THE CITY'S MERIT SYSTEM

INTRODUCTION AND OVERVIEW

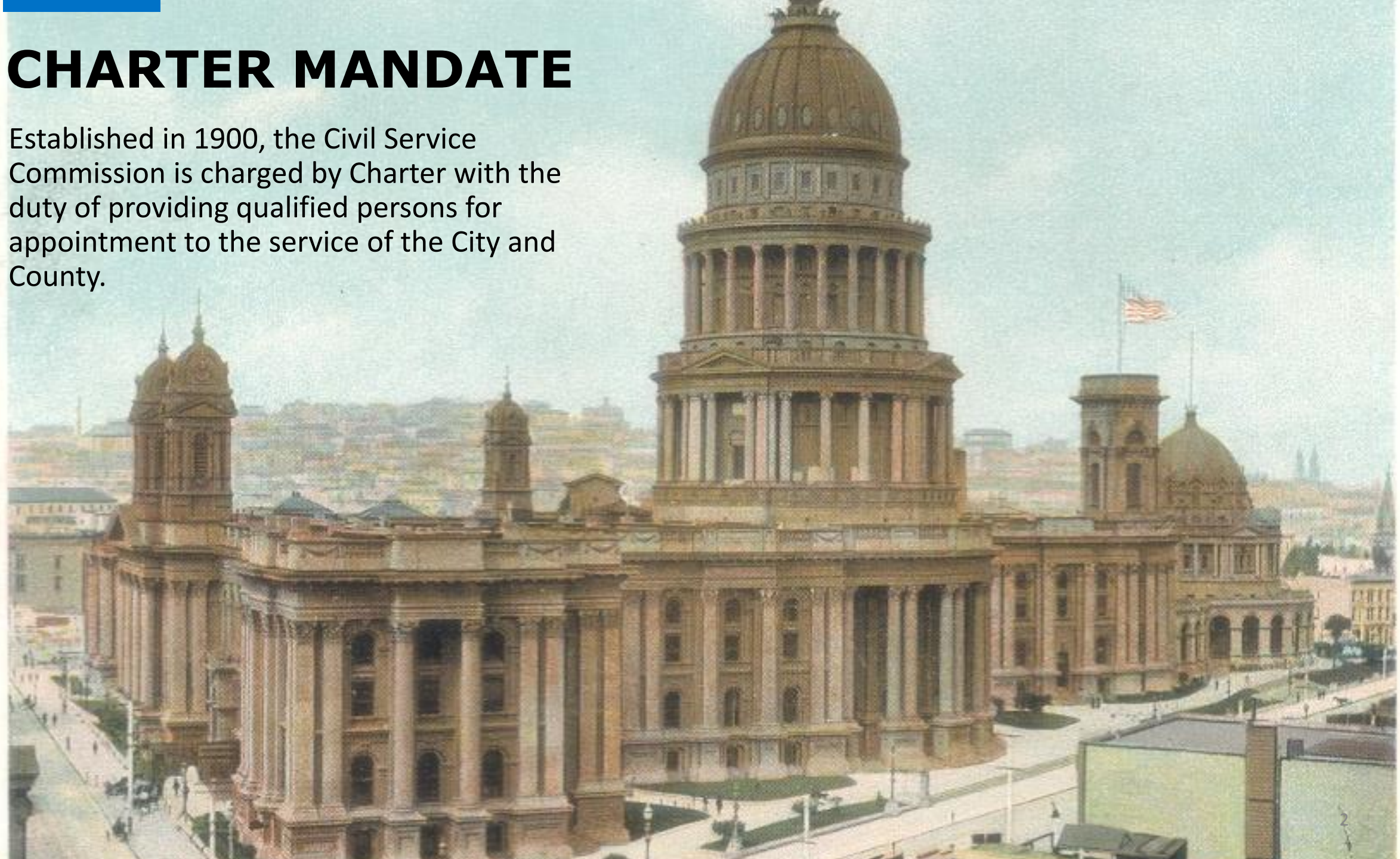
MICHAEL BROWN, EXECUTIVE OFFICER

CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

CHARTER MANDATE

Established in 1900, the Civil Service Commission is charged by Charter with the duty of providing qualified persons for appointment to the service of the City and County.



INDEPENDENT COMMISSION

The Commission consists of five members appointed by the Mayor, for six-year terms. Not less than two members of the Commission must be women.

Francis X. Crowley
President

Elizabeth Salveson
Vice President

Douglas S. Chan
Commissioner

Kate Favetti
Commissioner

Scott R. Heldfond
Commissioner

OATH OF OFFICE

“I am opposed to appointments to the public service as a reward for political activity and will execute the office of Civil Service Commission in the spirit of this declaration.”

CIVIL SERVICE COMMISSION MISSION AND VISION

To establish, ensure, and maintain an equitable and credible merit system for public service for the citizens of San Francisco.

To set the standard for excellence in personnel management through an effective, fair, and modern system that recognizes and builds on the diversity, skills, and dedication of public employees.

To consistently provide the best-qualified candidates for public service in a timely and cost-effective manner.

REFORMS

1991 THE ELECTORATE APPROVED CHARTER AMENDMENTS THAT:

- Removed some Civil Service Charter provisions and placed in the Rules
- Required at a minimum Certification Rule of 3 Scores
- Authorized Appointing Officer to discharge
- Provided for collective bargaining on terms and conditions including grievance/arbitration on discipline/discharge **except civil service carve-outs**

Civil Service Commission

- Policy and Rule making body
- Appeals Board
- Merit System oversight

Creation of the Department of Human Resources – Personnel Office of the City

- Implements merit system provisions and Civil Service Commission Rules

1994 CIVIL SERVICE REFORMS

REFORMS

1996 CHARTER REFORM

- Reaffirmed the role of the Civil Service Commission
- Clarified the Commission's role and jurisdiction
- Moved the collective bargaining provisions from the main body of the Charter to Appendix A – Employment Provisions

1999 CREATION OF THE MTA

- Transfer authority of the HRD on merit system except Discrimination/ADA complaint resolution to the Director of Transportation/Designee

REFORMS

2005 - PUBLIC HEARINGS AND TASK FORCE

- Convened to review Rules for improvement
- Adopted new Rules on Position-Based Testing

2018 – DE-IDENTIFICATION

- De-Identification process has affected Volume I and IV of the Rules
- Continually updating, modernizing and streamlining Rules, policies and procedures

MERIT SYSTEM ROLES

Department of Human Resources

Implements merit system provisions and Civil Service Commission Rules (Charter Section 10.102 and 10.103)

Civil Service Commission

Rule and policy making Appeals Board charged with Merit System oversight (Charter Section 10.100 and 10.101)

