application of the Rules on full-time appointments of part-time employees, the appointing officer's discretion in such appointments, and an employee's ability to request transfers. Also requested information on how to amend the Civil Service Rules.					Explained the different provisions of the Rules and the various options for appointing officers and employees. Explained the appointing officer's sole discretion to appoint in the Rules and in the Administrative Code. Also explained the process for requesting Rule/policy clarification and a Rule amendment. -JJ	4/22/2014	Y
7	4/29/2014	1		Never contacted for interviews; ranked 2 but mgr informed him that the department "threw out scores"; appointee was not reachable		7220	DPW		Dept. contact all reachable eligible; there were 2 vacancies and the appointee was a reachable eligible. SE	6/5/2014	Y
7	5/4/2014	1		She is not being hired by other departments because she was released from TEX for reporting safety concerns			DPW		Applicant is reachable and has been selected for interviews; no restrictions or unsatisfactory services has been reported. SE	5/4/2014	Y
6	5/2/2014	1		Requested background and history on the Rules applicable to eligible lists and eligibility for TWU service-critical employees of the MTA.			MTA		Researched previous Rule revisions dating back to the adoption of Volume IV, as well as staff reports and meeting materials to support particular revisions. Responded to the requester with the applicable information and provided copies of requested historical documents. -JJ	5/8/2014	Y
7	5/12/2014	1		Questioned scoring in 1937 Exam; currently in PV 1937 position; she was informed that she may be eligible for selective referral process but dept. did not		1937	MTA		Employee is in a provisional position, not a temporary civil service position; explained Rule 413.14 Selective Certification. SE	5/13/2014	Y

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9	5/12/2014	1	Mgmt. uses personal email address (that has sexual connotations) for work; filed EEO complaint but received no written response	CCD	5/23/2014	Y	Explained that the CSC does not have jurisdiction over discrimination complaints by CCD employees under the Education Code, but referred her to the applicable provisions so that she may pursue the matter further in the correct venue. -JJ
6	5/21/2014	1	Requested definition of "promotive" classes and applicable Rules.	RFD	5/22/2014	Y	Explained the applicable Rules and directed the individual to the applicable Advisers. -JJ
2	5/21/2014	1	Complainant alleges that an applicant did not meet minimum qualifications but was allowed to participate in the examination.	HSA	6/13/2014	Y	The complainant was incorrect in his assumption. The applicant did meet the qualifications and was selected to proceed through the examination process. The applicant's experience was reviewed by four subject matter experts who deemed the applicant as meeting the minimum qualifications. - LM
7	5/22/2014	1	Appointee did not meet MQ and had a close relationship with the panelist; several females were reachable eligibles but only male candidates (5) were appointed.	MTA	6/5/2014	Y	Dept. determined that the appointee met the MQ after receiving additional information from the appointee; panelists ratings were consistent for each applicant. SE
1	5/27/2014	1	Although he has higher seniority over his colleagues, they were promoted to the full time position instead of him.	DPH	6/16/2014	Y	Employee started with the City as provisional employee; seniority date is the certification date of PCS appointment; other employees had the same certification/seniority date but were ranked higher on the same eligible list. SE
2	5/30/2014	1	Requests an Inspection Service into the pre-establishment of the cutoff score for the 0931 PBT Examination eligible list, as well as the panel member selection and rating process for that examination.	DHR	6/24/2014	Y	All allegations and assertions were investigated but found to have no merit. -JJ
2	6/2/2014	1	Request for an appeal regarding the examination process on behalf of her mother, Siu Fun Auyoung for class 2708 custodian. The applicant did not pass the written examination although she currently is working as a Custodian in a temporary exempt status.		6/9/2014	Y	Issue researched and response prepared and sent to individual. The examination score that the applicant received is not an appealable matter and it was also explained that a person occupying a position in an temporary exempt status has no right of preference for permanent appointment. - LM
2	6/3/2014	1	Requested a review into the MTA's rejection of his application for a 5306 Traffic Sign Manager examination, particularly since the MTA previously deemed him qualified to participate in a past exam.	MTA	6/20/2014	Y	MTA responded on 6/20/14 explaining that the minimum qualifications had changed and that he did not provide the requisite information to verify his qualifying experience. -JJ
1	6/6/2014	1	Requested clarification and interpretation on exemptions under Charter Section 10.104-17 and the meaning of "substitute or backfill"	PUC	6/16/2014	Y	Researched historical documents and responded with the information and intent of the language. -JJ
2	6/16/2014	1	Requested information and guidance on how to apply for specific City examinations and positions, and information on upcoming examinations.		6/24/2014	Y	Outlined the various resources that are available, provided a general overview on applying for positions, and provided links to resources. -JJ
6	6/23/2014	1	Requested information on options for addressing the situation when an employee resigns during the termination process.	DHR	6/25/2014	Y	Outlined the different options, including restrictions on future employment and designation of services as unsatisfactory, and provided the links to the Rules and applicable DHR policies and forms. -JJ
9	6/23/2014	1	Complainant alleges that two appointees for Class 1241 at HSA do not meet the MQ's.	HSA	7/7/2014	Y	Inspection service review conducted. The appointments are temporary exempt; both individuals meet the position qualifications (BA degrees verified). - LM
2	6/23/2014	1	Complainant alleges that an applicant did not meet MQ's but was allowed to participate in the examination.	HSA	6/30/2014	Y	The applicant did meet the qualifications and was selected to proceed through the examination process. The applicant's experience was reviewed by four subject matter experts who deemed the applicant as meeting the minimum qualifications. Applicant has approximately 7 years experience - more than the minimum 3 years required for the position. - LM
7	6/23/2014	1	Alleges that appointments were made for Class 9705 in violation of the certification rule - Rule of Three Scores	HSA	9705		Inspection service review - pending. LM
2	6/26/2014	1	Not allowed to review their written responses during inspection period; questioned requests for accommodation process	DHR	6/26/2014	Y	Candidates cannot review questions and responses from standardized exams that may be used again; DHR policy allows departments to conduct make-up exams only for specific reasons (e.g. ADA, religious observance, out-of-country, serious illness). SE

