

# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

*Sent via Electronic Mail*

April 10, 2014

## NOTICE OF CIVIL SERVICE COMMISSION MEETING

**SUBJECT: RECOMMENDATION TO ADOPT THE REVISED PERMANENT CIVIL SERVICE RULE 411A, POSITION-BASED TESTING PROGRAM FOR SERVICE-CRITICAL CLASSIFICATIONS/POSITIONS AT THE MUNICIPAL TRANSPORTATION AGENCY.**

SCOTT R. HELDFOND  
PRESIDENT

E. DENNIS NORMANDY  
VICE PRESIDENT

DOUGLAS S. CHAN  
COMMISSIONER

KATE FAVETTI  
COMMISSIONER

GINA M. ROCCANOVA  
COMMISSIONER

The above matter will be considered by the Civil Service Commission at a meeting to be held on **April 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](http://www.sfgov.org/Civil_Service) under "Meeting Information" no later than end of day on Wednesday, April 16, 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 April 16th, please contact the Civil Service Commission's Office at [CivilService@sfgov.org](mailto:CivilService@sfgov.org) or (415) 252-3247.

JENNIFER C. JOHNSTON  
EXECUTIVE OFFICER

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 will be 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. beginning Thursday, April 17, 2014.*

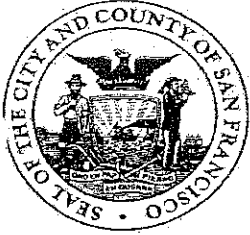
CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON  
Executive Officer

Attachment

THIS DOCUMENT SUPPORTS  
CALENDAR ITEM 11





# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

*Sent via Electronic Mail*

March 26, 2014

SCOTT R. HELDFOND  
PRESIDENT

## NOTICE OF CIVIL SERVICE COMMISSION ACTION

E. DENNIS NORMANDY  
VICE PRESIDENT

SUBJECT: SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY'S FINAL REPORT ON THE OPERATION OF THE PILOT POSITION-BASED TESTING PROGRAM UNDER CIVIL SERVICE RULE 411A, AND REQUEST TO PERMANENTLY ADOPT CIVIL SERVICE RULE 411A.

DOUGLAS S. CHAN  
COMMISSIONER

KATE FAVETTI  
COMMISSIONER

At its meeting of March 17, 2014 the Civil Service Commission had for its consideration the above matter.

GINA M. ROCCANOVA  
COMMISSIONER

The Commission accepted the Executive Officer's report and granted the Municipal Transportation Agency's request to make permanent Civil Service Rule 411A as recommended, with the following additional revisions:

JENNIFER C. JOHNSTON  
EXECUTIVE OFFICER

1) that for the first three-year period during which the Department of Human Resources will be reviewing the operation of the Position-Based Testing Program at the Municipal Transportation Agency under Civil Service Rule 411A, the reporting requirement will continue as is (quarterly) and the maximum duration of the eligible list will remain two years;

2) after the three-year review period, following a report from the Department of Human Resources, the Commission will consider making the provisions of Civil Service Rule 411A fully consistent with Civil Service Rule 111A with respect to the reporting requirement and maximum eligible list duration.

Directed the Executive Officer to post the revised Civil Service Rule 411A (as amended) for adoption as required under the Charter and Civil Service Rules, and to meet and discuss the proposed revisions with affected labor union(s) and other interested stakeholders. (Vote 4 to 0)

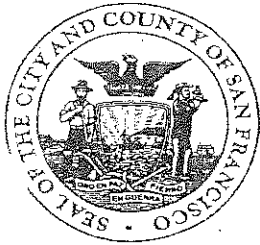
If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON  
Executive Officer

Cc: Alicia John - Baptiste, Municipal Transportation Agency  
Donald E. Ellison, Municipal Transportation Agency  
Edward D. Reiskin, Municipal Transportation Agency





# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

*Sent via Electronic Mail*

March 6, 2014

## NOTICE OF CIVIL SERVICE COMMISSION MEETING

SCOTT R. HELDFOND  
PRESIDENT  
  
E. DENNIS NORMANDY  
VICE PRESIDENT  
  
DOUGLAS S. CHAN  
COMMISSIONER  
  
KATE FAVETTI  
COMMISSIONER  
  
GINA M. ROCCANOVA  
COMMISSIONER

**SUBJECT: SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY'S  
FINAL REPORT ON THE OPERATION OF THE PILOT POSITION-  
BASED TESTING PROGRAM UNDER CIVIL SERVICE RULE 411A,  
AND REQUEST TO PERMANENTLY ADOPT CIVIL SERVICE  
RULE 411A.**

The above matter will be considered by the Civil Service Commission at a meeting to be held on March 17, 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](http://www.sfgov.org/Civil_Service) under "Meeting Information" no later than end of day on Wednesday, March 12, 2014.

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

Cc: Alicia John - Baptiste, Municipal Transportation Agency  
Donald E. Ellison, Municipal Transportation Agency  
Edward D. Reiskin, Municipal Transportation Agency

THIS DOCUMENT SUPPORTS  
CALENDAR ITEM 13



# STAFF REPORT







# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: April 21, 2014  
To: Civil Service Commission  
From: Jennifer Johnston, Executive Officer *Jennifer Johnston*  
Subject: **Recommendation to Adopt the Proposed Permanent Civil Service Rule 411A—  
Position-Based Testing Program for Service-Critical Positions and Classifications  
at the Municipal Transportation Agency**

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During its meeting of March 17, 2014, the Civil Service Commission (“Commission”) approved the Municipal Transportation Agency’s (“MTA”) request that the Commission adopt a permanent Civil Service Rule 411A, Position Based Testing (“PBT”) Program for service-critical positions and classifications at the MTA (applicable only to those classifications approved by the Department of Human Resources for inclusion in the PBT Program).

However, the Commission further amended the proposed permanent Civil Service Rule 411A as follows (see Attachment A):

- 1) For the first three-year period during which the Department of Human Resources (“DHR”) will be reviewing the operation of the MTA’s PBT Program under Rule 411A, the MTA’s reporting requirement will continue as is (quarterly), and the maximum duration of any eligible list created under Rule 411A will remain two years; and,
- 2) At the end of that three-year period, DHR will report back to the Commission with its findings regarding the MTA’s administration and implementation of its PBT Program (see Section 411A.8.4), at which time the Commission will consider whether to make the MTA’s PBT Program under Civil Service Rule 411A fully consistent with the City’s PBT Program under Civil Service Rule 111A (i.e., to increase the maximum duration of eligible lists to four years, and to move to a semiannual reporting requirement) (see Sections 411A.6 and 411A.28.2).

Finally, the Commission directed its Executive Officer to post the draft permanent Civil Service Rule 411A (as amended) for adoption as required under the Charter and Civil Service Rules, and to meet and discuss the proposed Rule with affected labor unions and other interested stakeholders.

The Executive Officer posted the proposed permanent Civil Service Rule 411A on March 21, 2014 and scheduled two meetings to discuss it with any interested stakeholders—one on March 28<sup>th</sup> and one on March 31<sup>st</sup>, 2014. (See Attachment B for a copy of the posting, *sans* attachments.) No individuals attended the March 28<sup>th</sup> meeting, and only one interested stakeholder attended the March 31<sup>st</sup> meeting: Joe Abad, President of the Transportation Workers’ Union, Local 200. Mr. Abad primarily had questions about the applicability of the proposed permanent Rule to his members, and about the differences between PBTs and Class-Based Tests. Neither Mr. Abad nor any other

stakeholders expressed objection to the proposed permanent Civil Service Rule 411A.

**Recommendation:** The Executive Officer recommends that the Commission adopt the proposed permanent Civil Service Rule 411A (Attachment A).

Attachment A: Proposed Permanent Civil Service Rule 411A, as further amended by the Civil Service Commission at its meeting of March 17, 2014

Attachment B: March 21, 2014 Notice of Posting on the Proposed Permanent Civil Service Rule 411A

# **Attachment A**



## Rule 411A

### **Pilot Position-Based Testing Program for MTA Service-Critical Positions or Classes**

Applicability: Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### **Article I: Civil Service Commission Policy Related to Position-Based Testing**

- Sec. 411A.1 **Purpose**
- Sec. 411A.2 **Merit Based Examinations**
- Sec. 411A.3 **Diversity of Workforce**

#### **Article II: Examination Provisions**

- Sec. 411A.4 **Application of Position-Based Testing**
- Sec. 411A.5 **~~Sunset and Termination of this Rule 411A and Pilot Position-Based Testing Program~~**
- Sec. 411A.6 **Reporting Requirement**
- Sec. 411A.7 **Civil Service Commission Rules for Position-Based Testing**
- Sec. 411A.8 **Responsibilities of the Director of Transportation**

#### **Article III: Examination Announcements**

- Sec. 411A.9 **Examination Announcements**
- Sec. 411A.10 **Reissuing of Examination Announcements**
- Sec. 411A.11 **Correction of Examination Announcements**

#### **Article IV: Examination Applicants and Applications**

- Sec. 411A.12 **Definition of Applicant**
- Sec. 411A.13 **Qualifications of Applicants**
- Sec. 411A.14 **False Statements by Applicants**
- Sec. 411A.15 **Promotive Applicants**
- Sec. 411A.16 **Veterans Preference in Examinations**
  
- Sec. 411A.17 **Change of Address**
- Sec. 411A.18 **Custody of Examination Applications**

Sec. 411A.19 Names Not to be Made Public

**Article V: Examinations**

Sec. 411A.20 Adequacy of Examinations

Sec. 411A.21 Examination Rating Panels

Sec. 411A.22 Establishing Cutoff Scores and Number of Eligibles

Sec. 411A.23 Cheating in Examinations Prohibited

Sec. 411A.24 Review of Ratings by Examination Participants

**Article VI: Administration of Eligible Lists**

Sec. 411A.25 Eligible Lists

Sec. 411A.26 Adoption and Posting of Eligible List

Sec. 411A.27 Maintenance of Eligibility

Sec. 411A.28 Management of Eligible Lists

Sec. 411A.29 Rosters of Eligibles Established by Other Authorities

**Article VII: Certification of Eligibles**

Sec. 411A.30 Certification

Sec. 411A.31 Certification of Eligibles – Minimum Allowable Certification Rule

Sec. 411A.32 Establishment of the Certification Rule for Position-Based Testing

**Article VIII: Appeals of Examination Processes**

Sec. 411A.33 Substance of Appeals

Sec. 411A.34 Timeliness of Appeals

Sec. 411A.35 Continuance of Examinations with Appeals Pending

Sec. 411A.36 Authority to Rule on Appeals

Sec. 411A.37 Appeals to the Civil Service Commission

Sec. 411A.38 Appeals to the Director of Transportation

## Rule 411A

### Position-Based Testing

#### Article I: Civil Service Commission Policy Related to Position-Based Testing

Applicability: Article I, Rule 411A shall apply to examinations designated to this Pilot-Position-Based Testing Program, and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

##### Sec. 411A.1 Purpose

**411A.1.1** The Civil Service Commission recognizes the importance of reducing the time it takes to make permanent civil service appointments and reducing reliance on provisional and other forms of temporary hiring. Therefore, this Pilot-Position-Based Testing Program is being established with the goal of adopting eligible lists resulting from merit-based examination processes within sixty (60) days from the posting of the examination announcement.

**411A.1.2** It is the policy of the Civil Service Commission that examination processes in the City and County of San Francisco under this Pilot-Position-Based Testing Program are conducted in an efficient and fair manner to ensure that the best-qualified individuals are selected to perform service for the City.

##### Sec. 411A.2 Merit Based Examinations

**411A.2.1** 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 as expressed in Rule 403 Equal Employment Opportunity.

**411A.2.2** All applicants for positions in the classified service shall submit to verifiable competitive examinations based on merit and fitness as shown by appropriate tests. Job-related criteria shall be utilized in all phases of the examination and employee selection process without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, ethnicity, medical condition (cancer-related), Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions, other non-merit factors or any other category provided by ordinance.

**411A.2.3** All forms of cheating, improper aid or hindrance are prohibited.

**Sec. 411A.3 Diversity of Workforce**

- 411A.3.1** Subject to existing law, it is the policy of the Civil Service Commission to achieve a workforce that is fully reflective of the diversity of the City and County of San Francisco.
- 411A.3.2** When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Director of Transportation may take appropriate legal actions to correct or mitigate the underrepresentation.
- 411A.3.3** The Civil Service Commission endorses and supports the broadening of the Rules governing the 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 diversity of the work force.



# Rule 411A Position-Based Testing

## Article II: Examination Provisions

Applicability: Article II, Rule 411A shall apply to examinations designated to this Pilot-Position-Based Testing Program and shall apply to employees in MTA Service-Critical positions or classes listed in this Article II, Section 411A.4.

### Sec. 411A.4 Application of Position-Based Testing

**411A.4.1** The term "Position-Based Testing" as used in this Rule shall apply to any examination for a classification that has been designated by the Human Resources Director to be included in the Position-Based Testing Program under Civil Service Rule 111A. Inclusion of classes in the Program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Human Resources Director, to fill an MTA Service-Critical position in any of the following classes approved for inclusion in this Pilot Position-Based Testing Program:

- 1021 IS Administrator I\*
- 1022 IS Administrator II\*
- 1041 IS Engineer—Assistant\*
- 1043 IS Engineer—Senior\*
- 1044 IS Engineer—Principal\*
- 1053 IS Business Analyst—Senior
- 1244 Senior Personnel Analyst
- 1823 Senior Administrative Analyst
- 1824 Principal Administrative Analyst
- 5177 Safety Officer
- 5303 Supervisor, Traffic and Street Signs
- 7457 Sign Worker

\* The position must require a special qualification or skill pursuant to Rule 421.6.2 (i.e., a "special condition").

**411A.4.2** Upon request by the Director of Transportation, the Civil Service Commission in its sole discretion may approve additional classes for inclusion in this Pilot Position-Based Testing Program at any time. Inclusion of classes in the pilot program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Civil Service Commission.

### Sec. 411A.5 Sunset and Termination of this Rule 411A and Pilot Position-Based Testing Program

~~This Rule 411A and Pilot Position Based Testing Program shall sunset one year from the date of adoption, on April 15, 2014, absent action by the Civil Service Commission to extend it. Further, this Pilot Position Based Testing Program may be terminated at any time before that date at the discretion of the Civil Service Commission.~~

**Sec. 411A.6 Reporting Requirement**

The Director of Transportation shall provide quarterly reports to the Civil Service Commission on any examinations administered under this ~~Pilot Position-Based Testing Program~~ during the first three years following the adoption of this Civil Service Rule 411A on [date the permanent Rule is adopted]. At the conclusion of the three-year period, the Civil Service Commission shall consider whether to require such reports from the MTA on a semi-annual basis instead of quarterly, consistent with the Department of Human Resources' reporting requirement under Civil Service Rule 111A.

These reports shall include, but not be limited to the following information for each examination: the applicable certification rule and duration of the eligible list; the number of applicants, and how many were deemed qualified under the terms of the examination announcement; the number of candidates who participated in the examination, and how many were placed on the eligible list; and the number and types of protests submitted to the Director of Transportation, and their disposition (i.e., the response of, or any action taken by the Director of Transportation in response; and whether they were appealed to the Civil Service Commission). The Director of Transportation shall also include in its reports a list of the known Service-Critical positions or classifications for which the MTA intends to administer a Position-Based Test under this Civil Service Rule 411A.

**Sec. 411A.7 Civil Service Commission Rules for Position-Based Testing**

411A.7.1 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.

411A.7.2 Pursuant to its Charter authority, the Civil Service Commission may independently inquire into the operation of the Position-Based Testing Program to determine compliance to its Rules, regulations, policies, and procedures and respond to Inspection Service requests.

**Sec.411A.8 Responsibilities of the Director of Transportation**

411A.8.1 The Director of Transportation shall adhere to the procedures, requirements and standards established by the Human Resources Director for the Position-Based Testing Program under Rule 111A to implement this Rule 411A, and the policies of the Civil Service Commission concerning this ~~Pilot~~ Position-Based Testing Program, and to

improve the City's ability to make prompt hires of best-qualified applicants. Nothing in this Rule is intended to extend to the Human Resources Director or the Director of Transportation the authority to change Civil Service Commission policy or to cause or permit the Human Resources Director or the Director of Transportation to take any action not in compliance with the law.

**411A.8.2** The Director of Transportation shall administer and rule on all matters concerning this ~~Pilot-Position-Based~~ Testing Program. The decision of the Director of Transportation related to Position-Based Testing Program matters under this Rule is final, unless this Rule expressly provides for appeal to the Civil Service Commission.

**411A.8.3** The Executive Officer of the Civil Service Commission may initiate audits or investigations of the MTA's administration or implementation of this ~~Pilot-Position-Based~~ Testing Program for compliance with Civil Service Commission policies and Rules; or for compliance with Department of Human Resources' policies, procedures and standards for Position-Based Testing.

411A.8.4 Additionally, the Department of Human Resources shall conduct periodic independent reviews of the MTA's administration and implementation of this Position-Based Testing Program during the first three years following the adoption of this Civil Service Rule 411 on [date the permanent Rule is adopted] to ensure compliance with the Department of Human Resources' policies, procedures and standards for Position-Based Testing. The Department of Human Resources shall report any deficiencies to the Executive Officer of the Civil Service Commission to ensure that they are appropriately addressed. At the conclusion of the three-year period, the Department of Human Resources shall report to the Civil Service Commission on its findings regarding the operation of the MTA's Position-Based Testing Program under this Rule 411A.

## **Rule 411A Position-Based Testing**

### **Article III: Examination Announcements**

**Applicability:** Article III, Rule 411A shall apply to examinations designated to this Pilot-Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### **Sec. 411A.9 Examination Announcements**

**411A.9.1** The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

**411A.9.2** Municipal Transportation Agency examination announcements shall be officially posted at the Department of Human Resources and the Municipal Transportation Agency.

#### **Sec. 411A.10 Reissuing of Examination Announcements**

The Director of Transportation may reissue an examination announcement to extend the application-filing period or in response to an appeal. When reissued for these reasons, an examination announcement is not open to an appeal.

#### **Sec. 411A.11 Correction of Examination Announcements**

Examination announcements may be corrected by the Director of Transportation with respect to clerical errors, misprints and incorrect wording by posting notice of such corrections. Additional time shall not be allowed for appeal of the substantive provisions contained in the original examination announcement.

## Rule 411A

### Position-Based Testing

#### Article IV: Examination Applicants and Applications

**Applicability:** Article IV, Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

##### **Sec. 411A.12 Definition of Applicant**

An applicant is a person who has filed an application for examination within the time limits and under the conditions specified on the examination announcement.

##### **Sec. 411A.13 Qualifications of Applicants**

**411A.13.1** Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement.

**411A.13.2** City and County employees in Service-Critical classes at the Municipal Transportation Agency shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees in Service-Critical classes at the Municipal Transportation Agency may receive credit for duties not usually performed by incumbents in a Service-Critical class if their employee file contains contemporaneous documentation that the duties were assigned and performed. Credit for duties in Service-Critical classes at the Municipal Transportation Agency not usually performed by incumbents in a Service-Critical class based on non-contemporaneous documentation shall require the Certification of the Municipal Transportation Agency Deputy Director, Labor Relations and Human Resources, and the approval of the Director of Transportation.

##### **Sec. 411A.14 False Statements by Applicants**

Relevant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in any phase of the examination or hiring process shall be good cause for the exclusion of such person from any examination, or the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

##### **Sec. 411A.15 Promotive Applicants**

Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, City employees with six (6) consecutive months (1040 hours) of

verifiable experience in any job classification in any appointment type qualify as promotive applicants.

**Sec.411A.16 Veterans Preference in Examinations**

**411A.16.1** The Director of Transportation shall adhere to the procedures for veterans preference in examinations established by the Human Resources Director in accordance with applicable law and Civil Service Commission Rules.

**411A.16.2** Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive veterans preference credit as provided in Civil Service Commission Rules must notify the Department of Human Resources of his/her veteran status at the time he/she submits the initial job application or as specified on the examination announcement.

**Sec. 411A.17 Change of Address**

The Municipal Transportation Agency must be notified in writing (including e-mail) by the applicant of any change of address, e-mail address or telephone number. Notice of change to the Post Office and/or an employee's current department only, does not meet the notification requirement.

**Sec. 411A.18 Custody of Examination Applications**

Examination applications and supporting documents become the property of the Municipal Transportation Agency when received. Return of such documents shall require the approval of the Director of Transportation.

**Sec. 411A.19 Names Not to be Made Public**

Except as otherwise authorized by the Director of Transportation, the names of successful participants for any examination shall not be made public until the eligible list is posted. The names of participants who fail in any examination shall not be posted.

## Rule 411A Position-Based Testing

### Article V: Examinations

**Applicability:** Article V, Rule 411A shall apply to examinations designated to this Pilot-Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### **Sec. 411A.20 Adequacy of Examinations**

The Director of Transportation shall approve the adequacy of the examination to rate the capacity of the applicants to perform the job. Examinations may include, but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, assessment centers, successful completion of requirements imposed by other authorities for the award of certification, licensure, academic recognition (e.g. degree, course completion), placement on a roster as provided in Sec. 411A.27, or any other devices or methods to determine merit and fitness for tested positions.

#### **Sec. 411A.21 Examination Rating Panels**

The Director of Transportation shall make every reasonable effort to ensure diversity of the qualified raters.

#### **Sec. 411A.22 Establishing Cutoff Scores and Number of Eligibles**

The Director of Transportation shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list.

#### **Sec. 411A.23 Cheating in Examinations Prohibited**

**411A.23.1** Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

**411A.23.2** Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal and ineligibility for future employment and such other appropriate action as may be recommended by the Director of Transportation.

**Sec. 411A.24 Review of Ratings by Examination Participants**

**411A.24.1** Examination participants shall have a minimum period of five (5) working days to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. The identity of the examiner giving any mark or grade shall not be disclosed.

**411A.24.2** The Director of Transportation shall establish the procedures for Review of Ratings.



## Rule 411A Position-Based Testing

### Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 411A shall apply to examinations designated to this Pilot-Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### **Sec. 411A.25 Eligible Lists**

- 411A.25.1** 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.25.2** 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.26 Adoption and Posting of Eligible List**

- 411A.26.1** After the period for Review of Ratings, the eligible list shall be adopted and posted.
- 411A.26.2** Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 411A.26.3** The Director of Transportation may adopt an eligible list pending the resolution of any appeal. 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.27 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.

#### **Sec. 411A.28 Management of Eligible Lists**

- 411A.28.1** The Director of Transportation shall have the right to correct errors on an eligible list or amend an eligible list as a result of the outcome of an appeal or if required by Civil Service Commission Rules or other legal requirements. Corrections and/or amendments of the eligible list shall not affect earlier hires from the eligible list.

**Sec. 411A.28 Management of Eligible Lists (cont.)**

**411A.28.2** The Director of Transportation may extend the duration of an eligible list or eligibility periods for individuals on the eligible list based on the needs of the Municipal Transportation Agency or merit factors. Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. During the first three years following the adoption of this Civil Service Rule 411A on [date the permanent Rule is adopted], the maximum duration of the eligible list shall not exceed twenty-four (24) months. At the conclusion of the three-year period, the Civil Service Commission shall consider whether to increase the allowable maximum duration of the eligible list to forty-eight months, consistent with the provisions of Civil Service Rule 111A. Affected eligibles will be notified of the extension of the eligible list or eligibility period.

**411A.28.3** The Director of Transportation may authorize the merging of eligible lists in the same Service-Critical class or different Service-Critical classes. Affected eligibles will be notified of the merging of eligible lists.

**411A.28.4** The Director of Transportation may cancel an eligible list, or make optional the use of an eligible list based on the needs of the Municipal Transportation Agency or merit factors such as inability of eligibles to meet job specific qualifications or requirements. Affected eligibles will be notified of the cancellation of eligible lists.

**411A.28.5** The Director of Transportation may approve the use of an eligible list established under this Rule 411A Position-Based Testing Program for permanent civil service appointments to other positions in the same or similar classes in the MTA or other City departments.

**411A.28.6** The Human Resources Director may approve the use of an eligible list established pursuant the Position-Based Testing Program under Rule 111A for permanent civil service appointments to MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

**Sec. 411A.29 Rosters of Eligibles Established by Other Authorities**

**411A.29.1** By mutual agreement with the affected employee organization, appropriate rosters of eligibles established by other recognized authorities, such as the State of California, may be utilized to fill Service-Critical positions, or as the basis for establishing eligible lists for Service-Critical classifications.

**411A.29.2** The Director of Transportation shall determine the criteria and standards for approving the use of rosters established by other authorities. In assessing appropriateness, the Director of Transportation shall ensure that placement on a roster does not require membership in an organization.

**411A.29.3** The use of such rosters shall be specified on the examination announcement and shall not be subject to appeal to the Civil Service Commission.

## Rule 411A Position-Based Testing

### Article VII: Certification of Eligibles

**Applicability:** Article VII, Rule 411A shall apply to examinations designated to this ~~File~~ Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### **Sec. 411A.30 Certification**

**411A.30.1** 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 certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

**411A.30.2** 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.31 Certification of Eligibles – Minimum Allowable Certification Rule**

**411A.31.1** The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

**411A.31.2** 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.32 Establishment of the Certification Rule for Position-Based Testing**

- 411A.32.1** The Director of Transportation and/or representative is authorized to discuss and pursue agreement with employee organizations as to the certification rule applicable to an eligible list resulting from an examination in the Position-Based Testing Program, provided however, that the minimum rule cannot be fewer than the Rule of Three Scores. Nothing in this Section is intended to change the scope of bargaining specified by Charter or applicable law.
- 411A.32.2** Unless agreed between the employee organization representing the class and the Director of Transportation, the Rule of Three Scores shall be used exclusively, except as set forth in Rule 413, Article III.
- 411A.32.3** The Certification Rule shall be specified as a term of the examination announcement. Appeals of the Certification Rule shall not be permitted.

## Rule 411A

### Position-Based Testing

#### Article VIII: Appeals of Examination Processes

Applicability: Article VIII, Rule 411A shall apply to examinations designated to this ~~Pilot~~ Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes ~~listed in Article II, Section 411A.4.~~

##### Sec. 411A.33 Substance of Appeals

**411A.33.1** An action by the Municipal Transportation Agency under Rule 411A may be appealed by a party alleging injury by that action as provided in this Article VIII. For each appeal the appellant must state the specific grounds upon which the appeal is based, cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that the appellant contends was violated by the action which is the subject of the appeal, provide facts including available documents to support the appeal, and demonstrate a rational relationship between the alleged injury suffered by the appellant as a result of the action being appealed and the alleged violation of Rule or Policy. Failure to meet all of the above requirements to support the appeal may be sufficient grounds for denial of the appeal by the Civil Service Commission.

**411A.33.2** An appeal that objects to ratings or rankings based solely on the candidate's belief that he or she is entitled to a higher or passing score shall not be considered. Neither the Director of Transportation nor the Civil Service Commission shall substitute his, her or its judgment for the judgment of qualified raters.

##### Sec. 411A.34 Timeliness of Appeals

Protests and appeals that are not submitted within the prescribed time limits shall not be considered.

##### Sec. 411A.35 Continuance of Examinations with Appeals Pending

The Director of Transportation may proceed with any and all phases of the Position-Based Testing process pending an appeal.

##### Sec. 411A.36 Authority to Rule on Appeals

###### **411A.36.1 Civil Service Commission**

Appeals to the Civil Service Commission may occur at three (3) points in the examination process: (1) after the examination announcement has been issued, (2) after the examination has been administered and prior to the posting of the eligible list and (3) after the merging of eligible lists in different classes. Appeals of the

examination announcement may be based only on challenges to the position description and/or the minimum qualifications. Appeals after the examination administration may be based only on claims of inconsistency in examination administration, bias of raters and/or failure of raters to apply uniform standards. Appeals of merging of eligible lists in different classes may be based only on claims of substantial differences in the knowledge, skills and abilities required to perform the essential functions of the positions. Decisions of the Civil Service Commission on these examination matters will be final.

#### **411A.36.2 Director of Transportation**

All other appeals may be made to the Director of Transportation whose decision will be final.

### **Sec. 411A.37 Appeals to the Civil Service Commission**

#### **411A.37.1 Appeals of the Examination Announcement**

- 1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Director of Transportation made decisions beyond his/her authority or had no rational basis for his/her decision.
- 2) Appeals under this Section must be submitted directly to the Executive Officer of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.
- 3) Appeals must be in writing and shall include a statement of the specific component(s) or item(s) of the examination announcement being contested and specific reason(s) why adoption of the cited portions of the examination announcement constitutes abuse of discretion by the Director of Transportation. To the extent possible, all supporting documentation must be submitted with the written appeal.
- 4) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified of the particulars of the hearing in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

- 5) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.
- 6) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

#### **411A.37.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards**

- 1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.
- 2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.
- 3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.
- 4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented

resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed. In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

#### **411A.37.3 Appeals of Merging of Eligible Lists of Different Classes**

1) The standard of review for appeals under this Section shall be abuse of discretion in merging eligible lists of different classes. Appeals shall include a statement of the specific facts that demonstrate that the merging of eligible lists in different classes is not supported by job analyses that demonstrate that the same or similar knowledge, skills and abilities are required to perform the essential functions of the positions.

2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of the merging of eligible lists.

3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appropriate, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of



the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

### **Sec. 411A.38 Appeals to the Director of Transportation**

#### **411A.38.1 Protests at the Examination Site**

1) An examination participant may protest the assignment of a rater to his/her board or panel based on a claim of the rater's inability to rate the examination participant competently or without bias. The protest of the rater must be made to the designated representative of the Director of Transportation present at the examination prior to participation in this phase of the examination. If no protest is made, then no appeal of the assignment of the rater will be permitted.

2) An examination participant may submit a protest of a problem occurring at an examination site, such as, but not limited to equipment malfunction or disturbance of the examination process, that interfered with the examination participant's performance in the examination. Such protest must be made to the designated representative of the Director of Transportation present at the examination site immediately upon encountering or experiencing the problem and before leaving the examination site. If no protest is submitted, then the Director of Transportation may refuse an appeal of a problem occurring at the examination site.

3) The decision or action in response to a protest at the examination site may be appealed to the Director of Transportation. The appeal must be submitted in writing and must be received at the Municipal Transportation Agency not later than the fifth (5th) business day after the candidate's examination date.

#### **411A.38.2 Appeal of Accuracy of the Calculation of Examination Scores and/or Ranking**

An appeal of the accuracy of the calculation of examination scores and/or rank must be submitted directly to the Director of Transportation or representative within the period designated for review of ratings (see Section 411A.22). The decision of the Director of Transportation related to calculation of examination scores and rank is final.

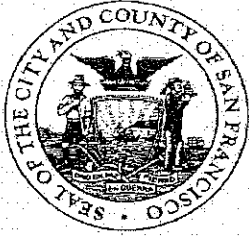
#### **411A.38.3 Appeals of Other Examination Matters**

An appeal of any other examination matter must be made in writing and received by the Director of Transportation not later than the fifth (5th) business day after the occurrence or notice of the issue of appeal. The decision of the Director of Transportation on all these matters is final.



# **Attachment B**





# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

MEMORANDUM  
CSC No. 2014 - 05

SCOTT R. HELDFOND  
PRESIDENT

Date: March 21, 2014

E. DENNIS NORMANDY  
VICE PRESIDENT

To: Department Heads  
Departmental Personnel Officers  
Employee Organization Representatives

DOUGLAS S. CHAN  
COMMISSIONER

KATE FAVETTI  
COMMISSIONER

From: Jennifer Johnston  
Executive Officer

GINA M. ROCCANOVA  
COMMISSIONER

Subject: Notice of Posting: Proposed Adoption of a Permanent Civil Service Rule 411A, Position-Based Testing Program, affecting Service-Critical Positions and Classifications at the Municipal Transportation Agency (MTA)

JENNIFER C. JOHNSTON  
EXECUTIVE OFFICER

The Civil Service Commission ("Commission") acted at its Regular Meeting of March 17, 2014 to approve the Municipal Transportation Agency's ("MTA") request to consider the adoption of a permanent Civil Service Rule 411A, Position-Based Testing ("PBT"), for MTA service-critical positions and classifications ("Rule 411A"). In so doing, the Commission directed its Executive Officer to post the draft permanent Rule 411A for adoption as required under the Charter and Civil Service Rules, and to meet and discuss the proposed Rule with affected labor unions and other interested stakeholders. Please see the attached redlined copy of the proposed amendments to Rule 411A.

The current Rule 411A (and thus the MTA's PBT Program) was adopted by the Commission last April 2013 on a pilot basis for one year, and only applies to a pre-identified limited list of MTA service-critical positions/classifications. Except for its limited application and duration, Civil Service Rule 411A is nearly identical to Civil Service Rule 111A (which governs the City's PBT Program). The other two key exceptions are the additional reporting requirements under Rule 411A which do not exist under Rule 111A, and the limit on the maximum duration of two years for eligible lists created under Rule 411A (as opposed to four years for eligible lists created under Rule 111A).

