



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

March 28, 2014

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: RECOMMENDATION TO ADOPT THE PROPOSED REVISIONS TO THE CIVIL SERVICE COMMISSION'S 1996 POLICY ON EXEMPT APPOINTMENTS.

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

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings. The meeting agenda and all meeting materials will be posted on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting Information" no later than end of day on Wednesday, April 2, 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 2nd, please contact the Civil Service Commission's Office at CivilService@sfgov.org or (415) 252-3247.

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

All non-privileged materials being considered by the Civil Service Commission for this item 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 3, 2014.

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

Attachment

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 10



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

SCOTT R. HELDFOND
PRESIDENT

March 28, 2014

E. DENNIS NORMANDY
VICE PRESIDENT

NOTICE OF CIVIL SERVICE COMMISSION MEETING

DOUGLAS S. CHAN
COMMISSIONER

SUBJECT: RECOMMENDATION TO REVISE CIVIL SERVICE RULE 414.37.7 (EXEMPT APPOINTMENTS PURSUANT TO CHARTER SECTION 8A.104) – AFFECTING EMPLOYEES IN MANAGERIAL CLASSIFICATIONS/POSITIONS AT THE MUNICIPAL TRANSPORTATION AGENCY.

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 7, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings. The meeting agenda and all meeting materials will be posted on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting Information" no later than end of day on Wednesday, April 2, 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 2nd, please contact the Civil Service Commission's Office at CivilService@sfgov.org or (415) 252-3247.

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

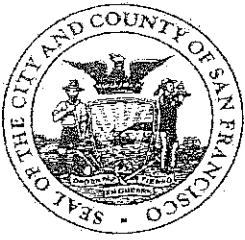
All non-privileged materials being considered by the Civil Service Commission for this item will be available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m. beginning Thursday, April 3, 2014.

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 13, 2014

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: PROPOSED REVISIONS TO THE CIVIL SERVICE
COMMISSION'S POLICY ON EXEMPT APPOINTMENTS.

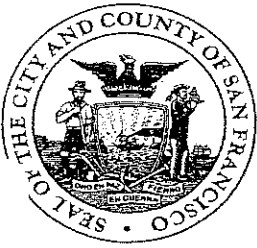
At its meeting of March 3, 2014 the Civil Service Commission had for its consideration the above matter.

It was the decision of the Commission to adopt the Executive's Officer's report; and to direct the Executive Officer to post the proposed revisions to the Commission's policy on exempt appointments to meet and discuss the proposed revisions with any interested stakeholders. (Vote of 5 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



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

February 21, 2014

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: PROPOSED REVISIONS TO THE CIVIL SERVICE COMMISSION'S POLICY ON EXEMPT APPOINTMENTS.

The above matter will be considered by the Civil Service Commission at a meeting to be held on **March 3, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings. The meeting agenda and all meeting materials will be posted on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting Information" no later than end of day on Wednesday, February 26, 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 February 26th, please contact the Civil Service Commission's Office at CivilService@sfgov.org or (415) 252-3247.

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

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

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

Attachment

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 16

STAFF REPORT



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: April 7, 2014
To: Civil Service Commission
From: Jennifer Johnston, Executive Officer *Jennifer Johnston*
Subject: **Agenda Item #10: Recommendation to Adopt the Proposed Revisions to the Civil Service Commission's 1996 Policy on Exempt Appointments; and**
Agenda Item #11: Recommendation to Revise Civil Service Rule 414.37.7

This staff report supports Agenda Items #10 and #11.

I. Overview

During its meeting of March 3, 2014, the Civil Service Commission ("Commission") acted to accept the Executive Officer's proposed revisions to its 1996 policy on exempt appointments; and directed the Executive Officer to post the draft policy, and to meet and discuss the proposed revisions with any interested stakeholders.

The purpose of this staff report is to: 1) update the Commission on the Executive Officer's discussions with interested stakeholders on the revised policy; 2) recommend that the Commission make additional amendments to the policy to accurately reflect the provisions of Charter Section 8A.104 and to delete references to attachments that may become outdated in the future; 3) recommend that the Commission adopt the draft policy on exempt appointments with these additional recommended revisions, to be effective immediately; and, 4) recommend that the Commission amend Civil Service Rule 414.37.7 so that it also accurately reflects the provisions of Charter Section 8A.104.

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. Discussions with Interested Stakeholders

The Executive Officer posted the draft policy on exempt appointments on March 4, 2014 and scheduled two meetings to discuss the proposed revisions with any interested stakeholders—one on March 12th and one on March 14th, 2014. The Executive Officer’s March 3rd staff report and the draft policy were attached to the posting (see Attachment A for a copy of the posting, *sans* attachments).

Although no stakeholders attended either meeting, the Executive Officer received phone calls from representatives of three labor unions: IFPTE, Local 21 requested another copy of the March 4th posting; and the San Francisco City [Painters] Workers United and the Municipal Executives’ Association (“MEA”) sought clarification on some of the proposed policy revisions. None of the City’s unions or other interested stakeholders expressed objections to the draft policy.

IV. Additional Revision to the Exempt Policy and Proposed Rule Amendment

In drafting the revisions to the Commission’s 1996 policy on exempt appointments, the Executive Officer incorporated the provisions of Civil Service Rule 414.37.7. However, it appears that Civil Service Rule 414.37.7 is no longer current and must also be amended.

As noted in the Executive Officer’s previous staff report dated March 3, 2014, the voters passed Proposition E in 1999, authorizing a new fourth group of exempt appointments for managerial employees in service-critical positions/classifications at the Municipal Transportation Agency (“MTA”), subject to a cap of 1.5% of the MTA’s total workforce. Shortly thereafter, the Commission adopted Civil Service Rule 414.37.7 to recognize the newly established group of exempt appointments and the 1.5% cap thereon.

The voters subsequently increased the cap on Group IV appointments from 1.5% to 2.75% in 2007 with the passage of Proposition A (see Attachment B for an excerpt on Proposition A from the 2007 voter pamphlet; and see Attachment C for an excerpt of Charter Section 8A.104 provisions applicable to Group IV exempt appointments). Civil Service Rule 414.37.7, however, was not likewise updated to reflect the increased cap amount. Therefore, the 1.5% cap amount indicated in Rule 414.37.7 and in the proposed draft exempt policy is incorrect.

See Attachment D for the additional proposed revisions to the Commission’s policy on exempt appointments, and Attachment E for the proposed amendments to Civil Service Rule 414.37.7, both intended to accurately reflect the now 2.75% cap on Group IV exempt appointments under the current provisions of Charter Section 8A.104. References in the draft policy to attachments which may become outdated in the future have also been deleted to ensure that the policy remains current.

V. Recommendation

The additional proposed revisions to the Commission’s policy and the proposed amendments to

Civil Service Rule 414.37.7 are not substantive, in that they are merely intended to reflect the current provisions of Charter Section 8A.104 (as amended by the voters by Proposition A in 2007) under which the MTA is already operating.

The Executive Officer therefore recommends that the Commission adopt this staff report for both Agenda Items #10 and #11, and take the additional following actions:

- Agenda Item #10: Adopt the updated policy on exempt appointments (as reflected in Attachment D), to be effective immediately.
- Agenda Item #11: Direct the Executive Office to post the proposed revisions to Civil Service Rule 414.37.7 (as reflected in Attachment E) for adoption as required under the Charter and Civil Service Rules, and to meet and discuss the proposed revisions with the Municipal Executives' Association (the union that represents managerial classifications and positions at the MTA) and any other interested stakeholders.

VI. Attachments:

Attachment A: March 4, 2014 Posting of the Proposed Revisions to the Civil Service Commission's Policy on Exempt Appointments (pages 5 to 8)

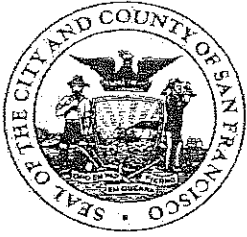
Attachment B: Excerpt of Proposition A from the 2007 Voter Pamphlet (pages 9 to 14)

Attachment C: Charter Section 8A.104 Provisions on Group IV Exempt Appointments (pages 15 to 18)

Attachment D: Final Draft Policy on Exempt Appointments (pages 19 to 26)

Attachment E: Proposed Revisions to Civil Service Rule 414.37.7 (pages 27 to 30)

ATTACHMENT A



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

MEMORANDUM
CSC No. 2014 - 02

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

Date: March 4, 2014

To: Department Heads
Departmental Personnel Officers
Employee Organization Representatives

From: Jennifer Johnston
Executive Officer

Subject: Notice of Posting: Proposed Revisions to the Civil Service
Commission's Policy on Exempt Appointments

The Civil Service Commission acted on March 3, 2014 to accept the Executive Officer's staff report recommending revisions to its policy on exempt appointments, and further directed the Executive Officer to post the proposed revisions for discussion with any interested stakeholders.

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

Please see the attached staff report for a detailed description of the proposed policy revisions, applicable to all exempt appointments. Any employee organizations or other stakeholders interested in discussing the proposed policy revisions are invited to attend either or both of the following scheduled meetings:

Date: Wednesday, March 12, 2014
Time: 2:00 PM - 4:00 PM

Date: Friday, March 14, 2014
Time: 2:00 PM - 4:00 PM

The meetings will take place in the Civil Service Commission's Offices, located at 25 Van Ness Avenue, Suite 720. Please contact Commission staff at CivilService@sfgov.org to RSVP for either or both meetings. You may also contact me directly at (415) 252-3250 or Jennifer.Johnston@sfgov.org should you have any questions or wish to discuss the proposed policy revisions further.

Respectfully submitted,

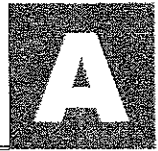
CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

Attachment

ATTACHMENT B

Transit Reform, Parking Regulation and Emissions Reductions



PROPOSITION A

Shall the Municipal Transportation Agency be provided greater governing authority, and additional funding, and be required to develop a Climate Action Plan, and shall the City not increase the maximum number of parking spaces allowed for new private development projects unless approved by a super-majority of the Board?

YES ← ←
NO ← ←

Digest

by the Ballot Simplification Committee

THE WAY IT IS NOW: A 1999 voter-approved Charter Amendment (Proposition E) created a Municipal Transportation Agency (MTA) with expanded powers and duties to run the Municipal Railway (Muni) and the Department of Parking and Traffic. Proposition E set service and performance standards for Muni.

Among other provisions, Proposition E:

- Required a minimum annual contribution to MTA from the City's General Fund.
- Allocated to the MTA a share of the General Fund measured by 40% of parking tax receipts and 50% of new revenues from increases in parking fines, parking taxes or parking enforcement.
- Enabled the MTA to approve an annual budget. The Board of Supervisors can reject the budget by a super-majority vote of eight or more members.

MTA does not have authority to issue bonds or incur debt with its revenues.

Proposition E gave MTA authority over its contracts, subject to compliance with all City contracting requirements. MTA may not accept or spend public grants or other donations without approval from the Board of Supervisors.

MTA handles its personnel and labor relations. MTA may create new managerial positions exempt from civil service protections so long as they do not exceed 1.5% of its workforce. City law caps the wages of Muni transit operators based on operator wages in comparable transit systems.

The Board of Supervisors approves many parking regulations and the installation of many traffic control devices on City streets.

The City's Planning Code limits the number of off-street parking spaces for new private development projects.

THE PROPOSAL: Proposition A is a Charter Amendment that continues the existing service and performance standards for Muni, and expands MTA's authority over its operations and additional funding.

Funding/Budget

- Proposition A would increase MTA's share of City revenues dedicated to Muni, including an allocation of General Fund revenues based on parking tax receipts from 40% to 80%, and allow MTA to keep 100% of new revenues from any future policy changes in parking fines, parking taxes and parking enforcement.
- MTA could issue revenue bonds and other debt upon approval of the Board of Supervisors, without further voter approval.
- MTA would be required to approve its budget every two years, instead of every year. The Board of Supervisors could reject the

budget by a super-majority vote of seven or more members.

- MTA would have to use new General Fund revenues primarily to implement improvements recommended by the City's ongoing Transit Effectiveness Project, which is a system-wide review of Muni's service.

Governing Authority

- MTA could enter into contracts to sell transit passes and parking meter cards without meeting all City contracting requirements and delegate certain contracting authority to the Director of Transportation.
- MTA could accept and spend public grants and other donations without Board of Supervisors approval.

Labor and Personnel

- If MTA is spending within its budget, it could fill vacant positions without approval from the City Controller. The MTA could create new managerial positions exempt from civil service protection subject to an overall limit of 2.75% of its workforce.
- MTA could continue to bargain collectively to set wages for Muni transit operators, but the current wage cap would become a guaranteed base wage.

Parking and Traffic

- Proposition A would clarify and expand MTA power to adopt many parking regulations and install many traffic control devices. Actions related to stop signs, bicycle lanes, preferential parking zones, parking meter zones, parking time limits, and disabled parking privileges would still be subject to review by the Board of Supervisors.
- Proposition A would fix the maximum number of off-street parking spaces the City allows for new private development projects at the number the Planning Code would have allowed on July 1, 2007. The Board of Supervisors could increase this maximum by a super-majority vote of at least nine members or decrease the maximum by a majority vote.

Greenhouse Gas Emissions Reduction

Proposition A requires MTA to develop a Climate Action Plan every two years that would seek to reduce greenhouse gas emissions from San Francisco's transportation sources to 80% of 1990 levels by 2012.

A "YES" VOTE MEANS: If you vote "yes," you want to make these changes to the Charter.

A "NO" VOTE MEANS: If you vote "no," you do not want to make these changes to the Charter.

Notice to Voters:

The "Controller's Statement" and "How A Got on the Ballot" information on this measure appear on the opposite (facing) page.

THIS MEASURE REQUIRES 50%+1 AFFIRMATIVE VOTES TO PASS.

ARGUMENTS FOR AND AGAINST THIS MEASURE IMMEDIATELY FOLLOW THIS PAGE. THE FULL TEXT BEGINS ON PAGE 115.
SOME OF THE WORDS USED IN THE BALLOT DIGEST ARE EXPLAINED ON PAGE 36.



LEGAL TEXT OF PROPOSITION A

SEC. 8A.103. SERVICE STANDARDS AND ACCOUNTABILITY.

(a) The Municipal Railway shall ~~be restored as soon as practicable to provide~~ a level of service measured in service hours which is not less than that provided under the schedule of service published in the April 1996 timetable, although not necessarily in that configuration.

(b) ~~No later than July 1, 2000, and by~~ By July 1 of each year thereafter, the Agency shall adopt mile-stones ~~for the~~ toward achievement of the goals specified in subsections (c) and (d). Milestones shall be adopted for each mode of transportation of the Municipal Railway, and for the Municipal Railway as a whole, with the goal of full achievement of the standards set in subsection (c) ~~no later than July 1, 2004~~.

(c) The standards for the Agency with respect to the services provided by the Municipal Railway shall include the following minimum standards for on-time performance and service delivery:

1. On-time performance: at least 85 percent of vehicles must run on-time, where a vehicle is considered on-time if it is no more than one minute early or four minutes late as measured against a published schedule that includes time points; and

2. Service delivery: 98.5 percent of scheduled service hours must be delivered, and at least 98.5 percent of scheduled vehicles must begin service at the scheduled time.

(d) ~~The standards for both managers and employees of the Agency with respect to the services, provided by the Municipal Railway shall also include other~~ The Board of Directors shall adopt Agency rules setting additional measurable standards for system reliability, system performance, staffing performance, and customer service, including:

1. Passenger, public, and employee safety and security;
2. Coverage of neighborhoods and equitable distribution of service;
3. Level of crowding;
4. Frequency and mitigation of accidents and breakdowns;
5. Improvements in travel time, taking into account adequate recovery and lay-over times for operators;
6. Vehicle cleanliness, including absence of graffiti;
7. Quality and responsiveness of customer service;
8. Employee satisfaction;
9. Effectiveness of the preventive maintenance program; and
10. Frequency and accuracy of communications to the public.

11. The Agency's duties related to parking and traffic functions and any other functions that may be added to the Agency's responsibilities.

(e) ~~The Board of Directors shall adopt Agency rules setting forth the methods by which performance shall be measured with respect to each standard established pursuant to subsections (c) or (d) above in accordance with industry best practices to enhance the Agency's ability to compare its performance to that of other comparable transit systems. The performance measures adopted in Section 4 of this measure shall be published as rules of the Agency and utilized to determine the achievement of the performance standards and milestones adopted by the Agency for the Municipal Railway. The performance measures shall be subject to amendment after public hearing by a vote of the Agency board.~~ The Agency shall regularly publish reports documenting the Agency's performance for each standard. Each performance report shall note any changes in the rules governing the methods by which performance is measured so as to inform interpretation of performance trends over time, on its attainment of those standards and milestones. Nothing herein shall prohibit the Agency from using additional performance measures.

(f) ~~The Agency shall issue a Climate Action Plan to the Board of Supervisors and the Commission on the Environment by January 1, 2009, and every two years thereafter. The plan shall describe measures taken and progress made toward the goal of reducing greenhouse gas emissions from San Francisco's transportation sector to 80% of 1990 levels by 2012 and shall further address progress toward the following goals:~~

1. Zero greenhouse gas emissions for Municipal Railway transit vehicles;
2. Lowering energy consumption in Agency facilities and by non-transit vehicles;
3. Maximizing waste reduction in Agency operations;
4. Increasing transit trips and reducing private vehicle trips within the City;

5. Increasing the use of bicycling and walking as alternate forms of transportation; and

6. Improving regional transit connections to reduce private vehicle use by commuters.

No later than January 1, 2010, and no less than every ten years thereafter, the Board of Supervisors shall adopt legislation setting goals for reducing greenhouse gas emissions from San Francisco's transportation sector, and other climate action measures set forth above, for periods after 2012.

SEC. 8A.104. PERSONNEL AND MERIT SYSTEM.

(a) The Agency shall establish its own personnel/labor relations office. The ~~d~~Tirector of ~~t~~ransportation shall appoint a personnel/labor relations manager, who shall serve at the pleasure of the ~~d~~Tirector of ~~t~~ransportation and shall establish regular meetings with labor to discuss issues within the scope of representation on terms to be determined through collective bargaining.

(b) Except as otherwise provided in this Section, the Agency shall be governed by the rules of the civil service system administered by the City and appeals provided in civil service rules shall be heard by the City's Civil Service Commission. Unless otherwise agreed by the Agency and affected employee organizations, appeals to the Civil Service Commission shall include only those matters within the jurisdiction of the Civil Service Commission which establish, implement, and regulate the civil service merit system as listed in Section A8.409-3.

(c) Effective July 1, 2000, except for the administration of health services, the Agency shall assume all powers and duties vested in the Department of Human Resources and the Director of Human Resources under Articles X and XI of this Charter in connection with job classifications within the ~~Municipal Railway Agency~~ performing "service-critical" functions. Except for the matters set forth in subsection (f), the Department of Human Resources and the Director of Human Resources shall maintain all powers and duties under Articles X and XI as to all other Agency employees.

