

CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

✓

Sent via Electronic Mail

August 7, 2014

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: RECOMMENDATION TO ADOPT THE PROPOSED REVISIONS TO VOLUMES I AND IV OF CIVIL SERVICE RULE SERIES 11A, POSITION-BASED TESTING; 12, ELIGIBLE LISTS; AND 13, CERTIFICATION OF ELIGIBLES—AFFECTING ALL MISCELLANEOUS EMPLOYEES AND SERVICE-CRITICAL EMPLOYEES OF THE MUNICIPAL TRANSPORTATION AGENCY.

The above matter will be considered by the Civil Service Commission at a meeting to be held on **August 18, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings. The meeting agenda and all meeting materials will be posted on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting" no later than end of day on Thursday, August 14, 2014. If you would like a copy of the Executive Officer's staff report on the above-captioned matter emailed to you in advance of August 14th, please contact the Civil Service Commission's Office at CivilService@sfgov.org or (415) 252-3247.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting.

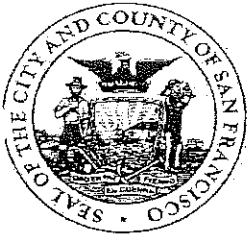
All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

CIVIL SERVICE COMMISSION


JENNIFER JOHNSTON FOR
Executive Officer

Attachment

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 15



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

July 29, 2014

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: REVIEW OF PROPOSED AMENDMENTS TO VOLUMES I AND IV OF CIVIL SERVICE RULE SERIES 11A, POSITION-BASED TESTING; 12, ELIGIBLE LISTS; AND 13, CERTIFICATION OF ELIGIBLES—AFFECTING ALL MISCELLANEOUS EMPLOYEES AND SERVICE-CRITICAL EMPLOYEES OF THE MUNICIPAL TRANSPORTATION AGENCY.

At its meeting of July 21, 2014 the Civil Service Commission had for its consideration the above matter.

The Commission adopted the Executive Officer's staff report, and directed the Executive Officer to:

- Post the proposed revisions to Civil Service Rules 111A—Position-Based Testing, 112—Eligible Lists and 113—Certification of Eligibles;
- Post the proposed revisions to Civil Service Rules 411A—Position-Based Testing, 412—Eligible Lists and 413—Certification of Eligibles; and,
- Meet and discuss the Civil Service Rule amendments with any interested stakeholders.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

July 11, 2014

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: REVIEW OF PROPOSED AMENDMENTS TO VOLUMES I AND IV OF CIVIL SERVICE RULE SERIES 11A, POSITION-BASED TESTING; 12, ELIGIBLE LISTS; AND 13, CERTIFICATION OF ELIGIBLES—AFFECTING ALL MISCELLANEOUS EMPLOYEES AND SERVICE-CRITICAL EMPLOYEES OF THE MUNICIPAL TRANSPORTATION AGENCY.

The above matter will be considered by the Civil Service Commission at a meeting to be held on **July 21, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings. The meeting agenda and all meeting materials will be posted on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting" no later than end of day on Thursday, July 17, 2014. If you would like a copy of the Executive Officer's staff report on the above-captioned matter emailed to you in advance of July 17th, please contact the Civil Service Commission's Office at CivilService@sfgov.org or (415) 252-3247.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting.

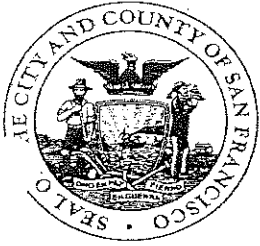
All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

Attachment

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 9



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

FER C. JOHNSTON
EXECUTIVE OFFICER

July 14, 2014

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: PROPOSED AMENDMENTS TO VOLUMES I AND IV OF CIVIL SERVICE RULE SERIES: 11A-POSITION-BASED TESTING, 12- ELIGIBLE LISTS AND 13-CERTIFICATION OF ELIGIBLES; AND PROPOSED AMENDMENTS TO CIVIL SERVICE ADVISER NO. 008, SELECTION FROM CIVIL SERVICE ELIGIBLE LISTS— AFFECTING ALL MISCELLANEOUS EMPLOYEES AND SERVICE-CRITICAL EMPLOYEES OF THE MUNICIPAL TRANSPORTATION AGENCY.

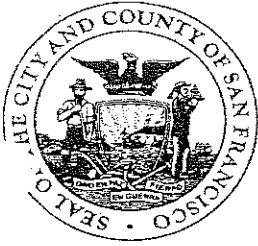
At its meeting of **July 7, 2014** the Civil Service Commission had for its consideration the above matter.

The Commission accepted the Department of Human Resources' staff report; accepted the Executive Officer's staff report; and continued the matter to the next Civil Service Commission meeting on July 21, 2014, so that the Department of Human Resources can work with the Executive Officer to redraft the proposal using formal Civil Service Rule language, and to add definitions and clearly distinguish the proposed changes.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

SCOTT R. HELDFOND
PRESIDENT

June 26, 2014

E. DENNIS NORMANDY
VICE PRESIDENT

NOTICE OF CIVIL SERVICE COMMISSION MEETING

DOUGLAS S. CHAN
COMMISSIONER

SUBJECT: PROPOSED AMENDMENTS TO VOLUMES I AND IV OF CIVIL SERVICE RULE SERIES: 11A-POSITION-BASED TESTING, 12-ELIGIBLE LISTS AND 13-CERTIFICATION OF ELIGIBLES; AND PROPOSED AMENDMENTS TO CIVIL SERVICE ADVISER NO. 008, SELECTION FROM CIVIL SERVICE ELIGIBLE LISTS— AFFECTING ALL MISCELLANEOUS EMPLOYEES AND SERVICE-CRITICAL EMPLOYEES OF THE MUNICIPAL TRANSPORTATION AGENCY.

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

The above matter will be considered by the Civil Service Commission at a meeting to be held on **July 7, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings. The meeting agenda and all meeting materials will be posted on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting Information" no later than end of day on Thursday, July 3, 2014. If you would like a copy of the Department of Human Resources' or the Executive Officer's staff reports on the above-captioned matters emailed to you in advance of July 3rd, please contact the Civil Service Commission's Office at CivilService@sfgov.org or (415) 252-3247.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting.

All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

Attachment

Executive Officer's
Staff Report




CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Date: August 18, 2014

To: Civil Service Commission

From: Jennifer Johnston, Executive Officer 

Subject: **Recommendation to Adopt the Proposed Amendments to the Civil Service Rules on Certifications and Referrals (Rule Series 11A–Position-Based Testing, 12–Eligible Lists and 13–Certification of Eligibles in Volumes I and IV), Affecting All Miscellaneous Employees and Service-Critical Employees of the Municipal Transportation Agency**

At its meeting of July 7, 2014, the Civil Service Commission (“Commission”) accepted the Department of Human Resources’ (“DHR”) memorandum dated June 26, 2014 and the Executive Officer’s staff report dated July 7, 2014, which recommended revisions to Civil Service Rule Series 11A–Position-Based Testing, 12–Eligible Lists and 13–Certification of Eligibles to make the Notice of Inquiry optional instead of mandatory in Volumes I and IV. However, the Commission directed the Executive Officer to work with DHR to redraft the proposed Civil Service Rule amendments to include formal, more appropriate Rule language; to include definitions of applicable new or revised terminology; and to clearly distinguish the proposed changes.

At its meeting of July 21, 2014, the Commission adopted the Executive Officer’s additional proposed revisions to the Civil Service Rules, and directed the Executive Officer to post and discuss the proposed amendments with any interested stakeholders.

The Executive Officer posted the proposed amendments on July 23, 2014 and scheduled two meetings to discuss the revisions with any interested stakeholders—one on July 31st and one on August 1st (see the attached copy of the posting). Only one individual attended the July 31st meeting—Kevin Hughes, Business Representative for the International Brotherhood of Electrical Workers, Local 6. Mr. Hughes was generally supportive of the amendments, but suggested that the Commission consider not striking the last sentence in the following paragraph in Civil Service Rule Series 13 in Volumes I and IV in order to avoid any confusion:

Section 13.1213 - Waivers

13.1213.4 - Effects of Waivers

- 3) Unless otherwise provided in the examination announcement, eligibles may refuse ~~consideration for temporary or permanent appointment from two (2) Notices of Certification offers of employment resulting from certification off of the eligible list. Refusal of consideration from thea third (3rd) Notice of Certification offer of employment shall result in the removal of the eligible's name from that eligible list and~~

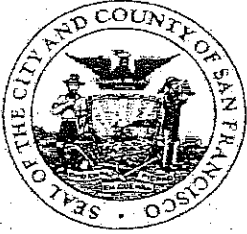
all other lists in that class. ~~The non-selection by the department of an available eligible shall not be recorded as a refusal.~~

No interested stakeholders attended the second scheduled meeting; nor did the Executive Officer receive any further inquiry regarding, or objection to, the proposed amendments.

Recommendation: Accept this staff report and adopt the amendments to Civil Service Rule Series 11A–Position-Based Testing, 12–Eligible Lists and 13–Certification of Eligibles in Volumes I and IV.

Attachment (1)

ATTACHMENT



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

MEMORANDUM
CSC No. 2014 - 14

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

Date: July 23, 2014

To: Department Heads
Departmental Personnel Officers
Employee Organization Representatives

From: Jennifer Johnston
Executive Officer

Subject: **Notice of Posting: Proposed Amendments to Volumes I and IV of Civil Service Rule Series: 11A-Position-Based Testing, 12- Eligible Lists and 13-Certification of Eligibles – Affecting All Miscellaneous Employees and Service-Critical Employees of the Municipal Transportation Agency.**

The Civil Service Commission ("Commission") acted at its Regular Meeting of July 21, 2014, to accept the Executive Officer's staff report proposing amendments to Civil Service Rule Series 11A-Position-Based Testing, 12-Eligible Lists and 13-Certification of Eligibles; and Proposed Amendments to Civil Service *Adviser* No. 008, Selection from Civil Service Eligible Lists—Affecting All Miscellaneous Employees and Service-Critical Employees of the Municipal Transportation Agency; directed the Executive Officer to post the draft Rules Series 11A, 12 and 13 to Volumes I and IV; and to meet and discuss the proposed revisions with affected labor unions and other interested stakeholders

Please see the attached proposed amendments to Civil Service Rule Series 11A-Position-Based Testing, 12-Eligible Lists and 13-Certification of Eligibles applicable to all Miscellaneous Employees and Service-Critical Employees of the Municipal Transportation Agency. Any employee organizations or other stakeholders interested in discussing the proposed revisions are invited to attend either or both of the following scheduled meetings:

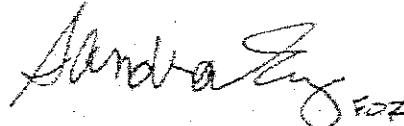
Date: July 31, 2014
Time: 10:00 AM – 12:00 PM
and/or
Date: August 1, 2014
Time: 1:00 PM – 3:00 PM

The meetings will take place in the Civil Service Commission's Offices, located at 25 Van Ness Avenue, Suite 720. Please contact Commission staff at CivilService@sfgov.org to RSVP for either or both meetings.

Should you have any questions about the proposed amendments, or if you would like a copy of the staff report providing further explanation of the revisions, you may contact me at (415) 252-3247 or at jennifer.johnston@sfgov.org.

Respectfully submitted,

CIVIL SERVICE COMMISSION



JENNIFER JOHNSTON
Executive Officer

Attachment

Rule 111A Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.23 Eligible Lists

- 111A.23.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.
- 111A.23.2 The Human Resources Director shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 111A.24 Adoption and Posting of Eligible List

- 111A.24.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.
- 111A.24.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 111A.24.3 The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire.~~ Resolutions of appeals shall not affect earlier hires from the eligible list.

Sec. 111A.25 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Human Resources Director is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

[...]

Rule 111A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.28 Certification

~~111A.28.1~~ The Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule that are ~~reachable within the applicable certification rule~~. Except for circumstances beyond the control of the Department of Human Resources, the initial ~~notice~~ Notice of certification ~~Certification~~ to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

~~111A.28.2~~ If all eligibles at a score ~~waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).~~

Sec. 111A.29 Certification of Eligibles – Minimum Allowable Certification Rule

111A.29.1 The minimum (i.e. most restrictive) certification rule shall be the Rule of Three Scores.

111A.29.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Department of Human Resources shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

[...]

Rule 112 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

[...]

Sec.112.11 Adoption of Eligible List

112.11.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

112.11.2 The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles who are reachable for certification may be certified.~~ The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

Sec.112.12 Maintenance of Eligibility

112.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

112.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County Service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, such promotive credit points and the previous rank shall be restored.

112.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with promotive credit points and previous rank restored.

Proposed Amendments to Rule 112 (Redlined Version)

112.12.4 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec.112.13 The Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial ~~notice~~ Notice of certification ~~Certification~~ to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 112 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 112, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

[...]

Sec.112.17 Official Adoption Date

112.17.1 Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Department of Human Resources during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.

112.17.2 If protests are received during the posting period, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.

112.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.

112.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec.112.18 Duration of Eligibles

112.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

112.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Sec.112.19 Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial notice-Notice of certification-Certification to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of the eligible list.

Rule 113 Certification of Eligibles

Article II: Definitions

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

Sec. 113.2 Certification Rules

113.2.1 Rule of Three Scores

The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

~~Sec. 113.32.2~~ Rule of Three or More Scores

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

~~Sec. 113.2.34~~ Rule of the List

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 113.3 Certification Date

The Certification Date is the date on which the Department of Human Resources certifies to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule as provided under this Article II.

Sec. 113.4 Notice of Certification

Eligibles on the eligible list shall be simultaneously notified each time that the Department of Human Resources certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 113.5 Notice of Inquiry

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue

Proposed Amendments to Rule 113 (Redlined Version)

a Notice of Inquiry to those eligibles for the purpose of:

- 1) Assessing the eligibles' interest in the specific position in the department and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Sec. 113.56 Exhaustion of the List

113.56.1 Rule of Three Scores

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.56.2 Rule of Three or More Scores

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.56.3 Rule of the List

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Rule 113 Certification of Eligibles

Article V: Administration of Certifications

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

Sec. 113.10 Response Period

~~113.10.1 Notice of Inquiry~~

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

~~113.10.2 Notice of Certification~~

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

~~113.10.3 Extensions~~

Notice of Certification

For each available position, the Department of Human Resources shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The Department of Human Resources shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Proposed Amendments to Rule 113 (Redlined Version)

Sec. 113.11 Notice of Inquiry

113.11.1 As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.

113.11.2 Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limits may be extended by the Human Resources Director.

113.11.3 If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Sec. 113.112 Effect of Failure to Respond Certification Results

Departments are required to notify the Department of Human Resources of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the Human Resources Director.

~~113.11.1 An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.~~

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

Sec. 113.1213 Waivers

113.1213.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

1) At the eligible's written request. Such waivers shall be effective on the next business day.

~~2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.~~

Proposed Amendments to Rule 113 (Redlined Version)

~~3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.~~

~~4) 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.~~

53) For reasons prescribed elsewhere in these Rules.

64) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

113.1213.2 Waiver of Part-Time Employment

Any part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

113.1213.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director.

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

113.1213.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.

Proposed Amendments to Rule 113 (Redlined Version)

2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.

3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) Notices of Certification offers of employment resulting from certification off of the eligible list. Refusal of consideration from the third (3rd) Notice of Certification offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.

~~4) Unless otherwise ordered by the Human Resources Director, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.~~

113.1213.5 Withdrawal of Waivers

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

2) Such requests must be received in the Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer next in line for certification whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.

5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Proposed Amendments to Rule 113 (Redlined Version)

Sec. 113114.13 Change of Address

~~In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits. Eligibles are responsible for notifying the Department of Human Resources of any change of address.~~

Rule 411A Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.24 Eligible Lists

411A.24.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.

411A.24.2 The Director of Transportation shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 411A.25 Adoption and Posting of Eligible List

411A.25.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.

411A.25.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

411A.25.3 The Director of Transportation may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire.~~ Resolutions of appeals shall not affect earlier hires from the eligible list.

Sec. 411A.26 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Director of Transportation is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

[...]

Rule 411A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.29 Certification

~~411A.29.1~~ The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Municipal Transportation Agency, the initial ~~notice~~ Notice of certification ~~Certification~~ to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

~~411A.29.2~~ If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).

Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule

411A.30.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.30.2 The most restrictive formula for application of the Rule of Three Scores shall be:

- 1) When there is one (1) approved personnel requisition on file for a class, the Municipal Transportation Agency shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.
- 2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

[...]

Rule 412 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.11 Adoption of Eligible List

- 412.11.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 412.11.2 The MTA Director of Transportation/Designee may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles who are reachable for certification may be certified.~~ The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

Sec. 412.12 Maintenance of Eligibility

- 412.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.
- 412.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.
- 412.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible list with promotive credit points and previous rank restored.

Proposed Amendments to Rule 412 (Redlined Version)

412.12.4 The MTA Director of Transportation/Designee is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec. 412.13 The Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial ~~notice~~ Notice of certification ~~Certification~~ to eligibles as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 412 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.17 Official Adoption Date

- 412.17.1 A tentative eligible list shall be posted. Any protests must be filed in the office of the MTA Director of Transportation/Designee during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.
- 412.17.2 If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.
- 412.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 412.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec. 412.18 Duration of Eligibles

- 412.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 412.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Proposed Amendments to Rule 412 (Redlined Version)

Sec. 412.19 Use of Eligible Lists

Except for circumstances beyond the control of the MTA, The initial notice
Notice of certification-Certification to eligibles as provided in Civil Service Rule
413 shall be issued within thirty (30) days from the date of adoption of the
eligible list.

Rule 413 Certification of Eligibles

Article II: Definitions

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.2 Certification Rules

413.2.1 Rule of Three Scores

The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

~~Sec. 413.2.23~~ Rule of Three or More Scores

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

~~Sec. 413.24.3~~ Rule of the List

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 413.3 Notice of Certification

Eligibles on the eligible list shall be simultaneously notified each time that the MTA Director of Transportation/Designee certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 413.4 Certification Date

The Certification Date is the date on which the MTA Director of Transportation/Designee issues the Notice of Certification to eligibles as provided under this Article II.

Sec. 413.5 Notice of Inquiry

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue a Notice of Inquiry to those eligibles for the purpose of:

Proposed Amendments to Rule 413 (Redlined Version)

- 1) Assessing the eligibles' interest in the specific position in the department:
and/or
- 2) Requesting additional information or submissions from the eligibles as part
of the selection process.

Sec. 413.56 Exhaustion of the List

413.56.1 Rule of Three Scores

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.56.2 Rule of Three or More Scores

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.5.36 Rule of the List

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Rule 413 Certification of Eligibles

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.10 Response Period

~~413.10.1 Notice of Inquiry~~

~~1) Eligibles are required to respond in writing to the Office of the MTA Director of Transportation/Designee within five (5) business days of the date of such notice.~~

~~2) The MTA Director of Transportation/Designee may authorize that eligibles be polled by telephone; provided, however, that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.~~

~~413.10.2 Notice of Certification~~

~~1) Eligibles are required to respond to the Office of the MTA Director of Transportation/Designee within five (5) business days after the date of such Notice.~~

~~2) Eligibles are required to notify the MTA Director of Transportation/Designee as to their certification status within seven (7) business days after the date of the Notice of Certification.~~

~~3) MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within twenty (20) business days after the date of the Notice of Certification.~~

~~413.10.3 Extensions~~

Notice of Certification

For each available position, the MTA Director of Transportation/Designee shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Proposed Amendments to Rule 413 (Redlined Version)

Sec. 413.11 Notice of Inquiry

~~413.11.1~~ As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.

~~413.11.2~~ Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limits may be extended by the MTA Director of Transportation/Designee.

~~413.11.3~~ If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Sec. ~~413.112~~ Effect of Failure to Respond Certification Results

MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee.

~~413.11.1~~ An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

~~413.11.2~~ Unless the MTA Director of Transportation/Designee determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.

Sec. ~~413.1213~~ Waivers

413.~~1213~~.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

1) At the eligible's written request. Such waivers shall be effective on the next business day.

~~2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.~~

Proposed Amendments to Rule 413 (Redlined Version)

~~3) For failure to notify the MTA as to the eligible's status within seven (7) days following certification.~~

42) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the MTA Director of Transportation/Designee.

53) For reasons prescribed elsewhere in these Rules.

64) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the MTA to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or MTA Director of Transportation/Designee may not be removed unless ordered by the Civil Service Commission or MTA Director of Transportation/Designee.

~~413.4213.2~~ **Waiver of Part-Time Employment**

Any part-time position may be declared by the MTA Director of Transportation/Designee to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

~~413.4213.3~~ **Conditional Waivers**

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

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

~~413.4213.4~~ **Effects of Waivers**

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.

Proposed Amendments to Rule 413 (Redlined Version)

2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.

3) Unless otherwise provided in the examination announcement, eligibles may refuse ~~consideration for temporary or permanent appointment from two (2) offers of employment resulting from certification off of the eligible list~~ Notices of Certification. Refusal of ~~consideration from the~~ third (3rd) Notice of Certification ~~offer of employment~~ shall result in the removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.

~~4) Unless otherwise ordered by the MTA Director of Transportation/Designee, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.~~

413.1213.5 Withdrawal of Waivers

1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.

2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer next in line for certification to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.

5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Proposed Amendments to Rule 413 (Redlined Version)

Sec. 413.1314 Change of Address


~~In all cases of change of address, the Office of the MTA Director of Transportation/Designee must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits. Eligibles are responsible for notifying the Office of the MTA Director of Transportation/Designee of any change of address.~~

-END-

Executive Officer's Previous Staff Report
from July 21, 2014



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: July 21, 2014
To: Civil Service Commission
From: Jennifer Johnston, Executive Officer 
Subject: Proposed Revisions to the Civil Service Rules on Certifications and Referrals

I. Overview

At its meeting of July 7, 2014, the Civil Service Commission (“Commission”) accepted the Department of Human Resources’ (“DHR”) memorandum dated June 26, 2014, which proposed revisions to Civil Service Rule 113–Certification of Eligibles and Civil Service Adviser No. 008/2000–Selection from Civil Service Eligible Lists. The Commission also accepted the Executive Officer’s staff report dated July 7, 2014, which recommended revisions to Civil Service Rules 111A–Position-Based Testing and 112–Eligible Lists, so that the Rules remain internally consistent; and conveyed the Municipal Transportation Agency’s (“MTA”) request to make parallel revisions to all three Civil Service Rules in Volume IV so that they would also apply to service-critical employees of the MTA.

Although the Commission approved DHR’s and the MTA’s proposals to make the Notice of Inquiry optional instead of mandatory in Civil Service Rule Volumes I and IV, and to clarify and confirm in the Civil Service Adviser an appointing officer’s discretion in the civil service selection process, the Commission directed the Executive Officer to work with DHR to redraft the proposed Civil Service Rule amendments to include formal, more appropriate Rule language; to include definitions of applicable new or revised terminology; and to clearly distinguish the proposed changes. The Commission also emphasized the need to ensure that the Commission’s and DHR’s authority and purview over the civil service selection process remains unaffected by the proposed revisions.

II. Revised Civil Service Rules

The Executive Officer revised the proposed Civil Service Rule amendments per the Commission’s directives and based on further discussions with DHR and Commissioner Kate Favetti. Attachments A and B reflect the redlined and final proposed versions of the three Civil Service Rule amendments in Volumes I and IV, respectively, to clearly distinguish the proposed revisions as requested. The substantive revisions to DHR’s/MTA’s initial proposed amendments are as follows:

- The provisions regarding the certification of eligibles have been revised in Civil Service Rules 111A, 411A, 112 and 412 so that they are consistent with the provisions in Civil Service Rules 113 and 413 (see comments “JJ1” and “JJ2” in the redlined versions of Rules 111A, 411A, 112 and 412);
- Article II in Rules 113 and 413 now includes the new definitions of “Notice of

Certification” and “Notice of Inquiry;”

- Article II in Rules 113 and 413 also now includes the definition of “Certification Date” to ensure that there is no confusion between the Certification Date and the date that the Notice of Certification or Notice of Inquiry are sent;¹
- The term “Optional Departmental Inquiry” has been simplified and condensed to “Notice of Inquiry;”
- The term “post-referral selection process” has been simplified and condensed to “selection process;”
- As indicated in comments “JJ2” and “JJ3” in the redlined versions of Rules 113 and 413, the provisions on the Notice of Inquiry have been revised to make it clear that although the appointing officer has the discretion to issue a Notice of Inquiry, the Commission and DHR retain their authority and oversight;
- Rules 113 and 413 specify that eligibles are required to respond to a Notice of Inquiry within five days (unless the response period time limit is extended by the Human Resources Director);
- The procedural language in Rules 113 and 413 has been replaced with more appropriate and clearer Civil Service Rule language; and,
- Provisions applicable to temporary civil service appointments/appointees have been unstricken (i.e., will no longer be deleted).

III. Authority over the Permanent Civil Service Selection Process²

As indicated, the Commission expressed concerns about clarifying that the revisions to the Civil Service Rules and Adviser will not erode or in any way affect the Commission's and DHR's authority over civil service appointments.

Although the Charter, Civil Service Rules and Administrative Code afford appointing officers a great deal of discretion in selecting the best qualified eligible candidate for a position, appointing officers must continue to adhere to applicable Civil Service Rules and Commission policies that regulate how that decision is made. Specifically, the following Civil Service Rules will still govern the selection process, irrespective of the proposed amendments:

Civil Service Rule Series 01.3, Merit System Principles

“As applied to employee classifications under the competitive civil service selection, appointment and removal procedures. The principles of the City and County's merit system include: 1) Recruitment, employment, retention, and promotion of employees on the basis of qualifications and

¹ As noted in comment “JJ1” and as reflected in the proposed language in Attachment B, the definition of “Certification Date” for MTA service-critical classes is different that it is for non-service critical employees.

² See Attachment C for excerpts of all pertinent Charter, Administrative Code and Civil Service Rule provisions governing civil service selections/appointments.

performance; and, 2) High performance and ethical standards, consistent with hiring qualified individuals who have successfully completed the examination process, been placed on an eligible list and completed the probationary period. Further, it is the goal and policy of the Civil Service Commission to provide fair treatment of applicants in all aspects of employment without regard to [membership in a protected category] and otherwise prohibited nepotism or favoritism.”

Civil Service Rule Series 03.1, Policies for Equal Employment Opportunities

“Equal Employment Opportunity. It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment; [and] that selection of employees to positions in the City and County be made on the basis of merit [...]. Vigorous enforcement of the laws against discrimination shall be carried out at every level of each department. All persons shall have equal access to employment within the City and County, limited only by their ability to do the job. No person shall be appointed, reduced, removed, or in any way favored or discriminated against in employment or opportunity for employment because of [membership in a protected category] or other non-merit factors or any other category provided by ordinance.”

Civil Service Rule Series 13.1, General Policy

“Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, [membership in a protected category], or other non-merit factors or otherwise prohibited nepotism or favoritism. [Appointing officers, the MTA Director of Transportation, and their designees] shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. [Appointing officers, the MTA Director of Transportation, and their designees] shall also be responsible for maintaining documentation of selection criteria. [Departments and the MTA Director of Transportation] shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures.”

Implementing this Rule, the [Human Resources Director/MTA Director of Transportation] shall [...] adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco.”

Additionally, the Commission's and DHR's oversight of, and authority over the selection process will in no way be diminished or otherwise affected by the proposed Rule amendments. Specifically, the following Charter provisions will continue to apply:

Charter Section 10.101, General Powers and Duties [of the Civil Service Commission]:

“The Commission shall establish an inspection service for the purpose of investigating the conduct or an action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the Commission in making its investigations and any person hindering the Commission or its agents shall be subject to suspension. [...] 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. After such inquiry, the Commission may direct the Human Resources Director to take such action as the Commission believes necessary to carry out the civil service provisions of this Charter.”

Charter Section 10.102, Department of Human Resources:

"Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test [...]."

Once the proposed Rule amendments have been adopted, DHR will establish new policies and procedures to implement those new provisions in accordance with Civil Service Rule 113.1.3, which provides, "Implementing this Rule [governing the selection of employees from eligible lists], the Human Resources Director shall: 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco; and, 2) ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all decentralized units as delegated by the Human Resources Director; and, 3) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations."

Likewise, the Director of Transportation will establish parallel policies and procedures to implement those new provisions for MTA Service-Critical classifications in accordance with Civil Service Rule 413.1.3, which provides, "Implementing this Rule [governing the selection of employees from eligible lists], the MTA Director of Transportation/Designee shall: 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco; and 2) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations."

IV. Recommendation

The Executive Officer recommends that the Commission adopt this staff report and direct the Executive Officer to:

- Post the proposed revisions to Civil Service Rules 111A–Position-Based Testing, 112–Eligible Lists and 113–Certification of Eligibles, as reflected in Attachment A; and,
- Post the proposed revisions to Civil Service Rules 411A–Position-Based Testing, 412–Eligible Lists and 413–Certification of Eligibles, as reflected in Attachment B; and,
- Meet and discuss the Rule amendments with any interested stakeholders.

V. Attachments

Attachment A: Proposed Revisions to Volume I of the Civil Service Rules (redlined and final revised versions: Rule 111A at pages 7 through 10; Rule 112 at pages 11 through 18; and Rule 113 at pages 19 through 32)

Attachment B: Proposed Revisions to Volume IV of the Civil Service Rules (redlined and final revised versions: Rule 411A at pages 35 through 38; Rule 412 at pages 39 through 46; and Rule 413 at pages 47 through 60)

Attachment C: Provisions Governing Civil Service Selections/Appointments (pages 61 through 66)

ATTACHMENT A

**Redlined and Clean Versions of
Proposed Amendments to Volume I
Civil Service Rules 111A, 112 and 113**

Rule 111A Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.23 Eligible Lists

- 111A.23.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.
- 111A.23.2 The Human Resources Director shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 111A.24 Adoption and Posting of Eligible List

- 111A.24.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.
- 111A.24.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 111A.24.3 The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire.~~ Resolutions of appeals shall not affect earlier hires from the eligible list.

Comment [JJ1]: This is a non-substantive change, intended to create consistency in the Rule language.

Sec. 111A.25 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Human Resources Director is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

[...]

Rule 111A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.28 Certification

~~111A.28.1~~ The Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Department of Human Resources, the initial notice ~~Notice of certification~~ Certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

Comment [JJ2]: See comment JJ) above.

~~111A.28.2~~ If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).

Comment [JJ3]: This will no longer apply Notice of Certification, but will apply to Notice Inquiry under Rule 113, Article V as revised.

Sec. 111A.29 Certification of Eligibles – Minimum Allowable Certification Rule

111A.29.1 The minimum (i.e. most restrictive) certification rule shall be the Rule of Three Scores.

111A.29.2 The most restrictive formula for application of the Rule of Three Scores shall be:

- 1) When there is one (1) approved personnel requisition on file for a class, the Department of Human Resources shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.
- 2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

Sec 111A.5 Civil Service Commission Rules for Position-Based Testing
111A.5.1 All examination provisions for Position-Based Testing are specified in Rule 111A. Provisions specified in Civil Service Commission Rule 105.12.1, 105.12.4 and 105.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 110, 111 Articles I and II, 112 Articles I – IV, and 113 Articles II and VI, do not apply to the Position-Based Testing Program.

[...]

Rule 111A Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.23 Eligible Lists

111A.23.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.

111A.23.2 The Human Resources Director shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 111A.24 Adoption and Posting of Eligible List

111A.24.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.

111A.24.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

111A.24.3 The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Resolutions of appeals shall not affect earlier hires from the eligible list.

Sec. 111A.25 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Human Resources Director is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

[...]

Rule 111A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.28 Certification

The Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of Certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

Sec. 111A.29 Certification of Eligibles – Minimum Allowable Certification Rule

111A.29.1 The minimum (i.e. most restrictive) certification rule shall be the Rule of Three Scores.

111A.29.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Department of Human Resources shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

[...]

Rule 112 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

[...]

Sec. 112.11 Adoption of Eligible List

112.11.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

112.11.2 The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles who are reachable for certification may be certified.~~ The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

Comment [JJ1]: This is a non-substantive change, intended to create consistency in the Rule language.

Sec. 112.12 Maintenance of Eligibility

112.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

112.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County Service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, such promotive credit points and the previous rank shall be restored.

112.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with promotive credit points and previous rank restored.

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112.12.4 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec. 112.13 The Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial notice ~~Notice of certification~~ Certification to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 112 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 112, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

[...]

Sec.112.17 Official Adoption Date

- 112.17.1 Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Department of Human Resources during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.
- 112.17.2 If protests are received during the posting period, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.
- 112.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 112.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec.112.18 Duration of Eligibles

- 112.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 112.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Sec.112.19 Use of Eligible Lists

~~Except for circumstances beyond the control of the Department of Human Resources, The initial notice-Notice of certification-Certification to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of the eligible list.~~

Comment [JJ2]: This language mirrors the language in Section 112.13 above.

Rule 112 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

[...]

Sec.112.11 Adoption of Eligible List

112.11.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

112.11.2 The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

Sec.112.12 Maintenance of Eligibility

112.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

112.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County Service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, such promotive credit points and the previous rank shall be restored.

112.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with promotive credit points and previous rank restored.

112.12.4 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

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Sec.112.13 The Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of Certification to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 112 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 112, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

[...]

Sec.112.17 Official Adoption Date

- 112.17.1 Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Department of Human Resources during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.
- 112.17.2 If protests are received during the posting period, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.
- 112.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 112.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec.112.18 Duration of Eligibles

- 112.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 112.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Sec.112.19 Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of Certification to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of the eligible list.

Rule 113 Certification of Eligibles

Article II: Definitions

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

Sec. 113.2 Certification Rules

113.2.1 Rule of Three Scores

The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

~~Sec. 113.2.2 Rule of Three or More Scores~~

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

~~Sec. 113.2.34 Rule of the List~~

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 113.3 Certification Date

The Certification Date is the date on which the Department of Human Resources certifies to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule as provided under this Article II.

Sec. 113.4 Notice of Certification

Eligibles on the eligible list shall be simultaneously notified each time that the Department of Human Resources certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 113.5 Notice of Inquiry

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue

Comment [11]: Although Civil Service Rule 102.5 also includes the definition for "Certification Date" ("The date on which the Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill a position."), the definition is included here to clarify that the Certification Date is not the date of the Notice of Certification or the date of the Notice of Inquiry.

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a Notice of Inquiry to those eligibles for the purpose of:

- 1) Assessing the eligibles' interest in the specific position in the department; and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Comment [112]: The purpose of this language is to make it clear that the department has the discretion to issue a Notice of Inquiry but that the Commission and Department of Human Resources retain oversight.

Sec. 113.56 Exhaustion of the List

113.56.1 Rule of Three Scores

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.56.2 Rule of Three or More Scores

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.56.3 Rule of the List

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

20

Rule 113 Certification of Eligibles

Article V: Administration of Certifications

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

Sec. 113.10 Response Period

~~113.10.1 Notice of Inquiry~~

~~1) Eligibles are required to respond in writing to the Department of Human Resources within five (5) business days of the date of such notice.~~

~~2) The Human Resources Director may authorize that eligibles be polled by telephone; provided, however, that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.~~

~~113.10.2 Notice of Certification~~

~~1) Eligibles are required to respond to the appointing officer or designated representative within five (5) business days after the date of such Notice.~~

~~2) Eligibles are required to notify the Department of Human Resources as to their certification status within seven (7) business days after the date of the Notice of Certification.~~

~~3) Departments are required to notify the Department of Human Resources of the results of a certification within twenty (20) business days after the date of the Notice of Certification.~~

~~113.10.3 Extensions~~

Notice of Certification

For each available position, the Department of Human Resources shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The Department of Human Resources shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

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Sec. 113.11 Notice of Inquiry

~~113.11.1~~ As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.