The proposed amendments to Rule 411A would permanently establish the MTA's PBT Program and expand its application to all MTA service-critical positions in classifications that have been approved by the Human Resources Director for

inclusion in the City's PBT Program (see Attachment B for the list of classifications currently approved for the City's PBT Program). However, for the first three years following the adoption of the permanent Rule 411A, the MTA's PBT Program will be subject to periodic independent reviews by the Department of Human Resources ("DHR") to ensure that the MTA fully complies with the policies, procedures and standards established by DHR for the City's PBT Program. At the conclusion of the three years, DHR will be required to report to the Commission on its findings regarding the MTA's administration and implementation of its PBT Program under Rule 411A. After reviewing DHR's report, the Commission will consider whether to make the MTA's PBT Program fully consistent with the City's PBT Program (i.e., whether to make the MTA's reporting requirement and maximum eligible list duration the same as those under Civil Service Rule 111A).

Any affected employee organizations or other stakeholders interested in discussing the proposed revisions are invited to attend either or both of the following scheduled meetings:

Date: Friday, March 28, 2014

Time: 9:00 AM – 11:00 AM

and/or

Date: Monday, March 31, 2014

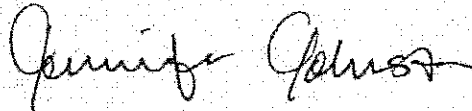
Time: 9:00 AM – 11:00 AM

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](mailto:CivilService@sfgov.org) to RSVP for either or both meetings.

You may contact me directly at (415) 252-3247 or at [Jennifer.Johnston@sfgov.org](mailto:Jennifer.Johnston@sfgov.org) should you have any questions or concerns about the proposed revisions and/or cannot attend either meeting, or if you would like a copy of the MTA's memorandum or the Executive Officer's staff report regarding the proposed permanent Rule 411A.

Respectfully submitted,

CIVIL SERVICE COMMISSION



JENNIFER JOHNSTON

Executive Officer

Attachments (2)

# Original Staff Report







# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: March 17, 2014

To: Civil Service Commission

From: Jennifer Johnston, Executive Officer *Jennifer Johnston*

Subject: **Request from the Municipal Transportation Agency to Adopt a Permanent Civil Service Rule 411A—Position-Based Testing Program**

This staff report is in response to the memorandum from the Municipal Transportation Agency (“MTA”) dated February 28, 2014, by which it submits its final report on the operation of its Pilot Position-Based Testing (“PBT”) Program as required under Civil Service Rule 411A.6, and requests that the Civil Service Commission (“Commission”) adopt a permanent Civil Service Rule 411A—Position-Based Testing Program for all MTA service-critical positions/classifications included on the City’s list of classifications approved for PBTs under Civil Service 111A. See Attachment A for the list of classes currently approved for inclusion in the City’s PBT Program.

Attachment B is a draft of the permanent Civil Service Rule 411A as proposed by the MTA, with the additional conditions recommended in this staff report (note that all numbering and formatting issues will be resolved upon finalization of any version adopted by the Commission).

## I. Overview

The Commission voted unanimously at its meeting of April 15, 2013 to adopt a one-year pilot Civil Service Rule 411A, thereby establishing a pilot PBT Program for a pre-identified list of MTA service-critical positions/classifications (see pilot Civil Service Rule 411A in pages 6 through 22 of the MTA’s February 28<sup>th</sup> memorandum). Except for its limited application and duration, pilot Civil Service Rule 411A is nearly identical to Civil Service Rule 111A.<sup>1</sup>

See Attachment C for the MTA’s original memorandum dated February 28, 2013, requesting that the Commission adopt a pilot PBT Rule under Volume IV of the Civil Service Rules. See Attachment D for the Executive Officer’s staff report dated March 18, 2013 in support of the MTA’s request for a pilot PBT Rule (with Attachment A only, identifying the differences between the pilot Civil Service Rule 411A and Civil Service Rule 111A). And see Attachment E for the Executive Officer’s final staff report dated April 15, 2013, recommending that the Commission formally adopt the proposed pilot PBT Rule (*sans* attachments).

In the absence of any further action by the Commission, Civil Service Rule 411A and the entire pilot PBT Program established under that Rule for MTA service-critical positions/classes,

<sup>1</sup> Civil Service Rule 111A was adopted in February 2006, thereby establishing the Citywide PBT Program for all miscellaneous positions/classifications except for the MTA’s service-critical positions/classifications.

will expire on April 15, 2014. Civil Service Rule 411A.5 provides:

“Sunset and Termination of this Rule 411A and Pilot Position-Based Testing Program: This Rule 411A and Pilot Position-Based Testing Program shall sunset one year from the date of adoption, on April 15, 2014, absent action by the Civil Service Commission to extend it. Further, this Pilot Position-Based Testing Program may be terminated at any time before that date at the discretion of the Civil Service Commission.”

## **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 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 Section 401.5, Amendment of Rules, provides as follows:

“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. Analysis and Recommendations**

As indicated in the attached memoranda and reports, the PBT Programs under Civil Service Rules 111A and 411A have proven successful at streamlining and expediting the hiring of permanent civil service employees while maintaining a competitive and fair merit-based examination process. However, the MTA has only been able to conduct three examinations under Rule 411A during the one-year pilot period, and the Department of Human Resources (“DHR”) notes that those examinations were developed and administered by DHR. Therefore, the MTA has not had an opportunity to fully operationalize its PBT Program under Rule 411A.

In the event that the Commission grants the MTA’s request to adopt a permanent Civil Service Rule 411A, the Executive Officer recommends that the following components, at minimum, be included in that Rule:

- 1) The MTA’s PBT Program for service-critical positions/classifications under Rule 411A must remain consistent with the City’s longstanding and successful PBT Program for all other miscellaneous positions/classifications under Civil Service Rule 111A (see Attachment F).

Unlike the provisions of Civil Service Rule 111A, Civil Service Rule 411A.8.1 specifically

requires:

“The Director of Transportation shall adhere to the procedures, requirements and standards established by the Human Resources Director for the Position-Based Testing Program under Rule 111A to implement this Rule 411A, and the policies of the Civil Service Commission concerning this Position-Based Testing Program, and to improve the City’s ability to make prompt hires of best-qualified applicants. Nothing in this Rule is intended to extend to the Human Resources Director or the Director of Transportation the authority to change Civil Service Commission policy or to cause or permit the Human Resources Director or the Director of Transportation to take any action not in compliance with the law.” [Emphasis added.]

This provision must remain in the Rule.

- 2) The Director of Transportation’s regular reports to the Commission regarding the operation of its PBT Program must include a list of the MTA service-critical positions or classifications for which it intends to administer a PBT. Civil Service Rule 411A.6 would be amended as follows:

“The Director of Transportation shall provide quarterly reports to the Civil Service Commission on any examinations administered under this Position-Based Testing Program. The reports shall include, but not be limited to the following information for each examination: the applicable certification rule and duration of the eligible list; the number of applicants, and how many were deemed qualified under the terms of the examination announcement; the number of candidates who participated in the examination, and how many were placed on the eligible list; and the number and types of protests submitted to the Director of Transportation, and their disposition (i.e., the response of, or any action taken by the Director of Transportation in response; and whether they were appealed to the Civil Service Commission). The Director of Transportation shall also include in its reports a list of the known Service-Critical positions or classifications for which the MTA intends to administer a Position-Based Test under this Civil Service Rule 411A.”

- 3) Both the Commission and DHR must maintain direct oversight over the operation of the MTA’s PBT program.

The Executive Officer recommends that Civil Service Rule 411A.8.3 be further revised as indicated by the underlined text:

“The Executive Officer of the Civil Service Commission may initiate audits or investigations of the MTA’s administration or implementation of this Position-Based Testing Program for compliance with Civil Service Commission policies and Rules; or for compliance with Department of Human Resources’ policies, procedures and standards for Position-Based Testing.

Additionally, the Department of Human Resources shall conduct periodic independent

reviews of the MTA's administration and implementation of this Position-Based Testing Program during the first three years following the adoption of this Civil Service Rule 411 on [date the permanent Rule is adopted] to ensure compliance with the Department of Human Resources' policies, procedures and standards for Position-Based Testing. The Department of Human Resources shall report any deficiencies to the Executive Officer of the Civil Service Commission to ensure that they are appropriately addressed."

#### IV. Additional Considerations

There are two other issues that the Commission must address in the event that it grants the MTA's request to make permanent or otherwise extend Civil Service Rule 411A. First, as noted in Comment JJ2, the Commission must determine whether it will continue to require reports from the MTA on a quarterly basis as it is now, or on a semiannual basis consistent with DHR's reporting requirements. Second, as noted in Comment JJ3, the Commission must determine whether it will continue to limit the Director of Transportation's authority to approve eligible list durations of up to two years as it is now, as opposed to the four-year maximum duration that is within the Human Resources Director's discretion under Rule 111A.26.2.

#### V. Attachments:

- Attachment A: List of classes currently approved for inclusion in the City's PBT Program under Civil Service 111A (pages 5 through 20)
- Attachment B: Draft Permanent Civil Service Rule 411A as requested by the MTA (pages 21 through 42)
- Attachment C: MTA memorandum dated February 28, 2013, requesting that the Commission adopt a pilot PBT Rule (pages 43 through 58)
- Attachment D: Executive Officer's staff report dated March 18, 2013, recommending adoption of the pilot PBT Rule (pages 59 through 86)
- Attachment E: Executive Officer's staff report dated April 15, 2013, recommending that the Commission formally adopt the proposed pilot PBT Rule (pages 87 through 90)
- Attachment F: DHR memoranda establishing its policies and procedures on PBT examinations under Civil Service Rule 111A (pages 91 through 106)

**Recommendation:** Accept the Executive Officer's report; consider the MTA's request to make permanent Civil Service Rule 411A. Additionally, should the Commission grant the MTA's request to make permanent or otherwise extend the provisions of Civil Service Rule 411A: Direct the Executive Officer to post the revised Civil Service Rule 411A for adoption as required under the Charter and Civil Service Rules, and to meet and discuss the proposed revisions with affected labor union(s) and other interested stakeholders.

# ATTACHMENT A



CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM

February 2014

CLASS	TITLE
1002	IS Operator – Journey
1003	IS Operator – Senior
1004	IS Operator – Analyst
1005	IS Operator – Supervisor
1011	IS Technician – Assistant
1012	IS Technician – Journey
1013	IS Technician – Senior
1014	IS Technician – Supervisor
1021	IS Administrator I
1022	IS Administrator II
1023	IS Administrator III
1024	IS Administrator – Supervisor
1031	IS Trainer – Assistant
1032	IS Trainer – Journey
1033	IS Trainer – Senior
1041	IS Engineer – Assistant
1042	IS Engineer – Journey
1043	IS Engineer – Senior
1044	IS Engineer – Principal
1051	IS Business Analyst – Assistant
1052	IS Business Analyst
1053	IS Business Analyst – Senior
1054	IS Business Analyst – Principal
1061	IS Program Analyst – Assistant
1062	IS Programmer Analyst
1063	IS Programmer Analyst – Senior
1064	IS Programmer Analyst - Principal
1070	IS Project Director
1071	IS Manager
1091	IT Operations Support Administrator I
1092	IT Operations Support Administrator II
1093	IT Operations Support Administrator III
1094	IT Operations Support Administrator IV
1095	IT Operations Support Administrator V
1107	Deputy Director, Rent Arbitration Board
1110	Executive Assistant To The Executive Director, Retirement System
1117	Deputy Director for Investments, Retirement System
1118	Customer Services Division Manager
1130	Youth Commission Advisor
1161	Executive Assistant To The Administrator, S.F.G.H.
1163	Executive Assistant To The Director Of Health
1164	Administrator, SFGH Medical Center
1203	Personnel Technician
1209	Benefits Technician

**CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM**

February 2014

CLASS	TITLE
1210	Benefits Analyst
1211	Benefits Technician, SFUSD
1218	Payroll Supervisor
1219	Payroll Manager, SF Community College Dist
1227	Testing Technician
1229	Special Examiner
1231	Asst. Mgr., Equal Employment Opportunity Programs
1233	Equal Employment Opportunity Programs Specialist
1237	Training Coordinator
1244	Senior Personnel Analyst
1246	Principal Personnel Analyst
1248	Assistant Deputy Director, Human Resources
1270	Departmental Personnel Officer
1272	Senior Departmental Personnel Officer
1280	Employee Relations Representative
1281	Senior Labor Relations Representative
1322	Customer Service Agent Trainee
1324	Senior Customer Service Agent
1326	Customer Service Agent Supervisor
1372	Special Assistant XIII
1373	Special Assistant XIV
1374	Special Assistant XV
1375	Special Assistant XVI
1376	Special Assistant XVII
1377	Special Assistant XVIII
1378	Special Assistant XIX
1379	Special Assistant XX
1380	Special Assistant XXI
1381	Special Assistant XXII
1429	Nurses Staffing Assistant
1430	Transcriber Typist
1431	Senior Unit Clerk
1432	Senior Transcriber Typist
1434	Shelter Service Representative
1435	Shelter Officer Supervisor
1436	Brailist
1437	Shelter Office Assistant Supervisor
1440	Medical Transcriber Typist
1441	Senior Medical Transcriber Typist
1460	Legal Secretary II
1464	Medical Clerk Stenographer
1468	Water Services Clerk
1470	Services And Supply Assistant Supervisor
1471	Elections Worker



CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM

February 2014

CLASS	TITLE
1474	Claims Process Clerk
1476	Senior Claims Process Clerk
1480	Principal Water Services Clerk
1492	Assistant Clerk, Board Of Supervisors
1602	Calculating Machine Operator-Key Drive
1660	Manager, Budget And Performance Monitoring
1662	Patient Accounts Assistant Supervisor
1663	Patient Accounts Supervisor
1664	Patient Accounts Manager
1666	Finance Director, Department Of Public Health
1675	1675 Supervising Fiscal Officer
1710	Chief Telephone Operator
1750	Microphoto / Imaging Technician
1760	Offset Machine Operator
1762	Senior Offset Machine Operator
1764	Mail And Reproduction Service Supervisor
1766	Media Production Technician
1767	Media Programming Specialist
1769	Media Production Supervisor
1770	Photographer
1771	Media Production Specialist
1773	Media Training Specialist.
1774	Head Photographer
1777	Media/Security Systems Specialist
1781	Media/Security Systems Supervisor
1802	Research Assistant
1804	Statistician
1806	Senior Statistician
1813	Senior Benefits Analyst
1814	Benefits Supervisor
1817	Procedural Writer
1820	Junior Administrative Analyst
1822	Administrative Analyst
1823	Senior Administrative Analyst
1824	Principal Administrative Analyst
1825	Principal Administrative Analyst II
1827	Administrative Services Manager
1839	Water Conservation Administrator
1843	Executive Director, Southeast Community Facility Commission
1922	Senior Inventory Clerk
1924	Materials And Supplies Supervisor
1926	Senior Materials And Supplies Supervisor
1930	Warehouse Worker
1931	Senior Parts Storekeeper

CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM

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CLASS	TITLE
1935	Principal Parts Storekeeper
1936	Senior Storekeeper
1938	Stores And Equipment Assistant Supervisor
1942	Assistant Materials Coordinator
1944	Materials Coordinator
1948	Coding Supervisor, Purchasing Dept
1952	Purchaser
1956	Senior Purchaser
1958	Supervising Purchaser
2106	Medical Staff Services Department Specialist
2107	Medical Staff Services Department Analyst
2114	Medical Records Technician Supervisor
2143	Hospital Assistant Administrator
2204	Dental Hygienist
2218	Physician Assistant
2246	Assistant Director Of Clinical Services I
2248	Assistant Director Of Clinical Services II
2292	Shelter Veterinarian
2306	Senior Psychiatric Orderly
2325	Nurse Midwife
2326	Nursing Supervisor Psychiatric
2330	Anesthetist
2340	Operating Room Nurse
2350	Instructor Of Nursing
2392	Senior Central Processing And Distribution Technician
2402	Laboratory Helper
2403	Forensic Laboratory Technician
2406	Pharmacy Helper
2408	Senior Pharmacy Helper
2416	Bacteriological Laboratory Assistant
2420	Histology Technician
2432	Electrocardiograph Technician
2434	Senior Electrocardiograph Technician
2436	Electroencephalograph Technician I
2440	Veterinary Laboratory Technologist
2444	Clinical Laboratory Technologist
2453	Supervising Pharmacist
2456	Assistant Forensic Toxicologist I
2457	Assistant Forensic Toxicologist II
2462	Microbiologist
2464	Senior Microbiologist
2466	Chief Microbiologist
2469	Diagnostic Imaging Technologist III
2470	Diagnostic Imaging Technologist IV

CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM

February 2014

CLASS	TITLE
2471	Water Quality Chemist
2478	Senior Sewage Treatment Chemist
2482	Water Quality Technician III
2484	Biologist III
2485	Supervising Biologist
2489	Laboratory Services Manager
2493	Associate Radiologic Technologist
2496	Radiologic Technologist Supervisor
2514	Orthopedic Technician I
2515	Orthopedic Technician II
2520	Morgue Attendant
2522	Senior Morgue Attendant
2523	Forensic Autopsy Technician
2526	Ambulance Driver
2530	Senior Medical Steward
2533	Emergency Medical Services Agency Specialist
2536	Respiratory Care Practitioner
2537	Respiratory Care Practitioner II
2538	Audiometrist
2540	Audiologist
2542	Speech Pathologist
2550	Senior Occupational Therapist
2551	Mental Health Treatment Specialist
2552	Director Of Activities, Therapy And Volunteer Services
2558	Senior Physical Therapist
2561	Optometrist
2565	Acupuncturist
2566	Rehabilitation Counselor
2575	Research Psychologist
2576	Supervising Clinical Psychologist
2577	Medical Examiner's Investigator I
2578	Medical Examiner's Investigator II
2579	Medical Examiner's Investigator III
2580	Medical Examiner's Investigator
2583	Home Health Aide
2594	Employee Assistance Counselor
2595	Senior Employee Assistance Counselor
2608	Supply Room Attendant
2618	Food Service Supervisor
2619	Senior Food Service Supervisor
2620	Food Service Manager Administrator
2626	Chief Dietitian
2652	Baker
2656	Chef

**CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM**

February 2014

CLASS	TITLE
2719	Janitorial Services Assistant Supervisor
2720	Janitorial Services Supervisor
2740	Porter Supervisor I
2772	Sewing Technician
2780	Laundry Worker Supervisor
2782	Laundry Superintendent
2785	Assistant General Services Manager
2808	Senior Disease Control Investigator
2810	Principal Disease Control Investigator
2818	Health Program Planner
2820	Senior Health Program Planner
2825	Senior Health Educator
2915	Program Specialist Supervisor
2916	Social Work Specialist
2924	Medical Social Work Supervisor
2933	Conservatorship / Case Management Supervisor
2935	Senior Marriage, Family & Child Counselor
2966	Welfare Fraud Investigator
2967	Supervising Welfare Fraud Investigator
2980	Manager, Recruitment and Credentials Unit, S.F.U.S.D.
2982	Rent Board Supervisor
2991	Coordinator, Human Rights Commission
2996	Representative, Human Rights Commission
2998	Representative, Commission On The Status Of Women
3135	Director Of Neighborhood Services, Recreation And Park Department
3204	Swimming Pool Cashier-Clerk
3210	Swimming Instructor/Pool Lifeguard
3214	Senior Swimming Instructor
3231	Golf Program Director
3232	Marina Assistant Manager
3233	Marina Associate Manager
3234	Marina Manager
3246	Pianist
3256	Photography Instructor
3260	Crafts Instructor
3262	Curator Of Industrial Arts, Junior Museum
3285	Junior Museum Director
3289	Recreation Supervisor
3291	Principal Recreation Supervisor
3292	Assistant Superintendent Recreation
3310	Stable Attendant
3321	Senior Animal Keeper
3322	Assistant Head Animal Keeper
3342	Zoo Curator

CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM

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CLASS	TITLE
3371	Animal Care Supervisor
3372	Animal Control Officer
3373	Animal Control Supervisor
3374	Volunteer Coordinator, Animal Care And Control
3374	Volunteer/Outreach Coordinator
3375	Animal Health Technician
3376	Animal Care Assistant Supervisor
3378	Field Services Assistant Supervisor
3402	Farmer
3406	Land Use Aide
3419	Municipal Stadium Groundskeeper
3424	Pest Control Specialist
3426	Forester
3428	Nursery Specialist
3430	Chief Nursery Specialist
3432	Assistant Arboretum Director
3436	Arborist Technician Supervisor I
3438	Arborist Technician Supervisor II
3450	Agricultural Inspector
3464	Area Supervisor, Parks, Squares And Facilities
3480	Farmers Market Manager
3486	Watershed Forester
3502	Museum Exhibit Packer And Repairer
3518	Associate Museum Conservator, Asian Art Museum
3520	Museum Preparator
3522	Senior Museum Preparator
3524	Principal Museum Preparator
3525	Chief Preparator
3533	General Manager, KALW, SFUSD
3540	Curatorial Aide
3548	Curator Of Natural Science, Junior Museum
3549	Arts Program Assistant
3550	Exhibition Designer
3554	Associate Museum Registrar
3556	Museum Registrar
3558	Senior Museum Registrar
3633	Librarian II- Asian Arts
3650	Medical Records Librarian
4119	Events & Facilities Specialist
4140	Real Property Officer
4142	Senior Real Property Officer
4143	Principal Real Property Officer
4224	Principal Personal Property Auditor
4231	Senior Estate Investigator

**CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM**

February 2014

CLASS	TITLE
4265	Senior Real Property Appraiser
4267	Principal Real Property Appraiser
4269	Chief Appraiser
4310	Commercial Division Assistant Supervisor
4322	Cashier III
4331	Security Analyst
4334	Investigator, Tax Collector
4335	Senior Investigator, Tax Collector
4337	Principal Investigator, Tax Collector
4340	Assistant Director, Bureau of Delinquent Revenue
4366	Collection Supervisor
5120	Architectural Administrator
5121	Dir of Facilities Design & Construction, SFUSD
5130	Sewage Treatment Plant Superintendent
5148	Assistant Superintendent Water Treatment Facilities
5148	Water Operations Analyst
5149	Superintendent Of Water Treatment Facilities
5174	Administrative Engineer
5177	Safety Officer
5189	Manager, Utilities Engineering Bureau, Public Utilities Commission
5209	Industrial Engineer
5214	Building Plans Engineer
5215	Fire Protection Engineer
5216	Chief Surveyor
5217	Building Code Analyst
5219	Senior Structural Engineer
5264	Airport Noise Abatement Specialist
5269	School Architectural Coordinator
5270	Senior Architect
5271	Senior Airport Noise Abatement Specialist
5273	Principal Architect
5274	Landscape Architect
5275	Planner Technician
5283	Planner V
5285	Airport Noise Abatement Officer
5293	Planner IV
5298	Planner III - Environmental Review
5299	Planner IV- Environmental Review
5301	Supervisor, Traffic Painting Program
5302	Traffic Survey Technician
5303	Supervisor, Traffic And Street Signs
5304	Materials Testing Aide
5305	Materials Testing Technician
5306	Traffic Sign Manager

**CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM**

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CLASS	TITLE
5320	Illustrator And Art Designer
5330	City Planning Graphics Supervisor
5330	Graphics Supervisor
5408	Coordinator Of Citizen Involvement
5608	Senior Energy Specialist
5620	Regulatory Specialist
5644	Principal Environmental Specialist
5646	Environmental Program Manager I
6108	Environmental Health Technician I
6110	Environmental Health Technician II
6115	Wastewater Control Inspector
6116	Supervising Wastewater Control Inspector
6124	Principal Environmental Health Inspector
6139	Senior Industrial Hygienist
6220	Inspector Of Weights And Measures
6231	Senior Street Inspector
6232	Street Inspection Supervisor
6235	Heating And Ventilating Inspector
6244	Chief Plumbing Inspector
6246	Senior Plumbing Inspector
6262	Plan Checker - Architectural
6266	Senior Plan Checker
6272	Senior Housing Inspector
6274	Chief Housing Inspector
6334	Chief Building Inspector
6335	Disability Access Coordinator
6340	School Construction Coordinator
7108	Heavy Equipment Operations Assistant Supervisor
7110	Mobile Equipment Assistant Supervisor
7123	Parking Meter and Machine Shop Manager
7126	Mechanical Shop And Equipment Superintendent
7132	Telecommunication Supervisor
7134	Water Construction & Maintenance Supt
7136	Water Shops And Equipment Superintendent
7140	Director, Parking And Traffic Operations
7203	Buildings And Grounds Maintenance Supervisor
7204	Chief Water Service Inspector
7208	Heavy Equipment Operations Supervisor
7210	Mobile Equipment Supervisor
7211	Cement Finisher Supervisor II
7218	Asbestos Abatement Worker II
7219	Maintenance Scheduler
7220	Asphalt Finisher Supervisor I
7221	Asphalt Plant Supervisor I

CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM

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CLASS	TITLE
7226	Carpenter Supervisor I
7227	Cement Finisher Supervisor I
7232	Hetch Hetchy Mechanical Shop Supervisor
7233	Glazier Supervisor I
7236	Locksmith Supervisor I
7239	Plumber Supervisor II
7240	Water Meter Shop Supervisor I
7243	Parking Meter Repairer Supervisor I
7245	Chief Stationary Engineer, Water Treatment Plant
7246	Sewer Repair Supervisor
7246	Sewer Repair Supervisor II
7247	Sheet Metal Worker Supervisor II
7248	Steamfitter Supervisor II
7249	Automotive Mechanic Supervisor I
7254	Automotive Machinist Supervisor I
7258	Maintenance Machinist Supervisor I
7259	Water And Power Maintenance Supervisor I
7263	Maintenance Manager
7268	Window Cleaner Supervisor
7270	Watershed Keeper Supervisor
7272	Carpenter Supervisor II
7277	City Shops Assistant Superintendent
7278	Painter Supervisor II
7281	Street Environmental Services Operations Supervisor
7282	Street Repair Supervisor II
7284	Utility Plumber Supervisor II
7302	Audio-Visual Equipment Technician
7303	Barber
7307	Bricklayer
7315	Automotive Machinist Assistant Supervisor
7317	Senior Water Service Inspector
7324	Beautician
7330	Senior General Utility Mechanic
7337	Maintenance Machinist Assistant Supervisor
7342	Locksmith
7349	Steamfitter Supervisor I
7353	Water Meter Repairer
7358	Pattern Maker
7361	Plasterer
7363	Power House Electrician
7368	Senior Communications Systems Technician
7370	Rigger
7377	Stage Electrician
7378	Tile Setter



CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM

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CLASS	TITLE
7384	Typewriter Repairer
7387	Upholsterer
7416	Book Repairer
7418	Senior Book Repairer
7420	Bridgetender
7424	Dryer Mixer Operator
7428	Hodcarrier
7434	Maintenance Machinist Helper
7441	Tool Room Mechanic And Custodian
7450	Shade And Drapery Worker
7457	Traffic And Street Sign Maintenance Worker
8104	Victim & Witness Technician
8113	Court Clerk
8116	Legislative Calendar Clerk
8117	Investigative Auditor, Controller's Office
8118	Legislation Clerk
8126	Senior Investigator, Office Of Citizen Complaints
8138	Court Reporter
8139	Industrial Injury Investigator
8143	Senior Public Defender's Investigator
8148	Chief District Attorney's Investigator
8150	Principal District Attorney's Investigator, Special Unit
8165	Worker's Compensation Supervisor I
8167	Parking Hearing Examiner
8168	Parking Hearing Supervisor
8169	Legislative Assistant, City Attorney's Office
8170	Medical Claims Supervisor
8186	Attorney For The Public Administrator
8206	Institutional Police Captain
8209	Institutional Police Lieutenant
8210	Head Park Patrol Officer
8217	Community Police Services Aide Supervisor
8219	Parking Enforcement Administrator
8220	Director, Parking Enforcement
8229	Associate Director of Museum Security Services
8234	Fire Alarm Dispatcher
8236	Chief Fire Alarm Dispatcher
8239	Public Safety Communications Supervisor
8240	Public Safety Communications Coordinator
8247	Emergency Planning Coordinator
8251	Fingerprint Technician III
8262	Criminalist III
8263	Crime Laboratory Manager
8264	Forensic Document Examiner

CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM

February 2014

CLASS	TITLE
8287	Director of Public Safety
8315	Assistant Sheriff
8318	Counselor II
8324	Supervising Counselor, Juvenile Court
8326	Assistant Director, Log Cabin Ranch
8330	Director, Log Cabin Ranch
8340	Assistant Director, Juvenile Hall
8344	Director, Juvenile Hall
8348	Undersheriff
8413	Asst. Chief Probation Officer, Juvenile Probation
8414	Supervising Probation Officer, Juvenile Court
8415	Senior Supervising Probation Off, Juvenile Court
8415	Senior Supervising Probation Off, Juvenile Probation
8416	Director, Probation Services
8418	Chief Probation Officer, Juvenile Court
8420	Rehabilitation Services Coordinator
8434	Supervising Adult Probation Officer
8435	Division Director, Adult Probation
8436	Chief Adult Probation Officer
8438	Chief Deputy Adult Probation Officer
8446	Court Alternative Specialist I
8452	Criminal Justice Specialist II
8470	Executive Director, County Parole Commission
8484	Supervising Crime Prevention Worker
8516	Assistant Sheriff (SFERS)
8518	Undersheriff (SFERS)
8556	Chief District Attorney Investigator (SFERS)
8558	Principle District Attorney Investigator, Special Unit (SFERS)
8574	Assistant Director, Log Cabin Ranch (SFERS)
8576	Director, Log Cabin Ranch (SFERS)
8578	Assistant Director, Juvenile Hall (SFERS)
8580	Director, Juvenile Hall (SFERS)
8582	Assistant Chief Probation Officer, Juvenile Probation (SFERS)
8584	Director, Probation Services (SFERS)
8586	Chief Probation Officer, Juvenile Court (SFERS)
8588	Division Director, Adult Probation (SFERS)
8590	Chief Adult Probation Officer (SFERS)
8592	Chief Deputy Adult Probation Officer (SFERS)
9142	Transit Manager III
9143	Senior Operations Manager
9146	Manager, Accessible Services
9155	Claims Investigator
9156	Senior Claims Investigator
9157	Claims Adjuster

CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM

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CLASS	TITLE
9161	Asst. Chief, Bureau Of Claims Invest. & Administration
9184	Deputy General Manager, Dept. of Public Transportation
9204	Airport Communications Supervisor
9206	Airport Property Specialist I
9222	Airport Operations Coordinator
9230	Airport Custodial Services Supervisor
9232	Airport Mechanical Maintenance Supervisor
9247	Airport Emergency Planning Coordinator
9250	Airport Maintenance Supervisor
9251	Public Relations Manager
9254	Airport Communications Officer
9255	Airport Economic Planner
9258	Airport Assistant Deputy Director, Business And Finance
9331	Piledriver Engine Operator
9332	Piledriver Supervisor I
9342	Ornamental Iron Worker Supervisor I
9344	Roofer Supervisor I
9345	Sheet Metal Supervisor I
9346	Fusion Welder
9354	Elevator and Crane Technician
9355	Wharfinger I
9356	Wharfinger II
9360	Construction And Maintenance Supervisor II, Port
9363	Assistant Superintendent, Harbor Maintenance, Piers & Wharves
9364	General Superintendent of Harbor Maintenance
9375	Assistant Deputy Director, Port
9376	Market Research Specialists, Port
9377	Feasibility Analyst, Port
9380	Administrative Service Officer, Port
9382	Government And Public Affairs Manager, Port
9385	General Service Officer, Port Of San Francisco
9386	Senior Property Manager, Port
9393	Maritime Marketing Representative
9395	Property Manager, Port
9708	Employment & Training Specialist VI
9722	Specialist In Aging II
9724	Specialist In Aging III
9775	Senior Community Development Specialist II
9973	Athletics Activities Director Coordinator, SFUSD
9977	Parent & Community Involvement Coordinator, SFUSD
9987	Chief of Facilities, SFUSD
9994	Executive Director, Child Development Program, SFUSD
0922	Manager I
0923	Manager II

CLASSES PRE-APPROVED FOR THE POSITION-BASED-TESTING PROGRAM

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CLASS	TITLE
0931	Manager III
0932	Manager IV
0933	Manager V
0941	Manager VI
0942	Manager VII
0943	Manager VIII
0951	Deputy Director I
0952	Deputy Director II
0953	Deputy Director III
0954	Deputy Director IV
0955	Deputy Director V
0961	Department Head I
0962	Department Head II
0963	Department Head III
0964	Department Head IV
0965	Department Head V

# ATTACHMENT B



## Rule 411A Position-Based Testing

### Article I: Civil Service Commission Policy Related to Position-Based Testing

Applicability: Article I, Rule 411A shall apply to examinations designated to this ~~Pilot-Position-Based Testing~~ Program, and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### Sec. 411A.1 Purpose

411A.1.1 The Civil Service Commission recognizes the importance of reducing the time it takes to make permanent civil service appointments and reducing reliance on provisional and other forms of temporary hiring. Therefore, this ~~Pilot-Position-Based Testing~~ Program is being established with the goal of adopting eligible lists resulting from merit-based examination processes within sixty (60) days from the posting of the examination announcement.