(d) On or before April 15, 2000, the Agency shall designate "service-critical" classifications and functions for all existing classifications used by the Municipal Railway; provided, however, that employees in classifications designated as "service-critical" shall continue to be covered by any Citywide collective bargaining agreement covering their classifications until the expiration of that agreement.

(e) For purposes of this Article, "service-critical" functions are:

1. Operating a transit vehicle, whether or not in revenue service;
2. Controlling dispatch of, or movement of, or access to, a transit vehicle;
3. Maintaining a transit vehicle or equipment used in transit service, including both preventive maintenance and overhaul of equipment and systems, including system-related infrastructure;
4. Regularly providing information services to the public or handling complaints; and
5. Supervising or managing employees performing functions enumerated above.

The Agency shall consult with affected employee organizations before designating particular job classifications as performing "service-critical" functions. If an employee organization disagrees with the Agency's designation of a particular job classification as "service-critical" pursuant to the above standards, the organization may, within seven days of the Agency's decision, request immediate arbitration. The arbitrator shall be chosen pursuant to the procedures for the selection of arbitrators contained in the memorandum of understanding of the affected employee organization. The arbitrator shall determine only whether the Agency's designation is reasonable based on the above standards. The arbitrator's decision shall be final and binding.

The Agency may designate functions other than those listed above, and the job classifications performing those additional functions, as "service-critical," subject to the consultation and arbitration provisions of this Section. In deciding a dispute over such a designation, the arbitrator shall decide whether the job functions of the designated classes



relate directly to achievement of the goals and milestones adopted pursuant to Section 8A.103 and are comparable to the above categories in the extent to which they are critical to service.

(f) In addition, the Agency shall, with respect to all Agency employees, succeed to the powers and duties of the Director of Human Resources under Article X to review and resolve allegations of discrimination, as defined in Article XVII, against employees or job applicants, or allegations of nepotism or other prohibited forms of favoritism; ~~provided, however, that the Agency's resolution of allegations of discrimination must be approved by the City's Director of Human Resources.~~ To the extent resolution of a discrimination complaint or request for accommodation involves matters or employees beyond the Agency's jurisdiction, the Agency shall coordinate with and be subject to applicable determinations of the Director of Human Resources.

(g) The Agency shall be responsible for creating and, as appropriate, modifying ~~Agency Municipal Railway~~ bargaining units for classifications designated by the Agency as "service-critical" and shall establish policies and procedures pursuant to Government Code sections 3507 and 3507.1 for creation and modification of such bargaining units. When the Agency creates or modifies a bargaining unit, employees in existing classifications placed in such bargaining unit shall continue to be represented by their current employee organizations.

(h) The Agency may create new classifications of ~~Agency~~ employees ~~doing specialized work for the Agency.~~ Such classifications shall be subject to the civil service provisions of the Charter unless exempted pursuant to Section 10.104, or subsection (i).

(i) The Agency may create new classifications and positions in those classifications exempt from the civil service system for managerial employees ~~in MTA bargaining units M and EM~~ in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt ~~new managerial~~ positions ~~within the Agency~~ shall not exceed ~~1.5~~ 2.75 percent of the Agency's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent civil service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the ~~Director of Transportation.~~ Such exempt management employees, to the extent they request placement in a bargaining unit, shall not be placed in the same bargaining units as non-exempt employees of the Agency.

(j) The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance with the provisions of subsections (h) and (i).

(k) Upon the expiration of ~~current~~ labor contracts ~~negotiated by the Department of Human Resources and approved by the Board of Supervisors,~~ and except for retirement benefits, the wages, hours, working conditions, and benefits of the employees in classifications within the Municipal Railway designated by the Agency as "service-critical" shall be fixed by the Agency after meeting and conferring as required by the laws of the State of California and this Charter, including Sections A8.346, A8.404 and A8.409. These agreements shall utilize, and shall not alter or interfere with, the health plans established by the City's Health Service Board; provided, however, that the Agency may contribute toward defraying the cost of employees' health premiums. For any job classification that exists both as a "service-critical" classification in the ~~Agency Municipal Railway~~ and elsewhere in City service, the base wage rate negotiated by the Agency for that classification shall not be less than the wage rate set in the Citywide memorandum of understanding for that classification.

(l) Notwithstanding subsection (k), the Agency may, in its sole discretion, utilize the City's collective bargaining agreements with any employee organization representing less than 10 percent of the ~~Agency's Municipal Railway's~~ workforce.

(m) Notwithstanding any limitations on compensation contained in Section A8.404, and in addition to the base pay established in collective bargaining agreements, all agreements negotiated by the Agency relating to compensation for ~~Agency Municipal Railway~~ managers and

employees in classifications designated by the Agency as "service-critical" shall provide incentive bonuses based upon the achievement of the service standards in Section 8A.103(c) and other standards and milestones adopted pursuant to Section 8A.103. Such agreements may provide for additional incentives based on other standards established by the ~~Board of Directors Agency,~~ including incentives to improve attendance. The ~~Board of Directors Agency~~ shall also establish a program under which a component of the compensation paid to the Director of Transportation and all exempt managers shall be based upon the achievement of service standard adopted by the Board of Directors. ~~that provides incentive bonuses for all managers, including all managers exempt from the civil service system, based on the achievement of these standards and milestones.~~

(n) For employees whose wages, hours and terms and conditions of employment are set by the Agency pursuant to Sections A8.404 or A8.409 et seq., the Agency shall exercise all powers of the City and County, the Board of Supervisors, the Mayor, and the Director of Human Resources under those sections. For employees covered by Section A8.409 et seq., the mediation/arbitration board set forth in Section A8.409-4 shall consider the following additional factors when making a determination in any impasse proceeding involving the Agency: the interests and welfare of transit riders, residents, and other members of the public; and the Agency's ability to meet the costs of the decision of the arbitration board without materially reducing service. Notwithstanding the timelines described in Section A8.409-4, to be effective the beginning of the next succeeding fiscal year, all collective bargaining agreements must be submitted to the Board of Directors no later than June 15 for final adoption on or before June 30. For employees whose wages, hours and terms and conditions of employment are set by the Agency pursuant to Sections A8.404, the ~~The~~ Agency shall perform the functions of the Civil Service Commission with respect to certification of the average of the two highest wage schedules for transit operators in comparable jurisdictions pursuant to Section A8.404(a), and conduct any actuarial study necessary to implement Section A8.404(f).

(o) The voters find that unscheduled employee absences adversely affect customer service. Accordingly, not later than January 1, 2001, the agency shall create a comprehensive plan for the reduction of unscheduled absences. In addition, the Agency shall take all legally permitted steps to eliminate unexcused absences. The Agency shall have no authority to approve any memorandum of understanding or other binding agreement which restricts the authority of the Agency to administer appropriate discipline for unexcused absences.

(p) Before adopting any ~~tentative~~ collective bargaining agreement ~~reached as a result of negotiations, mediation or arbitration,~~ the Agency shall, no later than June 15, at a duly noticed public meeting, disclose in writing the contents of such ~~tentative~~ collective bargaining agreement, a detailed analysis of the proposed agreement, a comparison of the differences between the agreement reached and the prior agreement, and an analysis of all costs for each year of the term of such agreement. Such ~~tentative~~ agreement between the Agency and employee organization shall not be approved by the Agency until ~~30~~ 15 days after the above disclosures have been made.

SEC. 8A.105. MUNICIPAL TRANSPORTATION FUND; REVENUES FOR PUBLIC TRANSIT.

(a) There is hereby established a fund to provide a predictable, stable, and adequate level of funding for the Agency, which shall be called the Municipal Transportation Fund. The fund shall be maintained separate and apart from all other City and County funds. Monies therein shall be appropriated, expended, or used by the Agency solely and exclusively for the operation including, without limitation, capital improvements, management, supervision, maintenance, extension, and day-to-day operation of ~~the~~ the Agency, including any divisions ~~2) the Municipal Railway; 3) upon its incorporation into the Agency, the Department of Parking and Traffic; and 4) any other division of the Agency~~ subsequently created or incorporated into the Agency and performing transportation-related functions. Monies in the Fund may not be



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ATTACHMENT C

Attachment C: Charter Section 8A.104

Charter Section 8A.104 [The Municipal Transportation Agency] Personnel and Merit System

(i) The Agency may create new classifications and positions in those classifications exempt from the civil service system for managerial employees in MTA bargaining units M and EM in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt managerial positions within the Agency shall not exceed 2.75 percent of the Agency's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent civil service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the Director of Transportation. Such exempt management employees, to the extent they request placement in a bargaining unit, shall not be placed in the same bargaining units as non-exempt employees of the Agency.

(j) The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance with the provisions of subsections (h) and (i).

ATTACHMENT D

Attachment D

Date: April XX, 2014

To: Department Heads
Human Resources Representatives

From: Jennifer Johnston
Executive Officer

Subject: **Civil Service Commission Policy and Procedures on Exempt Appointments**

San Francisco City Charter Section 10.104 (copy-attached) requires that all permanent employees of the City and County be appointed through the civil service process by competitive examination unless exempted from the civil service examination and selection process in accordance with Charter provisions.

The following states the Civil Service Commission's ("Commission") policies and procedures on exempt appointments, as updated and adopted by the Commission at its meeting of April 7, 2014~~[DATE]~~. This memorandum shall serve to supersede all previously issued Commission policy memorandums on exempt appointments, including Memorandum CSC No. 96-08, "Appointments Exempt from Civil Service under the 1996 Charter;" and the Executive Officer's subsequent May 1, 2007 policy reminder, "Civil Service Commission Policy and Procedures on Exempt Appointments."

I. OVERVIEW ON EXEMPT APPOINTMENTS

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

Note that Civil Service Rules and Commission policies regarding matters other than selections, appointments and separations may still apply to exempt appointees (e.g., discrimination complaint policies and procedures, matters involving the Classification Plan, Civil Service Rules on conflicts of interest and leaves of absence, etc.).

A. Categories of Exempt Appointments

The Charter provides for 20 categories of employment excluded from civil service, which are generally organized into four groups:

1. **Group I** (Charter Sections 10.104-1 through 12) is comprised of a variety

of positions, including but not limited to, deputy directors and department heads, executive assistants, confidential secretaries, and legislative analysts/assistants.

This group is subject to a Charter-imposed “cap” of the percent of full-time exempt employees to the total number of employees that existed on July 1, 1994. In accordance with the Charter, the Commission established the cap at 2%. Any requests for exempt positions over that “cap” require Commission approval as provided under Civil Service Rule Series 014 (~~see Attachment B~~).

2. **Group II** (Charter Sections 10.104-13 through 15) continues the 1932 Charter exempt appointments. Included in Group II by example but not limitation, are attorneys, most physicians and dentists, and the Retirement System Actuary. The Commission plays no role with respect to these appointments.
3. **Group III** (Charter Sections 10.104-16 through 19) includes temporary and seasonal appointments which do not exceed half time (1040 hours of service) in a fiscal year, appointments to temporarily backfill civil service employees on leave (limit of 2 years), special projects and professional services with limited term funding (limit of 3 years), and the City’s program for the employment of severely disabled persons.

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

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

4. **Group IV** (Charter Section 8A.104(i)) is comprised of managerial employees in MTA service-critical positions/classifications designated by the Director of Transportation as exempt from civil service (in addition to those positions exempted in Groups I, II and III under Charter Section 10.104).

Group IV exemptions are also subject to a cap: the total number of these positions may not exceed ~~1.5%~~ 2.75% of the MTA’s total workforce, exclusive of the exempt positions provided in Charter Section 10.104. The Charter does not allow the Director of Transportation or the Commission any discretion to approve exempt appointments over this ~~1.5%~~ 2.75% cap. The provisions of Charter Section 8A.104(i) are codified in Civil Service Rule 414.37.7 (~~see Attachment B~~).

B. Two Types of Exempt Appointments

There are two types of exempt appointments: Permanent Exempt (“PEX”) and Temporary Exempt (“TEX”). PEX and TEX appointments may be made to positions that have either part-time or full-time schedules. However, PEX appointments are authorized in the Annual

Salary Ordinance (“ASO”) and are therefore generally part of a department and more permanent in nature. TEX appointments are not authorized in the ASO and are often of shorter duration and are irregularly scheduled, to fill in temporarily or on an “as needed” basis.

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

II. REVIEW OF EXEMPT APPOINTMENTS

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

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

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

As noted below, the Commission requires the Human Resources Director and Director of Transportation to report regularly on positions under Charter Section 10.104-16 through 18 as one of the benchmarks considered in its oversight of the operation of the merit system. The MTA is also required to report to the Commission on its exempt and non-exempt classifications under Charter Section 8A.104 each year so that the Commission can ensure compliance with the Charter.

III. GUIDELINES ADOPTED BY THE CIVIL SERVICE COMMISSION ON GROUP III EXEMPT APPOINTMENTS

Pursuant to its Charter authority, the Commission has established the following standards for exempting appointments from civil service under Charter Section 10.104-16 through 18.

- A. The Human Resources Director (or the Director of Transportation, for MTA “service critical” positions) must certify that it is not practicable to fill the position or positions for which exemption is requested from a civil service eligible list.
- B. Exempt appointees must possess the minimum requirements for their class or position as established by the last examination announcement or class specification, whichever was issued most recently with a statement of the minimum qualifications. The department must

verify and document that the individual meets the minimum qualifications for his or her exempt position in accordance with the Department of Human Resources' policies and procedures, and such documentation must be maintained in the employee's personnel file in accordance with the Commission's "Citywide Employee Personnel Records Guidelines (available on the Commission's website at www.sfgov.org/Civil_Service)."

- C. A position once exempted under Charter Section 10.104-16 through 18 shall not be offered to eligibles or holdovers. However, this shall not preclude eligibles or holdovers from applying for exempt positions.
- D. The Human Resources Director and Director of Transportation shall report to the Commission in writing detailing the appointments authorized under this section. The Human Resources Director and Director of Transportation are required to submit such reports at the first meetings in February and August in accordance with the Civil Service Commission's current calendar of reports. The Civil Service Commission may require additional reports as it deems appropriate.
- E. Additional policies specific to the category of exemption:
 - 1. *Temporary and Seasonal Exemptions (Charter Section 10.104-16)*
 - a. Temporary and seasonal appointments shall be TEX, with full-time, part-time, or as-needed schedules.
 - b. No person, regardless of work schedule, shall exceed 1040 hours of work in any fiscal year.
 - 2. *Temporary Substitute/Backfill Exemption (Charter Section 10.104-17)*
 - a. An appointment proposed for exemption under Charter Section 10.104-17 shall be for a temporary substitute or backfill for a civil service employee on an authorized leave of absence (e.g., an employee on pregnancy or other medical leave, etc.; it would not be appropriate to use this designation to substitute an employee who is no longer a City employee).
 - b. The Human Resources Director may approve an appointment in increments of up to 1040 hours (six months); however, the appointment shall not exceed a maximum duration of 4160 hours (not to exceed two years by Charter requirement, or a total of four six-month increments).
 - 3. *Special Project Exemption (Charter Section 10.104-18)*
 - a. An appointment authorized for exemption under Charter Section 10.104-18 must be to a position created for or dedicated to a special project or for professional services not to exceed three years by Charter requirement.
 - b. Funding for appointments to perform professional services as authorized under Charter Section 10.104-18 shall be for a limited term (e.g., a grant or a "one-time only" appropriation for a specific or special purpose). Departmental requests for such appointments must certify that the funding is limited, identify the funding source

and anticipated duration of such funding source, and adequately describe the professional services to be performed.

- c. Departmental requests for appointments to a special project as authorized under Charter Section 10.104-18 must adequately define the special project or professional service to be provided (including but not limited to a description of the project objective, scope of work, and the specific anticipated duration of the project).

IV. LEAVE TO ACCEPT AN EXEMPT POSITION

Permanent civil service employees may be considered for exempt positions and may take a leave of absence from their permanent civil service position to accept an exempt appointment. Such leave is subject to the approval of their appointing officer (or designee), whose decision is subject to appeal in accordance with the Civil Service Rule Series 020.

Upon conclusion of the exempt appointment or duration of the approved leave, the employee returns to the former class and department where the employee has permanent civil service status. Although the employee may return to a position in the class, he or she does not have a right to a specific assignment in the department.

Civil service layoff provisions apply if the employee's permanent civil service position is eliminated prior to, or at the time of the employee's return from his or her leave to take an exempt appointment and: 1) there are no remaining positions budgeted in the employee's class in the department; or 2) current incumbents in the department have higher civil service seniority ranking than the employee.

QUESTIONS

Questions on Civil Service Rules or Commission policies, procedures and guidelines may be directed to Commission staff at 252-3247.

ATTACHMENT E

Attachment E – Proposed Amendments to Civil Service Rule 414 on Group IV Exempt Appointments

Rule 414 – Appointments; Article VII: Exempt Appointment

Applicability: Article VII, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Section 414.36 Exclusions from Civil Service Appointment

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

Section 414.37 Charter Limit on Certain Categories of Exempt Appointments

414.37.1 The proportion of full-time employees in the exempt categories included under Charter Sections 10.104-1 through 10.104-12 to the total number of civil service employees of the City and County shall not be greater than the proportion existing on July 1, 1994, except as authorized in this Article. As certified by the Civil Service Commission at its meeting of November 18, 1996, the ratio on July 1, 1994 of full-time exempt employees to the total full-time City and County work force was two percent (2%).

414.37.2 In accordance with Charter Section 10.104, the Civil Service Commission may, by express approval, authorize that full-time positions conforming to the criteria established in this Section in the categories defined in Charter Sections 10.104-1 through 10.104-12 in excess of the Charter limitation be excluded from civil service selection and removal procedures and be filled through exempt appointment.

414.37.3 Requests for exemption under this section must conform to the following:

- 1) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.
- 2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.
- 3) The MTA Director of Transportation/Designee recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.
- 4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.
- 5) The official making the request provides written justification as to the reasons the position should be exempted.

414.37.4 An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.

414.37.5 The decision of the MTA Director of Transportation/Designee is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.

414.37.6 This section as adopted by the Civil Service Commission at its meeting of November 18, 1996 was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).

414.37.7 Pursuant to Charter Section 8A.104:

The MTA Director of Transportation/Designee may create new classifications and positions exempt from the Civil Service System for managerial employees in MTA bargaining units M and EM in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt new managerial positions within the MTA shall not exceed ~~1.5~~ 2.75 percent of the Agency's MTA's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent Civil Service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the Director of Transportation.

The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance to Charter Section 8A.104

-END-

Original Staff Report



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Date: March 3, 2014

To: Civil Service Commission

From: Jennifer Johnston, Executive Officer *Jennifer Johnston*

Subject: **Recommendations for Revisions to the Civil Service Commission's 1996 Policy on Exempt Appointments**

I. Overview

The purpose of this staff report is to submit to the Civil Service Commission ("Commission") for its review and approval, proposed revisions to the Commission's policy on exempt appointments. See Attachment A for the Commission's current policy on exempt appointments as adopted in 1996, and as most recently reiterated in a memorandum from the Executive Officer in 2007. Attachment B reflects the Executive Officer's proposed revisions to the policy (as incorporated into the Executive Officer's 2007 memorandum in Attachment A).