# ATTACHMENT D



# CIVIL SERVICE COMMISSION



## MERIT SYSTEM AUDIT PROGRAM

FISCAL YEAR  
2013-2014

Prepared by:

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Civil Service Commission

## **INTRODUCTION**

The role of the Civil Service Commission is to oversee and protect the civil service merit system for the City and County of San Francisco.

The Civil Service Commission is authorized by Charter (Article X Section 10.101. General Powers and Duties) to establish rules, policies and procedures to carry out the merit system provisions of the Charter. The Commission provides oversight and hears appeals on examinations, eligible lists, minimum qualifications, classification, discrimination complaints, future employment restrictions with the City and other merit system matters.

In its effort to ensure compliance of the civil service merit system, the Commission delineates responsibilities and goals to the Civil Service Commission Department Staff for the purposes of coordinating/conducting open dialog and discussion on the merits of existing rules, policies and procedures; make recommendations for change; and, where departmental staff, employee organizations, employees, applicants and members of the public can obtain consistent, fair and concise information on the merit system, the jurisdiction of the Civil Service Commission, and the application of its Rules, policies and procedures.

## **COMPLIANCE REVIEW AND TECHNICAL ASSISTANCE**

Charter Section 10.101 states, "The Commission shall have the power to inquire into the operation of the civil service merit system to ensure compliance with merit principles and rules established by the Commission." The Civil Service Commission at its meeting on October 16, 2006 gave general directions for the Civil Service Commission staff to conduct audits in order to determine if City and County departments are adhering to Federal and California State Law as well as compliance with existing Civil Service Commission Rules, policies and procedures.

Under its Charter Authority, the Civil Service Commission staff conducts an annual Audit Program. The purpose of the Audit Program is to ensure compliance with merit system Rules, policies and procedures established by the Civil Service Commission through the investigation of the conduct or actions of appointees in all positions.

## **MERIT SYSTEM AUDIT PROGRAM GOALS & OBJECTIVES**

The Merit System Audit Program was designed to assess compliance of Civil Service Commission Rules, policies and procedures utilized by City and County departments. Commission audit reviews may include, but are not limited to auditing departmental records, determining compliance with departmental and merit system practices and interviewing and applying relevant merit system Rules, policies and procedures. When an audit/review is conducted and completed, Civil Service Commission staff prepares a written report outlining the subject matter of the audit, an analysis and summary of the findings, and if identified to be applicable, recommendations regarding areas requiring corrective action will be noted. The results and/or recommendation of an audit review could also include scheduling the matter for Civil Service Commission consideration and action if necessary or appropriate.