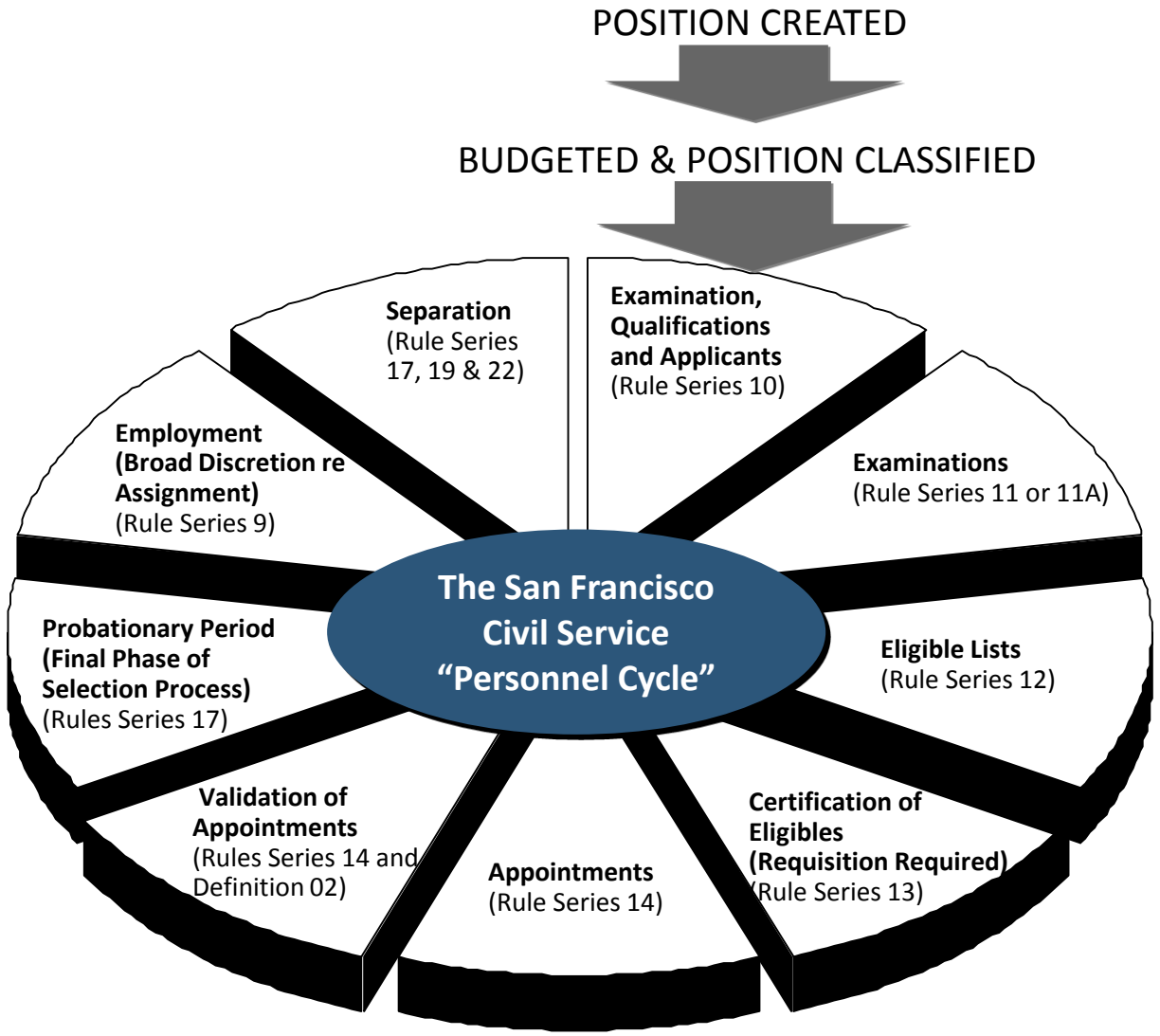
SFUSD

SFCCD

Municipal Transportation Agency

Director of Transportation acts in place of the Human Resources Director on merit system matters and discrimination, except ADA for service critical classes (Charter Section 8A.104)

PERSONNEL CYCLE



ORGANIZATION OF THE CIVIL SERVICE COMMISSION RULES

Re-codified in 1999

Volume I	Volume II
Miscellaneous Employees	Uniformed Ranks of the **Police Department**

Volume III	Volume IV
Uniformed Ranks of the **Fire Department**	Service Critical Classifications at the **Municipal Transportation Agency**

NUMBERING OF THE RULES

- 3 Digits
- First digit reflects the Rule Volume
- Next 2 digits reflect the Rule Series
- Same title in each volume, different provisions

RULE 01 SERIES
AUTHORITY AND PURPOSE

MERIT SYSTEM PRINCIPLES

- Recruitment, employment, retention, and promotion of employees on the basis of qualifications and performance
- High performance and ethical standards, ranked on an eligible list, certified and referred to the appointing officer, appointed and completed the probationary period

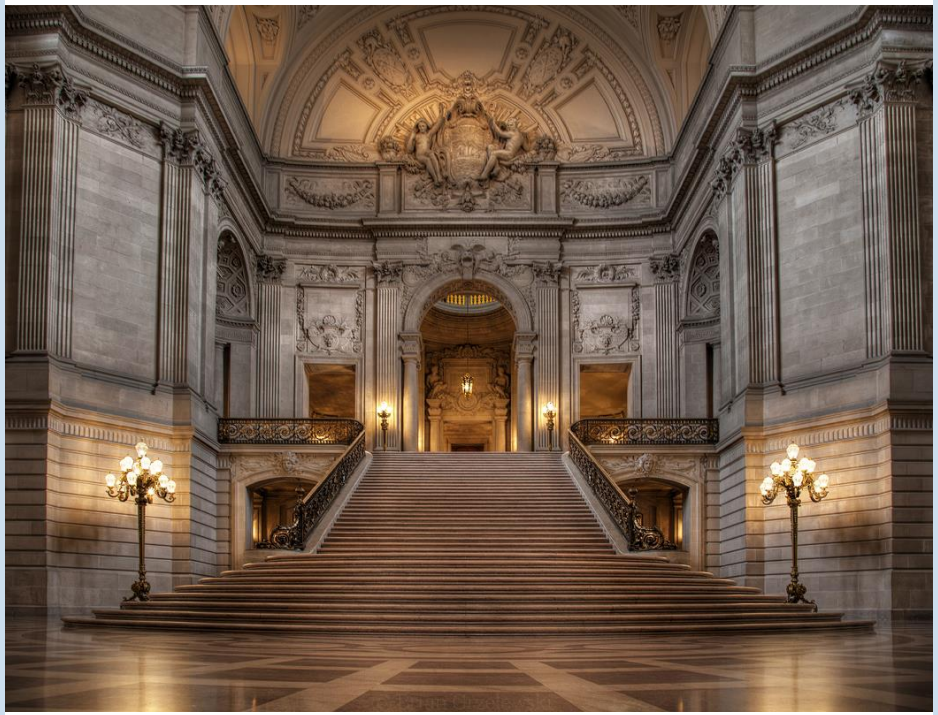
GOAL AND POLICY:

- Fair treatment of applicants in all aspects of employment without regard to race, religion, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, and otherwise prohibited nepotism or favoritism

RULE 01 SERIES
AUTHORITY AND PURPOSE

- Amendment of Rules requires posting of proposed amendments to the Civil Service Commission Rules for **ten (10) days**

- No change in Rules affects a case before the Civil Service Commission



- In the event of an adverse decision in a legal action, the City Attorney shall appeal through and to the highest court for final decision unless otherwise ordered by the Civil Service Commission

RULE 02 SERIES – DEFINITIONS

Important terms used throughout the Rules and in everyday employment and merit system situations

RULE 03 SERIES
EQUAL EMPLOYMENT OPPORTUNITY

- Contains City policies on Equal Employment Opportunities
- Equal Employment Opportunity Analysis
- Language Diversity
- Employment of Persons with AIDS, HIV, and AIDS – Related Conditions
- Prohibition of Sexual Harassment and Other Unlawful Workplace Harassment
- Employment of Persons with Disabilities
- Prohibition of Retaliation
- Discrimination Complaint Procedures – HRD & MTA Director of Transportation

RULE 04 SERIES ADMINISTRATION

- Election of Officers (President and Vice-President) at the first meeting in June

- Defines the Duties of the President, Vice-President and Executive Officer

RULE 05 SERIES MEETINGS AND HEARINGS OF THE COMMISSION

- Communications must (e-mail not accepted) be filed in the Civil Service Commission
- Robert's Rules of Order (latest edition) guide CSC procedures
- Quorum: majority of all members; concurrence of majority (3 Commissioners) necessary for action

Commission meetings are public occurring on the **first and third Mondays** of the month at **2:00 p.m. in Room 400 in City Hall**

RULE 05 SERIES APPEALS

- Examination Matters
- Employee Compensation Matters
- Personal Services Contracts
- Other Matters

RULE 05 SERIES
MEETINGS AND HEARINGS OF THE COMMISSION

Commission Meeting Order and Procedures

- Roll Call
- Public Comment on Matters not on the Agenda
- Approval of Minutes/Announcements
- Reports from the Human Resources Director and Executive Officer
- Ratification Agenda
- Consent Calendar – 5 minutes each side
- Regular Calendar – 5 minutes each side
- Separations Hearings – 10 minutes each side
- Commissioner Announcements and Requests
- Adjournment

RULES 05 SERIES
MEETINGS AND HEARINGS OF THE COMMISSION

REPORTS

- Each item heard by the Civil Service Commission must be supported by a written report
- Must conform to standard in Civil Service Commission Procedures

VOTING:

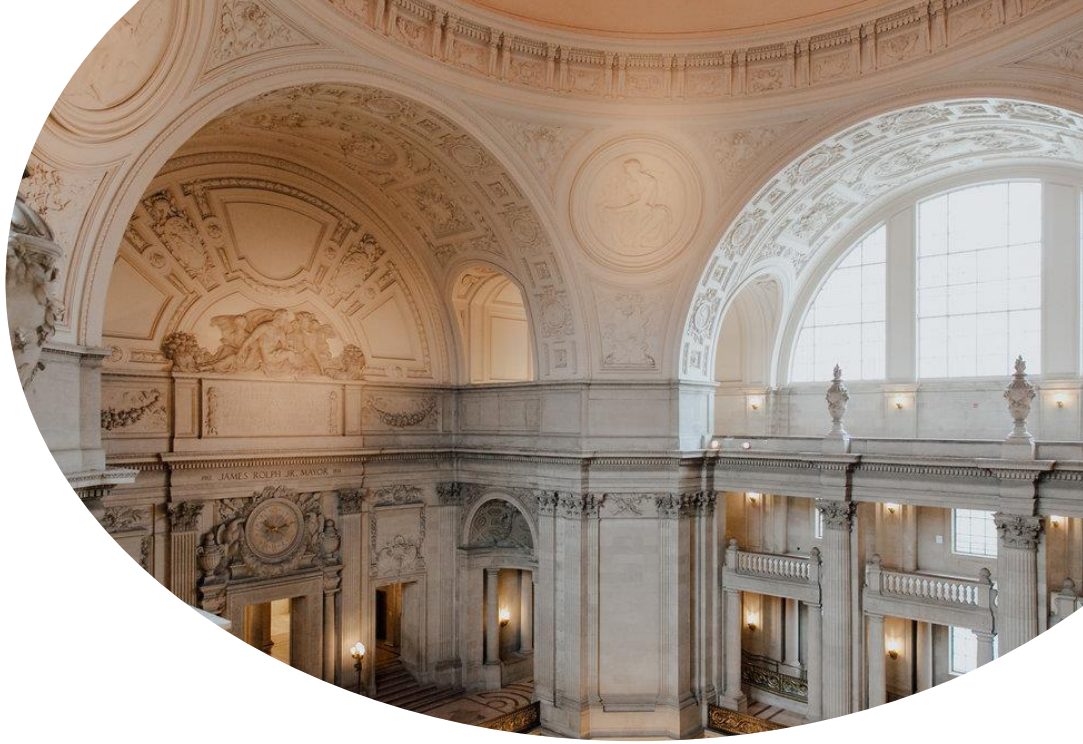
- Each Commissioner present must vote unless excused by a motion adopted by majority of the body – 3 Votes (Rules and Charter Section 4.104)

RULE 06 SERIES

Transport Workers Union – San Francisco Municipal Railway Trust Fund

Applies only to employees covered under Charter Section A8.404.

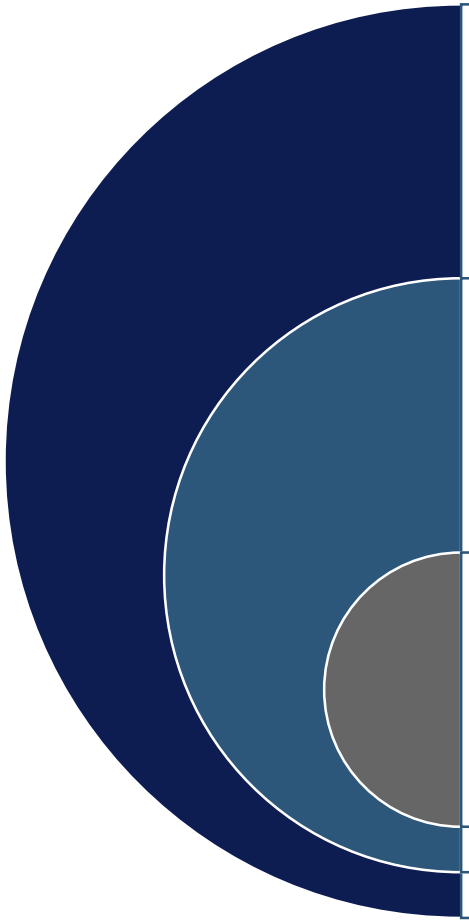
RULE 07 SERIES
THE EMPLOYER – EMPLOYEE RELATIONS ORDINANCE



- Employee Recognition Election
- Unfair Labor Practice Charges
- Procedures for the Utilization of Administrative Law Judges

RULE 08 SERIES

RULE 09 SERIES
POSITION CLASSIFICATION AND RELATED RULES

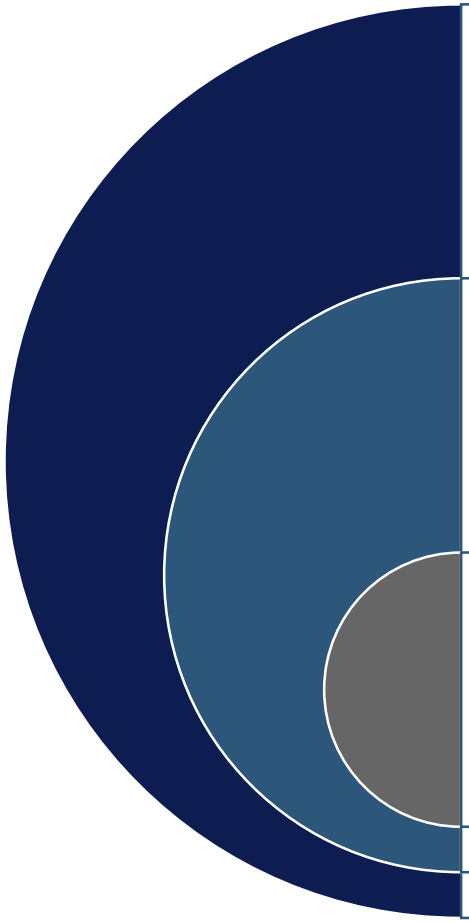


The Human Resources Director may amend the classification plan following public posting, subject to appeal to the Civil Service Commission

Each position in the classified service is allocated in accordance with the character, difficulty, and responsibility of the class

The class specification is the official record of the Classification Plan – descriptive in nature and not considered as restrictions on the assignment of duties not specifically listed

RULE 09 SERIES
POSITION CLASSIFICATION AND RELATED RULES

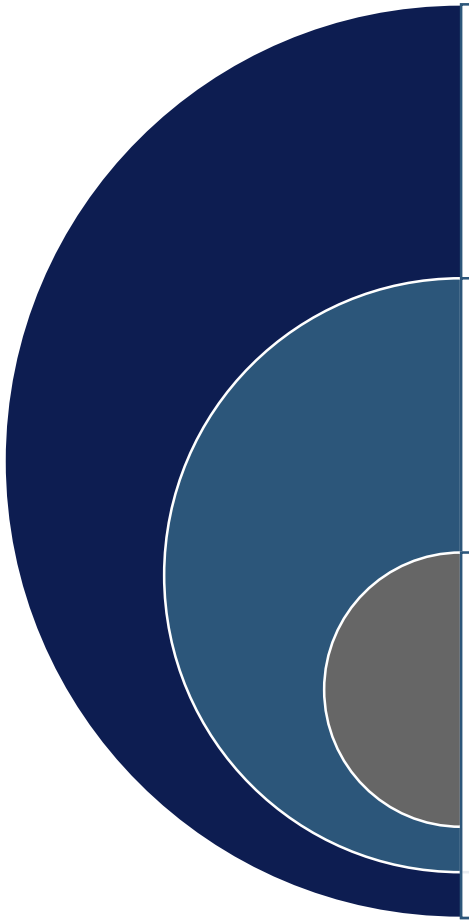


Right of employees to perform the duties of the class, stems from the examination where the employee qualified, successfully competed, was placed on an eligible list and appointed

The appointing officer/department head has broad authority in the assignment of duties

Employees have rights to a position in the class but not a particular position or an assignment

RULE 09 SERIES
POSITION CLASSIFICATION AND RELATED RULES

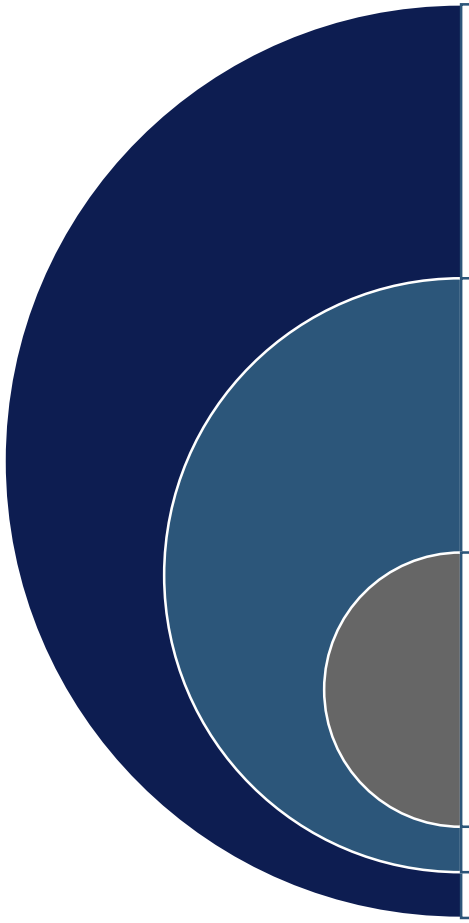


Reallocations become effective when vacant or earlier when there is mutual agreement with the recognized employee organization