II. Background

All employees of the City and County of San Francisco ("City") must be appointed through a competitive examination process unless specifically exempted under the City's Charter. These "exempt" appointments serve at the pleasure of the appointing authority and are not subject to the competitive civil service selection, appointment or removal procedures of the Charter.

Since the establishment of the City's merit system, the voters of San Francisco have recognized the need for, and the appropriateness of, exempt appointments in certain circumstances. Before 1996, there were various provisions scattered throughout the Charter which provided for a limited group of exempt positions (e.g., members of boards and commissions, commission secretaries). In 1995, the voters approved Proposition E, which served to reorganize and significantly revise a number of Charter provisions (including those applicable to the merit system and exempt appointments), thereby establishing the City's current Charter (also referred to as the "new Charter" or the "1996 Charter"). (See Attachment C for an excerpt of Proposition E.)

Under Proposition E, the list of exempt positions authorized under the old Charter was carried forward and expanded to include new categories of exemptions (e.g., supervisory and policy positions in the Mayor's Office and Office of the City Administrator), though some subject to a cap. [New] Charter Section 10.104 lists the 19 categories of exempt appointments authorized under Proposition E, organized into three groupings:

- Group I (Categories 1 through 12) is comprised of a variety of positions both new and

continued from the old Charter. These positions include supervisory and policy positions in the Mayor's Office, elected officials, department heads, deputy directors, executive assistants and confidential secretaries. This group is subject to a "cap" based on the percent of full-time exempt employees to the total number of employees that existed on July 1, 1994. Requests to create more exempt positions above that cap require Commission approval.

- Group II (Categories 13 through 15) continues the remaining exempt appointments authorized under the 1932 Charter. Included in Group II by example but not limitation are attorneys, most physicians and dentists, and the Retirement System Actuary. The Commission plays no role with respect to these appointments.
- Group III (Categories 16 through 19) includes: 1) temporary and seasonal appointments which may not exceed 1040 hours of service in a fiscal year; 2) appointments to temporarily backfill civil service employees on leave for no more than two years; 3) special projects and professional services with limited term funding which may not exceed three years; and, 4) the City's program for transition to permanent employment of severely disabled persons. All exemptions under Group III require Commission approval under the Charter.

(See Attachment D for a copy of Charter Section 10.104.)

The Commission took a number of actions in 1996 to implement these new exempt provisions. It established the cap for exempt positions under Categories 1 through 12 (Group I) at 2%, and adopted Civil Service Rule Series 014 to establish the process for requesting any exempt positions above that cap. (See Attachment E for Civil Service Rule Series 014). It adopted Civil Service Rule Series 015 to establish the process for the exempt employment and advancement to permanent civil service status of individuals who are severely disabled pursuant to Category 19 (under Group III). (See Attachment F for Civil Service Rule Series 015). Finally, it adopted procedures and guidelines for making exempt appointments under Categories 16 through 18 (under Group III), by which it delegated to the Human Resources Director the authority to approve written requests for exemptions within the Commission's established criteria (again, see Attachment A for the Commission's current guidelines and procedures on requests for exempt positions under Categories 16 through 18).

Later, in 1999, the voters passed [another] Proposition E, making significant changes to the governance and structure of the Municipal Transportation Agency ("MTA") in a new Article 8A of the Charter. Specific to personnel administration and the merit system, new Charter Section 8A.104 delegated to the Director of Transportation for all MTA "service-critical" positions, the authority, powers and duties vested in the Department of Human Resources ("DHR")/Human Resources Director under Articles X and XI of the Charter (however, the DHR/Human Resources Director retain their Charter authority, powers and duties over all other positions, including those at the MTA which are not service-critical). Further, Charter Section 8A.104(i) authorizes the Director of Transportation to create new exempt managerial classifications for MTA service-critical positions in addition to those positions exempted under

Charter Section 10.104. However, the total number of such new exempt positions may not exceed 1.5% of the MTA's total workforce, exclusive of the exempt positions provided in Section 10.104. (See Attachment G for an excerpt from Proposition E in 1999; and Attachment D for an excerpt of Charter Section 8A.104).

The Commission subsequently adopted Civil Service Rule Volume IV to recognize the Director of Transportation's authority over MTA service-critical positions, and specifically added Rule 414.37.7 to reflect the new categorical exemption created under Charter Section 8A.104(i). (Again, see Attachment E for Civil Service Rule Series 014.)

III. Review of Proposed Revisions

Although the Commission amended its Civil Service Rules following the passage of Proposition E in November 1999, it has not likewise updated its policy on exempt appointments to reflect the Director of Transportation's authority over MTA service-critical personnel issues or his/her discretion to designate additional MTA service-critical managerial positions as exempt. In fact, the Commission's policy has not been formally revisited since its adoption nearly 20 years ago.

Further, the Commission has received an increasing number of questions and complaints from Commission stakeholders (City departments; unions and employees alike) over the past few years regarding applicable policies and procedures for making exempt appointments. Commission staff has also discovered through its Inspection Service Program and Audit Program that there are inconsistent practices amongst the departments with respect to their exempt appointments.

The substantive policy revisions as reflected in Attachment B are intended to address recurring issues of concern and confusion; align departmental practices to ensure consistency and compliance with Commission policies; and update the Commission's policy to reflect the provisions of Proposition E in 1999 as well as other changes in the City's personnel systems and operations that have occurred since the policy's adoption in 1996. Unless otherwise noted in the document, most of the revisions are non-substantive—they are primarily a reorganization of existing text and/or are reiterative of Charter or Civil Service Rules provisions. Policy changes and substantive revisions requiring further explanation are as follows:

- As primarily indicated in Comments JJ3, JJ5, JJ7, JJ8, JJ13 and JJ15, the memorandum has been revised to reflect the changes to the MTA's governance and personnel structure under Proposition E in 1999. Specifically, to recognize the authority of the Director of Transportation over exempt MTA-service critical positions, and to include an additional exempt Category of appointments under Charter Section 8A.104(i). The memorandum also clarifies that decisions of the Director of Transportation on exempt appointments are also appealable to the Commission, and that the MTA is required to report to the Commission on exempt appointments approved under the Director of Transportation's authority.

- As indicated in Comments JJ2 and JJ4, these revisions are in response to recent inquiries from labor unions and employees regarding the applicability of merit system policies and Civil Service Rules to exempt appointees/appointments. Although exempt appointments are exempted from competitive selection, appointment and separation procedures under the Charter, exempt appointments/appointees are still subject to other merit system policies and Civil Service Rules.
- Per Comments JJ6 and JJ25, the revision is intended to clarify that Category 17 exemptions are intended to be temporary; they may not be used to permanently backfill a permanent civil service employee who went out on leave and is not expected to return.
- As noted in Comments JJ9 and JJ24, the paragraph describing Permanent Exempt ("PEX") and Temporary Exempt ("TEX") positions has been updated to reflect the difference between the two terms pursuant to the City's current practice and the Annual Salary Ordinance ("ASO"). The primary distinction between PEX and TEX appointments is whether there is an authorized position in the department under the ASO; there is no difference between the two based on their schedules. Regardless of their schedules, TEX positions do not require position authority.
- The policy currently requires that exempt appointees meet the minimum qualifications of their classification as established in the last examination announcement. The Executive Officer is recommending two substantive revisions to the policy as noted in Comment JJ17: "Exempt appointees must possess the minimum requirements for their class or position as established by the last examination announcement or class specification, whichever was issued most recently with a statement of the minimum qualifications."

Regarding the insertion of the language "or position:"

Under the Position-Based Testing ("PBT") Program, PBT examinations (as opposed to Class-Based examinations, or "CBTs") are primarily used to fill a single or a very small number of generally unique positions within a department; as such, the minimum qualifications are often tailored to each specific PBT examination. (See Attachment H for DHR's policy memorandums on PBTs.) Therefore, it would be more appropriate to require the department to apply the same minimum qualifications that were applied to that same specific position under a departmental PBT, as opposed to the generic minimum qualifications applied under a Citywide CBT. It is important to note that, in accordance with DHR's policy on PBTs, the minimum qualifications for the position must conform to the minimum qualifications established in the CBT examination announcement or class specification, whichever was most recently posted; and any deviation from the established minimum qualifications requires DHR approval. Further, PBT examination announcements are publicly posted and are subject to protest and appeal.

Regarding the insertion of the language "or class specification, whichever was issued most recently with a statement of the minimum qualifications:"

The class specification (and the minimum qualifications) may have been updated since the last administration of the examination, and therefore would be more reflective of the most

appropriate minimum qualifications for the classification or position. This is often the case when a department prepares to administer an examination after a number of years—the department will update the class specification following the job analysis process, in advance of issuing the examination announcement. Or, it could be that the City has not yet administered an examination for that classification because it is new. It is important to note that DHR policy generally requires that the minimum qualifications of an examination announcement be consistent with those stated in the class specification if the class specification was posted more recently than the last examination announcement. Further, amendments to a class specification must be publicly noticed, and are subject to protest and appeal.

- Additionally, the policy has been revised to make clear that the department is responsible for verifying and documenting that the individual meets the minimum qualifications for his or her exempt position in accordance with DHR's policies and procedures (see Attachment I), and that such documentation must be maintained in the employee's personnel file (see Comment JJ18).
- Comment JJ20 highlights another substantive change. Under the Commission's current policy, Category 17 exempt positions (i.e., non-renewable temporary appointments of no more than two years to backfill permanent civil service ("PCS") employees on leave such as pregnancy/maternity leave) are "captured" by the Department of Human Resources and converted into regular PCS positions in the event of layoffs (they are in essence considered vacant). As a result, the incumbent Category 17 exempt appointee is displaced (laid off) by an individual off of the holdover roster.¹ However, there must be yet another displacement (layoff) when the PCS employee returns from his or her leave shortly thereafter—in most instances, the holdover is displaced and returned to the holdover roster yet again.

This process is not only demoralizing and confusing to the employees/individuals impacted by the process, but it is also disruptive to departmental operations, and can negatively impact the holdover's and/or the released employee's unemployment benefits (individuals may have to reapply for their unemployment benefits after each temporary placement depending on the circumstances, there may be a delay in receiving their benefits, and the amount of their benefits could be decreased if the base period of earnings is impacted). The holdover could have also missed out on a PCS placement in a regular position that became vacant during the time that he/she was in the converted temporary position.

Further, this is the only type of exempt or temporary position captured in the event of

¹ Civil Service Rule Series 12.30 provides in relevant part, "[P]ermanent or probationary civil service appointees who are laid off are designated as 'holdovers.' The names of holdovers are ranked on a 'holdover roster' for the class from which they were laid off in the order of their Citywide seniority in the class, and are generally "returned to duty" in their rank order on the holdover roster. Holdovers have priority of placement in vacant permanent civil service positions in their class for a period of five years."

layoffs for holdover placements. Under the Commission's policy and longstanding City practice, neither Category 16 exempt positions (limited to six months in duration) nor Category 18 exempt positions (limited to three years in duration) are displaced during layoffs.² This is consistent with Charter provisions that specifically exempt such positions (including those under Category 17) from competitive civil service selection, appointment and removal procedures.

- As noted in Comment JJ21, the policy has been revised to address confusion over whether the policy precludes holdovers from applying for, and being appointed to, exempt positions. Further, a holdover's standing on the holdover roster is not impacted by his or her appointment to an exempt appointment.
- Comments JJ27 and JJ28 highlight additional substantive changes to the policy. The Charter provides that, "[E]xempt employees shall include: [...] Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular civil service procedures [...]." [Emphasis added.] In reviewing requests for Category 18 appointments, DHR will consider, but not require, a special project's limited funding (e.g., a grant or a "one-time only" appropriation for a specific or special purpose) as a factor in determining whether the appointment is appropriate under the Charter. This also makes sense in light of the fact that PEX appointments (the appointment type of most Category 18 positions) may generally only be made to positions that are authorized ("permanently funded") in the ASO.

However, the Commission's current policy requires that all Category 18 appointments be supported by limited term funding—both those for special projects and for professional services. Therefore, the policy has been revised to require that only those appointments for professional services be supported by limited term funding.

² The Rules and the Commission's policy are actually incongruent on this point. While the policy only requires the displacement of Category 17 exempt appointments (as opposed to any of the other types of exempt appointment) in times of layoff, Civil Service Rule 12.30(6) provides that, "Permanent holdovers shall displace any temporary or part-time exempt appointee in the same class in any City and County department." However, DHR notes that this provision of the Rule has never been implemented. In fact, it would be inappropriate to do so, since TEX positions are often funded by Temporary Salaries, and one cannot make a PCS appointment against a temporarily funded position. Similarly, PEX part-time would also make no sense, as there is no difference between a PEX part-time incumbent and a PEX full-time incumbent, practically speaking.

Moreover, Section 1.1D. of the ASO authorizes the Human Resources Director to make permanent exempt appointments for a period of up to six months to "permit [the] simultaneous employment of an existing City employee who is expected to depart City employment and a person who is expected to be appointed to the permanent position previously held by the departing employee when such an appointment is necessary to ensure implementation of successful succession plans and to facilitate the transfer of mission-critical knowledge within City departments." It would be counterproductive and counterintuitive to allow displacements in exempt appointments made for succession planning purposes.

The draft policy also includes a new requirement (noted in Comment JJ28) that departmental requests for Category 18 exempt positions be specific enough and provide adequate justification so that DHR can determine whether it is appropriate.

- Finally, the policy has been revised to clarify that being on leave from a permanent civil service position does not guarantee that the department will maintain that position during the entire duration of the employee's leave (noted in Comment JJ29). This is not a substantive change and is intended to help individuals understand the status of their PCS position when they are on leave.

IV. Recommendation

Adopt the Executive Officer's report; direct the Executive Officer to post the proposed revisions to the Commission's policy (Attachment B) to meet and discuss the proposed revisions with any interested stakeholders.

V. Attachments

- Attachment A: The Civil Service Commission's Current Policy on Exempt Appointments, Issued June 5, 1996; and the Executive Officer's Reminder Memorandum, Issued May 1, 2007 (pages 9 through 22)
- Attachment B: Draft Revised Policy on Exempt Appointments (pages 23 through 32)
- Attachment C: Excerpt of Proposition E in 1995, Establishing the New/1996 City Charter (pages 33 through 38)
- Attachment D: Charter Sections 10.104 and 8A.104 (pages 39 through 44)
- Attachment E: Civil Service Rule Series 014 (pages 45 through 52)
- Attachment F: Civil Service Rule Series 015 (pages 53 through 66)
- Attachment G: Excerpt of Proposition E in 1999, Municipal Transportation Agency (pages 67 through 70)
- Attachment H: Department of Human Resources' Policies on Position-Based Tests (pages 71 through 86)
- Attachment I: Department of Human Resources' Policies on the Verification and Documentation of Qualifications (pages 87 through 98)

Attachment A



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM
MAYOR

Date: May 1, 2007

To: Department Heads
Personnel Officers
Personnel Liaisons

THOMAS T. NG
PRESIDENT

From: Kate Favetti
Executive Officer

ALICIA D. BECERRIL
VICE PRESIDENT

Subject: Civil Service Commission Policy and Procedures on
Exempt Appointments

DONALD A. CASPER
COMMISSIONER

MORGAN R. GORRONO
COMMISSIONER

The purpose of this memo is to remind all city department heads and staff of the Charter requirements and the Civil Service Commission's longstanding Rules, policies, procedures, and guidelines on exempt appointments.

YU-YEE WU
COMMISSIONER

San Francisco City Charter Section 10.104 (copy attached) requires that all permanent employees of the City and County are appointed through the civil service process by competitive examination *unless* exempted from the civil service examination and selection process in accordance with Charter provisions.

KATE FAVETTI
EXECUTIVE OFFICER

Exempt appointment is defined as an appointment to a permanent or temporary position exempt from civil service in accordance with Charter Section 10.104. Exempt employees are considered "at will" and serve at the discretion of the department head.

CATEGORIES OF EXEMPT POSITIONS

The Charter provides for 19 categories of employment excluded from civil service generally organized into three groups:

Group I, which is subject to a Charter imposed "cap" of the percent of full-time exempt employees to the total number of employees that existed on July 1, 1994, is comprised of a variety of positions including but not limited to deputies of department heads, executive assistants, confidential secretaries, legislative analysts/assistants. In accordance with the Charter, the Civil Service Commission established the "cap" at 2% and adopted Rules and policies that require requests for exempt positions over the "cap" be approved by the Civil Service Commission.

Group II continues the 1932 Charter exempt appointments. Included in Group II by example but not limitation are attorneys, most physicians and dentists, Retirement System Actuary, etc.

Group III includes temporary and seasonal appointments which do not exceed half time in a fiscal year; replacement of civil service employees on leave (limit of 2 years); special projects and professional services with limited term funding (limit of 3 years); and the City's program of employment of the severely disabled. In accordance with the Charter, the Civil Service Commission adopted Rules and policies that allow the Department of Human Resources to approve exempt positions in Group III subject to appeal to the Civil Service Commission.

CIVIL SERVICE COMMISSION REVIEW

The Civil Service Commission reviews and approves any exempt position under Charter Section 10.104-1 through 12 (Group I) over the 2% cap. The Civil Service Commission also requires the Human Resources Director to report regularly on positions under Charter Section 10.104 16 - 18 as one of the benchmarks considered in its oversight of the operation of the merit system.

Decisions by the Human Resources Director on exempt appointments may be appealed to the Civil Service Commission.

PROCEDURE

Each request for an exempt position under Charter Section 10.104 is reviewed by the Department of Human Resources staff to determine if the proposed position meets established criteria for use of exempt appointment.

There are two types of exempt appointments: Permanent exempt (PEX) and Temporary exempt (TEX). Permanent exempt appointments are generally made to positions that have regular full time or part time schedules and are part of the normal structure of a department or are permanent in nature for more than 6 months. Temporary exempt appointments are generally of short duration or irregularly scheduled, used to fill in temporarily or on an "as needed" basis.

GUIDELINES ADOPTED BY THE CIVIL SERVICE COMMISSION ON GROUP III EXEMPT APPOINTMENTS

Pursuant to its Charter authority, the Civil Service Commission on June 3, 1996, adopted guidelines and procedures to be effective on July 1, 1996 that set the standard on exempt appointments made in accordance with Charter Section 10.104 16-18 (Group III) exemptions:

A. Limited Duration Exemption (Charter Section 10.104-16)

1. Appointment shall be to either "temporary" or "seasonal" positions;
2. No person shall exceed 1040 hours of employment under limited duration exempt appointment in any fiscal year;
3. All appointees shall possess the minimum requirements for the class as established by the last examination announcement for the class;
4. The Human Resources Director shall certify that it is not practicable to fill the position or positions for which exemption is requested from a civil service eligible list;

5. A position once exempted under Charter Section 10.104-16 shall not be offered to eligibles or holdovers;
6. All appointments authorized under Charter Section 10.104-16 shall be "temporary exempt;"
7. The Human Resources Director shall report to the Civil Service Commission in writing detailing the appointments authorized under this section. The Human Resources Director submits a report on the second meeting in February and August in accordance with the Civil Service Commission's current calendar of reports. The Civil Service Commission may require additional reports as it deems appropriate.