411A.1.2 It is the policy of the Civil Service Commission that examination processes in the City and County of San Francisco under this ~~Pilot-Position-Based Testing~~ Program are conducted in an efficient and fair manner to ensure that the best-qualified individuals are selected to perform service for the City.

#### Sec. 411A.2 Merit Based Examinations

411A.2.1 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 as expressed in Rule 403 Equal Employment Opportunity.

411A.2.2 All applicants for positions in the classified service shall submit to verifiable competitive examinations based on merit and fitness as shown by appropriate tests. Job-related criteria shall be utilized in all phases of the examination and employee selection process without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, ethnicity, medical condition (cancer-related), Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions, other non-merit factors or any other category provided by ordinance.

411A.2.3 All forms of cheating, improper aid or hindrance are prohibited.

Sec. 411A.3 Diversity of Workforce

411A.3.1 Subject to existing law, it is the policy of the Civil Service Commission to achieve a workforce that is fully reflective of the diversity of the City and County of San Francisco.

411A.3.2 When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Director of Transportation may take appropriate legal actions to correct or mitigate the underrepresentation.

411A.3.3 The Civil Service Commission endorses and supports the broadening of the Rules governing the 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 diversity of the work force.



## Rule 411A Position-Based Testing

### Article II: Examination Provisions

**Applicability:** Article II, Rule 411A shall apply to examinations designated to this ~~Pilot~~ Position-Based Testing Program and shall apply to employees in MTA Service-Critical positions or classes ~~listed in this Article II, Section 411A.4.~~

**Sec. 411A.4 Application of Position-Based Testing**

**411A.4.1** The term "Position-Based Testing" as used in this Rule shall apply to any examination for a classification that has been designated by the Human Resources Director to be included in the Position-Based Testing Program under Civil Service Rule 111A. Inclusion of classes in the Program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Human Resources Director, to fill an MTA Service-Critical position in any of the following classes approved for inclusion in this Pilot Position-Based Testing Program:

**Comment [111]:** This language is in Civil Service Rule 111A.4.

- 1021 IS Administrator I\*
- 1022 IS Administrator II\*
- 1041 IS Engineer - Assistant\*
- 1043 IS Engineer - Senior\*
- 1044 IS Engineer - Principal\*
- 1053 IS Business Analyst - Senior
- 1244 Senior Personnel Analyst
- 1823 Senior Administrative Analyst
- 1824 Principal Administrative Analyst
- 5177 Safety Officer
- 5303 Supervisor, Traffic and Street Signs
- 7457 Sign Worker

\* The position must require a special qualification or skill pursuant to Rule 421.6.2 (i.e., a "special condition").

~~411A.4.2~~ Upon request by the Director of Transportation, the Civil Service Commission in its sole discretion may approve additional classes for inclusion in this Pilot Position-Based Testing Program at any time. ~~Inclusion of classes in the pilot program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Civil Service Commission.~~

**Sec. 411A.5 Sunset and Termination of this Rule 411A and Pilot Position-Based Testing Program**

This Rule 411A and Pilot Position-Based Testing Program shall sunset one year from the date of adoption, on April 15, 2014, absent action by the Civil Service Commission to extend it. Further, this Pilot Position-Based Testing Program may be terminated at any time before that date at the discretion of the Civil Service Commission.

**Sec. 411A.6 Reporting Requirement**

The Director of Transportation shall provide ~~quarterly~~ semiannual reports to the Civil Service Commission on any examinations administered under this Pilot Position-Based Testing Program. The reports shall include, but not be limited to the following information for each examination: the applicable certification rule and duration of the eligible list; the number of applicants, and how many were deemed qualified under the terms of the examination announcement; the number of candidates who participated in the examination, and how many were placed on the eligible list; and the number and types of protests submitted to the Director of Transportation, and their disposition (i.e., the response of, or any action taken by the Director of Transportation in response; and whether they were appealed to the Civil Service Commission). The Director of Transportation shall also include in its reports a list of the known Service-Critical positions or classifications for which the MTA intends to administer a Position-Based Test under this Civil Service Rule 411A.

**Comment [JJ2]:** This is consistent with DHR's reporting requirements under the Commission's Annual Calendar of Reports.

**Sec. 411A.7 Civil Service Commission Rules for Position-Based Testing**

- 411A.7.1 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.
- 411A.7.2 Pursuant to its Charter authority, the Civil Service Commission may independently inquire into the operation of the Position-Based Testing Program to determine compliance to its Rules, regulations, policies, and procedures and respond to Inspection Service requests.

**Sec. 411A.8 Responsibilities of the Director of Transportation**

- 411A.8.1 The Director of Transportation shall adhere to the procedures, requirements and standards established by the Human Resources Director for the Position-Based Testing Program under Rule 111A to implement this Rule 411A, and the policies of the Civil Service Commission concerning this Pilot-Position-Based Testing Program, and to improve the City's ability to make prompt hires of best-qualified applicants. Nothing in this Rule is intended to extend to the Human Resources Director or the Director of Transportation the authority to change Civil Service Commission policy or to cause or permit the Human Resources Director or the Director of Transportation to take any action not in compliance with the law.

411A.8.2 The Director of Transportation shall administer and rule on all matters concerning this ~~Pilot-Position-Based~~ Position-Based Testing Program. The decision of the Director of Transportation related to Position-Based Testing Program matters under this Rule is final, unless this Rule expressly provides for appeal to the Civil Service Commission.

411A.8.3 The Executive Officer of the Civil Service Commission may initiate audits or investigations of the MTA's administration or implementation of this ~~Pilot-Position-Based~~ Position-Based Testing Program for compliance with Civil Service Commission policies and Rules; or for compliance with Department of Human Resources' policies, procedures and standards for Position-Based Testing.

411A.8.4 Additionally, the Department of Human Resources shall conduct periodic independent reviews of the MTA's administration and implementation of this Position-Based Testing Program during the first three years following the adoption of this Civil Service Rule 411 on [date the permanent Rule is adopted] to ensure compliance with its policies, procedures and standards for Position-Based Testing. The Department of Human Resources shall report any deficiencies to the Executive Officer of the Civil Service Commission to ensure that they are appropriately addressed."

## Rule 411A Position-Based Testing

### Article III: Examination Announcements

Applicability: Article III, Rule 411A shall apply to examinations designated to this ~~Pilot~~ Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes ~~listed in Article II, Section 411A.4.~~

#### Sec. 411A.9 Examination Announcements

411A.9.1 The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

411A.9.2 Municipal Transportation Agency examination announcements shall be officially posted at the Department of Human Resources and the Municipal Transportation Agency.

#### Sec. 411A.10 Reissuing of Examination Announcements

The Director of Transportation may reissue an examination announcement to extend the application-filing period or in response to an appeal. When reissued for these reasons, an examination announcement is not open to an appeal.

#### Sec. 411A.11 Correction of Examination Announcements

Examination announcements may be corrected by the Director of Transportation with respect to clerical errors, misprints and incorrect wording by posting notice of such corrections. Additional time shall not be allowed for appeal of the substantive provisions contained in the original examination announcement.

## Rule 411A Position-Based Testing

### Article IV: Examination Applicants and Applications

**Applicability:** Article IV, Rule 411A shall apply to examinations designated to this ~~File~~ Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### Sec. 411A.12 Definition of Applicant

An applicant is a person who has filed an application for examination within the time limits and under the conditions specified on the examination announcement.

#### Sec. 411A.13 Qualifications of Applicants

**411A.13.1** Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement.

**411A.13.2** City and County employees in Service-Critical classes at the Municipal Transportation Agency shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees in Service-Critical classes at the Municipal Transportation Agency may receive credit for duties not usually performed by incumbents in a Service-Critical class if their employee file contains contemporaneous documentation that the duties were assigned and performed. Credit for duties in Service-Critical classes at the Municipal Transportation Agency not usually performed by incumbents in a Service-Critical class based on non-contemporaneous documentation shall require the Certification of the Municipal Transportation Agency Deputy Director, Labor Relations and Human Resources, and the approval of the Director of Transportation.

#### Sec. 411A.14 False Statements by Applicants

Relevant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in any phase of the examination or hiring process shall be good cause for the exclusion of such person from any examination, or the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

#### Sec. 411A.15 Promotive Applicants

Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, City employees with six (6) consecutive months (1040 hours) of

verifiable experience in any job classification in any appointment type qualify as promotive applicants.

**Sec. 411A.16 Veterans Preference in Examinations**

411A.16.1 The Director of Transportation shall adhere to the procedures for veterans preference in examinations established by the Human Resources Director in accordance with applicable law and Civil Service Commission Rules.

411A.16.2 Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive veterans preference credit as provided in Civil Service Commission Rules must notify the Department of Human Resources of his/her veteran status at the time he/she submits the initial job application or as specified on the examination announcement.

**Sec. 411A.17 Change of Address**

The Municipal Transportation Agency must be notified in writing (including e-mail) by the applicant of any change of address, e-mail address or telephone number. Notice of change to the Post Office and/or an employee's current department only, does not meet the notification requirement.

**Sec. 411A.18 Custody of Examination Applications**

Examination applications and supporting documents become the property of the Municipal Transportation Agency when received. Return of such documents shall require the approval of the Director of Transportation.

**Sec. 411A.19 Names Not to be Made Public**

Except as otherwise authorized by the Director of Transportation, the names of successful participants for any examination shall not be made public until the eligible list is posted. The names of participants who fail in any examination shall not be posted.

## Rule 411A Position-Based Testing

### Article V: Examinations

Applicability: Article V, Rule 411A shall apply to examinations designated to this ~~Pilot~~ Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### Sec. 411A.20 Adequacy of Examinations

The Director of Transportation shall approve the adequacy of the examination to rate the capacity of the applicants to perform the job. Examinations may include, but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, assessment centers, successful completion of requirements imposed by other authorities for the award of certification, licensure, academic recognition (e.g. degree, course completion), placement on a roster as provided in Sec. 411A.27, or any other devices or methods to determine merit and fitness for tested positions.

#### Sec. 411A.21 Examination Rating Panels

The Director of Transportation shall make every reasonable effort to ensure diversity of the qualified raters.

#### Sec. 411A.22 Establishing Cutoff Scores and Number of Eligibles

The Director of Transportation shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list.

#### Sec. 411A.23 Cheating in Examinations Prohibited

411A.23.1 Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

411A.23.2 Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal and ineligibility for future employment and such other appropriate action as may be recommended by the Director of Transportation.

**Sec. 411A.24 Review of Ratings by Examination Participants**

411A.24.1 Examination participants shall have a minimum period of five (5) working days to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. The identity of the examiner giving any mark or grade shall not be disclosed.

411A.24.2 The Director of Transportation shall establish the procedures for Review of Ratings.



## Rule 411A Position-Based Testing

### Article VI: Administration of Eligible Lists

**Applicability:** Article VI, Rule 411A shall apply to examinations designated to this ~~Filet~~ Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### Sec. 411A.25 Eligible Lists

411A.25.1 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.25.2 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.26 Adoption and Posting of Eligible List

411A.26.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.

411A.26.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

411A.26.3 The Director of Transportation may adopt an eligible list pending the resolution of any appeal. 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.27 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.

#### Sec. 411A.28 Management of Eligible Lists

411A.28.1 The Director of Transportation shall have the right to correct errors on an eligible list or amend an eligible list as a result of the outcome of an appeal or if required by Civil Service Commission Rules or other legal requirements. Corrections and/or amendments of the eligible list shall not affect earlier hires from the eligible list.

**Sec. 411A.28 Management of Eligible Lists (cont.)**

411A.28.2 The Director of Transportation may extend the duration of an eligible list or eligibility periods for individuals on the eligible list based on the needs of the Municipal Transportation Agency or merit factors. Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. The maximum duration of the eligible list shall not exceed ~~twenty-four (24)~~ forty-eight months. Affected eligibles will be notified of the extension of the eligible list or eligibility period.

Comment [JJ3]: This is consistent with Rule 111A.

411A.28.3 The Director of Transportation may authorize the merging of eligible lists in the same Service-Critical class or different Service-Critical classes. Affected eligibles will be notified of the merging of eligible lists.

411A.28.4 The Director of Transportation may cancel an eligible list, or make optional the use of an eligible list based on the needs of the Municipal Transportation Agency or merit factors such as inability of eligibles to meet job specific qualifications or requirements. Affected eligibles will be notified of the cancellation of eligible lists.

411A.28.5 The Director of Transportation may approve the use of an eligible list established under this Rule 411A Position-Based Testing Program for permanent civil service appointments to other positions in the same or similar classes in the MTA or other City departments.

411A.28.6 The Human Resources Director may approve the use of an eligible list established pursuant the Position-Based Testing Program under Rule 111A for permanent civil service appointments to MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

**Sec. 411A.29 Rosters of Eligibles Established by Other Authorities**

411A.29.1 By mutual agreement with the affected employee organization, appropriate rosters of eligibles established by other recognized authorities, such as the State of California, may be utilized to fill Service-Critical positions, or as the basis for establishing eligible lists for Service-Critical classifications.

411A.29.2 The Director of Transportation shall determine the criteria and standards for approving the use of rosters established by other authorities. In assessing appropriateness, the Director of Transportation shall ensure that placement on a roster does not require membership in an organization.

411A.29.3 The use of such rosters shall be specified on the examination announcement and shall not be subject to appeal to the Civil Service Commission.

## Rule 411A Position-Based Testing

### Article VII: Certification of Eligibles

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Pilot-Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### Sec. 411A.30 Certification

411A.30.1 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 certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

411A.30.2 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.31 Certification of Eligibles – Minimum Allowable Certification Rule

411A.31.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.31.2 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.32 Establishment of the Certification Rule for Position-Based Testing

411A.32.1 The Director of Transportation and/or representative is authorized to discuss and pursue agreement with employee organizations as to the certification rule applicable to an eligible list resulting from an examination in the Position-Based Testing Program, provided however, that the minimum rule cannot be fewer than the Rule of Three

Scores. Nothing in this Section is intended to change the scope of bargaining specified by Charter or applicable law.

411A.32.2 Unless agreed between the employee organization representing the class and the Director of Transportation, the Rule of Three Scores shall be used exclusively, except as set forth in Rule 413, Article III.

411A.32.3 The Certification Rule shall be specified as a term of the examination announcement. Appeals of the Certification Rule shall not be permitted.

## Rule 411A

### Position-Based Testing

#### Article VIII: Appeals of Examination Processes

Applicability: Article VIII, Rule 411A shall apply to examinations designated to this Pilot-Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

##### Sec. 411A.33 Substance of Appeals

411A.33.1 An action by the Municipal Transportation Agency under Rule 411A may be appealed by a party alleging injury by that action as provided in this Article VIII. For each appeal the appellant must state the specific grounds upon which the appeal is based, cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that the appellant contends was violated by the action which is the subject of the appeal, provide facts including available documents to support the appeal, and demonstrate a rational relationship between the alleged injury suffered by the appellant as a result of the action being appealed and the alleged violation of Rule or Policy. Failure to meet all of the above requirements to support the appeal may be sufficient grounds for denial of the appeal by the Civil Service Commission.

411A.33.2 An appeal that objects to ratings or rankings based solely on the candidate's belief that he or she is entitled to a higher or passing score shall not be considered. Neither the Director of Transportation nor the Civil Service Commission shall substitute his, her or its judgment for the judgment of qualified raters.

##### Sec. 411A.34 Timeliness of Appeals

Protests and appeals that are not submitted within the prescribed time limits shall not be considered.

##### Sec. 411A.35 Continuance of Examinations with Appeals Pending

The Director of Transportation may proceed with any and all phases of the Position-Based Testing process pending an appeal.

##### Sec. 411A.36 Authority to Rule on Appeals

###### 411A.36.1 Civil Service Commission

Appeals to the Civil Service Commission may occur at three (3) points in the examination process: (1) after the examination announcement has been issued, (2) after the examination has been administered and prior to the posting of the eligible list and (3) after the merging of eligible lists in different classes. Appeals of the

examination announcement may be based only on challenges to the position description and/or the minimum qualifications. Appeals after the examination administration may be based only on claims of inconsistency in examination administration, bias of raters and/or failure of raters to apply uniform standards. Appeals of merging of eligible lists in different classes may be based only on claims of substantial differences in the knowledge, skills and abilities required to perform the essential functions of the positions. Decisions of the Civil Service Commission on these examination matters will be final.

#### 411A.36.2 Director of Transportation

All other appeals may be made to the Director of Transportation whose decision will be final.

### Sec. 411A.37 Appeals to the Civil Service Commission

#### 411A.37.1 Appeals of the Examination Announcement

- 1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Director of Transportation made decisions beyond his/her authority or had no rational basis for his/her decision.
- 2) Appeals under this Section must be submitted directly to the Executive Officer of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.
- 3) Appeals must be in writing and shall include a statement of the specific component(s) or item(s) of the examination announcement being contested and specific reason(s) why adoption of the cited portions of the examination announcement constitutes abuse of discretion by the Director of Transportation. To the extent possible, all supporting documentation must be submitted with the written appeal.
- 4) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified of the particulars of the hearing in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

5) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

6) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

**411A.37.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards**

1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.

2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.

3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented

resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed. In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

#### 411A.37.3 Appeals of Merging of Eligible Lists of Different Classes

- 1) The standard of review for appeals under this Section shall be abuse of discretion in merging eligible lists of different classes. Appeals shall include a statement of the specific facts that demonstrate that the merging of eligible lists in different classes is not supported by job analyses that demonstrate that the same or similar knowledge, skills and abilities are required to perform the essential functions of the positions.
- 2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of the merging of eligible lists.
- 3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appropriate, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.
- 4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of



the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

#### Sec. 411A.38 Appeals to the Director of Transportation

##### 411A.38.1 Protests at the Examination Site

1) An examination participant may protest the assignment of a rater to his/her board or panel based on a claim of the rater's inability to rate the examination participant competently or without bias. The protest of the rater must be made to the designated representative of the Director of Transportation present at the examination prior to participation in this phase of the examination. If no protest is made, then no appeal of the assignment of the rater will be permitted.

2) An examination participant may submit a protest of a problem occurring at an examination site, such as, but not limited to equipment malfunction or disturbance of the examination process, that interfered with the examination participant's performance in the examination. Such protest must be made to the designated representative of the Director of Transportation present at the examination site immediately upon encountering or experiencing the problem and before leaving the examination site. If no protest is submitted, then the Director of Transportation may refuse an appeal of a problem occurring at the examination site.

3) The decision or action in response to a protest at the examination site may be appealed to the Director of Transportation. The appeal must be submitted in writing and must be received at the Municipal Transportation Agency not later than the fifth (5th) business day after the candidate's examination date.

##### 411A.38.2 Appeal of Accuracy of the Calculation of Examination Scores and/or Ranking

An appeal of the accuracy of the calculation of examination scores and/or rank must be submitted directly to the Director of Transportation or representative within the period designated for review of ratings (see Section 411A.22). The decision of the Director of Transportation related to calculation of examination scores and rank is final.

##### 411A.38.3 Appeals of Other Examination Matters

An appeal of any other examination matter must be made in writing and received by the Director of Transportation not later than the fifth (5th) business day after the occurrence or notice of the issue of appeal. The decision of the Director of Transportation on all these matters is final.



# ATTACHMENT C





**MEMORANDUM**

DATE: February 28, 2013

TO: The Honorable Civil Service Commission

THROUGH: Donald Ellison  
Director, Human Resources

FROM: Derek Kim  
HR Operations Manager

SUBJECT: Position Based Testing Rule 111A for San Francisco  
Municipal Transportation Agency (SFMTA)

OVERVIEW

To advance the City's initiative for faster permanent hiring, the Civil Service Commission adopted Civil Service Rule 111A *Position-Based Testing* (Attachment A). The Position-Based Testing (PBT) program is now applied to over 500 classifications and is the most widely used examination program in the City and County of San Francisco. However, the current Rule 111A *Position-Based Testing*, in its applicability, excludes San Francisco Municipal Transportation Agency's (SFMTA) Service Critical classes and positions.

The SFMTA is requesting that the Civil Service Commission modify the *Volume IV Municipal Transportation Agency Service Critical Civil Service Rules* by adopting a limited-scope, pilot project version of the Rule 111A *Position-Based Testing*.

BACKGROUND

In May of 2005, a policy paper titled, "*Civil Service Report - Preserving the Promise of Government*" was submitted to then Mayor Gavin Newsom from then Director of Human Resources, Phillip A. Ginsburg. The policy paper discussed the need to, "Engineer more efficient civil service hiring process" by reducing the more than 12 months it takes to complete a permanent civil service hire and as a result reducing the number of provisional and temporary hires.

The policy paper's Recommendation 1f., "Establish and implement a faster merit-based permanent selection program process with simplified appeal

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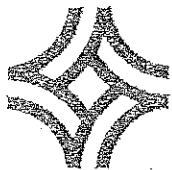
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rights", introduced the Position Based Testing System (PBTS). The Civil Service Commission adopted the new Civil Service Rule for position-based testing (PBT) – Rule 111A – in February 2006. Since then the PBT program has been, "...extremely successful in expediting examination processes"<sup>1</sup>.

Every year since 2006, there's been a steady increase in the number of PBT examinations conducted by the Department of Human Resources. In fiscal year 2011-2012, PBT examinations made up 70% of all tests conducted in the City<sup>2</sup>. However, Rule 111A in its applicability excludes SFMTA Service-Critical positions or classes and there is no equivalent or similar rule contained in the *Volume IV Municipal Transportation Agency Service Critical Civil Service Rules*.

Traditionally, SFMTA has met its examination needs through the Class-Based Testing (CBT) program. However, in the years since the adoption of the PBT Program by the Civil Service Commission, the SFMTA's scope and responsibilities have increased. Even existing responsibilities have increased in complexity and magnitude. SFMTA now manages many forms of transportation in San Francisco, including Muni, bicycles, pedestrians, taxis, parking and traffic.

To meet the demands of a "Transit-First" city, it is crucial for SFMTA to efficiently and effectively recruit and hire qualified applicants in all classifications, including those currently served by the City's PBT program:

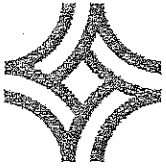
- Administrative Analyst series
- IT series
- Personnel Analyst class
- Safety classes and more...

For SFMTA, efficiently filling vacancies in the above categories translates directly to improved transportation services for the City. For example, the SFMTA has an acute need to fill Information Technology positions supporting implementation of the Agency's new Transportation Management Center. That Center provides the Agency with direct, hands-on management of Muni service, allowing the Agency to efficiently fill service gaps and correct other service errors. That means, in turn, that Muni riders experience fewer delays and less frustration. In addition,

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<sup>1</sup> November 8, 2010 Memo from Micki Callahan, Human Resources Director addressed to the Honorable Civil Service Commission regarding subject matter. "Civil Service Reform Phase II Recommendations" – Attachment B

<sup>2</sup> August 15, 2012 Memo from John Kraus, Asst. Dep. Director, Recruitment and Assessment Service, through Micki Callahan, Human Resources Director addressed to the Honorable Civil Service Commission regarding subject matter. "Report on the Position-Based Testing Program" – Attachment C



positions in the Administrative Analyst, Personnel Analyst, and Safety series provide crucial support to myriad of the SFMTA's programs and services, including services to our employees.

Despite this clear need, the SFMTA has struggled to fill positions timely in these classifications. Currently, the SFMTA is seeking to fill on a permanent basis approximately 300 positions – roughly 11 percent of the Agency's total workforce (excluding 9163 Transit Operators). Because of competing demands – especially to fill frontline positions – and the length of time required to conduct Class Based Tests, funded and much-needed positions in these classifications have gone unfilled for as much as three years while the SFMTA attempts to catch up to its overall examinations needs.

Because of the proven success of the PBT program, and because of the SFMTA's urgent need to fill positions on a permanent basis as quickly as possible, the Agency is seeking to include in the Civil Service Rule Volume IV – *Municipal Transportation Agency Service-Critical* the PBT program that has demonstrated its efficiency in hiring while retaining the merit based examination principles.

The SFMTA, in staffing size and FTEs, consistently ranks in the top two for all City Departments<sup>3</sup>. With so many positions, it is crucial to maintain active eligible lists for all classifications in order to quickly fill vacancies. To achieve the goal of maintaining an active eligible list for all classifications, the SFMTA is requesting the creation and adoption of a one-year pilot PBT program for the *Volume IV Municipal Transportation Agency Service Critical Civil Service Rules*.

During the SFMTA's proposed one-year pilot PBT program, SFMTA will report regularly to the Civil Service Commission regarding its implementation of the pilot PBT program, including results of the PBT exams processed, and study the applicability and viability of a permanent PBT program for SFMTA.

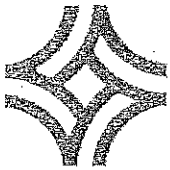
### PROPOSED PILOT POSITION-BASED TESTING PROGRAM

The SFMTA is proposing a one-year pilot PBT program to study the applicability and the viability of the PBT examination process.

Pilot Program Recommendation 1 Model the one-year pilot PBT program based on the existing Rule 111A – *Position Based Testing*, with modifications to the role of the Human Resources Director.

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<sup>3</sup> 2009 Workforce and Succession Planning Report Appendix E. Citywide Workforce Analysis



The Pilot PBT program would be modeled after the existing Rule 111A but with the following modifications:

- All reference and responsibilities of the Human Resources Director in Rule 111A should be replaced by the Director of Transportation

This modification is to ensure adherence to the rules established in the City Charter with respect to the roles and responsibilities of the Director of Human Resources and the Director of Transportation, and to place the responsibilities of adherence to the Civil Service Rules to SFMTA.

**Pilot Program Recommendation 2:** SFMTA will initially focus on twelve (12) pre-approved classifications to conduct the PBT examinations and administration of the resulting eligible lists.

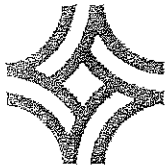
The SFMTA will focus on the PBT examinations for twelve (12) classifications, as listed below in Table A. The twelve (12) classifications are all already on the DHR's pre-approved list dated October 16, 2012 (Attachment D – *Classes Pre-Approved for the Position Based Testing Program*).

Table A.

	Classifications	Union
1	1021 IS Administrator I	Local 21
2	1022 IS Administrator II	Local 21
3	1041 IS Engineer – Assistants	Local 21
4	1043 IS Engineer – Senior	Local 21
5	1044 IS Engineer - Principal	Local 21
6	1053 IS Business Analyst - Senior	Local 21
7	1244 Senior Personnel Analyst	Local 21
8	1823 Senior Administrative Analyst	Local 21
9	1824 Principal Admin Analyst	Local 21
10	5177 Safety Officer	Local 21
11	5303 Supv, Traffic & Signs	Local 21
12	7457 Sign Worker	Local 21

Although, critical examination and hiring needs are not always about classifications with the greatest number of positions or vacancies, the twelve (12) classes listed above represent more than 50 vacancies as of February 12, 2013. In SFMTA, there are classifications with a greater number of positions and vacancies but well-established CBT processes





already exist for those classifications. The SFMTA is not proposing to change the examination process for those positions.

The classifications were selected based on the following criteria:

- I. High priority hires with significant operational impact
- II. On the future examination plan
- III. No active CBT-eligible lists
- IV. On the DHR's PBT Pre-Approved list.

### **Classifications for the PBT Exam Process**

#### **IT Classes**

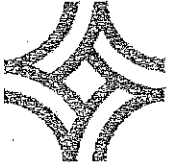
- 1021 IS Administrator I – There are two (2) vacant positions which have remained vacant for an average of (100) weeks.

One vacancy is in our IT Helpdesk Unit. Filling this vacancy is crucial to meet SFMTA's daily IT support needs. The IT Helpdesk unit receives between 350 and 500 tickets a month. Filling the vacancy would increase our capacity to handle additional support requests while decreasing the response and resolution time.

The remaining vacant position will be supporting the SF Park Expansion and Enhancement program. The SFMTA has developed a Business Intelligence (BI) tool that consolidates operational performance/revenue/inventory information related to meters, sensors, citations, revenue and other relevant information. Along with the vacant 1044 IS Engineer - Principal position, the position will replace the support currently provided through a vendor contract, allowing the SFMTA to bring the work in-house.

- 1022 IS Administrator II – There is one (1) vacant position which has remained vacant for (243) weeks.

This position, along with one 1041 Engineer – Assistant position, one 1043 IS Engineer – Senior, and one 1053 IS business Analyst – Senior position will be assigned to support a wide-range of IT needs at SFMTA, including supporting and improving the network infrastructure, continued support and expansion of the newly implemented SharePoint-based intranet, and agency-wide application support and development. However, the greatest impact will be felt by the Central Control and Communications program. The program is SFMTA's effort to expand and modernize its transportation central control capabilities to accommodate current operational needs and satisfy future needs including Central Subway.



The program will improve the existing Operations Control Center in a variety of ways, from replacing current back-up power, climate control, and automatic train control software to updating the announcement display systems in the Metro Subway.

The Central Control and Communication program will also bring on-line the Transportation Management Center which will consolidate under one roof various command and control functions that are currently separated, including the Security Division. The program is technology-based and it is crucial that the SFMTA have the necessary staffing in place to ensure the success and completion of the program.

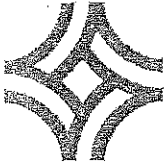
- 1041 Engineer - Assistant – There are two (2) vacant positions which are new and will be available July 1, 2013.

One vacant 1041 Engineer – Assistant position is for the IT Helpdesk Unit. Like the 1021 IS Administrator I (see explanation above), filling this vacancy is crucial to meet SFMTA's daily IT support needs and to manage the 350 to 500 tickets a month received through the Helpdesk. (These figures are conservative estimates as they do not include those "fixes" done on site or done "informally" and not recorded through the Helpdesk tracking system.) Filling this vacancy would also increase IT's capacity to handle additional support requests while decreasing the response and resolution time.

The remaining 1041 Engineer – Assistant position, like the 1022 IS Administrator II (see above), 1043 IS Engineer – Senior, and the 1053 IS business Analyst – Senior positions will support a wide-range of IT needs at SFMTA, from network infrastructure, Central Control Center, and SharePoint to overall application support and development.

- 1043 IS Engineer - Senior – There is one (1) vacant position which has remained vacant for (165) weeks.

Like the 1022 IS Administrator II, 1041 IS Engineer – Assistant, and the 1053 IS business Analyst – Senior positions, this position will support a wide range of IT needs at SFMTA, from network infrastructure, Central Control Center, and SharePoint to overall application support and development.



- 1044 IS Engineer - Principal – There is one (1) vacant position which has remained vacant for (8) weeks.

Along with the 1021 IS Administrator I, the position will be supporting the SF Park Expansion and Enhancement's new business intelligence (BI) tool that consolidates performance/revenue/inventory information related to meters, sensors, citations, revenue and other relevant information. This BI tool will create and enable reporting and analysis that would guide management decisions related to enforcement and meter pricing

Along with the vacant 1021 IS Administrator I position, the position will replace the support currently provided through a vendor contract, allowing the SFMTA to bring the work in-house.

- 1053 IS Business Analyst - Senior – There is one (1) vacant position which has remained vacant for (255) weeks.

Like the 1022 IS Administrator II, 1041 IS Engineer – Assistant, and the 1043 IS Engineer –Senior positions mentioned above, this position will support a wide range of IT needs at SFMTA, from network infrastructure, Central Control Center, and SharePoint to overall application support and development.

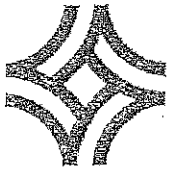
These positions once filled will not only enhance the overall technological health of the agency but also build the capacity for growth and expansion that is critically needed so that SFMTA can become more efficient, safer, and able to provide better service to our customers.

#### **Personnel / HR Classes**

- 1244 Senior Personnel Analyst – There are six (6) vacant positions which have remained vacant for an average of (96) weeks.

The vacant 1244 Senior Personnel Analyst positions are in the following units under SFMTA Human Resources Division:

- Employee Wellness - License & Medical Unit – There is a need to immediately back-fill this vacant position. This position is responsible for administering license and medical requirements under FTA guidelines and rules for all classes that require a medical clearance or a valid license. This position is responsible for ensuring that all employees, including transit operators,



maintain current status and meet license and medical requirements to operate vehicles. Delays caused by backlog and insufficient staffing can lead directly to delays in processing transit operators who are eligible to return to driving status, in turn impacting the level of Muni service the Agency can provide on the street.