Comment [113]: See [1] notation above.

~~113.11.2~~ Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limits may be extended by the Human Resources Director.

~~113.11.3~~ If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Comment [114]: Article III, Rules 113.6.1(4), 113.7.1(4) and 113.8.1(4) provide, "If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s)."

Sec. 113.11.2 Effect of Failure to Respond Certification Results

~~Departments~~ are required to notify the Department of Human Resources of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the Human Resources Director.

Comment [115]: See the stricken language 113.10.2(3) above.

~~113.11.1~~ An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

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

Sec. 113.1213 Waivers

113.1213.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.

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~~3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.~~

~~4) 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.~~

Comment [JJ6]: Note that the provisions regarding temporary positions are no longer stricken as initially proposed by DHR.

53) For reasons prescribed elsewhere in these Rules.

64) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

~~113.1213.2~~ **Waiver of Part-Time Employment**

~~Any part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.~~

Comment [JJ7]: As noted in JJ6 above, the provisions making these provisions inapplicable to temporary positions have been removed.

~~113.1213.3~~ **Conditional Waivers**

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director.

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

~~113.1213.4~~ **Effects of Waivers**

1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.

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2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.

3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) Notices of Certification offers of employment resulting from certification off of the eligible list. Refusal of consideration from the third (3rd) Notice of Certification offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class. ~~The non-selection by the department of an available eligible shall not be recorded as a refusal.~~

4) ~~Unless otherwise ordered by the Human Resources Director, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.~~

113.1213.5 Withdrawal of Waivers

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

2) Such requests must be received in the Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer next in line for certification whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.

5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

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Sec. 113114.13 Change of Address

~~In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits. Eligibles are responsible for notifying the Department of Human Resources of any change of address.~~

Rule 113

Certification of Eligibles

Article II: Definitions

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

Sec. 113.2 Certification Rules

113.2.1 **Rule of Three Scores**

The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

113.2.2 **Rule of Three or More Scores**

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

113.2.3 **Rule of the List**

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 113.3 **Certification Date**

The Certification Date is the date on which the Department of Human Resources certifies to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule as provided under this Article II.

Sec. 113.4 **Notice of Certification**

Eligibles on the eligible list shall be simultaneously notified each time that the Department of Human Resources certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 113.5 **Notice of Inquiry**

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue

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a Notice of Inquiry to those eligibles for the purpose of:

- 1) Assessing the eligibles' interest in the specific position in the department; and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Sec. 113.6 Exhaustion of the List

113.6.1 Rule of Three Scores

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.6.2 Rule of Three or More Scores

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.6.3 Rule of the List

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Rule 113 Certification of Eligibles

Article V: Administration of Certifications

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

Sec. 113.10 Notice of Certification

For each available position, the Department of Human Resources shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The Department of Human Resources shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 113.11 Notice of Inquiry

- 113.11.1 As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.
- 113.11.2 Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limit is extended by the Human Resources Director.
- 113.11.3 If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Sec. 113.12 Certification Results

Departments are required to notify the Department of Human Resources of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the Human Resources Director.

Attachment A: Proposed Amendments to Rule 113 (Clean Version)

Sec. 113.13 Waivers

113.13.1 **General Waivers**

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.
- 3) For reasons prescribed elsewhere in these Rules.
- 4) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

113.13.2 **Waiver of Part-Time Employment**

Any part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

113.13.3 **Conditional Waivers**

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director.

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

Attachment A: Proposed Amendments to Rule 113 (Clean Version)

113.13.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse two (2) offers of employment resulting from certification off of the eligible list. Refusal of a third (3rd) offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class.

113.13.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.
- 2) Such requests must be received in the Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer.
- 5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 114.13 Change of Address

Eligibles are responsible for notifying the Department of Human Resources of any change of address.

ATTACHMENT B

**Redlined and Clean Versions of
Proposed Amendments to Volume IV
Civil Service Rules 411A, 412 and 413**

Rule 411A Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.24 Eligible Lists

- 411A.24.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.
- 411A.24.2 The Director of Transportation shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 411A.25 Adoption and Posting of Eligible List

- 411A.25.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.
- 411A.25.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 411A.25.3 The Director of Transportation may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire. Resolutions of appeals shall not affect earlier hires from the eligible list.

Comment [J11]: This is a non-substantive change, intended to create consistency in the Rule language.

Sec. 411A.26 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Director of Transportation is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

[...]

Rule 411A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.29 Certification

~~411A.29.1~~ The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule that are reachable within the applicable certification rule. ~~Except for~~ circumstances beyond the control of the Municipal Transportation Agency, the initial ~~notice~~ Notice of certification ~~Certification~~ to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

Comment [J2]: See comment J1 above.

~~411A.29.2~~ If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).

Comment [J3]: This will no longer apply to Notice of Certification, but will apply to Notices of Inquiry under Rule 413, Article revised.

Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule

411A.30.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.30.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Municipal Transportation Agency shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

Sec 411A.6 Civil Service Commission Rules for Position-Based Testing

411A.6.1 All examination provisions for Position-Based Testing are specified in Rule 411A. Provisions specified in Civil Service Commission Rule 405.12.1, 405.12.4 and 405.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 410, 411 Articles I and II, 412 Articles I – IV, and 413 Article III, do not apply to the Position-Based Testing Program.

[...]

Rule 411A Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.24 Eligible Lists

411A.24.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.

411A.24.2 The Director of Transportation shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 411A.25 Adoption and Posting of Eligible List

411A.25.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.

411A.25.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

411A.25.3 The Director of Transportation may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Resolutions of appeals shall not affect earlier hires from the eligible list.

Sec. 411A.26 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Director of Transportation is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

[...]

Rule 411A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.29 Certification

The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Except for circumstances beyond the control of the Municipal Transportation Agency, the initial Notice of Certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule

411A.30.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.30.2 The most restrictive formula for application of the Rule of Three Scores shall be:

- 1) When there is one (1) approved personnel requisition on file for a class, the Municipal Transportation Agency shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.
- 2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

[...]

Rule 412 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.11 Adoption of Eligible List

412.11.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

412.11.2 The MTA Director of Transportation/Designee may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. ~~Eligibles who are reachable for certification may be certified.~~ The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

Comment [221]: This is a non-substantive change, intended to create consistency in the Rule language.

Sec. 412.12 Maintenance of Eligibility

412.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

412.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.

412.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible list with promotive credit points and previous rank restored.

Attachment B: Proposed Amendments to Rule 412 (Redlined Version)

412.12.4 The MTA Director of Transportation/Designee is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec. 412.13 The Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial ~~notice~~ Notice of ~~certification~~ Certification to eligibles as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 412 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.17 Official Adoption Date

412.17.1 A tentative eligible list shall be posted. Any protests must be filed in the office of the MTA Director of Transportation/Designee during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.

412.17.2 If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.

412.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.

412.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec. 412.18 Duration of Eligibles

412.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

412.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Attachment B: Proposed Amendments to Rule 412 (Redlined Version)

Sec. 412.19 Use of Eligible Lists

~~Except for circumstances beyond the control of the MTA. The initial notice~~
~~Notice of certification-Certification~~ to eligibles as provided in Civil Service Rule
413 shall be issued within thirty (30) days from the date of adoption of the
eligible list.

Comment [112]: This language mirrors the language in Section 412.13 above.

Rule 412 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.11 Adoption of Eligible List

- 412.11.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 412.11.2 The MTA Director of Transportation/Designee may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

Sec. 412.12 Maintenance of Eligibility

- 412.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.
- 412.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.
- 412.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible list with promotive credit points and previous rank restored.

Attachment B: Proposed Amendments to Rule 412 (Clean Version)

412.12.4 The MTA Director of Transportation/Designee is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec. 412.13 The Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligibles as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 412 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.17 Official Adoption Date

- 412.17.1 A tentative eligible list shall be posted. Any protests must be filed in the office of the MTA Director of Transportation/Designee during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.

- 412.17.2 If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.

- 412.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.

- 412.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec. 412.18 Duration of Eligibles

- 412.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

- 412.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Attachment B: Proposed Amendments to Rule 412 (Clean Version)

Sec. 412.19 Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligibles as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of the eligible list.

Rule 413 Certification of Eligibles

Article II: Definitions

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.2 Certification Rules

413.2.1 Rule of Three Scores

The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

Sec. 413.2.23 Rule of Three or More Scores

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

Sec. 413.24.3 Rule of the List

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 413.3 Notice of Certification

Eligibles on the eligible list shall be simultaneously notified each time that the MTA Director of Transportation/Designee certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 413.4 Certification Date

The Certification Date is the date on which the MTA Director of Transportation/Designee issues the Notice of Certification to eligibles as provided under this Article II.

Sec. 413.5 Notice of Inquiry

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue a Notice of Inquiry to those eligibles for the purpose of:

Comment [211]: The definition of "Certification Date" in Volume IV for service-critical classes is different than it is in Volume I and IV for non-service-critical classes (it is the date of the Notice of Certification, not the date that the list of available eligibles is certified to the appointing officer). Therefore, the proposed revised language is different.

The applicable Civil Service Rule provisions are as follows:

Volume I

Sec. 102.5 Certification Date

The date on which the Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill a position.

Volume IV

Sec. 402.5 Certification Date

402.5.1 The date on which the City's Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill a position.

402.5.2 Certification Date - MTA

The date the MTA Director of Transportation/Designee issues a notice to eligibles from which appointments may be made to fill a Service-Critical position at the MTA.

Comment [122]: The purpose of this language is to make it clear that the department has the discretion to issue a Notice of Inquiry but that the Commission and Department of Human Resources retain oversight.

Attachment B: Proposed Amendments to Rule 413 (Redlined Version)

- 1) Assessing the eligibles' interest in the specific position in the department; and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Sec. 413.56 Exhaustion of the List

413.56.1 Rule of Three Scores

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.56.2 Rule of Three or More Scores

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.536 Rule of the List

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Rule 413 Certification of Eligibles

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.10 Response Period

~~413.10.1 Notice of Inquiry~~

~~1) Eligibles are required to respond in writing to the Office of the MTA Director of Transportation/Designee within five (5) business days of the date of such notice.~~

~~2) The MTA Director of Transportation/Designee may authorize that eligibles be polled by telephone; provided, however, that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.~~

~~413.10.2 Notice of Certification~~

~~1) Eligibles are required to respond to the Office of the MTA Director of Transportation/Designee within five (5) business days after the date of such Notice.~~

~~2) Eligibles are required to notify the MTA Director of Transportation/Designee as to their certification status within seven (7) business days after the date of the Notice of Certification.~~

~~3) MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within twenty (20) business days after the date of the Notice of Certification.~~

~~413.10.3 Extensions~~

Notice of Certification

For each available position, the MTA Director of Transportation/Designee shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Attachment B: Proposed Amendments to Rule 413 (Redlined Version)

Sec. 413.11 Notice of Inquiry

~~413.11.1~~ As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.

Comment [J3]: See comment J11 above.

~~413.11.2~~ Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limits may be is extended by the MTA Director of Transportation/Designee.

~~413.11.3~~ If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Comment [J4]: Article III, Rules 413.6.1(4), 413.7.1(4) and 413.8.1(4) provide, "If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s)."

Sec. 413.112 Effect of Failure to Respond Certification Results

~~MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee.~~

Comment [J5]: See the stricken language 413.10.2(3) above.

~~413.11.1~~ An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

~~413.11.2~~ Unless the MTA Director of Transportation/Designee determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.

Sec. 413.1213 Waivers

413.1213.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) ~~For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.~~

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Attachment B: Proposed Amendments to Rule 413 (Redlined Version)

~~3) For failure to notify the MTA as to the eligible's status within seven (7) days following certification.~~

42) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the MTA Director of Transportation/Designee.

Comment [J06]: Note that the provisions regarding temporary positions are no longer stricken as initially proposed.

53) For reasons prescribed elsewhere in these Rules.

64) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the MTA to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or MTA Director of Transportation/Designee may not be removed unless ordered by the Civil Service Commission or MTA Director of Transportation/Designee.

413.1213.2 Waiver of Part-Time Employment

Any part-time position may be declared by the MTA Director of Transportation/Designee to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

Comment [J07]: As noted in J06 above, the provisions making these provisions inapplicable to temporary positions have been removed.

413.1213.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

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

413.1213.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.

Attachment B: Proposed Amendments to Rule 413 (Redlined Version)

2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.

3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) offers of employment resulting from certification off of the eligible list. Notices of Certification. Refusal of consideration from the third (3rd) Notice of Certification offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.

~~4) Unless otherwise ordered by the MTA Director of Transportation/Designee, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.~~

413.1213.5 Withdrawal of Waivers

1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.

2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer next in line for certification to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.

5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Attachment B: Proposed Amendments to Rule 413 (Redlined Version)

Sec. 413.1314 Change of Address

~~In all cases of change of address, the Office of the MTA Director of Transportation/Designee must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits. Eligibles are responsible for notifying the Office of the MTA Director of Transportation/Designee of any change of address.~~

Rule 413 Certification of Eligibles

Article II: Definitions

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.2 **Certification Rules**

413.2.1 **Rule of Three Scores**

The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

413.2.2 **Rule of Three or More Scores**

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

413.2.3 **Rule of the List**

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 413.3 **Notice of Certification**

Eligibles on the eligible list shall be simultaneously notified each time that the MTA Director of Transportation/Designee certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 413.4 **Certification Date**

The Certification Date is the date on which the MTA Director of Transportation/Designee issues the Notice of Certification to eligibles as provided under this Article II.

Sec. 413.5 **Notice of Inquiry**

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue a Notice of Inquiry to those eligibles for the purpose of:

Attachment B: Proposed Amendments to Rule 413 (Clean Version)

- 1) Assessing the eligibles' interest in the specific position in the department; and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Sec. 413.6 Exhaustion of the List

413.6.1 Rule of Three Scores

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.6.2 Rule of Three or More Scores

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.5.6 Rule of the List

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Rule 413 Certification of Eligibles

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.10 Notice of Certification

For each available position, the MTA Director of Transportation/Designee shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 413.11 Notice of Inquiry

- 413.11.1 As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.
- 413.11.2 Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limit is extended by the MTA Director of Transportation/Designee.
- 413.11.3 If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

Sec. 413.12 Certification Results

MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee.

Attachment B: Proposed Amendments to Rule 413 (Clean Version)

Sec. 413.13 Waivers

413.13.1 **General Waivers**

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the MTA Director of Transportation/Designee.
- 3) For reasons prescribed elsewhere in these Rules.
- 4) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the MTA to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or MTA Director of Transportation/Designee may not be removed unless ordered by the Civil Service Commission or MTA Director of Transportation/Designee.

413.13.2 **Waiver of Part-Time Employment**

Any part-time position may be declared by the MTA Director of Transportation/Designee to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

413.13.3 **Conditional Waivers**

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

Attachment B: Proposed Amendments to Rule 413 (Clean Version)

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

413.13.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse two (2) offers of employment resulting from certification off of the eligible list. Refusal of a third (3rd) offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class.

413.13.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.
- 2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer .
- 5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Attachment B: Proposed Amendments to Rule 413 (Clean Version)

Sec. 413.14 Change of Address

Eligibles are responsible for notifying the Office of the MTA Director of Transportation/Designee of any change of address.

ATTACHMENT C

Provisions Governing Civil Service Selections/Appointments

I. Selections from the Eligible List/Civil Service Appointments

- Administrative Code Section 2A.30, Department Heads:
“The department head shall act as the ‘appointing officer’ under the civil service provisions of the Charter for the appointing, disciplining and removal of such officers, assistants and employees as may be authorized.”
- Charter Section 8A.100, Preamble [to Charter Section VIIIA, The Municipal Transportation Agency]:
“[This] Article is intended to strengthen the Municipal Transportation Agency’s authority to: 1) manage its employees; [...] and 3) protect the Agency’s right to select, train, promote, demote, discipline, layoff and terminate employees, managers, and supervisors based upon the highest standards of customer service, efficiency and competency.”
- Charter Section A8.329, Certification of Eligibles:
“Whenever a [civil service position] is to be filled, the appointing officer shall make a requisition to the department of human resources for a person to fill it. Thereupon, the department shall certify to the appointing officer the names and addresses of all those persons meeting the certification rule established for that classification. The Civil Service Commission shall establish certification rules. Certification rules shall not be more restrictive than the certification of all candidates receiving the three highest scores on the list of eligibles for such positions. The appointing officer shall fill the position by the appointment of one of the persons certified.”
- Civil Service Rule Series 13, Certification of Eligibles; Article I, General Principles:
Volume I – Section 113.1, General Policy:
“The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize multicultural diversity of the work force in the City and County of San Francisco.

Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, [membership in a protected category], or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointing officers and their designees shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. Appointing officers/designees shall also be responsible for maintaining documentation of selection criteria. Departments shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures.”

Volume IV -- Section 413.1, General Policy:

“The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from civil service eligible lists and considers this broadening as an

Attachment C: Relevant Provisions Governing Civil Service Appointments

Page 2 of 4

increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize multicultural diversity of the work force in the City and County of San Francisco.

Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. The MTA Director of Transportation/Designee shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. The MTA Director of Transportation/Designee shall also be responsible for maintaining documentation of selection criteria. The MTA Director of Transportation/Designee shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures.”

- Civil Service Rule Series 01.3, Merit System Principles (Volumes I and IV):

“As applied to employee classifications under the competitive civil service selection, appointment and removal procedures. The principles of the City and County's merit system include:

- 1) Recruitment, employment, retention, and promotion of employees on the basis of qualifications and performance; and,
- 2) High performance and ethical standards, consistent with hiring qualified individuals who have successfully completed the examination process, been placed on an eligible list and completed the probationary period.

Further, it is the goal and policy of the Civil Service Commission to provide fair treatment of applicants in all aspects of employment without regard to [membership in a protected category] and otherwise prohibited nepotism or favoritism.”

- Civil Service Rule Series 03.1, Policies for Equal Employment Opportunities (Volumes I and IV):

“Equal Employment Opportunity. It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment; that selection of employees to positions in the City and County be made on the basis of merit; and that continuing programs be maintained to afford equal employment opportunities at all levels. Vigorous enforcement of the laws against discrimination shall be carried out at every level of each department. All persons shall have equal access to employment within the City and County, limited only by their ability to do the job.

No person shall be appointed, reduced, removed, or in any way favored or discriminated against in employment or opportunity for employment because of [membership in a protected category] or other non-merit factors or any other category provided by ordinance.”

II. Oversight on Civil Service Selection and Appointment Processes

- Charter Section 10.101, General Powers and Duties [of the Civil Service Commission]:
“The Civil Service Commission shall adopt rules, policies and procedures to carry out the civil service merit system provisions of this charter and, except as otherwise provided in this Charter, such rules shall govern applications; examinations; eligibility; duration of eligible lists; certification of eligibles; [...]; appointments; promotions; provided, however, that the minimum rule for the certification of eligibles shall be the Rule of Three Scores [...].”

“The Commission shall establish an inspection service for the purpose of investigating the conduct or an action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the Commission in making its investigations and any person hindering the Commission or its agents shall be subject to suspension.”

“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. After such inquiry, the Commission may direct the Human Resources Director to take such action as the Commission believes necessary to carry out the civil service provisions of this Charter.”
- Charter Section 10.102, Department of Human Resources:
“Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the Civil Service Commission, including but not limited to authority to recruit, select, certify, appoint, [...] and other related personnel activities in order to maintain an effective and responsive work force.”
- Charter Section 10.103, Human Resources Director:
“The Human Resources Director shall verify that all persons whose names appear on City and County payrolls have been legally appointed to or employed in positions legally established under this Charter. [...] Consistent with the foregoing and other applicable provisions of this Charter, the Human Resources Director may delegate to the various appointing officers appropriate personnel responsibilities, and shall consult with appointing officers with respect to Civil Service Commission rules affecting their operations.”
- Charter Section 8A.100, Preamble [to Charter Section VIIIA, The Municipal Transportation Agency]:
“[This] Article is intended to ensure sufficient oversight of the Municipal Transportation Agency by, among other things, preserving the role of [...] the Civil Service Commission, as to merit system issues. [...]”
- Charter Section 8A.104, Personnel and Merit System [of the MTA]
“Except as otherwise provided in this Section, the Agency shall be governed by the rules of

Attachment C: Relevant Provisions Governing Civil Service Appointments

Page 4 of 4

the civil service system administered by the City and appeals provided in civil service rules shall be heard by the City's Civil Service Commission. [...] Effective July 1, 2000, except for the administration of health services, the Agency shall assume all powers and duties vested in the Department of Human Resources and the Director of Human Resources under Articles X and XI of this Charter in connection with job classifications within the Agency performing "service-critical" functions. Except for the matters set forth in subsection (f), the Department of Human Resources and the Director of Human Resources shall maintain all powers and duties under Articles X and XI as to all other Agency employees. In addition, the Agency shall, with respect to all Agency employees, succeed to the powers and duties of the Director of Human Resources under Article X to review and resolve allegations of discrimination, as defined in Article XVII, against employees or job applicants, or allegations of nepotism or other prohibited forms of favoritism. To the extent resolution of a discrimination complaint or request for accommodation involves matters or employees beyond the Agency's jurisdiction, the Agency shall coordinate with and be subject to applicable determinations of the Director of Human Resources."

- Civil Service Rule Series 13, Certification of Eligibles; Article I, General Principles;
Volume I – Section 113.1.3 - Implementation of the Rule by the Human Resources Director.

"Implementing this Rule, the Human Resources Director shall:

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco, and
- 2) ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all decentralized units as delegated by the Human Resources Director, and
- 3) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations."

Volume IV – Section 413.1.3 - Implementation of the Rule by the MTA Director of Transportation/Designee.

"Implementing this Rule, the MTA Director of Transportation/Designee shall:

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco, and
- 2) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations."

- END -
66

Department of Human Resources'
Presentation to the
Civil Service Commission

July 7, 2014



CIVIL SERVICE RULE 113

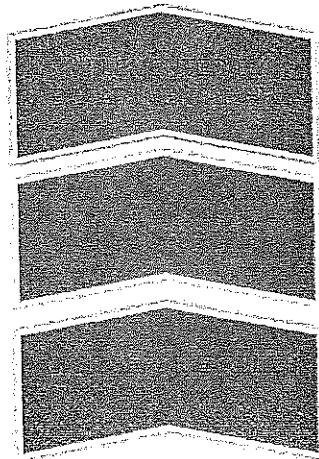
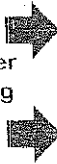
Certification of Eligibles

Presented by the Department of Human Resources
July 7, 2014



Request for Revision to Rule 113

Faster
Hiring



❖ Implemented throughout City department by HR professionals

❖ Operationalized through processes developed at DHR

❖ Foundation of Merit principles
All persons shall have equal opportunity in employment; that selection of employees be made on the basis of merit.



Faster Hiring

- ❖ **The SF Charter, Article X, Section 10.103, provides:**
"The Human Resources Director shall promote effective and efficient management through personnel programs that encourage productivity, job satisfaction and exemplary performance."
- ❖ **Civil Service Rule 101.2 Purpose, provides:**
*These Rules are prescribed for the purpose of implementing the Charter provisions, assuring continuance of the merit system, **prompting efficiency** in the dispatch of public business, and assuring all persons in the classified service and all persons seeking admission thereto fair and impartial treatment.*
- ❖ **2012 Civil Grand Jury report: Déjà Vu All Over Again**
Findings were related to the process of hiring information technology personnel. Recommended "the Mayor develop methods for speeding up the hiring process for IT personnel" and directed DHR to implement this recommendation.
- ❖ **City Departments' Hiring Needs**
DHR's hiring processes have and continue to be the focus of city departments' frustration with hiring delays.



Process Improvements and Technology

- ❖ **Implementation of eMerge PeopleSoft and SMART ERP**
DHR collaborated with eMerge to design and implement new process improvements for more efficient position requests.
- ❖ **Electronic Referral Project – JobAps**
DHR and eMerge have worked collaboratively to update processes for issuing referrals through the JobAps System. DHR has completed the as-is process mapping and is not focusing on the to-be systems processes for departmental referral dispositions and data management.
- ❖ **Request to Hire (RTH) Project – SMART ERP**
The Request to Hire Project is a collaboration between eMerge and DHR. The project will deliver an electronic process for hiring departments to transition a candidate (post referral) through the pre-employment process to appointment using system validation logic.



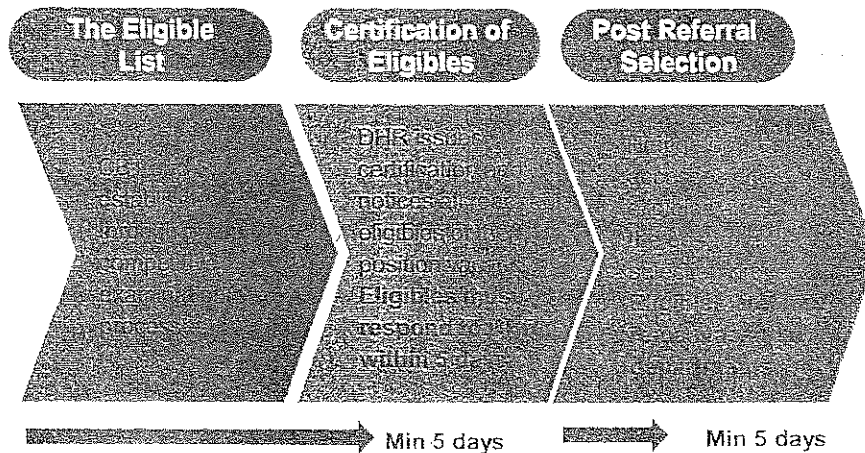
Process Improvements and Efficiency Approach

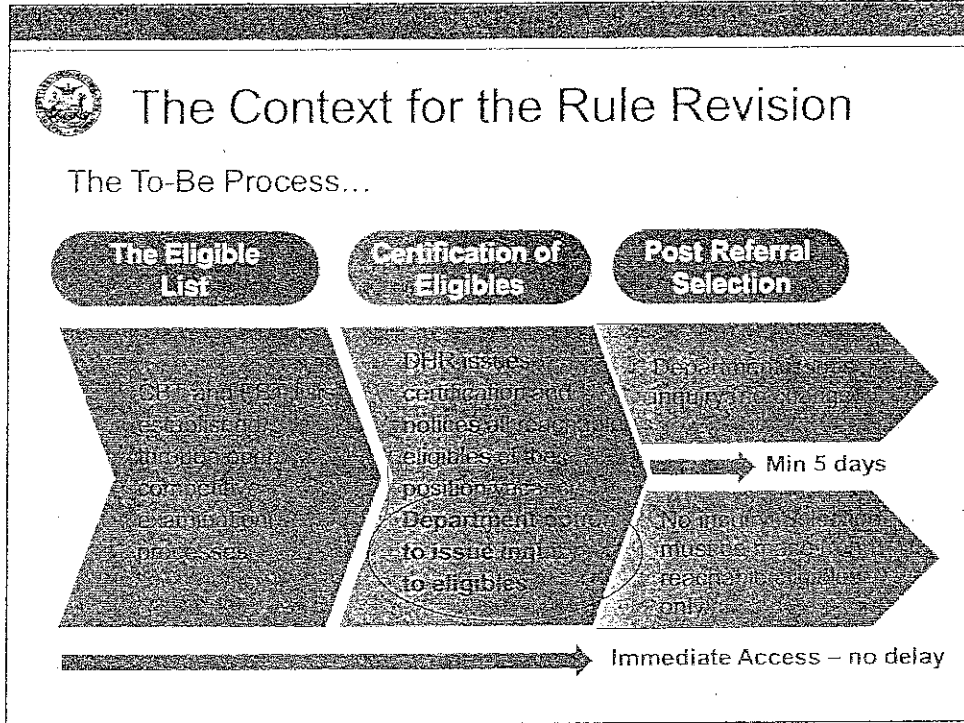
- ❖ Establish a City HR Advisory Group to guide DHR process improvements to meet hiring needs.
- ❖ Complete as-is process mapping and explore to-be process improvement to address departmental hiring concerns.
- ❖ Seek systems solutions to increase efficiency.
- ❖ Recommend updates to rules to ensure consistency with updated processes.



The Context for the Rule Revision

The As-Is Process...





Post-Referral Selection Process

❖ CSC Advisor provides: As-Is...

An appointing officer has the discretion and authority to select the candidate that s/he believes is the best-suited to perform the duties of the specific position to be filled, as determined based on documented non-discriminatory and merit-based criteria.

- Highly structured interview questions with strict rating guidelines
- Predefined benchmark responses to structured interview questions
- Eligibles' responses are "scored" and often "fail" in the process
- Hiring departments seek alternates on the Eligibles list who do not fail the certification rule to address failed scores

DHR WILL NOT
 CHG



Post-Referral Selection Process

- ❖ CSC Advisor provides: To-Be...

An appointing officer has the discretion and authority to select the candidate that s/he believes is the best-suited to perform the duties of the specific position to be filled, as determined based on documented non-discriminatory and merit-based criteria.

- Greater flexibility and discretion to appointment officers
 - Process must be job-related and merit-based
 - Selection process can include:
 - Performance on the examination (rank on list)
 - Structured interview panel (diverse as possible)
 - Performance assessments
 - Application review
 - Written supplemental
 - Published desired qualifications
 - All eligibles noticed of the final selection decision (system delivered)
- DHR will NOT process AP without CHF



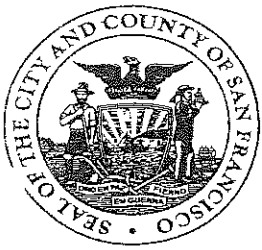
Recommendations

- ❖ Civil Service Commission accept the recommendation to revise Rule 113 to provide the flexibility/option for hiring departments to issue an inquiry or not as part of the certification process.
- ❖ Civil Service Commission update its policy as articulated in the proposed Civil Service Advisory to clarify the post – referral selection process.

• DHR will NOT process AP without CHF

Questions?

Human Resources' Previous Staff Report from
July 7, 2014




CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of
Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: _____
2. For Civil Service Commission Meeting of: July 7, 2014
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda X
 Human Resources Director's Report
4. Subject: Recommendations for revision to Civil Service Rule 113 Certification of Eligibles and
update to Civil Service Commission Policy on the Referral and Post-Referral Selection Processes
5. Recommendation: Adopt the report
6. Report prepared by: Ted Yamasaki Telephone number: 415 557-4915
7. Notifications: (Attach a list of the person(s) to be notified in the format described in
IV. Commission Report Format -A).
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: 

Date: 6/27/14
9. Submit the original time-stamped copy of this form and person(s) to be notified
(see Item 7 above) along with the required copies of the report to:

Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

Attachment

CSC RECEIPT STAMP

Notification List
CSR 113 & CSC Policy

Ted Yamasaki
Managing Deputy Director
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Susan Gard
Chief of Policy
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Donna Kotake
Workforce Development Director
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103



Date: June 26, 2014

To: Honorable Civil Service Commission

Through: Micki Callahan, Human Resources Director

From: Ted Yamasaki, Managing Deputy Director
Department of Human Resources

Subject: **Recommendations for Revision to Civil Service Commission Rule 113 Certification of Eligibles, and update to Civil Service Commission Policy on Referral and Post-Referral Selection Processes as Articulated in Civil Service Adviser No. 008-2000**

I. Overview

The Department of Human Resources (“DHR”) in consultation with other City departments is requesting that the Civil Service Commission (“Commission”) revise Rule 113 Certification of Eligibles to: 1) ensure consistency with updated processes, and 2) provide flexibility to hiring departments to more efficiently manage communications with reachable eligibles.

In addition, we request that the Commission update its policies as articulated in Civil Service Adviser No. 008/2000 to: 1) clarify the process improvements described above; and 2) clarify and confirm the discretion afforded to appointing officers to select the reachable eligible they deem best qualified for a position based on documented non-discriminatory, merit-based selection criteria.

See Attachment A for the proposed revisions to Civil Service Commission Rule 113 and Attachment B for Civil Service Adviser No. 008/2000.

II. Authority

Pursuant to Charter Section 10.100, the Commission is specifically “charged with the duty of providing qualified persons for appointment to the service of the City and County.” Under Charter Section 10.101, the Commission is responsible for adopting rules, policies and procedures to carry out the civil service merit system provisions of the Charter, including those governing examinations, eligibility, certification of eligibles and appointments.

Charter Section 10.102 provides that, “Pursuant to and in accordance with policies, rules and procedures of the Civil Services Commission governing the merit system, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the Civil Service Commission, including but not limited to authority to recruit, select, certify, appoint [...] and other related personnel activities in order to maintain an effective and responsive work force.”

III. Background

A. Establishment of an Eligible List

As required under Civil Service Rules 110.9, 110.15, and 111A.11, "Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement for the examination." The minimum qualifications must be based on job-related criteria. The human resources analyst assigned to the examination will review all applications to ensure that candidates meet the minimum qualifications to participate in the examination; candidates who do not meet those standards are not permitted to proceed in the examination process.

The Department of Human Resources adheres to the core principles that all examinations must be fair, merit-based, and competitive. Examinations must adequately rate the capacity of applicants to perform the duties of the examined position/classification based on job-related criteria. Candidates who are successful in all phases of the examination as detailed in the examination announcement (referred to as "eligibles") are placed on the eligible list in rank order based on their performance (i.e., their scores on the examination). Tie scores are placed at the same rank on the eligible list.

B. Certification/Referral of Eligibles

Pursuant to Charter Section A8.329, Certification of Eligibles, "Whenever a position controlled by the civil service provisions of this Charter is to be filled, the appointing officer shall make a requisition to [DHR] for a person to fill it. Thereupon, [DHR] shall certify to the appointing officer the names and addresses of all those persons meeting the certification rule established for that classification." The certification rule is determined in advance of the examination, and must be specified on the examination announcement. For most miscellaneous non-managerial classifications, the default certification rule is the Rule of Three Scores, unless the department and the union agree to a broader certification. The other two most commonly applied certification rules are the Rule of Five Scores and the Rule of Ten Scores.

The Department of Human Resources Client Services Operations team is responsible for the certification of eligibles from an eligible list to the hiring department. The certification process is completed through the JobAps System, interfaced with the eMerge PeopleSoft system. The JobAps system and the workflows for delivering certifications to hiring departments have been under critical review as part of DHR's ongoing process improvement commitment to expedite City hiring. To that end, new processes have been designed and will be implemented as new system designs and related programming are completed. It is important to note that the process improvements are designed to ensure that all reachable eligibles are given equal opportunities for consideration by the hiring department(s).