B. Substitute Exemption (Charter Section 10.104-17)

1. An appointment proposed for exemption under Charter Section 10.104-17 shall be for a replacement or substitute for a civil service employee on an authorized leave of absence;
2. The Human Resources Director may approve an appointment in increments of up to 1040 hours (6 months); however, the appointment shall not exceed a maximum duration of 4160 hours (not to exceed 2 years by Charter requirement); or a total of four six-months increments;
3. All appointees shall possess the minimum requirements for the class as established by the last examination announcement for the class;
4. The Human Resources Director shall certify that it is not practicable to fill the position or positions for which exemption is requested from a regular civil service eligible list;
5. A permanent holdover may displace an appointee occupying a position exempted under Charter Section 10.104-17;
6. An appointment authorized under Charter Section 10.104-17 may be either "permanent exempt" or "temporary exempt;"
7. The Human Resources Director shall report to the Civil Service Commission in writing detailing the appointments authorized under this section. The Human Resources Director submits a report on the second meeting in February and August in accordance with the Civil Service Commission's current calendar of reports. The Civil Service Commission may require additional reports as it deems appropriate.

C. Special Project Exemption (Charter Section 10.104-18)

1. An appointment authorized for exemption under Charter Section 10.104-18 must be to a position created for or dedicated to a special project or for professional services not to exceed 3 years by Charter requirement;
2. Funding for appointments authorized under this section shall be for a limited term, e.g., a grant or a "one-time only" appropriation for a specific or special purpose;
3. All appointees shall possess the minimum requirements for the class as established by the last examination announcement for the class;
4. The Human Resources Director shall certify that it is not practicable to fill the position or positions for which exemption is requested from a civil service eligible list;

5. A position once exempted under Charter Section 10.104-18 shall not be offered to eligibles or holdovers;
6. Appointment authorized under Charter Section 10.104-18 may be either "permanent exempt" or "temporary exempt;"
7. The Human Resources Director shall report to the Civil Service Commission in writing detailing the appointments authorized under this section. The Human Resources Director submits a report on the second meeting in February and August in accordance with the Civil Service Commission's current calendar of reports. The Civil Service Commission may require additional reports as it deems appropriate.

LEAVE TO ACCEPT EXEMPT POSITION

Permanent civil service employees may be considered for exempt positions and may take leave of absence from their permanent civil service position to accept an exempt appointment. The employee returns to the former class and department where the employee has permanent civil service status when the exempt appointment ends.

The employee may return to a position in the class but does not have a right to a specific assignment in the department. Civil service layoff provisions apply if upon the employee's return there are no positions budgeted in the class in the department or the current incumbents in the department have higher civil service seniority ranking.

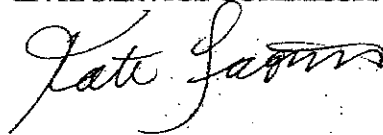
CIVIL SERVICE COMMISSION RULES

The Civil Service Commission adopted rules on Exempt Appointments on November 12, 1996. Please refer to Rule Series 014, Article VIII – Exempt Appointments in your Rulebook or on the Civil Service Commission website – www.sfgov.org/civil_service.

QUESTIONS

Questions on Civil Service Commission Rules, policies, procedures, and guidelines may be directed to Civil Service Commission staff at 252-3247.

CIVIL SERVICE COMMISSION



KATE FAVETTI
Executive Officer

Attachment

SEC. 10.104. EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT.

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority:

1. All supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator;
 2. All elected officers of the City and County and their chief deputies or chief assistants;
 3. All members of commissions, boards and advisory committees;
 4. Not more than one commission secretary for each commission or board;
 5. All heads of agencies and departments, unless otherwise provided for herein;
 6. All non-uniformed deputy heads of departments;
 7. All uniformed deputy heads of departments, police commanders and Fire Chiefs aides;
 8. Not more than one confidential secretary and executive assistant in each department and agency;
 9. The Clerk of the Board of Supervisors, legislative analyst and assistants to the members of the Board of Supervisors.
 10. All paraprofessional aides of the Unified School District and teaching instructional aides of the Community College District;
 11. Persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from the classified civil service by an order of the civil service commission;
 12. Persons employed in positions in any department for expert professional temporary services, when such positions are exempted from said classified civil service for a specified period of said temporary service by order of the civil service commission.
- The proportion of full-time employees in the above exempt categories to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1994, unless modified by Civil Service Commission rule, approved by the Board of Supervisors.
13. All attorneys, including an attorney to the Sheriff and an attorney for the Tax Collector, City Attorney's and District Attorney's investigators, hospital chief administrators, physicians and dentists serving in their professional capacity (except those physicians and dentists whose duties are significantly administrative or supervisory);
 14. The law librarian, assistant law librarians, bookbinder of the Law Library, purchaser, curators, Assistant Sheriff, Deputy Port Director, Chief of the Bureau of Maritime Affairs, Director of Administration and Finance of the Port, Port Sales Manager, Port Traffic Manager, Chief Wharfinger, Port Commercial Property Manager, Actuary of the Employee's Retirement System, Director of the Zoo, Chief Veterinarian of the Zoo, Director of the Arboretum and Botanical Garden, Director of Employee Relations, Health Service Administrator, Executive Assistant to the Human Services Director, and any other positions designated as exempt under the 1932 Charter, as amended;
 15. Positions determined by the Controller and approved annually by the Board of Supervisors to be positions where the work or services can be practically performed under private contract at a lesser cost than similar work performed by employees of the City and County, except where such work or services are required to be performed by officers or employees of the City and County under the provisions of this Charter or other applicable law.

In addition, with the approval of the Civil Service Commission, exempt employees shall include:

16. Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures;

17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular Civil Service procedures;

18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular civil service procedures; and

19. Entry level positions designated by an appointing officer with approval of the Civil Service Commission for persons who met minimum qualifications and are certified as blind or severely disabled; persons so appointed whose job performance is rated satisfactory by their appointing officer shall after one year of continuous service acquire Civil Service status.



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

MEMORANDUM
CSC No. 96-08

KAREN CLOPTON
PRESIDENT

ADRIENNE PON
VICE PRESIDENT

GEORGE KOSTUROS
COMMISSIONER

A. LEE MUNSON
COMMISSIONER

JUAN RIOS
COMMISSIONER

ALBERT C. WALKER
EXECUTIVE OFFICER

Date: June 5, 1996

To: Department Heads
Personnel Officers
Departmental Personnel Representatives

From: Albert C. Walker
Executive Officer

SUBJECT: Appointments Exempt from Civil Service Under the 1996 Charter

Section 10.104 of the 1996 Charter (Attachment A) provides that all employments in the City and County government will be filled through the civil service selection process except those that it specifically excludes from these selection procedures.

Section 10.104 contains 19 categories of exempt appointments trifurcated as follows:

- Group 1: Charter Sections 10.104-1 through 10.104-12
- Group 2: Charter Sections 10.104-13 through 10.104-15
- Group 3: Charter Sections 10.104-16 through 10.104-19

Group 1 has 12 categories of exemptions ranging from new authorizations (e.g., "all supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator") to the continuation of many of the exemptions authorized by the 1932 Charter (e.g., Commission secretaries; department heads; members of boards and commissions; et al.)

Group 2 has three categories of exemptions all continuing those allowed under the 1932 Charter (e.g., attorneys; most physicians and dentists; Retirement System actuary; Assistant Sheriff; et al.)

Group 3 relates to part-time, seasonal, temporary, substitute, and disabled exemptions and is a blend of both old and new exemptions with, in some cases, modifications to the 1932 Charter authorization.

Group 1 (Charter Sections 10.104-1 thru 10.104-12)

The Civil Service Commission has previously processed the Group 1 exceptions by taking two actions. First, the Commission adopted a proposed Rules change on May 6, 1996 which added Article VII - Exempt Appointment, to Civil Service Commission Rule 14 - Appointments. This Rules change added Section 14.45 - Exclusions from Civil Service Appointment, to the Rules which contains a comprehensive definition of exempt appointment. This Rules amendment is effective on July 1, 1996. A Rules change amendment will be issued later this month.

Second, the Commission posted a proposed amendment to Civil Service Commission Rule 14 - Appointments, Article VII - Exempt Appointment, adding new Section 14.46 - Charter Limit on Certain Categories of Exempt Appointments. This proposed amendment would implement the Charter authorization for exceeding the Charter-imposed limitation on the number of positions to be exempted in the Group 1 categories.

Page 2

The Commission ordered that this proposed amendment be forwarded to the Department of Human Resources - Employee Relations Division for circulation to employee organizations for meet and confer. Meet and confer on this proposed amendment commences on June 11, 1996. This Rules change is also subject to approval of the Board of Supervisors.

Group 2 (Charter Sections 10.104-13 thru 10.104-15)

This group of authorizations for exempt appointment requires no action by the Civil Service Commission.

Group 3 (Charter Sections 10.104-16 thru 10.104-19)

At its meeting of June 3, 1996, the Civil Service Commission considered the implementation of the four categories in the Group 3 exemptions. It was the decision of the Civil Service Commission that the Group 3 exemptions be implemented in two ways.

First, the exemptions authorized by Charter Section 10.104-19 relating to the employment of persons who are severely disabled is carried forward from existing Charter Section 8.300. This Charter section was implemented through Civil Service Commission Rule 15 - Exempt Employment of Individuals Who are Severely Disabled. As this Rule remains in effect and is operative, no further action is required by the Civil Service Commission to effect Charter Section 10.104-19. Commission staff will be reissuing certain pages of Rule 15 so that the Rule references the appropriate section of the new Charter.

Second, on June 3, 1996 the Civil Service Commission established and adopted Procedures and Guidelines to implement the three remaining categories of the Group 3 exemptions (Charter Sections 10.104-16; 10.104-17; and 10.104-18). A copy of the Procedures and Guidelines is attached (Attachment B).

The Human Resources Director may act on departmental written requests for these types of exemptions. The Procedures and Guidelines requires the Human Resources Director to issue instructions to the departments to provide for the expeditious processing of departmental requests for Group 3 exemptions. All decisions of the Human Resources Director are appealable to the Civil Service Commission. In addition, the Human Resources Director must provide the Civil Service Commission with a written monthly report on all transactions processed under the Procedures and Guidelines.

Please call me at 554-4747, if there are questions about these Procedures and Guidelines. Instructions from the Human Resources Director for requesting Group 3 exemptions will follow shortly.

CIVIL SERVICE COMMISSION



ALBERT C. WALKER
Executive Officer

Sec. 10.104. EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT.

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority:

1. All supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator;
2. All elected officers of the City and County and their chief deputies or chief assistants;
3. All members of commissions, boards and advisory committees;
4. Not more than one commission secretary for each commission or board;
5. All heads of agencies and departments, unless otherwise provided for herein;
6. All non-uniformed deputy heads of departments;
7. All uniformed deputy heads of departments, police commanders and Fire Chief's aides;
8. Not more than one confidential secretary and executive assistant in each department and agency;
9. The Clerk of the Board of Supervisors, legislative analyst and assistants to the members of the Board of Supervisors;
10. All paraprofessional aides of the Unified School District and teaching instructional aides of the Community College District;
11. Persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from the classified civil service by an order of the civil service commission;
12. Persons employed in positions in any department for expert professional temporary services, when such positions are exempted from said classified civil service for a specified period of said temporary service by order of the civil service commission.

The proportion of full-time employees in the above exempt categories to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1994, unless modified by Civil Service Commission rule, approved by the Board of Supervisors.

13. All attorneys, including an attorney to the Sheriff and an attorney for the Tax Collector, City Attorney's and District Attorney's investigators, hospital chief administrators, physicians and dentists serving in their professional capacity (except those physicians and dentists whose duties are significantly administrative or supervisory);

14. The law librarian, assistant law librarians, bookbinder of the Law Library, purchaser, curators, Assistant Sheriff, Deputy Port Director, Chief of the Bureau of Maritime Affairs, Director of Administration and Finance of the Port, Port Sales manager, Port Traffic Manager, Chief Wharfinger, Port Commercial Property Manager, Actuary of the Employee's Retirement System, Director of the Zoo, Chief Veterinarian of the Zoo, Director of the Arboretum and Botanical Garden, Director of Employee Relations, Health Service Administrator, Executive Assistant to the Human Services Director, and any other positions designated as exempt under the 1932 Charter, as amended;

15. Positions determined by the Controller and approved annually by the Board of Supervisors to be positions where the work or services can be practically performed under private contract at a lesser cost than similar work performed by employees of the City and County, except where such work or services are required to be performed by officers or employees of the City and County under the provisions of this Charter or other applicable law.

In addition, with the approval of the Civil Service Commission, exempt employees shall include:

16. Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures;

17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular civil service procedures;

18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular civil service procedures; and

19. Entry level positions designated by an appointing officer with approval of the Civil Service Commission for persons who met minimum qualifications and are certified as blind or severely disabled; persons so appointed whose job performance is rated satisfactory by their appointing officer shall after one year of continuous service acquire Civil Service status.

**Procedures and Guidelines for Making Exempt Appointments
Under Charter Sections 10.104-16; 10.104-17; and 10.104-18.**

Adopted by the Civil Service Commission on June 3, 1996; effective July 1, 1996

The Civil Service Commission authorizes the Human Resources Director to develop and promulgate departmental instructions to implement these Procedures and Guidelines. The Civil Service Commission further authorizes the Human Resources Director to review written requests from appointing officers or their designees for exemptions under Charter Sections 10.104-16; 10.104-17; and 10.104-18 subject to the following conditions and standards. The Civil Service Commission may amend these Procedures and Guidelines at any time. All decisions of the Human Resources Director made under these Procedures and Guidelines are appealable to the Civil Service Commission. The decision of the Civil Service Commission on the appeal shall be final.

A. Limited Duration Exemption (Charter Section 10.104-16)

1. Appointments shall be to either "temporary" or "seasonal" positions;
2. No person shall exceed 1040 hours of employment under limited duration exempt appointment in any fiscal year;
3. All appointees shall possess the minimum requirements for the class as established by the last examination announcement for the class;
4. The Human Resources Director shall certify that it is not practicable to fill the position or positions for which exemption is requested from a civil service eligible list;
5. A position once exempted under this section shall not be offered to eligibles or holdovers;
6. All appointments authorized under this section shall be "temporary exempt;"
7. Commencing with the Civil Service Commission meeting of August 19, 1995 for transactions processed through July 31, 1997, the Human Resources Director shall report to the Civil Service Commission in writing on a monthly basis detailing the appointments authorized under this section.

B. Substitute Exemption (Charter Section 10.104-17)

1. An appointment proposed for exemption under this section shall be for a replacement or substitute for a civil service employee on an authorized leave of absence;

2. The Human Resources Director may approve an appointment in increments of up to 1040 hours (six months); however, the appointment shall not exceed a maximum duration of 4160 hours; or a total of four six-months increments;
3. All appointees shall possess the minimum requirements for the class as established by the last examination announcement for the class;
4. The Human Resources Director shall certify that it is not practicable to fill the position or positions for which exemption is requested from a regular civil service eligible list;
5. A permanent holdover may displace an appointee occupying a position exempted under this section;
6. An appointment authorized under this section may be either "permanent exempt" or "temporary exempt;"
7. Commencing with the Civil Service Commission meeting of August 19, 1996 for transactions processed through July 31, 1997, the Human Resources Director shall report to the Civil Service Commission in writing on a monthly basis detailing the appointments authorized under this section.

C. Special Project Exemption (Charter Section 10.104-18)

1. An appointment authorized for exemption under this section must be to a position created for or dedicated to a special project or for professional services;
2. Funding for appointments authorized under this section shall be for a limited term, e.g., a grant or a "one-time only" appropriation for a specific or special purpose;
3. All appointees shall possess the minimum requirements for the class as established by the last examination announcement for the class;
4. The Human Resources Director shall certify that it is not practicable to fill the position or positions for which exemption is requested from a civil service eligible list;
5. A position once exempted under this section shall not be offered to eligibles or holdovers;
6. Appointments authorized under this section may be either "permanent exempt" or "temporary exempt;"
7. The Human Resources Director shall report to the Civil Service Commission in writing on a monthly basis detailing all appointments authorized under this section.

Attachment B

Date: ~~May 1, 2007~~ March XX, 2014

To: Department Heads
Personnel Officers Human Resources Representatives
Personnel Liaisons

From: Jennifer Johnston
Executive Officer

Subject: **Civil Service Commission Policy and Procedures on Exempt Appointments**

~~The purpose of this memo is to remind all city department heads and staff of the applicable Charter requirements and the Civil Service Commission's longstanding Rules, policies, procedures, and guidelines on exempt appointments.~~

San Francisco City Charter Section 10.104 (copy attached) requires that all permanent employees of the City and County are be appointed through the civil service process by competitive examination *unless* exempted from the civil service examination and selection process in accordance with Charter provisions.

The following states the Civil Service Commission's ("Commission") policies and procedures on exempt appointments, as updated and adopted by the Commission at its meeting of [DATE]. This memorandum shall serve to supersede all previously issued Commission policy memorandums on exempt appointments, including Memorandum CSC No. 96-08, "Appointments Exempt from Civil Service under the 1996 Charter," and the Executive Officer's subsequent May 1, 2007 policy reminder, "Civil Service Commission Policy and Procedures on Exempt Appointments."

Comment [J11]: This makes clear that this policy is intended to be the Commission's comprehensive and current statement on exempt appointments under its jurisdiction.

I. OVERVIEW ON EXEMPT APPOINTMENTS

"Exempt appointment" is defined as an appointment to a permanent or temporary position exempt from competitive civil service selection, appointment and removal procedures in accordance with the Charter Section 10.104. Exempt employees are considered "at will" and serve at the discretion of the department head. See Attachment A for applicable Charter provisions on exempt appointments under this policy.

Comment [J12]: This is language from Charter Section 10.104. See J14 note below—this language clarifies that some of the other Commission Rules and policies may still apply to exempt appointments.

Comment [J13]: There are primarily two Charter provisions that authorize exempt appointments now—10.104 and 8A.104(f).

Note that Civil Service Rules and Commission policies regarding matters other than selections, appointments and separations may still apply to exempt appointees (e.g., discrimination complaint policies and procedures, matters involving the Classification Plan, Civil Service Rules on conflicts of interest and leaves of absence, etc.).

Comment [JJ4]: This is a clarification. Some unions, employees and other stakeholders have expressed confusion on whether other merit system/Civil Service Rule provisions still apply to exempt employees.

A. Categories of Exempt Appointments

The Charter provides for ~~2019~~ categories of employment excluded from civil service, which are generally organized into ~~three~~ four groups:

Comment [JJ5]: A new category of exempt appointments was created with the enactment of Charter Section SA.104, after the Commission's policy was originally adopted in 1996.

1. Group I (Charter Sections 10.104-1 through 12), which is subject to a Charter imposed "cap" of the percent of full time exempt employees to the total number of employees that existed on July 1, 1994, is comprised of a variety of positions, including but not limited to, deputies of directors and department heads, executive assistants, confidential secretaries, and legislative analysts/assistants.