Appointing Officers/Department Heads may make temporary out-of-class assignments, must be documented and filed in the employee's personnel file during the time of assignment to be considered as credit for experience in applying for an examination

Credit for out-of-class duties based on non-contemporaneous documentation must be certified by the Appointing Officer and approved by the Human Resources Director

RULE 09 SERIES
POSITION CLASSIFICATION AND RELATED RULES



The Human Resources Director determines class and status rights, subject to appeal to the Civil Service Commission

Appeal time frames on posting contained in this Rule

Status Grants considered when the classification plan is amended to abolish a class, amend a class or to split or modify a class

RULE 10 SERIES EXAMINATION ANNOUNCEMENTS AND APPLICANTS*

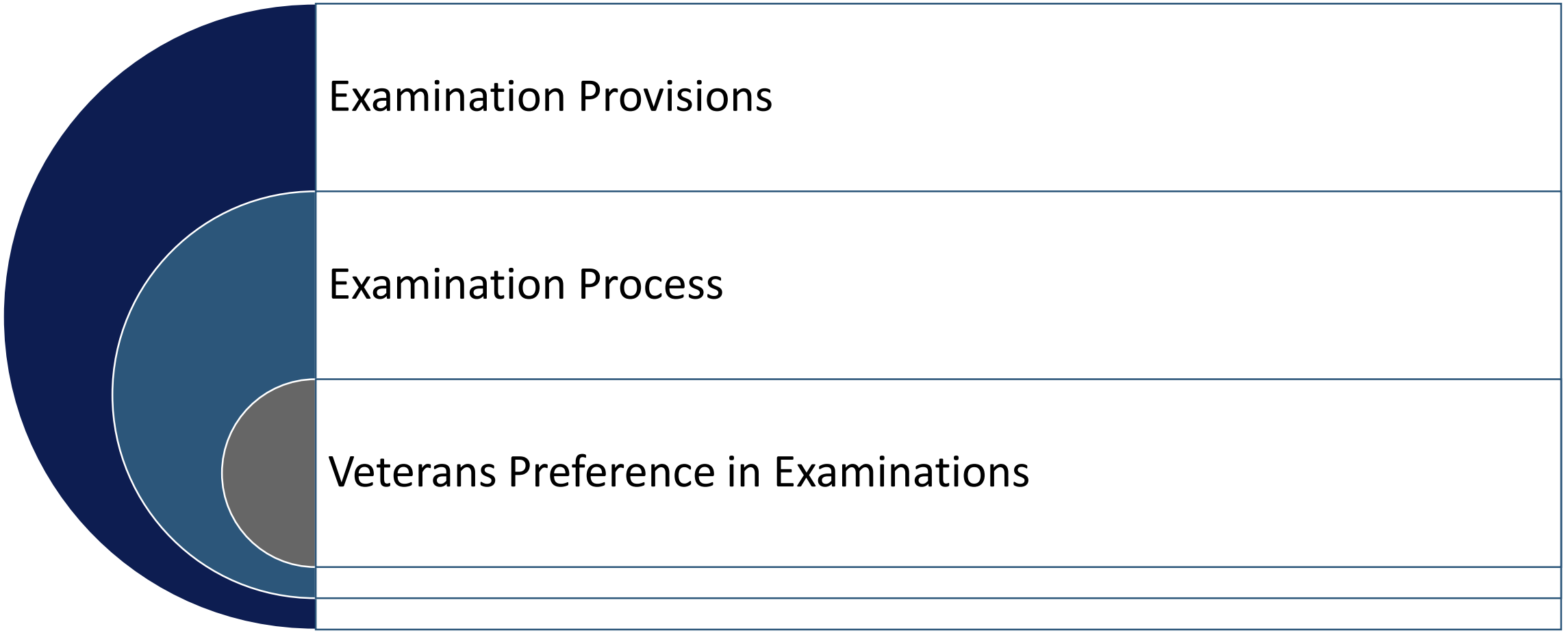
- City's policy on outreach and recruitment to achieve a work force that is fully reflective of San Francisco's diversity
- Examination announcements are the official notice of the examination – have the force and effect of law

- Exam announcements may be appealed to the Civil Service Commission
- Reissued announcements are not subject to appeal
- Corrected announcements for clerical errors, misprints and incorrect wording are not appealable

- Applicants must possess and maintain qualifications
- Experience obtained outside the employee's class must be recorded in accordance with Civil Service Commission Rules, Policy and Procedures

*Position-Based Testing: Appeals on minimum qualifications as stated in the job announcement (Rule 111A)

RULE 11 SERIES – EXAMINATIONS



RULE 11A SERIES VOLUMES I AND IV POSITION-BASED TESTING

- Goal of adopting eligible lists resulting from merit-based examination processes within **sixty (60) days** from posting of announcement
- Conducted in efficient and fair manner to ensure that the best-qualified individuals are selected to perform service for the City

RULE 12 SERIES ELIGIBLE LISTS

- Administration of Eligible Lists
- Holdover Rosters and Return to Duty
- Holdover Rosters and Return to Duty for Classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” Classes covered in the Unrepresented Ordinance
- Redevelopment – only Priority Eligible List
- Office of Community Investment and Infrastructure – only Eligible List

RULE 12 SERIES – ELIGIBLE LISTS

Names ranked according to total score, ties listed in alphabetical order

Discrete

Maximum 24 months

Minimum 6 months

Continuous

Maximum 12 months

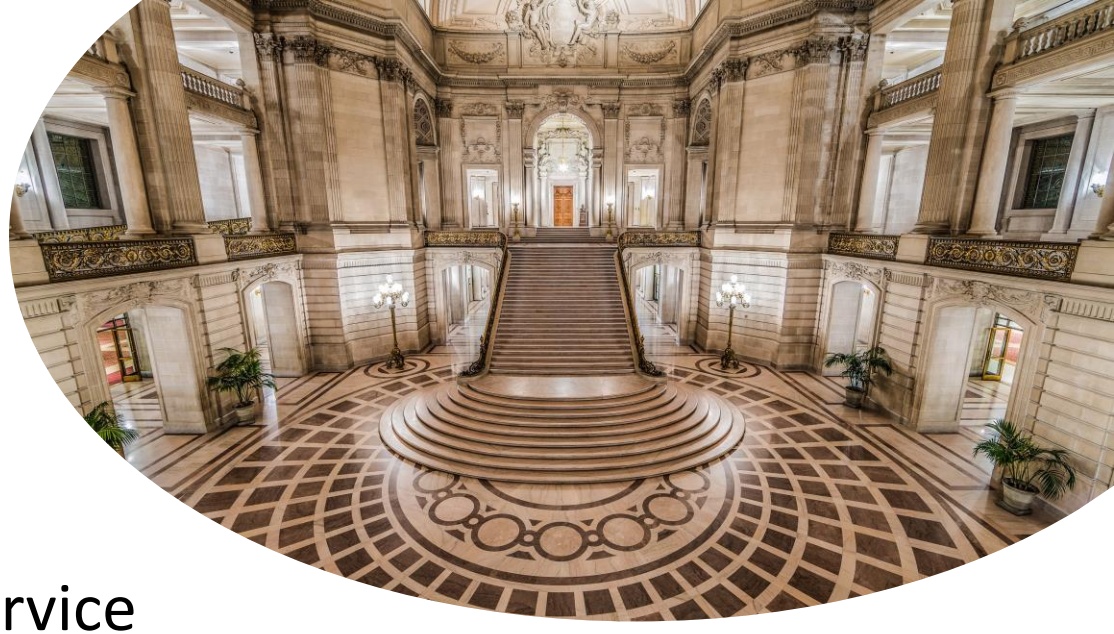
Minimum 6 months

Position-Based Testing

Maximum 48 months

Duration of Eligible Lists/Eligibility

HOLDOVER ROSTER GENERAL REQUIREMENTS



- Applies to permanent or probationary civil service appointees, who are laid off
- Ranked in order of seniority in the class
- Returned to duty in rank order on the Holdover Roster
- 5 year duration – may be extended by the HRD subject to appeal to the CSC

RULE 13 SERIES
CERTIFICATION OF ELIGIBLES

- Approved Requisition is required
- Score is exhausted when all remaining eligibles either refuse or under waiver
- Certification/Referral must occur within **thirty (30) days** following the adoption of the eligible list; Position-Based Testing – within **fifteen (15) business days** following the adoption of the eligible list