The Commission's policy as articulated in Civil Service Adviser No. 008/2000 requires DHR/the department to notify all reachable eligibles of any vacancy and to allow them at least five business days (or more, if candidates are required to submit additional materials with their response) to respond indicating their interest in pursuing the position. This notice is commonly referred to as a "canvas" or "Notice of Inquiry." Pursuant to Commission policy, this notification requirement does not apply if the department wishes to appoint a reachable eligible who is a current Provisional employee¹ in the department, already performing competently

¹ As authorized under Charter Section 10.105, a "Provisional" appointment is an appointment made in a permanent or temporary civil service position for which there is no current eligible list. These appointments are limited to three years duration (or until an eligible list is adopted). Provisional appointees serve at the discretion of the appointing officer and acquire no rights to or preference for permanent appointment to their positions.

d effectively in the position to be filled.

In the event that all of the eligibles in a rank within the certification rule either decline or fail to timely respond to the Notice of Inquiry, Civil Service Rule 113.6 provides that the department may request supplementary certification (alternates) from the next highest score.

C. The "Post-Referral Selection Process"

Once a referral of reachable eligibles is provided to the hiring department, an appointing officer is afforded discretion and latitude in selecting the candidate from amongst the reachable eligibles that is determined to be the best-suited to perform the duties of the specific position to be filled, provided that the selection process is based on documented non-discriminatory, merit-based criteria.

As provided in Civil Service Rule 113.1.2, "Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, [membership in a protected category], political affiliation, [...] or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointing officers and their designees shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. Appointing officers/designees shall also be responsible for maintaining documentation of selection criteria." The department's documented non-discriminatory, merit-based screening process for selecting amongst the reachable eligibles is referred to as the "post-referral selection process."

IV. Recommendations for Revision to Civil Service Commission Rule 113 Certification of Eligibles and update to Civil Service Commission Policy on Referral and Post-Referral Selection Processes as Articulated in Civil Service Adviser No. 008-2000

A. Revision Recommendations to Civil Service Rule 113, Certification of Eligibles:

The primary focus of the proposed revision to Rule 113 is to harmonize the language of the rule with updated operational processes. Specifically, the rule revision includes:

1. A requirement for a Notice of Certification. The Department of Human Resources will send a notice of certification to both the hiring department and the individual eligibles. The notice of certification to the eligibles will be informational only and will not require a response.
2. Optional Departmental Inquiry. Hiring departments will have the option to send an inquiry to the reachable eligibles to:
 - a. Assess eligibles' interest in the position vacancy in the department, and/or
 - b. Request additional job-related information from reachable eligibles to be used by the hiring department as part of the post referral selection process.
 - c. Eligibles must be given a minimum of five (5) days to respond to such a Departmental Inquiry.
 - d. There is no penalty to the eligible for not responding to a hiring department's inquiry.
3. Certification Results. Hiring departments will be required to notify the Department of Human Resources of the final selection of the incumbent within 60 calendar days of the Notice of

Certification.

4. Elimination of Penalties for Non-Response of Eligibles. Given the discretion proposed to allow hiring departments the option to issue a departmental inquiry, the Department of Human Resources requests that the penalty (placing a reachable eligible under general waiver) for non-response by the eligible be eliminated. In essence, a reachable eligible may simply not respond to a departmental inquiry. As a result of the non-response, the hiring department will not consider that eligible for the position vacancy.

B. Proposed update to Civil Service Commission Policy on Referral and Post-Referral Selection Processes as Articulated in Civil Service Adviser No. 008-2000

The Department of Human Resources proposes that the Commission's policy as articulated in Civil Service Adviser No. 008/2000 be updated to reflect the proposed changes to Rule 113 identified above.

In addition, we request that the Commission policy provide the discretion to the hiring department who may feel that it has sufficient information to make a selection based on the candidates' application materials and performance in the examination be relieved of the obligation to issue an inquiry to all reachable eligibles. For example, the department may wish to only consider the top-scoring candidate (e.g., when there is a degree of high confidence in the testing instrument, such as when the department is making a selection from an eligible list resulting from a PBT it recently administered).

If a hiring department elects not to send a Departmental Inquiry to all reachable eligibles, the selection of an eligible may only be made from the initially reachable ranks under the applicable certification rule (i.e., they would not be able to request supplemental certification to identify alternates). This option would be most appropriate when the hiring department has determined that it has sufficient information to make a merit-based, objective determination on whom the best-qualified reachable candidate(s) is/are based on what the candidates have already submitted and/or their performance on the examination. Therefore, a Departmental Inquiry would be unnecessary.

If, however, the hiring department elects to administer a Departmental Inquiry to all reachable eligibles, the department could access available alternates (supplemental certification) if all of the eligibles in a reachable rank are either non-responsive to the inquiry or indicate that they are not interested in the position.

In either instance, hiring departments are still required to administer a documented, non-discriminatory, merit-based screening processes for selecting amongst the reachable eligibles.

V. Request for Clarification and Confirmation of the Commission's Policy on the Post-Referral Selection Process

As indicated in Adviser 008/2000 and the Civil Service Rules, an appointing officer has the discretion and authority to select the candidate that he or she believes is the best-suited to perform the duties of the specific position to be filled, as determined based on documented non-discriminatory and merit-based criteria.

However, the Civil Service Adviser also states that, "The Civil Service Commission and the Department of Human Resources highly recommend that the department head/designee interview the remaining candidates

in order to select the best-qualified individual. The interview panel should be diverse and must ask job-related questions.”

Given this, hiring departments will often develop and administer extensive post-referral selection processes (irrespective of the type of position to be filled), including highly-structured tape-recorded panel interviews conducted by subject matter experts. Departments will often establish strict rating standards and benchmark responses in order to eliminate flexibility and discretion on the part of the interviewer, because it is believed that these extensive processes are required.

In other words, hiring departments engaged in the post-referral selection process, in an abundance of caution, are essentially administering a highly structured examination instrument more appropriately administered as part of the examination process. That said, hiring departments report that the more extensive and comprehensive the processes they utilize, the more challenges they receive.

Given this, the Department of Human Resources, in collaboration with City departments, respectfully requests that the Adviser 008/2000 be revised as reflected in Attachment A to clarify that such selection processes can include, but are not limited to: performance on the examination; structured panel interviews; performance assessments; examination application materials; written supplemental submissions; and/or, possession of desirable qualifications as posted on the examination announcement.

In determining the appropriate post-referral selection screening criteria and mechanisms, it is advisable for the department to give consideration to the level of confidence in the testing instrument (the examination), how long ago the examination was administered, whether the examination included an interview panel in which a hiring manager/supervisor (the appointing officer’s designee) participated, the propensity for or likelihood of complaints or appeals, the type of position to be filled, and the level of responsibility of that position, etc.

For example, a department may choose to appoint the individual in Rank 1 on the eligible list, based on the fact that he or she performed so successfully on the examination. This would be particularly appropriate if the hiring department is selecting from a recently-established eligible list pursuant to a PBT administered by that same department. Or, a department may wish to only consider candidates in the first three reachable ranks, based on the fact that they performed so successfully on the examination. In this latter case, the hiring department must administer and document the non-discriminatory, merit-based criteria used to further screen from the reachable eligibles in the top three ranks.

Attachments:

- A. Proposed revisions to Civil Service Commission Rule 113
- B. Proposed revisions to Civil Service Adviser No. 008/2000

**Proposed Amendments to Civil Service Rule 113
Certification of Eligibles**

Article V: Administration of Certifications

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

Sec. 113.10 Response-Period Notice of Certification

113.10.1 For each available position, the ~~Inquiry~~

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

~~shall certify~~

113.10.2 Notice of Certification

- ~~1) Eligibles are required to respond to the appointing officer or designated representative within five (5) business days after the datenames of such Notice.~~
- ~~2) Eligiblesall eligibles who are requiredreachable pursuant to notify the Department of Human Resources as to theirrestablished certification status within seven (7) business days after the date of the Notice of Certification rule.~~

113.10.2 The Department of Human Resources shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 113.11 Optional Departmental Inquiry

113.11.1 Upon receipt of the Notice of Certification by the Department of Human Resources, the hiring department may choose to issue at its option a Departmental Inquiry to all reachable eligibles for the purpose of:

- 1) Assessing the interest of all reachable eligibles in the specific position in the department; and/or
- 2) Requesting additional information or submissions from all reachable eligibles as part of a post-referral selection process

113.11.2 In the event that a hiring department elects to send the optional Departmental Inquiry to all reachable eligibles:

1) Eligibles shall be afforded at minimum five (5) business days to respond to a Departmental Inquiry.

2) If all eligibles at a score waive the opportunity and/or fail to respond within the time limit established in the Departmental Inquiry, the hiring department may request from the Department of Human Resources a supplementary certification(s) from the next highest score(s) in accordance with the provisions of this Civil Service Rule.

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

Sec. -

3)113.12 Certification Results

Departments are required to notify the Department of Human Resources of the results of a certification within ~~twenty (20) business~~sixty (60) calendar days ~~after~~of the date of the Notice of Certification. This deadline may be extended by the Human Resources Director.

~~113.11.33 Response period~~
~~time limits may be extended by the Human Resources Director.~~

Sec. 12Sec. 113.11 Effect of Failure to Respond

~~113.11.1~~ An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

113.13Sec. 113.11 Effect of Failure to Respond (cont.)

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

Sec. 113.123 Waivers

113.1213.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

1) At the eligible's written request. Such waivers shall be effective on the next business day.

~~2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.~~

~~3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.~~

~~4~~

~~2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.~~

53) For reasons prescribed elsewhere in these Rules.

64) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

113.1213.2 Waiver of Part-Time Employment

Any permanent part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for An eligible who accepts appointment to a fullpermanent part-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a permanent full-time position.

113.1213.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- _____ 2) the Civil Service Commission; or
- _____ ~~3 or~~ 3) the Human Resources Director.

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

113.1213.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) Notices offers of Certification employment resulting from certification off of the eligible list. Refusal of consideration from the a third (3rd) Notice offer of Certification employment shall result in the removal of the eligible's eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.
- _____ 4) Unless otherwise ordered by the Human Resources Director, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.

113.1213.5 Withdrawal of Waivers

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

113.12.5 Withdrawal of Waivers (cont.)

2) Such requests must be received in Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

~~3.~~

~~3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.~~

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles next in line whose names have been certified to the hiring department for certification consideration and to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices sent.

5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 113.1314 Change of Address

~~In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.~~

It is the responsibility of eligibles to notify the Department of Human Resources of any change of address.

The Civil Service Commission has established the Civil Service Adviser to enhance delivery of information on important employment issues and policies affecting the merit system of the City and County of San Francisco.

SELECTION FROM CIVIL SERVICE ELIGIBLE LISTS

Civil Service Adviser

What is the City policy on the selection from civil service eligible lists?

The City's policy as adopted by the Civil Service Commission requires that the selection of eligibles from civil service eligible lists must be based on merit and fitness without regard to race, religion, sex, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointments are made with due consideration to providing equal employment opportunity.

What is the department head's responsibility when making a selection from an eligible list?

The Department Head is responsible for selecting the best qualified, reachable eligible utilizing uniform non-discriminatory merit based selection procedures.

The Department of Human Resources refers the list of eligibles to a department upon receipt of an approved requisition. With a limited exception (addressed in response to the next question heading), eligibles referred to a department by the Department of Human Resources must be notified of the available vacancy by the department. Eligibles must be given a minimum of five (5) business days to respond to the notification. When a department requests supplemental information a longer response period should be provided.

In the event that a department chooses to send a Notification of Inquiry, eligibles will be given a minimum of five (5) business days to respond and to submit any supplemental information requested by the department. However, there is no requirement for a department to send a Notice of Inquiry. A longer response period should be provided if the department requests supplemental information.

The department head/designee may determine the appropriate method to screen that list of reachable eligibles who have expressed interest. This screening process (referred to as the "post-referral selection process") must be non-discriminatory and merit system compliant, and could include by way of example but not limitation to: performance on the examination; structured panel interviews; performance assessments; reviews of application materials, resumes, updated applications, writing exercises or work samples; skills checklists; and performance reviews/possession of desirable qualifications described on the examination announcement; etc. In determining the appropriate post-referral selection screening criteria and processes, the department will give consideration to the complexity of the exam instrument (e.g. whether it was a T&E, or a multi-component exam), how long ago the examination was administered, whether the examination included an interview

panel on which the hiring manager/supervisor (the appointing officer's designee) participated, the propensity for or likelihood of complaints, the type of position to be filled and the level of responsibility of that position, etc.

Although not required, the Civil Service Commission and the Department of Human Resources highly recommend that the department head/designee interview the remaining candidates in order to select the best qualified individual. The interview panel should be as diverse as possible and must ask job-related questions.

The department is required to maintain documentation of all screening and selection criteria and may be subject to audit by the Department of Human Resources or the Civil Service Commission.

DHR notifies all reachable eligibles when their names are referred to a department for consideration. Departments are required to notify all unsuccessful reachable eligibles that they were not selected for the position.

Are Provisional Employees Guaranteed Permanent Civil Service Appointment?

NO. The Civil Service Commission Rules that regulate the merit system specifically state that provisional employees shall not acquire the right or preference for permanent civil service appointment (Rule 14). This means that provisional employees must successfully compete in a civil service examination process and be reachable on an eligible list to be considered for permanent civil service appointment (Rule 14). A provisional employee who was hired pursuant to a valid recruitment and selection process may be selected for permanent appointment without the department engaging in any further post-referral selection process (including interviewing that individual or any other candidate) if the provisional employee: a) successfully completed the examination process; b) is on the eligible list; c) is reachable on the eligible list; and d) is performing competently and effectively in the department. The department head/designee may also decide that another reachable eligible is the best qualified for the job, in which case, the provisional employee would be displaced.

Questions:

Department of Human Resources: 557-4800
 - Merit System Services: 557-4923
 - Employee Relations Division: 557-4990
 - Internal Services: 557-4849
 - Equal Employment Opportunity: 557-4832



The San Francisco Civil Service Commission
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Executive Officer's Previous Staff Report from
July 7, 2014



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Date: July 7, 2014

To: Civil Service Commission

From: Jennifer Johnston, Executive Officer

Subject: **Proposed Revisions to the Civil Service Rules on Certifications and Referrals**

I. Overview

This staff report is submitted in response to the Department of Human Resources' ("DHR") proposed revisions to Civil Service Rule 113—Certification of Eligibles in Volume I and Civil Service Adviser No. 008/2000—Selection from Civil Service Eligible Lists, as reflected in its memorandum to the Civil Service Commission ("Commission") dated June 26, 2014.

The revisions to Civil Service Rule 113 that DHR is proposing have been reviewed and approved by the members of the Commission's Committee on Policy Procedures and Rules (COPAR).¹ However, in considering DHR's proposed amendments, the Executive Officer recommends that the Commission also consider revising other sections of the Civil Service Rules to ensure that they are consistent with those amendments. Specifically, the proposed amendments to Civil Service Rule 113, if approved, will also require revisions to Civil Service Rule 111A—Position-Based Testing (see Attachment A) and Civil Service Rule 112—Eligible Lists (see Attachment B).

Additionally, the Municipal Transportation Agency ("MTA") has requested parallel revisions to the Civil Service Rules for service-critical employees in Volume IV (see Attachment C). However, the Executive Officer does not recommend making similar revisions to the Civil Service Rules applicable to uniformed members of the San Francisco Police Department (Volume II) or the San Francisco Fire Department (Volume III), since some of the Rule provisions on certifications and referrals applicable to those employees are significantly different than those in Volumes I and IV.

II. Authority

Charter Section 10.101, General Powers and Duties, provides as follows:

"Changes to the rules may be proposed by members of the Commission, the Executive Assistant or the Human Resources Director and approved or rejected by the Commission. The Commission may, upon ten days' notice, make changes in the rules, which changes

¹ COPAR has been regularly convened by the Executive Officer since at least 1995. It is intended to provide a forum for senior-level human resources managers to discuss subjects of common interest under the Civil Service Commission's jurisdiction.

shall thereupon be printed and be in force; provided that no such changes in rules shall affect a case pending before the Commission.”

Civil Service Rule Series 01.5, Amendment of Rules, provides:

“The Commission may at any time amend these Rules. Any such proposed amendment shall be posted for a minimum of ten (10) consecutive calendar days prior to adoption. Upon adoption, changes in the Rules shall be in effect and shall be printed. No change in the Rules shall affect a case pending before the Civil Service Commission.”

III. Recommendation

In the event that the Commission approves the proposed revisions to Civil Service Rule 113 and Civil Service Adviser 08, the Executive Officer recommends that the Commission adopt this staff report and direct the Executive Officer to:

- Post the proposed revisions to Civil Service Rule Series 13–Certification of Eligibles (as reflected in the attachment to DHR’s staff report), 11A–Position-Based Testing (Attachment A) and 12–Eligible Lists (Attachment B) in Volumes I and IV;
- Post the proposed revisions to Civil Service Adviser–08 Selection from Civil Service Eligible Lists (as reflected in the attachment to DHR’s staff report); and
- Meet and discuss the proposed revisions to the Rules and the Adviser with any interested stakeholders.

IV. Attachments

Attachment A: Proposed Revisions to Civil Service Rule 111A–Position-Based Testing

Attachment B: Proposed Revisions to Civil Service Rule 112–Eligible Lists

Attachment C: Proposed Parallel Revisions to the Civil Service Rules in Volume IV

ATTACHMENT A

Rule 111A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.28 Certification and Use of the Eligible List

111A.28.1 The Department of Human Resources shall certify to the appointing officer the names of eligibles that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Department of Human Resources, the initial ~~a~~Notice of Certification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

~~111A.28.2 If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).~~

Sec. 111A.29 Certification of Eligibles -- Minimum Allowable Certification Rule

111A.29.1 The minimum (i.e. most restrictive) certification rule shall be the Rule of Three Scores.

111A.29.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Department of Human Resources shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

[...]

Comment [D11]: This is covered under h. 113 as revised.

Sec 111A.5 Civil Service Commission Rules for Position-Based Testing

111A.5.1. All examination provisions for Position-Based Testing are specified in Rule 111A. Provisions specified in Civil Service Commission Rule 105.12.1, 105.12.4 and 105.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 110, 111 Articles I and II, 112 Articles I - IV, and 113 Articles II and VI, do not apply to the Position-Based Testing Program.

ATTACHMENT B

Attachment B

**Rule 112
Eligible Lists**

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

[...]

Sec.112.12 Maintenance of Eligibility

112.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

112.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County Service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, such promotive credit points and the previous rank shall be restored.

112.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with promotive credit points and previous rank restored.

112.12.4 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec.112.13 The Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial ~~n~~Notice of Certification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within thirty (30) days from the date of adoption of an eligible list.

[...]

Rule 112 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 112, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

[...]

Sec.112.17 Official Adoption Date

- 112.17.1 Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Department of Human Resources during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.
- 112.17.2 If protests are received during the posting period, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.
- 112.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 112.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec.112.18 Duration of Eligibles

- 112.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 112.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Sec.112.19 Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of certification-Certification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within thirty (30) days from the date of adoption of the eligible list.

Comment [311]: This language mirrors the language in Section 112.13

ATTACHMENT C

Rule 411A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.29 Certification and Use of the Eligible List

411A.29.1 The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Municipal Transportation Agency, the initial ~~Notice of~~ eCertification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

~~411A.29.2 If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).~~

Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule

411A.30.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.30.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Municipal Transportation Agency shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

[...]

Rule 412 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.12 Maintenance of Eligibility

412.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

412.12.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.

412.12.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible list with promotive credit points and previous rank restored.

412.12.4 The MTA Director of Transportation/Designee is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec. 412.13 The Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within thirty (30) days from the date of adoption of an eligible list.

[...]

Rule 412 Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

[...]

Sec. 412.17 Official Adoption Date

412.17.1 A tentative eligible list shall be posted. Any protests must be filed in the office of the MTA Director of Transportation/Designee during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.

412.17.2 If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.

412.17.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.

412.17.4 Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec. 412.18 Duration of Eligibles

412.18.1 As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

412.18.2 Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Sec. 412.19 Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial ~~a~~Notice of Certification to eligibles as provided elsewhere in the Civil Service Rules shall be issued within thirty (30) days from the date of adoption of the eligible list.

[...]

Rule 413 Certification of Eligibles

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.10 Response Period/Notice of Certification

~~413.10.1~~ ~~Notice of Inquiry~~

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

~~413.10.2~~ ~~Notice of Certification~~

- ~~1) Eligibles are required to respond to the Office of the MTA Director of Transportation/Designee within five (5) business days after the date of such Notice.~~
- ~~2) Eligibles are required to notify the MTA Director of Transportation/Designee as to their certification status within seven (7) business days after the date of the Notice of Certification.~~

413.10.1 For each available position, the MTA Director of Transportation/Designee shall certify to the hiring MTA department(s) the names of all eligibles who are reachable pursuant to the established certification rule.

413.10.2 The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring MTA department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 413.11 Optional Departmental Inquiry

413.11.1 Upon receipt of the Notice of Certification by the MTA Director of Transportation/Designee, the hiring MTA department may choose to issue at its option a Departmental Inquiry to all reachable eligibles for the purpose of:

- 1) Assessing the interest of all reachable eligibles in the specific position in the department; and/or
- 2) Requesting additional information or submissions from all reachable eligibles as part of a post-referral selection process

413.11.2 In the event that the hiring department elects to send the optional Departmental Inquiry to all reachable eligibles:

- 1) Eligibles shall be afforded at minimum five (5) business days to respond to a Departmental Inquiry. Response period time limits may be extended by the MTA Director of Transportation/Designee.
- 2) If all eligibles at a score waive the opportunity and/or fail to respond within the time limit established in the Departmental Inquiry, the hiring department may request from the MTA Director of Transportation/Designee a supplementary certification(s) from the next highest score(s) in accordance with the provisions of this Civil Service Rule.

Sec. 413.12 Certification Results

- 3) MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within twenty (20) business/sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee.

~~413.10.3 Extensions~~

~~Response period time limits may be extended by the MTA Director of Transportation/Designee.~~

~~Sec. 413.11 Effect of Failure to Respond~~

- ~~413.11.1 An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.~~

~~Sec. 413.11 Effect of Failure to Respond (cont.)~~

- ~~413.11.2 Unless the MTA Director of Transportation/Designee determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.~~

Sec. 413.1213 Waivers

413.1213.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) ~~For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.~~
- 3) ~~For failure to notify the MTA as to the eligible's status within seven (7) days following certification.~~

42) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. ~~A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class.~~ Such waiver may not be withdrawn unless ordered by the MTA Director of Transportation/Designee.

53) For reasons prescribed elsewhere in these Rules.

64) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the MTA to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or MTA Director of Transportation/Designee may not be removed unless ordered by the Civil Service Commission or MTA Director of Transportation/Designee.

413.123.2 Waiver of Part-Time Employment

Any permanent part-time position may be declared by the MTA Director of Transportation/Designee to be under conditional waiver and ~~eligibles may then waive certification without penalty for.~~ An eligible who accepts appointment to a full permanent part-time position. ~~An eligible who accepts such appointment shall retain eligibility for appointment to a permanent full-time position.~~

413.123.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

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

413.123.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) Notices of Certification offers of employment resulting from certification off of the eligible list. Refusal of consideration from the third (3rd) Notice of Certification offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class. ~~The non-selection by the department of an available eligible shall not be recorded as a refusal.~~

~~4) Unless otherwise ordered by the MTA Director of Transportation/Designee, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.~~

413.123.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.
- 2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.
- 4) ~~Withdrawal of waivers shall not interfere with nor affect the rights of eligibles next in line whose names have been certified to the MTA hiring department for certification consideration and to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.~~
- 5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 413.143 Change of Address

~~In all cases of change of address, the Office of the MTA Director of Transportation/Designee must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits. It is the responsibility of eligibles to notify the MTA of any change of address.~~

[...]



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

August 8, 2014

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: REQUEST FOR STATUS GRANTS PURSUANT TO AGREEMENT BETWEEN THE CITY & COUNTY OF SAN FRANCISCO AND THE SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1021.

The above matter will be considered by the Civil Service Commission at a meeting to be held on **August 18, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

CIVIL SERVICE COMMISSION


JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Donna Kotake, Department of Human Resources
Ted Yamasaki, Department of Human Resources
Luenna Kim, Human Services Agency
David Canham, SEIU Local 1021
Commission File
Commissioners' Binder
Chron

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 10

Johnston, Jennifer (CSC)

From: Moreno, Amanda (HSA)
Sent: Monday, August 11, 2014 12:23 PM
Subject: Update on the Status Grant Process

Dear Employee:

During 2014 labor contract negotiations between SEIU, Local 1021 and the City and County of San Francisco, an agreement was reached to resolve all outstanding matters related to flexible staffing in the Human Services Agency.

Under the agreement, the Union is withdrawing all claims and grievances related to flexible staffing for the following classifications: 2903/2905, 9702/9703 and 2910/2912. Additionally, certain employees in those classifications were entitled to receive back pay in exchange for the release of all claims and grievances related to flexible staffing. Those employees have been notified and we would like to thank them for picking up their checks in a timely manner.

The Agency is now working on transitioning the above classifications into deep classes consisting of 10 salary steps. As a result, HSA is requesting that HSA employees in the 2903 and 9702 classifications be status granted into the next classification in their series. Additionally HSA employees in the 2910 and 2912 classifications be status granted into a new, Human Services Agency specific classification, the 2918 Human Services Agency Social Worker.

In negotiations, the City and Union agreed that the City would advocate to the Civil Service Commission that HSA incumbents in 2903, 2910 and 9702 classifications receive civil service status in the next classification as detailed above. Therefore, the Agency is going before the Civil Service Commission **on August 18, 2014** at 2pm in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, to request the approval of the status grant. The agenda will be posted for your review on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting" no later than end of day on Wednesday, August 13, 2014. The Commission will rule on the information submitted and any testimony provided at its meeting. All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m. You may contact the Executive Officer of the Civil Service Commission at (415) 252-3247 or at Jennifer.Johnston@sfgov.org if you have any questions regarding meeting procedures.

If approved, all HSA employees in the 2903/2905 series will be classification 2905 Human Services Agency Senior Eligibility Workers, HSA employees in the 9702/9703 series will be classification 9703 Human Services Agency Employment & Training Specialists II and HSA employees in the 2910/2912 series will be classification 2918 Human Services Agency Social Workers.

The Agency will continue to provide employees with updates on the status grant process as it occurs.

Thank you,
Amanda Moreno
Personnel Analyst, Employee/Labor Relations
Human Services Agency

ELR: (415) 557-5973 | Fax: (415) 557-5211
Office: 1650 Mission, 2nd Floor, San Francisco, CA 94103
Mailing: P.O. Box 7988, San Francisco, CA 94120

Johnston, Jennifer (CSC)

From: Johnston, Jennifer (CSC)
Sent: Monday, August 11, 2014 9:01 AM
To: David Canham (david.canham@seiu1021.org); Poon, SinYee (HSA)
Cc: Bushman, Jennifer (Maglalang) (CSC)
Subject: CSC Notice of Meeting for August 18, 2014 AND Staff Report
Attachments: Request for Status Grants Pursuant to Agreement between the CCSF & Service Employees International Union, Local 1021 (Notice of Meeting).pdf; Status Grant Request (Staff Report).pdf

Hi David and Sin Yee:

I wanted to make sure that you both had a copy of the staff report in case you receive any questions from your members. Also attached is the notice of meeting that went out to David on Friday.

HSA will be sending notices out to all affected employees if they have not done so already (they should have already reviewed the communication with David). Please call me if you have any questions or concerns.

Sincerely,

Jennifer Johnston
Executive Director
Civil Service Commission
City and County of San Francisco
Phone: (415) 252-3247
Fax: (415) 252-3260
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102
www.sfgov.org/Civil_Service

From: Bushman, Jennifer (Maglalang) (CSC)
Sent: Monday, August 11, 2014 8:55 AM
To: Johnston, Jennifer (CSC)
Subject: FW: CSC Notice of Meeting for August 18, 2014

From: Bushman, Jennifer (Maglalang) (CSC)
Sent: Friday, August 08, 2014 2:56 PM
To: Kotake, Donna (HRD); Yamasaki, Ted (HRD); Kim, Luenna (HSA); 'david.canham@seiu1021.org'
Cc: Eng, Sandra (CSC)
Subject: CSC Notice of Meeting for August 18, 2014

Dear Colleagues:

Please see the attached **NOTICE OF CIVIL SERVICE COMMISSION MEETING** scheduled before the Civil Service Commission for its review during its meeting of **August 18, 2014**. This shall serve as formal notification; you will not receive a hard copy via U.S. or inter-office mail.

Sincerely,

Staff Report

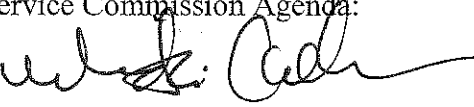


CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: ___ - __ -
2. For Civil Service Commission Meeting of: August 18, 2014
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda X
 Human Resources Director's Report
4. Subject: Request for Status Grants Pursuant to Agreement between the City & County of San Francisco and the Service Employees International Union, Local 1021
5. Recommendation: Adopt the report.
6. Report prepared by: Luenna Kim Telephone number: 415 557-5751
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).**
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: 

Date: 8/18/14
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

Attachment

CSC RECEIPT STAMP

Notification List
HSA Status Grants

David Canham
Field Representative
SEIU Local 1021
350 Rhode Island Street, Suite 100
San Francisco, CA 94103

Luenna Kim
Human Services Agency
Human Resources
P.O. Box 7988
San Francisco, CA 94120

Ted Yamasaki
Managing Deputy Director
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Donna Kotake
Workforce Development Director
Department of Human Resources
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103



Edwin M. Lee, Mayor

Department of Human Services
Department of Aging and Adult Services

Trent Rhorer, Executive Director

Date: August 7, 2014
To: The Honorable Civil Service Commission
Through: Micki Callahan, Director of Human Resources
From: The Human Services Agency
Subject: Request for Status Grants Pursuant to Agreement between the City and County of San Francisco and the Service Employees International Union, Local 1021

A. OVERVIEW

The Human Services Agency requests the Civil Service Commission grant permanent civil service status to two hundred ninety seven (297) Human Services Agency incumbents as follows:

- Two hundred and thirty eight (238) current permanent civil service Human Services Agency incumbents in classification 2903 Eligibility Worker allocated to classification 2905 Human Services Agency Senior Eligibility Worker (see attachment 1);
- Forty-nine (49) current permanent civil service Human Services Agency incumbents in classification 2910 Social Worker allocated to classification 2918 Human Services Agency Social Worker (see attachment 2); and
- Ten (10) current permanent civil service Human Services Agency incumbents in classification 9702 Employment and Training Specialist I allocated to classification 9703 Human Services Agency Employment & Training Specialist II (see attachment 3).

The Human Services Agency also requests the Civil Service Commission delegate authority to the Director of Human Resources to grant status to future Human Services Agency incumbents in classification 2903 Eligibility Worker through April 7, 2015.

B. AUTHORITY/STANDARDS

Sec. 109.1 Authority

- 109.1.1** As provided under the Charter Section 10.103 of the City and County of San Francisco, the Human Resources Director shall have the duty and authority to establish a system of job classification and to allocate each position to a job class.
- 109.1.2** The Human Resources Director shall have the responsibility and authority to allocate new positions to a class based on the level and type of assigned duties as applicable under this Rule. Groups of positions form a class when it is determined by the Human Resources Director that the duties are at the same level of responsibility and authority.
- 109.1.3** The Human Resources Director, when notified of a significant change in duties, shall analyze positions. If it is determined by the Human Resources Director, through a job analysis, that the level and/or function of the assigned responsibilities have changed significantly and are no longer consistent with the existing class, the position will be reclassified.
- 109.1.6** The Human Resources Director has the authority to make changes to the Classification Plan including creating new classes, abolishing, consolidating or amending classes consistent with the Classification Plan.

Sec. 109.10 Effects of Classification Changes on the Status of Incumbents

- 109.10.2 Division of One Class into Two or More Classes**
When a class is divided into two or more classes, an employee who has permanent civil service status within the class which is divided is granted status to the new class or classes which reflect(s) the primary responsibility of the employee. The determination of which class or classes reflect(s) an employee's primary responsibilities is made by the Human Resources Director.
- 109.10.3 Upward Reclassification**
When a position occupied by an employee with permanent civil service status is upwardly reclassified, the employee is given status in the new, existing or amended class subject to the limitations provided in this Rule.
- 109.10.4 Lateral Reclassification**
When a position occupied by an employee with permanent civil service status is laterally reclassified, the employee is given status in the new, existing or amended class.

109.10.7 Implementation of Status

All permanent employees in positions in the former class who have been reallocated to a new class, are granted status in positions in the new class as of the effective date as determined by the Human Resources Director.

Sec. 109.11 Limitations Under this Rule

109.11.1 The allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant legally holding such a position under permanent appointment. If there is an adverse effect on the civil service rights of an occupant legally holding such a position under permanent appointment, such allocation or reallocation shall be effected when the position becomes vacant by reassignment or for other reason(s), except when earlier implementation is approved by mutual agreement with the appropriate recognized employee organization. Pending such reallocation, the incumbent shall continue in the position.

109.11.2 In administering this Rule, if the difference between the salary ranges of the former class and the new class is more than seven and one half (7½) percent, a significant difference in the scope of responsibility shall be deemed to exist, and status shall not be granted unless approved by the Civil Service Commission.

109.11.3 An employee must meet the minimum qualifications for the position in order to be eligible for status.

Sec. 109.15 Civil Service Seniority

Civil service seniority for employees granted status under Civil Service Commission Rule 109 shall be carried forward and is calculated from the date of certification in the former class prior to reclassification.

C. BACKGROUND/STATEMENT OF FACTS

At its February 4, 2013 meeting, the Civil Service Commission (Commission) heard an appeal by the Service Employees International Union, Local 1021 (SEIU 1021) regarding a job announcement for classification 2903 Eligibility Worker at the Human Services Agency (HSA or Agency). The Commission voted to deny the appeal and to uphold the decision of the Human Resources Director, but “directed the Executive Officer and the Human Resources Director to meet with SEIU, Local 1021 to discuss the classification concerns that were raised and to provide a report clarifying the issues and identifying the avenues of resolution within the jurisdiction of the Civil Service Commission by April 2013.”

At a subsequent meeting in April 2013, the Department of Human Resources (DHR) requested, and the Commission granted, an extension on the report submission deadline in order to allow the parties more time to try to reach agreement on the classification issues at HSA. DHR and SEIU 1021 were unable to resolve the issues in the course of those discussions so the matter was scheduled before the Commission again at its meeting of February 3, 2014. At that meeting, the Commission voted to adopt DHR's report (see attachment 4, without attachments) on the condition that DHR "reports back to the Commission at the conclusion of negotiations with SEIU, Local 1021 in or around May 2014, in the event that there are any outstanding Eligibility Worker classification issues within the Civil Service Commission's jurisdiction that the parties were unable to resolve through the [labor contract] negotiations process."

In the course of 2014 labor negotiations, the City and County of San Francisco (City) and SEIU 1021 reached an agreement to resolve all outstanding matters related to flexible staffing within HSA. As part of the agreement, the City agreed to "jointly petition to the Civil Service Commission" to propose and to advocate that HSA incumbents with permanent civil service (PCS) appointment in classifications: 2903 Eligibility Worker; 9702 Employment & Training Specialist I; and 2910 Social Worker; be awarded status in their respective flex classifications: 2905 Senior Eligibility Worker; 2912 Senior Social Worker; and 9703 Employment & Training Specialist II. It was further agreed that the classification 2903 Eligibility Worker would become a Department of Public Health (DPH) only classification. In preparation for the permanent status grant request, HSA worked closely with DHR to address the following classification updates:

1. Proposed Rescope and Adoption of Specifications for 2903 Eligibility Worker - Department of Public Health Only Classification

In collaboration with DHR, the classification specification for the 2903 Eligibility Worker will be rescoped to a DPH only classification. The classification will reflect the current duties required of the work performed in DPH. The proposed classification (2903) will be presented to SEIU 1021 and posted for public comment.