This group is subject to a Charter-imposed "cap" of the percent of full-time exempt employees to the total number of employees that existed on July 1, 1994. In accordance with the Charter, the Civil Service Commission established the "cap" at 2%. Any, and adopted Rules and policies that require requests for exempt positions over the "cap" require Commission approval as provided under be approved by the Civil Service Commission. Civil Service Rule Series 014 (see Attachment B).

2. Group II (Charter Sections 10.104-13 through 15) continues the 1932 Charter exempt appointments. Included in Group II by example but not limitation, are attorneys, most physicians and dentists, and the Retirement System Actuary, etc. The Commission plays no role with respect to these appointments.
3. Group III (Charter Sections 10.104-16 through 19) includes temporary and seasonal appointments which do not exceed half time (1040 hours of service) in a fiscal year; replacement appointments to temporarily backfill of civil service employees on leave (limit of 2 years); special projects and professional services with limited term funding (limit of 3 years); and the City's program for of employment of the severely disabled persons.

Comment [JJ6]: This is a clarification. As noted below, these appointments are intended to be temporary, not permanent replacements.

In accordance with the its Charter authority, the Civil Service Commission has adopted Rules and policies that allow the Director of Transportation (for "service critical" positions at the Municipal

Transportation Agency ("MTA") and the Department of Human Resources ("DHR") (for all other positions) to approve exempt positions in Group III, subject to appeal to the Civil Service Commission.

Comment [J7]: This includes the authority of the Director of Transportation for service-critical positions. As noted below, decisions by DHR/DoT on exempt appointments are appealable.

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

4. Group IV (Charter Section 8A.104(i)) is comprised of managerial employees in MTA service-critical positions/classifications designated by the Director of Transportation as exempt from civil service (in addition to those positions exempted in Groups I, II and III under Charter Section 10.104).

Group IV exemptions are also subject to a cap: the total number of these positions may not exceed 1.5% of the MTA's total workforce, exclusive of the exempt positions provided in Charter Section 10.104. The Charter does not allow the Director of Transportation or the Commission any discretion to approve exempt appointments over this 1.5% cap. The provisions of Charter Section 8A.104(i) are codified in Civil Service Rule 414.37.7 (see Attachment B).

Comment [J8]: Again, this is to reflect the provisions of Charter Section 8A.104(i) and Rules.

B. Two Types of Exempt Appointments

There are two types of exempt appointments: Permanent Exempt ("PEX") and Temporary Exempt ("TEX"). PEX and TEX appointments may be made to positions that have either part-time or full-time schedules. However, PEX appointments are authorized in the Annual Salary Ordinance ("ASO") and are therefore generally part of a department and more permanent in nature. TEX appointments are not authorized in the ASO and are often of shorter duration and are irregularly scheduled, to fill in temporarily or on an "as needed" basis. Any of the Charter exempt categories can be PEX or TEX, with the exception of those appointments exempted from civil service under Charter Sections 10.104-16 (also known as "As-Needed"), which are exclusively TEX appointments.

Comment [J9]: This paragraph was moved up from the section below under "Procedure," and has been updated as recommended by DHR to reflect the definition of PEX and TEX appointments under the City's current system.

II. CIVIL SERVICE COMMISSION REVIEW OF EXEMPT APPOINTMENTS

The Civil Service Commission reviews and approves any exempt position under Charter Section 10.104-1 through 12 (Group I) over the 2% cap. The Civil Service Commission also requires the Human Resources Director to report regularly on

Comment [J10]: This first sentence has been moved up to the section above on Group II appointments.

positions under Charter Section 10.104 16 – 18 as one of the benchmarks considered in its oversight of the operation of the merit system.

Comment [JJ11]: This next sentence has been moved to the section below.

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

Comment [JJ12]: This is from the 1996 policy.

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

Comment [JJ13]: This language has been moved up from below under “Civil Service Commission Review” and “Procedure,” and revised to reflect the autonomy of the Director of Transportation over MTA service-critical classes/positions pursuant to Charter Section 8A.104.

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

As noted below, the Commission requires the Human Resources Director and Director of Transportation to report regularly on positions under Charter Section 10.104-16 through 18 as one of the benchmarks considered in its oversight of the operation of the merit system. The MTA is also required to report to the Commission on its exempt and non-exempt classifications under Charter Section 8A.104 each year so that the Commission can ensure compliance with the Charter.

Comment [JJ14]: This is moved up from the section below “Civil Service Commission Review”

Comment [JJ15]: This makes clear that a decision by the Director of Transportation is also appealable and that the MTA has a reporting requirement under the Charter as well.

— PROCEDURE

Each request for an exempt position under Charter Section 10.104 is reviewed by the Department of Human Resources staff to determine if the proposed position meets established criteria for use of exempt appointment.

There are two types of exempt appointments: Permanent exempt (PEX) and Temporary exempt (TEX). Permanent exempt appointments are generally made to positions that have regular full time or part time schedules and are part of the normal structure of a department or are permanent in nature for more than 6 months. Temporary exempt appointments are generally of short duration or irregularly scheduled, used to fill in temporarily or on an “as needed” basis.

III. GUIDELINES ADOPTED BY THE CIVIL SERVICE COMMISSION ON GROUP III EXEMPT APPOINTMENTS

Pursuant to its Charter authority, the Civil Service Commission on June 3, 1996, adopted guidelines and procedures to be effective on July 1, 1996 that has

established the following set the standards on for exempting eExempt appointments from civil service undermade in accordance with Charter Section 10.104-16 through 18.:

A. The Human Resources Director (or the Director of Transportation, for MTA "service critical" positions) must certify that it is not practicable to fill the position or positions for which exemption is requested from a civil service eligible list.

Comment [JJ16]: This was moved up from under each of the three sections below.

B. Exempt appointees must possess the minimum requirements for their class or position as established by the last examination announcement or class specification, whichever was issued most recently with a statement of the minimum qualifications. The department must verify and document that the individual meets the minimum qualifications for his or her exempt position in accordance with the Department of Human Resources' policies and procedures, and such documentation must be maintained in the employee's personnel file in accordance with the Commission's "Citywide Employee Personnel Records Guidelines (available on the Commission's website at www.sfgov.org/Civil Service)."

Comment [JJ17]: This was moved up from under each of the three sections below. There are two substantive changes: "minimum qualifications for their class OR POSITION as established by the last examination announcement OR CLASS SPECIFICATION, WHICHEVER WAS ISSUED MOST RECENTLY WITH A STATEMENT OF THE MINIMUM QUALIFICATIONS."

Comment [JJ18]: This is new language.

C. A position once exempted under Charter Section 10.104-16 through 18 shall not be offered to eligibles or holdovers. However, this shall not preclude eligibles or holdovers from applying for exempt positions.

Comment [JJ19]: This was moved up from under each of the three sections below.

D. The Human Resources Director and Director of Transportation shall report to the Commission in writing detailing the appointments authorized under this section. The Human Resources Director and Director of Transportation are required to submit such reports at the first meetings in February and August in accordance with the Civil Service Commission's current calendar of reports. The Civil Service Commission may require additional reports as it deems appropriate.

Comment [JJ20]: This is a change in the current policy, which provides that, "A permanent holdover may displace an appointee occupying a position exempted under Charter Section 10.104-17." As noted below, Category 17 exemptions are temporary (limited to two years). DHR is recommending to delete this provision since it causes unnecessary disruption when the person on leave returns and bumps the person who just bumped the replacement.

Comment [JJ21]: This is new to clarify to correct existing misinterpretations of the policy.

E. Additional policies specific to the category of exemption:

1. Limited Duration Temporary and Seasonal Exemptions (Charter Section 10.104-16)

Comment [JJ22]: This was moved up from under each of the three sections below. Additionally, the language has been revised to require the reports at the first meetings in February and August instead of the second meetings, since there is only one Commission meeting in February due to the President's Day holiday each third Monday in February.

a. Temporary and seasonal appointments shall be TEX, with full-time, part-time, or as-needed schedules. Appointment shall be to either "temporary" or "seasonal" positions.

Comment [JJ23]: This is Charter language.

b. No person, regardless of work schedule, shall exceed 1040 hours of work employment under limited duration exempt appointment in any fiscal year.

Comment [JJ24]: As noted above, TEX appointments can be full-time or part-time.

All appointees shall possess the minimum requirements for the class as established by the last examination announcement for the class.

~~The Human Resources Director shall certify that it is not practicable to fill the position or positions for which exemption is requested from a civil service eligible list;~~

~~A position once exempted under Charter Section 10.104-16 shall not be offered to eligibles or holdovers;~~

~~All appointments authorized under Charter Section 10.104-16 shall be "Temporary Exempt;"~~

~~The Human Resources Director shall report to the Civil Service Commission in writing detailing the appointments authorized under this section. The Human Resources Director submits a report on the second meetings in February and August in accordance with the Civil Service Commission's current calendar of reports. The Civil Service Commission may require additional reports as it deems appropriate.~~

2. *Temporary Substitute/Backfill Exemption (Charter Section 10.104-17)*

- a. ~~An appointment proposed for exemption under Charter Section 10.104-17 shall be for a temporary replacement or substitute or backfill for a civil service employee on an authorized leave of absence (e.g., an employee on pregnancy or other medical leave, etc.; it would not be appropriate to use this designation to substitute an employee who is no longer a City employee);~~

Comment [JJ25]: These edits are to make clear that this is intended to be temporary to substitute or backfill for a civil service employee on leave.

- b. ~~The Human Resources Director may approve an appointment in increments of up to 1040 hours (six months); however, the appointment shall not exceed a maximum duration of 4160 hours (not to exceed two years by Charter requirement); or a total of four six-months increments).~~

~~All appointees shall possess the minimum requirements for the class as established by the last examination announcement for the class;~~
~~The Human Resources Director shall certify that it is not practicable to fill the position or positions for which exemption is requested from a regular civil service eligible list;~~

~~A permanent holdover may displace an appointee occupying a position exempted under Charter Section 10.104-17;~~

~~An appointment authorized under Charter Section 10.104-17 may be either "permanent exempt" or "temporary exempt;"~~

~~The Human Resources Director shall report to the Civil Service Commission in writing detailing the appointments authorized under this section. The Human Resources Director submits a report on the second meeting in February and August in accordance with the Civil Service Commission's current calendar of reports. The Civil Service Commission may require additional reports as it deems appropriate.~~

Comment [JJ26]: See notation JJ20 above.

3. *Special Project Exemption (Charter Section 10.104-18)*

- a. An appointment authorized for exemption under Charter Section 10.104-18 must be to a position created for or dedicated to a special project or for professional services not to exceed ~~three~~3 years by Charter requirement;
- b. Funding for appointments to perform professional services as authorized under this Charter sSection 10.104-18 shall be for a limited term (e.g., a grant or a "one-time only" appropriation for a specific or special purpose). Departmental requests for such appointments must certify that the funding is limited, identify the funding source and anticipated duration of such funding source, and adequately describe the professional services to be performed.
- c. Departmental requests for appointments to a special project as authorized under Charter Section 10.104-18 must adequately define the special project or professional service to be provided (including but not limited to a description of the project objective, scope of work, and the specific anticipated duration of the project).

Comment [JJ27]: This is a substantive change to the policy.

Comment [JJ28]: This is a substantive change in policy.

~~All appointees shall possess the minimum requirements for the class as established by the last examination announcement for the class;
The Human Resources Director shall certify that it is not practicable to fill the position or positions for which exemption is requested from a civil service eligible list;
A position once exempted under Charter Section 10.104-18 shall not be offered to eligibles or holdovers;
Appointment authorized under Charter Section 10.104-18 may be either "permanent exempt" or "temporary exempt;"
The Human Resources Director shall report to the Civil Service Commission in writing detailing the appointments authorized under this section. The Human Resources Director submits a report on the second meeting in February and August in accordance with the Civil Service Commission's current calendar of reports. The Civil Service Commission may require additional reports as it deems appropriate.~~

III. LEAVE TO ACCEPT AN EXEMPT POSITION

Permanent civil service employees may be considered for exempt positions and may take a leave of absence from their permanent civil service position to accept an exempt appointment. Such leave is subject to the approval of their appointing officer (or designee), whose decision is subject to appeal in accordance with the Civil Service Rule Series 20.

Upon conclusion of the exempt appointment or duration of the approved leave, the employee returns to the former class and department where the employee has permanent civil service status when the exempt appointment ends. Although the

employee may return to a position in the class, ~~he or she but~~ does not have a right to a specific assignment in the department.

Civil service layoff provisions apply if ~~the employee's permanent civil service position is eliminated prior to, or at the time of the employee's return from his or her leave to take an exempt appointment and upon the employee's return:~~ 1) there are no ~~remaining~~ positions budgeted in the ~~employee's~~ class in the department; or 2) ~~the~~ current incumbents in the department have higher civil service seniority ranking ~~than the employee.~~

Comment [J29]: Individuals who are on leave from their underlying PCS appointment for an exempt position may receive layoff notices while on leave if their positions are eliminated before they return.

CIVIL SERVICE COMMISSION RULES

~~The Civil Service Commission adopted rules on Exempt Appointments on November 12, 1996. Please refer to Rule Series 014, Article VIII - Exempt Appointments in your Rulebook or on the Civil Service Commission website - www.sfgov.org/civil-service.~~

QUESTIONS

Questions on Civil Service ~~Commission Rules or Commission~~ policies, procedures, and guidelines may be directed to ~~Civil Service Commission~~ staff at 252-3247.

Attachment C

New City Charter



PROPOSITION E

Shall the City adopt a new Charter?

YES
NO



Digest

by Ballot Simplification Committee

INTRODUCTION: The Charter is San Francisco's city constitution. The Charter both grants and limits the powers of City officers and departments. The Charter can only be changed by a vote of the people. The proposed new Charter carries forward many concepts and provisions from the current Charter. This digest will focus upon some significant differences between the current Charter and the proposed Charter.

THE WAY IT IS NOW: City government in San Francisco is organized into various departments like Police, Fire, Public Works, and Parks. The Mayor and the Board of Supervisors have only indirect control over the operation of these departments.

Some departments, such as Public Works and the County Clerk, are supervised by the Chief Administrative Officer (CAO). The CAO hires and fires department heads who manage the departments subject to the CAO's control. The CAO is relatively independent, because he or she is appointed for a 10-year term and can be removed only for misconduct.

Some departments, such as Police and City Planning, are run by commissions. The commissions hire and fire department heads who manage the departments subject to the commissions' control. The Mayor appoints commissioners, and the Board of Supervisors generally has no role in the process.

The Mayor proposes a City budget and submits it to the Board of Supervisors for approval. The Board of Supervisors can decrease but cannot increase individual items in the budget.

The Board of Supervisors may not make suggestions or interfere with the administration of City departments.

THE PROPOSAL: The Mayor and the Board of Supervisors would have greater authority over how most City departments are run. The Commissioners and the Administrator would have less independence.

The Mayor would have more authority over the departments that are now under the Chief Administrative Officer. This is because the Chief Administrative Officer would be replaced by a City Administrator who would be appointed for a shorter term and could be removed from office by the Mayor with approval of the Board of Supervisors. Several City departments, such as Real Estate and Purchasing, would be consolidated under the City Administrator. The City Administrator would also be responsible for providing administrative services

to City government as a whole.

The Mayor would also have more authority over departments that are now under City boards and commissions. The Mayor would appoint the department head, and the department head, instead of the commission, would run the department. The Mayor could transfer functions and duties between departments, unless the Board of Supervisors disapproved or the transfers conflicted with the Charter.

The Board would have the power to increase, as well as decrease, spending on particular items in the budget, but the total budget could not be higher than the amount originally proposed by the Mayor.

The Board of Supervisors would also gain a greater voice in the administration of City business. The Board could now adopt legislation directing department operations except for personnel and contract matters. The Board could, by two-thirds vote, reject commission appointments made by the Mayor. The Board would also have approval power over changes to the City's general plan (master plan).

Many provisions of the current Charter, such as the City's pension plans, would be moved to appendices. Those provisions would still be part of the Charter and could be changed only by a vote of the people.

Some procedural and technical provisions of the current Charter, such as purchasing and contract procedures, would be changed into ordinances and placed in the Administrative Code. Those provisions could be changed by the Board of Supervisors.

Any Charter Amendment passed in this election would be included in this Charter.

A "YES" VOTE MEANS: If you vote yes, you want to adopt this new Charter for the City and County of San Francisco.

A "NO" VOTE MEANS: If you vote no, you do not want to adopt this new Charter.

IMPORTANT NOTE: This is only a brief overview of a lengthy and detailed document. The Ballot Simplification Committee strongly urges you, the voter, to learn more about this proposed Charter by reading the Charter text in your voter pamphlet.

Controller's Statement on "E"

City Controller Edward Harrington has issued the following statement on the fiscal impact of Proposition E:

Should the proposed new charter be adopted, in my opinion, it could have an effect on the cost of government. The extent to which savings are achieved or additional costs are incurred will depend on future actions by the Mayor and the Board of Supervisors in implementing various new and revised charter provisions which allow for more direct control over City operations and budgets. The new charter provides the ability to consolidate functions, including administrative services, which could achieve savings in amounts presently indeterminable.

How Supervisors Voted on "E"

On July 24, 1995 the Board of Supervisors voted 9-1 to place Proposition E on the ballot.

The Supervisors voted as follows:

YES: Supervisors Alioto, Ammiano, Hallinan, Hsieh, Kaufman, Leal, Migden, Shelley, and Teng.

NO: Supervisor Bieman.

ABSENT: Supervisor Kennedy.

A SUMMARY COMPARISON OF THE CURRENT AND PROPOSED CITY CHARTER IMMEDIATELY FOLLOWS THIS PAGE. ARGUMENTS FOR AND AGAINST THIS MEASURE BEGIN ON PAGE 64. THE FULL TEXT BEGINS ON PAGE 156.

**SUMMARY COMPARISON OF CURRENT AND PROPOSED CITY CHARTER
PREPARED BY THE OFFICE OF THE CITY ATTORNEY
PROPOSITION E**

Current

Proposed

GENERAL FORMAT

The current City Charter is over 350 pages long. The Charter itself consists of a single text. The Charter can only be amended or repealed by a vote of the people. Although there are several "appendices" to the current Charter, these are actually initiative ordinances and not Charter provisions.

The proposed Charter revision would be divided into two parts, a main text of approximately 80 pages and four appendices totalling approximately 170 pages. The contents of the appendices would still be part of the Charter. Any future changes to either the main text or the appendices would still require a vote of the people.

**ARTICLE I:
EXISTENCE AND POWERS OF THE CITY AND COUNTY**

There are no significant differences between 1932 Charter and the proposed revision with respect to these provisions.

**ARTICLE II:
LEGISLATIVE BRANCH**

The general composition, powers and organization of the Board of Supervisors would remain the same. The Board's legislative procedures would also remain the same. The salary of supervisors would remain fixed in the Charter at \$23,924 per year.

Non-Interference In Administrative Affairs

The Board of Supervisors and Board members are prohibited from interfering with the day-to-day operations of City departments, including, but not limited to, personnel and contract decisions. The Board may adopt resolutions making non-binding recommendations to the departments on administrative matters.