The License & Medical Unit handles on an average over 100 medical appointments, over 130 lockouts (a process that does not allow the transit operator to be scheduled / assigned to a vehicle), and around 140 cleared lockouts over the course of a month.

The volume and the safety sensitive nature of this position make it paramount that the SFMTA fill this vacancy as soon as possible.

- Employee and Labor Relations Unit – Filling vacant positions is critical as SFMTA starts preparing for the next contract negotiations. SFMTA is directly responsible for negotiating the eight (8) SFMTA-specific contracts along with participating with the City's negotiation team on an additional nine (9) City-wide contracts. With so many contracts expiring all on the same year, preparation and proper staffing will be more crucial than ever.

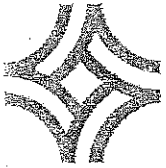
Filling the vacancies will also allow the unit to increase its ability to provide more consultations to managers and supervisors on various labor relations matters, along with increasing its capacity for meet & confers, grievances and other hearings, and investigations.

- Workers' Compensation – SFMTA is the only department that has its own Workers' Compensation Unit. The unit receives anywhere from 60 to 80 new and re-opened cases a month. The unit is also currently in the process of hiring a new claims vendor.

Delays in Workers' Compensation administration can cause inefficiencies that directly lead to increased claims and administrative cost as well as a decreased level of customer service to employees trying to navigate through the complex and confusing Workers' Compensation process.

#### **Administrative Analyst Classes**

- 1823 Senior Administrative Analyst – There are five (5) vacant positions which have remained vacant for an average of (102) weeks



The vacant 1823 Senior Administrative Analyst positions are crucial to various units at SFMTA, including Finance Administration and Reporting and Compliance, Sustainable Streets Transportation Engineering, and the SF Park Expansion & Enhancement Program.

For the SF Park Expansion & Enhancement Program, filling a position in this classification is critical to maintaining infrastructure related to over 6,200 parking sensors and over 6,000 smart parking meters that generate approximately \$18M annually, and to supporting demand-responsive pricing changes system-wide. This support is currently provided through a vendor contract. Filling an 1823 position will allow the SFMTA to bring this function in-house.

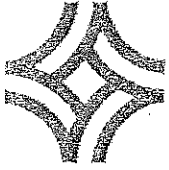
For the Sustainable Streets Division (SSD), the vacant 1823 Senior Administrative Analyst position will play a critical role in ensuring SFMTA meets the recommendations as outlined by the City Services Audit Team from the Controller's Office. The Safety, Security and Enforcement (SIE) unit within SSD is required to develop internal policies and procedures to strengthen operational controls and efficiencies as prescribed in the 2012 audit report.

The Sustainable Streets Division's (SSD) other vacant 1823 Senior Administrative Analyst position will be working on the newly updated inventory and asset management system for the division's Field Operations units (Traffic Signs, Meter and Paint Shops). If left unfilled, SFMTA runs the risk of improper implementation, lack of analytical support, poor monitoring of the vendor, and an overall increase in inefficiencies.

- 1824 Principal Personnel Analyst – There are six (6) vacant positions which have remained vacant for an average of (73) weeks.

The vacant 1824 Principal Personnel Analyst positions are crucial to various units at SFMTA, including Finance Administration and Reporting and Compliance, Transit – Maintenance of Way, and the SF Park Expansion & Enhancement Program.

For the SF Park Expansion & Enhancement Program, filling this vacant position is critical in deploying new meters citywide as well as continued oversight of the pay-by-phone contracts and operations. This position will play a crucial role in a program that generates approximately \$18M annually for the agency. In the Transit division, this position provides much-needed analytical capacity to a function primarily staffed with frontline employees.



#### Safety Class

- 5177 Safety Officer – There is one (1) vacant position which has remained vacant for (8) weeks.

SFMTA currently has 122 facilities located all throughout the City and County of San Francisco. The SFMTA needs the additional staffing since the majority of the facilities are industrial in nature and thus all aspects of Safety - from the development of Safety programs and systematic identification, elimination, and control of hazards to the enforcement of safety procedures, regulations, and OSHA compliances - are absolutely paramount. Filling the position will directly lead to a safer work environment for SFMTA employees.

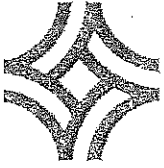
#### Sign Worker Classes

- 5303 Supervisor, Traffic & Signs – There are two (2) vacant positions which have remained vacant for an average of (123) weeks.
- 7457 Sign Workers – There are nine (9) vacant positions which have remained vacant for an average of (69) weeks.

The total of 11 vacant positions represented in the two classes above are critical for the Temporary Sign Program at SFMTA. Since the Temporary Sign management function was transferred to the SFMTA's Sustainable Streets Division in November, 2012, the program is receiving 35-40 requests for temporary signs per day on average. Increased staffing is needed to eliminate the backlog of requests and better meet the demands for the temporary signs.

Traffic Sign Shop volume (preventive maintenance):

The Traffic Sign Shop (Sign Shop), located under Sustainable Street Division's Field Operations subdivision, installs, modifies and maintains the City's more than 200,000 traffic signs. This includes regulatory (for example, speed limit) signs, warning signs, and guide signs. The Sign Shop fabricates some of the signs it installs, and is mandated by the MUTCD to replace current signs to keep them updated to reflectivity standards.



Currently, SFMTA's Examination Unit Manager and five of the six analysts have completed the DHR's PBT examination training.

To ensure consistency between SFMTA and the rest of the City's PBT examinations, only staff that has completed DHR's Position Based Testing training will be allowed to work on the PBT examination process.

#### Pilot Program Recommendation 4: Limited Extension of the Eligible List

The Civil Service Rule 111A.26.2, allows for the Human Resources Director to extend the duration of an eligible list given the extension occurs prior to the expiration date with the maximum duration of the list to not exceed forty-eight (48) months.

During the pilot PBT program, any eligible list resulting from a PBT examination created and administered by the SFMTA would limit the SFMTA's Director's authority to extend the maximum duration of the eligible list to not exceed twenty-four (24) months.

#### Pilot Program Recommendation 5: Sharing of Eligible Lists

City Departments can share existing eligible lists resulting from a completed PBT exam as indicated in the Civil Service Rule 111A.26.5:

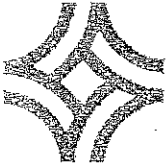
The Human Resources Director may approve the use of an eligible list for permanent civil service appointments to other positions in the same or similar classes.

SFMTA is proposed to be allowed to "share" the list managed by DHR or other City departments during the pilot program. SFMTA will submit the request to "share" to the Human Resources Director for approval.

For those eligible lists managed and administered by SFMTA, City departments will submit the request to "share" to the SFMTA Director.

#### SUMMARY

The Civil Service Commission adopted the Civil Service Rule 111 *Position Based Testing*, on February 6, 2006. This rule established policies and procedures that increased efficiency in hiring practices while retaining the principles for merit based examinations.



The memorandum submitted to the Civil Service Commission on August 15, 2012 from DHR's John Kraus, Assistant Deputy Director, Recruitment and Assessment Services through Micki Callahan, Human Resources Director (Attachment C) documents the success of the PBT Program and increased usage and reliance on the PBT examination by City departments.

Data from August 15, 2012 Memo:

Fiscal Year	Number of PBTs	PBT % of all tests	Avg. # of days for PBT	Avg. # of days for CBT
FY06-07	120	52%	99	113
FY11-12	268	70%	48	90

The data show that the PBT program successfully demonstrated its efficiency with expediency in eligible list delivery and effectiveness through its growth in use since its inception in 2006.

SFMTA manages all forms of surface and light-rail vehicle transportation in San Francisco, which includes Muni, bicycles, pedestrians, taxis, parking and traffic. For the SFMTA to meet the demands of a "Transit-First" city, the agency must be able to hire the best applicants in the most efficient manner possible. Thus, SFMTA seeking to include in the Civil Service Rule Volume IV – *Municipal Transportation Agency Service-Critical*, the PBT program that has demonstrated its efficiency in hiring while retaining the merit based examination principles.

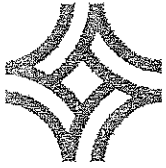
To ensure appropriate applicability and viability of a SFMTA-version of the Rule 111A-*Position Based Testing*, the SFMTA is requesting a one-year pilot PBT Program as outlined in this memorandum.

The classifications identified in *Recommendation #2* represent critical staffing needs for SFMTA, not only in the immediate present but also affords the agency the capacity to improve and enhance our overall efficiency and performance.

Filling the safety position is paramount given the large number of SFMTA's industrial facilities and employees who work in them.

With more than 200,000 traffic signs and 35-40 temporary sign requests a day, filling those sign workers vacancies will immediately improve and enhance the services we provide to the citizens and visitors of San Francisco.





Filling the IT and Administrative Analyst classes not only improves our current workload capacity but allows SFMTA to leverage better technology and more efficient processes that will support IT infrastructure for revolutionary programs such as the SF Park project that will dictate future public parking design and administration for the City and County of San Francisco. Filling IT positions is critical in ensuring that the agency has proper technology support in implementing and managing a state-of-the-art control center that's required to run today's transportation system. The Administrative Analyst positions are needed to ensure compliance with auditor's recommendations and findings but also to implement SFMTA's own plans for greater efficiencies and controls.

Filling the personnel classes will immediately fill in the void left by incumbents in the License & Medical, Workers' Compensation, and the Employee & Labor Relations units. All three units are struggling to maintain the workload and being able to timely backfill those vacancies will allow those units to improve services provided to our fellow SFMTA employees.

Additional staffing to the Employee & Labor Relations unit will also allow SFMTA to start preparing for the on-rush of all the required labor negotiations as current ones expire.

In addition, the adoption of a SFMTA PBT Process will have a profound impact on the SFMTA work force through:

- Increased permanent civil service (PCS) hires / appointments
- Reduced exempt and PV appointments
- Reduced conflicts that can arise from having multiple examinations and differing results for the same qualifications and knowledge matter in the same classifications
- Increased ability for SFMTA to maintain active hiring lists thereby reducing delays in the hiring process
- Addressing SFMTA's current significant hiring backlog

Upon completion of the one-year pilot PBT program, SFMTA will submit a final report to the Civil Service Commission detailing the impact of the program, recommending continuance or discontinuance of the program, and addressing any questions or concerns the Commission may have.

#### RECOMMENDATION

We respectfully request that the Civil Service Commission adopt this report and approve SFMTA's request for a one-year Pilot PBT Program.




# ATTACHMENT D





# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: March 18, 2013  
To: Civil Service Commission  
From: Jennifer Johnston, Executive Officer   
Subject: Request from the Municipal Transportation Agency to Adopt a Pilot Position Based Testing Program in Volume IV of the Civil Service Rules

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## I. Overview

The Municipal Transportation Agency ("MTA") submitted a staff report dated February 28, 2013 to request that the Civil Service Commission ("Commission") adopt a one-year pilot Position-Based Testing ("PBT") Program in Volume IV of the Civil Service Rules for a pre-identified list of MTA service-critical positions/classifications. The pilot program as proposed by the MTA would be modeled after the City's PBT Program under Civil Service Rule 111A in Volume I, applicable to miscellaneous positions/classifications. In order to facilitate the Commission's review of, and discussions regarding the proposed new pilot PBT program, the Executive Officer has prepared a draft new pilot Civil Service Rule 411A based on a revised version of Civil Service Rule 111A (see Attachment A for the draft Rule 411A; note that formatting issues are due to the "track-changes" function and will be corrected upon finalization).

The purpose of this staff report is to review the MTA's request for the Commission's consideration, and to highlight some additional issues that the Commission should consider in adopting a pilot PBT Rule 411A as proposed.

## 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 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 Section 401.5, Amendment of Rules, provides as follows:

"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. Additional Background Not Included in the MTA's Staff Report

#### A. History on the PBT Program and Volume IV of the Civil Service Rules

The MTA's staff report provides a fairly comprehensive history of the PBT Program and its successes since the adoption of Rule 111A in February 2006. However, the MTA's staff report does not address the question of why the Commission did not adopt a parallel Rule 411A in Volume IV of the Rules for MTA service-critical positions/classifications at the time that Rule 111A was adopted in Volume I for miscellaneous positions/classifications. It is Commission staff's understanding that the Commission did consider adopting a parallel PBT Rule for Volume IV at the time, but that it did not do so at the request of the MTA. Due to turnover in staffing at the MTA and the Department of Human Resources ("DHR"), it is not entirely clear why the MTA requested to be excluded from the PBT Program; but current staff believes that it is because the MTA did not think that the PBT Program would be effective, and because the initial list of classifications proposed for inclusion in the PBT Program were not particularly relevant to the MTA's hiring needs at the time.

The City's PBT Program has evolved since its adoption in 2006; and as the MTA indicates in its staff report, the hiring needs and circumstances at the MTA have also changed significantly over those seven years.

#### B. Stakeholder Discussions

The MTA has discussed its proposed pilot PBT program with both DHR and the union that represents the 12 service-critical positions/classifications identified for inclusion in the pilot program—the International Federation of Professional and Technical Engineers ("Local 21").

DHR has informed the Executive Officer that it is very much supportive of the proposal, and is willing to assist the MTA in any way needed to ensure the successful implementation and administration of the pilot PBT program.

Local 21 is also supportive of the proposed one-year pilot PBT program, provided that: 1) Local 21 receives copies of quarterly reports to the Commission as described in the draft new Rule Section 411A.6 (see Attachment A); 2) the MTA convenes a meeting with Local 21 at the conclusion of the one-year pilot period to discuss the program; and 3) the MTA does not extend the duration of the pilot program without meeting and conferring with Local 21 first. The MTA has agreed to all three conditions.

### IV. Analysis and Recommendation

The MTA's staff report is clear in explaining how its ability to quickly and efficiently fill its vacant positions has a direct impact on its ability to deliver essential transportation services to the public. The MTA also describes its significant backlog of vacancies (11% of its total workforce, excluding its Transit Operators) and how beneficial the proposed pilot program could be to expeditiously filling many of those vacancies. However, there are other benefits to an expedited and streamlined hiring process, including a hiring manager's ability to compete more effectively for the best-qualified candidates who

may not otherwise be willing to wait around for several months to receive a job offer, a reduced need for provisional hiring due to the greater availability of eligible lists, and a greater incentive for departments to make a Permanent Civil Service appointment instead of opting for the faster Exempt hiring process in circumstances allowable under the Charter.

As indicated in the MTA's staff report, the pilot PBT Program under Rule 111A has proven successful at streamlining and expediting the hiring of permanent Civil Service employees while maintaining a competitive and fair merit-based examination process. Eligible lists resulting from PBT examinations are established in nearly half of the time as those of Class-Based examinations (an average of 48 days instead of the average 90 days).

However, an adequate appeals process is an important aspect of merit-based hiring, and the implementation of any testing program with streamlined appeal rights must be done carefully and thoughtfully. This is particularly so since the MTA is an autonomous agency under the Charter, with the Director of Transportation acting in the place of the Human Resources Director on personnel matters involving MTA service-critical positions/classifications. Therefore, the MTA's proposed pilot program contains additional safeguards not included in the City's PBT Program under Rule 111A:

- 1) It is a pilot program, limited in duration to just one year. As drafted, the pilot Rule 411A expires on a date certain; the Commission in its sole discretion may choose to extend the program, or to terminate it at any time (see Section 411A.5 in Attachment A). Upon completion of the one-year pilot PBT program, the MTA will submit a final report to the Commission detailing the impact of the program, at which time the Commission may consider whether to extend and possibly modify the program.
- 2) It includes a requirement for regular reports to the Commission. Although DHR regularly reports to the Commission on the status of the PBT Program, there is no reporting requirement codified in Rule 111A. As drafted, the proposed pilot Rule 411A would not only require more frequent reports (on a quarterly basis), but they would be much more detailed and comprehensive so that the Commission may monitor the impact of the streamlined appeal points (see Section 411A.6 in Attachment A).
- 3) It is applicable to a limited, pre-identified list of classifications (12 in total) that are already included in DHR's citywide program. Under Civil Service Rule 111A.4, DHR has the discretion to expand the PBT Program to include additional classifications based on established factors and any other relevant criteria as may be determined by the Human Resources Director. Under the draft Rule 411A, only the Commission may approve additional classes for inclusion in the pilot program (see Section 411A.4.2 in Attachment A). Further, only those service-critical IT positions with special conditions may be included in the pilot program under Rule Section 411A.4.1 in accordance with DHR's current PBT policy.
- 4) Only experienced examination analysts at the MTA who have received DHR's PBT training may administer PBT examinations under the pilot PBT program. Further, Rule 411A is drafted to provide that the Director of Transportation must adhere to the procedures, requirements and standards established by the Human Resources Director for the PBT Program under Rule 111A

(see Section 411A.8.1 in Attachment A). It also provides that the Executive Officer may audit or investigate the MTA's administration or implementation of the pilot PBT Program at any time to ensure compliance with the Commission's or DHR's policies and procedures (see Section 411A.8.3 in Attachment A).

- 5) The Director of Transportation would be limited to extending the duration of an eligible list created under the pilot program to a maximum of 24 months (see Section 411A.26.2 in Attachment A), as opposed to the 48-month maximum duration that is within the Human Resources Director's discretion under Rule 111A.26.2.

In light of these safeguards, the limited applicability of the proposed pilot program, the success of the Citywide PBT Program under Rule 111A, and the significant benefits associated with streamlining and expediting the permanent civil service hiring process for MTA service-critical positions, Commission staff supports the MTA's proposal for a new pilot PBT Rule 411A as drafted in Attachment A. If adopted, the proposed new pilot Rule 411A would serve to support two of the Commission's established Goals and Objectives for Fiscal Year 2012-2013: Goal #4, "Seek ways to address City departments' need for flexibility in personnel management issues while at the same time maintaining the integrity of the City's merit system;" and Goal #5, "Work to ensure that the Civil Service Commission's Rules, policies and procedures are [...] consistent, [...] and reflective of best practices."

#### V. Additional Issues for the Commission's Consideration in Adopting a New Rule 411A

As indicated, the attached draft Rule 411 is modeled on Rule 111A, with the revisions indicated in strikethrough and underline (again, note that that formatting issues are due to the "track-changes" function and will be corrected upon finalization). Reference to the "Human Resources Director" has been replaced with "Director of Transportation" in most instances where appropriate, the section numbers have been revised, and the word "pilot" has been inserted in references to the PBT Program. However, in addition to these revisions, other provisions will require further consideration by the Commission.

They are as follows:

- Section 411A.14 -- Veterans Preference in Examinations.

Rule 111A.14.1 provides that, "The Human Resources Director shall establish the definitions of veterans preference and applicants entitled to veterans preference in examinations in accordance with applicable law." However, Article III of Rule 411 is already very clear on the applicable definitions for the purpose of assigning preference points to veterans and eligible applicants (see Article III of Rule 411 at Attachment B). Therefore, Commission staff recommends that the sentence in Rule 111A.14.1 referenced above not be included in the new Rule 411A.14 since it is unnecessary and somewhat contradictory to the provisions in Rule 411.

- Section 411A.26 -- Management of Eligible Lists.

Per the MTA's request, Sections 411A.26.6 and 411A.26.7 are drafted to allow the MTA to use eligible lists established under the PBT Program in Rule 111A to fill service-critical positions,



and to allow other City departments to use eligible lists established under the PBT Program in Rule 411A to fill miscellaneous positions. Currently, although other City departments may use each other's PBT eligible lists, the MTA is precluded from doing so to fill its service-critical positions. As this is a fairly significant divergence from current practice, Commission staff thought it important to highlight the change for the Commission. Commission staff recommends that the Commission approve of these provisions as reflected in the new Rule 411A at Section 411A.26.6.

Also a divergence from current practice is the new authority that would be granted to the Director of Transportation to use rosters of eligible established by other authorities if the Commission were to approve a parallel provision to Rule 111A.27 for incorporation into Rule 411A (see Section 411A.27 in ). For the Commission's information, the Human Resources Director has not exercised her authority under this provision since the adoption of Rule 111A. Commission staff makes no recommendation on this matter.

- Section 411A.35 – Appeals to the Civil Service Commission.

Article III of Rule 111A very clearly specifies appeals timelines, the three points in the examination process that are subject to appeal, exactly what is appealable under the PBT Program, and the requirements for appeal submissions. However, in each of the sections describing the three points of appeals under the PBT Program, Rule 111A requires the Executive Officer to automatically schedule an appeal for the next Commission meeting, irrespective of whether the appeal is timely or even states an appealable matter as required. This has wasted the Commission's time, the appellant's time, and the department's time and staff resources. As reflected in Attachment A, Commission staff recommends that the following language be inserted into Section 411A.35.1(3) – Appeals of the Examination Announcement; Section 411A.35.2(3) – Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards; and Section 411A.35.3(3) – Appeals of Merging of Eligible Lists of Different Classes: "The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law."

**Recommendation:** Accept the Executive Officer's report; direct the Executive Officer to post the proposed new pilot Rule 411A for adoption following meet and confer with the affected labor union(s).

**Attachments:**

- Attachment A: Draft New Pilot Position-Based Test Program, Rule 411A, as Proposed by the MTA with the Executive Officer's Additional Recommended Revisions
- Attachment B: Article III of Civil Service Rule 411, Veterans Preference in Examinations



# ATTACHMENT A



Attachment A: Draft PBT Rule for Volume IV of the Civil Service Rules as Proposed by the MTA for the Commission's Consideration during its Meeting of March 18, 2013

To be Adopted as a New Civil Service Rule 411A for Incorporation into Volume IV

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Rule 411A-411A

Pilot Position-Based Testing Program for MTA Service-Critical Positions or Classes

Applicability: Rule 411A shall apply to examinations designated to this Pilot 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 listed in Article II, Section 411A.4.

Article I: Civil Service Commission Policy Related to Position-Based Testing

Sec. 411A.1 Purpose

Sec. 411A.2 Merit Based Examinations

Sec. 411A.3 Diversity of Workforce

Article II: Examination Provisions

Sec. 411A.4 Application of Position-Based Testing

Sec. 411A.5 Sunset and Termination of this Rule 411A and Pilot Position-Based Testing Program

Sec. 411A.6 Reporting Requirement

Sec. 411A.7 Civil Service Commission Rules for Position-Based Testing

Sec. 411A.8 Responsibilities of the Human Resources Director of Transportation

Article III: Examination Announcements

Sec. 411A.7 Examination Announcements

Sec. 411A.8 Reissuing of Examination Announcements

Sec. 411A.9 Correction of Examination Announcements

Article IV: Examination Applicants and Applications

Sec. 411A.10 Definition of Applicant

Sec. 411A.11 Qualifications of Applicants

Sec. 411A.12 False Statements by Applicants

Sec. 411A.13 Promotive Applicants

Sec. 411A.14 Veterans Preference in Examinations

Sec. 411A.15 Change of Address

Sec. 411A.16 Custody of Examination Applications

Sec. 411A.17 Names Not to be Made Public

Article V: Examinations

Sec. 411A.18 Adequacy of Examinations

Sec. 411A.19 Examination Rating Panels

Sec. 411A.20 Establishing Cutoff Scores and Number of Eligibles

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Sec. 411A.33 Continuance of Examinations with Appeals Pending

Sec. 411A.34 Authority to Rule on Appeals

Sec. 411A.35 Appeals to the Civil Service Commission

Sec. 411A.36 Appeals to the Human Resources Director/Director of Transportation

## Rule 411A -- Position-Based Testing

### Article I: Civil Service Commission Policy Related to Position-Based Testing

**Applicability:** Article I, Rule 411A shall apply to examinations designated to this Pilot 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 listed in Article II, Section 411A.4.

#### Sec. 411A.1 Purpose

411A.1.1 The Civil Service Commission recognizes the importance of reducing the time it takes to make permanent civil service appointments and reducing reliance on provisional and other forms of temporary hiring. Therefore, this Pilot Position-Based Testing Program is being established with the goal of adopting eligible lists resulting from merit-based examination processes within sixty (60) days from the posting of the examination announcement.

411A.1.2 It is the policy of the Civil Service Commission that examination processes in the City and County of San Francisco under this Pilot Position-Based Testing Program are conducted in an efficient and fair manner to ensure that the best-qualified individuals are selected to perform service for the City.

#### Sec. 411A.2 Merit-Based Examinations

411A.2.1 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 as expressed in Rule 403 Equal Employment Opportunity.

411A.2.2 All applicants for positions in the classified service shall submit to verifiable competitive examinations based on merit and fitness as shown by appropriate tests. Job-related criteria shall be utilized in all phases of the examination and employee selection process without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, ethnicity, medical condition (cancer-related), Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions, other non-merit factors or any other category provided by ordinance.

411A.2.3 All forms of cheating, improper aid or hindrance are prohibited.

#### Sec. 411A.3 Diversity of Workforce

411A.3.1 Subject to existing law, it is the policy of the Civil Service Commission to achieve a workforce that is fully reflective of the diversity of the City and County of San Francisco.

411A.3.2 When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Human Resources Director of Transportation may take appropriate legal actions to correct or mitigate the underrepresentation.

411A.3.3 The Civil Service Commission endorses and supports the broadening of the Rules governing the 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 diversity of the work force.

## Rule 411A – Position-Based Testing Article II: Examination Provisions

Applicability: Article II, Rule 411A shall apply to examinations designated to this Pilot 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 listed in this Article II, Section 411A.4.

### Sec. 411A.4 Application of Position-Based Testing

Sec. 411A.4.1 The term "Position-Based Testing" as used in this Rule shall apply to any examination to fill an MTA Service-Critical position in any of the following classes approved for inclusion that has been designated by the Human Resources Director to be included in this Pilot Position-Based Testing Program.:

1021, IS Administrator I\*  
1022, IS Administrator II\*  
1041, IS Engineer – Assistant\*  
1043, IS Engineer – Senior\*  
1044, IS Engineer – Principal\*  
1053, IS Business Analyst – Senior  
1244, Senior Personnel Analyst  
1823, Senior Administrative Analyst  
1824, Principal Administrative Analyst  
5177, Safety Officer  
5303, Supervisor, Traffic and Street Signs  
7457, Sign Worker

The position must require a special qualification or skill pursuant to Rule 421.6.2 (i.e. a "special condition").

Sec. 411A.4.2 Upon request by the Director of Transportation, the Civil Service Commission in its sole discretion may approve additional classes for inclusion in this Pilot Position-Based Testing Program at any time. Inclusion of classes in the pilot program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Civil Service Commission Human

**Comment [D1]:** Under the Citywide PBT Program, PBTs may be administered only to fill those II classes with special conditions. See Attachment D to the MTA staff report for the list of classes/positions currently included in the Citywide PBT program.



Resources Director.

Sec. 411A.5 Sunset and Termination of this Rule 411A and Pilot Position-Based Testing Program

This Rule 411A and Pilot Position-Based Testing Program shall sunset one year from the date of adoption, on [DATE], absent action by the Civil Service Commission to extend it. Further, this Pilot Position-Based Testing Program may be terminated at any time before that date at the discretion of the Civil Service Commission.

Sec. 411A.6 Reporting Requirement

The Director of Transportation shall provide quarterly reports to the Civil Service Commission on any examinations administered under this Pilot Position-Based Testing Program. The reports shall include, but not be limited to the following information for each examination: the applicable certification rule and duration of the eligible list; the number of applicants, and how many were deemed qualified under the terms of the examination announcement; the number of candidates who participated in the examination, and how many were placed on the eligible list; and the number and types of protests submitted to the Director of Transportation, and their disposition (i.e., the response of, or any action taken by Director of Transportation in response; and whether they were appealed to the Civil Service Commission).

Sec. 44411A.57 Civil Service Commission Rules for Position-Based Testing

44411A.57.1 All examination provisions for Position-Based Testing are specified in Rule 44411A.

Provisions specified in Civil Service Commission Rule 4405.12.1, 4405.12.4 and 4405.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 4410, 4411 Articles I and II, 4412 Articles I – IV, and 4413 Articles III, do not apply to the Position-Based Testing Program.

44411A.57.2 Pursuant to its Charter authority, the Civil Service Commission may independently inquire into the operation of the Position-Based Testing Program to determine compliance to its Rules, regulations, policies, and procedures and respond to Inspection Service requests.

Sec. 44411A.68 Responsibilities of the Human Resources Director of Transportation

44411A.68.1 The Human Resources Director of Transportation shall adhere to the establish procedures, requirements and standards established by the Human Resources Director for the Position-Based Testing Program under Rule 111A to implement these Rule 411As and the policies of the Civil Service Commission concerning this Pilot Position-Based Testing Program and to improve the City's ability to make prompt hires of best-qualified applicants. Nothing in this Rule is intended to extend to the Human Resources Director or the Director of Transportation the authority to change Civil Service Commission policy or to cause or permit the Human Resources Director or the Director of Transportation to take any action not in compliance with the law.

Sec. 44411A.68.2 The Human Resources Director of Transportation shall administer and rule on all matters concerning this Pilot Position-Based Testing Program. The decision of the Human Resources Director of Transportation related to Position-Based Testing Program matters

under this Rule is final, unless this Rule expressly provides for appeal to the Civil Service Commission.

~~411A.68.3~~ The ~~Executive Officer of the Civil Service Commission~~ Human Resources Director may initiate audits or investigations of the MTA's administration or implementation of this Pilot Position-Based Testing Program for compliance with Civil Service Commission policies and Rules, or for compliance with Department of Human Resources' policies, and procedures, and standards for Position-Based Testing or for other business reasons.

### Rule 411A – Position-Based Testing Article III: Examination Announcements

**Applicability:** Article III, Rule 411A shall apply to examinations designated to this Pilot 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 listed in Article II, Section 411A.4.

#### Sec. 411A.7 Examination Announcements

411A.7.1 The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

411A.7.2 ~~Municipal Transportation Agency City and County of San Francisco~~ examination announcements shall be officially posted at the Department of Human Resources and the ~~Municipal Transportation Agency~~.

#### Sec. 411A.8 Reissuing of Examination Announcements

The ~~Human Resources Director~~ Director of Transportation may reissue an examination announcement to extend the application-filing period or in response to an appeal. When reissued for these reasons, an examination announcement is not open to an appeal.

#### Sec. 411A.9 Correction of Examination Announcements

Examination announcements may be corrected by the ~~Human Resources Director~~ Director of Transportation with respect to clerical errors, misprints and incorrect wording by posting notice of such corrections. Additional time shall not be allowed for appeal of the substantive provisions contained in the original examination announcement.

## Rule 411A – Position-Based Testing

### Article IV: Examination Applicants and Applications

**Applicability:** Article IV, Rule 411A shall apply to examinations designated to this Pilot 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 listed in Article II, Section 411A.4.

#### Sec. 411A.10 Definition of Applicant

An applicant is a person who has filed an application for examination within the time limits and under the conditions specified on the examination announcement.

#### Sec. 411A.11 Qualifications of Applicants

411A.11.1 Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement.

411A.11.2 City and County employees in Service-Critical classes at the Municipal Transportation Agency shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees in Service-Critical classes at the Municipal Transportation Agency may receive credit for duties not usually performed by incumbents in a Service-Critical class if their employee file contains contemporaneous documentation that the duties were assigned and performed. Credit for duties in Service-Critical classes at the Municipal Transportation Agency not usually performed by incumbents in a Service-Critical class based on non-contemporaneous documentation shall require the approval of the Human Resources Director, Certification of the Municipal Transportation Agency Deputy Director, Labor Relations and Human Resources, and the approval of the Director of Transportation.

Comment [32]: This language is consistent with the provisions in Rule 410.3, Qualifications of Applicants.

#### Sec. 411A.12 False Statements by Applicants

Relevant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in any phase of the examination or hiring process shall be good cause for the exclusion of such person from any examination, or the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

#### Sec. 411A.13 Promotive Applicants

Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, City employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

#### Sec. 411A.14 Veterans Preference in Examinations

411A.14.1 The Human Resources Director shall establish the procedures for veterans preference in examinations in accordance with applicable law. The Human Resources Director shall

establish the definitions of veterans preference and applicants entitled to veterans preference in examinations in accordance with applicable law and Civil Service Commission Rules.

Comment [13]: Rule 411 Article II, Veterans Preference in Examinations, is very clear on the applicable definition of veterans preference, so Commission staff is proposing to omit this portion from the pilot Rule 411A.

411A.14.2 Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive veterans preference credit as provided in Civil Service Commission Rules must notify the Department of Human Resources of his/her veteran status at the time he/she submits the initial job application or as specified on the examination announcement.

Comment [14]: This is consistent with Rule 411.86.3, Notice of Veterans Status.

Sec. 411A.15 Change of Address

The Department of Human Resources ~~Municipal Transportation Agency~~ must be notified in writing (including e-mail) by the applicant of any change of address, e-mail address or telephone number. Notice of change to the Post Office and/or an employee's current department only does not meet the notification requirement.