2. Retitle, Rescope and Adoption of Specifications for 2905 Human Services Agency Eligibility Worker - Human Services Agency Only Classification

In collaboration with DHR, the classification specification for the 2905 Senior Eligibility Worker was rescoped to reflect the work performed in the context of HSA. The classification designation as an HSA classification is intended to reflect the work performed from entry level through the senior level. It is important to note that the City and SEIU 1021 agreed to establish a salary schedule for the newly rescoped 2905 classification using a deep class model—with five additional salary steps added to appropriately compensate incumbents who perform increasingly complex work assignments.

The proposed classification (2905) was presented to SEIU 1021 and posted for public comment on July 14, 2014. (Classification Action #51). The classification was adopted on July 22, 2014. A copy of the class specification is included in Attachment 5.

3. Adoption of Specifications for 2918 Human Services Agency Social Worker - Human Services Agency Only Classification

In preparing for the implementation of the agreement to seek status grants for current HSA employees in classification 2910 Social Worker into classification 2912 Senior Social Worker, it was determined that there was one (1) permanent incumbent 2912 Senior Social Worker employed by DPH. Because of this, the designation of 2912 as an HSA only classification was not a viable option. Thus, in collaboration with DHR, a new classification, 2918 Human Services Agency Social Worker, was proposed.

The new 2918 classification mirrors the duties of the current 2912 Senior Social Worker, but sets the context for work that is specific to HSA. Similar to the deep class model used for the 2905 classification, the salary schedule for the 2918 classification includes additional steps to reflect appropriate compensation for incumbents who perform increasingly complex work assignments.

The proposed classification (2918) was presented to SEIU 1021 and posted for public comment on July 14, 2014. (Classification Action #4). The classification was adopted on July 22, 2014. A copy of the class specification is included in Attachment 6.

4. Rescope and Adoption of Specifications for 9703 Employment & Training Specialist II - Human Services Agency Only Classification

The newly rescoped 9703 Employment & Training Specialist II classification sets the context for the duties performed specifically at HSA. Similar to the other classification updates, the City and SEIU 1021 agreed to establish a salary schedule for the 9703 classification using a deep class model. Therefore, five additional salary steps were added to the 9703 classification with the level of responsibility and complexity of work increasing with each step.

The proposed classification (9703) was presented to SEIU 1021 and posted for public comment on July 14, 2014. (Classification Action #51). The classification was adopted on July 22, 2014. A copy of the class specification is included in Attachment 7.

D. DISCUSSION

HSA, SEIU 1021, and DHR have been working collaboratively to implement the terms of the negotiated agreement. In preparation for the implementation of the agreement, meetings have taken place with SEIU 1021 to review and to discuss the proposed classifications. In addition, affected incumbents in the HSA classifications have been informed of both the development of the rescoped classifications and the status granting process.

Given this, the Agency requests the Civil Service Commission grant PCS status to two hundred ninety seven (297) HSA incumbents as follows:

- Two hundred and thirty eight (238) current HSA PCS incumbents in classification 2903 Eligibility Worker allocated to classification 2905 Human Services Agency Senior Eligibility Worker (see attachment 1);

- Forty-nine (49) current HSA PCS incumbents in classification 2910 Social Worker allocated to classification 2918 Human Services Agency Social Worker (see attachment 2); and
- Ten (10) current HSA PCS incumbents in classification 9702 Employment and Training Specialist I allocated to classification 9703 Human Services Agency Employment & Training Specialist II (see attachment 3).

In order to prepare for the next open enrollment period of the Affordable Care Act, the Agency must continue to hire eligibility workers during the next several months. Thus, the Human Services Agency also requests the Civil Service Commission to delegate authority to the Director of Human Resources to grant status to future Human Services Agency incumbents in the 2903 Eligibility Worker classification through April 7, 2015. This will allow the Agency to establish a classification 2905 eligible list and to complete the post referral selection process.

It is important to note that in preparation for this status grant request for incumbents in classification 2910 Social Worker to the 2918 Human Services Agency Social Worker classification, HSA submitted a request to the Human Resources Director to grant status to ninety-one (91) HSA incumbents currently in classification 2912 Senior Social Worker to the newly adopted lateral classification of 2918 Human Services Agency Social Worker. This preliminary action was intended to ensure that a lateral reclassification for HSA incumbents from 2912 Senior Social Worker to 2918 Human Services Social Worker was prioritized for status grants. The Human Resources Director, pursuant to the authority delegated by the Civil Service Commission, granted permanent status to the HSA incumbents identified in attachment 8, effective Monday, August 11, 2014.

E. CONCLUSION

HSA, with the support of SEIU 1021, recommends that the Civil Service Commission grant status to all HSA permanent civil service incumbents in classification 2903 Eligibility Worker, classification 2910 Social Worker, and classification 9702 Employment and Training Specialist I to classifications specified in Attachment 9. Then, implementation of the classification consolidation may be finalized.

ATTACHMENTS

- 1) – List of Classification 2903 Eligibility Workers
- 2) – List of Classification 2910 Social Workers
- 3) – List of Classification 9702 Employment & Training Specialists I
- 4) – DHR Report regarding Classification 2903 dated December 5, 2013
- 5) – 2905 Human Services Agency Senior Eligibility Worker Class Specifications
- 6) – 2918 Human Services Agency Social Worker
- 7) – 9703 Employment & Training Specialist II Class Specifications
- 8) – Administrative Status Grant Staff Report for Classification 2912
- 9) – Draft Language from SEIU Local 1021 2014-17 Memorandum of Understanding

Attachment 1

1. Vivian M Porter – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
2. Gladiola M Agbayani-Chua – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
3. Amalia G Dizon – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
4. Justin A Hyun – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
5. Suzanne T Kwok – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
6. Jennifer M Acha – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
7. Debby Y Leung – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
8. Raul A Gomez – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
9. Denise M Lopez – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
10. Patricia Castillo – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
11. Maria J Molina – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
12. Luis A Palomar – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
13. Dinei O Leao – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
14. Sagrario H Medina – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
15. Aminah Dos – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
16. Wendy W Hu – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
17. Jennifer L Venegas – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
18. Jeannie M Chan – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
19. Kristen A Kirkpatrick – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
20. Paolo A Victorino – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
21. Corinna L Mok – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
22. Jane Huang – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

23. Hue-Thanh Tran – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
24. Simon Lee – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
25. Kit Y Sin – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
26. Yolanda E Harris – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
27. Yakob T Kflom – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
28. Shatara Winston – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
29. Leonie K Yuen – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
30. Peggy V Kong – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
31. Gleceria D Alog – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
32. Nakisha L Jackson – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
33. Ken C Ngai – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
34. Walter J Bartas – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
35. Hoa L Ngo – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
36. Sandra M Oriol – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
37. Kimbra N Whitaker – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
38. Cummings C Nauer – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
39. Lai Ping Lisa Carol Szeto – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
40. David M Escobosa – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
41. Stephen C Mau – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
42. Shu Shin Kyaun – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
43. Milagros M Verde – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
44. Irina G Brodskiy – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
45. Tina Latham-Brown – Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

46. Judith N Tenorio– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
47. Anne H Li– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
48. Randy H Mano– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
49. Karla V Garcia– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
50. Ananda Admiral– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
51. Jose A Serrano– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
52. Alberto B Ramos– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
53. Andrew Kyauk– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
54. Fiona K Chan– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
55. Randy E Higgins– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
56. Raquel S Toruno-Quant– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
57. Lea Neil Amul– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
58. Jasmine A Lintz– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
59. Maksim Shapiro– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
60. Ricardo M Corona– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
61. Mai V Phung– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
62. Sally P Lamus– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
63. Lourdes Mendez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
64. Aileen S Alcantara– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
65. Carolyne Rangel– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
66. Amanda Q Dang– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
67. Mei W Ip– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
68. Sammy Cierra– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

69. Derrick Y Chong– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
70. Andy Y.H. Cheung– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
71. Holly E Uzzle– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
72. Tiffany N Gage– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
73. Monica Ann M Cabalsa– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
74. Christopher A Kramer– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
75. Wayne Leung– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
76. Odioh G Odiye– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
77. Yin Ki Shum– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
78. Martha A Moran– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
79. Araceli M Erazo– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
80. Aisha T Brown– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
81. Debbie L Marcal– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
82. Margarita D Laguan– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
83. Janet R Leung– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
84. Amy Y Ng– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
85. Beryl Wong– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
86. Phu K Ngay– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
87. Evanna Y Lee– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
88. Emmy Yong He– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
89. Yat Y Tam– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
90. Edwin A Narvaez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
91. Francis M Lee– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

92. Ebony J Smith– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
93. Kellie L Hewlett– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
94. Lennie F Agdeppa– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
95. Henh P Lenh– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
96. Janice L Chong– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
97. Jennifer C Law– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
98. David Ngo– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
99. Javier Gutierrez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
100. Lubov Ovtchinikova– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
101. Maria Lorna L Cortes– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
102. Jonathan Chea– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
103. Kenneth H Pang– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
104. Kei M Chan– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
105. Joselyn Caceres– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
106. Maryanne G Rull– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
107. Debra A Bolds Sykes– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
108. Louann R Edgar– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
109. Kathy F Louie– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
110. U Fei Wong– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
111. James D Ward– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
112. Queenie Law– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
113. Ching Ha Tso– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
114. Barry Y Hyun– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

115. Florence Lai H Siu– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
116. Angela L Leung– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
117. Albert W Mar– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
118. Juancarlos Henriquez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
119. Nancy E Flores– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
120. Leanne N Kwok– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
121. Jessica T Hooker– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
122. Hung Fai S Tang– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
123. Aimee G Jimenez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
124. Leticia Maresgil– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
125. Kenneth C Tang– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
126. Yannis Lin– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
127. Jonathan Ian Bongco– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
128. Ellaine Ramos– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
129. Manna Chen– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
130. Milagros G de Aquino– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
131. Mandy Huie– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
132. Ruth W Mbugua– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
133. Regina L Powell– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
134. Claudia J Alvarenga– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
135. Mimi Su– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
136. Jose Humberto Trinidad– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
137. Paola K Lobos-Gonzalez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

138. Gulshod A Tashmukhamedova– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
139. Marnisha N Conney– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
140. Herman A Chan– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
141. Ramona K Manheim– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
142. Tian Ming Ouyang– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
143. Priscilla J Prado– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
144. Thuy Wong– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
145. Carissa G Bess– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
146. Thomas E Kent– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
147. Alexis Kruse– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
148. Vincent C Lee– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
149. Michael V Moniz– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
150. Li Xia Ruan– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
151. Elizabeth A Vargas– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
152. Christopher W Yee– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
153. Abel M Alejandrino– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
154. Cristobal Bonal– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
155. Sophear Meas– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
156. Raushanah D Traxler– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
157. Davey Ike G Argarin– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
158. Tiamanika D Blackburn– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
159. Huimin Chen– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
160. Jennifer A Corwin– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

161. Margot L Haley– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
162. Beverly Martin– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
163. Melanie W Dunbar– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
164. Erica A Raiti– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
165. Allen Tam– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
166. Vera V Babanova– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
167. Jose Harold A Acosta– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
168. Anna Fishkina– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
169. Po Che Cheng– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
170. Joyce Fong– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
171. Jimmy Tam– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
172. Karla J Fernandez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
173. Paula A Lee– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
174. Lan T Liu– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
175. Carrie Williams– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
176. Laura M Duenas– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
177. Nikcole T Lowery– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
178. Michelle N Nan– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
179. David W Chalk– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
180. Christina Chen– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
181. Arturo Galarza– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
182. Grace A Chen– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
183. Akira J Robinson– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

184. Tami L Bryant– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
185. Cherubin D De Lara– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
186. Erin M Austin-Perro– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
187. Judy L Hansen– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
188. Ty-Sonja A Rutkauskas– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
189. Nancy Wong– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
190. Keshia Yusman– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
191. Linda A Collazos-Fournet– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
192. Chi Hong Leung– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
193. Sissy Sullivan– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
194. Warren J Macmillan II– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
195. Marjorie S Rosales– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
196. Robyn L Poetsch– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
197. Amy Giang– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
198. Marizella S Murillo– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
199. Allison P. Lee– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
200. Geralyn M Argarin– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
201. Fionny O Tang– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
202. Courtney N Lyons– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
203. Irene O Poon– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
204. Nelly F Garcia– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
205. Yin Lam Wong– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
206. Yun B Liang– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

207. Melyssa C Preza– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
208. Yanli Guan– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
209. Alejandra L Lopez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
210. Ryan Paul V Nebres– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
211. Esther Dixon– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
212. Bruce Parker– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
213. Amilcar S Stavinsky-Velasquez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
214. Roger Y Tan– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
215. Hedwing J Estrada– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
216. Peter Vongnakhone– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
217. Tsz Yan (Queenie) Lee– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
218. Adriana P Uribe– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
219. Kaiming Tam– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
220. Jacqueline M Warrington– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
221. Roberto A Coronado Salas– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
222. Claire M Leflore– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
223. Thanh H Ly– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
224. Karen C Ha– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
225. Dana R Le Grande– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
226. Rockson C Yan– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
227. Chon Wa Lao– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
228. Kevin S Leung– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
229. Gerald W Booker– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

230. Pauline Ong– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
231. Wendy Pacheco– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
232. Nina Xing– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
233. Patricia E Herrera-Hernandez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
234. Lidette W Becerra– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
235. Neshea A Burrell– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
236. Cristina R Carazo Brenes– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
237. Joanne Leung– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.
238. Marcella A Gonzalez– Grant permanent status *from* class 2903 Eligibility Worker *to* class 2905 Human Services Agency Senior Eligibility Worker.

Attachment 2

1. Christina L Zach– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
2. Helen H Chong– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
3. Yuk M Pang– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
4. Angel Yuen– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
5. Stefan D Arcelona– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
6. Daniel Hong– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
7. Traci M Logan– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
8. Ana C Curtin– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
9. Joel G Carter– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
10. Lucia E Granger– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
11. Susan I Strebe– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
12. Angela G Gumba– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
13. Victor Ly– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
14. Elizabeth K London– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
15. Numa G Aubry– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
16. Alia N Luqman– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
17. Donyelle D Gittens– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
18. Jullian Mak– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
19. Siu Kai Lin– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
20. Kerry E Sheehan– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
21. Adela Stagnaro– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.

22. Deborah L Espinola– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
23. Ligia E Morell– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
24. Letesha M Holley– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
25. Olga L Munoz– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
26. Kimberly G Wong– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
27. Paula K Santos– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
28. Ann E Murthil– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
29. Theresa D Ray– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
30. Nicole C Wilburn– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
31. Eileen Tomiko Eya– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
32. Jennifer M Nakamura– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
33. Yuet L Lam– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
34. Kristin M Wilson– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
35. Kerissa K Lynch– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
36. Onika H Shabazz– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
37. Jorin Bukosky– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
38. Ayoola Mitchell– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
39. Lauren L Jarrell– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
40. Angelique F A Huerta– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
41. Carman S Yuen– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
42. Janny J Shen– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
43. Peyton E Stewart– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
44. Adela E Morales– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.

45. Lok Lam Choi– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
46. Christina Chen– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
47. Kevin Kwong– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
48. Arturo Galarza– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.
49. Sydney A Fisher– Grant permanent status *from* class 2910 Social Worker *to* class 2918 Human Services Agency Social Worker.

Attachment 3

1. Lam D Doan– Grant permanent status *from* class 9702 Employment & Training Specialist I *to* class 9703 Human Services Agency Employment & Training Specialist II.
2. Anthony S Cuvi– Grant permanent status *from* class 9702 Employment & Training Specialist I *to* class 9703 Human Services Agency Employment & Training Specialist II.
3. Rita Zakhrabova– Grant permanent status *from* class 9702 Employment & Training Specialist I *to* class 9703 Human Services Agency Employment & Training Specialist II.
4. Michael J Boos– Grant permanent status *from* class 9702 Employment & Training Specialist I *to* class 9703 Human Services Agency Employment & Training Specialist II.
5. Irvin E Lazo– Grant permanent status *from* class 9702 Employment & Training Specialist I *to* class 9703 Human Services Agency Employment & Training Specialist II.
6. Winston Cheuk– Grant permanent status *from* class 9702 Employment & Training Specialist I *to* class 9703 Human Services Agency Employment & Training Specialist II.
7. Ngoc Q Nguyen– Grant permanent status *from* class 9702 Employment & Training Specialist I *to* class 9703 Human Services Agency Employment & Training Specialist II.
8. Carole L Allen– Grant permanent status *from* class 9702 Employment & Training Specialist I *to* class 9703 Human Services Agency Employment & Training Specialist II.
9. Elaine D Diep– Grant permanent status *from* class 9702 Employment & Training Specialist I *to* class 9703 Human Services Agency Employment & Training Specialist II.
10. Sara E Garcia– Grant permanent status *from* class 9702 Employment & Training Specialist I *to* class 9703 Human Services Agency Employment & Training Specialist II.



Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

Attachment 4
MEMORANDUM

DATE: December 5, 2013

TO: The Honorable Civil Service Commission

THROUGH: Micki Callahan, Human Resources Director *Micki Callahan*

FROM: Martin Gran, Employee Relations Director *Martin Gran*

SUBJECT: Report by the Department of Human Resources regarding the issues related to class 2903 Eligibility Worker raised at the Civil Service Commission Meeting of February 4, 2013.

Introduction

At its meeting on February 4, 2013, the Civil Service Commission ("CSC" or "Commission") denied an October 4, 2012 appeal filed by SEIU Local 1021 ("SEIU" or "Union") on behalf of incumbents serving as 2903 Eligibility Workers and 2905 Senior Eligibility Workers. The Commission further directed the Executive Officer and the Human Resources Director to: (a) meet with SEIU to discuss the classification concerns that SEIU raised; and (b) provide a report clarifying the issues and identifying any avenues for resolution within the jurisdiction of the Civil Service Commission.

The crux of the Union's complaint is that the City suspended the flexible staffing program that, pursuant to CSC Rules, the City has discretion to apply to positions on an announcement-by-announcement basis.

Background

The Human Services Agency ("HSA") and the Department of Public Health ("DPH") both employ individuals in the 2903 Eligibility Worker classification. The 2903s at HSA work under general supervision and perform a variety of duties in order to make eligibility determinations for public assistance in a variety of human service programs. (See Attachment 1.) The 2903s at DPH work at various public health facilities under general supervision and perform a variety of eligibility and related clerical and administrative duties. (See Attachment 1.)

The 2905 Senior Eligibility Workers at HSA are responsible for implementing defined rules and regulations pertaining to various categorical aid programs and explaining them to applicants and the general public. The 2905s regularly meet with clients, relatives, representatives of outside agencies and the public. The 2905s perform the full range of assigned duties of their classification and receive only occasional instruction or assistance as new or unusual situations arise.

A flexible staffing program allows permanent civil service employees who have passed the probationary period and meet the criteria established on the job announcement for specific class(es) to promote to higher level classes within an occupational series by methods other than traditional selection procedures. It reduces exam needs and facilitates promotive opportunities to employees.

However, "flexing" will be permitted only where there is a demonstrated Departmental need and where the Department has a budgeted position. Historically, a promotion to a higher level class is not automatic, but at the discretion of the Appointing Officer. In filling a vacancy, the employing Department has the discretion to utilize either flexible staffing or open recruitment.

Unlike HSA, DPH does not employ the 2905 Senior Eligibility Worker classification, and it has never elected to use flexible staffing for this series. HSA does employ both classifications, and has, at various times, flexibly staffed these classifications. However, after 2009, flexible staffing was not included in the 2903 job announcements. (This was also true for earlier job announcements at HSA.)

Specifically, this is a classification series which, under Civil Service Rule 111.16, management could elect to flexibly staff under certain conditions. However, SEIU: (a) asserted that the most recent 2903 job announcement deviated from its job specification, and, therefore, violated Civil Service Rule 109.6; and (b) requested that HSA rescind and revise the 2903 job announcement at issue. SEIU also requested that the Civil Service Commission take appropriate action to remedy any situations whereby City departments use 2903 Eligibility Workers to perform the work of 2905 Senior Eligibility Workers.

On October 4, 2012, SEIU submitted an appeal to the Civil Service Commission on behalf of incumbents serving as 2903 Eligibility Workers and 2905 Senior Eligibility Workers. SEIU asserted that the job announcement for 2903 Eligibility Worker "deviate[d] from the official class specification," thereby making it indistinguishable from an announcement for 2905 Senior Eligibility Worker.

However, at the February 4, 2013 Civil Service Commission meeting, the Civil Service Commission denied SEIU's appeal of 2903 Eligibility Worker announcement. (See Attachment 2.)

SEIU has brought related claims in past. In 2010, SEIU filed a grievance alleging an MOU violation claiming HSA "unilaterally ended the practice of automatically promoting employees in Class 2903 Eligibility Workers to Class 2905 Senior Eligibility Workers after they had served one year in Class 2903." The City denied the grievance on the grounds that HSA was "not obligated to automatically promote Class 2903 Eligibility Workers to Class 2905 Senior Eligibility Workers, nor is that matter grievable under the [Collective Bargaining Agreement]." SEIU appealed the grievance to arbitration and the Deputy City Attorney declined to arbitrate on the grounds that the subject matter falls within the Civil Service Commission's jurisdiction. SEIU neither filed a complaint with the Commission nor moved to compel arbitration in court.

While the Commission denied SEIU's appeal, the Commission directed the Executive Officer and the Human Resources Director to meet with SEIU to discuss the classification concerns that SEIU had raised and to report back to the Commission. The Executive Officer met with SEIU in early March 2013 in order to better define SEIU's issues and concerns. While SEIU declined to meet with DHR, the union agreed to provide a comprehensive, formal statement of its concerns to the Department of Human Resources ("DHR") via email.

The Employee Relations Director, at the direction of the Human Resources Director, agreed to accept SEIU's electronic submission. DHR has reviewed and considered SEIU's concerns and has summarized them in this report. (Attachment 3.)

Relevant Rules, Adviser, Policies, Procedures, and MOU sections

CSC Rule 111.16 Authorization for Flexible Staffing Program

The Human Resources Director is authorized to establish flexible staffing programs to promote permanent civil service employees past the probationary period to higher classes within an occupational series or to another series by methods other than traditional selection procedures. In establishing a flexible staffing program, the Human Resources Director shall consider, among other factors, length of permanent service, performance appraisal ratings, availability of positions, budgetary restrictions, and equal employment opportunity. The specific procedures and qualifications established shall be listed in the flexible staffing examination announcement for the class(es) involved.

CSC Rule 109.16.2 Temporary Out-of-Class Assignments

109.16.1 In accordance with this Rule, an appointing officer may exercise Charter authority to assign an employee to perform any of the duties of the department to which appointed and to make any temporary out-of-class assignment to maintain the provision of any public service.

109.16.2 Temporary out-of-class assignment means the assignment of an employee without change in class to perform the normal day-to-day duties and responsibilities of another classification. Records of such temporary out-of-class assignment shall be placed in the employee's personnel file. An employee assigned to temporary out-of-class assignment may also request that the appointing officer/designee place the record in the employee's personnel file contemporaneous with the assignment. The record of temporary out-of-class assignments must be verified and approved by the appointing officer/designee prior to placement in the personnel file. The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary. The decision of the Human Resources Director shall be subject to appeal to the Civil Service Commission.

- 1) Temporary out-of-class assignment is distinguished from "temporary appointment" in that the latter refers to an appointment to a differently classified position in accordance with civil service appointment provisions and in accordance with budgetary requirements.
- 2) Temporary out-of-class assignment is distinguished from a short term or regular assignment of a minor portion of work duties which are allocated to a different class, but which are generally related to the regular duties or level of responsibility of the employee's current class.
- 3) The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary.
- 4) Temporary out-of-class assignments shall not be made when an appointment based on the regularly established Rules and procedures of the Civil Service Commission may be made. Temporary out-of-class assignments may be approved while an appointment through the established procedures is pending.
- 5) When a temporary out-of-class assignment is in order, selection and retention shall be at the discretion of the appointing officer or designee.

Civil Service Adviser No. 009-2000 – Out-of-Class Assignment

The Civil Service Commission establishes the definition and policy on temporary out-of-class assignments. The Department Head/Designee may make a temporary out-of-class assignment

to maintain the provision of any public service. This means the assignment of an employee without change in class to perform the day-to-day duties and responsibilities of another class.

SEIU Memorandum of Understanding – Out-of-Class/Acting Assignment

¶320. An employee assigned in writing by the Department Head to perform a substantial portion of the duties and responsibilities of a higher classification shall be entitled to out of class pay after the tenth (10th) work day (within a sixty (60) working-day period) of such an assignment, retroactive to the first (1st) day of the assignment.

¶321. Employees who believe they have been assigned to do the work of a higher classification, whether in writing or not, and do not receive such pay must file an out of class pay claim with the Department Head within forty-five (45) working days of such alleged assignment.

Issues

On May 16, 2013, SEIU posed the following clarifying questions to DHR claiming that the City is misusing HSA classifications 2903 and 2905:

- (A) In 2009, during the economic and budget crisis, HSA unilaterally suspended the flexing up in the flexible staffing series classes, and the Union was not notified of management's decision. Has the City indeed implemented a unilateral change when it suspended the flexible staffing program? And, if so, has the Union been notified of this change?
- (B) The lower classification (e.g., 2903s) was reported as being assigned the full range of work performed by the upper classification (e.g., 2905s). Is it the position of the City that Departments can make assignments without regard to the official job specifications of the classification of the employee, specifically in relation to the Eligibility Workers series (e.g., 2903 and 2905)? Has DHR established "administrative controls and procedures" to "administer and make effective" the provisions of the Temporary Out-of-Class Assignment Rule? And, if so, why have these "controls and procedures" not been utilized to halt the permanent out-of-class assignments of the lower flex incumbents at HSA, Child Support Services ("CSS"), and possibly other Departments?

Issue A

The Union claims there was a unilateral change during the economic and budget crisis; HSA suspended "the flexing up in the flexible staffing series class[ification]"; and Union was not notified of management's unilateral decision.

In reply, the Human Resources Director exercised the discretion allowed under the Rules to determine whether the 2009 job posting for 2903 should include provisions to allow automatic "flexing up" to the 2905 class. Several factors led to the decision not to provide for automatic upgrades. First, the City's budget crisis required austerity in hiring and promotions, a mandate that is inconsistent with automatic promotion. The City projected a \$229 million General Fund shortfall for FY 2008-09, and thereafter, a \$575.6 million shortfall for FY 2009-10 as well as projected budget deficits for those years. At the same time, the City experienced an imbalance of sources and uses due to a variety of reasons, including, but not limited to, voter-approved mandated spending requirements (e.g., Propositions), loss of one-time sources, and decreased funds from the State. Second,

Departments across the City discontinued filling higher-level positions in order to conserve funds. HSA was no exception.

At the beginning of fiscal year 2008-2009, the Controller's Services Auditor Division ("CSA") conducted a variety of studies to improve efficiency and effectiveness of City operations. CSA is charged via Charter – Proposition C (2003) - to conduct such analyses. At the end of 2008, the Mayor's then-Budget Director projected an unprecedented \$575.6 million shortfall for FY 2009-2010. Based on the projected FY 2009-2010 deficit, the Mayor's then-Budget Director provided Budget Instructions on December 11, 2008 to Department Heads to continue to seek and prioritize solutions to help reduce the shortfall, including but not limited to, administrative efficiencies, consolidation of programs and functions, restructuring service delivery and revenue options.

Accordingly, the Mayor asked HSA to cut \$21.7M or 25% in General Fund support from HSA's \$86.8M discretionary General Fund, which resulted in 12.5% in on-going target reductions and 12.5% contingency reductions. On January 29, 2009, the SF Human Services Commission called a special meeting, and Phil Arnold, then-Deputy Director of HSA, presented the HSA Budget Reduction Plan for FY 2009-2010. The January 29th Human Services Commission minutes reflect that the Union sent representatives and that SEIU 1021 spoke in opposition to the proposed reductions.

As SEIU was aware, in early 2009 HSA experienced a budget crisis, and, as a result, laid off a number of 2905 Senior Eligibility Workers. Many of the laid off workers were placed on a holdover list, while others were reinstated into their former 2903 Eligibility Worker classification. Responding to the Mayor's aforementioned general budget instructions, HSA determined that flex-staffing was no longer feasible for budgetary reasons. In response to the Budget Instructions, and in compliance with the directive to seek efficiencies in its operations, HSA budgeted vacant 2903 positions in the Annual Salary Ordinance ("ASO") and hired the eight laid off 2905s into the vacant 2903 positions.

The Union claimed that the department changed a core process of the flex program (i.e., that positions in 2905 classifications were flexibly staffed and normally filled by advancement from the 2903 classifications). However, contrary to the Union's assertion, flex staffing is not mandatory under the Civil Service Commission Rules.

Examples that flex staffing and promotive appointments are not mandatory include previous HSAs 2903/2905 job announcements (e.g., in 2007 and 1995) posted that "permanent appointees from a 2903 eligible list may advance to appointments in job code 2905..." and the Department of Public Health has never had flexible staffing for its 2903 positions.¹

The Civil Service Rule 111.16 contemplates that Appointing Officers may choose not to flexibly staff when budget constraints limit or prohibit the ability for incumbents to be flexibly appointed from a lower to a higher classification. Therefore, the Appointing Officer's decision to not flexibly promote does not constitute a unilateral change, as the Union characterized; rather, such limitations on the flex program demonstrate how the Rule allows departments to adhere to budgetary authority. The Rule clearly provides that appointments to the higher classification are not automatic, but are

¹ The Department of Public Health ("DPH") does not flex the 2903 Eligibility Worker, and does not use 2905 Senior Eligibility Workers. DPH does have a promotive classification, 2908 Hospital Eligibility Worker, but 2903s are not flexed up to this classification.

subject to additional criteria, whereby the Human Resources Director shall consider, "among other factors, length of permanent service, performance appraisal ratings, position availability, budgetary restrictions and equal employment opportunity. The specific procedures and qualifications established shall be listed in the flexible staffing examination announcement for the class(es) involved."

HSA has had job announcements (e.g., May 18, 2007, November 9, 2007 and March 24, 1995) recruiting for classifications 2903/2905 Eligibility Worker/Senior Eligibility Worker, in which the announcements provided for, but did not guarantee, "flexible staffing" consistent with the 2903 classification specifications adopted on February 13, 1968, and later amended on January 7, 1972 and March 15, 1993; and 2905 classification specifications adopted on July 13, 1970, but later amended on January 17, 1972 and March 15, 1993. (See Attachment 4.)

However, the City did not always include flexible staffing on its recent job announcements (i.e., 1985). HSA's February 15, 1985, 2905 classification job announcement only referenced the 2903 classification as an equivalent type of experience required; there was no reference to "flexible staffing" between these two classifications. At that time, applicants to class 2905 had to have experience as an Eligibility Worker to qualify, and, when the 1985 announcement was issued, workers in Medi-Cal were still classified as 2903s. Individuals seeking employment in the other assistance programs or in specialized positions had to participate in a 2905 examination. (See Attachment 5.)

Based on the above, advancement from an appointment in classification 2903 into an appointment in classification 2905 upon completion of one year of service is not automatic. In addition to having a competent and effective performance evaluation and the recommendation of the Appointing Officer, as stated in previous job announcements, "[a] promotion...is not automatic and may be delayed due to leaves, requisition constraint, prior eligible lists taking precedence or budgetary conditions" which were among the criteria used in evaluating whether to re-implement the flexible staffing program in 2009.

Civil Service Rule 111.16 gives DHR the authority to implement a flexible staffing program (or not) on an announcement-by-announcement basis. In early 2009, HSA was (and continues to be) challenged with budgetary constraints, and HSA does not seek to re-implement this program. Therefore, the most current 2903 job announcement did not reference flexible staffing. If all Eligibility Workers who met the job requirements were to be flexed upward, in the current salary structure, the Department's cost would be approximately \$2.5M. As described in Civil Service Rule 111.16, management has the right to not employ the flex staffing program and, in any case, the Union was made aware of this during the HSA Commission meeting as early as January 29, 2009.

Issue B

The Union claims that out-of-class work was being performed by the lower flex classes (e.g., 2903s) by being assigned to perform the full range of work performed by the upper flex classes (e.g., 2905s).

The Union claims that HSA is making job assignments without regard to the job classification. The Union has not shown this to be the case. The City may assign job tasks to any job classification so long as the duties are reasonably related to the job specification or job announcement. Many of the job duties at issue here fall under both the 2903 and 2905 classifications. Indeed, the Union has failed to point out any duties performed by 2903s that are outside the 2903 job description.

The City and SEIU 1021 MOU, paragraphs 320-329, defines out-of-class work/acting assignment pay as:

¶320. An employee assigned in writing by the Department Head to perform a substantial portion of the duties and responsibilities of a higher classification shall be entitled to out of class pay after the tenth (10th) work day (within a sixty (60) working-day period) of such an assignment, retroactive to the first (1st) day of the assignment. [Emphasis added]

.....
¶329. Requests for classification or reclassification review shall not be governed by this provision but shall be submitted to the Civil Service Commission whose determination is final and not subject to the grievance procedure.

CSC Rule 109.16.2 states:

109.16.2 [t]emporary out-of-class assignment means the assignment of an employee without change in class to perform the normal day-to-day duties and responsibilities of another classification. Records of such temporary out-of-class assignment shall be placed in the employee's personnel file. An employee assigned to temporary out-of-class assignment may also request that the appointing officer/designee place the record in the employee's personnel file contemporaneous with the assignment. The record of temporary out-of-class assignments must be verified and approved by the appointing officer/designee prior to placement in the personnel file. The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary. The decision of the Human Resources Director shall be subject to appeal to the Civil Service Commission.

Additionally, CSC Adviser No. 009-2000 provides:

[t]he Civil Service Commission establishes the definition and policy on temporary out-of-class assignments. The Department Head/Designee may make a temporary out-of-class assignment to maintain the provision of any public service. This means **the assignment of an employee without change in class to perform the day-to-day duties and responsibilities of another class.**

The basis of the Union's out-of-class MOU issue involves the reference to the 2903 classification as the entry-level class, while the 2905 classification is referred to as the journey-level class.

The Union made the same argument when it filed a grievance in 2010 alleging the same MOU violation, claiming HSA "unilaterally ended the practice of automatically promoting employees in Class 2903 Eligibility Workers to Class 2905 Senior Eligibility Workers after they had served one year in Class 2903." The grievance was appealed to arbitration and the City Attorney's Office declined to arbitrate, responding "[m]atters, including but not limited to, classification, application, examination and selection are within the exclusive jurisdiction of the civil service merit system... (see Charter A8.409-3 and 10.101)." The Union did not seek to compel arbitration, nor did SEIU appeal the issue to the Commission.