In summary:

- The audit is a mechanism utilized to assist departments in reviewing their internal procedures regarding the compliance of Civil Service Commission Rules, policies and/or procedures.
- The audit review provides an assessment as to whether there is compliance of required documentation and/or records, and recommends changes that may be needed to meet compliance standards.

## FISCAL YEAR 2013-14 AUDIT OBJECTIVES

All candidates selected for permanent civil service, provisional and exempt appointments must meet the minimum qualifications for the jobs to which they are appointed at the time of the deadline published on the announcement. It is the City's policy that employment verifications for all applicants be completed by departmental Human Resources professionals prior to an offer of employment with the City and County of San Francisco. This means that prior to extending an employment offer, or processing a candidate's appointment, hiring departments are required to verify information provided by the applicant regarding their qualifying experience. Throughout this fiscal year, the Commission received numerous complaints alleging that appointees did not meet the required qualifications for the position to which they were appointed. The Commission also received complaints by individuals questioning the justifications for exempting certain positions under Charter Section 10.104 and 10.105. We also received an unusually low number of examination appeals.

Therefore, this fiscal year the Commission focused on reviewing the following selection and appointment practices in eight randomly-selected departments to assess compliance with applicable Charter provisions, Commission Rules, and merit system policies and procedures:

- Departmental practices with respect to the verification and documentation of minimum qualifications for individuals appointed to Permanent Civil Service, Provisional or Exempt positions;
- Departments' justifications for exempting positions from civil service appointment, selection and removal procedures in accordance with Charter Section 10.104 and for making provisional hires under Charter Section 10.105; and
- Information provided on Permanent Civil Service examination announcements regarding appeal rights and other required information.

The position recruitments for the following eight departments listed below were selected for the Fiscal Year 2013-14 Merit System Audit Program.

Job Status/Classification	Department
TEX - Senior Community Development Specialist I	Children Youth and Families
TEX - Clerk -- Outreach Coordinator	Department of Elections
PBT- Representative	Human Rights Commission
PEX - Deputy Director II	Planning Department
PBT- Recreation Coordinator	Recreation and Park Department
PBT- Citizens Complaint Officer	Rent Arbitration Board
Prov - Education Integration Specialist	San Francisco Unified School District
PBT- Manager I – Director of Security	War Memorial & Performing Arts Center



## STANDARDS

### QUALIFICATIONS OF APPLICANTS

Commission Rule 110.9 Qualifications of Applicants states in part,

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

Commission Policy and Procedures on Exempt Appointments states in part,

“Exempt appointees must possess the minimum requirements for their class or position as established by the last examination announcement or class specification, whichever was issued most recently with a statement of the minimum qualifications. The department must verify and document that the individual meets the minimum qualifications for his or her exempt position in accordance with the Department of Human Resources’ policies and procedures; such documentation must be maintained in the employee’s personnel file in accordance with the Commission’s “Citywide Employee Personnel Records Guidelines.”

### Department of Human Resources Memorandum No. 08-2010 – Verification of Employment History Information and Access to Employment Records in PeopleSoft

This memorandum outlines procedures and policies regarding obtaining employment history and reference checks for current and past City employees prior to making a job offer. It states in part, “It is the City’s policy that employment verifications for all applicants be completed by departmental Human Resources professionals prior to an offer of employment with the City and County of San Francisco. It is particularly important that departmental Human Resources professionals review and verify employment history information for current and past City employees who are under consideration for appointment to a City position (e.g., promotion, transfer, “Prop G” hire, etc.). To facilitate that review, departmental Human Resources professionals now have access to the PeopleSoft system for purposes of employment verification prior to employment.”