Sec. 411A.16 Custody of Examination Applications

Examination applications and supporting documents become the property of the Department of Human Resources ~~Municipal Transportation Agency~~ when received. Return of such documents shall require the approval of the ~~Human Resources Director~~ Director of Transportation.

Sec. 411A.17 Names Not to be Made Public

Except as otherwise authorized by the ~~Human Resources Director~~ Director of Transportation, the names of successful participants for any examination shall not be made public until the eligible list is posted. The names of participants who fail in any examination shall not be posted.

**Rule 411A – Position-Based Testing**  
**Article V: Examinations**

**Applicability:** Article V, Rule 411A shall apply to examinations designated to this Pilot 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 listed in Article II, Section 411A.4.

Sec. 411A.18 Adequacy of Examinations

The ~~Human Resources Director~~ Director of Transportation shall approve the adequacy of the examination to rate the capacity of the applicants to perform the job. Examinations may include, but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, assessment centers, successful completion of requirements imposed by other authorities for the award of certification, licensure, academic recognition (e.g. degree, course completion), placement on a roster as provided in Sec. 411A.27, or any other devices or methods to determine merit and fitness for tested

positions.

Sec. 411411A.19 Examination Rating Panels

The ~~Human Resources Director~~ Director of Transportation shall make every reasonable effort to ensure diversity of the qualified raters.

Sec. 411411A.20 Establishing Cutoff Scores and Number of Eligibles

The ~~Human Resources Director~~ Director of Transportation shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list.

Sec. 411411A.21 Cheating in Examinations Prohibited

411411A.21.1 Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

411411A.21.2 Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal and ineligibility for future employment and such other appropriate action as may be recommended by the ~~Human Resources Director~~ Director of Transportation.

Sec. 411411A.22 Review of Ratings by Examination Participants

411411A.22.1 Examination participants shall have a minimum period of five (5) working days to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. The identity of the examiner giving any mark or grade shall not be disclosed.

411411A.22.2 The ~~Human Resources Director~~ Director of Transportation shall establish the procedures for Review of Ratings.

## Rule 411A – Position-Based Testing Article VI: Administration of Eligible Lists

**Applicability:** Article VI, Rule 411A shall apply to examinations designated to this Pilot 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 listed in Article II, Section 411A.4.

### Sec. 411A.23 Eligible Lists

411A.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.

411A.23.2 The Human Resources Director~~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.24 Adoption and Posting of Eligible List

411A.24.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.

411A.24.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

411A.24.3 The Human Resources Director~~Director of Transportation~~ may adopt an eligible list pending the resolution of any appeal. 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.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~~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.

### Sec. 411A.26 Management of Eligible Lists

411A.26.1 The Human Resources Director~~Director of Transportation~~ shall have the right to correct errors on an eligible list or amend an eligible list as a result of the outcome of an appeal or if required by Civil Service Commission Rules or other legal requirements. Corrections and/or amendments of the eligible list shall not affect earlier hires from the eligible list.

411A.26.2 The Human Resources Director~~Director of Transportation~~ may extend the duration of an eligible list or eligibility periods for individuals on the eligible list based on the needs of the Municipal Transportation Agency~~City~~ or merit factors. Any extension of the eligible list or

eligibility period shall occur prior to the expiration date with the exception of correcting errors. The maximum duration of the eligible list shall not exceed ~~forty-eight (48)~~ twenty-four (24) months. Affected eligibles will be notified of the extension of the eligible list or eligibility period.

~~411411A.26.3~~ 411411A.26.3 The ~~Human Resources Director~~ Director of Transportation may authorize the merging of eligible lists in the same Service-Critical class or different Service-Critical classes. Affected eligibles will be notified of the merging of eligible lists.

~~411411A.26.4~~ 411411A.26.4 The ~~Human Resources Director~~ Director of Transportation may cancel an eligible list, or make optional the use of an eligible list based on the needs of the Municipal Transportation Agency or merit factors such as inability of eligibles to meet job specific qualifications or requirements. Affected eligibles will be notified of the cancellation of eligible lists.

~~Sec. 411411A.26.5~~ Sec. 411411A.26.5 The ~~Director of Transportation~~ Human Resources Director may approve the use of an eligible list established under this Rule 411A Position-Based Testing Program for permanent civil service appointments to other positions in the same or similar classes in the MTA or other City departments.

~~Sec. 411A.26.6~~ Sec. 411A.26.6 The ~~Human Resources Director~~ Director of Transportation may approve the use of an eligible list established pursuant to the Position-Based Testing Program under Rule 411A for permanent civil service appointments to Service-Critical positions or classes listed in Article II, Section 411A.4.

~~Sec. 411411A.27: Rosters of Eligibles Established by Other Authorities~~

~~411411A.27.1~~ 411411A.27.1 By mutual agreement with the affected employee organization, appropriate rosters of eligibles established by other recognized authorities, such as the State of California, may be utilized to fill Service-Critical positions, or as the basis for establishing eligible lists for Service-Critical classifications.

**Comment [25]:** Although City departments may use PBT eligible lists established by other departments under Rule 111A, the MTA is precluded from doing so to fill Service-Critical Positions. This would allow the MTA the option to do so during the Pilot period.

**Comment [26]:** This is not an option currently available to the Director of Transportation.

~~411411A.27.2~~ 411411A.27.2 The ~~Human Resources Director~~ Director of Transportation shall determine the criteria and standards for approving the use of rosters established by other authorities. In assessing appropriateness, the ~~Human Resources Director~~ Director of Transportation shall ensure that placement on a roster does not require membership in an organization.

~~411411A.27.3~~ 411411A.27.3 The use of such rosters shall be specified on the examination announcement and shall not be subject to appeal to the Civil Service Commission.

## Rule 411A – Position-Based Testing Article VII: Certification of Eligibles

**Applicability:** Article VII, Rule 411A shall apply to examinations designated to this Pilot 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 listed in Article II, Section 411A.4.

### Sec. 411A.28 Certification

411A.28.1 The Department of Human Resources ~~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 Department of Human Resources ~~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.

411A.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. 411A.29 Certification of Eligibles – Minimum Allowable Certification Rule

411A.29.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.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 ~~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.30 Establishment of the Certification Rule for Position-Based Testing

411A.30.1 The Human Resources Director ~~Director of Transportation~~ and/or representative is authorized to discuss and pursue agreement with employee organizations as to the certification rule applicable to an eligible list resulting from an examination in the Position-Based Testing Program, provided however, that the minimum rule cannot be fewer than the Rule of Three Scores. Nothing in this Section is intended to change the scope of bargaining specified by Charter or applicable law.

411A.30.2 Unless agreed between the employee organization representing the class and the Human



~~Resources Director~~ Director of Transportation, the Rule of Three Scores shall be used exclusively, except as set forth in Rule ~~413443~~, Article III.

411A.30.3 The Certification Rule shall be specified as a term of the examination announcement. Appeals of the Certification Rule shall not be permitted.

### Rule 411A – Position-Based Testing Article VIII: Appeals of Examination Processes

**Applicability:** Article VIII, Rule 411A shall apply to examinations designated to this Pilot 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 listed in Article II, Section 411A.4.

#### Sec. 411A.31 Substance of Appeals

411A.31.1 An action by the ~~Department of Human Resources~~ Municipal Transportation Agency under Rule 411A may be appealed by a party alleging injury by that action as provided in this Article VIII. For each appeal the appellant must state the specific grounds upon which the appeal is based, cite the specific Civil Service Commission Rule or ~~Department of Human Resources~~ Municipal Transportation Agency Policy that the appellant contends was violated by the action which is the subject of the appeal, provide facts including available documents to support the appeal, and demonstrate a rational relationship between the alleged injury suffered by the appellant as a result of the action being appealed and the alleged violation of Rule or Policy. Failure to meet all of the above requirements to support the appeal may be sufficient grounds for denial of the appeal by the Civil Service Commission.

411A.31.2 An appeal that objects to ratings or rankings based solely on the candidate's belief that he or she is entitled to a higher or passing score shall not be considered. Neither the ~~Human Resources Director~~ Director of Transportation nor the Civil Service Commission shall substitute his, her or its judgment for the judgment of qualified raters.

#### Sec. 411A.32 Timeliness of Appeals

Protests and appeals that are not submitted within the prescribed time limits shall not be considered.

#### Sec. 411A.33 Continuance of Examinations with Appeals Pending

The ~~Human Resources Director~~ Director of Transportation may proceed with any and all phases of the Position-Based Testing process pending an appeal.

#### Sec. 411A.34 Authority to Rule on Appeals

##### 411A.34.1 Civil Service Commission

Appeals to the Civil Service Commission may occur at three (3) points in the examination process: (1)

after the examination announcement has been issued, (2) after the examination has been administered and prior to the posting of the eligible list and (3) after the merging of eligible lists in different classes. Appeals of the examination announcement may be based only on challenges to the position description and/or the minimum qualifications. Appeals after the examination administration may be based only on claims of inconsistency in examination administration, bias of raters and/or failure of raters to apply uniform standards. Appeals of merging of eligible lists in different classes may be based only on claims of substantial differences in the knowledge, skills and abilities required to perform the essential functions of the positions. Decisions of the Civil Service Commission on these examination matters will be final.

411A.34.2 Human Resources Director/Director of Transportation

All other appeals may be made to the Human Resources Director/Director of Transportation whose decision will be final.

Sec. 411A.35 Appeals to the Civil Service Commission

411A.35.1 Appeals of the Examination Announcement

- 1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Human Resources Director/Director of Transportation made decisions beyond his/her authority or had no rational basis for his/her decision.
- 2) Appeals under this Section must be submitted directly to the Executive Officer of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.
- 3) Appeals must be in writing and shall include a statement of the specific component(s) or item(s) of the examination announcement being contested and specific reason(s) why adoption of the cited portions of the examination announcement constitutes abuse of discretion by the Human Resources Director/Director of Transportation. To the extent possible, all supporting documentation must be submitted with the written appeal.
- 4) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Department of Human Resources/Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified of the particulars of the hearing in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

**Comment 171:** The Commission may want to consider including this additional caveat to ensure that the Executive Officer does not calendar a matter that is otherwise untimely or not appealable under this Rule.

- 5) The ~~Human Resources Director~~ Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.
- 6) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the ~~Department of Human Resources~~ Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

411A.35.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards

- 1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or ~~Department of Human Resources~~ Municipal Transportation Agency Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.
- 2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.
- 3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the ~~Department of Human Resources~~ Municipal Transportation Agency. ~~The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.~~
- 4) The ~~Human Resources Director~~ Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution

Comment [38]: The Commission may want to consider including this additional caveat to ensure that the Executive Officer does not calendar a matter that is otherwise untimely or not appealable under this Rule.

prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

- 5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and ~~Department of Human Resources~~ Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed. In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

411A.35.3 Appeals of Merging of Eligible Lists of Different Classes

- 1) The standard of review for appeals under this Section shall be abuse of discretion in merging eligible lists of different classes. Appeals shall include a statement of the specific facts that demonstrate that the merging of eligible lists in different classes is not supported by job analyses that demonstrate that the same or similar knowledge, skills and abilities are required to perform the essential functions of the positions.
- 2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of the merging of eligible lists.
- 3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the ~~Department of Human Resources~~ Municipal Transportation Agency. ~~The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appropriate, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law.~~ The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.
- 4) ~~The Human Resources Director~~ Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

Comment [39]: The Commission may want to consider including this additional text to ensure that the Executive Officer does not calendar a matter that is otherwise untimely or not appealable under this Rule.

- 5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the ~~Department of Human Resources~~ Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

Sec. 411A.36 Appeals to the Human Resources Director Director of Transportation

411A.36.1 Protests at the Examination Site

- 1) An examination participant may protest the assignment of a rater to his/her board or panel based on a claim of the rater's inability to rate the examination participant competently or without bias. The protest of the rater must be made to the designated representative of the ~~Human Resources Director~~ Director of Transportation present at the examination prior to participation in this phase of the examination. If no protest is made, then no appeal of the assignment of the rater will be permitted.
- 2) An examination participant may submit a protest of a problem occurring at an examination site, such as, but not limited to equipment malfunction or disturbance of the examination process, that interfered with the examination participant's performance in the examination. Such protest must be made to the designated representative of the ~~Human Resources Director~~ Director of Transportation present at the examination site immediately upon encountering or experiencing the problem and before leaving the examination site. If no protest is submitted, then the ~~Human Resources Director~~ Director of Transportation may refuse an appeal of a problem occurring at the examination site.
- 3) The decision or action in response to a protest at the examination site may be appealed to the ~~Human Resources Director~~ Director of Transportation. The appeal must be submitted in writing and must be received at the ~~Department of Human Resources~~ Municipal Transportation Agency not later than the fifth (5th) business day after the candidate's examination date.

411A.36.2 Appeal of Accuracy of the Calculation of Examination Scores and/or Ranking

An appeal of the accuracy of the calculation of examination scores and/or rank must be submitted directly to the ~~Human Resources Director~~ Director of Transportation or representative within the period designated for review of ratings (see Section 411A.22). The decision of the ~~Human Resources Director~~ Director of Transportation related to calculation of examination scores and rank is final.

411A.36.3 Appeals of Other Examination Matters

An appeal of any other examination matter must be made in writing and received by the ~~Human Resources Director~~ Director of Transportation not later than the fifth (5th) business day after the occurrence or notice of the issue of appeal. The decision of the ~~Human Resources Director~~ Director of Transportation on all these matters is final.

Last updated: 12/6/2012 3:14:19 PM




# ATTACHMENT E







# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: April 15, 2013  
To: Civil Service Commission   
From: Jennifer Johnston, Executive Officer  
Subject: Recommendation to Adopt the Proposed Pilot Rule 411A (Position-Based Testing Program) for Incorporation into Volume IV of the Civil Service Rules

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During its meeting of March 18, 2013, the Civil Service Commission ("Commission") acted to accept the Executive Officer's recommendation to adopt a new pilot Civil Service Rule 411A establishing a one-year Position-Based Testing ("PBT") Program for specific service-critical positions/classifications at the Municipal Transportation Agency ("MTA"), and directed the Executive Officer to post the proposed new pilot Rule as amended by the Commission<sup>1</sup> for meet and confer with the City's labor unions. The Executive Officer's staff report (*sans* attachments) recommending the pilot Rule is appended to this staff report as Attachment A.

The proposed new pilot Civil Service Rule 411A was posted on March 20, 2013 (see Attachment B). The Executive Officer received responses from three unions: the International Brotherhood of Electrical Workers, Local 6; the Machinists Union, Local 1414; and the Service Employees International Union, Local 1021. All three unions ultimately indicated that they did not wish to meet and confer over the proposed pilot Rule 411A; however, they were also clear that their position would change if the Commission were to consider expanding application of the pilot PBT Program in the future to include the classifications they represent. The union that represents the positions/classifications specifically identified for inclusion in the pilot PBT Program—the International Federation of Professional and Technical Engineers—has indicated that it is supportive of the pilot PBT Program and draft Rule 411A.

Given the potential significant benefits of the pilot PBT Program for the MTA and the absence of any opposition to it by Commission stakeholders, the Executive Officer recommends that the Commission adopt the new Civil Service Rule 411A as proposed (see the final draft language attached to the notification at Attachment B).

**Recommendation:**

Accept the Executive Officer's report; and adopt the proposed new pilot Civil Service Rule 411A.

**Attachments:**

- Attachment A: Executive Officer's Staff Report Recommending a New Pilot Rule 411A
- Attachment B: Posting for Meet and Confer on a New Pilot Rule 411A

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<sup>1</sup> Primarily, the Commission revised draft section 411A.14, Veterans Preference in Examinations, to clarify that the Director of Transportation must adhere to the procedures for veterans preference in examinations established by the Human Resources Director in accordance with applicable law.



# ATTACHMENT F






Gavin Newsom  
Mayor

Philip A. Ginsburg  
Human Resources Director

MEMORANDUM  
DHR No. 19-2006

**DATE:** June 29, 2006

**TO:** Department Heads  
Departmental Personnel Representatives  
Labor Organizations

**FROM:** Philip A. Ginsburg  
Human Resources Director 

**SUBJECT:** Position Based Testing -- Human Resources Director's Policy for Conduct of Examinations under Civil Service Rule 111A Position-Based Testing Program

To advance one of the City's key initiatives for faster permanent hiring, the Civil Service Commission adopted Civil Service Rule 111A *Position Based Testing*, on February 6, 2006. Rule 111A authorizes the Human Resources Director to establish policies and procedures that promote efficiency in hiring practices to make the City & County of San Francisco competitive in the race for highly qualified applicants while retaining the principles for merit based examinations.

The Department of Human Resources and authorized Decentralized Examination Units within City departments will continue to conduct examinations for appropriate classes subject to Civil Service Rules 110 *Examination Announcements and Applicants*, 111 *Examinations*, 112 *Eligible Lists* and 113 *Certification of Eligibles*. (These examination processes are referred to as "class-based exams.") By adding a flexible and efficient position-based testing strategy to the City's examination program, the City and County of San Francisco will significantly reduce and possibly eliminate the need for provisional and temporary hires in the near future. The resulting program will reduce duplicative examinations, thereby conserving resources and reducing disruptions to departmental business operations.

This memorandum will present the major components of the Human Resources Director's policy for the Position-Based Testing Program and will point out some of the major distinctions between class-based testing and position-based testing requirements and practices. The full policy and related procedures established by the Human Resources Director for conducting examinations under Rule 111A are contained in the Position-Based Testing Policy and Procedures Manual.

Policy

General Policy

Consistent with the purpose of Rule 111A, the Human Resources Director's policy for the Position-Based Testing Program facilitates the replacement of provisional and temporary hiring with permanent civil service appointments. To that end, the Human Resources Director requires training of departmental Human Resources staff to conduct position-based examinations resulting in permanent appointments. It is the policy of the Human

Resources Director to gradually but steadily cease reliance on provisional hiring by significantly reducing the number of approved Oral Authorizations for provisional hiring.

The Human Resources Director's policy also supports the completion of a position-based examination within 60 days from the time the examination announcement is issued to the adoption of the eligible list. In compliance with Rule 111A and Rule 103, and consistent with merit system principles, the Human Resources Director's policy for Position Based Testing requires equal employment opportunities, job-related examinations, standardized and fair test administration processes, and safeguards against cheating, bias or discrimination in examinations.

#### Requirement for Qualified Examination Administrators

Staff engaged in employee selection activities must complete training in Position Based Testing as prescribed by the Human Resources Director and/or be deemed qualified by the Human Resources Director to conduct civil service examinations in order to administer examinations under Civil Service Rule 111A.

#### Classes Appropriate for Position Based Testing

Rule 111A provides that the Human Resources Director will determine the positions and/or classes that will be tested under the position-based testing program. It is the policy of the Human Resources Director that the following factors will be considered in determining if a position or a class is appropriate for position based testing:

- Existing eligible lists for the class, including hold-over rosters
- Knowledge, qualification and capability of the examination administrator to develop and conduct merit-based exams
- Citywide hiring activity in the class
- Expected size of the applicant pool; the staff's ability to appropriately handle a large applicant pool
- The urgency to fill positions
- Currency and/or accuracy of the class specification or position job description
- Uniqueness of the position within the job classification
- Any other relevant issues associated with the class, examination or exam administration

The Human Resources Director will consider these factors in their entirety. The decision of the Human Resources Director to permit or deny position-based testing is final.

#### Job Related Application Screening and Examination Processes:

Position-based examinations shall be based on a documented job analysis of the position and shall test the knowledge, skills and abilities for the competent performance of the essential duties of the job. When subjective examination processes are used, such as oral interviews, the candidate's knowledge skills and abilities must be assessed and rated by competent subject-matter experts.

The minimum qualifications for the position must conform to the minimum qualifications established the class-based examination announcement or the class specification, whichever was most recently posted. Deviation from established minimum qualifications for the class requires the approval of the Human Resources Director.

Minimum qualifications must be clearly worded such that they are understood by qualified applicants and interpreted similarly by subject matter experts in the field.

In position-based testing, the applicant pool may be screened down to the best-qualified applicants based on documented job related criteria that is applied equally to all applicants. The screen-down process is considered part of the examination process. Therefore, applicants who meet the minimum qualifications are not guaranteed advancement to the next stage of the examination process. Although the criteria for screening down the applicant pool must be job related, the criteria may not qualify as special conditions for the position in the event of a layoff.

#### Fair Examination Processes

Examinations must be conducted in a fair and standardized manner that provides each candidate with an equal opportunity to demonstrate his/her job-related knowledge, skills and abilities. Examination administrators are responsible for taking precautions prior, during and after the examination to protect confidential examination documents and information. Examination administrators must ensure that subject-matter experts, raters, proctors and others who are involved in job analysis, exam development, exam logistics and administration, training or orientation to raters, exam scoring, or other aspects of the examination understand their obligations for confidentiality, impartiality, fairness and compliance with examination rules, policy and procedures and relevant law.

In position-based testing, as with examinations conducted under other Civil Service rules, a rater who has knowledge of a candidate prior to the examination and has had reasonable opportunity to formulate an opinion of the job performance, competence or potential of a candidate must not be permitted to evaluate the candidate in the examination component(s) that advance the candidate to placement on the eligible list. Qualified and impartial raters, i.e., raters without prior knowledge of candidates, may be obtained from within the department for which the examination is being conducted, from other City departments or outside of the City service. In all cases, the potential rater must not received advanced information about the candidate(s) the rater will assess in the examination.

#### Efficient Examination Practices:

A major goal of the Position-Based Testing Program is to increase the efficiency of examinations. Efficient examination practices are encouraged provided that they conform to merit system principles, applicable laws, regulations and rules, professional best practices and DHR policies and procedures. Some examples are:

1. Rule 111A does not require a specified application-filing time period for promotive examinations. Therefore, the application-filing period may be shorter than the ten-day filing period required under Civil Service Rule 110. However, the filing period must be reasonable for interested qualified promotive applicants to apply.
2. Rather than requiring documentation to verify experience and/or training requirements from all applicants at the time of application, submission of such documentation may be reserved to a later date in the selection process or at the time a conditional offer of employment is made.
3. For ease and speed of application, resumes may be attached to the application rather than requiring the applicant to fill out the education and experience fields on the back of the application form. However,

the resumes must contain sufficient detail to clearly demonstrate the applicant's qualification for taking the examination.

4. Correspondence with applicants and candidates may be conducted by e-mail or use of other technology provided the applicants and candidates have access to receive correspondence in a timely and confidential manner.

### Appeals

It is the policy of the Human Resources Director that applicants and candidates shall be informed of their appeal rights or directed to documents and information about their appeal rights in a time and manner that will allow all applicants and candidates to file timely appeals if they so desire.

Through the provisions of Rule 111A, the Civil Service Commission holds applicants and candidates to a reasonable standard for justifying their appeals. Although an appeal is filed with the Civil Service Commission, the examination administrator should make reasonable and timely attempts to resolve the issue of appeal prior to the Civil Service Commission hearing date. When an appeal is filed, either with the Civil Service Commission or the Human Resources Director, the examination administrator is responsible for gathering and presenting available relevant information and/or documentation to allow the Commission and the Human Resources Director to adequately assess and make a decision on the appeal.

In assessing an appeal, the Human Resources Director will consider both the credibility and timeliness of the appellant's complaint and the reasonableness of the actions the examination administrator took to address and/or resolve the relevant credible issues of the appeal. Failure on the part of the examination administrator to follow established procedures, keep required or adequate documentation, and/or demonstrate clear and/or unambiguous standards (e.g. unclear M.Q.s) may lead to granting the applicant's/candidate's appeal.

### Promotive Points

Rule 111A expands the definition of a promotive employee and allows promotive points to be awarded to a current permanent, temporary or exempt employee provided the employee has six consecutive months and at least 1040 hours of service with the City. The Human Resources Director will interpret "six consecutive months of service" broadly to accommodate as-needed and part-time employee schedules.

### Review of Ratings by Candidates

Under Rule 111A, there is no requirement to conduct an inspection of application and test documents. However, the requirements under the "California Public Records Request Act," California Government Code Section 6250 et seq. and the "San Francisco Sunshine Ordinance," San Francisco Administrative Code Chapter 67 must be honored. Examination administrators must notify the Department of Human Resources immediately if they receive a request pursuant to one of these laws.

Candidates must be provided with the opportunity to review their scores for accuracy of calculations. The review period is five working days and may be conducted on site at the department, at DHR by arrangement, or by mailing or e-mailing the candidate's test results, scoring formula and eligible list rank to the candidate.



Eligible Lists:

An eligible list established under Rule 111A is applicable to the position specified on the examination announcement and has no priority over an eligible list for any other position in any class. However, the Human Resources Director may approve the use of a position-based eligible list for a permanent civil service appointment to another position in the same class or class with similar duties and qualifications. The Human Resources Director may impose requirements on the requesting department, such as the submission of an annual performance plan, to assess and ensure the appropriateness of the use of the eligible list for the position.

Under Rule 111A, the Human Resources Director may establish or extend the duration of an eligible list up to a total duration of 48 months. It is the policy of the Human Resources Director to establish an initial duration period of 12 months or less for a position-based eligible list unless the requesting department can demonstrate a need for a longer duration.

With mutual agreement between the Human Resources Director and the affected employee organization for the class being tested, the Human Resources Director may establish an eligible list from a roster of candidates that was developed by another recognized authority. Such rosters must have been established based on professional employee selection principles and practices that conform to legal and policy requirements under which civil service examinations are conducted in the City & County of San Francisco. In addition, the Human Resources Director may apply other standards relevant to City & County of San Francisco operational, business, policy and/or legal issues. Human Resources Director will not give consideration to a roster developed by another authority if placement on the roster requires membership, payment of membership dues, or other conditions that are conflict with merit system principles or equal opportunity laws. The Human Resources Director is not obligated to consider the use of any roster established by another authority.

Examination Documents and Records:

In all cases, the examination administrator is responsible for obtaining, retaining and/or submitting all documents and records related to the examination, including audio and video tapes of the administration of the examination, per Department of Human Resources' policy and procedures. These documents are considered the property of the Department of Human Resources and must be furnished to the Department of Human Resources as directed. Examination records may not be destroyed without the approval of the Human Resources Director.





Gavin Newsom  
Mayor

Philip A. Ginsburg  
Human Resources Director

## MEMORANDUM

DHR No. 26-2006

**DATE:** October 4, 2006

**TO:** Department Heads  
Personnel Officers

**FROM:** Philip A. Ginsburg  
Human Resources Director

**SUBJECT:** **Position-Based Testing: Classes Pre-Approved by the Human Resources Director for the Position Based Testing Program**

A handwritten signature in black ink, appearing to read "Philip A. Ginsburg".

The Department of Human Resources is pleased to announce the commencement of one of our key Civil Service Reform goals. Our new Position-Based Testing program was implemented on October 2, 2006. Approximately 100 human resources professionals of the City & County of San Francisco have been trained in the program and are ready to embark on faster permanent hiring of the best qualified candidates.

Civil Service Rule 111A, Article II, Section 4 Application of Position-Based Testing authorizes the Human Resources Director to designate classes to be included in the Position-Based Testing program. The rule also directs the Human Resources Director to eliminate reliance on provisional hiring. **Attached to this memorandum is a list of classes that have been pre-approved by the Human Resources Director for position-based testing. Effective October 2, 2006, no provisional hiring may occur in these classes without prior approval of the Human Resources Director.**

Also effective October 2, 2006 all departments are required to submit a "Request to Hire" form prior to issuing an announcement for position-based testing or a provisional selection process. If a department is requesting to conduct a provisional hiring process, a detailed justification for a provisional hire versus a position-based test must be provided. Departments that are conducting a position-based test need not supply a justification for classes on the pre-approved list for the Position-Based Testing program. The "Request to Hire" should not be submitted for positions that will be filled by exempt appointment, permanent transfer, or PCS appointment from an existing registry or an active eligible list.

Regardless of whether a class is pre-approved, position-based testing may not be deemed appropriate if a department intends to fill more than 5 vacancies from the eligible list. Departments that are authorized to conduct class-based (citywide) examinations may be directed to conduct department-only or citywide examinations when there are a large number of vacancies to be filled.

The factors considered in compiling the list of classes pre-approved for position-based testing are enumerated in DHR Memorandum No. 19-2006 Position Based Testing - Human Resources Director's Policy for Conduct of Examinations under Civil Service Rule 111A Position-Based Testing Program, issued June 29, 2006. The list of pre-approved classes for position-based testing will be reviewed and amended by the Human Resources Director as necessary to comply with rules and regulations, professional employee selection standards and practices and the operational needs of the City and County of San Francisco.

The link to the documents and forms for the Position-Based Testing program may be found on the SFGOV intranet at: <http://intranet/?id=70>. Click on "Position Based Testing - Forms (on SFGov).