Rule of Three Scores

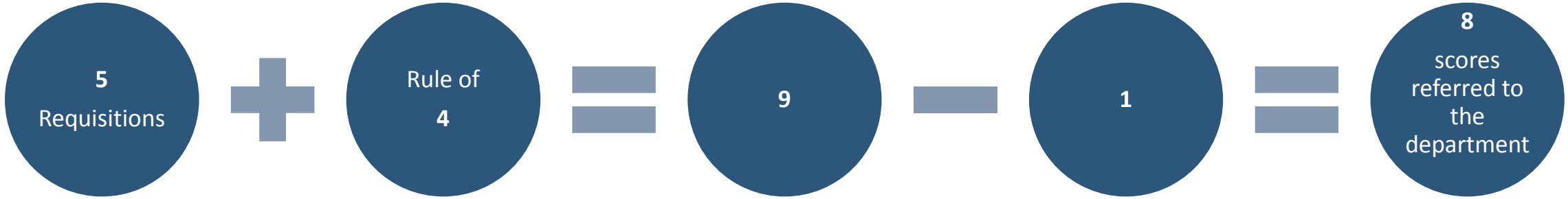
- The names of the three highest scores available for appointment
- The certification principle applied is the number of requisitions plus two

RULE 13 SERIES CERTIFICATION OF ELIGIBLES

Expanded Certification Rules

Rule of 3 or more Scores:

- The number of requisitions plus the Certification Rule minus one, for example:



or

- Statistically Valid Grouping

Rule of the List

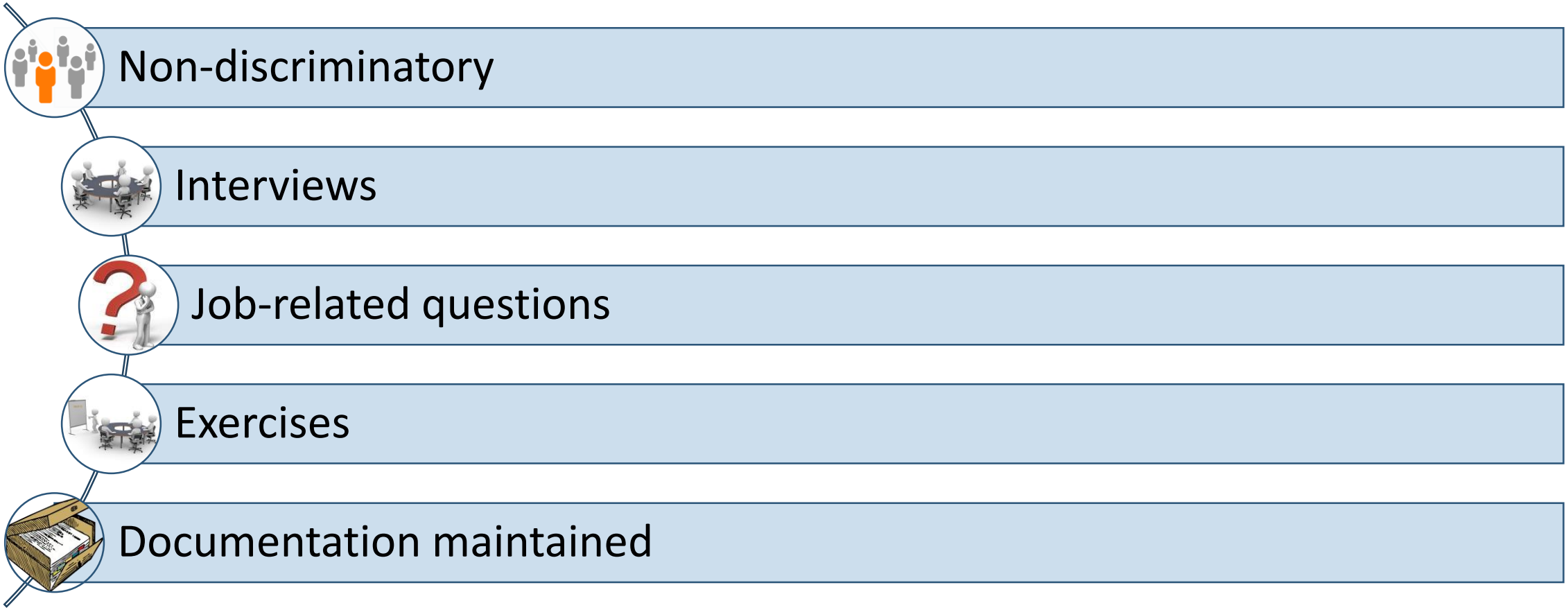
- Listed according to score

RULE 13 SERIES
CERTIFICATION OF ELIGIBLES

MEA/Local 21	• utilize expanded certification
SEIU 1021 and Local 21	• require mutual agreement on expanded certification
“Craft” classifications	• require mutual agreement on expanded certification
TWU, Locals 250A and 200	• require mutual agreement on expanded certification
Uniformed Ranks of Police and Fire	• utilize expanded rules including Statistically Valid Grouping
Position-Based Testing	• utilize Rule of 3 Scores unless mutual agreement to expand

RULE 13 SERIES – CERTIFICATION OF ELIGIBLES

Selection Procedures



RULE 13 SERIES CERTIFICATION OF ELIGIBLES

Rule of One Procedure

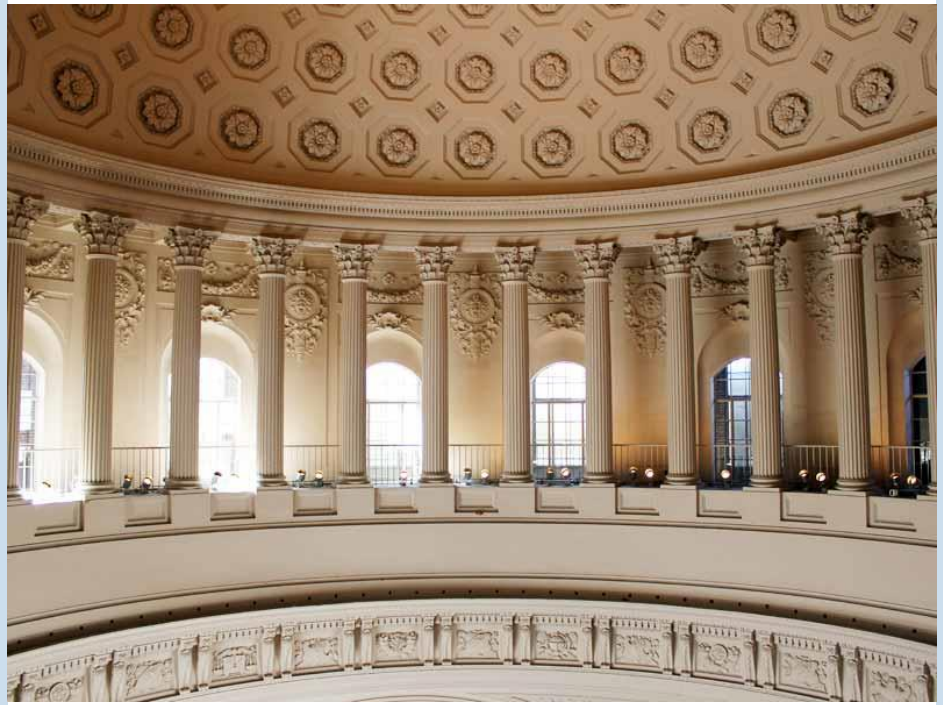
Utilized in very specific circumstances;

used to implement Return to Duty following:

- Layoff
- Status grant
- Status transfer
- Reappointment
- Reinstatement
- Reversion
- Court decision
- or as required by Rule or other law

RULE 14 SERIES – APPOINTMENTS

The decision of the Appointing Officer on selection is final and **NOT** appealable to the Civil Service Commission



Permanent appointment: an appointment made as a result of certification from an eligible list to a permanent position