There would be two changes to these provisions. First, individual supervisors would be allowed to testify at a public meeting of another board or commission on matters other than specific contract or personnel matters. Second, the Board could adopt legislation on matters other than specific contract or personnel matters.

Public Meetings and Records

The Charter requires the Board to hold open meetings.

The revision would still require open meetings, but would also require the Board to adopt and maintain a Sunshine Ordinance to provide public access to meetings, documents, and records.

**ARTICLE III:
EXECUTIVE BRANCH — OFFICE OF THE MAYOR**

The general powers, functions and duties of the Mayor would remain the same, with the following changes:

Rates and Fees

Many departmental rates and fees are set exclusively by the governing board or commission.

Most Boards and commissions would recommend rates and fees to the Mayor. The Mayor could change these rates and fees before submitting them to the Board of Supervisors for adoption. Port and Airport fees would be set by the commissions. Garbage rates would continue to be set pursuant to initiative ordinance.

Mayor's Budget Authority

Commissions and departments prepare their own budget requests. The Mayor consolidates those proposals and submits a proposed budget to the Board of Supervisors. Though the Mayor may cut departmental budget proposals, he or she may only increase a department's proposal with the approval of the board or commission.

Boards and commissions would continue to prepare and approve the budgets for their departments. The Mayor would then prepare the annual budget for the City as a whole, and would have the authority to add or subtract from the budget approved by a board or commission.

Commission Appointments

The Mayor generally has the exclusive power to appoint commissioners. The Board generally plays no role in this process.

The Mayor would still appoint commissioners, and those appointments would take effect immediately. But the Board would have the authority to reject those appointments by a two-thirds vote within 30 days. In making appointments, the Mayor would be required to identify the appointee's qualifications and explain how the appointee represents the community interests, neighborhoods and diverse populations of the City. Commissions must be broadly representative of the communities of interest, neighborhoods, and the diversity in ethnicity, race, age, and sexual orientation of the City and have representation of both sexes.

(Continued on next page)

SUMMARY COMPARISON OF CURRENT AND PROPOSED CITY CHARTER (Continued)

Current

Proposed

ARTICLE IX: FINANCIAL PROVISIONS (continued)

A two-thirds vote of the Board of Supervisors is required to approve a budget or appropriation for a public utility whose expenditures will exceed its revenues for the year.

The proposed revision would not make any substantive changes related to bonded indebtedness, although there would be some streamlining to make the provisions shorter and simpler. The revision would leave intact provisions related to the mission-driven budget.

The requirement for Board approval of contracts for over 10 years or \$1 million would also be retained.

The Board of Supervisors would retain the authority to order an annual independent audit of the City's financial records, but the Board would also be required to create an audit committee of the Board to work with the auditors.

The revision would not require this supermajority vote of the Board on a budget or appropriation for a deficit utility.

ARTICLE X: PERSONNEL ADMINISTRATION

A recent charter amendment created a Department of Human Resources, headed by a Director of Human Resources, who is appointed by the Mayor. The Civil Service Commission now serves as an appellate body and no longer manages the Department of Human Resources.

Positions in all offices and departments in the City must be filled from lists of eligibles assembled by the Civil Service Commission, except where the position is made exempt from the merit selection process.

The proposed revision would not alter the basic structure or powers of the Department of Human Resources under the Director of Human Resources.

The revision would provide for some additional civil service exempt positions. New exemptions would include: (1) supervisory and policy level personnel in the Mayor's Office, (2) chief deputies for all elected officials, (3) a commission secretary for each commission, (4) all heads of agencies and departments unless otherwise provided, (5) all uniformed and non-uniformed deputy heads of departments, and (6) police commanders and Fire Chief's aides. The ratio of exempt employees in these categories to the total number of non-exempt City employees could not exceed the ratio that existed on July 1, 1994. Current exemptions from civil service would be carried forward. No limit would apply to these positions.

The City makes "provisional" appointments to civil service positions where the City has not given an exam or prepared a list.

Provisional appointments would be limited to three years. Unless the Board of Supervisors extended their appointments, all current provisional employees would be terminated three years after the new Charter took effect. Provisional employees would be eligible for extra credits on civil service exams for permanent positions.

ARTICLE XI: EMPLOYEE RELATIONS

ARTICLE XII: EMPLOYEE RETIREMENT AND HEALTH SERVICE SYSTEM.

The Charter establishes various rules and procedures for collective bargaining with City employee organizations, and contains rules for setting wages where collective bargaining does not apply. The Charter also establishes various health and retirement benefits for City employees. The proposed revision would make no significant changes in these areas. However, many specific provisions would be moved to Appendix A of the proposed revision. As part of the Appendix, these provisions would still have the force and effect of charter law, and could only be changed by charter amendment.

ARTICLE XIII: ELECTIONS

Elections are conducted by the Registrar of Voters, who is appointed by the CAO. The Registrar exercises exclusive control over election-related matters. The Registrar can be removed by the CAO only for cause.

A Director of the Department of Elections would be appointed by the City Administrator. The Director could only be removed for cause, subject to appeal to the Civil Service Commission. The Director would retain exclusive control over election-related matters.

(Continued on next page)

Attachment D

Attachment D – Charter Sections 10.104 and A8.104

Charter Section 10.104, EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority:

1. All supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator;
2. All elected officers of the City and County and their chief deputies or chief assistants;
3. All members of commissions, boards and advisory committees;
4. Not more than one commission secretary for each commission or board;
5. All heads of agencies and departments, unless otherwise provided for herein;
6. All non-uniformed deputy heads of departments;
7. All uniformed deputy heads of departments, police commanders and Fire Chiefs aides;
8. Not more than one confidential secretary and executive assistant in each department and agency;
9. The Clerk of the Board of Supervisors, legislative analyst and assistants to the members of the Board of Supervisors.
10. All paraprofessional aides of the Unified School District and teaching instructional aides of the Community College District;
11. Persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from the classified civil service by an order of the civil service commission;
12. Persons employed in positions in any department for expert professional temporary services, when such positions are exempted from said classified civil service for a specified period of said temporary service by order of the civil service commission.

The proportion of full-time employees in the above exempt categories to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1994, unless modified by Civil Service Commission rule, approved by the Board of Supervisors.

13. All attorneys, including an attorney to the Sheriff and an attorney for the Tax Collector, City Attorney's and District Attorney's investigators, hospital chief administrators, physicians and dentists serving in their professional capacity (except those physicians and dentists whose duties are significantly administrative or supervisory);
14. The law librarian, assistant law librarians, bookbinder of the Law Library, purchaser, curators, Assistant Sheriff, Deputy Port Director, Chief of the Bureau of Maritime Affairs, Director of Administration and Finance of the Port, Port Sales Manager, Port Traffic Manager, Chief Wharfinger, Port Commercial Property Manager, Actuary of the Employee's Retirement System, Director of the Zoo, Chief Veterinarian of the Zoo, Director of the

Arboretum and Botanical Garden, Director of Employee Relations, Health Service Administrator, Executive Assistant to the Human Services Director, and any other positions designated as exempt under the 1932 Charter, as amended;

15. Positions determined by the Controller and approved annually by the Board of Supervisors to be positions where the work or services can be practically performed under private contract at a lesser cost than similar work performed by employees of the City and County, except where such work or services are required to be performed by officers or employees of the City and County under the provisions of this Charter or other applicable law.

In addition, with the approval of the Civil Service Commission, exempt employees shall include:

16. Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures;
17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular Civil Service procedures;
18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular civil service procedures; and
19. Entry level positions designated by an appointing officer with approval of the Civil Service Commission for persons who met minimum qualifications and are certified as blind or severely disabled; persons so appointed whose job performance is rated satisfactory by their appointing officer shall after one year of continuous service acquire Civil Service status.

CHARTER SECTION 8A.104, PERSONNEL AND MERIT SYSTEM.

[...]

(b) Except as otherwise provided in this Section, the Agency shall be governed by the rules of the civil service system administered by the City and appeals provided in civil service rules shall be heard by the City's Civil Service Commission. [...]

(h) The Agency may create new classifications of Agency employees. Such classifications shall be subject to the civil service provisions of the Charter unless exempted pursuant to Section 10.104, or subsection (i).

(i) The Agency may create new classifications and positions in those classifications exempt from the civil service system for managerial employees in MTA bargaining units M and EM in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt managerial positions within the Agency shall not exceed 2.75 percent of the Agency's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent civil service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the Director of Transportation. Such exempt management employees, to the extent they request placement in a bargaining unit, shall not be placed in the same bargaining units as non-exempt employees of the Agency.

(j) The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance with the provisions of subsections (h) and (i).

Attachment E

Attachment E – Civil Service Rule Series 014 on Group II and Group IV Exempt Appointments

Rule 114 – Appointments; Article VIII: Exempt Appointment

Applicability: Article VIII, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Section 114.44 Exclusions from Civil Service Appointment

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

Section 114.45 Charter Limit on Certain Categories of Exempt Appointments

114.45.1 The proportion of full-time employees in the exempt categories included under Charter Sections 10.104-1 through 10.104-12 to the total number of civil service employees of the City and County shall not be greater than the proportion existing on July 1, 1994, except as authorized in this Article. As certified by the Civil Service Commission at its meeting of November 18, 1996, the ratio on July 1, 1994 of full-time exempt employees to the total full-time City and County work force was two percent (2%).

114.45.2 In accordance with Charter Section 10.104, the Civil Service Commission may, by express approval, authorize that full-time positions conforming to the criteria established in this Section in the categories defined in Charter Sections 10.104-1 through 10.104-12 in excess of the Charter limitation be excluded from civil service selection and removal procedures and be filled through exempt appointment.

114.45.3 Requests for exemption under this section must conform to the following:

- 1) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.
- 2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.
- 3) The Human Resources Director recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.
- 4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.
- 5) The official making the request provides written justification as to the reasons the position should be exempted.

114.45.4 An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.

114.45.5 The decision of the Human Resources Director is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.

114.45.6 This section as adopted by the Civil Service Commission at its meeting of November 18, 1996 was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).

Rule 214 – Appointments; Article VI: Exempt Appointment

Applicability: Rule 214 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Section 214.23 Exclusions from Civil Service Appointment

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

Section 214.24 Charter Limit on Certain Categories of Exempt Appointments

214.24.1 The proportion of full-time employees in the exempt categories included under Charter Sections 10.104-1 through 10.104-12 to the total number of civil service employees of the City and County shall not be greater than the proportion existing on July 1, 1994, except as authorized in this Article. As certified by the Civil Service Commission at its meeting of November 18, 1996, the ratio on July 1, 1994 of full-time exempt employees to the total full-time City and County work force was two percent (2%).

214.24.2 In accordance with Charter Section 10.104, the Civil Service Commission may, by express approval, authorize that full-time positions conforming to the criteria established in this Section in the categories defined in Charter Sections 10.104-1 through 10.104-12 in excess of the Charter limitation be excluded from civil service selection and removal procedures and be filled through exempt appointment.

214.24.3 Requests for exemption under this section must conform to the following:

- 1) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.
- 2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.
- 3) The Human Resources Director recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.
- 4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.
- 5) The official making the request provides written justification as to the reasons the position should be exempted.

214.24.4 An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.

214.24.5 The decision of the Human Resources Director is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.

214.24.6 This section as adopted by the Civil Service Commission at its meeting of November 18, 1996 was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).

Rule 314 – Appointments; Article VII: Exempt Appointment

Applicability: Article VII, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Section 314.36 Exclusions from Civil Service Appointment

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

Section 314.37 Charter Limit on Certain Categories of Exempt Appointments

314.37.1 The proportion of full-time employees in the exempt categories included under Charter Sections 10.104-1 through 10.104-12 to the total number of civil service employees of the City and County shall not be greater than the proportion existing on July 1, 1994, except as authorized in this Article. As certified by the Civil Service Commission at its meeting of November 18, 1996, the ratio on July 1, 1994 of full-time exempt employees to the total full-time City and County work force was two percent (2%).

314.37.2 In accordance with Charter Section 10.104, the Civil Service Commission may, by express approval, authorize that full-time positions conforming to the criteria established in this Section in the categories defined in Charter Sections 10.104-1 through 10.104-12 in excess of the Charter limitation be excluded from civil service selection and removal procedures and be filled through exempt appointment.

314.37.3 Requests for exemption under this section must conform to the following:

- 1) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.
- 2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.
- 3) The Human Resources Director recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.
- 4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.
- 5) The official making the request provides written justification as to the reasons the position should be exempted.

314.37.4 An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.

314.37.5 The decision of the Human Resources Director is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.

314.37.6 This section as adopted by the Civil Service Commission at its meeting of November 18, 1996 was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).

Rule 414 – Appointments; Article VII: Exempt Appointment

Applicability: Article VII, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Section 414.36 Exclusions from Civil Service Appointment

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

Section 414.37 Charter Limit on Certain Categories of Exempt Appointments

414.37.1 The proportion of full-time employees in the exempt categories included under Charter Sections 10.104-1 through 10.104-12 to the total number of civil service employees of the City and County shall not be greater than the proportion existing on July 1, 1994, except as authorized in this Article. As certified by the Civil Service Commission at its meeting of November 18, 1996, the ratio on July 1, 1994 of full-time exempt employees to the total full-time City and County work force was two percent (2%).

414.37.2 In accordance with Charter Section 10.104, the Civil Service Commission may, by express approval, authorize that full-time positions conforming to the criteria established in this Section in the categories defined in Charter Sections 10.104-1 through 10.104-12 in excess of the Charter limitation be excluded from civil service selection and removal procedures and be filled through exempt appointment.
Section 414.37 Charter Limit on Certain Categories of Exempt Appointments (cont.)

414.37.3 Requests for exemption under this section must conform to the following:

- 1) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.
- 2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.
- 3) The MTA Director of Transportation/Designee recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.
- 4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.
- 5) The official making the request provides written justification as to the reasons the position should be exempted.

414.37.4 An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.

414.37.5 The decision of the MTA Director of Transportation/Designee is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.

414.37.6 This section as adopted by the Civil Service Commission at its meeting of November 18, 1996 was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).

414.37.7 Pursuant to Charter Section 8A.104:

The MTA Director of Transportation/Designee may create new classifications exempt from the Civil Service System for managerial employees in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt new positions shall not exceed 1.5 percent of the Agency's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent Civil Service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the Director of Transportation.

The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance to Charter Section 8A.104

Attachment F

Attachment F – Civil Service Rule Series 015 – Group III Exempt Appointments
under Charter Category 10.104(19)

Rule 115

Rules Related to the Employment of Persons with Disabilities

Article I: Exempt Employment of Individuals Who are Severely Disabled

Applicability: Rule 115 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Sec. 115.1 Rule Prescribed - Authority - Purpose

115.1.1 In accordance with Charter Section 10.104-19, the Civil Service Commission does prescribe and adopt this Rule which shall have the force and effect of law to implement the Charter provision and to provide an orderly and effective process for the exempt employment and advancement to permanent civil service status of individuals who are severely disabled under the terms and conditions authorized by the Charter.

115.1.2 This Rule is not intended to preclude or in any way inhibit the employment of individuals who are severely disabled through the regular examination process or from provisional appointment as provided elsewhere in these Rules.

Sec. 115.2 Designated Positions

115.2.1 An appointing officer or authorized representative may identify entry-level positions in the department for the appointment of individuals who are severely disabled and thereupon notify the Human Resources Director in writing of the positions so identified.

115.2.2 Such positions, when approved by the Human Resources Director shall be designated for the employment of individuals who are severely disabled and shall hereinafter be known as a "designated position."

115.2.3 With the approval of the Human Resources Director, the appointing officer or authorized representative may rescind such designation at any time prior to the appointment of an individual pursuant to this Rule. When a designated position becomes vacant, the appointing officer may continue or cancel such designation.

Sec. 115.3 Definition and Certification of Individuals Who are Severely Disabled

115.3.1 Persons eligible for employment in designated positions shall be subject to certification by either the State of California Department of Rehabilitation or Veterans Administration as individuals who are severely disabled in accordance with the standards and criteria established by the State of California Department of Rehabilitation for such purpose.

115.3.2 Such standards and criteria and any changes thereto used for the certification of individuals who are severely disabled to positions in the City and County service are subject to the acceptance and approval of the Human Resources Director.

115.3.3 A copy of the standards and criteria used for the certification of individuals who are severely disabled shall be available for public inspection during regular business hours in the Department of Human Resources office.

Sec. 115.4 Appraisal of Qualifications

115.4.1 All candidates for designated positions shall meet the minimum qualifications applicable to the class and shall be able to perform the essential functions of the position after reasonable accommodation is made for the disability.

115.4.2 The Human Resources Director shall establish procedures for the appraisal of the qualifications of all persons certified for employment pursuant to this Rule.

115.4.3 For the purpose of this Rule, the provisions of the last examination announcement or the class specification, whichever is more recent, shall guide the Human Resources Director in determining minimum qualifications.

115.4.4 The Human Resources Director may administer job-related tests and/or obtain such supplemental information as is deemed appropriate in order to appraise the qualifications of candidates certified for consideration under this Rule.

Sec. 115.5 Referral of the Individual Who is Severely Disabled to the Department

115.5.1 When there is a vacant requisition for a designated position, the Human Resources Director will refer to the Department for consideration those candidates who meet the specified terms and conditions.

115.5.2 The candidate and the authorized departmental representative shall each advise the Human Resources Director of their assessment of the position under consideration. The decision by the candidate to refuse the position or by the department to reject a candidate shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 10.101 and these Rules.

Sec. 115.6 Appointment and Evaluation Period

115.6.1 A candidate selected for appointment under this Rule shall be a permanent exempt appointee subject to the one-year evaluation period prescribed by Charter.

115.6.2 The provisions found elsewhere in these Rules governing the extension of the probationary period for regular civil service appointees shall be applicable to the one-year evaluation period.

115.6.3 The evaluation period is the critical phase of the selection process and shall be used as a trial period in order to determine the ability of individuals who are severely disabled to perform the assigned duties of the position to which appointed.

Sec. 115.7 Performance Appraisal During Evaluation Period

In accordance with existing procedures of the performance appraisal system, performance appraisal reports shall be written during the evaluation period by the immediate supervisor of individuals who are severely disabled according to the following schedule:

- 1) at the end of the first three (3) months;
- 2) at the end of the sixth (6th) month covering the fourth (4th) through the sixth (6th) month; and
- 3) at the end of the eleventh (11th) month covering the seventh (7th) through the eleventh (11th) month.

Sec. 115.8 Termination During Evaluation Period

115.8.1 Consistent with Charter authority governing the employment of individuals exempt from the civil service provisions thereof, during the evaluation period, individuals appointed under this Rule serve at the discretion of the appointing officer.

115.8.2 At any time during the evaluation period, the appointing officer may terminate the appointee by giving written notice to the individual and to the Human Resources Director specifying the reasons therefore. The decision of the appointing officer shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 10.101 and these Rules.