*Department of Human Resources Policy on Verifying Possession of Minimum Qualifications* (in-service conducted at HR Professional meeting on 8/19/2009)

“All candidates selected for permanent civil service, provisional and exempt appointments must meet the minimum qualifications for the jobs to which they are appointed at the time of the deadline published on the announcement. *Prior to extending an employment offer, hiring departments shall verify information provided by the applicant regarding their qualifying experience.*”

The policy provides specific instructions on “how” and “when” to verify an applicant’s qualifications:

- When an applicant’s qualifying experience was obtained through employment with the City and County of San Francisco the verification should be performed by the Department Personnel Officer or designee, who will check available PeopleSoft records. Credit for experience obtained outside of the employee’s class will only be allowed if it was recorded and placed in the personnel file at the time the assignment was made. Qualifying experience of City and County employees should be verified prior to the examination. City and County experience should be verified by the recruiting analyst at the time of application.
- In order to verify work experience earned outside of City and County of San Francisco employment, the hiring authority must contact the candidate’s current and/or former employers to confirm dates of service, job titles(s) and duties performed. *A record of this contact must be made.* If this verification information cannot be obtained, the hiring authority shall keep a written record of the due diligence efforts that were made. The hiring authority must seek verification from a candidate’s current and/or former employers prior to making an employment offer. Verification may be solicited at the time of reference checks.

***CITYWIDE EMPLOYEE PERSONNEL RECORDS GUIDELINES***

The Citywide Employee Personnel Records Guidelines was adopted by the Civil Service Commission on April 6, 1992 and became effective May 2, 1992. They are pursuant to the authority of the Civil Service Commission under Charter Section 10.100 and 10.101 General Powers and Duties. The Guidelines were updated May 7, 2007 to incorporate the changes in law and reflect the role of the Civil Service Commission as a Rules and policy making appeals body approved by the voters (Prop L: 11/93).

The Guidelines prescribe a uniform, standardized system for the access, maintenance, retention, and destruction of all records related to the work history of employees of the City and County of San Francisco. They apply to the personnel records of all employees regardless of employment status in all departments of the City and County and to classified (non-certificated) civil service employees of the School Districts, both civil service appointees and those exempt from civil service examination and removal procedures. The Guidelines are accessible on the Civil Service Commission website.

Official Employee Personnel Files (OEPF) are required to be maintained in such a manner as to be readily available for audit by authorized Federal and State Officers and inspection by representatives of the Civil Service Commission.

**Content of Employee Personnel Files: General Requirements**

Except as provided in these Guidelines (see Section X), the OEPF shall contain all records pertaining to an employee's work history with the City and County of San Francisco. These records shall be placed in the OEPF in the section and side of the OEPF indicated. Except for the placement of documents within the employee personnel file and the specifications of the file itself, the employee the employee personnel file currently existing in departments shall conform to the contents and other requirements specified in these Guidelines.

The following are some of the forms/documents to be placed in the OEPF that are listed in the Guidelines – Section B General Employment History Records:

- City and County of San Francisco Employment Application
- Resume
- School transcripts
- Verifications of employment
- Copies of required licenses, certificates or credentials
- Appointment processing forms
- Notice to Provisional Appointee
- Notice to Exempt Appointee
- Out-of-class assignment forms

***EXAMINATION ANNOUNCEMENTS***

**Department of Human Resources Procedures**

Human Resources procedures state that the announcement will include directions on when and where to file an application, a description of job duties, salary, qualification requirements, a description of the selection procedure(s) including, when relevant, the form, content and weight of each section of an examination. It establishes whether the examination is open on an entrance, promotive or combined entrance and promotive basis. The applicable certification rule is also specified.

**Commission Rule 110.2 Examination Announcements and Rule 111.A Position Based Testing** states in part,

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

Civil Service Commission Rules 211 for the San Francisco Police Department, 310 for the San Francisco Fire Department and 410 for the Municipal Transportation Agency also address the subject of Examination Announcements and are similar in content provisions. In summary:

- Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement for the examination.
- Examinations are conducted to rate the capacity of the applicants to perform the job of which the applicant is applying.
- Examinations may include, but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, or any other device or method to determine merit and fitness for tested positions.

### ***APPEALS OF EXAMINATIONS***

***Commission Rule 110 Examination Announcements and Applicants Section 110.4 Appeals of Examination Announcements*** states:

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

Civil Service Commission Rules 211 for the San Francisco Police Department, 310 for the San Francisco Fire Department and 410 for the Municipal Transportation Agency also address the subject of Examination Announcements and Appeals and are similar in content provisions. However, Rule 310.3 Protests and Appeals of Examination Announcements requires appeal to be received within seven (7) business days from the issuance date.