Attachment

**POSITION BASED TESTING PROGRAM**

Classes Pre-Approved by the Human Resources Director for Position-Based Testing

October 3, 2006

<u>Job Code</u>	<u>Class Title</u>	<u>Job Code</u>	<u>Class Title</u>
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	All MFA-represented classes and class levels (MCCP positions)
1130	Youth Commission Advisor
1203	Personnel Technician
1209	Benefits Technician
1210	Benefits Analyst
1211	Benefits Technician, SFUSD
1218	Payroll Supervisor
1219	Payroll Manager, SF Community College Dist
1227	Testing Technician
1229	Special Examiner
1231	Asst. Mgr., Equal Employment Opportunity Programs
1233	Equal Employment Opportunity Programs Specialist
1246	Principal Personnel Analyst
1280	Employee Relations Assistant
1322	Customer Service Agent Trainee
1324	Senior Customer Service Agent
1326	Customer Service Agent Supervisor
1429	Nurses Staffing Assistant
1430	Transcriber Typist
1431	Senior Unit Clerk
1432	Senior Transcriber Typist
1434	Shelter Service Representative
1435	Shelter Officer Supervisor
1436	Brailist
1437	Shelter Office Assistant Supervisor
1440	Medical Transcriber Typist
1441	Senior Medical Transcriber Typist
1460	Legal Secretary II
1464	Medical Clerk Stenographer
1468	Water Services Clerk
1470	Services And Supply Assistant Supervisor
1471	Elections Worker
1474	Claims Process Clerk
1476	Senior Claims Process Clerk
1480	Principal Water Services Clerk
1492	Assistant Clerk, Board Of Supervisors
1602	Calculating Machine Operator-Key Drive
1660	Manager, Budget And Performance Monitoring
1662	Patient Accounts Assistant Supervisor
1663	Patient Accounts Supervisor
1664	Patient Accounts Manager
1710	Chief Telephone Operator

1750	Microphoto / Imaging Technician
1760	Offset Machine Operator
1762	Senior Offset Machine Operator
1764	Mail And Reproduction Service Supervisor
1766	Media Production Technician
1767	Media Programming Specialist
1769	Media Production Supervisor
1770	Photographer
1771	Media Production Specialist
1773	Media Training Specialist
1774	Head Photographer
1777	Media/Security Systems Specialist
1781	Media/Security Systems Supervisor
1802	Research Assistant
1804	Statistician
1806	Senior Statistician
1813	Senior Benefits Analyst
1814	Benefits Supervisor
1817	Procedural Writer
1827	Administrative Services Manager
1920	Inventory Clerk
1922	Senior Inventory Clerk
1924	Materials And Supplies Supervisor
1926	Senior Materials And Supplies Supervisor
1930	Warehouse Worker
1931	Senior Parts Storekeeper
1935	Principal Parts Storekeeper
1936	Senior Storekeeper
1938	Stores And Equipment Assistant Supervisor
1942	Assistant Materials Coordinator
1944	Materials Coordinator
1948	Coding Supervisor, Purchasing Dept
1952	Purchaser
1956	Senior Purchaser
1958	Supervising Purchaser
2106	Medical Staff Services Department Specialist
2107	Medical Staff Services Department Analyst
2114	Medical Records Technician Supervisor
2204	Dental Hygienist
2218	Physician Assistant
2292	Shelter Veterinarian
2304	Psychiatric Orderly
2306	Senior Psychiatric Orderly
2325	Nurse Midwife

**POSITION BASED TESTING PROGRAM**

Classes Pre-Approved by the Human Resources Director for Position-Based Testing  
October 3, 2006

Job Code	Class Title	Job Code	Class Title
2326	Nursing Supervisor Psychiatric	2551	Mental Health Treatment Specialist
2330	Anesthetist		Director Of Activities, Therapy And Volunteer Services
2340	Operating Room Nurse	2552	
2350	Instructor Of Nursing	2558	Senior Physical Therapist
	Senior Central Processing And Distribution Technician	2561	Optometrist
2392		2565	Acupuncturist
2402	Laboratory Helper	2566	Rehabilitation Counselor
2403	Forensic Laboratory Technician	2575	Research Psychologist
2406	Pharmacy Helper	2576	Supervising Clinical Psychologist
2408	Senior Pharmacy Helper	2577	Medical Examiner's Investigator I
2416	Bacteriological Laboratory Assistant	2578	Medical Examiner's Investigator II
2420	Histology Technician	2579	Medical Examiner's Investigator III
2432	Electrocardiograph Technician	2580	Medical Examiner's Investigator
2434	Senior Electrocardiograph Technician	2583	Home Health Aide
2436	Electroencephalograph Technician I	2594	Employee Assistance Counselor
2440	Veterinary Laboratory Technologist	2595	Senior Employee Assistance Counselor
2444	Clinical Laboratory Technologist	2608	Supply Room Attendant
2453	Supervising Pharmacist	2618	Food Service Supervisor
2456	Assistant Forensic Toxicologist I	2619	Senior Food Service Supervisor
2457	Assistant Forensic Toxicologist II	2626	Chief Dietitian
2462	Microbiologist	2652	Baker
2464	Senior Microbiologist	2656	Chef
2469	Diagnostic Imaging Technologist III	2719	Janitorial Services Assistant Supervisor
2470	Diagnostic Imaging Technologist IV	2720	Janitorial Services Supervisor
2471	Water Quality Chemist	2740	Porter Supervisor I
2478	Senior Sewage Treatment Chemist	2772	Sewing Technician
2482	Water Quality Technician III	2780	Laundry Worker Supervisor
2484	Biologist III	2782	Laundry Superintendent
2485	Supervising Biologist	2808	Senior Disease Control Investigator
2489	Laboratory Services Manager	2810	Principal Disease Control Investigator
2493	Associate Radiologic Technologist	2818	Health Program Planner
2496	Radiologic Technologist Supervisor	2820	Senior Health Program Planner
2514	Orthopedic Technician I	2825	Senior Health Educator
2515	Orthopedic Technician II	2915	Program Specialist Supervisor
2520	Morgue Attendant	2916	Social Work Specialist
2522	Senior Morgue Attendant	2924	Medical Social Work Supervisor
2523	Forensic Autopsy Technician	2933	Conservatorship / Case Management Supervisor
2526	Ambulance Driver	2935	Senior Marriage, Family & Child Counselor
2530	Senior Medical Steward	2966	Welfare Fraud Investigator
2533	Emergency Medical Services Agency Specialist	2967	Supervising Welfare Fraud Investigator
2536	Respiratory Care Practitioner		Manager, Recruitment and Credentials Unit, S.F.U.S.D.
2537	Respiratory Care Practitioner II	2980	
2538	Audiometrist	2982	Rent Board Supervisor
2540	Audiologist	2991	Coordinator, Human Rights Commission
2542	Speech Pathologist	2994	Homemaker
2550	Senior Occupational Therapist	2996	Representative, Human Rights Commission
		2998	Representative, Commission On The Status Of

POSITION BASED TESTING PROGRAM

Classes Pre-Approved by the Human Resources Director for Position-Based Testing

October 3, 2006

Job Code	Class Title	Job Code	Class Title
	Women		Museum
3135	Director Of Neighborhood Services, Recreation And Park Department	3520	Museum Preparator
3202	Locker Room Attendant	3522	Senior Museum Preparator
3204	Swimming Pool Cashier-Clerk	3524	Principal Museum Preparator
3210	Swimming Instructor/Pool Lifeguard	3525	Chief Preparator
3214	Senior Swimming Instructor	3533	General Manager, KALW, SFUSD
3231	Golf Program Director	3540	Curatorial Aide
3232	Marina Assistant Manager	3548	Curator Of Natural Science, Junior Museum
3234	Marina Manager	3549	Arts Program Assistant
3238	Dance Instructor	3550	Exhibition Designer
3246	Pianist	3554	Associate Museum Registrar
3256	Photography Instructor	3556	Museum Registrar
3260	Crafts Instructor	3558	Senior Museum Registrar
3262	Curator Of Industrial Arts, Junior Museum	3633	Librarian II- Asian Arts
3264	Camp Assistant	3650	Medical Records Librarian
3285	Junior Museum Director	4119	Performing Arts Center Aide
3289	Recreation Supervisor	4140	Real Property Officer
3291	Principal Recreation Supervisor	4142	Senior Real Property Officer
3292	Assistant Superintendent Recreation	4143	Principal Real Property Officer
3302	Vendor	4224	Principal Personal Property Auditor
3310	Stable Attendant	4231	Senior Estate Investigator
3321	Senior Animal Keeper	4265	Senior Real Property Appraiser
3322	Assistant Head Animal Keeper	4267	Principal Real Property Appraiser
3342	Zoo Curator	4269	Chief Appraiser
3371	Animal Care Supervisor	4322	Cashier III
3372	Animal Control Officer	4331	Security Analyst
3373	Animal Control Supervisor	4334	Investigator, Tax Collector
3374	Volunteer Coordinator, Animal Care And Control	4335	Senior Investigator, Tax Collector
3374	Volunteer/Outreach Coordinator	4337	Principal Investigator, Tax Collector
3375	Animal Health Technician	4340	Assistant Director, Bureau of Delinquent Revenue
3376	Animal Care Assistant Supervisor	4366	Collection Supervisor
3378	Field Services Assistant Supervisor	5120	Architectural Administrator
3402	Farmer	5121	Dir of Facilities Design & Construction, SFUSD
3406	Land Use Aide	5130	Sewage Treatment Plant Superintendent
3419	Municipal Stadium Groundskeeper	5148	Assistant Superintendent Water Treatment Facilities
3424	Pest Control Specialist	5148	Water Operations Analyst
3428	Nursery Specialist	5149	Superintendent Of Water Treatment Facilities
3430	Chief Nursery Specialist	5177	Safety Officer
3432	Assistant Arboretum Director	5209	Industrial Engineer
3436	Arborist Technician Supervisor I	5214	Building Plans Engineer
3438	Arborist Technician Supervisor II	5215	Fire Protection Engineer
3450	Agricultural Inspector	5217	Building Code Analyst
3480	Farmers Market Manager	5219	Senior Structural Engineer
3502	Museum Exhibit Packer And Repairer	5264	Airport Noise Abatement Specialist
3518	Associate Museum Conservator, Asian Art	5269	School Architectural Coordinator

**POSITION BASED TESTING PROGRAM**

Classes Pre-Approved by the Human Resources Director for Position-Based Testing  
October 3, 2006

Job Code	Class Title	Job Code	Class Title
5270	Senior Architect		Supervisor
5271	Senior Airport Noise Abatement Specialist	7110	Mobile Equipment Assistant Supervisor
5273	Principal Architect	7123	Parking Meter and Machine Shop Manager
5274	Landscape Architect		Mechanical Shop And Equipment Superintendent
5275	Senior Landscape Architect	7126	Telecommunication Supervisor
5283	Planner V	7132	Water Construction & Maintenance Supt
5285	Airport Noise Abatement Officer	7134	Water Shops And Equipment Superintendent
5299	Planner IV-Environmental Review	7136	Director, Parking And Traffic Operations
5301	Supervisor, Traffic Painting Program	7140	Buildings And Grounds Maintenance Supervisor
5302	Traffic Survey Technician	7203	Chief Water Service Inspector
5303	Supervisor, Traffic And Street Signs	7204	Heavy Equipment Operations Supervisor
5304	Materials Testing Aide	7208	Mobile Equipment Supervisor
5305	Materials Testing Technician	7210	Cement Finisher Supervisor II
5306	Traffic Sign Manager	7211	Plumber Supervisor I
5320	Illustrator And Art Designer	7213	Asbestos Abatement Worker II
5322	Graphic Artist	7218	Maintenance Scheduler
5330	City Planning Graphics Supervisor	7219	Asphalt Finisher Supervisor I
5330	Graphics Supervisor	7220	Asphalt Plant Supervisor I
5408	Coordinator Of Citizen Involvement	7221	Carpenter Supervisor I
5606	Energy Specialist	7226	Cement Finisher Supervisor I
5608	Senior Energy Specialist	7227	Transmission Line Supervisor I
5620	Regulatory Specialist	7229	Hetch Hetchy Mechanical Shop Supervisor
5644	Principal Environmental Specialist	7232	Glazier Supervisor I
5646	Environmental Program Manager I	7233	Locksmith Supervisor I
6108	Environmental Health Technician I	7236	Plumber Supervisor II
6110	Environmental Health Technician II	7239	Water Meter Shop Supervisor I
6115	Wastewater Control Inspector	7240	Parking Meter Repairer Supervisor I
6116	Supervising Wastewater Control Inspector	7243	Power Plant Supervisor I
6124	Principal Environmental Health Inspector	7244	Chief Stationary Engineer, Water Treatment Plant
6139	Senior Industrial Hygienist	7245	Sewer Repair Supervisor
6220	Inspector Of Weights And Measures	7246	Sewer Repair Supervisor II
6231	Senior Street Inspector	7246	Sheet Metal Worker Supervisor II
6232	Street Inspection Supervisor	7247	Steamfitter Supervisor II
6235	Heating And Ventilating Inspector	7248	Automotive Mechanic Supervisor I
6244	Chief Plumbing Inspector	7249	Automotive Machinist Supervisor I
6246	Senior Plumbing Inspector	7254	Power House Electrician Supervisor I
6249	Senior Electrical Inspector	7255	Communication Line Supervisor I
6250	Chief Electrical Inspector	7257	Maintenance Machinist Supervisor I
6262	Plan Checker - Architectural	7258	Water And Power Maintenance Supervisor I
6266	Senior Plan Checker	7259	Window Cleaner Supervisor
6272	Senior Housing Inspector	7268	Watershed Keeper Supervisor
6274	Chief Housing Inspector	7270	Carpenter Supervisor II
6334	Chief Building Inspector	7272	Communications Line Worker Supervisor II
6335	Disability Access Coordinator	7273	Cable Splicer Supervisor I
6340	School Construction Coordinator	7275	Telecommunications Technician Supervisor
7108	Heavy Equipment Operations Assistant		

POSITION BASED TESTING PROGRAM

Classes Pre-Approved by the Human Resources Director for Position-Based Testing

October 3, 2006

<u>Job Code</u>	<u>Class Title</u>	<u>Job Code</u>	<u>Class Title</u>
7276	Electrician Supervisor II	8117	Investigative Auditor, Controller's Office
7277	City Shops Assistant Superintendent	8118	Legislation Clerk
7278	Painter Supervisor II		Senior Investigator, Office Of Citizen Complaints
7281	Street Environmental Services Operations Supervisor	8126	Court Reporter
7282	Street Repair Supervisor II	8138	Industrial Injury Investigator
7284	Utility Plumber Supervisor II	8139	Senior Public Defender's Investigator
7285	Transmission Line Worker Supervisor II	8143	Worker's Compensation Supervisor I
7287	Supervising Electronic Maintenance Technician	8165	Parking Hearing Examiner
7302	Audio-Visual Equipment Technician	8167	Parking Hearing Supervisor
7303	Barber	8168	Legislative Assistant, City Attorney's Office
7307	Bricklayer	8169	Medical Claims Supervisor
7315	Automotive Machinist Assistant Supervisor	8170	Institutional Police Captain
7317	Senior Water Service Inspector	8206	Institutional Police Lieutenant
7324	Beautician	8209	Head Park Patrol Officer
7326	Glazier	8210	Station Officer
7330	Senior General Utility Mechanic	8217	Parking Enforcement Administrator
7337	Maintenance Machinist Assistant Supervisor	8219	Associate Director of Museum Security Services
7342	Locksmith	8229	Fire Alarm Dispatcher
7349	Steamfitter Supervisor I	8234	Chief Fire Alarm Dispatcher
7353	Water Meter Repairer	8236	Police Communications Shift Supervisor
7358	Pattern Maker	8240	Public Safety Communications Coordinator
7360	Pipe Welder	8240	Emergency Planning Coordinator
7361	Plasterer	8247	Fingerprint Technician III
7363	Power House Electrician	8251	Criminalist III
7368	Senior Communications Systems Technician	8262	Crime Laboratory Manager
7370	Rigger	8263	Forensic Document Examiner
7377	Stage Electrician	8264	Director of Public Safety
7378	Tile Setter	8287	Counselor II
7384	Typewriter Repairer	8318	Supervising Counselor, Juvenile Court
7387	Upholsterer	8324	Assistant Director, Log Cabin Ranch
7416	Book Repairer	8326	Supervising Probation Officer, Juvenile Court
7418	Senior Book Repairer	8414	Senior Supervising Probation Off, Juvenile Court
7420	Bridgetender	8415	Senior Supervising Probation Off, Juvenile Probation
7424	Dryer Mixer Operator	8415	Rehabilitation Services Coordinator
7428	Hodcarrier	8420	Supervising Adult Probation Officer
7434	Maintenance Machinist Helper	8434	Division Director, Adult Probation
7441	Tool Room Mechanic And Custodian	8435	Court Alternative Specialist I
7450	Shade And Drapery Worker	8446	Criminal Justice Specialist II
7457	Traffic And Street Sign Maintenance Worker	8452	Executive Director, County Parole Commission
7484	Senior Power Generation Technician	8470	Crime Prevention Worker
7488	Power Generation Supervisor	8482	Supervising Crime Prevention Worker
8104	Victim & Witness Technician	8484	Claims Investigator
8106	Legal Process Clerk	9155	Senior Claims Investigator
8113	Court Clerk	9156	Claims Adjuster
8116	Legislative Calendar Clerk	9157	



POSITION BASED TESTING PROGRAM

Classes Pre-Approved by the Human Resources Director for Position-Based Testing  
October 3, 2006

<u>Job Code</u>	<u>Class Title</u>	<u>Job Code</u>	<u>Class Title</u>
9204	Airport Communications Supervisor		
9206	Airport Property Specialist I	9363	Asst Supt, Harbor Maintenance, Piers & Wharves
9230	Airport Custodial Services Supervisor	9364	General Superintendent of Harbor Maintenance
9232	Airport Mechanical Maintenance Supervisor	9376	Market Research Specialists, Port
9241	Airport Electrician Supervisor	9377	Feasibility Analyst, Port
9242	Head Airport Electrician	9380	Administrative Service Officer, Port
9250	Airport Maintenance Supervisor	9382	Government And Public Affairs Manager, Port
9251	Public Relations Manager	9385	General Service Officer, Port Of San Francisco
9255	Airport Economic Planner	9386	Senior Property Manager, Port
9331	Piledriver Engine Operator	9393	Maritime Marketing Representative
9332	Piledriver Supervisor I	9395	Property Manager, Port
9342	Ornamental Iron Worker Supervisor I	9706	Employment & Training Specialist V.
9343	Roofer	9708	Employment & Training Specialist VI
9344	Roofer Supervisor I	9722	Specialist In Aging II
9345	Sheet Metal Supervisor I	9724	Specialist In Aging III
9346	Fusion Welder	9775	Senior Community Development Specialist II
9350	Harbor Police Officer	9973	Athletics Activities Director Coordinator, SFUSD
9354	Elevator and Crane Technician	9977	Parent & Community Involvement Coordinator, SFUSD
9355	Wharfinger I	9987	Chief of Facilities, SFUSD
9356	Wharfinger II	9994	Exec Dir, Child Development Program, SFUSD
9358	Crane Mechanic Supervisor		
9360	Construction And Maintenance Supervisor II, Port		

END  
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Staff Report from the Municipal Transportation Agency

Presented on March 17, 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: (N/A) - \_\_\_\_\_ -
2. For Civil Service Commission Meeting of: March 17, 2014
3. Check One:           Ratification Agenda  
                              Consent Agenda  X  
                              Regular Agenda  
                              Human Resources Director's Report
4. Subject:: Participation of SFMTA in PBT Program – Rule 411A
5. Recommendation: Accept and adopt the staff report
6. Report prepared by: Derek Kim Telephone number: (415) 701-4615
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:  

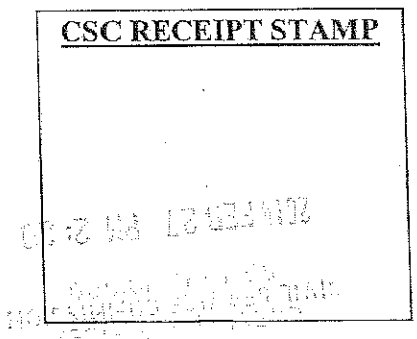
Human Resources Director: Donald E. Ellison *Donald E. Ellison*

Date: 2/22/2014
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.

Attachment



**NOTIFICATIONS**

Edward D. Reiskin  
San Francisco Municipal Transportation Agency  
One South Van Ness Avenue, 6<sup>th</sup> Floor  
San Francisco, CA 94103


Alicia John-Baptiste  
San Francisco Municipal Transportation Agency  
One South Van Ness Avenue, 6<sup>th</sup> Floor  
San Francisco, CA 94103


Donald E. Ellison  
San Francisco Municipal Transportation Agency  
Human Resources Division  
One South Van Ness Avenue, 6<sup>th</sup> Floor  
San Francisco, CA 94103



DATE: February 28, 2014

TO: The Honorable Civil Service Commission

THROUGH: Donald Ellison   
Director, Human Resources

FROM: Derek Kim   
HR Operations Manager

SUBJECT: Request to Adopt Position Based Testing Rule 411A for San Francisco Municipal Transportation Agency (SFMTA) upon completion of the pilot program.

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### OVERVIEW

In April of 2013, the Civil Service Commission, recognizing the importance of reducing the time it takes to make permanent civil service appointments and reducing reliance on provisional and other forms of temporary hiring, adopted *Rule 411A Pilot Position-Based Testing Program for SFMTA Service-Critical Positions or Classes*.

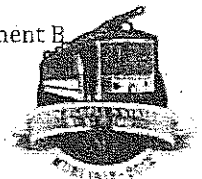
The purpose of this report is to submit to the Civil Service Commission for its review and approval the final report of the *Pilot Position-Based Testing Program (Rule 411A)* and to adopt Rule 411A upon completion of the pilot phase.

### BACKGROUND

Since the adoption of Rule 111A *Position-Based Testing* in 2006, City departments have reduced the time it takes to fill vacancies through permanent civil service appointments. Every year since 2006, there has been a steady increase in the number of Position-Based-Testing (PBT) examinations conducted by the Department of Human Resources. In fiscal year 2011-2012, PBT examinations made up 70% of all tests conducted in the City<sup>1</sup>. However, Rule 111A in its applicability excludes SFMTA Service-Critical positions or classes and there was no equivalent or similar rule contained in *Volume IV Municipal Transportation Agency Service Critical Civil Service Rules*.

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<sup>1</sup> August 15, 2012 Memo from John Kraus, Asst. Dep. Director, Recruitment and Assessment Service, through Micki Callahan, Human Resources Director addressed to the Honorable Civil Service Commission regarding subject matter. "Report on the Position-Based Testing Program" – Attachment B





With the proven success of the PBT programs and the urgent need to fill positions permanently, SFMTA proposed a one-year pilot PBT program which limited the PBT applicability to twelve identified job classifications.

The proposal was accepted and Rule 411A was adopted by the Civil Service Commission in April of 2013 and the PBT process could then be applied to the following twelve classifications.

**Sec. 411A.4**      **Application of Position-Based Testing**

411A.4.1      The term "Position-Based Testing" as used in this Rule shall apply to any examination to fill an MTA service-critical position in any of the following classes approved for inclusion in this Pilot Position-Based Testing Program:

- 1021 IS Administrator I\*
- 1022 IS Administrator II\*
- 1041 IS Engineer – Assistant\*
- 1043 IS Engineer – Senior\*
- 1044 IS Engineer – Principal\*
- 1053 IS Business Analyst – Senior
- 1244 Senior Personnel Analyst
- 1823 Senior Administrative Analyst
- 1824 Principal Administrative Analyst
- 5177 Safety Officer
- 5303 Supervisor, Traffic and Street Signs
- 7457 Sign Worker

\* The position must require a special qualification or skill pursuant to Rule 421.6.2 (i.e., a "special condition").

During the one year pilot program, SFMTA successfully conducted its first three PBT examinations.

- 1244 Senior Personnel Analyst
- 1823 Senior Administrative Analyst
- 1824 Principal Administrative Analyst

The resulting PBT eligible lists will lead to fifteen (15) permanent civil service appointments within Fiscal Year 2013-14.



**PILOT PROGRAM RESULTS****Successful PBT Examinations**

<b>JOB CLASS</b>	1244 Senior Personnel Analyst	1823 Senior Administrative Analyst	1824 Principal Administrative Analyst
<b>ANNOUNCEMENT DATE</b>	6/17/2013 - 6/28/2013	5/8/2013 - 5/21/2013	5/8/2013 - 5/21/2013
<b>CERTIFICATION RULE</b>	Rule of Ten Scores	Rule of Ten Scores	Rule of Ten Scores
<b>ADOPTION DATE</b>	9/24/2013	9/27/2013	9/24/2103
<b>ELIGIBLE LIST DURATION</b>	12 Months	12 Months	12 Months
<b># OF APPLICANTS</b>	110	108	89
<b># DEEMED QUALIFIED UNDER EXAM ANNOUCEMENT</b>	48	79	70
<b># PARTICIPATING IN THE EXAM</b>	27	66	62
<b># ON THE ELIGIBLE LIST</b>	16	50	53
<b># AND TYPE OF PROTESTS</b>	None	None	None

SFMTA's Exam Unit successfully conducted three PBT examinations during the pilot program. All three examinations led to the adoption of eligible lists in three classifications without any protest.

**Permanent Civil Service Appointments**

The ability to make Permanent Civil Service (PCS) appointments in key classifications was perhaps the most crucial factor in SFMTA's efforts to join the rest of the City departments in participating in the PBT process. The ability to make PCS appointments not only impacts new hires but provides an avenue for current SFMTA employees in exempt status to gain permanent civil service status. The adoption of the 1823 Senior Administrative Analyst and the 1824 Principal Administrative Analyst PBT eligible lists not only made it possible for SFMTA to hire new employees in PCS appointments, but also gave opportunities to current employees in exempt appointments to take the PBT exams in order to get on the eligible list so that they can change their appointment status from exempt to PCS.



Since the adoption of the eligible lists, SFMTA is expecting fifteen (15) permanent civil service appointments:

- 1823 Senior Administrative Analyst
  - (1) New PCS hire . (5) New PCS hire in progress
  - (1) Exempt to PCS appointment
  
- 1824 Principal Administrative Analyst
  - (5) Exempt to PCS appointments in progress
  - (3) New PCS hire in progress

All fifteen PCS appointments are scheduled to be completed before the end of the current fiscal year.

### PROPOSAL

Since July of 2013, SFMTA has nearly ninety (90) examinations in its exam priority queue, but with the adoption of Rule 411A by the Civil Service Commission, SFMTA (in three to four months) was able to conduct three examinations that resulted in eligible lists that will be used to hire permanent civil service employees in key classifications.

The three PBT examinations conducted by SFMTA had more than three hundred (300) applicants and no protests. The SFMTA will use the resulting eligible lists to make fifteen (15) permanent civil service appointments in classifications where only exempt or provisional hires were previously possible.

The pilot program demonstrate SFMTA's ability to conduct PBT examinations in accordance with Civil Service Commission and DHR rules and policies and the resulting hires will demonstrate the impact of the PBT process on permanent civil service hires for the Agency.

To meet the demands of a "Transit-First" city, it is crucial for SFMTA to efficiently and effectively recruit and hire qualified applicants. Thus, SFMTA is proposing that upon completion of the one year pilot period in *Rule 411A Pilot Position-Based Testing Program for SFMTA Service-Critical Positions*, the Civil Service Commission grant SFMTA full participation in the City-wide PBT process including Rule 411A applicability to DHR's entire PBT-approved list of classifications.

#### **Rule 411A Modification Proposals**

1. Eliminate "pilot program" provisions in the Rules
2. Full applicability to the list of classifications on DHR's PBT-approved list

**RECOMMENDATIONS**

The San Francisco Municipal Transportation Agency respectfully requests that the Civil Service Commission adopt this report and amend Civil Service Rule 411A to grant SFMTA full participation in the current City-wide PBT process.

**ATTACHMENTS**

Attachment		Page(s)
A	Civil Service Rule 411A – Position Based Testing [18 pages]	6-22
B	August 15, 2012 Memo from John Kraus, Asst. Dep. Director, Recruitment and Assessment Service, through Micki Callahan, Human Resources Director addressed to the Honorable Civil Service Commission regarding subject matter, "Report on the Position-Based Testing Program" [2 pages]	23-25

**Attachment A**

**Current Rule 411 A**

**Pilot Position-Based Testing Program for MTA Service-Critical  
Positions or Classes**

Attachment A – Rule 411 A

Rule 411A

**Pilot Position-Based Testing Program for MTA Service-Critical Positions or Classes**

Applicability: Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

**Article I: Civil Service Commission Policy Related to Position-Based Testing**

Sec. 411A.1 Purpose

Sec. 411A.2 Merit Based Examinations

Sec. 411A.3 Diversity of Workforce

**Article II: Examination Provisions**

Sec. 411A.4 Application of Position-Based Testing

Sec. 411A.5 Sunset and Termination of this Rule 411A and Pilot Position-Based Testing Program

Sec. 411A.6 Reporting Requirement

Sec. 411A.7 Civil Service Commission Rules for Position-Based Testing

Sec. 411A.8 Responsibilities of the Director of Transportation

**Article III: Examination Announcements**

Sec. 411A.9 Examination Announcements

Sec. 411A.10 Reissuing of Examination Announcements

Sec. 411A.11 Correction of Examination Announcements

**Article IV: Examination Applicants and Applications**

Sec. 411A.12 Definition of Applicant

Sec. 411A.13 Qualifications of Applicants

Sec. 411A.14 False Statements by Applicants

Sec. 411A.15 Promotive Applicants

Sec. 411A.16 Veterans Preference in Examinations

Sec. 411A.17 Change of Address

Sec. 411A.18 Custody of Examination Applications

Sec. 411A.19 Names Not to be Made Public

**Article V: Examinations**

Sec. 411A.20 Adequacy of Examinations

Sec. 411A.21 Examination Rating Panels

Sec. 411A.22 Establishing Cutoff Scores and Number of Eligibles

Sec. 411A.23 Cheating in Examinations Prohibited

Attachment A – Rule 411 A

Sec. 411A.24 Review of Ratings by Examination Participants

Article VI: Administration of Eligible Lists

Sec. 411A.25 Eligible Lists

Sec. 411A.26 Adoption and Posting of Eligible List

Sec. 411A.27 Maintenance of Eligibility

Sec. 411A.28 Management of Eligible Lists

Sec. 411A.29 Rosters of Eligibles Established by Other Authorities

Article VII: Certification of Eligibles

Sec. 411A.30 Certification

Sec. 411A.31 Certification of Eligibles – Minimum Allowable Certification Rule

Sec. 411A.32 Establishment of the Certification Rule for Position-Based Testing

Article VIII: Appeals of Examination Processes

Sec. 411A.33 Substance of Appeals

Sec. 411A.34 Timeliness of Appeals

Sec. 411A.35 Continuance of Examinations with Appeals Pending

Sec. 411A.36 Authority to Rule on Appeals

Sec. 411A.37 Appeals to the Civil Service Commission

Sec. 411A.38 Appeals to the Director of Transportation

Article I: Civil Service Commission Policy Related to Position-Based Testing

Applicability: Article I, Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program, and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

Sec. 411A.1 Purpose

**411A.1.1** The Civil Service Commission recognizes the importance of reducing the time it takes to make permanent civil service appointments and reducing reliance on provisional and other forms of temporary hiring. Therefore, this Pilot Position-Based Testing Program is being established with the goal of adopting eligible lists resulting from merit-based examination processes within sixty (60) days from the posting of the examination announcement.

**411A.1.2** It is the policy of the Civil Service Commission that examination processes in the City and County of San Francisco under this Pilot Position-Based Testing Program are conducted in an efficient and fair manner to ensure that the best-qualified individuals are selected to perform service for the City.

Sec. 411A.2 Merit Based Examinations

Attachment A – Rule 411 A

**411A.2.1** 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 as expressed in Rule 403 Equal Employment Opportunity.

**411A.2.2** All applicants for positions in the classified service shall submit to verifiable competitive examinations based on merit and fitness as shown by appropriate tests. Job-related criteria shall be utilized in all phases of the examination and employee selection process without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, ethnicity, medical condition (cancer-related), Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions, other non-merit factors or any other category provided by ordinance.

**411A.2.3** All forms of cheating, improper aid or hindrance are prohibited.

**Sec. 411A.3 Diversity of Workforce**

**411A.3.1** Subject to existing law, it is the policy of the Civil Service Commission to achieve a workforce that is fully reflective of the diversity of the City and County of San Francisco.

**Sec. 411A.3 Diversity of Workforce (cont.)**

**411A.3.2** When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Director of Transportation may take appropriate legal actions to correct or mitigate the underrepresentation.

**411A.3.3** The Civil Service Commission endorses and supports the broadening of the Rules governing the 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 diversity of the work force.

**Article II: Examination Provisions**

Applicability: Article II, Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in MTA Service-Critical positions or classes listed in this Article II, Section 411A.4.

**Sec. 411A.4 Application of Position-Based Testing**

**411A.4.1** The term "Position-Based Testing" as used in this Rule shall apply to any examination to fill an MTA Service-Critical position in any of the following classes approved for inclusion in this Pilot Position-Based Testing Program:

1021 IS Administrator I\*

1022 IS Administrator II\*

1041 IS Engineer – Assistant\*

1043 IS Engineer – Senior\*

Attachment A – Rule 411 A

- 1044 IS Engineer – Principal\*
- 1053 IS Business Analyst – Senior
- 1244 Senior Personnel Analyst
- 1823 Senior Administrative Analyst
- 1824 Principal Administrative Analyst
- 5177 Safety Officer
- 5303 Supervisor, Traffic and Street Signs
- 7457 Sign Worker

\* The position must require a special qualification or skill pursuant to Rule 421.6.2 (i.e., a “special condition”).

**411A.4.2** Upon request by the Director of Transportation, the Civil Service Commission in its sole discretion may approve additional classes for inclusion in this Pilot Position-Based Testing Program at any time. Inclusion of classes in the pilot program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Civil Service Commission.

**Sec. 411A.5 Sunset and Termination of this Rule 411A and Pilot Position-Based Testing Program**

This Rule 411A and Pilot Position-Based Testing Program shall sunset one year from the date of adoption, on April 15, 2014, absent action by the Civil Service Commission to extend it. Further, this Pilot Position-Based Testing Program may be terminated at any time before that date at the discretion of the Civil Service Commission.

**Sec. 411A.6 Reporting Requirement**

The Director of Transportation shall provide quarterly reports to the Civil Service Commission on any examinations administered under this Pilot Position-Based Testing Program. The reports shall include, but not be limited to the following information for each examination: the applicable certification rule and duration of the eligible list; the number of applicants, and how many were deemed qualified under the terms of the examination announcement; the number of candidates who participated in the examination, and how many were placed on the eligible list; and the number and types of protests submitted to the Director of Transportation, and their disposition (i.e., the response of, or any action taken by the Director of Transportation in response; and whether they were appealed to the Civil Service Commission).

**Sec. 411A.7 Civil Service Commission Rules for Position-Based Testing**

**411A.7.1** 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.



## Attachment A – Rule 411 A

**411A.7.2** Pursuant to its Charter authority, the Civil Service Commission may independently inquire into the operation of the Position-Based Testing Program to determine compliance to its Rules, regulations, policies, and procedures and respond to Inspection Service requests.

### **Sec. 411A.8 Responsibilities of the Director of Transportation**

**411A.8.1** The Director of Transportation shall adhere to the procedures, requirements and standards established by the Human Resources Director for the Position-Based Testing Program under Rule 111A to implement this Rule 411A, and the policies of the Civil Service Commission concerning this Pilot Position-Based Testing Program, and to improve the City's ability to make prompt hires of best-qualified applicants. Nothing in this Rule is intended to extend to the Human Resources Director or the Director of Transportation the authority to change Civil Service Commission policy or to cause or permit the Human Resources Director or the Director of Transportation to take any action not in compliance with the law.

**411A.8.2** The Director of Transportation shall administer and rule on all matters concerning this Pilot Position-Based Testing Program. The decision of the Director of Transportation related to Position-Based Testing Program matters under this Rule is final, unless this Rule expressly provides for appeal to the Civil Service Commission.

**411A.8.3** The Executive Officer of the Civil Service Commission may initiate audits or investigations of the MTA's administration or implementation of this Pilot Position-Based Testing Program for compliance with Civil Service Commission policies and Rules; or for compliance with Department of Human Resources' policies, procedures and standards for Position-Based Testing.

### **Article III: Examination Announcements**

Applicability: Article III, Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

#### **Sec. 411A.9 Examination Announcements**

**411A.9.1** The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

**411A.9.2** Municipal Transportation Agency examination announcements shall be officially posted at the Department of Human Resources and the Municipal Transportation Agency.

#### **Sec. 411A.10 Reissuing of Examination Announcements**

The Director of Transportation may reissue an examination announcement to extend the application-filing period or in response to an appeal. When reissued for these reasons, an examination announcement is not open to an appeal.

