MEMORANDUM
CSC NO. 2022 – 02

Date: June 14, 2022

To: Department Heads
Department Personnel Officers
Employee Organization Representatives

From: Sandra Eng
Executive Officer


The Civil Service Commission (Commission) acted at its Regular Meeting of June 6, 2022, to adopt the proposed amendments to Civil Service Commission Rules 210.8 after Commission staff posted the proposed Rule amendments for a minimum of ten (10) days and met with interested stakeholders over the proposed Rule changes on March 29 and 30, 2022. The Rule amendment is designed to define sustained finding and serious misconduct in detail and how these actions would disqualify an applicant for a position as a peace officer or custodial officer in the San Francisco Police Department.

A revised copy of pages 210.5 through 210.7 are attached for inclusion in your copy of the Civil Service Commission Rules. A revised copy of page VI (Amendment Control Sheet) dated June 6, 2022, is also attached for inclusion in your copy of the Civil Service Commission Rules.

Substitute the updated pages for the corresponding pages in your copy of the Civil Service Commission Rules Volume II San Francisco Police Department.

If you have any questions, please email me at Sandra.Eng@sfgov.org.
<table>
<thead>
<tr>
<th>Rule Change No.</th>
<th>Adoption Date</th>
<th>Effective Date</th>
<th>Rule Section</th>
<th>Page Number</th>
<th>Action</th>
<th>Remarks</th>
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</thead>
<tbody>
<tr>
<td>2000-79</td>
<td>6/1/15</td>
<td>6/1/15</td>
<td>211.3.2.1 &amp; 211.3.2.4</td>
<td>211.3 &amp; 211.4</td>
<td>Amend</td>
<td>Replace pages 211.3 – 211.4 &amp; page VI</td>
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<tr>
<td>2000-80</td>
<td>8/17/15</td>
<td>8/17/15</td>
<td>211.18, 211.20.3</td>
<td>211.11 – 211.12</td>
<td>Amend</td>
<td>Replace pages 211.11 – 211.12 and page VI</td>
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<tr>
<td>2000-84</td>
<td>12/18/17</td>
<td>12/18/17</td>
<td>214.24.7</td>
<td>214.20 – 214.22</td>
<td>Add</td>
<td>Replace pages 214.19 – 214.22 Note: Some page numbers have changed due to additions</td>
</tr>
<tr>
<td>2000-103</td>
<td>6/6/22</td>
<td>6/6/22</td>
<td>210.8.3 – 210.8.6</td>
<td>210.5 &amp; 210.6</td>
<td>Add</td>
<td>Replace pages 210.4 – 210.7 Note: Some page numbers have changed due to additions</td>
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</table>
Sec. 210.7  Correction of Examination Announcements

Examination announcements may be corrected with respect to clerical errors, misprints and incorrect wording by the Human Resources Director or his or her designee, by posting notice of such corrections next to the original examination announcement. The issuance of examination announcements corrected under the provisions of this section shall not allow additional time for protest or appeal of the substantive provisions contained in the original examination announcement.
Rule 210

Police Examination Qualifications And Applicants

Article II: Qualifications of Applicants

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

Sec. 210.8 Qualifications of Applicants

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

210.8.2 Except with permission of the Human Resources Director, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee’s current class. No employee may participate in an examination for a class in which the employee has current permanent appointment status except with the approval of the Human Resources Director.

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

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

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

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

Sec. 210.9 Application for Examination

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

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

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

Sec. 210.11 Recruitment of Applicants

Recruitment shall be conducted to attract qualified applicants. Where appropriate or needed, the Human Resources Director or his or her designee shall conduct outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified candidates.
Sec. 210.12  Review of Applicant Pool Demographics

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

Sec. 210.13  Promotional Applicants

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