Based on HSA's review of the work performed by the 2903 classification, HSA has granted eight (8) out-of-class pay claims to current 2903s. These employees had previously worked as 2905s but were

laid off and reinstated as 2903s. HSA is in the process of reviewing seventy-seven (77) additional out-of-class claims.

The Union has asked what are the "administrative controls and procedures" established to "administer and make effective" the provisions of the Temporary Out-of-Class Assignment Rule. Pursuant to Civil Service Rule 109.16.2, when a temporary out-of-class assignment is in order, selection and retention is the appointing officer's or designee's discretion. DHR's Classification and Compensation Unit continues to be available for guidance to departments on this issue. For purposes of consistency, DHR provides an Acting Assignment Request form to facilitate a department's internal review process. Additionally, in compliance with Civil Service Rule 109.16, DHR and the Controller's Budget Analyst's Office periodically audit departments' records for premiums and pay adjustments, including acting assignment pay, which provides the administrative control to effectuate the use of temporary out-of-class assignments. Allegations that a department failed to grant acting assignment pay would be adjudicated through the MOU's grievance process.

The DHR Compensation Manual is another resource available to departments about acting assignment pay. It includes a table outlining the eligibility requirements (per the parties' MOU) that apply in order for an employee to receive acting assignment pay. For SEIU Out-of-Class/Acting Assignment Pay, attached is a quick summary of the eligibility requirements. (See Attachment 6).

Therefore, the Union has not provided any evidence to support the allegations that the 2903s are performing duties inconsistent with their classification or that the "controls and procedures" as mentioned-above are not serving their purpose. To the extent that such claims exist, they should be addressed via the MOU grievance procedure.

Conclusion/Recommendation

Pursuant to Civil Service Rule 111.16, the Rules provide the Human Resources Director discretion to either establish or suspend the use of flexible staffing programs on an announcement-by-announcement basis. The decision to not employ the flexible staffing was based on HSA's budgetary constraints and was well within management's right.

The City's recommendation is that the Commission consider this matter closed.

ATTACHMENTS

- Attachment 1: 2903 Classification Specification (current)
- Attachment 2: 2012 HSA/DPH 2903 Job Announcement (CBT-2903-059333)
- Attachment 3: SEIU Major Flexible-Staffing Classification Issues (May 16, 2013)
- Attachment 4: HSA 2903/2905 Job Announcements (1995, 2007)
- Attachment 5: HSA 2905 Job Announcement (1985)
- Attachment 6: SEIU Memorandum of Understanding Out-of-Class/Acting Assignment Pay

cc: Micki Callahan, Department of Human Resources
Ted Yamasaki, Department of Human Resources
Luenna Kim, Human Services Agency
Steve Ponder, Department of Human Resources

Attachment 5

Department of Human Resources



Human Services Agency Senior Eligibility Worker (#2905)

\$23.28-\$35.78 Hourly / \$4,035.00-\$6,201.00 Monthly / \$48,415.00-\$74,412.00 Yearly

Definition

Under general supervision, to perform a variety of technical duties in the review and determination of initial and continuing client eligibility for a variety of public assistance programs.

Distinguishing Features

This class utilizes the deep class concept and encompasses multiple levels of responsibility from entry through the fully-experienced journey level. Incumbents with little or no experience in the duties of the class perform beginning-level work and perform at increasingly higher levels of responsibility that require a commensurate higher degree of ability and initiative as experience is gained.

Positions in this classification are responsible for carrying out well defined rules and regulations pertaining to various categorical aid programs and explaining them to applicants and the general public. Positions in this class have regular contacts with clients, their relatives, and representatives of outside agencies and the public.

Additionally, the 2905 class is distinguished from the 2913 Program Specialist in that the 2913 class performs higher level technical assignments than the 2905 class.

Examples of Important and Essential Duties

"The class specification shall be descriptive of the class and shall not be considered as a restriction on the assignment of duties not specifically listed." (CSC Rule 7)

1. Schedule and interview clients in the offices of the Department of Social Services, in the client's home, or in hospitals and various institutions to determine new or continuing program eligibility.
2. Explain eligibility programs, qualification standards, policy and procedure to clients; assist clients in completion of applications, forms and reports when necessary; review and evaluate applications for completeness and accuracy; prepare client budget to determine eligibility.
3. Apply legal criteria to determine eligibility; provide recommendations regarding financial eligibility for assistance programs; determine eligibility and grant amount according to established policies and procedures; review and determine re-certification.
4. Prepare case records related to client eligibility information and financial assistance received; update case records; submit required reports.
5. Investigate statements and information received from applicant through the use of telephone or written verifications.
6. Investigate and resolve client problems involving non-receipt of benefits.
7. Review cases with supervisor in assessing the quality of the eligibility determination process and procedure.

8. Compose and prepare correspondence to clients, references, and State agencies; gather statistical data and prepare reports as required.

9. Answer questions and provide information to clients and the general public regarding assigned program area.

10. Refer clients in need of case work services to members of social service staff; may provide limited referrals to resources within the community on matters related to income maintenance; refer clients to appropriate agencies according to established procedures.

11. Perform related duties as required.

Knowledge, Skills and Abilities

Knowledge of: Basic interviewing and investigative skills and techniques; office procedures, methods and computer equipment; basic mathematics.

Ability to: Learn departmental programs, policies, procedures and terminology; learn principles and procedures of record keeping; learn to interpret and apply pertinent Federal, State, local and departmental laws, rules, regulations, policies and procedures regarding assigned program; learn to plan, organize and prioritize caseload; learn to interview applicants for public assistance and obtain confidential information relative to personal, family, financial, medical or other circumstances of client relating to eligibility; learn to evaluate data and provide recommendations on eligibility of client; maintain accurate records and meet program deadlines; operate a computer terminal and standard office machines; make accurate mathematical computations; type and enter data at a speed necessary for successful job performance; effectively communicate with and elicit information from clients in difficult situations; apply Federal, State, and local Equal Employment, Affirmative Action, and Civil Rights laws, procedures, and regulations; communicate clearly and concisely, both orally and in writing; establish and maintain cooperative working relationships with those contacted in the course of work.

Knowledge of: Principles and practices of caseload management; Federal, State, local laws, rules, regulations, policies, and procedures regarding assigned program area; services offered by related agencies; departmental programs, policies, procedures and terminology.

Ability to: Interview applicants for public assistance and obtain appropriate information, often in different languages, or dialects of English; accurately gather record and evaluate data necessary for the determination of eligibility; interpret and apply Federal, State and local policies, procedures, laws and regulations; work independently with minimal supervision.

Notes

Amended: 3/15/93; 7/22/14

Disaster Service Workers

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



Attachment 6

Department of Human Resources

Human Services Agency Social Worker (#2918)

\$23.98-\$36.83 Hourly / \$4,157.00-\$6,383.00 Monthly / \$49,878.00-\$76,596.00 Yearly

Definition

Under direction, to perform a variety of professional social work duties involving casework, client management, and continuing client investigation and processing for social work programs in adult services and family and children services.

Distinguishing Features

This class utilizes the deep class concept and encompasses multiple levels of responsibility from entry through the fully-experienced journey level. Incumbents with little or no experience in the duties of the class perform beginning-level work and perform at increasingly higher levels of responsibility that require a commensurate higher degree of ability and initiative as experience is gained.

Positions in the 2918 Human Services Agency Social Worker classification assume responsibility for carrying out and explaining established methods and procedures to applicants, recipients and others. Positions provide social services through careful and judicious interpretations of various legal provisions, methods and procedures in approving, recommending, or authorizing expenditures for assistance. Positions have regular contacts with applicants, recipients, their families and others concerned, employees and other departments and organizations. Positions in this class gather, compile, and review important detailed, financial, personal and confidential information. 2918 Human Services Agency Social Worker class is distinguished from the 2912 Social Worker in that the 2918 will perform a variety of professional social work duties at various Human Services locations.

Examples of Important and Essential Duties

"The class specification shall be descriptive of the class and shall not be considered as a restriction on the assignment of duties not specifically listed." (CSC Rule 7)

1. Schedule and interview applicants to determine new or continuing service needs; conduct in-home interviews as necessary; investigate statements and information received from applicant through the use of telephone or written verifications; evaluate information to establish eligibility; determine amount of assistance eligibility.
2. Prepare requirements for eligible cases to establish financial assistance; authorize services as necessary; prepare necessary forms in accordance with procedures.
3. Assess, formulate and develop a service plan for client needs; develop goals and plan of action; provide case management activities including identifying and assessing client needs; coordinate and monitor services; prepare reports and reassessments; advise and counsel clients regarding family, economic, physical and emotional situations.
4. Refer clients or general public to other agencies according to established policies; coordinate service with public and private agencies and community resources.
5. Establish and maintain complete files on assistance clients; document case files as necessary; maintain daily log and narrative on assigned cases.
6. Study and evaluate case records of recipients to determine conformance with established legal provision, policies, procedures, interpretations, and instructions to determine further courses of action.

7. Answer questions and provide information to applicants, clients and the general public; assist clients in preparing forms and reports.
8. Present orientations for community agencies; establish and maintain contacts with local organizations, nonprofit agencies, business and other interested groups in promoting community resources program; initiate and mediate case conferences between workers and staff of service provider contractors.
9. Serve as client advocate; provide emergency, crisis or general intervention for client; investigate and resolve client problems involving non-receipt of benefits; provide transportation as required for clients.
10. Monitor, interact and supervise children during intake process; perform meal preparation; assist children in daily needs; transport children to placement location.
11. Investigate adult abuse cases, neglect and exploitation reports; interview clients, alleged perpetrator and other references.
12. Compose and prepare correspondence to applicants, references, and coordinating State agencies.
13. Coordinate transfers of clients between counties; inform clients of procedures and necessary reports.
14. Gather data, make recommendations, and prepare reports as required.
15. Perform related duties as required.

Knowledge, Skills and Abilities

Knowledge, Abilities, and Skills: Knowledge of: Interviewing and investigative skills and techniques; office procedures, methods and computer equipment; basic operations, services and activities of social services programs; pertinent Federal, State, and local laws, codes and regulations as related to assigned program responsibility; principles and procedures of record keeping and reporting; analytical and problem solving methodology; principles and practices in the analysis of physical, psychological and social factors contributing to maladjustment; socioeconomic conditions and trends; principles and practices of case management; principles and practices of client relations and caseload management; methods and techniques of crisis intervention; pertinent Federal, State, local and departmental laws, policies and procedures; services provided by related agencies services.

Ability to: Learn departmental programs, policies and procedures; learn basic principles of case management; learn to interpret and apply pertinent Federal, State and local laws, codes and regulations; effectively communicate with and elicit information from clients in difficult situations; prepare clear and concise reports; accurately gather, record and evaluate data necessary for the determination of eligibility for protective services and various public assistance programs; operate a computer terminal and standard office machines; analyze and interpret information and recommend and implement corrective courses of action; gain cooperation through effective communication; interpret and apply federal, state, and local Equal Employment, Affirmative Action, and Civil Rights laws, procedures, and regulations; communicate clearly and concisely, both orally and in writing; establish and maintain cooperative working relationships with those contacted in the course of work; exercise sound judgment in the performance of duties; demonstrate skill in more difficult and complex casework; consider personal and psychological factors in difficult situations; act effectively under stressful situations; interpret and apply Federal, State and local policies, procedures, laws and regulations; work independently with minimal supervision.

Notes

Origination Date: 7/22/14

Disaster Service Workers

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

Attachment 7

Department of Human Resources



Human Services Agency Employment & Training Specialist II (#9703)

\$24.21-\$37.94 Hourly / \$4,196.00-\$6,576.00 Monthly / \$50,349.00-\$78,910.00 Yearly

Definition

Under supervision, provides services for clients which may include case management, the determination of initial and continuing eligibility for public assistance and the development and implementation of individual training and employment plans. May perform entry level work in the areas of program monitoring and operations, evaluation and planning, contract preparation and administration, and special employment related projects.

Distinguishing Features

This class utilizes the deep class concept and encompasses multiple levels of responsibility from entry through the fully-experienced journey level. Incumbents with little or no experience in the duties of the class perform beginning-level work and perform at increasingly higher levels of responsibility that require a commensurate higher degree of ability and initiative as experience is gained.

This class is distinguished from the 2905 Human Services Agency Senior Eligibility Worker and the 2918 Human Services Agency Social Worker by the breadth and variety of assigned duties. This class is distinguished from the 9704 Employment & Training Specialist III in that tasks and duties are performed under closer supervision and the 9704 performs higher level technical assignments.

Supervision Exercised

None

Examples of Important and Essential Duties

According to Civil Service Commission Rule 9, the duties specified below are representative of the duties assigned to these classes and are not intended to be an inclusive list.

When Assigned to the Department of Human Services:

1. Manage a caseload and perform case management services which include developing and implementing training and service plans and monitoring applicant or client progress and, as required, apply sanctions for lack of compliance with program requirements.
2. Interview clients regarding economic, family, physical and emotional situations, assess need for services and refer clients to appropriate resources.
3. Assist clients in completion of application, forms and reports; review and evaluate applications for completeness and accuracy; prepare client budget to determine eligibility.
4. Apply legal criteria to determine eligibility; provide recommendations regarding financial eligibility; authorize financial assistance and services according to legal criteria and established policies and procedures; review and determine recertification.
5. Explain eligibility, qualification standards, policy and procedure to clients and the public. Conduct orientation sessions to explain the policies and procedures of the program to new clients.

6. Evaluate clients' educational and work history; identify training and vocational goals; design an appropriate employment plan.
7. Assist clients in resolving barriers to employment such as transportation and childcare. Refer clients to other agencies according to established policies; coordinate service with public and private agencies and community resources.
8. Conduct home visits as needed to encourage compliance and prevent sanctions.
9. Provide advice, information, referrals, resource materials and other assistance to help clients obtain and retain jobs.
10. Prepare a workplan or contract between the client and the County.
11. Serve as client advocate; provide emergency, crisis, or general intervention for client; investigate and resolve client problems.
12. Prepare case narratives, reports, correspondence and other documentation. Compile technical data.
13. Perform related duties and responsibilities as assigned.

Knowledge, Skills and Abilities

Knowledge of:

Interviewing and investigative skills and techniques; office Procedures, methods; computer literacy; basic operations, services and activities of social services programs; pertinent Federal, State and local laws, codes and regulations as related to assigned program responsibility; principles and procedures of record keeping and reporting; analytical and problem solving methodology; local employment and training resources; principles and practices in the analysis of physical, psychological and social factors contributing to maladjustment; socioeconomic conditions and trends.

Ability to:

Understand and apply departmental programs, policies, procedures, and terminology; learn and apply the principles and procedures of record keeping; understand, interpret and apply pertinent Federal, State and local, regulations, laws, policies and rules governing eligibility for public assistance, job training and employment programs; collect and evaluate information to determine eligibility for services; maintain client records and meet program and case plan goals; operate computer equipment and systems and standard office machines; interview clients to obtain pertinent information necessary to develop case plans; communicate effectively orally and in writing to persons of various social, economic, cultural and educational backgrounds individually or in group settings; assess client employability / readiness and identify barriers to employment; motivate clients towards job readiness; learn and teach general job search methods and techniques,

Special Requirements:

Essential duties involve the following physical skills and work environment:

Ability to work in a confining workspace; most positions involve physical activities of sitting, standing, and lifting 5 -10 lbs., and require sufficient mobility to conduct home visits. May require the ability to work under conditions of extreme

noise. May require hand/eye coordination and manual dexterity for data entry. May involve extensive VDT exposure.

Experience and Training

Any equivalent combination of training that would provide the required knowledge, skills and abilities would be qualifying. A typical way to obtain the knowledge, skills and abilities would be:

1. Training:

Completion of a four year college or university with a baccalaureate degree preferably in Behavioral Science or a closely related field.

2. Experience:

Two years public contact experience including interviewing to obtain information.

License or Certificate

Some positions require possession of, or ability to obtain, an appropriate, valid California driver's license.

Notes

AMENDED: 11/07/97; 7/22/14

Disaster Service Workers

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

Attachment 8

List of Classification 2912 Human Services Agency Employees

Employee Name	Current Permanent Civil Service Classification	Current Seniority Date	Proposed Seniority Date in Classification 2918	Effective Date of Status Grant to Classification 2918
Leslie A Barry-Earby	2912	12/1/2006	12/1/2006	8/11/2014
Megan R Carboni	2912	5/22/2006	5/22/2006	8/11/2014
Sandra Carrillo	2912	5/22/2006	5/22/2006	8/11/2014
Beben F Chan	2912	7/12/1999	7/12/1999	8/11/2014
Karina K Chan	2912	7/12/1999	7/12/1999	8/11/2014
Hang K Chan	2912	5/22/2006	5/22/2006	8/11/2014
Pui Yun Chan	2912	3/28/2007	3/28/2007	8/11/2014
Sienna Lai Ying Chan Miyashita	2912	11/17/2003	11/17/2003	8/11/2014
Loan K Chau	2912	5/22/2006	5/22/2006	8/11/2014
Thomas S Chiu	2912	9/8/2005	9/8/2005	8/11/2014
Crystal W Chow	2912	5/22/2006	5/22/2006	8/11/2014
Angela L Chung	2912	8/9/2001	8/9/2001	8/11/2014
Karla J Griffin	2912	2/10/2003	2/10/2003	8/11/2014
Jose J Gutierrez-Padilla	2912	5/22/2006	5/22/2006	8/11/2014
Edna J Guzman	2912	7/12/1999	7/12/1999	8/11/2014
Willetta M Heard	2912	4/10/2007	4/10/2007	8/11/2014
Tanisha L Hogan	2912	12/1/2006	12/1/2006	8/11/2014
Sharon M Lai-Moy	2912	1/5/1994	1/5/1994	8/11/2014
Hoi Pui Lam	2912	12/18/2007	12/18/2007	8/11/2014
Winnie S Lau	2912	9/28/2005	9/28/2005	8/11/2014
Roxanne P Law	2912	9/8/2005	9/8/2005	8/11/2014
Teresa T Le	2912	12/7/1994	12/7/1994	8/11/2014

Employee Name	Current Permanent Civil Service Classification	Current Seniority Date	Proposed Seniority Date in Classification 2918	Effective Date of Status Grant to Classification 2918
Heidi H Lee	2912	4/13/2006	4/13/2006	8/11/2014
Anna Levitan	2912	8/18/2006	8/18/2006	8/11/2014
Xiaoxia Li	2912	5/22/2006	5/22/2006	8/11/2014
Lihong Li	2912	5/22/2006	5/22/2006	8/11/2014
Klara P Libman	2912	7/12/1999	7/12/1999	8/11/2014
Darius A Libre	2912	8/9/2001	8/9/2001	8/11/2014
Josephine G Limbo	2912	3/28/2007	3/28/2007	8/11/2014
Elaine Y Liu	2912	3/28/2007	3/28/2007	8/11/2014
Andy X Liu	2912	3/28/2007	3/28/2007	8/11/2014
Nancy L Louie	2912	3/28/2007	3/28/2007	8/11/2014
Kitty S Man	2912	8/9/2001	8/9/2001	8/11/2014
Lisa D Martinez	2912	1/26/2006	1/26/2006	8/11/2014
Hanh X Ngu	2912	3/28/2007	3/28/2007	8/11/2014
Svetlana V Nonina	2912	11/16/1995	11/16/1995	8/11/2014
Liana Petrosyan	2912	9/8/2005	9/8/2005	8/11/2014
Marina Portnov	2912	11/16/1995	11/16/1995	8/11/2014
Tonya M Powell	2912	5/22/2006	5/22/2006	8/11/2014
Zhanna Poychenko	2912	8/9/2001	8/9/2001	8/11/2014
Raisa Rashkovskaya	2912	11/17/2003	11/17/2003	8/11/2014
Arlene T Reyes	2912	5/22/2006	5/22/2006	8/11/2014
Jeri K Saito-King	2912	11/30/2007	11/30/2007	8/11/2014
Sandra R Scott	2912	10/5/2007	10/5/2007	8/11/2014
Susana L Silva	2912	8/9/2001	8/9/2001	8/11/2014
Anna Sorkina	2912	7/12/1999	7/12/1999	8/11/2014
Employee Name	Current	Current	Proposed	Effective Date of

	Permanent Civil Service Classification	Seniority Date	Seniority Date in Classification 2918	Status Grant to Classification 2918
Natalia Ter-Gazarian	2912	1/26/2006	1/26/2006	8/11/2014
Maggie M Thai	2912	5/22/2006	5/22/2006	8/11/2014
Sergey Trofimenko	2912	7/12/1999	7/12/1999	8/11/2014
Annakarina Vargas	2912	12/1/2006	12/1/2006	8/11/2014
Angela L Virata	2912	7/26/2006	7/26/2006	8/11/2014
Jackie M Wan	2912	3/28/2007	3/28/2007	8/11/2014
Toshio J Westlund	2912	8/9/2001	8/9/2001	8/11/2014
Lai Ming Wong	2912	3/28/2007	3/28/2007	8/11/2014
Humberto A Alvarez	2912	8/9/2001	8/9/2001	8/11/2014
Dora J Barnes	2912	7/26/2006	7/26/2006	8/11/2014
Neeecia H Bosley	2912	6/15/2006	6/15/2006	8/11/2014
Bonnie L Carlson	2912	8/18/2006	8/18/2006	8/11/2014
Rose M Garcia	2912	1/31/2007	1/31/2007	8/11/2014
Charles E Kelley	2912	10/14/2004	10/14/2004	8/11/2014
Emma J Medal	2912	2/16/2007	2/16/2007	8/11/2014
Veronica Bell-Witherspoon	2912	8/9/2001	8/9/2001	8/11/2014
Theresa Butler	2912	8/9/2001	8/9/2001	8/11/2014
Nienhwa Cheng	2912	11/16/1995	11/16/1995	8/11/2014
Isoke Clerkley	2912	6/19/2006	6/19/2006	8/11/2014
Brenda N Craig	2912	3/29/1996	3/29/1996	8/11/2014
Linda S Curtin	2912	3/30/1992	3/30/1992	8/11/2014
Fernan O De Zarate	2912	10/31/1996	10/31/1996	8/11/2014
Alexandra L Dillard	2912	8/9/2001	8/9/2001	8/11/2014
Ruthell C Dorham	2912	5/22/2006	5/22/2006	8/11/2014
Employee Name	Current Permanent	Current Seniority	Proposed Seniority Date in	Effective Date of Status Grant to

	Civil Service Classification	Date	Classification 2918	Classification 2918
Misty L Hubbard	2912	8/9/2001	8/9/2001	8/11/2014
Martin D Jequinto	2912	11/14/1996	11/14/1996	8/11/2014
Giuliana G Juarez-Rodriguez	2912	7/12/1999	7/12/1999	8/11/2014
Jill A Keeler	2912	10/15/1996	10/15/1996	8/11/2014
Oscar D Lechado	2912	9/23/2003	9/23/2003	8/11/2014
Brian S Monsayac	2912	6/19/2006	6/19/2006	8/11/2014
Tamisha M Mouton	2912	9/8/2005	9/8/2005	8/11/2014
Silen Nhok	2912	7/12/1999	7/12/1999	8/11/2014
Angela J Norris	2912	5/17/2006	5/17/2006	8/11/2014
Luz G Paradero	2912	3/7/2003	3/7/2003	8/11/2014
Keisha R Parker	2912	8/9/2001	8/9/2001	8/11/2014
Henry J Pytel III	2912	10/14/2004	10/14/2004	8/11/2014
Ana M Quintanilla	2912	9/8/2005	9/8/2005	8/11/2014
Pablo Romero	2912	7/12/1999	7/12/1999	8/11/2014
Sunsierre J Solis	2912	11/25/2002	11/25/2002	8/11/2014
Kimberley A Tucker	2912	6/27/2008	6/27/2008	8/11/2014
Robert E Guarino	2912	7/12/1999	7/12/1999	8/11/2014
Santiago Juan	2912	4/10/2007	4/10/2007	8/11/2014
Eddie L Russell	2912	8/9/2001	8/9/2001	8/11/2014
Tataneka T Thibeaux	2912	8/9/2001	8/9/2001	8/11/2014
Algarisce M Warren	2912	7/12/1999	7/12/1999	8/11/2014
Emma J Medal	2912	2/16/2007	2/16/2007	8/11/2014
Robert E Guarino	2912	7/12/1999	7/12/1999	8/11/2014

Attachment 9



DEPARTMENT OF HUMAN RESOURCES
EMPLOYEE RELATIONS

CCSF NEGOTIATIONS 2014

SEIU, Local 1021

Human Services Agency Classifications 2905 Senior Eligibility Worker, 2912 Senior Social Worker, and 9703 Employment & Training Specialist 2

367a. Effective July 1, 2014, the salary steps for 2905, 2912, and 9703 shall be adjusted to be the same as the current respective 2903, 2910, and 9702 salary steps, with the following differences:

- a. Three salary steps shall be added above the 5-step range. The new top step for classes 2905, 2912, and 9703 will equal the current top step of classes 2905, 2912, and 9703, respectively.
- b. Two salary steps shall be added below the 5-step range.

367b. Effective July 1, 2014, for incumbents in classes 2903, 2910, and 9702 at the Human Services Agency who are appointed to 2905, 2912, and 9703, respectively, upon appointment, those employees shall advance to the appropriate salary step as follows:

- a. Employees receiving Acting Assignment pay as of May 7, 2014, shall advance to Step 10 in the respective new salary range.
- b. Excluding the employees covered above, employees who have been at Step 5 of 2903, 2910, and 9702, for more than a year shall advance to Step 9 in the respective new salary range.
- c. Employees who have been at Step 5 of 2903, 2910, and 9702 for less than a year shall advance to Step 8 in the respective new salary range.
- d. Employees who are at Step 4 of 2903, 2910, and 9702 shall advance to Step 7 in the respective new salary range.
- e. Employees who are at Step 3 of 2903, 2910, and 9702 shall advance to Step 6 in the respective new salary range.
- f. Employees who are at Step 2 of 2903, 2910, and 9702 shall advance to Step 5 in the respective new salary range.
- g. All other employees shall advance through the new salary ranges in accordance with Article III.I (Seniority Increments) of this agreement.

367c. Effective July 1, 2014, all new employees hired into classes 2905, 2912, and 9703 shall advance through the salary range in accordance with Article III.I (Seniority Increments) of this agreement, except that all employees shall advance to Step 5 upon completion of six (6) months of service at Step 4 in the respective new salary ranges.

367d. The City agrees to propose and advocate to the Civil Service Commission that incumbents in 2903, 9702, and 2910 in the Human Services Agency, receive civil service status in classification 2905, 9703, and 2912, respectively. Further, the Union agrees not to challenge the following department only designations:

- 2905, 2912 and 9703 (HSA only classes)
- 2903 (DPH only class)

<i>italics</i> = moved existing language	<u>bold, double underline</u> = new language
struck-out, italics = existing language prior section	struck-out = removed language



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail and U.S. Mail

August 7, 2014

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Tyrone Pruitt

SUBJECT: APPEAL BY TYRONE PRUITT OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION OF INSUFFICIENT EVIDENCE TO SUPPORT HIS CLAIM OF HARASSMENT AND HOSTILE WORK ENVIRONMENT BASED ON HIS RACE AND SEXUAL ORIENTATION, EEO FILE NO. 1777.

Dear Mr. Pruitt:

The above matter will be considered by the Civil Service Commission at a meeting to be held on August 18, 2014 at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

The agenda will be posted for your review on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting" no later than end of day on Wednesday, August 13, 2014. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report is attached. If, however, you would like an electronic copy of the staff report, you may email your request to CivilService@sfgov.org.

In the event that you wish to submit any additional documents in support of your appeal, the deadline for receipt in the Commission office is 5:00 p.m. on Tuesday, August 12, 2014 (as a reminder, we require an original and nine copies of any supplemental materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Again, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

It is important that you or an authorized representative attend the hearing on your appeal. Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance. As a reminder, you are to be honest and forthright during all testimony and in all documentation that you provide to the Civil Service Commission, failure to do so could lead to discipline, up to and including termination, in accordance with your department's policy.

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 17

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

TIFFER C. JOHNSTON
EXECUTIVE OFFICER

All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.

You may contact me at (415) 252-3247 or at Jennifer.Johnston@sfgov.org if you have any questions.

CIVIL SERVICE COMMISSION

A handwritten signature in black ink, appearing to read "Jennifer Johnston" with a stylized flourish at the end.

JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Linda Simon, Department of Human Resources
Svetlana Vaksberg, Department of Human Resources
Jesusa Bushong, San Francisco Fire Department
Deputy Chief Mark Gonzales, San Francisco Fire Department
Fire Chief Joanne Hayes-White, San Francisco Fire Department
Commission File
Commissioners' Binder
Chron

Appeal

CIVIL SERVICE COMMISSION
REGISTER
NUMBER 017-14 6

May 21, 2014

Civil Service Commission
25 Van Ness Avenue, Room 720
San Francisco, California 94102

x' M. Callahan
D. Kotake
L. Simon
J. Bushong

2014 MAY 22 PM 12:35
EXPERIMENTAL
CIVIL SERVICE COMMISSION
SAN FRANCISCO

RE: Request for Appeal and Corrections for Record,
DHR EEO File No. 1777, Finding Letter dated May 5, 2014

Dear Civil Service Commission,

I respectfully appeal the findings of DHR regarding my complaint of discrimination and for the record would like to make some factual corrections.

Item A. Discrimination Allegations Regarding Fire Marshal Thomas Harvey:

This information was provided to the investigator as background information only. I made no claims of discrimination against the former retired Fire Marshal Thomas Harvey, because after having confronted him on his actions his behavior changed.

Item B. Harassment Allegations against Deputy Chief Mark Gonzales:

Regarding the issue of the conversation on the Molotov cocktail incident; once DC Gonzales realized that his yelling about the Molotov cocktails was uncalled for he began to yell at me about having firefighters detailed to the Arson task Force without his permission. Once again I corrected the record on this item, after which he continued yelling at me about the Molotov cocktail incident. It was apparent to me that DC Gonzales would not be satisfied until he found fault with my actions. I would like to note for the record that DC Gonzales did not answer the phone when I called him on my cell phone with caller ID. I then immediately called him from my desk with no caller ID and he answered not knowing I was the caller, which is why I believe he answered nicely.

During the intake interview and two (2) follow up phone interviews, I was asked to speculate why Chief Gonzales may have treated me in a negative way. Unfortunately I allowed myself to engage in speculations with the investigator on his particular motives. These speculations were evaluated by me long before I decided to file an EEO complaint. The final outcome I was drawn to was discrimination due to my race and sexual preference.

Regarding the last statement on my beliefs, I believed that Deputy Chief Gonzales yelling and screaming at me is based on discrimination.

Item C. Discrimination Allegations Regarding Captain Assignments:

The last paragraph discussed Lieutenant Attica Bowden; I only supervised Lt. Bowden when she was an H-6 Fire Investigator. I had never supervised her when she was a Lieutenant; she was supervised by others at headquarters. With regards to Lt. Bowden and my race, does the Deputy Chief or the Fire Marshal have to state our race for the actions to be considered discriminatory? We are African Americans and we are receiving desperate treatment. Do the facts not speak for themselves?

1. Reassignment from Arson: My being upset about reassignment from Arson because I liked Arson **is not** the grounds for my discrimination complaint. My complaint is based on the fact that as an African American male I had to have all the required investigation certifications before I was considered for an assignment; however Captain Ballard, a White male, was not required to have any investigation qualifications before his assignment. During the initial meeting with the new fire marshal and the deputy chief this was my first question, "what qualification does CPT Ballard have for an assignment at Arson?" The response from the deputy chief was, "what does he need?"
2. August 1, 2013; Discussion with Battalion Chief Kevin Smith and Fire Marshal Wong: I did in fact tell BC Smith that I did not want to file a complaint about my assignment to the Airport. My assignment to the Airport was not the issue; the issue was the desperate treatment with the requirements for assignment to Arson. As a Black male I was required to have all investigation qualifications before an assignment to Arson; but CPT Ballard, a White male, was not required to have any investigation qualifications.

Item D. Jeffren Ramos Investigation.

I would like to clarify the record regarding the follow-up interview with Deputy Chief Gonzales on the conclusion of the Fire Department investigation into my conduct. The way in which the report reads appears that the meeting was called by the Deputy Chief and the Fire Marshal. The Deputy Chief ordered the Fire Marshal and I to his office without notice or reference to the content of the meeting. The Fire Marshal is my immediate supervisor and he did not even afford her an opportunity to prepare for the meeting.

III. Standards and Analysis.

- A. Untimely Allegations: My charge of discrimination was initiated on February 23, 2014 as outlined in my General Form Complaint. The incidents disclosed previous to this incident were disclosed to substantiate my claim and to show a pattern of abuse.

B. Insufficient Allegations to Support Discrimination Due to Race or Sexual Orientation:

Reassignment from Arson to the Airport is not the issue; the issue is the prerequisites that were placed upon me, a Black male, and not on others.

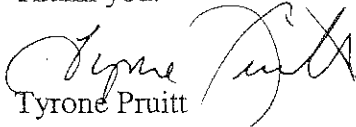
Within itself the investigation regarding the Ramos incident had no bearing on my discrimination charge. It should be noted that investigation concluded on January 24, 2014 with no charges against me. On February 21, 2014, almost a month later, I was called into deputy chief Gonzales office and immediately filed a discrimination complaint; therefore I'm not sure what is meant by, "**the timing of my complaint must be noted**". I am a 24 year veteran of the Fire Department and Past President of the San Francisco Black Firefighter Association. I do not haphazardly file claims of discrimination against individuals. This is a very serious and emotional undertaking.

My complaint is not based on being happy with my assignment. As a 21 year veteran Commissioned Officer of the United States Armed Forces I fully understand and appreciate that we must take assignments as required. My complaint is regarding the disparity in assignment requirements for Arson. Although deputy chief Gonzales did not state that as a black male I must have all these prerequisites for assignment to arson, however for white male these prerequisites are waived, this is the reality of the situation.

Regarding Lt Bowden and my assignment to the airport, a pattern of discrimination and isolation of African Americans can only be deduced through additional interviews with other affected parties. I informed the EEO investigator that 798 Union representative Lieutenant Shon Buford informed me that during a meeting with deputy chief Gonzales he stated that Lt. Bowden was sent to the airport as (informal) punishment. Now I'm sent to the airport, even though my transfer caused great disruption within the Arson Task Force, coupled with the fact that I was replaced with someone who had no investigation qualifications.

Conclusion: I respectfully request the Civil Service Commission take action to correct the record and re-evaluate the findings of DHR.

Thank you.


Tyrone Pruitt

H-32 Captain / Fire Prevention & Investigation
San Francisco Fire Department



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

NOTICE OF RECEIPT OF APPEAL

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

DATE: May 28, 2014

REGISTER NO.: 0117-14-6

APPELLANT: Tyrone Pruitt

Micki Callahan
Human Resources Director
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Mr. Tyrone Pruitt, appealing the Human Resources Director's decision on his discrimination complaint, EEO File No. 1777. Your review and action are required.

If this matter is not timely or appropriate, please submit CSC Form 13 "Action Request on Pending Appeal/Request," with supporting information and documentation to my attention at 25 Van Ness Avenue, Suite 720; San Francisco, CA 94102. CSC Form 13 is available on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Forms."