If the job announcement is for a Position-Based Test (PBT), it is then subject to Civil Service Commission Rule 111A Section 111A.35.1 Appeals of the Examination Announcement.

### ***Commission Procedures for Appeals and Requests for Hearings***

The Civil Service Commission website provides detailed information in the “Procedures for Appeals and Requests for Hearings to the Civil Service Commission”. It clearly states in section IV Notice to Appellants Required – “Unless the Civil Service Commission Rules specify that the decision of the Human Resources Director (or Director of Transportation) is final, appellants are to be notified in writing of their right under Civil Service Commission Rule 05 Series, to appeal the Human Resources Director’s action to the Civil Service Commission; of the deadline for filing the appeal with the Civil Service Commission; and the location where the appeals may be filed”.

## ***EXEMPTING POSITIONS FROM CIVIL SERVICE APPOINTMENT***

**Commission Rule Series 14 Appointments: Section 114.44 Exclusions from Civil Service Appointment** states:

All permanent employees of the City and County shall be appointed through civil service process by competitive examination unless exempted from civil service examination and selection process in accordance with Charter provisions. Appointments excluded by Charter from the competitive civil service examination and selection process shall be known as exempt appointments. Any person occupying a position under exempt appointment shall not be subject to civil service selection, appointment, and removal procedures and shall serve at the pleasure of the appointing officer.

### **Civil Service Commission Policy and Procedures on Exempt Appointments**

#### **Overview on Exempt Appointments**

Exempt appointment is defined as an appointment to a permanent or temporary position exempt from competitive civil service selection, appointment and removal procedures in accordance with the Charter. Exempt employees are considered “at will” and serve at the discretion of the department head. See the attached for applicable Charter provisions on exempt appointments under this policy.

#### **A. Categories of Exempt Appointments**

The Charter provides for 20 categories of employment excluded from civil service, which are generally organized into four groups: (applicable to this review is Group III)

- Group III (Charter Sections 10.104-16 through 19) includes temporary and seasonal appointments which do not exceed half time (1040 hours of service) in a fiscal year, appointments to temporarily backfill civil service employees on leave (limit of 2 years), special projects and professional services with limited term funding (limit of 3 years), and the City’s program for the employment of severely disabled persons.

In accordance with its Charter authority, the Commission has adopted Rules and policies that allow the Director of Transportation (for “service-critical” positions at the Municipal Transportation Agency (“MTA”)) and the Department of Human Resources (“DHR”) (for all other positions) to approve exempt positions in Group III, subject to appeal to the Civil Service Commission.

The Commission’s policies for the review of requests to exempt positions under Charter Sections 10.104-16 through 18 are outlined below. Civil Service Rule Series 015, Rules Related to the Employment of Persons with Disabilities, establishes the guidelines applicable to appointments made under Charter Section 10.104-19 (exempt employment for individuals who are severely disabled).

## B. Two Types of Exempt Appointments

There are two types of exempt appointments: Permanent Exempt (“PEX”) and Temporary Exempt (“TEX”). PEX and TEX appointments may be made to positions that have either part-time or full-time schedules. However, PEX appointments are authorized in the Annual Salary Ordinance (“ASO”) and are therefore generally part of a department and more permanent in nature. TEX appointments are not authorized in the ASO, and they are often of shorter duration and are irregularly scheduled to fill in temporarily or on an “as needed” basis.

Any of the Charter exempt categories can be PEX or TEX, with the exception of those appointments exempted from civil service under Charter Sections 10.104-16 (also known as “As-Needed”), which are exclusively TEX appointments.

### **Review of Exempt Appointments**

The Commission has delegated to the Human Resources Director the authority to review and approve written requests for all exempt positions under Charter Section 10.104 (Groups I through III) (other than “service-critical” positions at the MTA) to ensure that they comply with the Charter and any applicable Civil Service Rules and/or Commission policies as detailed herein. The Commission has also directed the Human Resources Director to establish procedures to ensure that written departmental requests for Group III exemptions are processed expeditiously.