RULE 14 SERIES – APPOINTMENTS

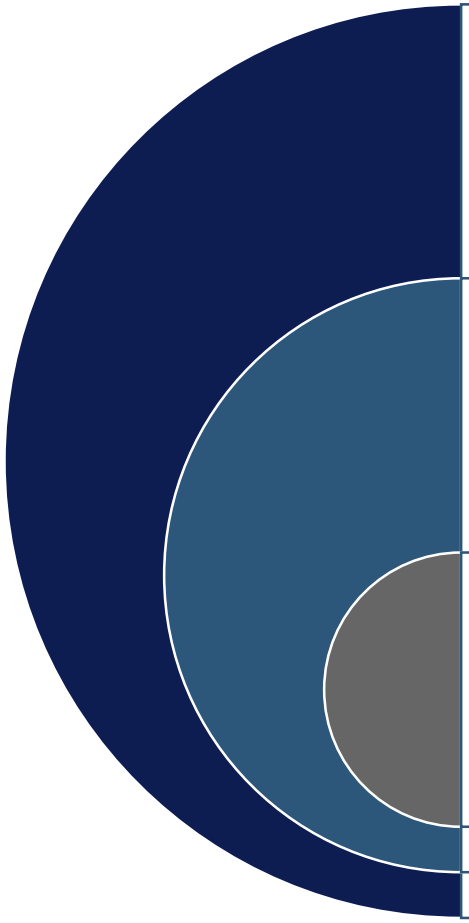
Priority of appointment:

- Holdover
- Reinstatement (Restored) of promotive probationary employee

Decision of the appointing officer; this decision is not subject to appeal to the CSC:

- Advancement from part time to full time
- Transfer
- Reinstatement
- Reappointment
- Appointment from the eligible list
- Reassignment

RULE 14 SERIES – APPOINTMENTS



Temporary appointment: appointment from an eligible list to a temporary position

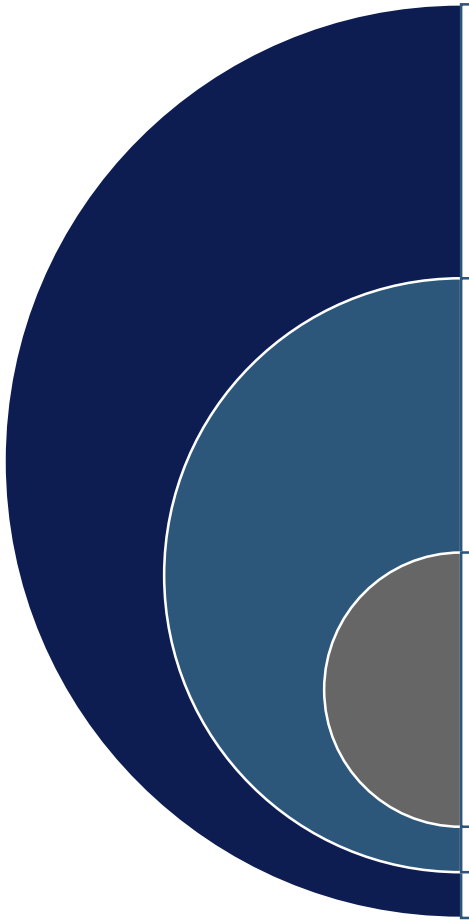
Provisional appointment: appointment to a temporary or permanent position when there is no eligible list

Appointments are made on the basis of a combination of merit factors and, if promotive, consideration of performance appraisal ratings and experience

RULE 14 SERIES – APPOINTMENTS

- Exempt appointments under Charter Section 10.104-16 through 19 are time limited (Category 16 – 1040 hours; Category 17 – two (2) years; Category 18 – three (3) years; Category 19 – for employment of individuals, who are severely disabled)
- Renewal of provisional appointment beyond three (3) years must be approved by the Board of Supervisors (Charter Section 10.105)

RULE 14 SERIES – APPOINTMENTS



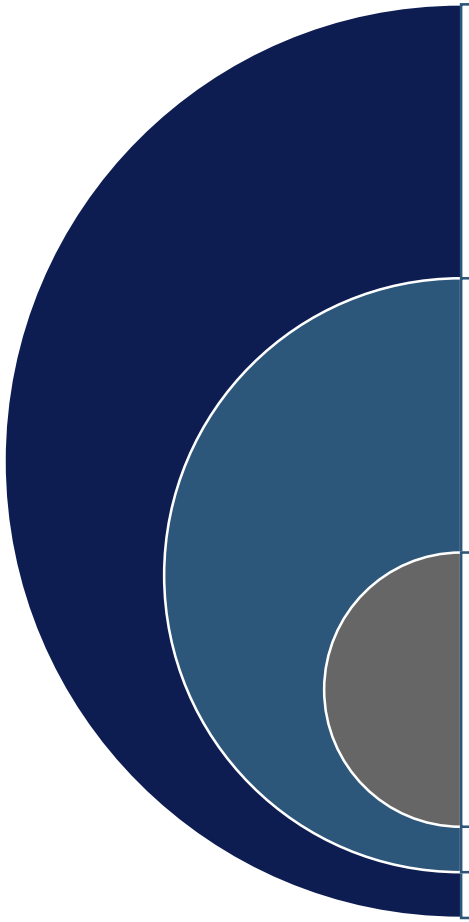
Generally, provisional employees serve at the pleasure of an Appointing Officer/Department Head (check the Collective Bargaining Agreement in the event there is a grievance arbitration procedure)

Ten (10) working days notice is required when separating temporary and provisional employees, who reach the maximum duration of terms of employment

CSC adopted Rules on Position-Based Testing to further reinforce its longstanding policy to eliminate reliance on provisional appointments

RULE 14 SERIES – APPOINTMENTS

Reinstatement



An employee may be reinstated to a position in the former class in which the probationary period has been served, provided there is a vacancy and the appointing officer/department head approves
New probationary period – when reinstated to a different department; no new probationary period – when reinstated to same department
May reinstate to vacancy in same class, following transfer prior to completion of the new probationary period

RULE 14 SERIES – APPOINTMENTS

Reappointment following Resignation – services satisfactory

- Complete probationary period successfully
- Approved vacancy must exist
- Appointing Officer/Department Head must approve
- Must be reappointed within **four (4) years**; **two (2) years** for – Uniformed Ranks of Police and Fire
- Treated as a new employee; new civil service seniority date; new probationary period required
- Reappointment within **six (6) months** of resignation – Vacation accrual rate returned
- Reappointment within **one (1) year** of resignation – Sick Leave restored

RULE 14 SERIES APPOINTMENTS

Transfer

- Must successfully complete probationary period
- Must give **fifteen (15) working days** notice
- Must complete new probationary period in new department

RULE 14 SERIES APPOINTMENTS

Transfer of Function

- Occurs when part of the functions and duties of a department are transferred to another; the employees performing the duties are also transferred
- No probationary period required
- Seniority carried forward

RULE 14 SERIES APPOINTMENTS

Limited Term Transfer

- Used to increase exposure and training in another department or to decrease staffing levels during slow periods or fiscal crisis or to increase staffing during peak work periods
- May be Voluntary or Involuntary
- Completion of the probationary period not required

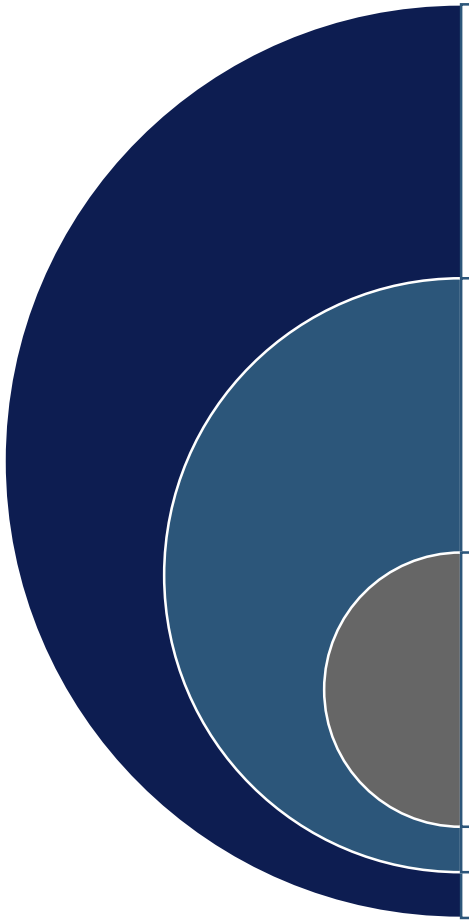
RULE 14 SERIES – APPOINTMENTS

Reduction in Force Due to Technological Advances, Automation, or the Installation of New Equipment

- Must have successfully completed the probationary period and subject to layoff due to automation, technological advances or installation of new equipment
- Transfer to position in a class not more than 5% increase in compensation
- Seniority carries forward into new class when result of layoff
- Human Resources Director may administer examinations to test capacity of employee to perform duties
- Requires a new probationary period

RULE 14 SERIES – APPOINTMENTS

Exempt Appointments (Charter Section 10.104)