Sec. 115.9 Advancement to Permanent Civil Service Status

115.9.1 The appointing officer shall, in accordance with procedures prescribed by the Human Resources Director, notify the Human Resources Director, in writing, of the completion of the

evaluation period and shall certify satisfactory job performance during the evaluation period in order to advance the individual who is severely disabled to permanent civil service status.

115.9.2 Upon advancement to permanent civil service status, appointees shall not be required to serve a probationary period and shall acquire all the rights of a regular civil service appointee who has completed the probationary period.

Sec. 115.10 Computation of Seniority for Individuals Who are Severely Disabled

Notwithstanding any other provisions of these Rules:

- 1) Seniority for the purpose of layoff shall be calculated from the date an individual who is severely disabled began to work in an exempt status in the designated position in a class in a department.
- 2) During the evaluation period, individuals appointed pursuant to this Rule shall be compared with and ranked for retention purposes the same as probationary civil service appointees.
- 3) Seniority accrued by an individual who is severely disabled in a class and department during the evaluation period shall be carried forward upon advancement to permanent civil service status in the same class and department.
- 4) Seniority in the event of a tie shall be determined by the appointing officer, whose decision is final.

Rule 215

Rules Related To The Employment Of Persons With Disabilities

Article I: Exempt Employment Of Individuals Who Are Severely Disabled

Applicability: Rule 215 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 215.1 Rule Prescribed - Authority - Purpose

215.1.1 In accordance with Charter Section 10.104-19, the Civil Service Commission does prescribe and adopt this Rule which shall have the force and effect of law to implement the Charter provision and to provide an orderly and effective process for the exempt employment and advancement to permanent civil service status of individuals who are severely disabled under the terms and conditions authorized by the Charter.

215.1.2 This Rule is not intended to preclude or in any way inhibit the employment of individuals who are severely disabled through the regular examination process or from provisional appointment as provided elsewhere in these Rules.

Sec. 215.2 Designated Positions

215.2.1 An appointing officer or authorized representative may identify entry-level positions in the department for the appointment of individuals who are severely disabled and thereupon notify the Human Resources Director in writing of the positions so identified.

215.2.2 Such positions, when approved by the Human Resources Director shall be designated for the employment of individuals who are severely disabled and shall hereinafter be known as a "designated position."

215.2.3 With the approval of the Human Resources Director, the appointing officer or authorized representative may rescind such designation at any time prior to the appointment of an individual pursuant to this Rule. When a designated position becomes vacant, the appointing officer may continue or cancel such designation.

Sec. 215.3 Definition and Certification of Individuals Who are Severely Disabled

215.3.1 Persons eligible for employment in designated positions shall be subject to certification by either the State of California Department of Rehabilitation or Veterans Administration as individuals who are severely disabled in accordance with the standards and criteria established by the State of California Department of Rehabilitation for such purpose.

215.3.2 Such standards and criteria and any changes thereto used for the certification of individuals who are severely disabled to positions in the City and County Service are subject to the acceptance and approval of the Human Resources Director.

215.3.3 A copy of the standards and criteria used for the certification of individuals who are severely disabled shall be available for public inspection during regular business hours in the Department of Human Resources office.

Sec. 215.4 Appraisal of Qualifications

215.4.1 All candidates for designated positions shall meet the minimum qualifications applicable to the class and shall be able to perform the essential functions of the position after reasonable accommodation is made for the disability.

215.4.2 The Human Resources Director shall establish procedures for the appraisal of the qualifications of all persons certified for employment pursuant to this Rule.

215.4.3 For the purpose of this Rule, the provisions of the last examination announcement or the class specification, whichever is more recent, shall guide the Human Resources Director in determining minimum qualifications.

215.4.4. The Human Resources Director may administer job-related tests and/or obtain such supplemental information as is deemed appropriate in order to appraise the qualifications of candidates certified for consideration under this Rule.

Sec. 215.5 Referral of the Individual Who is Severely Disabled to the Department

215.5.1 When there is a vacant requisition for a designated position, the Human Resources Director will refer to the Department for consideration those candidates who meet the specified terms and conditions.

215.5.2 The candidate and the authorized departmental representative shall each advise the Human Resources Director of their assessment of the position under consideration. The decision by the candidate to refuse the position or by the department to reject a candidate shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 10.101 and these Rules.

Sec. 215.6 Appointment and Evaluation Period

215.6.1 A candidate selected for appointment under this Rule shall be a permanent exempt appointee subject to the one-year evaluation period prescribed by Charter.

215.6.2 The provisions found elsewhere in these Rules governing the extension of the probationary period for regular civil service appointees shall be applicable to the one-year evaluation period.

215.6.3 The evaluation period is the critical phase of the selection process and shall be used as a trial period in order to determine the ability of individuals who are severely disabled to perform the assigned duties of the position to which appointed.

Sec. 215.7 Performance Appraisal During Evaluation Period

In accordance with existing procedures of the performance appraisal system, performance appraisal reports shall be written during the evaluation period by the immediate supervisor of individuals who are severely disabled according to the following schedule:

- 1) at the end of the first three months;
- 2) at the end of the sixth month covering the fourth through the sixth month; and
- 3) at the end of the eleventh month covering the seventh through the eleventh month.

Sec. 215.8 Termination During Evaluation Period

215.8.1 Consistent with Charter authority governing the employment of individuals exempt from the civil service provisions thereof, during the evaluation period, individuals appointed under this Rule serve at the discretion of the appointing officer.

215.8.2 At any time during the evaluation period, the appointing officer may terminate the appointee by giving written notice to the individual and to the Human Resources Director specifying the reasons therefor. The decision of the appointing officer shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 10.101 and these Rules.

Sec. 215.9 Advancement to Permanent Civil Service Status

215.9.1 The appointing officer shall, in accordance with procedures prescribed by the Human Resources Director, notify the Human Resources Director, in writing, of the completion of the evaluation period and shall certify satisfactory job performance during the evaluation period in order to advance the individual who is severely disabled to permanent civil service status.

215.9.2 Upon advancement to permanent civil service status, appointees shall not be required to serve a probationary period and shall acquire all the rights of a regular civil service appointee who has completed the probationary period.

Sec. 215.10 Computation of Seniority for Individuals Who are Severely Disabled

Notwithstanding any other provisions of these Rules:

- 1) Seniority for the purpose of layoff shall be calculated from the date an individual who is severely disabled began to work in an exempt status in the designated position in a class in a department.
- 2) During the evaluation period, individuals appointed pursuant to this Rule shall be compared with and ranked for retention purposes the same as probationary civil service appointees.
- 3) Seniority accrued by an individual who is severely disabled in a class and department during the evaluation period shall be carried forward upon advancement to permanent civil service status in the same class and department.
- 4) Seniority in the event of a tie shall be determined by the appointing officer, whose decision is final.

Rule 315

Rules Related to the Employment of Persons with Disabilities

Article I: Exempt Employment of Individuals Who are Severely Disabled

Applicability: Rule 315 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 315.1 Rule Prescribed - Authority - Purpose

315.1.1 In accordance with Charter Section 8.300(a)(6), the Civil Service Commission does prescribe and adopt this Rule which shall have the force and effect of law to implement the Charter provision and to provide an orderly and effective process for the exempt employment and advancement to permanent civil service status of individuals who are severely disabled under the terms and conditions authorized by the Charter.

315.1.2 This Rule is not intended to preclude or in any way inhibit the employment of individuals who are severely disabled through the regular examination process or from provisional appointment as provided elsewhere in these Rules.

Sec. 315.2 Designated Positions

315.2.1 An appointing officer or authorized representative may identify entry-level positions in the department for the appointment of individuals who are severely disabled and thereupon notify the Human Resources Director in writing of the positions so identified.

315.2.2 Such positions, when approved by the Human Resources Director shall be designated for the employment of individuals who are severely disabled and shall hereinafter be known as a "designated position."

315.2.3 With the approval of the Human Resources Director, the appointing officer or authorized representative may rescind such designation at any time prior to the appointment of an individual pursuant to this Rule. When a designated position becomes vacant, the appointing officer may continue or cancel such designation.

Sec. 315.3 Definition and Certification of Individuals Who are Severely Disabled

315.3.1 Persons eligible for employment in designated positions shall be subject to certification by either the State of California Department of Rehabilitation or Veterans Administration as individuals who are severely disabled in accordance with the standards and criteria established by the State of California Department of Rehabilitation for such purpose.

315.3.2 Such standards and criteria and any changes thereto used for the certification of individuals who are severely disabled to positions in the City and County Service are subject to the acceptance and approval of the Human Resources Director.

315.3.3 A copy of the standards and criteria used for the certification of individuals who are severely disabled shall be available for public inspection during regular business hours in the Department of Human Resources office.

Sec. 315.4 Appraisal of Qualifications

315.4.1 All candidates for designated positions shall meet the minimum qualifications applicable to the class and shall be able to perform the essential functions of the position after reasonable accommodation is made for the disability.

315.4.2 The Human Resources Director shall establish procedures for the appraisal of the qualifications of all persons certified for employment pursuant to this Rule.

315.4.3 For the purpose of this Rule, the provisions of the last examination announcement or the class specification, whichever is more recent, shall guide the Human Resources Director in determining minimum qualifications.

315.4.4 The Human Resources Director may administer job-related tests and/or obtain such supplemental information as is deemed appropriate in order to appraise the qualifications of candidates certified for consideration under this Rule.

Sec. 315.5 Referral of the Individual Who is Severely Disabled to the Department

315.5.1 When there is a vacant requisition for a designated position, the Human Resources Director will refer to the Department for consideration those candidates who meet the specified terms and conditions.

315.5.2 The candidate and the authorized departmental representative shall each advise the Human Resources Director of their assessment of the position under consideration. The decision by the candidate to refuse the position or by the department to reject a candidate shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 3.661(c) and these Rules.

Sec. 315.6 Appointment and Evaluation Period

315.6.1 A candidate selected for appointment under this Rule shall be a permanent exempt appointee subject to the one-year evaluation period prescribed by Charter.

315.6.2 The provisions found elsewhere in these Rules governing the extension of the probationary period for regular civil service appointees shall be applicable to the one-year evaluation period.

315.6.3 The evaluation period is the critical phase of the selection process and shall be used as a trial period in order to determine the ability of individuals who are severely disabled to perform the assigned duties of the position to which appointed.

Sec. 315.7 Performance Appraisal During Evaluation Period

In accordance with existing procedures of the performance appraisal system, performance appraisal reports shall be written during the evaluation period by the immediate supervisor of individuals who are severely disabled according to the following schedule:

- 1) at the end of the first three (3) months;
- 2) at the end of the sixth (6th) month covering the fourth (4th) through the sixth (6th) month; and
- 3) at the end of the eleventh (11th) month covering the seventh (7th) through the eleventh (11th) month.

Sec. 315.8 Termination During Evaluation Period

315.8.1 Consistent with Charter authority governing the employment of individuals exempt from the civil service provisions thereof, during the evaluation period, individuals appointed under this Rule serve at the discretion of the appointing officer.

315.8.2 At any time during the evaluation period, the appointing officer may terminate the appointee by giving written notice to the individual and to the Human Resources Director specifying the reasons therefor. The decision of the appointing officer shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 3.661(c) and these Rules.

Sec. 315.9 Advancement to Permanent Civil Service Status

315.9.1 The appointing officer shall, in accordance with procedures prescribed by the Human Resources Director, notify the Human Resources Director, in writing, of the completion of the evaluation period and shall certify satisfactory job performance during the evaluation period in order to advance the individual who is severely disabled to permanent civil service status.

315.9.2 Upon advancement to permanent civil service status, appointees shall not be required to serve a probationary period and shall acquire all the rights of a regular civil service appointee who has completed the probationary period.

Sec. 315.10 Computation of Seniority for Individuals Who are Severely Disabled

Notwithstanding any other provisions of these Rules:

- 1) Seniority for the purpose of layoff shall be calculated from the date an individual who is severely disabled began to work in an exempt status in the designated position in a class in a department.
- 2) During the evaluation period, individuals appointed pursuant to this Rule shall be compared with and ranked for retention purposes the same as probationary civil service appointees.
- 3) Seniority accrued by an individual who is severely disabled in a class and department during the evaluation period shall be carried forward upon advancement to permanent civil service status in the same class and department.
- 4) Seniority in the event of a tie shall be determined by the appointing officer, whose decision is final.

Rule 415

Rules Related to the Employment of Persons with Disabilities

Article I: Exempt Employment of Individuals Who are Severely Disabled

Applicability: Article I, Rule 415, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Sec. 415.1 Rule Prescribed - Authority - Purpose

415.1.1 In accordance with Charter Section 10.104, the Civil Service Commission does prescribe and adopt this Rule which shall have the force and effect of law to implement the Charter provision and to provide an orderly and effective process for the exempt employment and advancement to permanent civil service status of individuals who are severely disabled under the terms and conditions authorized by the Charter.

415.1.2 This Rule is not intended to preclude or in any way inhibit the employment of individuals who are severely disabled through the regular examination process or from provisional appointment as provided elsewhere in these Rules.

Sec. 415.2 Designated Positions

415.2.1 The MTA Director of Transportation/ may identify entry-level positions in the department for the appointment of individuals who are severely disabled and thereupon notify the City's Human Resources Director in writing of the positions so identified.

415.2.2 Such positions, when approved by the City's Human Resources Director shall be designated for the employment of individuals who are severely disabled and shall hereinafter be known as a "designated position."

415.2.3 With the approval of the City's Human Resources Director, the appointing officer or authorized representative may rescind such designation at any time prior to the appointment of an individual pursuant to this Rule. When a designated position becomes vacant, the appointing officer may continue or cancel such designation.

Sec. 415.3 Definition and Certification of Individuals Who are Severely Disabled

415.3.1 Persons eligible for employment in designated positions shall be subject to certification by either the State of California Department of Rehabilitation or Veterans Administration as individuals who are severely disabled in accordance with the standards and criteria established by the State of California Department of Rehabilitation for such purpose.

415.3.2 Such standards and criteria and any changes thereto used for the certification of individuals who are severely disabled to positions in the City and County service are subject to the acceptance and approval of the City's Human Resources Director.

415.3.3 A copy of the standards and criteria used for the certification of individuals who are severely disabled shall be available for public inspection during regular business hours in the City's Department of Human Resources office.

Sec. 415.4 Appraisal of Qualifications

415.4.1 All candidates for designated positions shall meet the minimum qualifications applicable to the class and shall be able to perform the essential functions of the position after reasonable accommodation is made for the disability.

415.4.2 The City's Human Resources Director shall establish procedures for the appraisal of the qualifications of all persons certified for employment pursuant to this Rule.

415.4.3 For the purpose of this Rule, the provisions of the last examination announcement or the class specification, whichever is more recent, shall guide the City's Human Resources Director in determining minimum qualifications.

415.4.4 The City's Human Resources Director may administer job-related tests and/or obtain such supplemental information as is deemed appropriate in order to appraise the qualifications of candidates certified for consideration under this Rule.

Sec. 415.5 Referral of the Individual Who is Severely Disabled to the Department

415.5.1 When there is a vacant requisition for a designated position, the City's Human Resources Director will refer to the department for consideration those candidates who meet the specified terms and conditions.

415.5.2 The candidate and the authorized departmental representative shall each advise the City's Human Resources Director of their assessment of the position under consideration. The decision by the candidate to refuse the position or by the department to reject a candidate shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 3.661(c) and these Rules.

Sec. 415.6 Appointment and Evaluation Period

415.6.1 A candidate selected for appointment under this Rule shall be a permanent exempt appointee subject to the one-year evaluation period prescribed by Charter.

415.6.2 The provisions found elsewhere in these Rules governing the extension of the probationary period for regular civil service appointees shall be applicable to the one-year evaluation period.

415.6.3 The evaluation period is the critical phase of the selection process and shall be used as a trial period in order to determine the ability of individuals who are severely disabled to perform the assigned duties of the position to which appointed.

Sec. 415.7 Performance Appraisal During Evaluation Period

In accordance with existing procedures of the performance appraisal system, performance appraisal reports shall be written during the evaluation period by the immediate supervisor of individuals who are severely disabled according to the following schedule:

- 1) at the end of the first three (3) months;
- 2) at the end of the sixth (6th) month covering the fourth (4th) through the sixth (6th) month; and
- 3) at the end of the eleventh (11th) month covering the seventh (7th) through the eleventh (11th) month.

Sec. 415.8 Termination During Evaluation Period

415.8.1 Consistent with Charter authority governing the employment of individuals exempt from the civil service provisions thereof, during the evaluation period, individuals appointed under this Rule serve at the discretion of the appointing officer.

415.8.2 At any time during the evaluation period, the appointing officer may terminate the appointee by giving written notice to the individual and to the City's Human Resources Director specifying the reasons therefore. The decision of the appointing officer shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 3.661(c) and these Rules.

Sec. 415.9 Advancement to Permanent Civil Service Status

415.9.1 The appointing officer shall, in accordance with procedures prescribed by the City's Human Resources Director, notify the City's Human Resources Director, in writing, of the completion of the evaluation period and shall certify satisfactory job performance during the evaluation period in order to advance the individual who is severely disabled to permanent civil service status.

415.9.2 Upon advancement to permanent civil service status, appointees shall not be required to serve a probationary period and shall acquire all the rights of a regular civil service appointee who has completed the probationary period.

Sec. 415.10 Computation of Seniority for Individuals Who are Severely Disabled

Notwithstanding any other provisions of these Rules:

- 1) Seniority for the purpose of layoff shall be calculated from the date an individual who is severely disabled began to work in an exempt status in the designated position in a class in a department.
- 2) During the evaluation period, individuals appointed pursuant to this Rule shall be compared with and ranked for retention purposes the same as probationary civil service appointees.
- 3) Seniority accrued by an individual who is severely disabled in a class and department during the evaluation period shall be carried forward upon advancement to permanent civil service status in the same class and department.
- 4) Seniority in the event of a tie shall be determined by the appointing officer, whose decision is final.

Attachment G

LEGAL TEXT OF PROPOSITION E (CONTINUED)

ing classifications placed in such bargaining unit shall continue to be represented by their current employee organizations.

(h) The Agency may create new classifications of employees doing specialized work for the Agency. Such classifications shall be subject to the civil service provisions of the Charter unless exempted pursuant to Section 10.104 or subsection (i).

(i) The Agency may create new classifications and positions in those classifications exempt from the civil service system for managerial employees in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt new positions shall not exceed 1.5 percent of the Agency's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent civil service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the director of transportation. Such exempt management employees, to the extent they request placement in a bargaining unit, shall not be placed in the same bargaining units as non-exempt employees of the Agency.

(j) The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance with the provisions of subsections (h) and (i).

(k) Upon the expiration of current labor contracts, and except for retirement benefits, the wages, hours, working conditions, and benefits of the employees in classifications within the Municipal Railway designated by the Agency as "service-critical" shall be fixed by the Agency after meeting and conferring as required by the laws of the State of California and this Charter, including Sections A8.346, A8.404 and A8.409. These agreements shall utilize, and shall not alter or interfere with, the health plans established by the City's Health Service Board; provided, however, that the Agency may contribute toward defraying the cost of employees' health premiums. For any job classification that exists both as a "service-critical" classification in the Municipal Railway and elsewhere in City service, the base wage rate negotiated by the Agency for that classification shall not be less than the wage rate set in the Citywide memorandum of understanding for that classification.