In the event that Mr. Pruitt's appeal is timely and appropriate, the department is required to submit a staff report in response to the appeal within sixty (60) days so that the matter may be resolved in a timely manner. Accordingly, **the staff report is due no later than 11 a.m. on July 24, 2014** so that it may be heard by the Civil Service Commission at its meeting on August 4, 2014. If you will be unable to transmit the staff report by the July 24th deadline, or if required departmental representatives will not be available to attend the August 4th meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

You may contact me at Jennifer.Johnston@sfgov.org or (415) 252-3250 if you have any questions. For more information regarding staff report requirements,

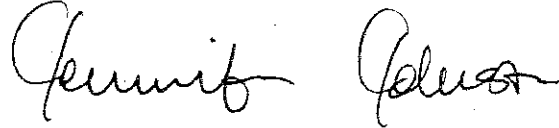
FER C. JOHNSTON
EXECUTIVE OFFICER

Appellant: Tyrone Pruitt
May 27, 2014
Page 2 of 2

meeting procedures or future meeting dates, please visit the Commission's website at www.sfgov.org/Civil_Service.

Sincerely,

CIVIL SERVICE COMMISSION

A handwritten signature in black ink, appearing to read "Jennifer Johnston", written in a cursive style.

JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Donna Kotake, Department of Human Resources
Linda Simon, Department of Human Resources
Jesusa Bushong, San Francisco Fire Department



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via U.S. Mail

May 28, 2014

Tyrone Pruitt

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

FER C. JOHNSTON
EXECUTIVE OFFICER

Subject: Register No. 0117-14-6: Appealing the Human Resources Director's decision on your discrimination complaint, EEO File No. 1777.

Dear Mr. Pruitt:

This is in response to your appeal submitted to the Civil Service Commission on May 22, 2014 appealing the Human Resources Director's decision on your discrimination complaint. Your appeal has been forwarded to the Department of Human Resources and the San Francisco Fire Department for investigation and response to the Civil Service Commission.

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will be notified approximately one week in advance of the hearing date, at which time you will be able to pick up a copy of the department's staff report at the Commission's offices located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please submit your request to CivilService@sfgov.org (this will also result in your receiving the meeting notice and staff report a few days sooner).

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date (note that the Commission requires an original and eight copies of any supplemental/rebuttal materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

You may contact me by email at Jennifer.Johnston@sfgov.org or by phone at (415) 252-3247 if you have any questions. You may also access the Civil Service Commission's meeting calendar, and information regarding staff reports and meeting procedures, on the Commission's website at www.sfgov.org/Civil_Service.

Sincerely,

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

Staff Report



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of
Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: 0117 - 14 - 6
2. For Civil Service Commission Meeting of: August 18, 2014
3. Check One:
 - Ratification Agenda
 - Consent Agenda
 - Regular Agenda
 - Human Resources Director's Report
4. Subject: Appeal by San Francisco Fire Department Captain Tyrone Pruitt of the Human Resources Director's determination that he did not assert sufficient allegations to raise an inference of harassment/hostile work environment due to his race (African American) and sexual orientation (gay) and discrimination based on his race (African American).
5. Recommendation: Adopt the report and deny Captain Pruitt's Appeal.
6. Report prepared by: Svetlana Vaksberg, DHR/EEO Telephone number: (415) 551-8926
7. Notifications: See Attached
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: Micki Callahan

Date: August 7, 2014

9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

Executive Officer, Civil Service Commission
25 Van Ness Avenue, Suite 720, San Francisco, CA 94102

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

CSC RECEIPT STAMP

Attachment
CSC-22 (11/97)

CIVIL SERVICE COMMISSION REPORT

MEMORANDUM

TO: Civil Service Commission

THROUGH: Micki Callahan, Human Resources Director

THROUGH: Linda Simon, EEO and Leave Programs Director

FROM: Svetlana Vaksberg, EEO Programs Senior Specialist

DATE: August 7, 2014

EEO FILE NO: 1777

REGISTER NO: 0117-14-6

APPELLANT: Captain Tyrone Pruitt

1. Authority

The San Francisco Charter, Section 10.103 and Civil Service Commission Rules provide that the Human Resources Director shall review and resolve complaints of employment discrimination. Pursuant to Civil Service Commission Rules, Section 303.3, the Civil Service Commission shall review and resolve appeals of the Human Resources Director's determinations.

2. Summary

Appellant Captain Tyrone Pruitt, who is African American and gay, has been employed with the San Francisco Fire Department (SFFD or Department) for approximately 24 years. From July 2011 to August 2013, Captain Pruitt was assigned as an Acting Captain in the Arson Task Force (Arson) and reported to then-Fire Marshal Thomas Harvey (Hispanic). After Fire Marshal Harvey retired in June 2013, and until July 31, 2013, Captain Pruitt temporarily reported to Deputy Chief of Operations Mark Gonzales (Hispanic). Effective August 3, 2013, he was promoted to a Permanent Civil Service (PCS) Captain position.

a. Background and Allegations

On February 24, 2014, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO), received Captain Pruitt's complaint entitled, "Harassment & Discrimination against Deputy Chief Mark Gonzales." In the complaint, Captain Pruitt primarily addressed his displeasure with a sexual harassment investigation conducted by the SFFD in which he was named as the respondent. (Exhibit A, pp. 11 to 15) A male, who works at the Airport, alleged that Captain Pruitt complimented him on his looks by saying, "Well, you're a good looking male" and subsequently asked him to lunch which made him feel uncomfortable. The SFFD investigated the sexual harassment complaint, and in a January 24, 2014 letter from Deputy Chief Gonzales, Captain Pruitt was informed that there was insufficient evidence to support rule violations against him. (Exhibit A, p.16)

On February 21, 2014, Deputy Chief Gonzales, Fire Marshal Michie Wong, and Captain Pruitt met to review the January 24, 2014 investigative findings. Captain Pruitt alleged Deputy Chief Gonzales told him that just because there was insufficient evidence to support rule violations, it did not mean that he did not do anything wrong. Captain Pruitt was offended by Deputy Chief Gonzales's tone and delivery during the meeting; he felt degraded. Captain Pruitt felt that Deputy Chief Gonzales was accusing him of being a pervert because he asked a male to lunch. Captain Pruitt believed that if he had talked to a female, Deputy Chief Gonzales would not have had a problem with his conduct, would have had a different response, and that Deputy Chief Gonzales had "some type of homophobic fears/hatred." Captain Pruitt acknowledged this was speculation. (Exhibit A, p. 12)

Captain Pruitt also alleged in his complaint that Deputy Chief Gonzales discriminated against him based on his race and sexual orientation, and retaliated against him by reassigning him from Arson to the Airport. (See Exhibit A, pp. 11 to 13)

The complaint was assigned to Svetlana Vaksberg, 1231 Equal Employment Opportunity Programs Senior Specialist. On March 13, 2014, Captain Pruitt participated in an intake interview. (See Exhibit B, pp. 19 to 33) Captain Pruitt made the following allegations in his intake interview:

- A. Fire Marshal Harvey discriminated against him because of his race. Specifically, Captain Pruitt alleged Captain Harvey never wanted him to be assigned to Arson because he "did not care for people of color or women." Captain Pruitt believes Captain Harvey did not like him because he stood up for what he believed was right.
- B. In July 2013, Deputy Chief Gonzales harassed Captain Pruitt because he is African American and gay by doing the following: (1) once he yelled at Captain Pruitt over the phone and accused him of failing to inform the Deputy Chief that Molotov cocktails were found in the City; (2) once he yelled at Captain Pruitt over the phone and questioned him regarding being out of town on his scheduled day off; and (3) on two occasions, Deputy Chief Gonzales did not meet with Captain Pruitt in his office.

Captain Pruitt believes Deputy Chief Gonzales felt uncomfortable being with him in closed door meetings. Moreover, during the February 24, 2014 meeting regarding the sexual harassment investigation, Deputy Chief Gonzales degraded him.

- C. His August 2013 reassignment to the Airport was discriminatory because of his race and sexual orientation. He believed Deputy Chief Gonzales made the assignment decisions based on recommendations from Fire Marshal Harvey, who Captain Pruitt believed did not want him assigned to Arson because of his race. Captain Pruitt discussed in length why he believed Fire Marshal Harvey had a discriminatory animus toward him and the impact on his new assignment. (See Exhibit B, pp. 19 to 33) Captain Pruitt also said he questioned the basis for the reassignment because Captain Brian Ballard, (White) who was being reassigned to Arson, did not have the required prerequisites for the assignment. Captain Pruitt alleged that former Fire Marshal Barbara Schultheis (who retired in June 2011) told him that individuals must complete the Investigator 1A and 1B Certifications and become a California Peace Officer pursuant to California Penal Code Section 832 before being assigned to Arson.
- D. His reassignment to the Airport was in retaliation for him asking Deputy Chief Gonzales to refrain from yelling at him.

b. Human Resources Director's Determination

In a letter dated May 5, 2014, Micki Callahan, Human Resources Director, informed Captain Pruitt that based on the information he provided, there was insufficient information to raise inferences of discrimination based on his race (African American) and sexual orientation (gay), harassment/hostile work environment based on his race and sexual orientation, and retaliation. Therefore, DHR EEO did not investigate his claims and his complaint was administratively closed. (Exhibit C, pp. 35 to 46)

3. Issue on Appeal

On May 22, 2014, Captain Pruitt appealed the Human Resources determination (Exhibit D, pp. 47 to 54) Captain Pruitt only appeals the Human Resources Director's determination on **Allegations B and C, above.**

The issues on Appeal are whether the Human Resources Director correctly determined there was insufficient evidence to sustain Captain Pruitt's allegation of harassment/hostile work environment against Deputy Chief Gonzales due to his race and sexual orientation, and whether there was insufficient evidence to sustain Captain Pruitt's discrimination/disparate treatment allegation based on his race.

Captain Pruitt clarified in his Appeal letter that the basis for his discrimination/disparate treatment complaint is that he was required, as an African American male, to complete the Investigation 1A and 1B Certifications before he was considered for an assignment in Arson

(prior to July 2011), while Captain Ballard, a White male, was not required to complete the same certifications when he was appointed to the same position in July 2013. Captain Pruitt stated that his reassignment from Arson was not the grounds for his discrimination claim. (Exhibit D, p. 51)

4. Standards

To establish the Human Resources Director's jurisdiction to investigate a discrimination complaint, Appellant must: (1) file a complaint within 180 calendar days of the date the discriminatory action or the alleged harassment took place, or the date the employee should have first become aware of the violation; and (2) allege facts that would satisfy all the necessary elements, or standards, for the type of discrimination alleged.

To establish a claim of harassment/hostile work environment, Captain Pruitt must establish all of the following:

- (1) The Appellant was subjected to physical, verbal or visual conduct on account of the Appellant's membership in a protected category;
- (2) The conduct was unwelcome; and
- (3) The conduct was sufficiently severe or pervasive to alter the condition of Appellant's employment and create an abusive working environment.

To establish a claim of discrimination/disparate treatment, Captain Pruitt must establish all of the following:

- (1) The Appellant is a member of a protected category;
- (2) The Appellant suffered an adverse employment action; and
- (3) The Appellant suffered an adverse employment action because of his membership in a protected category.

5. Findings/Analysis

a. Timing of Captain Pruitt's Complaint

Under the City's internal complaint procedures, complaints of discrimination must be filed within 180 calendar days of the date the alleged discriminatory action took place, or the date the employee would have first become aware of the discriminatory action.

Captain Pruitt alleged he was subjected to harassment/hostile work environment due to his race and sexual orientation because in July 2013, Deputy Chief Gonzales on two occasions yelled at him, twice did not meet with him in the Deputy Chief's office, and degraded him during the February 24, 2014 meeting. Captain Pruitt also alleged he was discriminated against because on July 31, 2013, he learned that Captain Ballard was reassigned to Arson without the necessary prerequisites. Captain Pruitt first reported his concerns in his February 23, 2014 complaint. There was a seven-month delay between Deputy Chief Gonzales's

alleged conduct, when he learned about Captain Ballard's reassignment, and when he filed the complaint. Therefore, Captain Pruitt's July 2013 harassment/hostile work environment and discrimination allegations are untimely.

Moreover, the timing of Captain Pruitt's complaint must be considered. On July 31, 2013, Captain Pruitt knew that Captain Ballard did not have the prerequisites which he believed were necessary for Arson. The next day, on August 1, 2013, Captain Pruitt spoke with Battalion Chief Kevin Smith, President, Black Firefighters Association, about his concerns and decided not to file a complaint because he understood that there were no assignment rights. However, after the SFFD investigated Captain Pruitt's alleged sexual harassment of an employee at the Airport in September 2013, and after he was counseled by Deputy Chief Gonzales on February 21, 2014, two days later, Captain Pruitt filed his complaint. Thus, it appears, Captain Pruitt's motivation for filing the complaint may have been the sexual harassment investigation and the related counseling.

b. Captain Pruitt Did Not Sufficiently Allege a Harassment Claim

Even if Captain Pruitt's allegations were timely, he did not sufficiently allege an inference of harassment/hostile work environment. Captain Pruitt is a member of a protected category based on his race (African American) and sexual orientation (gay). Captain Pruitt alleged that Deputy Chief Gonzales subjected him to offensive verbal conduct because of his protected status by twice yelling at him, twice not meeting with him in his office in July 2013, and degrading him during the February 21, 2014 meeting.

Captain Pruitt confirmed Deputy Chief Gonzales has not made any comments about his race or sexual orientation. He also did not hear Deputy Chief Gonzales make disparaging comments about other people's races or sexual orientations. Mere suppositions as the bases for alleged conduct do not satisfy the necessary requirements for demonstrating a discriminatory animus.

Even assuming *arguendo*, that Deputy Chief Gonzales's conduct toward Captain Pruitt was based on his protected status, he did not sufficiently allege that he was subjected to severe or pervasive conduct that altered the conditions of his employment and created an abusive work environment. The five incidents which Captain Pruitt described as Deputy Chief Gonzales' harassing conduct do not rise to being severe or pervasive conduct.

c. Captain Pruitt Did Not Sufficiently Allege a Discrimination Claim Regarding Alleged Arson Assignment Prerequisites

Even if Captain Pruitt's discrimination allegations were timely, he did not sufficiently allege an inference of disparate treatment due to his race. Captain Pruitt is a member of a protected category based on his race. Captain Pruitt alleged that he suffered an adverse employment action due to his race because before he was considered for an assignment in Arson (prior to July 2011), he was required to complete the Investigation 1A and 1B Certifications, however, Captain Ballard, a White male, was not required to have the Certifications. (Exhibit D, p. 50)

Captain Pruitt alleged that he earns less overtime and stand by pay at the Airport as compared to Arson. The comparison between the circumstances of his appointment to Arson in 2011 and Captain Ballard's appointment in 2013 do not give rise to a discrimination claim.

1. Deputy Chief Gonzales Did Not Know about the Alleged Certification Requirements

In Captain Pruitt's Appeal, he states, "During the initial meeting with the new fire Marshal and the deputy chief [Gonzales] this was my first question, 'what qualification does CPT Ballard have for an assignment at Arson?' The response from the deputy chief was, 'what does he need?'" (Exhibit D, p.50) Based on the information provided by Captain Pruitt, Deputy Chief Gonzales did not know about the alleged prerequisites and therefore, could not have applied different standards to Captain Ballard as compared to Captain Pruitt. Moreover, Deputy Chief Gonzales was not involved in the decision to assign Captain Pruitt to Arson in July 2011. Around the time Captain Pruitt was assigned to Arson, either Deputy Chief Patrick Gardner or Deputy Chief Tom Siragusa would have been involved in the decision. Thus, based on Captain Pruitt's own admission, Deputy Chief Gonzales did not know about the alleged prerequisites, and therefore, could not have treated Captain Ballard differently than Captain Pruitt.

2. Former Fire Marshal Schultheis Denied Captain Pruitt's Allegation

Captain Pruitt alleged that former Fire Marshal Schultheis told him there were specific requirements that must be met before a Captain is appointed to Arson. Fire Marshal Schultheis did not recall telling Captain Pruitt that there were prerequisites for the Arson Captain's assignment. She does not think she would have said that completing the Investigator 1A and 1B Certifications were required for assignment to Arson. She explained that she could have said that if someone else had completed the Certifications they would be chosen over someone who did not.

3. Certification Requirement Not Included H-32 Job Announcement

Captain Pruitt said the prerequisite requirement is included in the H-32 job announcement and the H-32 class specifications. However, according to the H-32 job announcement and class specification, no prerequisite training is required for a Captain to be appointed to Arson. The 2013 H-32 job announcement states that "[c]ompletion of State Fire Marshal courses or equivalent will be considered as part of the Secondary Criteria." (Exhibit E, pp. 55 to 60) In the "Notes" Section, paragraph 5 states, "Candidates may also be required to meet the following requirements: successful completion of State Fire Marshal Courses Investigation 1A and 1B." (Exhibit E, p. 59) Moreover, David Johnson, Manager, DHR Public Safety Team, who participated in developing the H-32 examination, explained that from DHR's perspective, the requirements would be fulfilled during the newly appointed Captain's probationary period. Completion of the Investigation 1A and 1B courses is not a prerequisite to being appointed to Arson.

Thus, the SFPD does not have a policy or practice that requires individuals to complete specific training before being assigned as an Arson Captain. The certification can be obtained while the Captain is in the job.

4. Comments about Lieutenant Bowden

In his Appeal, Captain Pruitt alleges another reason he believes his reassignment to the Airport was discriminatory was because he was informed by 798 Union representative Lieutenant Shon Buford that during a meeting with Deputy Chief Gonzales, Deputy Chief Gonzales stated that Lieutenant Attica Bowden (African American) was sent to the Airport as “(informal) punishment.” (Exhibit D, p. 51) Captain Pruitt’s allegation that assigning an African American supervisor to supervise an African American employee creates an inference of discrimination is insufficient to give rise to a discrimination claim. Captain Pruitt admitted that Fire Marshal Wong did not reference Lieutenant Bowden’s race during their discussion. Moreover, Captain Pruitt was Lieutenant Bowden’s supervisor for only about four months because she was reassigned from the Airport effective January 2014.

6. **Recommendation**

For all the reasons set forth above, the Human Resources Director’s decision should be upheld and Captain Pruitt’s Appeal should be denied.

7. **Notifications**

Captain Tyrone Pruitt
[Redacted]

Fire Chief Joanne Hayes-White
San Francisco Fire Department
698 Second Street
San Francisco, CA 94102

Deputy Chief Mark Gonzales
San Francisco Fire Department
698 Second Street
San Francisco, CA 94102

Jesusa Bushong
San Francisco Fire Department
Human Resources Division
698 Second Street
San Francisco, CA 94102

Linda Simon

EEO and Leave Programs Director
Department of Human Resources
Equal Employment Opportunity Division
1 So. Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Svetlana Vaksberg

EEO Programs, Senior Specialist
Department of Human Resources
Equal Employment Opportunity Division
1 So. Van Ness Avenue, 4th Floor
San Francisco, CA 94103

8. Appendix/Attachments to Report

Attached to this report are the following exhibits:

- Exhibit A: Captain Pruitt's February 23, 2014 Complaint memo and General Form addressed to Chief of Department, pp. 9 to 18
- Exhibit B: Summary Notes from Captain Pruitt's intake interview, pp. 19 to 34
- Exhibit C: May 4, 2014 Human Resources Director's Determination Letter to Captain Pruitt, pp. 35 to 46
- Exhibit D: Appeal, Notice of Receipt of Appeal, and Acknowledgement Letter to Appellant, pp. 47 to 54
- Exhibit E: 2013 H-32 Captain Job Announcement, pp. 55 to 60

EXHIBIT A

**CAPTAIN PRUITT'S FEBRUARY 23, 2014
COMPLAINT MEMO AND GENERAL
FORM ADDRESSED TO
CHIEF OF DEPARTMENT**

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February 23, 2014

RECEIVED BY
DEPARTMENT OF
HUMAN RESOURCES

FEB 23 AM 10:31

Harassment & Discrimination against Deputy Chief Mark Gonzales

I feel that I am being harassed and discriminated against by Deputy Chief Mark Gonzales on the grounds of my race, African American and my sexual orientation, Gay.

Foundation:

On September 30, 2013 I was investigated by the Fire Department on a claim of sexual harassment filed by a male City employee assigned to the San Francisco International Airport. I invited the member to lunch and he was offended by the invitation. I received a telephonic notification from my immediate supervisor, Assistant Deputy Chief Michie Wong. Chief Wong stated that she received notification from the HR department that a claim of sexual harassment was received involving me and a Mr. Ramos at the airport. I was instructed to not have any contact with the member or talk with anyone at the airport while in uniform or representing the Fire Department. After discussing this allegation with my union representative, the following day I sent a written request to Chief Wong asking her for additional information. (See attached request dated October 1, 2013) Chief Wong sent me an email stating the case was being handled by HR and she sent a request for them to respond to me. I received a response from the Fire Department HR Director Jesusa Bushong. Ms. Bushong stated that she could not provide me with any additional information because the Fire Department launched its formal investigation under the Firefighters Bill of Rights Act (FBORA). She stated that the sexual harassment matter was under review by DHR-EEO, but she had not been advised whether any initial interview(s) or an actual investigation would be conducted. (See email from Ms. Bushong)

On November 5, 2013 I was interrogated by the Fire Department investigator. I was asked if I invited the complainant to lunch. I stated yes and then I was asked an outrageous question of "was I planning to meet with the complainant sometime in the future after work?" This line of questioning went beyond the investigation and entered in to a fishing expedition.

I received a letter in the mail from Deputy Chief Mark Gonzales dated January 24, 2014 stating that their thorough investigation was complete. That the Chief concluded that there was insufficient evidence for any rule violation in the matter. The Department considers the matter closed. I found the letter to be offensive for him to state that the Chief found insufficient evidence for a rule violation. I felt that the letter should have rightly read that "there was no rule violation". I felt that the structure of the letter was Chief Gonzales way of telling me that he tried to find me guilty of something, but he couldn't! (See Chief Gonzales letter dated January 24, 2014)

On February 5, 2014 I sent an email to Ms. Bushong inquiring if the conclusion of the Fire Department investigation also concluded the EEO complaint against me? That day I received a response from Ms. Bushong stating that she is not aware of an EEO

investigation at DHR involving me. She stated I should contact a Gloria Louie at Airport-HR. I did not contact Ms. Louie nor do I fully understand why the Fire Department was quick to start their investigation without first ascertaining if DHR felt the complaint had merit. (See email from Ms. Bushong dated February 5, 2014)

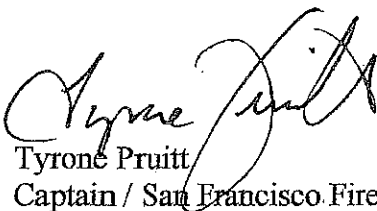
On February 21, 2014 I received telephonic notification from Chief Wong that Deputy Chief Gonzales wanted to meet with her and me at his office at 1430 hours. Chief Wong stated that Chief Gonzales did not give a reason for the meeting. I could only speculate that the meeting was about a possible reassignment of me? Once in Deputy Chief Gonzales office, he stated that he wanted to inform me that the investigation involving me was closed. That I should note that it was closed due to insufficient evidence and that doesn't mean I did nothing wrong. That I should be aware of other people perception and to ask someone to hold your fruit while you write your number down on a piece of paper is not a good thing to do. If I need business cards he could provide them to me. He further stated that there was a similar incident before and that I need to be aware of how I am perceived. He then thanked me for coming in and stated that I was doing a good job at the Airport. I was outraged at this meeting. He basically was trying to accuse me of being some type of pervert because I asked a guy out to lunch. He also was stating that he did not agree with my conduct, which could only have me to believe that he have some type of homophobic fears/hatred. The Deputy Chief did not inform me of the nature of the meeting which involved a formal investigation, which was closed, is a form of harassment and intimidation. If I knew he was going to discuss the investigation I would have asked for my union representative to be present. (See EEO complaint to the Chief of Department dated February 23, 2014)

On July 31, 2013 I was reassigned from the Arson Task Force to the Airport Fire Marshal Office. I believe this assignment was in direct retaliation from Deputy Chief Gonzales for my asking him to refrain from yelling at me when he talks to me. On two (2) separate occasions during the month of July 2013 Deputy Chief Gonzales called me at the Arson Task Force Office yelling because he was not satisfied with information he was receiving. On both occasion he discovered that the information was not what he thought and his frustration was misguided. On the second time he called yelling about me going to Chicago for the weekend and thought I was going on vacation. I was in our HR Department this time and the clerk there heard the yelling through my cell phone. After I finished my conversation with the Deputy Chief I went to his office, which was down the hall. I asked his secretary to inform him that I was there and that I will wait to speak to him. Three minutes later Chief Gonzales came out of his office and asked me to walk with him. I informed him that it was not necessary for him to yell at me every time we talked and that I am there to assist the Department. He was not paying any attention to what I was saying he only stated, 'yeah yeah Tyrone that's fine what you said was fine. You can go to Chicago just keep the Incident Commander informed if anything major happens'. I began to state that I don't think he understands what I'm saying and then we ran into the Union President and some executive board members in the hallway and he stopped to speak with them. He then told me that's fine Tyrone, what you have planned is good. He then walked off into another office. At this point I felt it to be useless to speak with him further. I have never met with the Deputy Chief in his office during the

time of my direct contact with him. Even on discussing sensitive investigative matters he spoke with me in the secretary open office space. When they reassigned me to the Airport I was the first person from our Division to ever be reassigned from the Arson Captain's position, other than those that took a promotion. He assigned a White male to the Arson Task Force Captain position to replace me that had no certification, experience, or desire for the position. I had requested the Arson Task Force position for more than fifteen (15) years and was told that I must be fully qualified or some other bearer to prevent my assignment.

At the July 31, 2014 meeting I was told that I was being assigned to the Airport, because I've worked in every location of the Division of Fire Prevention and Investigation except the airport. Additionally, I was being assigned to the airport because I have experience in dealing with Lieutenant Attica Bowden (An African American Female). This comment was totally inappropriate and racist; the next day I express these feeling to the new Fire Marshal Assistant Deputy Chief Michie Wong. After the July 31, 2014 meeting I spoke with two of my fellow Captains in the adjacent office. Deputy Chief Gonzales came in and spoke to me. He asked me, "Do you have your gun?" I stated yes, I have on my duty weapon. He stated "that is a small gun; you're going to love it at the airport!" I took his comments to be another sign that he was taking the gun away from me and moving me out of the Arson Task Force out of spite and/or resentment. Over the past four (4) years an assignment to the airport in the Fire Department has become a sort of exile.

I strongly feel that Deputy Chief Gonzales is discriminating against me because I'm Black, Gay, and that I have the moral courage to stand up to him for fairness and the rule of law -- our regulations and policies.



Tyrone Pruitt
Captain / San Francisco Fire Department

End of Statement

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San Francisco Fire Department
General Form

02/23/2014

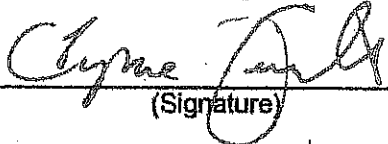
From: PRUITT, Tyrone "NMN" **Rank:** H32 **Assignment:** BFP **Tour:** Days **ID:** PR9177
To: Chief of Department
Subject: EEO Complaint and Violation of the Firefighters Bill of Rights
Reference: G.O. 09 A-5B
Enclosure: Letter from CD2 Gonzales, dated January 24, 2014

1. On February 21, 2014 at approximately 1010 hours, I received a phone call from the Fire Marshal, ADC Michie Wong. Chief Wong stated that Deputy Chief Gonzales wanted to meet with she and I in his office this afternoon at 1430hours. ADC Wong stated Deputy Chief Gonzales did not give her a reason for the meeting.

2. I arrived at headquarters at 1415 hours and Chief Wong and I went to Deputy Chief Gonzales office. Chief Gonzales asked us to have a seat and stated the reason he called us in was to inform me that the investigation involving me was closed. I knew this information because I received a letter from him dated January 24, 2014 stating the matter was closed (See attached letter). He further made the following statements: That the investigation was closed due to insufficient evidence to substantiate a rule violation. That I should note because there's insufficient evidence doesn't mean that something wasn't wrong. I should be aware of the things that I do and the perception that they may cause. **There was another similar incident involving me.** Asking someone to hold your fruit while you write your number down on a piece of paper can be perceived the wrong way, as it did in this situation. If I need some business cards let him know and he can get me some. I informed the Deputy that I now have business cards and he stated good. He further stated that he wants to make sure that I am aware of my actions and how they may be perceived by others. He then thanked me for coming in and stated that I am doing a good job at the airport.

3. After the meeting I asked Chief Wong why did the Deputy Chief call me downtown for this meeting on a matter that was closed almost a month ago and why wasn't I informed what the meeting was in reference to so that I may have a representative present. She stated that she didn't know and she guessed because he could.

4. Deputy Chief Gonzales ordering me to headquarters for a meeting on a closed investigation without informing me is a form of harassment and intimidation, which caused me undue stress. His statement regarding insufficient evidence is highly offensive and not in-line with the Department's Rules and Regulation regarding an Officer responsibility for the welfare of their employees! I feel that my Firefighter Bill of Rights have been violated by Deputy Chief Gonzales and that I am being harassed by him based on my race, African American and my sexual orientation, Gay.


(Signature)

JOANNE HAYES-WHITE
CHIEF OF DEPARTMENT

EDWIN M. LEE
MAYOR



MARK A. GONZALES
Deputy Chief of Operations

SAN FRANCISCO FIRE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

January 24, 2014

Captain Tyrone Pruitt
[REDACTED]

Dear Captain Pruitt:

The San Francisco Fire Department completed a thorough investigation on your actions as it relates to your alleged misconduct.

After reviewing the pertinent information on your case, the Chief has concluded that there was insufficient evidence for any rule violations in this matter. The Department considers this matter closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Gonzales".

Mark Gonzales
Deputy Chief, Operations

016

2/24/14

Hi Kelly

This is the latest incident of a series of harassment involving the Deputy Chief.

CT. Dyer

Dis.
Reger
10/2/00

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EXHIBIT B

**SUMMARY NOTES FROM CAPTAIN
PRUITT'S INTAKE INTERVIEW**

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CONFIDENTIAL

DHR EEO INVESTIGATION OF EMPLOYMENT DISCRIMINATION COMPLAINT

WITNESS INTERVIEW NOTES

WITNESS: CAPTAIN TYRONE PRUITT	EEO File No.: 1777
Investigator: Svetlana Vaksberg	Date & Time: March 13, 2014, 10:00 am to 1pm March 18, 2014, 3:45 pm to 4:30 pm (via phone) April 22, 2014, 2:30 pm to 3:00 pm (via phone)
Location: DHR, 1 South Van Ness	Pages: 13

I. BACKGROUND

A. 7/31/14: Airport Fire Marshal Assignment

From April 2006 until August 2013, Captain Pruitt was a provisional H-22 Lieutenant. Since 2008, he been an Acting Captain. In 2012, he was appointed as a permanent Lieutenant.

Effective August 3, 2013, Captain Pruitt was promoted to a permanent Captain position. He was assigned as the Airport Fire Marshal, Fire Prevention Division. He did not report to the Airport until a few weeks later, in September 2013 because he needed to cross-train the new Captain at Arson. As Fire Marshal, he supervises subordinates whose job includes issuing fire permits, conducting construction inspections for safety, investigating complaints, and working at after hour events at the Airport. When asked if he likes working at the Airport, Captain Pruitt said, "it is very slow work, Arson is more demanding." He likes to be active. Knows there are others who want the Airport assignment.

All the Fire Prevention Captains, including him, report to the Fire Marshal and Assistant Deputy Chief Michie Wong (Asian, [REDACTED]). He works Monday to Friday, 8 a.m. to 4 p.m. or 7 a.m. to 3p.m.; flexibility is based on his FMLA.

Effective October/November 2013, he supervises one Lieutenant and two Inspectors. Lieutenant Dan Decossio (White), appointed to a Captain position effective November 2013, oversees the Airport's Bond projects and now supervises the Fire Prevention Engineer. From September to October/November 2013, Captain Pruitt supervised two Lieutenants (which at that time included then Lieutenant Decossio), two Inspectors, and the Fire Prevention Engineer. Captain Decossio has been at the Airport his entire career, even when he was promoted to Captain. Captain Pruitt pointed out that the Captain assignment is a permanent assignment for the Bond project even though the Bond project is not permanent. Now there are two Captains at Airport Fire Prevention.

021

He has been employed with the CCSF for 24 years, all with the SFFD. He has taken harassment prevention training (according to PSoft: took it 5 times since 2007)

B. 2011 to July 31, 2013: Arson Task Force Assignment

He first requested to go to Arson in 1991.

In 2011, after Fire Marshal Barbara Schultheis (White, [REDACTED]) retired, Captain Pruitt and Captain Thomas Harvey (White, Male) applied for the Fire Marshal position. Deputy Chief Monica Fields told him he did well and was the better candidate, however, Captain Harvey was selected. In 2011, Chief Hayes-White assigned Captain Pruitt to Arson after he was not selected for the Fire Marshal position; she wanted Captain Pruitt to go there because of problems at the Division which they thought he could address. He was at Arson for two years.

Before he was assigned to Arson in 2011, then Fire Marshal Schultheis told him he was not going to Arson. They were particular about who was assigned to Arson because there are specific requirements. These requirements are identified in the H-32 Captain exam and are as follows: (1) Investigator 1a certification, (2) Investigator 1b certification; and (3) have to be a California Peace Officer 832. Can be assigned to Arson when someone has these three certifications. Once obtain these, need to pass the psychological and criminal background. Personnel assigned to Arson carry a gun.

1. Interactions with Captain Harvey

In 2011, after Captain Harvey was selected as Fire Marshal, on his first day, he asked Captain Pruitt if he wanted to go to Arson. It came across to Captain Pruitt that Captain Harvey was saying things to discourage him from going to Arson. The question came across as if Captain Harvey was saying, "Are you sure you want to do it?" Captain Harvey had taken away a Junior Analyst position previously assigned to Arson. Captain Harvey was the Captain at Arson prior to Captain Pruitt. Captain Harvey told Captain Pruitt it was a 5 day per week assignment whereas before it was 4 days, 10 hours per day. Captain Pruitt agreed to go to Arson nonetheless. He pointed out after he was reassigned from Arson, the assignment went back to 4 days a week.

Captain Harvey discriminated against Captain Pruitt because of his race. Captain Harvey never wanted Captain Pruitt to be assigned in Arson because he "did not care for people of color or women" and influenced DC Mark Gonzalez to reassign him from Arson. Captain Harvey also did not like Captain Pruitt because he was not afraid to stand up for what he believed was right. Once Captain Pruitt was in Arson, he worked closely with Captain Harvey; Captain Harvey realized that Captain Pruitt was a good fit and backed off.

Once assigned to Arson, when Captain Pruitt went to order his badge, he ran into a problem. He wanted a second Captain's badge for his outer jacket because he wears it all the time. Per procedure, Captain Pruitt asked DC Fields to get the second badge and she approved/authorized it. Two to three weeks later, Mindy Talmadge asked him if he had spoken to Captain Harvey regarding the Captain's badge because there was a problem. Captain Harvey questioned whether he should be wearing the Captain's badge since he was an Acting Captain and whether he should be wearing a Lieutenant's badge; Captain

Harvey said the Chief of Operations had questioned whether Captain Pruitt should be wearing a Captain's badge.