Require Civil Service Commission approval to exceed Charter imposed cap (**2%**)

Cap of **2.75%** for M and EM bargaining unit positions at the MTA (Charter Section 8A.104)

Denial of requests by an Appointing Officer/Department Head for exempt appointment is appealable to the Civil Service Commission

RULE 14 SERIES

DIRECTOR OF ELECTIONS

- Implements Charter Section 13.104
- Covers the appointment, definition of term and separation procedures of the Director of Elections

RULE 15 SERIES
EMPLOYMENT OF PERSONS WITH DISABILITIES

Employment of individuals, who are Severely Disabled Program is covered under Charter Section 10.104-19 and includes the following features:

- Exempt appointment
- Entry level position
- One-year evaluation period
- Advancement to permanent civil service appointment
- Satisfactory completion of evaluation period

RULE 15 SERIES
EMPLOYMENT OF PERSONS WITH DISABILITIES

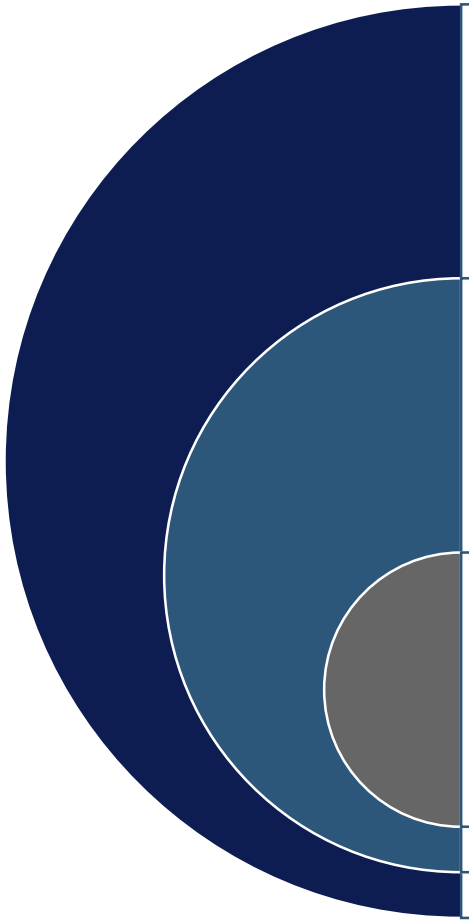
Rules related to the Americans with Disabilities Act (ADA)

Provides a mechanism for transfer to another department under ADA – reasonable accommodation request

Reasonable attempts are to be made by the employee's current department for an accommodation; the Department of Human Resources will conduct a **sixty (60) day** search for the vacant position, for which the employee qualifies and can perform the essential functions

RULE 15 SERIES
EMPLOYMENT OF PERSONS WITH DISABILITIES

Rules related to the Americans with Disabilities Act (ADA)



Placement may only be to a position in a class for which the salary step does not exceed 5% in excess of the employee or current actual salary

Seniority does not carry forward

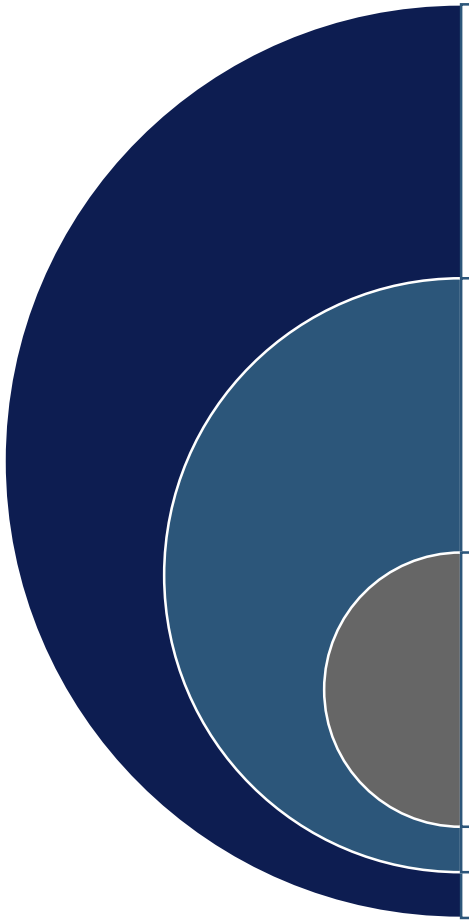
Permanent employees may transfer status

RULE 15 SERIES
EMPLOYMENT OF PERSONS WITH DISABILITIES

Rules related to the Americans with Disabilities Act (ADA)

- A new probationary period is required
- Temporary or provisional employees do not acquire right to permanent civil service status through this Rule

RULE 16 SERIES
MEDICAL EXAMINATIONS



Enables the Human Resources Director or MTA Director to determine which positions require a medical examination

Provides for an appeal procedure (NOT to the Civil Service Commission) when medically rejected

May have special condition addressed in the Collective Bargaining Agreement

RULE 16 SERIES MEDICAL EXAMINATIONS

Authorizes a medical exam, when the department head has a reason to believe that an employee is not medically or physically competent to perform assigned duties; and, if allowed to continue in employment or to return from leave, may require the employee to present a medical report from Department of Human Resources designated physician, certifying that the employee is medically or physically competent to perform the required duties

RULE 17 SERIES
PROBATIONARY PERIOD

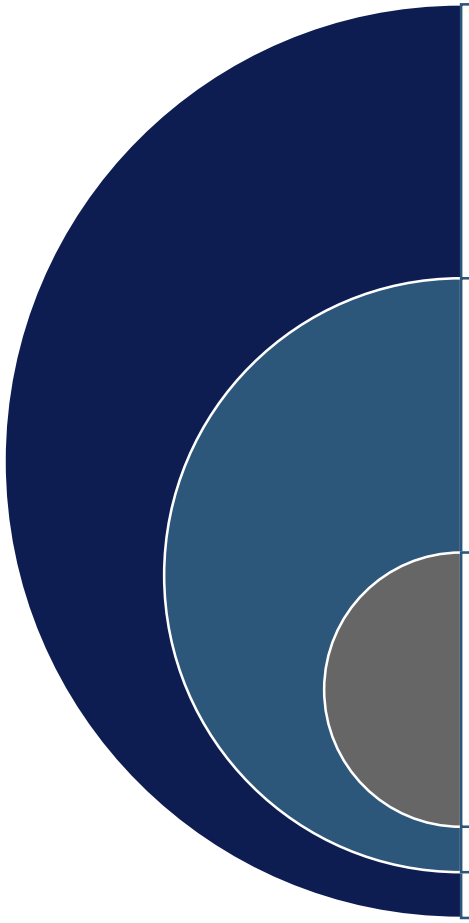
- Determines when a probationary period is required
- Vacation, compensatory time or other types of time off are NOT included towards the completion of the probationary period
- Duration in the Collective Bargaining Agreement

Defined as

- the final and most important phase of the selection process and
- a period of regularly scheduled hours worked excluding any time off for leave – paid or unpaid

RULE 17 SERIES PROBATIONARY PERIOD

Extensions



Extension of probationary period may be extended up to 12 months to obtain required licenses or certificates

Successive probationary appointment – renewal of probationary period

Resumption of probationary period – used in lieu of dismissal usually as part of a “last chance” agreement

RULE 17 SERIES
PROBATIONARY PERIOD

Provides for release during probationary period;

Appointing Officer's decision is final

Non-disciplinary:

- No restrictions on future employment
- Appointing officer/Department Head decision final
- No appeal to the Civil Service Commission

Return Rights, except in cases of release due to disciplinary reasons, a promotive probationary employee has automatic return rights to a position from which promoted

RULE 17 SERIES PROBATIONARY PERIOD

Disciplinary:

- Decision by the Appointing officer/Department Head to release is final
- Recommendations on future employment may be appealed to the Civil Service Commission

RULE 18 SERIES
CONFLICT OF INTEREST

- Ethics Commission's role and responsibility
- No officer or employee of the City shall engage in any activity, employment, business, professional work, or enterprise which is inconsistent, incompatible, or in conflict with official or assigned duties, or with the duties, functions and responsibilities of the employee or officer's appointing power, or the department, office or agency, by which employed