Likewise, the Director of Transportation is responsible for ensuring that any MTA “service-critical” exempt appointment under Charter Sections 10.104 (Groups I through III) or 8A.104 (Group IV) complies with the Charter and any applicable Civil Service Rules and/or Commission policies as detailed herein.

Decisions by the Human Resources Director and Director of Transportation on exempt appointments may be appealed to the Commission in accordance with the Civil Service Rules. The Commission’s decisions on such appeals are final.

*Charter Section 10.104 Exclusions From Civil Service Appointment* states in part,

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority: 1 -15; In addition, with the approval of the Civil Service Commission, exempt employees shall include:

- 16. Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures;
- 17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular Civil Service procedures;

- 18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited funding, except that such positions may be filled through regular civil service procedures; and
- 19. Entry level positions designated by an appointing officer with approval of the Civil Service Commission for persons who met minimum qualifications and are certified as blind or severely disabled; persons so appointed whose performance is rated satisfactory by their appointing officer shall after one year of continuous service acquire Civil Service status.

**Charter Section 10.105 Provisional Appointments**

Provisional Appointments for classified positions for which no eligible list exists shall not exceed three years. Provisional appointments may only be renewed with the approval of the Board of Supervisors and upon certification by the Human Resources Director that for reasons beyond his or her control the Department has been unable to conduct examinations for these positions.

## SUMMARY ANALYSIS OF AUDIT FINDINGS

### EXAMINATION ANNOUNCEMENTS

The audits related to the selected eight (8) recruitments included a review of the examination announcements regarding the content of information provided to job applicants including information regarding appeal rights if applicable.

An announcement is the official notice of an examination for a specific job classification. Announcements are issued by the Department of Human Resources (DHR) and by departments with decentralized examination units. Human Resources procedures state that the announcement will include directions on when and where to file an application, a description of job duties, salary, qualification requirements, a description of the selection procedure(s) including, when relevant, the form, content and weight of each section of an examination. It establishes whether the examination is open on an entrance, promotive or combined entrance and promotive basis. The applicable certification rule is also specified.

Civil Service Commission Rule 110 Examination Announcements and Applicants Section 110.2 and Rule 111A Position-Based Testing (PBT) Section 111A.7.1 states: *The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates, and other particulars regarding the selection procedure. Applicants are guided solely by the terms of the examination announcement.* Civil Service Commission Rules 211 for the San Francisco Police Department, 310 for the San Francisco Fire Department and 410 for the Municipal Transportation Agency also address the subject of Examination Announcements and Appeals and are similar in content provisions.

Civil Service Commission Rule 110 Examination Announcements and Applicants Section 110.4 Appeals of Examination Announcements states in part, *"The Human Resources Director shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules"*.

If the job announcement is for a Position-Based Test (PBT), it is then subject to Civil Service Commission Rule 111A Section 111A.35.1 Appeals of the Examination Announcement.

### FINDINGS

**Audit findings for the job/examination announcements reviewed indicate that the departments consistently provided detailed information regarding the position requirements, selection and the appeal process when applicable to the status of the position.**



## MINIMUM QUALIFICATIONS

The Official Employee Personnel File (OEPF) was audited for presence and completeness of the required documents verifying work experience, education, certifications, the Exempt Request Justification Form (if applicable), Notice to Provisional Appointee (if applicable) and the Appointment Processing Form. All documents are required to be obtained prior to the appointment date of the candidate and are to be in the OEPF exhibiting compliance of procedures and policies.

Minimum qualifications (MQs) as listed on the job/examination announcement are formal statements describing what is required for individuals to have in order to compete further in the employee selection process. They are descriptions of the education, training, work experience, licenses, certifications, etc., that one must have to possess the competencies needed to perform a job at entry. Applicants who do not meet the stated MQs are eliminated from the selection process. Screening applications on the basis of MQs is considered a selection procedure that is covered by the Federal Uniform Guidelines on Employee Selection Procedures. To successfully withstand Title VII lawsuits that allege discrimination or other illegal hiring practices, any MQ that is used to screen applicants must be job-related and consistent with business necessity. Generally, the minimum qualifications for the tested position will remain the same as the minimum qualifications that are stated in the class specification.