**Sec. 411A.11 Correction of Examination Announcements**

Examination announcements may be corrected by the Director of Transportation with respect to clerical errors, misprints and incorrect wording by posting notice of such corrections. Additional time shall not be allowed for appeal of the substantive provisions contained in the original examination announcement.

**Article IV: Examination Applicants and Applications**

Applicability: Article IV, Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

**Sec. 411A.12 Definition of Applicant**

An applicant is a person who has filed an application for examination within the time limits and under the conditions specified on the examination announcement.

**Sec. 411A.13 Qualifications of Applicants**

**411A.13.1** Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement.

**411A.13.2** City and County employees in Service-Critical classes at the Municipal Transportation Agency shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees in Service-Critical classes at the Municipal Transportation Agency may receive credit for duties not usually performed by incumbents in a Service-Critical class if their employee file contains contemporaneous documentation that the duties were assigned and performed. Credit for duties in Service-Critical classes at the Municipal Transportation Agency not usually performed by incumbents in a Service-Critical class based on non-contemporaneous documentation shall require the Certification of the Municipal Transportation Agency Deputy Director, Labor Relations and Human Resources, and the approval of the Director of Transportation.

**Sec. 411A.14 False Statements by Applicants**

Relevant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in any phase of the examination or hiring process shall be good cause for the exclusion of such person from any examination, or the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

**Sec.411A.15 Promotive Applicants**

Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, City employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

**Sec. 411A.16 Veterans Preference in Examinations**

**411A.16.1** The Director of Transportation shall adhere to the procedures for veterans preference in examinations established by the Human Resources Director in accordance with applicable law and Civil Service Commission Rules.

**411A.16.2** Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive veterans preference credit as provided in Civil Service Commission Rules must notify the Department of Human Resources of his/her veteran status at the time he/she submits the initial job application or as specified on the examination announcement.

**Sec. 411A.17 Change of Address**

The Municipal Transportation Agency must be notified in writing (including e-mail) by the applicant of any change of address, e-mail address or telephone number. Notice of change to the Post Office and/or an employee's current department only, does not meet the notification requirement.

**Sec. 411A.18 Custody of Examination Applications**

Examination applications and supporting documents become the property of the Municipal Transportation Agency when received. Return of such documents shall require the approval of the Director of Transportation.

**Sec. 411A.19 Names Not to be Made Public**

Except as otherwise authorized by the Director of Transportation, the names of successful participants for any examination shall not be made public until the eligible list is posted. The names of participants who fail in any examination shall not be posted.

**Article V: Examinations**

Applicability: Article V, Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

**Sec. 411A.20 Adequacy of Examinations**

The Director of Transportation shall approve the adequacy of the examination to rate the capacity of the applicants to perform the job. Examinations may include, but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, assessment centers, successful completion of requirements imposed by other authorities for the award of certification, licensure, academic recognition (e.g. degree, course completion), placement on a roster as provided in Sec. 411A.27, or any other devices or methods to determine merit and fitness for tested positions.

**Sec. 411A.21 Examination Rating Panels**

The Director of Transportation shall make every reasonable effort to ensure diversity of the qualified raters.

**Sec. 411A.22 Establishing Cutoff Scores and Number of Eligibles**

The Director of Transportation shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list.

**Sec. 411A.23 Cheating in Examinations Prohibited**

**411A.23.1** Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

**Sec. 411A.23 Cheating in Examinations Prohibited (cont.)**

**411A.23.2** Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal and ineligibility for future employment and such other appropriate action as may be recommended by the Director of Transportation.

**Sec. 411A.24 Review of Ratings by Examination Participants**

**411A.24.1** Examination participants shall have a minimum period of five (5) working days to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. The identity of the examiner giving any mark or grade shall not be disclosed.

**411A.24.2** The Director of Transportation shall establish the procedures for Review of Ratings.

**Article VI: Administration of Eligible Lists**

Applicability: Article VI, Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

**Sec. 411A.25 Eligible Lists**

**411A.25.1** 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.

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**411A.25.2** 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.26 Adoption and Posting of Eligible List**

**411A.26.1** After the period for Review of Ratings, the eligible list shall be adopted and posted.

**411A.26.2** Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

**411A.26.3** The Director of Transportation may adopt an eligible list pending the resolution of any appeal. 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.27 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.

### **Sec. 411A.28 Management of Eligible Lists**

**411A.28.1** The Director of Transportation shall have the right to correct errors on an eligible list or amend an eligible list as a result of the outcome of an appeal or if required by Civil Service Commission Rules or other legal requirements. Corrections and/or amendments of the eligible list shall not affect earlier hires from the eligible list.

### **Sec. 411A.28 Management of Eligible Lists (cont.)**

**411A.28.2** The Director of Transportation may extend the duration of an eligible list or eligibility periods for individuals on the eligible list based on the needs of the Municipal Transportation Agency or merit factors. Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. The maximum duration of the eligible list shall not exceed twenty-four (24) months. Affected eligibles will be notified of the extension of the eligible list or eligibility period.

**411A.28.3** The Director of Transportation may authorize the merging of eligible lists in the same Service-Critical class or different Service-Critical classes. Affected eligibles will be notified of the merging of eligible lists.

**411A.28.4** The Director of Transportation may cancel an eligible list, or make optional the use of an eligible list based on the needs of the Municipal Transportation Agency or merit factors such as inability of eligibles to meet job specific qualifications or requirements. Affected eligibles will be notified of the cancellation of eligible lists.

**411A.28.5** The Director of Transportation may approve the use of an eligible list established under this Rule 411A Position-Based Testing Program for permanent civil

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service appointments to other positions in the same or similar classes in the MTA or other City departments.

**411A.28.6** The Human Resources Director may approve the use of an eligible list established pursuant the Position-Based Testing Program under Rule 111A for permanent civil service appointments to Service-Critical positions or classes listed in Article II, Section 411A.4.

**Sec. 411A.29 Rosters of Eligibles Established by Other Authorities**

**411A.29.1** By mutual agreement with the affected employee organization, appropriate rosters of eligibles established by other recognized authorities, such as the State of California, may be utilized to fill Service-Critical positions, or as the basis for establishing eligible lists for Service-Critical classifications.

**411A.29.2** The Director of Transportation shall determine the criteria and standards for approving the use of rosters established by other authorities. In assessing appropriateness, the Director of Transportation shall ensure that placement on a roster does not require membership in an organization.

**411A.29.3** The use of such rosters shall be specified on the examination announcement and shall not be subject to appeal to the Civil Service Commission.

**Article VII: Certification of Eligibles**

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

**Sec. 411A.30 Certification**

**411A.30.1** 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 certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

**411A.30.2** 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.31 Certification of Eligibles – Minimum Allowable Certification Rule**

**411A.31.1** The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

**411A.31.2** 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.

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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.32 Establishment of the Certification Rule for Position-Based Testing**

**411A.32.1** The Director of Transportation and/or representative is authorized to discuss and pursue agreement with employee organizations as to the certification rule applicable to an eligible list resulting from an examination in the Position-Based Testing Program, provided however, that the minimum rule cannot be fewer than the Rule of Three Scores. Nothing in this Section is intended to change the scope of bargaining specified by Charter or applicable law.

**Sec. 411A.32 Establishment of the Certification Rule for Position-Based Testing (cont.)**

**411A.32.2** Unless agreed between the employee organization representing the class and the Director of Transportation, the Rule of Three Scores shall be used exclusively, except as set forth in Rule 413, Article III.

**411A.32.3** The Certification Rule shall be specified as a term of the examination announcement. Appeals of the Certification Rule shall not be permitted.

**Article VIII: Appeals of Examination Processes**

Applicability: Article VIII, Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

**Sec. 411A.33 Substance of Appeals**

**411A.33.1** An action by the Municipal Transportation Agency under Rule 411A may be appealed by a party alleging injury by that action as provided in this Article VIII. For each appeal the appellant must state the specific grounds upon which the appeal is based, cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that the appellant contends was violated by the action which is the subject of the appeal, provide facts including available documents to support the appeal, and demonstrate a rational relationship between the alleged injury suffered by the appellant as a result of the action being appealed and the alleged violation of Rule or Policy. Failure to meet all of the above requirements to support the appeal may be sufficient grounds for denial of the appeal by the Civil Service Commission.

**411A.33.2** An appeal that objects to ratings or rankings based solely on the candidate's belief that he or she is entitled to a higher or passing score shall not be considered. Neither the Director of Transportation nor the Civil Service Commission shall substitute his, her or its judgment for the judgment of qualified raters.

**Sec. 411A.34 Timeliness of Appeals**

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Protests and appeals that are not submitted within the prescribed time limits shall not be considered.

**Sec. 411A.35 Continuance of Examinations with Appeals Pending**

The Director of Transportation may proceed with any and all phases of the Position-Based Testing process pending an appeal.

**Sec. 411A.36 Authority to Rule on Appeals**

**411A.36.1 Civil Service Commission**

Appeals to the Civil Service Commission may occur at three (3) points in the examination process: (1) after the examination announcement has been issued, (2) after the examination has been administered and prior to the posting of the eligible list and (3) after the merging of eligible lists in different classes. Appeals of the examination announcement may be based only on challenges to the position description and/or the

**Sec. 411A.36 Authority to Rule on Appeals (cont.)**

**411A.36.1 Civil Service Commission (cont.)**

minimum qualifications. Appeals after the examination administration may be based only on claims of inconsistency in examination administration, bias of raters and/or failure of raters to apply uniform standards. Appeals of merging of eligible lists in different classes may be based only on claims of substantial differences in the knowledge, skills and abilities required to perform the essential functions of the positions. Decisions of the Civil Service Commission on these examination matters will be final.

**411A.36.2 Director of Transportation**

All other appeals may be made to the Director of Transportation whose decision will be final.

**Sec. 411A.37 Appeals to the Civil Service Commission**

**411A.37.1 Appeals of the Examination Announcement**

- 1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Director of Transportation made decisions beyond his/her authority or had no rational basis for his/her decision.
- 2) Appeals under this Section must be submitted directly to the Executive Officer of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.
- 3) Appeals must be in writing and shall include a statement of the specific component(s) or item(s) of the examination announcement being contested and specific reason(s) why adoption of the cited portions of the examination announcement constitutes abuse of



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discretion by the Director of Transportation. To the extent possible, all supporting documentation must be submitted with the written appeal.

4) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified of the particulars of the hearing in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

**Sec. 411A.37 Appeals to the Civil Service Commission (cont.)**

**411A.37.1 Appeals of the Examination Announcement (cont.)**

5) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

6) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

**411A.37.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards**

1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.

2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.

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3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

**Sec. 411A.37 Appeals to the Civil Service Commission (cont.)**

**411A.37.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards (cont.)**

4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed. In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

**411A.37.3 Appeals of Merging of Eligible Lists of Different Classes**

1) The standard of review for appeals under this Section shall be abuse of discretion in merging eligible lists of different classes. Appeals shall include a statement of the specific facts that demonstrate that the merging of eligible lists in different classes is not supported by job analyses that demonstrate that the same or similar knowledge, skills and abilities are required to perform the essential functions of the positions.

2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of the merging of eligible lists.

3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The

## Attachment A – Rule 411 A

Executive Officer of the Civil Service Commission shall place the appeal, if timely and appropriate, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

### **Sec. 411A.37 Appeals to the Civil Service Commission (cont.)**

#### **411A.37.3 Appeals of Merging of Eligible Lists of Different Classes (cont.)**

4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

### **Sec. 411A.38 Appeals to the Director of Transportation**

#### **411A.38.1 Protests at the Examination Site**

1) An examination participant may protest the assignment of a rater to his/her board or panel based on a claim of the rater's inability to rate the examination participant competently or without bias. The protest of the rater must be made to the designated representative of the Director of Transportation present at the examination prior to participation in this phase of the examination. If no protest is made, then no appeal of the assignment of the rater will be permitted.

2) An examination participant may submit a protest of a problem occurring at an examination site, such as, but not limited to equipment malfunction or disturbance of the examination process, that interfered with the examination participant's performance in the examination. Such protest must be made to the designated representative of the Director of Transportation present at the examination site immediately upon encountering or experiencing the problem and before leaving the examination site. If no protest is submitted, then the Director of Transportation may refuse an appeal of a problem occurring at the examination site.

3) The decision or action in response to a protest at the examination site may be appealed to the Director of Transportation. The appeal must be submitted in writing and must be received at the Municipal Transportation Agency not later than the fifth (5th) business day after the candidate's examination date.

#### **411A.38.2 Appeal of Accuracy of the Calculation of Examination Scores and/or Ranking**

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An appeal of the accuracy of the calculation of examination scores and/or rank must be submitted directly to the Director of Transportation or representative within the period designated for review of ratings (see Section 411A.22). The decision of the Director of Transportation related to calculation of examination scores and rank is final.

### **Sec. 411A.38 Appeals to the Director of Transportation (cont.)**

#### **411A.38.3 Appeals of Other Examination Matters**

An appeal of any other examination matter must be made in writing and received by the Director of Transportation not later than the fifth (5th) business day after the occurrence or notice of the issue of appeal. The decision of the Director of Transportation on all these matters is final.

**Attachment B**

*August 15, 2012 Memo from John Kraus, Asst. Deputy Director, Recruitment and Assessment Service, through Micki Callahan, Human Resources Director addressed to the Honorable Civil Service Commission regarding subject matter, "Report on the Position-Based Testing Program"*

City and County of San Francisco



Edwin M. Lee  
Mayor

Micki Callahan  
Human Resources Director

**Date:** August 15, 2012

**To:** Honorable Civil Service Commission

**Through:** Micki Callahan  
Human Resources Director

**From:** John Kraus  
Assistant Deputy Director, Recruitment and Assessment Services

**Subject:** Report on the Position-Based Testing Program

The purpose of this report is to update the Civil Service Commission (CSC) on the Position-Based Testing (PBT) Program. It covers the period from July 1, 2011 through June 30, 2012.

The CSC adopted Rule 111A on Position-Based Testing (PBT) on February 6, 2006. Under the PBT Program, local hiring departments or agencies are permitted to process recruitments in consultation with the Department of Human Resources (DHR). The program was intended to streamline the hiring of permanent employees by giving local agencies greater control over the recruitment and assessment process. The stated goal of the PBT Program is to adopt eligible lists resulting from merit-based examination processes within sixty days of the posting of an examination announcement.

As the table below shows, the rate of PBT utilization is now at its highest with PBT examinations clearly producing eligible lists faster than CBT examinations.

		PBT			CBT			Total Tests
		# of tests	% of all tests	Avg. # days <sup>1</sup>	# of tests	% of all tests	Avg.# days	
	FY 2006-2007	120	52%	99	109	48%	113	233
	FY 2007-2008	180	61%	82	117	39%	111	291
	FY 2008-2009	106	67%	67	52	33%	81	187
	FY 2009-2010	142	56%	63	110	44%	80	222
	FY 2010-2011	333	69%	42	152	31%	54	387
1st Half	FY 2011-2012	116	70%	50	49	30%	90	206
Entire Year	FY 2011-2012	268	70%	48	113	30%	90	358 <sup>2</sup>

<sup>1</sup> Average # Days in this table corresponds to the median time frame between the announcement closing and list adoption.

<sup>2</sup> The average # of days for PBT and CBT examinations combined is 55.

The table shows that the total number of PBT examinations last fiscal year was second to the highest since the program was implemented in 2006. It also shows the highest number of PBT recruitments as a percentage of the total number examinations held. In addition, last year's numbers reflect the second fastest timeframe (48 days from announcement closing to list issuance) for processing PBT recruitments.

In the mid-year report to the CSC, it was stated that nine protests or appeals involving PBT announcements and examinations were received during the first six months of FY '11-'12 and that seven of those were associated with the Heavy Equipment Operations Supervisor and Heavy Equipment Operations Assistance Supervisor examinations. During the second half of the year five additional protests were received. Two were related to applicant ineligibility and three pertained to scoring issues. All of these five protests were denied. Overall, we received a grand total of 14 protests or appeals last year involving PBT recruitments or examinations. If we divide 268 PBT recruitments by 14 protests, we have an overall PBT protests rate of 1 protest/appeal per 19 PBT examinations.

In conclusion, the PBT program continues to be successful as demonstrated by its growth in use, speed in list delivery and the relatively low number of protests received.

Recommendation: Adopt the report.

c: Ted Yamasaki







# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

*Sent via Electronic Mail and US Mail*

## RECEIPT OF POSITION-BASED TESTING APPEAL AND NOTICE OF MEETING

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

DATE: April 3, 2014

REGISTER NO.: 0077-14-4

APPELLANT: ELIZABETH A. ANGELINI

Elizabeth A. Angelini

Dear Ms. Angelini:

This is regarding your appeal dated April 1, 2014 of the Department of Human Resources' administration of the Supervisory Test Battery for Workers' Compensation Supervisor 1 (PBT-8165-062046) examination.

Your appeal will be considered by the Civil Service Commission ("Commission") at a meeting to be held on April 21, 2014 at 2 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 Commission's website at [www.sfgov.org/Civil\\_Service](http://www.sfgov.org/Civil_Service) under "Meeting Information" no later than end of day on Wednesday, April 16, 2014. Please refer to the attached Notice for procedural and other information about Commission hearings.

The Department of Human Resources ("DHR") may, but is not required to, submit a staff report in response to your appeal. The deadline to do so is next Thursday, April 10, 2014. In the event that DHR chooses to submit a staff report, Commission staff will forward you an electronic copy as you have requested on your appeal form. A hard copy of the report will also be available for your review at the Commission's offices located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.

Should you wish to provide any additional information in support of your appeal, or a rebuttal to any staff report DHR chooses to submit, the deadline for receipt in the Commission is 5:00 p.m. on Tuesday, April 15, 2014 (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.

Attendance by you or an authorized representative is recommended. Should you or your representative not attend, the Commission will rule on the information 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.

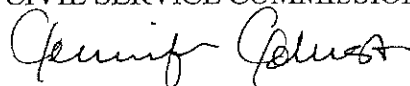
CALENDAR ITEM 12

*All 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 email [Jennifer.Johnston@sfgov.org](mailto:Jennifer.Johnston@sfgov.org) if you have any questions.

Sincerely,

CIVIL SERVICE COMMISSION



JENNIFER JOHNSTON  
Executive Officer

Attachment

Cc: Micki Callahan, Human Resources Director  
Donna Kotake, Department of Human Resources  
John Kraus, Department of Human Resources

**ORIGINAL APPEAL  
SUBMITTED BY  
APPELLANT**





**CIVIL SERVICE COMMISSION**  
**City and County of San Francisco**  
 25 Van Ness Avenue, Suite 720  
 San Francisco, California 94102-6033  
 Jennifer Johnston, Executive Officer  
 (415) 252-3247

PBT  
 CSC Register No.  
 0077-14-4  
 To: X M. Callahan  
 D. Kotake  
 CC: J. Kraus

**APPEAL TO THE CIVIL SERVICE COMMISSION**

<p><b>INSTRUCTIONS:</b>          Submit an original copy of this form to the Executive Officer of the Civil Service Commission at the address above <b>within the designated number of days</b> following the postmarked mailing date or email date (whichever is applicable) of the Department of Human Resources' or Municipal Transportation Agency's notification to the appellant. The appellant's/authorized representative's original signature is required. (E-mail is not accepted.) It is recommended that you include all relevant information and documentation in support of your appeal.</p>	<p><b>TYPE OF APPEAL:</b> (Check One)  <input type="checkbox"/> Examination Matters (by close of business on 5<sup>th</sup> working day)  <input type="checkbox"/> Employee Compensation Matters (by close of business on 7<sup>th</sup> working day) - Limited application  <input type="checkbox"/> Personal Service Contracts (Posting Period)  <input type="checkbox"/> Other Matters (i.e., Human Resources Director/Executive Officer Action) (30 Calendar days)  <input type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
--	--

Elizabeth Aniana Angelini	1 S. Van Ness Avenue, 4 <sup>th</sup> Floor				
Full Name of Appellant	Work Address	Work Telephone			
8165	Acting Claims Supervisor	Workers Compensation Division, Human Resources			
Job Code	Title	Department			
Residence Address	City	State	Zip	Home Telephone	
Full Name of Authorized Representative (if any)	Telephone Number of Representative (including Area Code)				

**NOTE:** If this is deemed to be a timely and appealable matter, the department will submit a staff report to the Civil Service Commission to request that it be scheduled for hearing. 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. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please provide your email address below.

**Email:** \_\_\_\_\_

**COMPLETE THE BASIS OF THIS APPEAL ON THE REVERSE SIDE. (Use additional page(s) if necessary)**

<p>Does the basis of this appeal include <b>new</b> information not previously presented in the appeal to the Human Resources Director? If so, please specify.</p>	<p>Check One:      Yes      <input checked="" type="radio"/> No</p>
--	---

Original Signature of Appellant or Authorized Representative \_\_\_\_\_ Date 4/11/14

State the basis of this appeal in detail. For more information about appeal rights and deadlines, please review the Civil Service Rules located on the Civil Service Commission's website at [www.sfgov.org/Civil\\_Service](http://www.sfgov.org/Civil_Service).

On March 27, 2014, I received an email from Mr. John Krause, Assistant Deputy Director of the Department of Human Resources. In this correspondence, Mr. Krause indicates that, "DHR does not consider the STB to be a security risk." He goes on in length discussing that the integrity of the test was never compromised. However, the one factor Mr. Krause neglects to mention is the human element - an element that DHR attempts to safeguard confidentiality with each applicant's signature prior to taking the examination. That signed document consists of the candidate promising to not share any information from the test material. Thus, my contention remains that if the individual taking the examination after all the other applicants informed DHR in advance of her absence then why not wait to administer the test to everyone on a single day? Why not instead remove the risk of any potential tampering of the process?

Despite the efforts made during the administration of the examination to preserve the reliability of the results, DHR failed to control the possibility of potential candidates leaking out some of the test's subject matter following the examination. There is no way of knowing beyond a shadow of a doubt that each applicant kept their word to stay mum about the test. Further, where the particular candidate placed is irrelevant in regard to the process being compromised. Therefore, I still maintain that according to CSC IIIA:35.2 DHR violated the validity of the examination.

Thank you in advance for your time and consideration.

City and County of San Francisco  
Edwin Lee  
Mayor



Department of Human Resources  
Micki Callahan  
Human Resources Director

March 27, 2014

Elizabeth Angelini

Dear Ms. Angelini,

Your 3/14/14 letter to the Civil Service Commission concerning the administration of the Supervisory Test Battery (STB) for Workers' Compensation Supervisor 1 (PBT-8165-062046) has been forwarded to my attention for review and response.

In your letter, you state that one candidate was unable to take the STB on 1/22/14, the scheduled test date, due to a leave of absence. You learned that this candidate was given an opportunity to take the STB at a date later than other test participants. You assert, therefore, that the test administration was inconsistent and gave this individual an unfair advantage.

In reply, the Department of Human Resources (DHR) may, in certain circumstances, accommodate requests from candidates to participate in an examination on a day other than their originally-scheduled test date. Such determinations are based primarily on two factors. The foremost consideration is the security risk which is often related to the type of examination used, the candidate population size, etc. The second factor concerns the reason for the request. For example, with regard to the latter, applicants on military leave, medical leave or those who have an ADA-related health condition or injury may be granted an alternate test date.

With regard to the examination itself, DHR does not consider the STB to be a security risk. The test is administered regularly. In any given year, it may be administered several dozen times. In fact, this has been the case for over the last four years. Because this is considered a standardized examination, candidates do not inspect the answer key. Therefore, they do not know the answers, nor are the best answers easily discernable when taking the test. Indeed, for some test items, there are as many as twelve different answer options from which candidates are asked to choose the one best answer. Security is also preserved by virtue of the test's content, the fact that the test is administered on the computer and the fact that test questions are not numbered. In fact, DHR's confidence in the security of the examination is reflected in its policy whereby candidates are allowed to re-take the STB within one year of their original test date (provided the re-test is conducted in association with another job announcement for which the candidate is eligible and the STB is administered). This confidence is also supported by empirical evidence showing that, when we compare candidates' test and re-test scores, their attained scores are relatively close to one another. Further, the STB score and rank on the eligible list of the

candidate who is the focus of your protest does not suggest this individual had an advantage over other candidates.

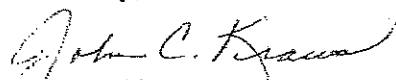
In your protest you also point out that the DHR analyst did not notify applicants that a request for an alternate test date had been granted. You state that this made it difficult to protest this determination in a timely manner. In reply, it is not the policy of DHR to discuss accommodation requests with other applicants participating in a given recruitment as it is a violation of the requesting applicant's right to privacy. In fact, CSC Rule 111A.17 specifies that only successful participants shall be made known when the eligible list is posted and, therefore, the names of applicants are not made public.

Any applicant may request an alternate test date. The Director of Human Resources has discretionary authority to grant such requests for valid reasons when circumstances allow. Indeed, many of DHR's decisions in this regard are guided by laws and regulations (e.g., ADA, Veterans, and EEO).

In view of the above, I am unable to uphold your protest regarding the consistency of the administration of the Supervisory Test Battery.

You have the right to appeal this determination to the Civil Service Commission. Your appeal or request for a hearing before the Civil Service Commission must be in writing or filed on the proper form (CSC-12 – Appeal to the Civil Service Commission), signed, and received in the Commission office within five (5) working days from your receipt of this letter. Please note that, in accordance with CSC Rule 111A:35.2(5), "In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination."

Sincerely,



John C. Kraus

Assistant Deputy Director

Department of Human Resources

c: Micki Callahan, Human Resources Director  
Jennifer Johnston, Executive Director, CSC



**Johnston, Jennifer (CSC)**

---

**From:** Kraus, John (HRD)  
**Sent:** Thursday, March 27, 2014 2:28 PM  
**To:**  
**Cc:** Callahan, Micki (HRD); Johnston, Jennifer (CSC)  
**Subject:** Reply to 3-14-14 protest  
**Attachments:** Angelini Response 3-27-14.pdf

Dear Ms. Angelini:

Please find attached the Department of Human Resources' reply to your protest. A hardcopy of this reply will also be mailed to you.

Sincerely,

John C. Kraus  
Assistant Deputy Director  
Department of Human Resources  
415-557-4884



# 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: 0077 - 14 - 4
2. For Civil Service Commission Meeting of: April 21, 2014
3. Check One:           Ratification Agenda  
                          Consent Agenda  
                          Regular Agenda       X  
                          Human Resources Director's Report
4. Subject: Appeal of Elizabeth Angelini Regarding the Administration of the Supervisory Test  
Battery for Workers' Compensation Supervisor I
5. Recommendation: Deny the appeal and adopt the report
6. Report prepared by: John Kraus Telephone number: 415 557-4884
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: 4/10/14
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

<p align="center"><b>CSC RECEIPT STAMP</b></p>          <p align="center">THIS DOCUMENT SUPPORTS CALENDAR ITEM <u>12</u></p>
--

**Notification List**  
**Elizabeth Angelini**

Elizabeth Angelini



John Kraus  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Anna Biasbas  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Shawn Sherburne  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Lisa Holton  
Department of Human Resources  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

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



MEMORANDUM

DATE: April 10, 2014

TO: The Honorable Civil Service Commission

THROUGH: Micki Callahan, Human Resources Director

FROM: Anna Biasbas, Recruitment and Assessment Services Operations Manager  
John Kraus, Assistant Deputy Director

SUBJECT: Appeal by Elizabeth Angelini regarding the Administration of the Supervisory Test Battery for Workers' Compensation Supervisor I (PBT- 8165-062046) examination [CSC Register Numbers 0063-14-4 & 0077-14-4]

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SUMMARY

On March 14, 2014, Elizabeth Angelini wrote to the Civil Service Commission (CSC) appealing the administration of the Supervisory Test Battery (STB) for the Workers' Compensation Supervisory I examination. On March 17, 2014, her protest was forwarded to the Department of Human Resources (DHR) for a response. In her protest, Ms. Angelini alleges that there was "inconsistency in the examination administration" for the STB because she was made aware that a certain individual was allowed to take the test at later date due to a leave of absence. She claims that this gave the individual an unfair advantage. She also states that she was never officially notified that the test was given on other dates.

On March 27, 2014, John Kraus, Assistant Deputy Director, on behalf of the Human Resources Director, replied to Ms. Angelini denying her appeal. It was explained to Ms. Angelini that test security was not compromised and that the requestor's reason for the alternate test date was valid. Ms. Angelini was also informed that it is not the policy of DHR to discuss accommodation requests with other applicants who participate in a given recruitment, as it is a violation of the requesting applicant's right to privacy.

On April 1, 2014, Ms. Angelini appealed DHR's determination to the Civil Service Commission stating that the test accommodation that had been provided violated Civil Service Rule 111A.35.2 "Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards." Specifically, she alleges that the accommodation compromised the validity of the examination and speculates that, as a result of "human element", it was possible that candidates "leaked" test content following their administration of the examination.

## STANDARDS

Civil Service Rule 111A.35.2, Appeals of Inconsistency of Examination Administration, Bias of Rater and/or Failure of Raters to Apply Uniform Standards, states:

- 1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Department of Human Resources Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.
- 2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.
- 3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Department of Human Resources. The Executive Officer of the Civil Service Commission shall place the appeal on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.
- 4) The Human Resources Director or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.
- 5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and Department of Human Resources. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed. In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.



Civil Service Rule 111A.2.3, regarding Merit Based Examinations, states that “All forms of cheating, improper aid or hindrance are prohibited.” Elaboration on this subject is provided elsewhere in the Position-Based Testing rules:

Sec. 111A.21 Cheating in Examinations Prohibited

111A.21.1 Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Sec. 111A.21 Cheating in Examinations Prohibited (cont.)

111A.21.2 Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal and ineligibility for future employment and such other appropriate action as may be recommended by the Human Resources Director.

Title I of the Americans with Disabilities Act (ADA) states:

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including State and local governments. It also applies to employment agencies and to labor organizations.

A covered entity shall not discriminate against a qualified individual with a disability. This applies to job application procedures, hiring, advancement and discharge of employees, workers' compensation, job training, and other terms, conditions, and privileges of employment. Covered entity can refer to an employment agency, labor organization, or joint labor-management committee, and is generally an employer engaged in interstate commerce and having 15 or more workers. Discrimination may include, among other things, limiting or classifying a job applicant or employee in an adverse way, denying employment opportunities to people who truly qualify, or not making reasonable accommodations to the known physical or mental limitations of disabled employees, not advancing employees with disabilities in the

business, and/or not providing needed accommodations in training materials or policies, and the provision of qualified readers or interpreters. Employers can use medical entrance examinations for applicants, after making the job offer, only if all applicants (regardless of disability) must take it and it is treated as a confidential medical record. Qualified individuals do not include any employee or applicant who is currently engaging in the illegal use of drugs when that usage is the basis for the employer's actions.

### ISSUE

Did the Department of Human Resources' administration of the Supervisory Test Battery on an alternate test date for one candidate who submitted an ADA-related request invalidate the examination for all candidates competing for the same recruitment (i.e., PBT- 8165-062046)?

### BACKGROUND

A job announcement for 8165 Workers' Compensation Supervisor I was opened to accept applications from November 4, 2013 through December 13, 2013. The selection procedures for this recruitment consisted of a behavioral consistency questionnaire and the Supervisory Test Battery (STB).

The STB is a standardized, computer-based examination that is frequently administered in association with a large number of professional, first-level supervisory classifications across various occupations. The examination is designed to simulate a "day-in-the-life" of a supervisor. Candidates are asked to assume the role of a supervisor in a fictitious organization and to handle a variety of situations that a supervisor is likely to face. [Note: Attachment A describes the STB in more detail and can be found on DHR's Web site at <http://sfdhr.org/Modules/ShowDocument.aspx?documentid=11676>.]

Candidate scores on the STB are "banked" and considered valid up to three years. This means that, during this three-year time period, candidates are not required to take the STB again, should they apply and be found eligible to participate in another recruitment for which the STB is used. However, candidates do have the option to re-take the STB, but no sooner than one year from the date of their last STB examination, if they want to try to improve their scores.

On January 8, 2014, all candidates deemed eligible to take the STB for the Workers' Compensation Supervisor I recruitment were sent notices scheduling them for a test on January 22, 2014. The notices provided the usual, standard information for candidates who might be interested in requesting a reasonable ADA accommodation. One candidate, in fact, did submit such request and asked to take the test at a later date. After the candidate submitted appropriate documentation, DHR approved the request and the candidate was scheduled to take the STB on February 19, 2014. No further information regarding this request can be disclosed, as it would violate the requesting candidate's right to privacy.

Prior to the start of every STB test administration, candidates are asked to read, acknowledge and sign a policy statement regarding test security. Specifically, all candidates must acknowledge and agree not to discuss any information about the test content with anyone during or following the administration of the exam. The policy also states that any person caught cheating, attempting to

cheat or assisting other persons in any phase of the examination process may be disqualified, possibly rejected from future examinations and subject to punishment as provided by law.