Captain Pruitt explained this issue regarding whether he should be wearing an Acting Captain badge while assigned in Prevention came up three years ago. Then Chief Masatani of Administration said that as an Acting Captain in Prevention, he was not authorized to wear a Captain's badge; he must wear a Lieutenant badge. Captain Pruitt was told only an Acting Captain in Arson can wear the Captain's badge. Therefore, once at Arson he thought he could get a Captain's badge.

As a result, Captain Pruitt was issued a Lieutenant's badge. A few weeks later, DC Fields asked him about his Captain's badge and what was the problem with the badge. DC Field said, "This is going to stop" and he was issued a Captain's badge that afternoon.

Captain Pruitt said this is an example to support his belief that Captain Harvey never wanted him to be assigned in Arson. Captain Pruitt questioned why Captain Harvey raised this issue.

2. Carrying Gun and Youth Fire Academy

Captain Pruitt is the Director of the San Francisco Fire Youth Academy sponsored by the San Francisco Black Firefighters Association. The program is open to high school youths interested in joining the fire service.

In 2013, Captain Harvey called Captain Pruitt and told him someone complained because the person saw Captain Pruitt walking with kids and he had his firearm on; Captain Harvey reminded him that he needs to secure his weapon. Captain Harvey reminded Captain Pruitt that he needed to secure (lock in his office) his weapon when he was not on duty. Captain Pruitt said he was on-call that day. Captain Pruitt was offended because other Captains were not questioned about their guns or questioned about their uniform. Every Captain could run the Unit the way they wanted. Captain Pruitt felt that Captain Harvey was micromanaging him. Captain Pruitt explained that as Captain, he could carry his weapon at all times.

Captain Harvey had spoken with Deputy Chief Gonzales (possibly Hispanic; [REDACTED]) about this. Captain Pruitt told him that the fire department is co-sponsoring the program and therefore he is allowed to walk with the kids and carry the gun.

A few weeks later, a firefighter operator told Captain Pruitt that when she was driving Assistant Chief Franklin, he saw Captain Pruitt with the kids on Third Street, wearing his uniform and gun. Assistant Chief Franklin made a call asking what Captain Pruitt was doing with the gun and kids. The next day, Captain Pruitt told Captain Harvey that it was Assistant Chief Franklin who called him. Captain Harvey told him he did not know who it was that saw him.

C. 2013 Interviews for Fire Marshal

In June 2013, Captain Harvey retired. The Department held interviews for the Fire Marshal position. The panel included Chief Hayes-White, Captain Harvey, and DC Gonzales. Normally, the sitting Fire Marshal does not participate in the interview panel. Additionally, Acting Lieutenants were allowed to

interview which had not been the past practice. There was a delay in selecting the Fire Marshal. Captain Pruitt received an email informing him that until the new Fire Marshal was selected, he and the other Captains would be reporting directly to DC Gonzales. They did not have a Fire Marshal for about 1 ½ months.

II. INTERACTIONS WITH DEPUTY CHIEF GONZALES

Captain Pruitt first met DC Mark Gonzales (Latino, [REDACTED]) while in Suppression but they did not interact. They first worked together when DC Gonzales became DC of Operations.

They had met for the first time at a major fire, a week or two after DC Gonzales's promotion. When Captain Pruitt arrived at the scene, he was on his way to report to the Command Center. DC Gonzales stopped him and said, "Tyrone, can I help you?" Captain Pruitt said, "I need to report to the incident commander" and continued walking. Fire Marshal Harvey arrived and asked if he had spoken with the DC. Captain Pruitt did not know that DC Gonzales was the now the DC. Fire Marshal Harvey and Captain Pruitt then reported to DC Gonzales. Captain Pruitt apologized and told him, "I didn't know you were the new DC."

A. July 2013: Two Yelling Incidents

Since there was no Fire Marshal, Captain Pruitt reported to DC Gonzales in July 2013.

1. Molotov Cocktails Incident

In July 2013, around 4:00 p.m., Captain Pruitt received a call from DC Gonzales who was yelling at him. DC Gonzales said there were Molotov cocktails found in the City and accusing Captain Pruitt of failing to inform him about it; DC Gonzales is next in the chain of command, and needs to know everything. Captain Pruitt told DC Gonzales he had just received the information, had not verified it, and that the police had picked up the cocktails but did not inform the SFFD; he was investigating, and that he could not call on a rumor until he got the facts. DC Gonzales told him, "I need a report by the end of the day."

DC Gonzales then switched the topic and questioned Captain Pruitt about who gave him authority to make details for training at Arson. DC Gonzales said that Captain Pruitt did not have authority. Captain Pruitt told DC Gonzales, "I was instructed to follow previous procedures." DC Gonzales had authorized the people to attend training and as the Arson Captain, Captain Pruitt was scheduling them for the training. Captain Pruitt offered to have DC Gonzales do the schedule.

After speaking with DC Gonzales, Captain Pruitt completed the report and sent it to DC Gonzales at around 7 pm or 8 pm. When Captain Pruitt called DC Gonzales to tell him it was done, DC Gonzales was nice to him.

2. Out of Town During Weekend

Captain Pruitt was scheduled to go to Chicago for his personal time off and in his absence, the Fire Marshal covers after hour duties on major incidents. On Thursday, Captain Pruitt had informed DC Gonzales, via email that he will be out of town during the weekend. Captain Pruitt asked DC Gonzales

if he wanted him to give the Arson Investigators the DC's contact information because he would be next in command.

On Friday morning, while Captain Pruitt was at Headquarters, DC Gonzales called him and yelled at him regarding who authorized him to take the time off when "we don't have a Fire Marshal." Captain Pruitt told DC Gonzales, "I'm not taking time off, this is my scheduled time off; I will not be able to respond because I'm not going to be in San Francisco." DC Gonzales said, "I'm not going to do it."

Captain Pruitt questioned why DC Gonzales was screaming at him. Captain Pruitt thought, "If I am being considered for the Fire Marshal position, or if I am appointed, I will be working with him and it is best talk to DC Gonzales." He then walked to DC Gonzales office. When DC Gonzales came out, he said, "Walk with me." Captain Pruitt told him "this is the second time you yelled at me." DC Gonzales said, "You can go to Chicago." Captain Pruitt said, "I'm here talk to you about how you are talking to me." Then DC Gonzales saw the Union President and others, and talked to them. Captain Pruitt observed that DC Gonzales did not want to talk about the yelling.

Captain Pruitt went to Chicago; he told the Investigators if anything happened, they could call him in Chicago. No major incidents happened when he was in Chicago.

When asked why he thinks DC Gonzales yelled at him, Captain Pruitt said, "He does not like me, I don't know why." He has not heard DC Gonzales yell at others. In March 2014, he heard that DC Gonzales is "a yeller and a screamer." When Captain Pruitt told Captain [REDACTED] (Black, heterosexual) about DC Gonzalez's conduct, Captain [REDACTED] said DC Gonzalez used to yell at him and he also told him to stop yelling. Sometime in November, December 2013 or January 2014, Captain Micki Jones (White, Female), mentioned that DC Gonzales is a screamer or yeller. Captain Jones mentioned that when they worked at the Airport, Deputy Chief Gonzales was "a screamer or yeller." She may have had dealings with him when he was an Assistant Deputy Chief.

Captain Pruitt confirmed that when DC Gonzales yelled at him, he did not refer to any protected status. However, Captain Pruitt now thinks DC Gonzales yelled at him because of his protected status because his Black and gay. He does not know if DC Gonzales knows if he is gay. DC Gonzalez does not know him. Captain Pruitt participated in Gay Pride Parade. Additionally, looking back, DC Gonzales "trashed" retired Fire Marshal Schultheis and she is [REDACTED] female. Captain Pruitt does not know DC Gonzales's sexual orientation. Captain Pruitt attempted to talk to DC Gonzales about the yelling but DC Gonzales dismissed him, he "ran into another office."

Other than these two incidents in July 2013, DC Gonzales has not yelled at him on other occasions.

3. Discussions with DC Gonzales

When asked if he believed he was making a complaint when he talked to DC Gonzales in July 2013, Captain Pruitt said he wanted to talk to DC Gonzales about the yelling as a subordinate and supervisor, not because of his protected class; wanted to discuss not having these types of communications.

When asked why he included the location of where he spoke with DC Gonzales in his complaint, Captain Pruitt thinks DC Gonzales felt uncomfortable being with him in a closed-door meeting. DC

Gonzales never met with him one-on-one. Captain Pruitt does not know why DC Gonzalez would feel this way.

For example, Captain Pruitt went to Headquarters to talk to DC Gonzales about an incident at Treasure Island where a kid died. When DC Gonzales came out of his office, he told Captain Pruitt to sit next to some chairs outside the Chief's office. DC Gonzales said they could talk about it out in the open. Captain Pruitt said this is a confidential issues and the Chief said, "We can talk about it out here."

Captain Pruitt considers DC Gonzales a work colleague. His management style is erratic and unprofessional. He thought it was wrong for him to trash Fire Marshal Schultheis at the July 31, 2013 meeting discussed below. He think DC Gonzales is "over his head." The yelling is a screen to cover up that he does not know what he is doing.

III. JULY/AUGUST 2013: CAPTAIN PROMOTIONS AND REASSIGNMENT

A. July 31, 2013: Promotion Announcements

On July 31, 2013, a police investigator at Arson Task Force told Captain Pruitt that there was a rumor the Fire Marshal had been selected and that she heard Captain Pruitt was being moved. Captain Pruitt told the police investigator, "Don't worry, I'm not going to be moved, there is too much going on." As context, Captain Pruitt explained that at this time, in Arson there were two new police investigators, three firefighters were in training, one permanent fire investigator, and an ongoing audit.

On July 31, 2013, Captain Pruitt and others were called into a meeting with DC Gonzales. It was announced that Lieutenant Michie Wong was promoted to Fire Marshal. Fire Marshal Wong said she was shocked to get the job and that she had been encouraged to apply.

During the meeting, DC Gonzales said, "I never liked Barbara Schultheis, I didn't like the way she did her business, I didn't like the TRACES system, I thought it was stupid and we did not need it. Tom Harvey was one of the best Fire Marshals, I loved working with him; I liked how he did his business and I'm sure that Michie will continue this." Captain Pruitt thought, "Why are you talking about her?" Captain Pruitt thought that Captain Harvey was one of the biggest racists. As Captain Pruitt thought about it more, he believes DC Gonzales trashed Fire Marshal Schultheis because [REDACTED]

DC Gonzales informed them that before Captain Harvey left, he gave them a list of assignment changes. He said, "I need you to go along with them." DC Gonzales said, "I looked over the list with Fire Marshal Wong, Chief Hayes-White, and we agree with these assignments." Since DC Gonzales said these are recommendations from Captain Harvey, this further evidences that Captain Harvey did not want him in Arson.

DC Gonzales asked Fire Marshal Wong, "Do you want to read off these?" she agreed. The following assignments and promotions were announced:

		Assignment Before	Assignment After	Reason told for Assignment	Effective date Per Psoft
Acting Captain Kenneth Cofflin	White	Port of SF	Port of SF	Wong said the Port does not want any more personnel change, they like him, he will staying there	8/3/2013
Acting Captain Alec Balmy	White	Headquarters	Plan Check	Not recall, they said something about his organization skills	8/3/2013
Acting Captain Brian Ballarad	White	Headquarters	Arson	He "speaks well to people."	8/29/2013
Acting Captain Tyrone Pruitt	Black	Arson	Airport	Worked everywhere except Airport and has experience with Lieutenant Bowden	8/3/2013
Lieutenant Lordes Russell*	Latina, female	Lieutenant in charge of high rises (part of Fire Prevention, this was a Lt.'s assignment)	Captain at Fire Prevention	Not at meeting, on vacation, knew their assignment.	8/3/2013
Lieutenant Micki Jones*	White, female	Plan Check	Plan Check	" " She was Lt. at Plan Check	8/29/2013

*Promoted from Lieutenant to Captain, had not been previously been in an Acting Captain assignment. The Lieutenants who were promoted to Captain stayed in their assignments.

Note: When Lieutenants Jones and Russell were promoted in 2012, they were not moved.

Out of the four Captains who were promoted, no one else is certified to work in Arson except for Captain Pruitt.

DC Gonzales said that Captain Ballard was being reassigned to Arson because he "speaks well to people." Captain Ballard's "jaw dropped," after hearing the assignment. Captain Pruitt pointed out that Captain Ballard did not have the pre-certification for the Arson assignment. [Note: Captain Ballard changed the schedule in Arson; he works four – ten hour days. However, Captain Pruitt knew there was a need for supervision and chose to work 5 days a week.]

Fire Marshal Wong then said Captain Pruitt was assigned to the Airport because he worked in every location except the Airport. Fire Marshal Wong said he has experience working with Lieutenant Attica Bowden (Black), she was one of the problems at Arson. DC Gonzales then took the piece of paper and said something like, "Let's not get side tracked." It seemed that Fire Marshal Wong may have said something that was not meant to be said in meeting.

Captain Pruitt asked what experience Captain Ballard had for the Arson position and then he listed the three-certification requirements for the position. DC Gonzales responded with, "Oh, he can meet that." Captain Pruitt told DC Gonzales putting someone in Arson without any experience at this moment is not beneficial to the members of the public. DC Gonzales said, "You can help him." Captain Pruitt said, "I don't think you understand, there are 3 members in training, 2 new police officers, and a Secretary of State Audit," DC Gonzales responded that you can cross train. Captain Pruitt also told DC Gonzales that maybe they could wait for the reassignment because all these things are happening in Arson and the reassignment did not make sense.

DC Gonzales said, "What do you think about Schultheis and Harvey?" Captain Pruitt said, "The difference between Schultheis and Harvey, is night and day."

After the meeting was over, Captains Pruitt, Ballard, and Balmy went into a separate office. Captain Ballard said he could not do the job in Arson. Captain Pruitt told him to tell this to DC Gonzales. Captain Balmy was also mad and said he did not want to go to Plan Check. Captain Pruitt said, "Why did DC Gonzales mention Lieutenant Bowden at the Airport, it was wrong."

DC Gonzales then came in to the office and said to Captain Pruitt, "Do you have your gun on you, it's a small gun. You are going to the Airport." Captain Pruitt was offended by his statement; he took it as another sign that he was taking the gun away from Captain Pruitt and moving him to the Airport out spite and/or resentment. From what he gathered based on what DC Gonzalez said, he was taking his gun away, moving him out of Arson, for reasons unknown to him.

Captain Pruitt explained that, "People who they do not want in the inner circle are pushed out to the Airport." Captain Pruitt said when Fire Marshal Harvey called him in November 2013, he thinks DC Gonzales did not like him being armed. He never asked him about the gun. It was offensive, he is moving him from a place that he likes and sending him to exile. Captain Pruitt believes that if he was White, he would still be assigned to Arson. Captain Harvey did not want him in Arson because of race. Chief Hayes-White rubber-stamped DC Gonzalez's decision. Captain Pruitt said for whatever reason, DC Gonzales does not want him in the Arson assignment. When I pointed out that Captain Ballard was also reassigned to an assignment he did not like, therefore, it does not appear DC Gonzales's conduct was targeted at Captain Pruitt because of his protected status, Captain Pruitt said, "Ballard is a casualty of war."

Captains Ballard and Balmy reported to DC Gonzales; they told Captain Pruitt that DC Gonzales did not yell at them.

When asked if he knew who was the decision maker regarding the reassignment, Captain Pruitt said, according to DC Gonzales, Fire Marshal Wong but based on recommendations from Captain Harvey. When asked why he is upset about the Airport assignment, Captain Pruitt said, "I think they are taking away something that I enjoyed." He was in a position that he had been applying for a long time. I pointed out that Captain Ballard is also unhappy about his assignment at Arson and therefore, why does he believe he is being treated differently. Captain Ballard told him, "Maybe they want to screw me." Captain Pruitt said, "People who they do not want in the inner circle are pushed out to the Airport."

Captain Pruitt confirmed he had worked in the past with Lieutenant Bowden. He believes the comment regarding Lieutenant Bowden was inappropriate because it involves a personnel issue that should not have been handled in an open public discussion. Lieutenant Bowden is a Black female. Captain Pruitt questioned what special skills he has to supervise her. They are both Black. Captains Jones, Balmy, and Ballard also worked with her in the past. Captain Pruitt confirmed he was the only who directly supervised her. Her race was not mentioned. When asked why he believes the comment regarding Lieutenant Bowden related to his race, was racist, Captain Pruitt said they are, "Sending a Black Captain to deal with Black Lieutenant."

When they announced the assignments, they did not say the reason for the assignments was because everyone has to be moved when they are permanently promoted. They articulated specific reasons for every assignment.

Dan Decossia (White, male) was assigned to the Airport before and after his promotion in 11/23/2013. He is assigned to the Bond Project.

DC Gonzalez tried to find fault with what Captain Pruitt did. Captain Pruitt can only equate it to being discrimination. It is possible that Captain Pruitt knew more than DC Gonzalez knew about the job.

B. August 1, 2013: Captain Pruitt Talked with Kevin Smith

On August 1, 2013, the next day, Captain Pruitt talked to Kevin Smith, President, Black Firefighters Association, who asked him if he wanted to file a complaint. Captain Pruitt said, "No, we have no assignment rights, that is a Union thing." Captain Pruitt pointed out that Captain Ballard, who is White, was assigned to Arson without the necessary prerequisites as compared to Captain Pruitt who was required to have all the requirements before he was considered for the Arson assignment. Captain Pruitt also thought about the issue with the badge.

C. 8/1/13: Captain Pruitt Talked with Fire Marshal Wong

On August 1, 2013, Captain Pruitt told Fire Marshal Wong her comment about Lieutenant Bowden was offensive; "it seems like you are sending a Black Captain to deal with the Black Lieutenant." Her response, "Tyrone, I understand, I was wrong to make the comment about Attica." Fire Marshal Wong did not say that was not the reason he was being assigned to the Airport. It seemed to him that this was something her and DC Gonzales had talked about. He thinks Chief Hayes-White's involvements with decision to transfer him to the Airport was minimal.

D. Reassignment

Captain Pruitt alleged he was the first Captain from the Arson Division to ever be reassigned other than the Captains who were promoted and then left. Captain Harvey was the only one who left Arson because he was promoted to Fire Marshal. The other Captains retired from that position.

When asked what is the Department's policy or practice regarding reassignments after promotions, Captain Pruitt said there is no standard practice for Fire Prevention. The SFFD's policy in Suppression, is when individuals are promoted, they have to leave their home station for at least 6 months. This policy does not apply to Fire Prevention and Investigations; people who are promoted are not moved.

In his complaint memo, Captain Pruitt wrote, "I had requested the Arson Task Force position for more than 15 years and was told that I must be fully qualified or some other bearer (sic) to prevent my assignment?" He explained that he thought he would retire from Arson or be promoted to Fire Marshal. No one wanted to work at Arson. Captain Pruitt understands that he can be moved, reassigned for the good of the Department. He understands that assignments are at the discretion of management.

When asked why he thought he was treated differently, Captain Pruitt said DC Gonzales's comment to him on July 31, 2013, "that is a small gun; you're going to love it at the Airport!" shows he did not like him. He did not report his concerns to anyone at that time.

E. Impact of Reassignment

At the Airport, he no longer earns stand by pay and overtime. In Arson, he was authorized two hours of standby pay if none of the investigators agreed to work standby. They also receive recall pay if they come in for a "greater alarm" after hours - that is overtime. As of July 2013, he earned \$24,000 to \$28,000 in standby and overtime at Arson.

At the Airport, there are limited overtime opportunities. There were three overtime jobs in two months. He has not worked overtime since coming to the Airport. There were overtime opportunities he could have taken but he was not interested because he wanted to allow the Inspectors to work it, i.e., public assemblies. Even if he took the overtime opportunities, it would not be as much as in Arson. The person with the most overtime at the Airport has 40 hours in 6 months. Other than overtime and standby pay, the Airport assignment does not affect any other terms and conditions of his employment.

He is not making a complaint about the Fire Marshal selection; understands it is political.

IV. DISCRIMINATION

When asked why he believes DC Gonzales is discriminating against him because of his race and sexual orientation, Captain Pruitt said the following: (1) DC Gonzales told Lieutenant Shon Buford that Lieutenant Bowden was assigned to the Airport for punishment. Lieutenant Buford told him this; therefore, Captain Pruitt thinks he was sent to the Airport to exile. Captain Pruitt believes DC Gonzalez was upset with him because Captain Pruitt had "the moral courage" to stand up to him regarding his yelling at him. [Note: While he told DC Gonzales not to yell at him, DC Gonzales was talking over him and ignoring him]; (2) he was sent to the Airport because he has experience managing Lieutenant Bowden who is Black; (3) Get him out of the inner circle based on history of Captain Harvey. [Note: After Captain Pruitt was promoted to a permanent Lieutenant, Captain Harvey came to Arson and told him, "You are number 1, do you want to stay here or go somewhere else?" He told Captain Harvey, "I want to go to Headquarters." Captain Harvey's response was they do not have anyone certified to take the Arson spot. Captain Pruitt would have gone to Headquarters because he wanted to be in the inner circle near the Fire Marshal's office.]

Additionally, if they said the reason for the reassignment was because they are implementing the practice of reassigning due to promotions, then he would understand. However, he took issue with the reasons for the new assignments based on what DC Gonzales and Fire Marshal said. Captain Ballard wanted to go the Airport and Captain Pruitt should have been allowed to stay in Arson. If they thought he is good at managing personnel problems, then send him to Plan Check where they are having problems.

A. Other Firefighters

FF [REDACTED] (Black, lesbian) is assigned to the Airport and involved in the Asiana Airline rescue. Based on what he read in the newspaper, FF [REDACTED] said that DC Gonzales yelled at her. Captain [REDACTED] (Black, gay) assigned to Suppression. Captain Pruitt said Captain [REDACTED] has concerns with DC Gonzales but did not recall what they were. Captain [REDACTED] "deal was with the previous Chief, Chief Pat Gardener," also did not know his concerns.

FF [REDACTED] is Black and gay. He understands FF [REDACTED] felt that he was being discriminated against because he is gay. Captain Pruitt has not talked to him, but Kevin Smith told him to contact him.

Lieutenant Attica Bowden was sent to the Airport for punishment; this is based on what Lieutenant Buford told him. Fire Marshal Wong told him the policy is not to move someone for a year. In January 2014, Lieutenant Bowden was reassigned from the Airport after a year. Janice Hayes left Plan Check and came to the Airport, they swapped.

V. COMPLAINT

A. [REDACTED] Complaint against Captain Pruitt

In September 2013, [REDACTED], who works at the Airport made a complaint alleging sexual harassment by Captain Pruitt. The SFFD investigated the matter. In a letter dated January 24, 2014, DC Gonzales informed Captain Pruitt that the Chief concluded there was insufficient evidence to support rule violations. (letter in file). On February 21, 2014, DC Gonzales, Fire Marshal Wong, and Captain Pruitt met to review the findings and the letter. In a February 23, 2014, General Form memo, "EEO Complaint and Violation of the Firefighters Bill of Rights," Captain Pruitt alleged among other things, harassment. (memo in file). In a memo dated February 23, 2014, Captain Pruitt made a harassment and discrimination complaint against DC Gonzalez. (complaint memo)

In his complaint memo, Captain Pruitt stated he was offended because the 1/24/14 letter from DC Gonzales states, "the Chief concluded that there was insufficient evidence for any rule violation in this matter." Captain Pruitt felt the letter should have read that "there was no rule violation." I explained to Captain Pruitt that this is standard language used in EEO investigations as well.

Note: I explained to Captain Pruitt that DHR EEO does not investigate complaints from non-City employees such as [REDACTED]. We investigate employees and applicants. Captain Pruitt did not know that that [REDACTED] is not a City employee.

B. 2/21/14 Meeting with DC Gonzales

On February 21, 2014, one month after receiving the 1/24/14 letter, Captain Pruitt met with DC Gonzales. When Captain Pruitt asked Fire Marshal Wong what the meeting was about, she told him she did not know. Captain Pruitt thought he would be told that he was being moved from the Airport.

At the meeting, DC Gonzales told him the investigation regarding [REDACTED] was closed. DC Gonzales also said that just because there was insufficient evidence, it did not mean he did not do anything wrong.

Captain Pruitt thought, "You should charge me with something." DC Gonzales talked about him having no business asking [REDACTED] to hold his fruit and giving him his phone number. DC Gonzales also mentioned something similar happened in the past. Captain Pruitt did not ask what DC Gonzales was talking about. Captain Pruitt did not say anything. DC Gonzales said, "You need to watch how you talk to people and what you say." DC Gonzales concluded the meeting by saying that Captain Pruitt was doing a good job. Fire Marshal Wong seemed surprised. Captain Pruitt said DC Gonzales's tone and delivery was offensive. He said, "I am tired of being beating up" and "I felt degraded." Captain Pruitt thinks if he had talked to a female, DC Gonzales would not have a problem with his conduct. Outside of HQ, Captain Pruitt asked Fire Marshal what this is about, she did not know. He questioned why he came to HQ to go over a letter he had received 1 month ago.

V. HARASSMENT

He believes DC Gonzales is harassing him because of his race and sexual orientation. When asked to identify unwelcome or offensive conduct he has been subjected to on the basis of his protected status, Captain Pruitt said, the comment about former Fire Marshal Schultheis, Lieutenant Bowden [REDACTED] [REDACTED] DC Gonzales's conduct during the meeting announcing promotions (he took over meeting), not telling Fire Marshal Wong regarding why he was meeting with Captain Pruitt in February.

DC Gonzales has not made any comments about his race or sexual orientation. He also has not heard DC Gonzales make disparaging comments about people's race or sexual orientation.

In the complaint, Captain Pruitt wrote that during the 2/21/14 meeting DC Gonzales said, "He did not agree with my conduct, which could only have me to believe that he have some type of homophobic fears hatred." (Complaint p. 2). When asked to explain what he meant, Captain Pruitt said he believes if he invited a woman to lunch, DC Gonzales would have a different response as compared to him inviting a male. This is speculation but also partly based on his observations of DC Gonzales's interactions with people who are gay. For example, DC Gonzales is "buddy, buddy," with straight people. Captain Pruitt said he has not seen Captain Pruitt interact with gay people. Captain Pruitt has observed that when Black Chiefs report to DC Gonzales, he is "stiff." When DC Gonzales is with his "White buddies," he is more "buddy, buddy." He does not know if they know each other better.

VI. IMPACT

Due to DC Gonzales's conduct, he has not had to take time off work. He has sleep apnea and in November/December had to see a doctor because he was not sleeping well; thinks it is stress related. After the February 21, 2014 meeting, he could not sleep right; created stress. He also did not feel well that day but stayed at work. Over the weekend, he talked to his mom, and calmed down.

In about January or February 2014, he spoke with Captain Ballard who told him he is retiring and asked him if it would okay for him "to tell the Chief that I'm recommending to Fire Marshal Wong that Captain Pruitt go back to talk Arson." Captain Pruitt told Fire Marshal Wong he is willing to go back to Arson; she told him that he is a team player, and asked about Plan Check. He told her if you are asking me, "I don't want to go there, but if you are telling me to go there - then I will go there."

VII. REMEDIES

He requests the following remedies:

1. SFFD should put in place a policy that requires Supervisors to treat subordinates with the same respect officers are expected to treat supervisors; supervisors should not yell.
2. DC Gonzales should get training regarding communication
3. Reassignment to Arson

VIII. MISC.

He did not file charges with the EEOC or DFEH. He also did not file a union grievance.

FOLLOW-UP CALL ON APRIL 22, 2014

On April 2, 2014, Captain Pruitt was at HQ and saw DC Gonzalez. DC Gonzalez was the nicest person, he was overexerting himself. "It was weird."

Captain Pruitt spoke with Fire Marshal Wong about 2 weeks ago about moving to Plan Check or Arson; she wanted him to go to Plan Check. He thinks he is following Lieutenant Attica Bowden. Fire Marshal Wong said, "If I send you to Arson, there are couple of cases that need to be closed." She said DC Gonzalez does not allow her to make assignment movements. DC Gonzalez micromanages all assignment of Inspectors and Lieutenants.

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EXHIBIT C

**MAY 4, 2014 HUMAN RESOURCES
DIRECTOR'S DETERMINATION
LETTER TO CAPTAIN PRUITT**

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Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

CONFIDENTIAL

May 5, 2014

Tyrone Pruitt

Via U.S. Mail

RE: Complaint of Discrimination, DHR EEO File No. 1777

Dear Captain Pruitt:

The San Francisco Charter, Section 10.103 and Civil Service Rule 303 provide that the Human Resources Director shall review and resolve complaints of employment discrimination. The Charter defines discrimination as a violation of civil rights on account of race, religion, disability, sex, age, or other protected category. The City and County of San Francisco (City) considers all allegations of discrimination a serious matter. Accordingly, the purpose of this letter is to inform you of my decision regarding your discrimination complaint.

On February 24, 2014, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO), received a copy of your February 23, 2014 memo titled, "Harassment & Discrimination against Deputy Chief Mark Gonzales" and General Form titled, "EEO Complaint and Violation of the Firefighters Bill of Rights," alleging that Deputy Chief of Operations Mark Gonzales (Hispanic, [REDACTED]) discriminated against you and harassed you based on your race (African American) and your sexual orientation (gay), and retaliated against you. Your complaint was assigned for review to Svetlana Vaksberg, 1231 Equal Employment Opportunity Programs Senior Specialist. On March 13, 2014, you met with Ms. Vaksberg for an intake interview.

I. BACKGROUND AND ALLEGATIONS

You have been employed with the San Francisco Fire Department (SFFD or Department) for about 24 years. From April 2006 until July 2012, you were a provisional H-22 Lieutenant. Since 2008, you have been working as an Acting H-32 Captain. In July 2012, you were appointed as a permanent civil service (PCS) Lieutenant and effective August 2013, you were appointed to a PCS Captain's position.

In 2011, you were assigned as an Acting Captain to the Arson Task Force (Arson), an assignment you had wanted for a long time. You were told individuals must meet the following three specific requirements before they are assigned to Arson: (1) have Investigator 1a certification; (2) have the Investigator 1b certification; and (3) complete the training and become a California Peace Officer pursuant to California Penal Code Section 832. Additionally, individuals must pass a psychological and criminal background check. Personnel assigned to Arson carry a gun.

037

A. Discrimination Allegations Regarding Fire Marshal Thomas Harvey

You allege that Fire Marshal Thomas Harvey (retired) (White, [REDACTED]), discriminated against you because of your race. Specifically, you allege he never wanted you to be assigned in Arson because he "did not care for people of color or women." You believe Captain Harvey also did not like you because you stood up for what you believed was right. You pointed out that in 2011, after you were informed about your Arson assignment, Fire Marshal Harvey asked you if you wanted to go to Arson. You were offended by his question because it came across as if he was discouraging you from taking the Arson assignment.

Once at Arson, you had a problem ordering a second Captain's badge for your outer jacket. Per procedure, then-Deputy Chief Monica Fields approved your request. However, subsequently Fire Marshal Harvey questioned whether you should be wearing a Lieutenant's instead of a Captain's badge since you were an Acting Captain. As a result, you were issued a Lieutenant's badge. Later, Deputy Chief Fields asked you about the problem you encountered obtaining a Captain's badge. She said, "This is going to stop" and you were issued a Captain's badge that afternoon.

The issue regarding whether you could obtain a Captain's badge was addressed when you were previously assigned to the Fire Prevention Division (Prevention). Then-Deputy Chief of Administration Gary Massetani said that as an Acting Captain in Prevention, you were not authorized to wear a Captain's badge, as only an Acting Captain in Arson can wear the Captain's badge. Therefore, you thought since you were assigned to Arson, you could wear a Captain's badge and questioned why Captain Harvey raised this issue.

Additionally, you are the Director of the San Francisco Fire Youth Academy sponsored by the San Francisco Black Firefighters Association. In 2013, Fire Marshal Harvey informed you that someone complained because you were seen walking with the Academy youth while wearing your gun. Fire Marshal Harvey reminded you that you need to secure (lock in your office) your weapon when you are not on duty. You explained to Fire Marshal Harvey that since the SFFD co-sponsors the Youth Academy, you are allowed to carry your gun. You were offended because other Captains were not questioned about their guns and because Fire Marshal Harvey was micromanaging you. You later learned that Assistant Chief Franklin was the individual who saw you and inquired about the situation.

B. Harassment Allegations Against Deputy Chief Mark Gonzales

In June 2013, Fire Marshal Harvey retired and the Department conducted selections for Captain promotions and the Fire Marshal. Until the new Fire Marshal was selected, you and the other Captains were instructed to report directly to Deputy Chief Gonzales.

In July 2013, Deputy Chief Gonzales called you, yelled at you, and accused you of failing to inform him that Molotov cocktails were found in the City. You told Deputy Chief Gonzales you had just received the information, had not verified it, were investigating, and that you could not call on a rumor until you obtained the facts. Deputy Chief Gonzales told you he needed a report by

the end of the day. You completed the report and sent it to Deputy Chief Gonzales. When you called Deputy Chief Gonzales to tell him you completed the report, he was nice to you.

Next, on a Thursday, you informed Deputy Chief Gonzales via email that you would be out of town during the weekend. As the Arson Captain, when you were out of town, the Fire Marshal covered after hour duties on major incidents. Therefore, you asked Deputy Chief Gonzales if he wanted you to give the Arson Investigators his contact information because he would be next in command since a Fire Marshal had not yet been appointed. On Friday morning, while you were at SFFD Headquarters, Deputy Chief Gonzales called you on the phone, yelled at you, and questioned you regarding who authorized you to take the time off when there is no Fire Marshal. You told him, "I'm not taking time off, this is my scheduled time off; I will not be able to respond because I'm not going to be in San Francisco." Deputy Chief Gonzales said, "I'm not going to do it."

You questioned why Deputy Chief Gonzales yelled at you and were concerned because you and he needed to work together. Therefore, you decided to talk to him. When you walked to Deputy Chief Gonzales' office, he came out and said, "Walk with me." You told him you wanted to talk about how he communicated, which included him twice yelling at you. In response, Deputy Chief Gonzales said you could go out of town. Deputy Chief Gonzales then saw the San Francisco Firefighter's Union, President and others, and started talking to them. You observed that Deputy Chief Gonzales did not want to talk about the yelling. Other than these two incidents in July 2013, Deputy Chief Gonzales has not yelled at you.

During the intake, when asked why you think Deputy Chief Gonzales yelled at you, you said, "He does not like me, I don't know why." However, later you said that you think Deputy Chief Gonzales yelled at you because you are Black and gay. You do not know if Deputy Chief Gonzales knew you were gay and you do not know his sexual orientation. You confirmed that when Deputy Chief Gonzales yelled at you, he did not refer to your protected status. While you have not heard Deputy Chief Gonzales yell at others, you heard that Deputy Chief Gonzales is "a yeller and a screamer."

You also think Deputy Chief Gonzales felt uncomfortable being with you in closed-door meetings because he never met with you one-on-one. You do not know why he would feel this way. For example, when you spoke to Deputy Chief Gonzales about an incident at Treasure Island, he came out of his office and told you to sit outside his office even though you viewed the matter as confidential.

You described Deputy Chief Gonzales's management style as erratic and unprofessional. You believe his yelling is a screen to cover up that he does not know what he is doing.