### **Verification as Part of the Application Process**

Applicants may be required to submit verification of qualifying education and experience, at any point in the application, examination or departmental selection processes. Verification of work experience must be on the employer's letterhead, and must include the applicant's name, job title, description of job duties, dates of service, and signature of the employer. San Francisco City and County employees do not need to submit verification of their City employment, but must submit verification of outside experience. San Francisco City and County employees will not receive credit for experience obtained outside of their classification unless recorded in accordance with the provisions of the Civil Service Rule Series 10.

In general, there are a number of documents that can be requested and used to assess employment verification of experience:

- Transcripts, licenses or certifications
- Standard letters (on letterhead) from employers
- Performance evaluations that describe duties performed
- DHR Employment Verification form
- PeopleSoft records or appointment processing forms

The following provide limited information regarding experience and can be used when other verification is not obtainable:

- W2 forms
- Income tax returns
- Paycheck stubs

## FINDINGS

Three (3) departments that participated in the audit regarding the position recruitment selection/ appointment process were found to be non-compliant with Commission Rules, and DHR policies and procedures. Two (2) of these departments did not obtain documentation because they were operating under the mistaken belief that DHR exams staff had verified all candidate qualifications as part of establishing the eligible list and prior to sending the department the Referral list. This is not DHR protocol. **Therefore, these departments did not conduct verification of qualifying work experience for their appointees and substantiated documentation was not in the OEPPF at the time of audit.** The DHR policy states, *"Prior to extending an employment offer, hiring departments shall verify information provided by the applicant regarding their qualifying experience."* These departments subsequently took immediate corrective action and obtained the required verifying documents as a result of the recommendations discussed at the audit meetings.

One (1) department failed to document the verbal verification of outside work experience for the appointee. The DHR policy states, *"In order to verify work experience earned outside of City and County of San Francisco employment, the hiring authority may contact the candidate's current and/or former employers to confirm dates of service, job titles(s) and duties performed. A record of this contact must be made."*

The Appointment Processing Form that must be completed for each appointee was present in the OEPPF. The form has a section to be completed to validate that the Pre-employment process was completed. The Checklist is in Section IX: OTHER on the form:

Pre-employment Checklist:

- Restrictions Check
- Internal Employment Check
- Education Check
- Conviction History Review
- External Employment Checks
- Reference Check

Six (6) departments failed to complete the Pre-employment Checklist section of the form, which if completed, would also validate that the verification of qualifications was conducted for each appointee prior to appointment and/or would serve as a final reminder to do so.

### EXEMPTING POSITIONS FROM CIVIL SERVICE APPOINTMENT

In accordance with its Charter authority, the Commission has adopted Rules and policies that allow the Director of Transportation (for "service-critical" positions at the Municipal Transportation Agency ("MTA")) and the Department of Human Resources ("DHR") (for all other positions) to approve exempt positions in Group III, subject to appeal to the Civil Service Commission.

## FINDINGS

Three (3) departments had positions that were Temporary Exempt or Permanent Exempt. Only two (2) of these departments had the Exempt Request Justification Form in the OEPPF. One (1) of the eight (8) departments had a Provisional appointment and did have the applicable provisional form in the OEPPF.

## CONCLUSION

**It was identified that there may be a misconception held by City departments that do not have in-house Human Resources staff that the qualifications of candidates are verified by the DHR Recruitment Analyst or Client Services Representative who is the liaison to their department or who administered the exam. This is clearly not the process and City departments need to be aware of all the applicable Rules and protocols governing the qualifications of appointees.**

After thorough discussions of the issues and deficiencies identified with the departments found to be non-compliant, the departments expressed that they have a clearer understanding of the requirements related to the selection and appointment of qualified candidates. The staff was very receptive to the recommendations and implemented immediate corrective action.

**Five (5) of the eight (8) departments that participated in the audit were in full compliance with Commission Rules, policies and procedures. All required documentation was present in the OEPPF. However, some of these departments did not have the Pre-employment checklist section of the Appointment Processing Form completed.**

This year's audit illustrates how the Merit System Audit Program is indeed a constructive mechanism utilized to assist departments in reviewing their internal procedures regarding the compliance of Civil Service Commission Rules, policies and/or procedures. Identifying the subject matter areas that required corrective action in this audit will assist the departments in ensuring that they have appointed qualified candidates to their positions and that there is supporting documentation of the appointee's qualifications as required.

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