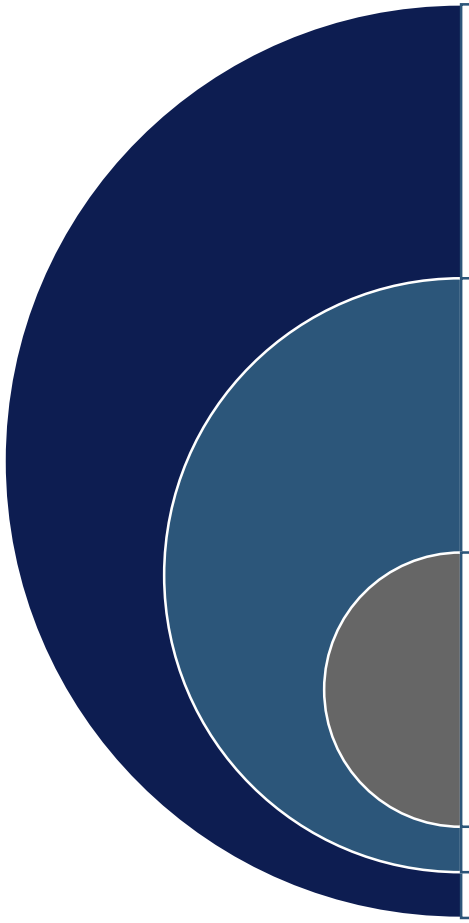
RULE 18 SERIES
CONFLICT OF INTEREST

No officer or employee shall engage in any activity or enterprise where income, profit or other gain is or may be accrued, which could reflect on the honor or efficiency of the City service, or be contrary to the best interest of the City service in any respect
(Section 3.218a of the Campaign Government Conduct Code)

The Ethics Commission is charged with administering and enforcing the governmental and ethics laws of the City and County of San Francisco
(Charter Section 15.100-15.102)

RULE 18 SERIES
CONFLICT OF INTEREST

Additional employment

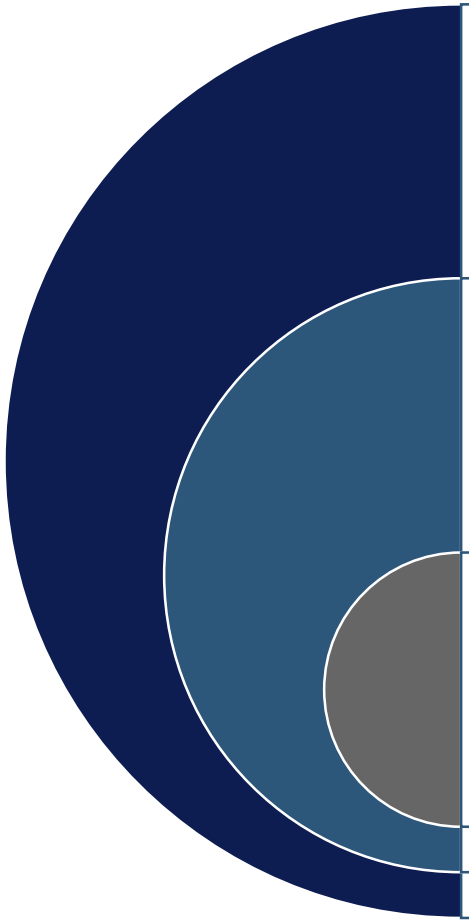


Must be approved by the appointing officer and Human Resources Director

May not be in conflict with City employment

Number of hours of additional employment may differ by Collective Bargaining Agreement or occupation, for example, Uniformed Ranks of Police and Fire, and SEIU 1021

RULE 19 SERIES – RESIGNATION



Resignation is final on the effective date entered on the resignation form and shall not be rescinded

Resignation – Services deemed satisfactory or unsatisfactory; an unsatisfactory rating may be grieved in some Collective Bargaining Agreements

Restrictions on future employment may be appealed to the Civil Service Commission – also see Rule Series 22

RULE 19 SERIES RESIGNATION

Employees, who resign services satisfactory while serving a probationary or temporary appointment, may be returned to the eligible list with the recommendation of an Appointing Officer and approval of the Human Resources Director

RULE 20 SERIES
LEAVES OF ABSENCE

- Definitions under the jurisdiction of the Civil Service Commission (carve-out)
- Provisions for compensation and related matter may be contained within the applicable Collective Bargaining Agreement
- Provides for procedures to apply for leave and requirements for verification
- California Labor Code Section 233 (Kin Care Law) authorizes use of one-half annual accrual leave to care for a “family member” or themselves
- Under Administrative Code Section 12 W applies to exempt employees

RULE 20 SERIES – LEAVES OF ABSENCE

Defines the **types of Leave**:

(Sick Leave including Sick Leave defined in Administrative Code Section 12W)

- Medical, Quarantine, Bereavement
- Maternity and Parental
- Illness or Medical appointment of Child, Parent, Spouse and Registered Domestic Partner
- Compulsory
- Battery

RULE 20 SERIES
LEAVES OF ABSENCE

- Military Leave, Leave for the Civilian Service in the National Interest
- Accept other City and County position
- Educational Leave
- Leave to accept employment as an Employee Organization Officer or Representative
- Family Care Leave
- Witness or Jury Duty Leave
- Religious Leave
- Personal Leave
- Involuntary Leave and Furlough (where applicable)

RULE 20 SERIES
LEAVES OF ABSENCE

Sick Leave Pay credits:

- Administrative Code Section 12 W: after three (3) months of service earned at the rate of one (1) hour for every 30 hours worked and accumulation of up to 72 hours of paid sick leave
- All Other: on 90th day of service: 1)generally, earned at the rate of .05 hours of paid service excluding overtime; 2) reinstated if reappointed within one (1) year
- Employment prohibited while on Sick Leave or educational leave unless expressly approved by the Human Resources Director
- A break in service of more than twelve (12) months by any employee except “holdovers” will cause prior accumulated sick leave credits to be cancelled and eligibility for sick leave with pay must be re-established

RULE 21 SERIES – LAYOFF

- Procedures when necessary to carry out layoff

- Defines civil service seniority: Permanent Civil Service date of certification in class and department

Tie breaker:

1) longest permanent service in class

2) longest permanent service in City

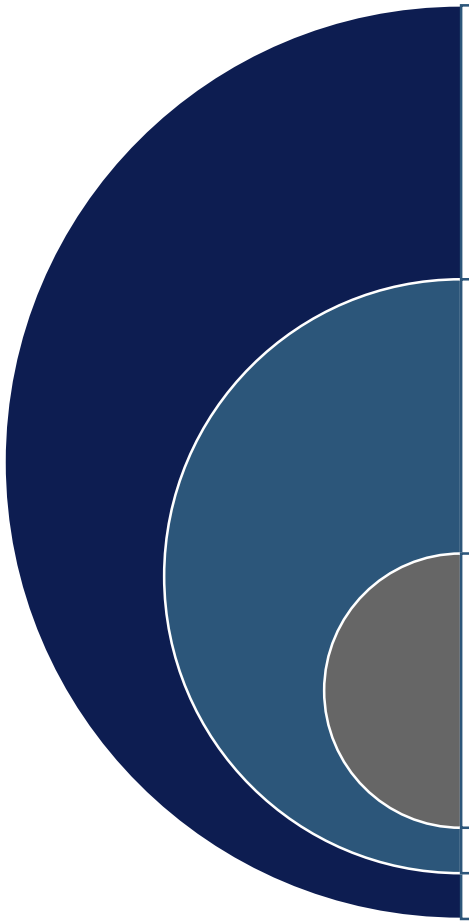
3) by lottery

RULE 21 SERIES – LAYOFF

Order of Layoff

- Provisional (no civil service seniority)
- Temporary from Eligible List
- Probationary
- Permanent
- Provides for Exceptions to the Order of Layoff (EOLs)

RULE 21 SERIES – LAYOFF



Provides for return rights (see Rule Series 12 Eligible Lists for order of return), reinstatement rights and near list opportunities

Seniority following layoff and probationary period requirements

Appeal to the Civil Service Commission

RULE 22 SERIES
EMPLOYEE SEPARATION PROCEDURES

- Provides for Dismissal procedure of permanent employee (very limited application) and the selection of Hearing Officers
- Includes procedure for hearing on charges against an employee, when the Appointing Officer/Department Head neglects or refuses to act (Charter Section A 8.341)

RULE 22 SERIES
EMPLOYEE SEPARATION PROCEDURES

Appeal process for future employment recommendation made by a department following

Dismissal	• generally grievable under Collective Bargaining Agreement
Resignation	• unsatisfactory generally grievable under a Collective Bargaining Agreement
Automatic Resignation	• generally, grievable under a Collective Bargaining Agreement

RULE 22 SERIES
EMPLOYEE SEPARATION PROCEDURES

- The Civil Service Commission does not hear appeals on Future employment until Collective Bargaining Agreement grievance process completed
- Allows former employees to request the removal of a department ban after five (5) years

THANK YOU

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