C. Discrimination Allegations Regarding Captain Assignments

On July 31, 2013, you and others met with Deputy Chief Gonzales about the Captain promotions. Deputy Chief Gonzales announced that Lieutenant Michie Wong (Asian, [REDACTED]) was promoted to Fire Marshal. Deputy Chief Gonzales also said before Fire Marshal Harvey left, he gave a list of

assignment changes for the new Captains. Deputy Chief Gonzales said, "I looked over the list with Fire Marshall Wong, Chief Hayes-White, and we agree with these assignments." He said, "I need you to go along with them." He then asked Fire Marshal Wong to read the new assignments, which were as follows: Acting Captain/Lieutenant Kenneth Cofflin (White, [REDACTED]), would remain assigned at the Port; Acting Captain/Lieutenant Alec Balmy (White, [REDACTED]), was reassigned from Headquarters to Plan Check; Acting Captain/Lieutenant Brian Ballard (White, [REDACTED]) was reassigned from Headquarters to Arson. You were reassigned from Arson to Airport Fire Marshal.

You allege your reassignment to Airport Fire Marshall was discriminatory because you believe Deputy Chief Gonzales made the assignment decisions based on recommendations from Captain Harvey, who you believe did not want you assigned to Arson because of your race.

Deputy Chief Gonzales said Captain Ballard was assigned to Arson because he "speaks well to people." Fire Marshal Wong said you were assigned to the Airport because you worked in every location except the Airport and you have experience working with Lieutenant Attica Bowden (Black, [REDACTED]). You pointed out that Captain Ballard did not have the necessary pre-certification for the Arson assignment. You also informed Deputy Chief Gonzales that there were many things going on in Arson, including three members in training, two new police officers, and a Secretary of State Audit. Deputy Chief Gonzales responded that you could cross train Captain Ballard.

You stated that during the meeting, Deputy Chief Gonzales also said, "I never liked Barbara Schultheis (Fire Marshall), I didn't like the way she did her business, I didn't like the TRACES system, I thought it was stupid and we did not need it. Tom Harvey was one of the best Fire Marshalls, I loved working with him; I liked how he did his business and I'm sure that Michie will continue this." As you thought more about his comment, you believe Deputy Chief Gonzales "trashed" Fire Marshal Schultheis because she is [REDACTED].

After the meeting, you went into a separate office with Captains Ballard and Balmy. Captain Ballard said he could not do the job in Arson and wanted to go the Airport. You told him to tell this to Deputy Chief Gonzales. Captain Balmy was also mad and said he did not want to go to Plan Check. Deputy Chief Gonzales then came into the office and said to you, "Do you have your gun on you, it's a small gun. You are going to the Airport." You were offended by his request and took it as another sign that he was taking the gun away from you and moving you to the Airport out of spite and/or resentment. You explained that, "People who they do not want in the inner circle are pushed out to the Airport." You believe if you were White, you would still be assigned to Arson.

You questioned what special skills enabled you to better supervise Lieutenant Bowden considering Captains Jones, Balmy, and Ballard had all worked with her in the past. You confirmed, however, that you were the only one who had directly supervised Lieutenant Bowden. You believe the comment regarding Lieutenant Bowden related to your race because they are "Sending a Black Captain to deal with a Black Lieutenant." You confirmed her race was not mentioned during the discussion.

1. Reassignment from Arson

You explained that the SFFD's policy in the Suppression Division is that when individuals are promoted, they are reassigned from their home station for at least six months. This policy does not apply to Prevention; there is no standard practice because individuals who are promoted are not moved. You understand that assignments are made at the discretion of management.

You allege you were the first Arson Captain to be reassigned other than the Captains who were promoted or retired. You are upset about reassignment because they took away something you enjoyed. You acknowledged that Captains Ballard and Balmy were unhappy about their new assignments as well.

In Arson, you earned standby pay as well as recall pay/overtime, if you worked a "greater alarm" fire. In 2013, (as of July 2013), you earned between \$24,000 to \$28,000 in standby and overtime at Arson. At the Airport, you no longer earn standby pay and overtime since there are limited overtime opportunities. The person with the most overtime at the Airport earned 40 hours in six months. Other than overtime and standby pay, the Airport assignment does not affect any other terms and conditions of employment.

2. August 1, 2013: Discussion with Battalion Chief Kevin Smith and Fire Marshal Wong

On August 1, 2013, you spoke with Battalion Chief Kevin Smith, President, Black Firefighters Association. You told Battalion Chief Smith you did not want to file a complaint regarding your assignment to the Airport because, "we have no assignment rights, that is a Union thing."

On August 1, 2013, you told Fire Marshal Wong her comment about Lieutenant Bowden was offensive because it "seems like you are sending a Black Captain to deal with the Black Lieutenant." She responded, "Tyrone, I understand, I was wrong to make the comment about Attica."

D. Investigation

In September 2013, [REDACTED] (male), who works at the Airport, made a complaint alleging that due to your interactions with him, he felt that you had sexually harassed him. The SFFD investigated the complaint and you were interviewed on November 5, 2013.

In a letter dated January 24, 2014, Deputy Chief Gonzales informed you there was insufficient evidence to support rule violations. On February 21, 2014, Deputy Chief Gonzales and Fire Marshal Wong met with you to review the findings and the letter. You allege at the meeting, Deputy Chief Gonzales told you that just because there was insufficient evidence to support rule violations, it did not mean you did not do anything wrong. Deputy Chief Gonzales said, "You need to watch how you talk to people and what you say." You were offended by Deputy Chief Gonzales's tone and delivery and felt degraded. You were outraged at this meeting and felt that Deputy Chief Gonzales was accusing you of being a pervert because you asked [REDACTED] out to

lunch. You believe that if you had talked to a female, instead of a male, Deputy Chief Gonzales would not have a problem with your conduct and that he had "some type of homophobic fears/hatred."

After the meeting, you submitted to the SFFD your February 23, 2014 General Form and complaint memo.

III. STANDARDS AND ANALYSIS

A. Untimely Allegations

Under the City's internal complaint procedure, complaints of discrimination must be filed within 180 calendar days of the date the alleged discriminatory action took place, or the date the employee would have first become aware of the discriminatory action.

You allege you were subjected to harassment/hostile work environment due to your race and sexual orientation because in July 2013, on two occasions, Deputy Chief Gonzales yelled at you, did not meet with you in his office, and degraded you during the February 24, 2014 meeting. Additionally, you allege you were discriminated against based on your race and sexual orientation because on July 31, 2013, you were informed that you were reassigned to the Airport which you view as "being in exile" and a negative thing.

You first reported your concerns in your February 23, 2014 General Form and Complaint memo. There was a seven-month delay between Deputy Chief Gonzales's alleged conduct, the reassignment, and when you filed your complaint. Therefore, your complaint is untimely. Moreover, as will be discussed below, even if your allegations were timely, you have not sufficiently alleged an inference of discrimination or harassment due to your race or sexual orientation.

B. Insufficient Allegations to Support Discrimination Due to Race or Sexual Orientation

For an investigation to be initiated, a complaint of discrimination/disparate treatment must sufficiently allege all of the following: (1) the complainant is a member of a protected category; (2) the complainant suffered an adverse employment action; and (3) the complaint suffered an adverse employment action because of his/her membership in a protected category. You are a member of a protected category due to your race (African American) and sexual orientation (gay). An adverse employment action is any objectively materially adverse action affecting the terms, conditions or privileges of employment. Actions considered materially adverse are those that impair a reasonable employee's job performance or prospects for advancement. The law recognizes that "Work places are rarely idyllic retreats, and the mere fact that an employee is displeased by an employer's act or omission does not elevate that act or omission to the level of a materially adverse employment action." *Thomas v. Department* (2000), 77 Cal.App. 4th 507, 512.

You allege you were discriminated against due to your race and sexual orientation because you were reassigned from Arson to the Airport. You questioned the reason for the reassignment because when Deputy Chief Gonzales and Fire Marshall Wong announced the new assignments, they did not say it was done pursuant to the Department's policy or practice which requires individuals to be reassigned after promotions. Instead, they gave specific reasons for each Captain's assignment.

Additionally, you shared the following information to further support your discrimination claim: (1) Fire Marshall Harvey is racist and influenced the reassignments because he did not want you to be assigned at Arson due to your race; (2) you were the first Captain reassigned from Arson, other than those who took a promotion; (3) Captain Ballard was assigned to Arson even though he did not have the certification, experience, or desire for the position; (4) you were sent to the Airport because you have experience managing Lieutenant Bowden; and (5) you were sent to the Airport to get you out of the inner circle based on your history with Fire Marshall Harvey.

You acknowledged that on August 1, 2013, when you spoke with Battalion Chief Smith, right after you learned about the reassignment, you told him you did not want to file a complaint regarding the reassignment because, "we have no assignment rights, that is a Union thing." However, after the SFFD investigated your interactions with [REDACTED] and after you met with Deputy Chief Gonzales on February 21, 2014, you asserted the reassignment was discriminatory. The timing of your complaint must be noted.

Moreover, while you allege the Department does not have a policy/practice regarding reassignments after promotion for the Prevention Division, based on the information you provided, other individuals who are not in the same protected categories as you were also reassigned and likewise were not pleased with their new assignments. You acknowledged that Captains Ballard and Balmy, both White, were reassigned and unhappy with their new assignments. It appears Captain Cofflin remained at the Port per the Port's request. Thus, you cannot establish you were treated differently than others.

Next, Fire Marshall Wong's explanation that you were assigned to the Airport because you have worked everywhere except the Airport and had experience working with Lieutenant Bowden, does not demonstrate a discriminatory motive. You acknowledged assignments are made at the Department's discretion and that you were the only Captain who previously supervised Lieutenant Bowden. This information does not create an inference that the only reason you were assigned to the Airport was because Lieutenant Bowden and you are Black.

Lastly, you have not established a nexus between your interactions with Fire Marshal Harvey and how his recommendation regarding the Captain's assignments was based on your race. Moreover, your allegation that you were reassigned to be kept out of the "inner circle" is speculative and is not a protected basis within EEO jurisdiction.

C. Insufficient Allegations to Support Harassment/Hostile Work Environment Due to Race or Sex Orientation

For an investigation to be initiated, a complaint of harassment/hostile work environment must sufficiently allege all of the following: (1) the complainant was subjected to physical, verbal or visual conduct on account of his/her membership in a protected category; (2) the conduct was unwelcome; and (3) the conduct was sufficiently severe or pervasive as to alter the condition of complainant's employment and create an abusive working environment.

You are a member of protected categories based on your race and sexual orientation. You allege that Deputy Chief Gonzales subjected you to offensive verbal conduct because of your race and sexual orientation because he twice yelled at you, did not meet with you in his office, and "degraded" you during the February 21, 2014 meeting. During the meeting, you felt that Deputy Chief Gonzales was accusing you of being a pervert because you asked [REDACTED] out to lunch. You believe that if you had talked to a female, instead of a male, Deputy Chief Gonzales would not have a problem with your conduct and have a different response. You felt that he had "some type of homophobic fears/hatred." You acknowledged this is speculation but also partly based on your observations of Deputy Chief Gonzales's interactions with people who are gay; however, you said you have not seen Deputy Chief Gonzales interact with gay people.

In support of your allegations, you identified others SFFD employees who you allege were subjected to similar behavior by Deputy Chief Gonzales. For example, you stated that based on what you read in the newspaper, Deputy Chief Gonzales yelled at Firefighter [REDACTED] (Black, lesbian), the driver of the second truck at the Asiana Airlines incident at the San Francisco International Airport (Airport). You believe Captain [REDACTED] (Black, gay) has concerns with Deputy Chief Gonzales but you did not recall what they were. Although you have not talked to Firefighter [REDACTED] (Black, gay), you believe he felt he was discriminated against because he is gay. Captain [REDACTED] (Black, heterosexual) told him that Deputy Chief Gonzales yelled at him and he had to tell him to stop. Captain Micki Jones (White) mentioned that when she worked at the Airport with Deputy Chief Gonzales he was "a screamer or yeller." These examples do not support your allegation because they are vague, they do not relate to anyone's protected status, lack context, and are speculative about the nature of each interaction.

You pointed out that Deputy Chief Gonzales' statement that he did not like Fire Marshal Schultheis demonstrates that he "trashed" her because she [REDACTED] and therefore, has animus toward [REDACTED] individuals. However, in reviewing the totality and context of the statement as you relayed it, it appears Deputy Chief Gonzales' comment related to how Fire Marshall Schultheis carried out her duties rather than her sexual orientation. Moreover, since Fire Marshall Wong [REDACTED] and Deputy Chief Gonzales appears supportive of her, this further negates any alleged discriminatory animus.

In support of your racial harassment claim, you said you have observed that when Black Chiefs report to Deputy Chief Gonzales, he is "stiff." However, when Deputy Chief Gonzales is with his "White buddies," he is more "buddy, buddy." You said you did not know the nature of his relationships with these individuals.

You confirmed Deputy Chief Gonzales has not made any comments about your race or sexual orientation. You also did not hear Deputy Chief Gonzales make disparaging comments about other people's races or sexual orientations. Mere suppositions as the bases for alleged conduct do not satisfy the necessary requirements for demonstrating a discriminatory animus.

Even assuming *arguendo*, that Deputy Chief Gonzales's conduct toward you was based on your protected status, you have not sufficiently alleged that you were subjected to severe or pervasive conduct that altered the conditions of your employment and created an abusive work environment. You identified the following five incidents which you describe as Deputy Chief Gonzales' harassing conduct: (1) in July 2013, he twice yelled at you; (2) in July 2013, he did not meet with you in his office, and (3) during the February 21, 2014 he "degraded" you. These five instances do not rise to being severe or pervasive conduct. Furthermore, it is recognized that the law is in not a "civility code" and is it not designed to rid the workplace of vulgarity. *Lyle v. Warner Brothers Television Productions* (2006) 38 Cal.4th 264, 295.

However, based on the information you provided, Deputy Chief Gonzales' yelling may violate the City's "Policy Regarding the Treatment of Co-Workers and Members of the Public," which requires employees to treat co-workers and members of the public with courtesy and respect. Therefore, by copy of this letter, I am referring this issue to the SFFD for their review and appropriate action.

D. Insufficient Allegations to Support a Retaliation Claim

For an investigation to be initiated, a complaint of retaliation must sufficiently allege all of the following: (1) the complainant engaged in a protected activity; (2) the complainant suffered an adverse employment action; and (3) there was a causal link between the protected activity and the adverse employment action. An employee engages in a protected activity when he/she complains about or opposes conduct that the employee reasonably believes to be discriminatory or when the employee participates, testifies, or assists in a discrimination investigation or proceeding.

You alleged that you were reassigned to the Airport "in direct retaliation from Deputy Chief Gonzales for my asking him to refrain from yelling at me when he talks to me." In support of your belief, you stated that Deputy Chief Gonzales told Lieutenant Shon Buford, who then told you, that Lieutenant Bowden was assigned to the Airport for punishment. You think you were likewise assigned to the Airport as punishment because Deputy Chief Gonzales was upset with you because you had "the moral courage" to stand up to him regarding his yelling at you. Additionally, you believe Deputy Chief Gonzales displayed a retaliatory motive when he asked you to return your gun; you stated the request was "out of spite and/or resentment."

Based on the information you provided, you have not established that you engaged in a protected activity before the reassignment was announced on July 31, 2013. During the intake interview, Ms. Vaksberg asked you if you believed you made a complaint in July 2013, when you talked to Deputy Chief Gonzales about his yelling at you. You said you wanted to talk to him about his communications style because you and he have to work together, not because you thought he

treated you differently based on your protected class. Therefore, you not did complain about any discriminatory conduct and cannot establish that you engaged in a protected activity.

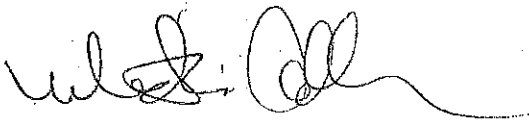
Moreover, you have not established a nexus between your discussion with Deputy Chief Gonzales and the reassignment because you said that he made the assignment decisions based on suggestions from Fire Marshall Harvey. Fire Marshall Harvey retired before you spoke with Deputy Chief Gonzales in July 2013.

IV. DETERMINATION

Based on the information you presented, it is my determination that your complaint EEO File No. 1777, will not be investigated and is administratively closed. The decision of the Human Resources Director is final, unless it is appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Room 720, San Francisco, California, 94102, within 30 calendar days from the postmarked mailing date of this letter.

Please note that you may also file a discrimination complaint with the U.S. Equal Employment Opportunity Commission (1-800-669-4000) or the California Department of Fair Employment and Housing (1-800-884-1684). Contact these agencies for filing requirements and deadlines.

Sincerely,



Micki Callahan
Human Resources Director

c: Fire Chief Joanne Hayes-White
Jesusa Bushong, Department Personnel Officer, SFFD
Linda Simon, Director, EEO and Leave Management Programs

EXHIBIT D

**APPEAL, NOTICE OF RECEIPT OF APPEAL,
AND ACKNOWLEDGEMENT LETTER TO
APPELLANT**

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x' M. Callahan
D. Kotabe
L. Simon
J. Bushong

2014 MAY 22 PM 12:33
EX-100
CIVIL SERVICE COMMISSION

May 21, 2014

Civil Service Commission
25 Van Ness Avenue, Room 720
San Francisco, California 94102

RE: Request for Appeal and Corrections for Record,
DHR EEO File No. 1777, Finding Letter dated May 5, 2014

Dear Civil Service Commission,

I respectfully appeal the findings of DHR regarding my complaint of discrimination and for the record would like to make some factual corrections.

Item A. Discrimination Allegations Regarding Fire Marshal Thomas Harvey:

This information was provided to the investigator as background information only. I made no claims of discrimination against the former retired Fire Marshal Thomas Harvey, because after having confronted him on his actions his behavior changed.

Item B. Harassment Allegations against Deputy Chief Mark Gonzales:

Regarding the issue of the conversation on the Molotov cocktail incident; once DC Gonzales realized that his yelling about the Molotov cocktails was uncalled for he began to yell at me about having firefighters detailed to the Arson task Force without his permission. Once again I corrected the record on this item, after which he continued yelling at me about the Molotov cocktail incident. It was apparent to me that DC Gonzales would not be satisfied until he found fault with my actions. I would like to note for the record that DC Gonzales did not answer the phone when I called him on my cell phone with caller ID. I then immediately called him from my desk with no caller ID and he answered not knowing I was the caller, which is why I believe he answered nicely.

During the intake interview and two (2) follow up phone interviews, I was asked to speculate why Chief Gonzales may have treated me in a negative way. Unfortunately I allowed myself to engage in speculations with the investigator on his particular motives. These speculations were evaluated by me long before I decided to file an EEO complaint. The final outcome I was drawn to was discrimination due to my race and sexual preference.

Regarding the last statement on my beliefs, I believed that Deputy Chief Gonzales yelling and screaming at me is based on discrimination.

Item C. Discrimination Allegations Regarding Captain Assignments:

The last paragraph discussed Lieutenant Attica Bowden; I only supervised Lt. Bowden when she was an H-6 Fire Investigator. I had never supervised her when she was a Lieutenant; she was supervised by others at headquarters. With regards to Lt. Bowden and my race, does the Deputy Chief or the Fire Marshal have to state our race for the actions to be considered discriminatory? We are African Americans and we are receiving desperate treatment. Do the facts not speak for themselves?

1. Reassignment from Arson: My being upset about reassignment from Arson because I liked Arson **is not** the grounds for my discrimination complaint. My complaint is based on the fact that as an African American male I had to have all the required investigation certifications before I was considered for an assignment; however Captain Ballard, a White male, was not required to have any investigation qualifications before his assignment. During the initial meeting with the new fire marshal and the deputy chief this was my first question, "what qualification does CPT Ballard have for an assignment at Arson?" The response from the deputy chief was, "what does he need?"
2. August 1, 2013; Discussion with Battalion Chief Kevin Smith and Fire Marshal Wong: I did in fact tell BC Smith that I did not want to file a complaint about my assignment to the Airport. My assignment to the Airport was not the issue; the issue was the desperate treatment with the requirements for assignment to Arson. As a Black male I was required to have all investigation qualifications before an assignment to Arson; but CPT Ballard, a White male, was not required to have any investigation qualifications.

Item D. [REDACTED] Investigation.

I would like to clarify the record regarding the follow-up interview with Deputy Chief Gonzales on the conclusion of the Fire Department investigation into my conduct. The way in which the report reads appears that the meeting was called by the Deputy Chief and the Fire Marshal. The Deputy Chief ordered the Fire Marshal and I to his office without notice or reference to the content of the meeting. The Fire Marshal is my immediate supervisor and he did not even afford her an opportunity to prepare for the meeting.

III. Standards and Analysis.

- A. Untimely Allegations: My charge of discrimination was initiated on February 23, 2014 as outlined in my General Form Complaint. The incidents disclosed previous to this incident were disclosed to substantiate my claim and to show a pattern of abuse.

B. Insufficient Allegations to Support Discrimination Due to Race or Sexual Orientation:

Reassignment from Arson to the Airport is not the issue; the issue is the prerequisites that were placed upon me, a Black male, and not on others.

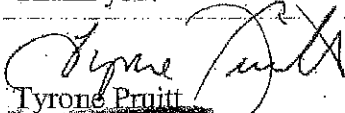
Within itself the investigation regarding the [REDACTED] incident had no bearing on my discrimination charge. It should be noted that investigation concluded on January 24, 2014 with no charges against me. On February 21, 2014, almost a month later, I was called into deputy chief Gonzales office and immediately filed a discrimination complaint; therefore I'm not sure what is meant by, "**the timing of my complaint must be noted**". I am a 24 year veteran of the Fire Department and Past President of the San Francisco Black Firefighter Association. I do not haphazardly file claims of discrimination against individuals. This is a very serious and emotional undertaking.

My complaint is not based on being happy with my assignment. As a 21 year veteran Commissioned Officer of the United States Armed Forces I fully understand and appreciate that we must take assignments as required. My complaint is regarding the disparity in assignment requirements for Arson. Although deputy chief Gonzales did not state that as a black male I must have all these prerequisites for assignment to arson, however for white male these prerequisites are waived, this is the reality of the situation.

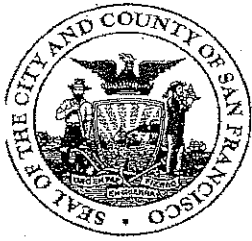
Regarding Lt Bowden and my assignment to the airport, a pattern of discrimination and isolation of African Americans can only be deduced through additional interviews with other affected parties. I informed the EEO investigator that 798 Union representative Lieutenant Shon Buford informed me that during a meeting with deputy chief Gonzales he stated that Lt. Bowden was sent to the airport as (informal) punishment. Now I'm sent to the airport, even though my transfer caused great disruption within the Arson Task Force, coupled with the fact that I was replaced with someone who had no investigation qualifications.

Conclusion: I respectfully request the Civil Service Commission take action to correct the record and re-evaluate the findings of DHR.

Thank you.


Tyrone Pruitt

H-32 Captain / Fire Prevention & Investigation
San Francisco Fire Department



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

NOTICE OF RECEIPT OF APPEAL

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

DATE: May 28, 2014

REGISTER NO.: 0117-14-6

APPELLANT: Tyrone Pruitt

Micki Callahan
Human Resources Director
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Mr. Tyrone Pruitt, appealing the Human Resources Director's decision on his discrimination complaint, EEO File No. 1777. Your review and action are required.

If this matter is not timely or appropriate, please submit CSC Form 13 "Action Request on Pending Appeal/Request," with supporting information and documentation to my attention at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. CSC Form 13 is available on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Forms."

In the event that Mr. Pruitt's appeal is timely and appropriate, the department is required to submit a staff report in response to the appeal within sixty (60) days so that the matter may be resolved in a timely manner. Accordingly, **the staff report is due no later than 11 a.m. on July 24, 2014** so that it may be heard by the Civil Service Commission at its meeting on August 4, 2014. If you will be unable to transmit the staff report by the July 24th deadline, or if required departmental representatives will not be available to attend the August 4th meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

You may contact me at Jennifer.Johnston@sfgov.org or (415) 252-3250 if you have any questions. For more information regarding staff report requirements,

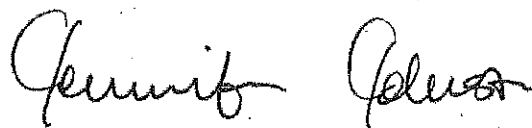
052

Appellant: Tyrone Pruitt
May 27, 2014
Page 2 of 2

meeting procedures or future meeting dates, please visit the Commission's website at www.sfgov.org/Civil_Service.

Sincerely,

CIVIL SERVICE COMMISSION

A handwritten signature in black ink, appearing to read "Jennifer Johnston". The signature is written in a cursive, flowing style.

JENNIFER JOHNSTON
Executive Officer

Attachment

Cc: Donna Kotake, Department of Human Resources
Linda Simon, Department of Human Resources
Jesusa Bushong, San Francisco Fire Department



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via U.S. Mail

May 28, 2014

Tyrone Pruitt



SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

Subject: Register No. 0117-14-6: Appealing the Human Resources Director's decision on your discrimination complaint, EEO File No. 1777.

DOUGLAS S. CHAN
COMMISSIONER

Dear Mr. Pruitt:

KATE FAVETTI
COMMISSIONER

This is in response to your appeal submitted to the Civil Service Commission on May 22, 2014 appealing the Human Resources Director's decision on your discrimination complaint. Your appeal has been forwarded to the Department of Human Resources and the San Francisco Fire Department for investigation and response to the Civil Service Commission.

GINA M. ROCCANOVA
COMMISSIONER

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will be notified approximately one week in advance of the hearing date, at which time you will be able to pick up a copy of the department's staff report at the Commission's offices located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please submit your request to CivilService@sfgov.org (this will also result in your receiving the meeting notice and staff report a few days sooner).

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date (note that the Commission requires an original and eight copies of any supplemental/rebuttal materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

You may contact me by email at Jennifer.Johnston@sfgov.org or by phone at (415) 252-3247 if you have any questions. You may also access the Civil Service Commission's meeting calendar, and information regarding staff reports and meeting procedures, on the Commission's website at www.sfgov.org/Civil_Service.

Sincerely,

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

054

EXHIBIT E

2013 H-32 CAPTAIN JOB ANNOUNCEMENT

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H-32 Captain, Fire Prevention or Fire Investigation

Recruitment #CBT-H032-060019

Department:	Fire Department
Analyst:	Joron Coleman
Date Opened:	2/8/2013 10:00:00 AM
Filing Deadline:	2/22/2013 5:00:00 PM
Salary:	\$168,064.00/yr
Job Type:	CBT Discrete
Employment Type:	Full-Time

[Go Back](#) [View Benefits](#)

INTRODUCTION

H-32 CAPTAIN, FIRE DEPARTMENT

Description of Position:

The H-32 Captain, Division of Fire Prevention and Investigation, is a management position in the Division of Fire Prevention and Investigation class series. Under general direction of the Chief of the Division of Fire Prevention and Investigation, employees in this class are responsible for the activities of a major organizational section within the Division of Fire Prevention and Investigation. Incumbents supervise the staff of a bureau or major section; make assignments of work; review reports of inspectors, officers, and investigators and make recommendations; supervise the training of new personnel; and assist in the preparation and management of annual budgets. Upon assignment, incumbents may: (1) Manage the division's fire inspection activities; lecture before groups on fire prevention; read and interpret building plans and specifications to ensure compliance with State law and City and County Ordinances; and prepare letters, instructions and recommendations to owners of property relative to fire prevention and public safety measures; (2) Formulate and direct the public education programs for the Division of Fire Prevention and Investigation including the development of programs for special groups, and supervision of the duties of inspectors assigned to education tasks; or (3) Manage the division's fire investigation activities; evaluate and assist in the preparation of fire-related cases for civil and criminal court hearings; coordinate the activities of the Arson Task Force; inform supervisors and the Public Information Officer regarding the status of fire investigations; and prepare letters, reports and instructions relative to fire investigations. Incumbents also perform related duties as required.

Eligibility Requirements:

This examination is open to all employees who have completed probation as permanent appointees in Class H-22 Lieutenant BFP or H-24 Lieutenant BFI (including those on leave for exempt, provisional, non-civil service, and / or limited tenure appointments to other positions) as of the close of application filing.

How to Apply:

Applications for this position are being accepted through an on-line process. Visit www.jobaps.com/sf to begin the application process by registering an account.

- Click and select the H-32 job announcement
- Click on "Apply" and read and acknowledge the information
- Follow the instructions provided on the screen

For anyone who does not have access to an internet-connected computer, computer kiosks are located in the reception area of the Department of Human Resources, 1 South Van Ness Avenue, 4th Floor, San Francisco, for use by the public to apply for City jobs. The hours of operation are from 8:00 AM to 5:00 PM, Monday through Friday. However, because the computers will be shut down at 5:00 PM, it is recommended that you arrive by at least 4:30 PM to allow time to complete the application.

In the experience section of the application, you need include only your experience as an

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H-22 or H-24 in the San Francisco Fire Department.

If you previously registered and have a JobAps account with the City and County of San Francisco, but do not remember your UserID and password, please email Becky Benoza (Rebecca.Benoza@sfgov.org) for your login information.

A completed application must be submitted online by 5:00 PM on Friday, February 22, 2013. **Failure to submit the completed application by 5:00 PM on February 22, 2013 will result in disqualification from this selection process.**

Selection Procedure:

The selection process will consist of a role play exercise and a written in-basket exercise. A pass-point will be established after administration of the exam components, and only candidates participating in both components and scoring at or above the minimum passing score will be placed on the eligible list and considered for appointment.

The exam will be designed to measure candidates' relative knowledge and ability in job-related areas. A description of and/or test preparation materials for both exercises will be made available to candidates at a later date. Candidates will be notified via email as to when and where to obtain these materials.

Qualified applicants will be notified by email of the exact dates, times, and locations of the exercises, which are tentatively scheduled to be administered the weeks of April 15 - 30, 2013. Candidates must successfully complete both exercises to receive a final score. The final score will be a composite of the scores obtained on the two exercises.

Reasonable Accommodation Request

Information on requesting reasonable accommodation for persons with disabilities can be found at http://www.sfdhr.org/index.aspx?page=20#applicants_with_disabilities.

General Information Concerning City and County of San Francisco Employment Policies and Procedures:

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

Terms of Announcement:

Applicants must be guided solely by the provisions of this announcement, including requirements, time periods, and other particulars, except when superseded by Federal, State, or Local laws, rules, or regulations. Clerical errors may be corrected by the posting of the correction on the Department of Human Resources website at www.jobaps.com/sf.

Eligible List:

The duration of the eligible list resulting from this selection process will be three years.

Certification Rule:

In accordance with Civil Service Rule 313.3.4, the certification rule to be used for the eligible list will be Statistically Valid Grouping (Sliding Band).

Secondary Criteria:

In accordance with Civil Service Rule 313.2.1, the Chief of Department will consider the following secondary criteria when making appointments from the eligible list:

- Fire Department Experience (i.e., length and variety)
- Education and Training
- Completion of State Fire Marshal courses or equivalent
- Disciplinary Record

Secondary criteria items will be reviewed in totality and will not be weighted. Candidates will be asked to complete a Secondary Criteria form at a later date. Candidates will be notified via a Fire Department General Order when to submit the Secondary Criteria form.

Probationary Period:

The probationary period for H-32 employees is six months. Probationary employees may be released at any time by the appointing officer during this period. Use of time-off, paid or unpaid, such as military leave, personal leave, sick leave and vacation will extend the probationary period.

Notes:

- 1) This announcement is issued in accordance with Civil Service Rule 310.
- 2) Civil Service Rules 310, 311 and 312 relate to Class-Based Testing for the City and County of San Francisco. They specify announcement, application and examination policies and procedures, including applicant appeal rights. These rules can be obtained at <http://www.sfgov3.org/index.aspx?page=300>. Copies of this information can also be obtained at 1 South Van Ness, 4th Floor, San Francisco, CA 94103.
- 3) For study purposes, candidates should be familiar with all Fire Department General Orders, and the Fire Department manuals and other references listed below. This is a suggested

reading list only. The examination will cover materials selected from this list as well as experience expected to have been gained as an H-22 Lieutenant or H-24 Lieutenant.

California State Health and Safety Code
 SFFD Injury and Illness Prevention Program Manual
 A. O. Reports and Human Resource Management System (HRMS)
 SFFD Rules and Regulations & Procedures Guide
 SFFD Training Bulletins
 2010 San Francisco Fire Code
 2010 California Fire and Building Codes
 2009 International Building and Fire Codes, including I.C.C. Code and Commentary manuals
 National Fire Protection Association (NFPA) 921, 13, 13R, 13D, 72, and other Fire Investigation and Prevention Related Standards
 Fire Investigation Operations Guide
 Managing Employee Performance Manual and Procedures Guidebook
 National Fire Incident Reporting System (NFIRS) Manual: The Basics: revised June 2006
 NFIRS Version 5.0; Quick Reference Guide July 25, 2002
 Bureau of Fire Investigation Procedure Guide

SFFD manuals and training bulletins are available for purchase at DOT. It is the applicant's responsibility to update the publications listed as suggested reading materials by acquiring any Department-authorized revisions, supplements, and/or replacements issued prior to February 2013.

4) Examination scores will be standardized.

5) Before appointment, eligibles must pass a thorough physical examination by the Department Physician. This exam includes a substance abuse test. Eligibles appointed must also pass an additional physical exam prior to the completion of their probationary periods.

Candidates may also be required to meet the following requirements:

Successful completion of State Fire Marshal Courses Investigation 1A and 1B
 Successful completion of Department of Justice Fingerprint Search
 Successful completion of background felony check
 Successful completion of psychological examination
 Successful completion of polygraph examination

6) The City and County of San Francisco's Substance Abuse Policy, in compliance with the Department of Transportation Omnibus Transportation Employee Testing Act of 1991 employing the Federal Motor Carrier Safety Administration (FMCSA) and Federal Transit Administration (FTA) regulations, requires drug and alcohol testing for employees in "safety-sensitive" positions. Some Fire Department positions may qualify as "safety-sensitive" as defined by the FMCSA and FTA regulations. Applicants selected for safety-sensitive positions will be required to pass a Pre-Employment drug test prior to appointment and shall be subject to Random, Post-Accident, Reasonable Suspicion, Return-To-Duty, and Follow-Up Testing during employment. Prior to appointment to an FMCSA position, each applicant who has participated in a DOT drug and alcohol testing program within the immediately preceding two years will be required to sign a consent form authorizing the City to contact his/her prior employers concerning his/her drug and alcohol test history.

7) Prior to appointment, appointees must complete and submit a "Conviction History Form".

8) An applicant/eligible that changes his or her contact information [name, mailing address, phone, etc.] after having filed an application must promptly go to CCSF's employment website: www.jobaps.com/sf. Click on the blue "Update My Contact Info" button located on the top of the page. Log-in to your JobAps account by entering both your UserID & Password. Enter your new address/contact information. Click on the blue "Update Contact Information" button again [located at the very bottom of the page]. Failure to maintain current contact information may result in loss of eligibility.

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

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 ANNOUNCEMENT #060019
 PST, (415) 557-4822

Micki Callahan
 Director
 Department of Human Resources

PROMOTIVE ONLY

BENEFITS

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**Commissioners'
Announcements/
Request**

Adjournment