### DISCUSSION AND ANALYSIS

Ms. Angelini's first wrote to the Civil Service Commission on March 14, 2014, claiming that the alternate test date violated Civil Service Rule 111A.35.2 "Appeals of Inconsistency of Examination Administration ...." She asserted that the validity of an examination was compromised because a candidate was allowed to take a test at a later date. This protest was referred by the Civil Service Commission to DHR for review and response.

Assistant Deputy Director John Kraus responded to this protest on 3/27/14 and explained to Ms. Angelini how the Department of Human Resources (DHR) may, in certain circumstances, accommodate requests from candidates to take an examination on a day other than their originally scheduled test date. Specifically, he stated that such determinations are based primarily on two factors. The foremost consideration is the security risk, which is often related to the type of examination used, the candidate population size, etc. The second factor concerns the reason for the request. For example, with regard to the latter, applicants on active military service, medical leave or those who have an ADA-related health condition or injury may be granted an alternate test date.

With regard to the examination itself, Mr. Kraus explained that DHR does not consider the STB to be a security risk. The test is administered regularly. In any given year, it may be administered several dozen times. In fact, the Department of Human Resources is currently administering the STB at least twice a week for various recruitments/classifications. Because this is considered a standardized examination, candidates do not inspect the answer key. Therefore, they do not know the answers, nor are the best answers easily discernible when taking the test. Indeed, for some test items, there are as many as twelve different answer options from which candidates are asked to choose the one best answer. [Note: The STB awards candidates credit for partially correct answers and some test questions actually may allow full credit for more than one answer.]

Security is also preserved by virtue of the test's content, the fact that the test is administered on the computer and the fact that test questions are not numbered. In fact, DHR's confidence in the security of the examination is reflected in its policy, whereby candidates are allowed to re-take the STB within one year of their original test date (provided the re-test is conducted in association with another job announcement for which the candidate is eligible and the STB is administered). If test security were of greater concern, the test-retest time frame would be much longer, or the test simply would not be re-used or re-administered.

It should be noted that only a small percentage of candidates (about 4%), in fact, actually choose to re-test when given this opportunity after one year. One would think that, if prior exposure to the test afforded candidates an advantage, there would be a much higher percentage of candidates interested in "improving" their scores through re-testing. Further, if prior exposure to the test afforded candidates an advantage, this should be reflected in their re-test scores. However, this is not the case. When candidates' test and retest scores are compared, they generally tend to be quite close to one another (i.e., retest scores are slightly above or below the original scores). Both of the above facts speak to the security of this selection instrument.

Moreover, it is important to note that all candidates were asked, prior to the start of the test, to read, acknowledge and sign that they understood DHR's policy regarding test security. This is standard test security information that DHR expects all candidates to review for virtually all of its examinations. [A copy of this form is presented in Attachment B.] Although Ms. Angelini briefly discusses in her 4/1/14 appeal DHR's "attempts to safeguard confidentiality with each applicant's signature prior to taking the examination", her point on this subject is not quite clear. If she is suggesting that there is a contradiction in DHR's confidence in the security of the STB by virtue of the fact that it also asks candidates to sign this statement, then the value in DHR warning candidates that they risk disqualification and possible prosecution if they attempt to cheat must escape her. Further, the Civil Service Commission itself gives considerable attention to this subject by virtue of its various rules, some of which are mentioned above. In other words, applicants and candidates need to be made aware that cheating is not tolerated and will result in negative consequences if attempted. If it is determined that cheating occurred, there will be consequences regardless of whether the cheating behavior initially proved to be fruitful for the perpetrator.

On the other hand, if Ms. Angelini is suggesting that candidates for the Workers' Compensation Supervisor I examination may have violated their test security agreement by virtue of either having (a) received information regarding specific test content from others before they actually took the STB, and/or (b) provided information concerning specific examination content to others following administration of their test, then she has not provided any evidence in this regard. Indeed, Ms. Angelini's entire appeal is based solely on conjecture that some candidates could have "leaked" test information to the one candidate who took the examination on February 19, 2014. Such speculation does not rise to the standard of "preponderance of evidence" as outlined in Civil Service Commission Rule 111A.35.2 (5), as mentioned above. In other words, Ms. Angelini has not provided "specific facts that demonstrate that the validity or reliability of the examination was compromised," as required under CSC Rule 111A.35.2 (1).

Ms. Angelini also states in her appeal that a candidate's placement on an eligible list "is irrelevant in regard to the process being compromised". In reply, it is true that one's placement on a list is not definitive proof that cheating did or did not occur. On the other hand, if cheating did occur, the perpetrator's placement or rank on a list would determine the extent of impact that the cheating had on other candidates. To be clear, in this case, there is no evidence that the individual who received an alternate test date cheated. In fact, this individual, along with all of the other candidates, signed a security statement prior to taking the STB. However, it is also a fact that the test performance of this particular candidate, in no way, affected the test performance of other candidates or the validity of their individual test scores. In fact, the ranks of candidates on the eligible list were virtually unaffected by the test performance of the candidate in question.

This matters because this appeal is based on the allegation that the validity of the STB has been compromised. Validity is about whether a test measures what it actually purports to measure. If the measurement is not reliable and fails to provide consistent results, then it is not possible for the test to be a valid measure. The STB is a valid and reliable measure to assess the competencies of all candidates competing for the Workers' Compensation Supervisor recruitment. Technically, what is being challenged here is the reliability of the results for one particular candidate, not the reliability of the results for all candidates. Since the test results for this particular candidate had virtually no impact on the test results of the other candidates on the eligible list, one can say that the test results for these other candidates remains valid and reliable, even if, for hypothetical sake, one were to find that the one candidate in question had an advantage. In that hypothetical case, the remedy would be to

invalidate the test results for that one candidate, not invalidate the test results for the entire candidate population, as Ms. Angelini apparently would prefer.

According to Ms. Angelini, candidates for a given recruitment all must take the examination for that recruitment simultaneously. In her opinion, DHR should have cancelled the original test when it received the one candidate's request for an alternate test date, and then re-notify everyone of a new test date. This solution dismisses the practical realities of conducting business. For example, Ms. Angelini appears to dismiss the fact that an entire candidate population, regardless of number, would be inconvenienced after learning that they will need to rearrange their personal schedules again in order to take a test on a different date. In essence, she is suggesting that one candidate's inability to take a test on a given date gets to control the schedule of all other candidates, delay the City's ability to conduct business, and hiring managers' ability to fill positions. The solution does not consider that some ADA candidates or candidates in the military may be unable to take an examination for quite some time, and when these individuals are rescheduled it doesn't always follow that they will pass an examination, or even show up. This is why DHR generally continues to move the process along, even if this means testing and adding a "make-up" examination candidate to the eligible list after it is adopted.

Finally, if we were to apply Ms. Angelini's solution and reschedule a test date for all candidates simply to accommodate one candidate who is unable to take the test on the originally scheduled date, what is to say that the situation will not repeat itself when candidates are re-scheduled for the alternate test date? This is why DHR reviews requests for alternate test dates on a case-by-case basis. As indicated previously, a number of factors are considered as part of this review but the primary consideration is the examination's security risk.

### CONCLUSION

One candidate for the Workers' Compensation Supervisory I examination requested, and was granted, an alternate test date for a valid ADA-related reason. The individual was accommodated, in part, because the particular test involved, the Supervisory Test Battery, is a selection instrument that is administered frequently. The STB serves as the City's standard to assess the competencies of candidates who compete for any classified, professional-level, supervisory position. DHR is comfortable administering this particular test on a regular basis because there is no evidence to suggest that the rating key will be compromised by doing so.

DHR takes precautions to preserve the security of this examination. Candidates do not get to learn the keyed answers and they sign an agreement stating that they will preserve the security of the test content. The nature of the test itself, and its computerized administration, also makes cheating very difficult. Candidates generally opt not to re-take the test, when given the choice. For those who do, there is generally little, if any, gain in test score upon retest. These are all indications of minimal security risk.

Ms. Angelini speculates that cheating was possible, stating that "there is no way of knowing beyond a shadow of a doubt that each applicant kept their word" by not discussing the test. In essence, she suggests that the candidate who was granted an alternate test date may have cheated and learned the test answers from other candidates. However, she provides no facts or any evidence whatsoever in this regard. Further, this particular candidate, who allegedly might have benefited from "leaked" information, did not attain a score that would suggest any such advantage. In fact, the candidate's

score did not impact Ms. Angelini's rank on the eligible list, or those of most candidates. There is no basis to conclude that the scores and ranks of candidates on the eligible list are not reliable or valid.

Not a single fact, let alone a "preponderance of evidence," has been presented, as required by Civil Service Rule 111A.35.2, to support this appeal. Consequently, it is respectfully requested that the Civil Service Commission deny this appeal.

**Attachments to this report**

Attachment A: Description of Supervisory Test Battery

Attachment B: Supervisory Test Battery Confidentiality Agreement

Attachment C: Ms. Angelini's 1<sup>st</sup> Letter to the Civil Service Commission (dated March 14, 2014)

Attachment D: Mr. Kraus' Response to Ms. Angelini's Protest (dated March 27, 2014)

Attachment E: Ms. Angelini's 2<sup>nd</sup> Letter to the Civil Service Commission (dated April 1, 2014)

Attachment F: 8165 Workers' Compensation Supervisor I Examination Announcement

## SUPERVISORY TEST BATTERY

The Supervisory Test Battery (STB) is a computer-administered examination that is designed to simulate a "day-in-the-life" of a supervisor. Candidates are asked to assume the role of a supervisor in a fictitious organization and to handle a variety of situations that a supervisor is likely to face. No special knowledge regarding the work of this fictitious organization is required in advance. Candidates are provided background information about this organization at the time of the test, along with a various in-basket items (e.g., memos and letters) that a typical supervisor might receive. They are given 50 minutes to review this material before the test begins, although they may choose not to use the entire time become familiar with these materials. Candidates will keep this material with them throughout the entire examination and may refer to it at any time.

Candidates may begin the test whenever they are done reviewing the background material and are ready to begin. Prior to actually starting the timed portion of the test, candidates will view a quick tutorial on the computer which provides instruction in the simple tasks needed to take the test. For example, candidates will be told that they will not need the computer keyboard to take test. Rather, they simply will use the computer's mouse to point and click on their answer selections. Candidates also will be told that they cannot return to prior questions or go backwards to change their answers to questions they have already completed. This is because the examination attempts to simulate real life situations and successive questions may contain information that would influence one's answer to an earlier question. The timed portion of the test begins when the candidate has completed the short tutorial.

Test questions on the computer will be presented in multiple-choice format. Questions will deal with issues, tasks, situations, decisions, etc., that the candidate, assuming the role of a supervisor, will be required to handle. Since in real life there may be more than one way to appropriately address a situation, some questions may contain more than one acceptable answer. Also, candidates may receive partial credit for a given answer, depending on how well that answer option addresses the situation presented by the question. In other words, each answer option presented for a given question may carry a test "weight" to reflect its relative value or "degree of correctness".

A total of 2 hours and 30 minutes is permitted to answer the 120 questions in the examination. A countdown clock will be displayed on the computer screen which will show the candidate, at any given moment, how much time remains to finish the examination. Each candidate will receive his or her raw test score when the test is completed. This raw score will equal the sum of the scores across all test questions. When passing candidates are formally notified of their test results by mail, they will find that their raw score has been converted to a final score.

A candidate's test score on the Supervisory Test Battery will remain valid for possible future use for a period of three years. This means that, should a candidate apply within this three year period for another announcement for which the STB is used, his or her STB score automatically will be applied to that new announcement. Candidates, however, will be given the opportunity to retake the STB but this may occur no sooner than one year from the date of the earlier STB administration and only in response to a future announcement for which the STB is used and for which they have applied and are determined eligible. Please note that, since the STB will be used repeatedly in the future for many supervisory classifications, candidates are not permitted to review or inspect its content (i.e., the test questions and answers) following the test administration.

The Supervisory Test Battery has been reviewed extensively by supervisors and managers from various occupations and agencies. They have served as subject matter experts to determine that the test content accurately represents competencies that are required in supervisory positions. Through research and job analyses, the competency areas identified below have been found to be important for success as a supervisor. The STB is designed to measure these competency areas:

- **PROBLEM SOLVING** – Identifies and analyzes problems; uses sound reasoning to arrive at conclusions; finds alternative solutions to complex problems; distinguishes between relevant and irrelevant information to make logical judgments.
- **LEADERSHIP** – Inspires, motivates, guides and directs others toward goal accomplishment; coaches, supports, mentors, and challenges subordinates. Adapts leadership styles to a variety of situations. Inspires others by modeling high standards of behavior (e.g., courage, honesty, trust, openness, and respect for others) and by applying these values to daily behaviors.
- **DECISION-MAKING** – Makes sound and well-informed decisions; perceives the impact and implications of decisions; commits to action and causes change, even in uncertain situations, in order to accomplish organizational goals.
- **INTERPERSONAL SKILL** - Considers and responds appropriately to the needs, feelings, and capabilities of others; adjusts approaches to suit different people and situations. Develops and maintains collaborative and effective working relationships with others.
- **HUMAN RESOURCE MANAGEMENT** - Empowers people by sharing power and authority; develops lower levels of leadership by pushing authority downward and outward throughout the organization; shares rewards for achievement with employees; ensures that staff are appropriately selected, utilized, appraised, and developed and that they are treated in a fair and equitable manner.
- **COMMUNICATION** – Expresses facts and ideas both orally and in writing in a succinct, clear, accurate, thorough, organized and effective manner. Reviews, proofreads and edits written work to correct errors involving sentence structure, spelling, punctuation, syntax, etc. Presents facts to individuals or groups effectively; makes clear convincing oral presentations; listens to others; facilitates an open exchange of ideas.
- **TEAM BUILDING** – Manages group processes; encourages and facilitates cooperation, pride, trust, and group identity; fosters commitment and team spirit; works with others to achieve goals.
- **CONFLICT MANAGEMENT** – Manages and resolves conflicts, confrontations, and disagreements in a positive and constructive manner to minimize negative personal impact.



Candidates often ask whether there are certain books or references that they should read to help them prepare for this examination. In reply, any text or book on general supervisory principles and practices is probably useful in this regard. However, no particular reference is "required" reading and it is certainly possible to do well on this examination without reading such materials. However, that being said, the following booklist is suggested should a candidate seek assistance in identifying texts that might be helpful for purposes of test preparation.

- Conflict Resolution by Daniel Dana
- Effective Coaching by Marshall Cook
- Elements of Style (4th edition) by William Strunk, E. B. White
- Essential Managers: Essential Manager's Manual by Robert Heller, Tim Hindle
- Essential Managers: Managing Teams by Robert Heller, Tim Hindle
- Supervisor's Portable Answer Book by George T. Fuller
- Supervisor's Survival Kit: Your First Step into Management by Elwood N. N. Chapman and Cliff Goodwin

Hopefully, the above information gives you a general idea about the Supervisory Test Battery, as well as the policies and procedures associated with this examination program.



City and County of San Francisco  
Department of Human Resources

[DO NOT BEGIN THE EXAMINATION UNTIL YOU ARE TOLD TO DO SO.]

Supervisory Test Battery

Date of Examination: \_\_\_\_\_

Test Code: STB

**MAXIMUM TEST TIME = 50 minutes exam preparation time; plus 2.5 hours examination time for computer administered portion of the examination.**

Note: Sharing information concerning test questions and answers with other candidates competing in the same examination process constitutes cheating as it gives them an unfair advantage. Civil Service Rules state that any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Therefore, candidates who discuss or provide written transcriptions or recorded information regarding test content to anyone will be disqualified from this exam, possibly rejected from future exams and subject to punishment as provided by law. Similarly, you are prohibited from making notes of test questions or answers, copying answers, and referring to notes or aids of any kind during the examination. You must sign the Candidate Signature line below to indicate that you understand this notice and to affirm that you have no knowledge of the specific content of this examination. Further, since it is possible that some candidates may take this same examination at a later date, you must agree not to provide any exam content information to anyone following the administration of this test.

- ✓ I have no knowledge of the specific content of this examination and agree to not provide any exam content information to anyone during or following the administration of this examination.
- ✓ I understand that if I wish to challenge the manner in which this test is administered, I am to file a protest in writing prior to leaving the test center today.

Inspection of Rating Key – Standardized Examination

Inspection privileges shall not apply to those examinations which have been declared by the Civil Service Commission to be standardized. The examination questions and key answers shall not be subject to the inspection and appeal procedures.

Candidate Signature: \_\_\_\_\_

Easy ID: \_\_\_\_\_

PBT EXAM ATTACHMENT C

CIVIL SERVICE COMMISSION  
REGISTERED NUMBER 0063 14 4

Elizabeth Angelini

X M. Callahan  
D. Kotake  
J. Kraus  
S. Sherburne  
L. Holton

March 14, 2014

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

Dear Executive Officer:

Pursuant to the Civil Service Commission Rule 111A, "Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Department of Human Resources Policy that was violated." Based on Civil Service Commission Rule 111A.35.2, I am appealing the administration of the 8165 Supervisor Battery Test.

On January 22, 2014, I participated in the 8165 Supervisor Battery Test. Prior to the examination, one of my co-workers advised the Human Resources Analyst of her short leave of absence which would fall within the January 22, 2014 testing date. Despite the fact that all 13 candidates were not present and knowledge of this was given beforehand, the exam still took place. A week ago, I spoke with Lisa Holton (Department of Human Resources, Senior Personnel Analyst) about whether the said applicant had also finally completed the battery test. Lisa verified that this individual did in fact take the examination and that final scoring was under way.

My appeal is then two-fold:

- 1) If the applicant pool was never officially notified that the test would be staggered then this brings into question the inconsistency of the administration of the examination. Anyone given the opportunity to take the test at a later date would appear to compromise the validity of the examination process and possess an unfair advantage.
- 2) Once this final person was permitted to proceed with testing after everyone else, the other candidates were never advised that this individual had finished the testing process. Thus, adhering to any timelines for the purpose of contesting would be difficult.

Thank you for your time and consideration.

Respectfully yours,

Elizabeth Angelini

2014 MAR 14 AM 10:35  
OFFICE OF THE CIVIL SERVICE COMMISSION  
SAN FRANCISCO, CA 94102

City and County of San Francisco  
Edwin Lee  
Mayor



Department of Human Resources  
Micki Callahan  
Human Resources Director

March 27, 2014

Elizabeth Angelini

Dear Ms. Angelini,

Your 3/14/14 letter to the Civil Service Commission concerning the administration of the Supervisory Test Battery (STB) for Workers' Compensation Supervisor 1 (PBT-8165-062046) has been forwarded to my attention for review and response.

In your letter, you state that one candidate was unable to take the STB on 1/22/14, the scheduled test date, due to a leave of absence. You learned that this candidate was given an opportunity to take the STB at a date later than other test participants. You assert, therefore, that the test administration was inconsistent and gave this individual an unfair advantage.

In reply, the Department of Human Resources (DHR) may, in certain circumstances, accommodate requests from candidates to participate in an examination on a day other than their originally-scheduled test date. Such determinations are based primarily on two factors. The foremost consideration is the security risk which is often related to the type of examination used, the candidate population size, etc. The second factor concerns the reason for the request. For example, with regard to the latter, applicants on military leave, medical leave or those who have an ADA-related health condition or injury may be granted an alternate test date.

With regard to the examination itself, DHR does not consider the STB to be a security risk. The test is administered regularly. In any given year, it may be administered several dozen times. In fact, this has been the case for over the last four years. Because this is considered a standardized examination, candidates do not inspect the answer key. Therefore, they do not know the answers, nor are the best answers easily discernable when taking the test. Indeed, for some test items, there are as many as twelve different answer options from which candidates are asked to choose the one best answer. Security is also preserved by virtue of the test's content, the fact that the test is administered on the computer and the fact that test questions are not numbered. In fact, DHR's confidence in the security of the examination is reflected in its policy whereby candidates are allowed to re-take the STB within one year of their original test date (provided the re-test is conducted in association with another job announcement for which the candidate is eligible and the STB is administered). This confidence is also supported by empirical evidence showing that, when we compare candidates' test and re-test scores, their attained scores are relatively close to one another. Further, the STB score and rank on the eligible list of the

candidate who is the focus of your protest does not suggest this individual had an advantage over other candidates.

In your protest you also point out that the DHR analyst did not notify applicants that a request for an alternate test date had been granted. You state that this made it difficult to protest this determination in a timely manner. In reply, it is not the policy of DHR to discuss accommodation requests with other applicants participating in a given recruitment as it is a violation of the requesting applicant's right to privacy. In fact, CSC Rule 111A.17 specifies that only successful participants shall be made known when the eligible list is posted and, therefore, the names of applicants are not made public.

Any applicant may request an alternate test date. The Director of Human Resources has discretionary authority to grant such requests for valid reasons when circumstances allow. Indeed, many of DHR's decisions in this regard are guided by laws and regulations (e.g., ADA, Veterans, and EEO).

In view of the above, I am unable to uphold your protest regarding the consistency of the administration of the Supervisory Test Battery.

You have the right to appeal this determination to the Civil Service Commission. Your appeal or request for a hearing before the Civil Service Commission must be in writing or filed on the proper form (CSC-12 – Appeal to the Civil Service Commission), signed, and received in the Commission office within five (5) working days from your receipt of this letter. Please note that, in accordance with CSC Rule 111A:35.2(5), "In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination."

Sincerely,

John C. Kraus  
Assistant Deputy Director  
Department of Human Resources

c: Micki Callahan, Human Resources Director  
Jennifer Johnston, Executive Director, CSC

State the basis of this appeal in detail. For more information about appeal rights and deadlines, please review the Civil Service Rules located on the Civil Service Commission's website at [www.sfgov.org/Civil\\_Service](http://www.sfgov.org/Civil_Service).

On March 27, 2014, I received an email from Mr. John Krause, Assistant Deputy Director of the Department of Human Resources. In this correspondence, Mr. Krause indicates that, "DHR does not consider the STB to be a security risk." He goes on in length discussing that the integrity of the test was never compromised. However, the one factor Mr. Krause neglects to mention is the human element - an element that DHR attempts to safeguard confidentiality with each applicant's signature prior to taking the examination. That signed document consists of the candidate promising to not share any information from the test material. Thus, my contention remains that if the individual taking the examination after all the other applicants informed DHR in advance of her absence then why not wait to administer the test to everyone on a single day? Why not instead remove the risk of any potential tampering of the process?

Despite the efforts made during the administration of the examination to preserve the reliability of the results, DHR failed to control the possibility of potential candidates leaking out some of the test's subject matter following the examination. There is no way of knowing beyond a shadow of a doubt that each applicant kept their word to stay mum about the test. Further, where the particular candidate placed is irrelevant in regard to the process being compromised. Therefore, I still maintain that according to CSC IIIA:35.2 DHR violated the validity of the examination.

Thank you in advance for your time and consideration.

## 8165 Worker's Comp Supervisor 1

Recruitment #PBT-8165-062046

**Department** Human Resources

**Analyst** Lisa Holton

**Date Opened** 11/4/2013 11:40:00 AM

**Filing Deadline** 12/13/2013 2:00:00 PM

**Salary** \$41.19 - \$50.08/hour; \$7,139.00  
- \$8,680.00/month; \$85,670.00 -  
\$104,156.00/year

**Job Type** Permanent PBT

**Employment Type** Full-Time

Go Back Click [HERE](#) to view benefits

### INTRODUCTION

FILING REOPENED TO ALLOW FOR ADDITIONAL RECRUITMENT AND TO AMEND THE DURATION OF THE ELIGIBLE LIST. PREVIOUS APPLICANTS NEED NOT REAPPLY.

This is a Position Based Test conducted in accordance with Civil Service Rule 111A.

#### Introduction

Under general direction, the Workers Compensation Supervisor supervises and participates in the claims processing activities for the Workers' Compensation Division.

Essential functions include determining the complexity of cases and assigning them to the appropriate adjusting staff, advising claims adjusters, claims assistants and support staff, Providing oversight of claims handling, serving as a liaison for the workers' compensation coordinators of the client departments, advising staff on changes and applicability of workers' compensation law, reviewing and analyzing statistical reports generated from the paperless claims system to manage performance and improve claims outcomes, working with the City Attorney's Office on litigation strategies, reviewing all self-imposed penalties to determine liability and authorizing payment, reviewing claims adjuster performance on the provision of medical treatment and adherence to utilization review protocols, overseeing the selection of Agreed Medical Examiners, accurately estimating the potential claim costs on complex cases, determining permanent disability award calculations, directing the investigation on

complex claims, negotiating settlements and providing daily supervision, guidance, mentoring and coaching to assigned staff.

## **MINIMUM QUALIFICATIONS**

### **Minimum Qualifications:**

1. Four (4) years of verifiable experience adjusting workers' compensation claims; **AND**
2. Possession of a Self Insurance Administrator's Certificate issued by the State of California, Department of Industrial Relations.

**Desirable Qualifications:** One (1) of the four (4) years of verifiable experience must include workers' compensation claims administration since the enactment of SB 863 in 2012.

The stated desirable qualifications may be considered at the end of the selection process when candidates are referred for hiring.

## **HOW TO APPLY**

Applications for City and County of San Francisco jobs are being accepted through an online process.

- Click on the "Apply" link above
- Select either "I am a New User" if you have not previously registered, or "I have Registered Previously"
- Follow instructions on the screen

Computers are available for the public (from 8:00 a.m. to 5:00 p.m. Monday through Friday) to file online applications in the lobby of the Dept. of Human Resources at 1 South Van Ness Avenue, 4th Floor, San Francisco.

**Applicants will be prompted to submit a resume and cover letter as part of the online employment application. Please note that they will not be accepted in lieu of a completed City and County of San Francisco application.**

Applicants may be contacted by email about this announcement and, therefore, it is their responsibility to ensure that their registered email address is accurate and kept up-to-date. Also, applicants must ensure that email from CCSF is not blocked on their computer by a spam filter. To prevent blocking, applicants should set up their email to accept CCSF mail from the following addresses (@sfgov.org, @sfdpw.org, @sfport.com, @flysfo.com, @sfwater.org, @sfdph.org, @asianart.org, @sfmta.com, @sfpl.org, @dcyf.org, @first5sf.org).

Applicants will receive a confirmation email that their online application has been received in response to every announcement for which they file. Applicants should retain this confirmation email for their records. Failure to receive this email means that the online application was not submitted or received.



All work experience, education, training and other information substantiating how you meet the minimum qualifications must be included on your application by the filing deadline. Information submitted after the filing deadline will not be considered in determining whether you meet the minimum qualifications.

Applications completed improperly may be cause for ineligibility, disqualification or may lead to lower scores.

If you have any questions regarding this recruitment or application process, please contact Lisa Holton by telephone at (415) 557-4933 or by email at Lisa.B.Holton@sfgov.org.

**Verification:** Applicants may be required to submit verification of qualifying education and experience at any point in the application, examination and/or departmental selection process. Note: Falsifying one's education, training, or work experience or attempted deception on the application may result in disqualification for this and future job opportunities with the City

## **SELECTION PROCEDURES**

**Supplemental Questionnaire (Weight 50%)** - Candidates will be prompted to complete a supplemental questionnaire as part of the online employment application. The Supplemental Questionnaire is designed to measure knowledge, skills and/or abilities in job-related areas which may include but not be limited to: knowledge of applicable Workers' Compensation laws, practices and procedures, analytical ability, and written communication ability.

The supplemental questionnaire will be rated and scored. All relevant experience, education and/or training must be on the supplemental questionnaire in order to be reviewed in the rating process. Candidates will be placed on the eligible list in rank order according to their final score. The department may administer additional position-specific selection procedures to make final hiring decisions.

**Supervisory Test Battery (Weight 50%):** Candidates will be invited to participate in a computer-based examination designed to measure competencies in job-related areas which may include but not be limited to: Problem Solving; Leadership; Decision Making; Interpersonal Skill; Human Resources Management; Communication; Team Building; and Conflict Management. For more information about this Supervisory Test (and a suggested reading list) please visit: <http://www.sfdhr.org/index.aspx?page=325>. A passing score must be achieved on the Supervisory Test Battery.

This is a standardized examination and, therefore, test questions and answers are not available for public inspection or review.

Scores attained on the Supervisory Test Battery will be valid and "banked" for three years, starting from the date of the examination. This means that, during this three-year time period, you will not be required to take the Supervisory Test Battery. The Supervisory Test Battery may be used for many other classes; therefore your test score may be applied to one or more of these classes if you choose to apply to future

recruitments. If the selection process for the future announcement is held within one year of the date of this examination and it includes the Supervisory Test Battery, your score will be automatically applied to that announcement. However, after one year, you have the option to either (a) apply your test score to the other announcement or (b) re-take the Supervisory Test Battery. Re-testing is permitted no sooner than one year from the date of the examination and only in association with your eligibility for another announcement for which the Supervisory Test Battery is used. Please note that, should you re-test, your re-test score would become your official score since it is the most recent.

Candidate scores on this examination may also be applied to other announcements involving other job titles, when directed by the Human Resources Director.

Note: Applicants who meet the minimum qualifications are not guaranteed to advance through all of the steps in the selection process.

Qualified applicants with disabilities requiring reasonable accommodations for this selection process must contact the department by telephone at (415) 554-1636 or in writing at the address listed above as soon as possible.

#### **CONVICTION HISTORY**

As part of the selection process an image of your fingerprints will be captured and sent to the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). The resulting report of your conviction history (if any) will be used to determine whether the nature of your conviction (or arrest, in limited circumstances) history will disqualify you as a candidate based on the specific requirements of the position to which you are applying. If selected for fingerprinting, the hiring department will contact you to schedule an appointment.

Candidates applying for positions with the Unified School District and the Community College District may be disqualified from consideration should their conviction history not meet the standards established under the California Education Code.

Candidates applying for positions with the Recreation and Park Department may be disqualified from consideration should their conviction history not meet the standards established under California Public Resources Code 5164.

#### **DISASTER SERVICE WORKERS**

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

#### **CONCLUSION**

##### **Certification:**

The certification rule for the eligible list resulting from this examination will be **Rule of**

**Three.** Additional selection processes may be conducted by the hiring department prior to making final hiring decisions.

**Eligible List:**

The eligible list resulting from this examination is subject to change after adoption (e.g., as a result of appeals), as directed by the Human Resources Director or the Civil Service Commission.

The duration of the eligible list resulting from this examination process will be of three months, and may be extended with the approval of the Human Resources Director. Upon approval of the Human Resource Director (see Civil Service Rule 111A.26.5), the eligible list resulting from this announcement may be used by other departments that also use this classification or a similar classification. To find other Departments which use this classification, please see <http://www.sfdhr.org/Modules/ShowDocument.aspx?documentID=13693>. Search that document by title or job code to see which departments use the classification.

**Requests:**

Applicants with disabilities who meet the minimum eligibility requirements for this job announcement can find information on requesting a reasonable **ADA Accommodation** at:

<http://www.sfdhr.org/index.aspx?page=20#applicantswithdisabilities>

Information regarding requests for **Veterans Preference** can be found at:

<http://www.sfdhr.org/index.aspx?page=20#veteranspreference>

**Seniority Credit in Promotional Exams:**

Information regarding seniority credit can be found at:

<http://www.sfdhr.org/index.aspx?page=20#senioritycredit>

**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, San Francisco, CA 94103.

**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 posting the correction on the Department of Human Resources website at:

<http://www.sfdhr.org/index.aspx?page=20#announcementsdefinitions>

The terms of this announcement may be appealed under Civil Service Rule 111A.35.1. The standard for the review of such appeals is 'abuse of discretion' or 'no rational basis' for establishing the position description, the minimum qualifications and/or the certification rule. Appeals must include a written statement of the item(s) being contested and the specific reason(s) why the cited item(s) constitute(s) abuse of discretion by the Human Resources Director. Appeals must be submitted directly to the

Executive Officer of the Civil Service Commission within five business days of the announcement issuance date.

**Copies of Application Documents:**

Applicants are encouraged to keep copies of all documents submitted. Submitted documents become a permanent part of the exam records and will not be returned. The hiring department may require applicants to submit the same documents and/or additional documents at a later date.

**Right to Work:**

All persons entering the City and County of San Francisco workforce are required to provide verification of authorization to work in the United States.  
<http://www.sfdhr.org/index.aspx?page=20#identification>

Micki Callahan  
Human Resources Director  
Department of Human Resources  
Issued: October 29th, 2013  
Recruitment ID Number: PBT-8165-062046  
DHR/ LH/ 415-557-4933

**BENEFITS**

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

For more information about benefits, please click here.

- Contact SFGov
- 
- Accessibility
- 
- Policies

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**CLOSED SESSION AGENDA**

- (13) Request for hearing by Sean Maurer of his Background Disqualification for a Q-2 Police Office Position with the San Francisco Police Department.**

**(File No. 0279-13-4) – Action Item**



**Commissioners'  
Announcements/  
Request**

Adjournment