(l) Notwithstanding subsection (k), the Agency may, in its sole discretion, utilize the City's collective bargaining agreements with any employee organization representing less than 10 percent of the Municipal Railway's workforce.

(m) Notwithstanding any limitations on compensation contained in Section A8.404,

and in addition to the base pay established in collective bargaining agreements, all agreements negotiated by the Agency relating to compensation for Municipal Railway managers and employees in classifications designated by the Agency as "service-critical" shall provide incentive bonuses based upon the achievement of the service standards in Section 8A.103(c) and other standards and milestones adopted pursuant to Section 8A.103. Such agreements may provide for additional incentives based on other standards established by the Agency, including incentives to improve attendance. The Agency shall also establish a program that provides incentive bonuses for all managers, including all managers exempt from the civil service system, based on the achievement of these standards and milestones.

(n) For employees whose wages, hours and terms and conditions of employment are set by the Agency pursuant to Sections A8.404 or A8.409 et seq., the Agency shall exercise all powers of the City and County, the Board of Supervisors, the Mayor, and the Director of Human Resources under those sections. For employees covered by Section A8.409 et seq., the mediation/arbitration board set forth in Section A8.409.4 shall consider the following additional factors when making a determination in any impasse proceeding involving the Agency: the interests and welfare of transit riders, residents, and other members of the public; and the Agency's ability to meet the costs of the decision of the arbitration board without materially reducing service. The Agency shall perform the functions of the Civil Service Commission with respect to certification of the average of the two highest wage schedules for transit operators in comparable jurisdictions pursuant to Section A8.404(a), and conduct any actuarial study necessary to implement Section A8.404(f).

(o) The voters find that unscheduled employee absences adversely affect customer service. Accordingly, not later than January 1, 2001, the agency shall create a comprehensive plan for the reduction of unscheduled absences. In addition, the Agency shall take all legally permitted steps to eliminate unexcused absences. The Agency shall have no authority to approve any memorandum of understanding or other binding agreement which restricts the authority of the Agency to administer appropriate discipline for unexcused absences.

(p) Before adopting any tentative agreement reached as a result of negotiations, mediation or arbitration, the Agency shall, at a duly noticed public meeting, disclose in writing the contents of such tentative agreement, a detailed analysis of the proposed agreement, a comparison of the differences between the agreement reached and the prior agreement, and an analy-

sis of all costs for each year of the term of such agreement. Such tentative agreement between the Agency and employee organization shall not be approved by the Agency until 30 days after the above disclosures have been made.

SEC. 8A.105. MUNICIPAL TRANSPORTATION FUND

(a) There is hereby established a fund to provide a predictable, stable, and adequate level of funding for the Agency, which shall be called the Municipal Transportation Fund. The fund shall be maintained separate and apart from all other City and County funds. Monies therein shall be appropriated, expended, or used by the Agency solely and exclusively for the operation including, without limitation, capital improvements, management, supervision, maintenance, extension, and day-to-day operation of 1) the Agency; 2) the Municipal Railway; 3) upon its incorporation into the Agency, the Department of Parking and Traffic; and 4) any other division of the Agency subsequently created and performing transportation-related functions. Monies in the Fund may not be used for any other purposes than those identified in this Section.

(b) Beginning with the fiscal year 2000-2001 and in each fiscal year thereafter, there is hereby set aside to the Municipal Transportation Fund the following:

1. An amount (the "Base Amount") which shall be no less than the amount of all appropriations from the General Fund, including all supplemental appropriations, for the fiscal year 1998-1999 or the fiscal year 1999-2000, whichever is higher (the "Base Year"), adjusted as provided in subsection (c), below, for (1) the Municipal Railway; and (2) all other City and County commissions, departments and agencies providing services to the Municipal Railway, including the Department of Human Resources and the Purchasing Department, for the provision of those services. The Base Amount for the Department of Parking and Traffic and the Parking Authority shall be established in the same fashion but using fiscal years 2000-2001 and 2001-2002 for the services being incorporated into the Agency.

2. Subject to the limitations and exclusions in Sections 4.113 and 16.110, the revenues of the Municipal Railway, and, upon their incorporation into the Agency, the revenues of the Department of Parking and Traffic, and the Parking Authority; and

3. All other funds received by the City and County from any source, including state and federal sources, for the support of the Municipal Railway.

(c) The Base Amount shall initially be

(Continued on next page)

Attachment H



MEMORANDUM
DHR No. 19-2006

DATE: June 29, 2006

TO: Department Heads
Departmental Personnel Representatives
Labor Organizations

FROM: Philip A. Ginsburg
Human Resources Director

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

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

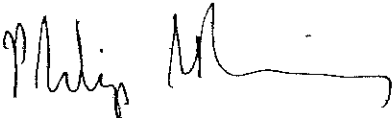
Philip A. Ginsburg
Human Resources Director

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**

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 MEA-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

<u>Job Code</u>	<u>Class Title</u>	<u>Job Code</u>	<u>Class Title</u>
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

<u>Job Code</u>	<u>Class Title</u>	<u>Job Code</u>	<u>Class Title</u>
	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	7275	

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	8247	Emergency Planning Coordinator
7361	Plasterer	8251	Fingerprint Technician III
7363	Power House Electrician	8262	Criminalist III
7368	Senior Communications Systems Technician	8263	Crime Laboratory Manager
7370	Rigger	8264	Forensic Document Examiner
7377	Stage Electrician	8287	Director of Public Safety
7378	Tile Setter	8318	Counselor II
7384	Typewriter Repairer	8324	Supervising Counselor, Juvenile Court
7387	Upholsterer	8326	Assistant Director, Log Cabin Ranch
7416	Book Repairer	8414	Supervising Probation Officer, Juvenile Court
7418	Senior Book Repairer		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

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

Attachment I

How to Verify Education Requirements

EDUCATION

Many employment positions with the City and County of San Francisco require that an applicant have achieved a certain level of formal education. High school graduation or a college degree are common requirements. Applicants may be required to submit documents to show that they have achieved either a high school diploma or a college degree. Some jobs may require additional proof of education. Review the job announcement for specific requirements.

It is the responsibility of the applicant to prove to the Department of Human Resources that the applicant meets the specific education requirements listed on the announcement for a specific examination.

Documentation for High School Diploma:

Applicants may verify completion of high school or its equivalent by presenting the Department of Human Resources with one of the following:

- A High School diploma or a transcript showing high school graduation. In place of a diploma or transcript a letter from a school official on school letterhead stationery indicating high school graduation and date is acceptable as proof of high school completion.
 - GED (General Education Development) verification; The applicant must present verification of GED final scores. Each score must be at least 35. All five scores together must average 45 or more.
- For information contact the California Department of Education GED Office at (800) 331-6316. www.cde.ca.gov/gd

CHSPE (California High School Proficiency Examination): called "Certificate of Proficiency" is legally equivalent to a high school diploma. For information contact California Proficiency Testing at (916) 525-2611. www.chspe.com

Documentation for College Degree:

A photocopy of a college transcript or diploma may be required. To be acceptable, college degrees must have been received from accredited schools or from schools that meet accreditation standards.

STATEMENT OF POLICY: ACCREDITATION OF COLLEGES AND UNIVERSITIES

For the purpose of meeting application examination requirements, the Department of Human Resources recognizes degrees from colleges and universities that are accredited by one of the following:

Western Association of Schools and Colleges
www.wasweb.org

New England Association of Schools and Colleges
www.neasc.org

Middle States Association of Colleges and Schools
www.msacha.org

North Central Association of Colleges and Schools
www.ncahigherlearningcommission.org

Northwest Association of Schools, Colleges and Universities
www.nwccu.org

Southern Association of Colleges and Schools
www.sacscoc.org

Check the above websites to confirm that your school is accredited.

In addition, for some professional employment positions a school program may be required to be recognized by a specific professional association.

Foreign and Non-Accredited Schools

Applicants who possess a degree from a college or university that is not accredited as described may avail themselves of either of two remedies:

1. Applicants may submit their education documents to any accredited American graduate school which offers advanced training in the field of study required or implied by terms of the announcement of the examination. From that accredited institution applicants must obtain a written statement that their educational background qualifies them for entrance to a program of graduate studies. Such statement should accompany the application for examination by the Department of Human Resources.

2. Alternatively, applicants may apply, for a fee, to a private education evaluation organization of recognized by the National Association of Credential Evaluation Services (NACES) for a statement of bachelor degree equivalency.

The following is a list of private organizations prepared by NACES that evaluate foreign educational credits for employment and other purposes. All charge a fee based on the extent of the education to be evaluated. The list is provided for general information and may not be all-inclusive. The CCSF Department of Human Resources does not endorse any particular service.

Center for Applied Research Evaluation & Education
P.O. Box 20348
Long Beach, CA 90801
562-430-1105
FAX: 562-430-8215

Continued on other side.

How to Verify Education Requirements

Continued from other side:

Educational Credential Evaluators, Inc.

P.O. Box 92970

Milwaukee, WI 53202-0970

414-289-3400

Fax: 414-289-3411

e-mail: eval@ecei.org

Educational Records Evaluation Services, Inc.

777 Campus Commons Road

Suite 200

Sacramento, CA 95825-8309

916-565-7475

Fax: 916-565-7476

e-mail: edu@eres.com

Evaluation Services, Inc.

P.O. Box 1456

Albany, NY 12201

518-872-4522

Fax: 518-872-4877

e-mail: esi@capitalnet

Foreign Academic Credential Services, Inc.

P.O. Box 400

Glen Carbon, IL 62034

618-288-1661

The Foreign Educational Document Service

P.O. Box 4091

Stockton, CA 95204

209-848-6589

International Education Research Foundation

P.O. Box 66940

Los Angeles, CA 90066

310-390-8276

Fax: 310-397-7686

e-mail: info@ierf.org

World Education Services, Inc.

P.O. Box 745

Old Chelsea Station

New York, NY 10113-0745

212-966-6311

Fax: 212-966-6396

e-mail: info@wes.org

VERIFYING MINIMUM QUALIFICATIONS

HR Professionals Meeting
August 19, 2009

Why verify?

- All employees (permanent civil service, exempt, provisional) must meet minimum qualifications
- Due diligence required
- Direction from Civil Service Commission

Verifying CCSF Experience

- If a candidate claims to meet minimum qualifications through CCSF experience, PeopleSoft records should be used to verify.
- New citywide queries available to search by Last Name or SSN

DEPARTMENT OF HUMAN RESOURCES
POLICY ON VERIFYING POSSESSION OF MINIMUM QUALIFICATIONS

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

HOW TO VERIFY?

We must perform due diligence by using the records we reasonably can access, when an applicant's qualifying experience was obtained through employment with the City and County of San Francisco. This verification should be performed by the Department Personnel Officer, or designee, who will check available PeopleSoft records. Employment records of applicants from other City and County departments can be verified by running a specific query in PeopleSoft. Credit for experience obtained outside of the employee's class will only be allowed if it was recorded and placed in the personnel file at the time the assignment was made.

In order to verify work experience earned outside of City and County of San Francisco employment, the hiring authority must contact the candidate's current and/or former employers to confirm dates of service, job title(s) and duties performed. A record of this contact must be made. If this verification information cannot be obtained, the hiring authority shall keep a written record of the due diligence efforts that were made.

WHEN TO VERIFY?

Qualifying experience of City and County employees should be verified prior to examination. City and County experience should be verified by the recruiting analyst at the time of application.

For applicants whose qualifying experience was gained outside the City and County of San Francisco, the hiring authority must seek verification from a candidate's current and/or former employers prior to making an employment offer. Verification may be solicited at the time of reference checks.

A hiring agency must verify a candidate's experience prior to extending an offer to appoint that candidate on a permanent, provisional or exempt basis.

In the event an eligible is found to not possess the minimum qualifications, the appointing authority may request the Human Resources Director to remove the eligible from the list, pursuant to Civil Service Rule 112.12.1.

VERIFICATION OF MINIMUM QUALIFICATIONS IN PEOPLESOFT

Overview

To aid in complying with the Civil Service Commission's directive that DHR and departmental HR units must verify city employees' minimum qualifications using PeopleSoft records prior to extending an employment offers, DHR and hiring departments shall verify information provided by the applicant regarding their qualifying education and experience. *Two queries were created to aid staff with employment verification.*

Queries for Employment Verification:

There are two queries available to do employment verifications.

1. If you know the employees Social Security Number, use SF_EMP_EXPER_EMPLID.
This is the most efficient query to use.
2. Otherwise, use SF_EMP_EXPER_BY_LAST_NAME.

Both queries return the following data:

- Employee Name
- Employee Record Number
- Effective Date
- Appointment Date
- Action
- Reason
- Job Code
- Appointment Status
- Full time/ Part Time
- List ID number
- Rank
- Job Requisition Number
- Dept Requisition Number
- Seniority Date
- Department

What does the query do?

The queries return all appointment history rows for each employee.

Point of Caution: The SF_EMP_EXPER_BY_LAST_NAME query may return more than *one* of the *employee's* appointment history rows; if there are multiple employees with the same last name.

Neither query will return history for job codes between 0900 and 0970 and 0100 and 0165. Job code 1190 is also excluded from the query.

How do you search with the last name?

You may use a partial search of the name but be sure to use a "%" sign after you enter a partial last name.

For example, "Yam%" will return all employees whose last name begins with "Yam". If you do not enter a % sign, your results will only return employees whose last name is Yam, or it will return nothing at all.

City and County of San Francisco


Gavin Newsom
Mayor



Department of Human Resources

Micki Callahan
Human Resources Director

MEMORANDUM
DHR No. 08-2010

DATE: November 16, 2010
TO: Appointing Officers
Departmental Personnel Officers
FROM: Micki Callahan 
Human Resources Director
SUBJECT: Verification of Employment History Information and Access to Employment Records in PeopleSoft

This memorandum outlines two important developments regarding access to employment information in PeopleSoft.

First, we have expanded access to PeopleSoft so that departmental human resources staff will be able to check for relevant City employment history prior to making a job offer. Former City employees may have been released for cause from a prior City job, and it is a best practice to check that information and if an offer is made, to do so knowing the candidate's City history. This is part of the larger policy recommendation to departments that was discussed at our last human resources professionals meeting. We are recommending a check of employment history, including reference checks from prior employing City departments, prior to any job offer. We also request that departments cooperate with other City departments in responding to such requests for information.

Second, in order to preserve the confidentiality of personal information in the context of this expanded PeopleSoft access, access to a current City employee's personal contact information will be restricted to authorized individuals in the employee's "home" department, and to certain limited City human resources staff. In the event a department has a need for such information, access will be granted by DHR.

The guidelines associated with these two changes are included below.

General Guidelines regarding the Verification of Employment History for Current and Past City Employees

It is the City's policy that employment verifications for all applicants be completed by departmental Human Resources professionals prior to an offer of employment with the City and County of San Francisco.

It is particularly important that departmental Human Resources professionals review and verify employment history information for current and past City employees who are under consideration for appointment to a City position (e.g., promotion, transfer, "Prop G" hire, etc.). To facilitate that review, departmental Human Resources professionals now have access to the PeopleSoft system for purposes of employment verification prior to appointment. In reviewing and verifying a current or past employee's employment history information in the PeopleSoft system, departments should make sure to review the separation type (e.g.,

negative separation, resignation with satisfactory services, etc). As indicated above, citywide access to current and past employees will be limited to employment history only; personal information (e.g., home address, date of birth, home and cell phone numbers) will not be accessible.

In addition, City departments are strongly advised to request information from other departments about a current or past City employee prior to making a final hiring decision as part of the employment history verification process. This means requesting to access or view the candidate's personnel file and asking the candidate's current or past department(s) legitimate, business-related questions about the candidate under consideration for appointment. For example, it is entirely appropriate to ask if the individual's current or past department would hire that individual again.

As the City is one employer, departments must share legitimate, business-related information about a current or past employee who is under consideration for transfer or appointment to a City position. Requests should be directed to the Human Resources professional or other designee in the department who is specifically authorized to give references.

Access to Specific Files for Purposes of Employment History Review for Current and Past City Employees under Consideration for Appointment

* Access to Personnel Files

- o Departments should allow the hiring department's human resources representative to review the individual's official personnel record (including any unsealed discipline, performance evaluations, etc.).
- o Prior to allowing the hiring department access to the individual's personnel file, the department should review the personnel file to ensure that there are no medical files, EEO-related files or other inappropriate documents included in the file.
- o While the hiring department may review the individual's personnel file, it should remain with the individual's department unless and until the individual is appointed.

* Access to Medical Files

- o Unlike personnel files, medical files should NOT be disclosed until the appointment is made.
- o Post-appointment, the department should forward the individual's medical files, including any accommodation-related information, as soon as possible once the appointment is made; and advise the hiring department of any current accommodations or restrictions (ideally prior to his or her start work date) so that the receiving department can promptly engage the individual in the ADA reasonable accommodation process if needed.

* Access to EEO Files

- o EEO complaint and investigation files should NEVER be disclosed or forwarded, regardless of whether it is pre- or post-appointment.
- o Departments should ensure that EEO complaint and investigation materials are maintained separately from the employee personnel file.

Disclosure of Merit-Based Information about a Current or Past Employee to another City Department

- Disclosure of Merit-Based Information about a Current or Past Employee
 - As indicated, the City is one employer and departments can and should share any merit-based information about a past or current employee under consideration for employment with another City department.
 - For example, a department can disclose that an employee has poor time-management skills, but not that the employee is "odd" or needs to socialize more with his or her coworkers.
- Disclosure of Information regarding Discipline
 - All unsealed discipline, whether sustained or still pending arbitration, should be disclosed.
 - The department should also disclose whether discipline is about to be imposed or if an investigation into misconduct is underway.
- Disclosure of information should be on a need-to-know basis only. Be advised that the disclosure of non-merit based information, or information to individuals who do not have a legitimate business need-to-know such information, could subject the individual and the City to potential liability. As such, we recommend that inquiries from another City department about a current or prior employee go to a representative in the department who is specifically authorized to give references (the human resources representative, the appointing officer or his/her designee).

Exception: Requests from the San Francisco Unified School District (SFUSD) and the San Francisco Community College District (SFCCD)

The the San Francisco Unified School District (SFUSD) and the San Francisco Community College District (SFCCD) participate in the City's Civil Service System but operate as separate employers. Under the single employer concept, information regarding past and current City employees does not apply to inquiries from the SFUSD and SFCCD. To that end,

- We do not recommend that a department permit SFUSD or SFCCD access to a current or past employee's personnel file prior to appointment.
- However, the department should transfer the individual's personnel file to the SFCCD or SFUSD once the individual is appointed.
- We do not advise sending the individual's medical or EEO file to the SFCCD or SFUSD at any time.

Access to PeopleSoft for Departmental Human Resources Professionals

Please contact your Client Services Representative for citywide access to the PeopleSoft system for employment verification purposes. The PeopleSoft support team will arrange for access and may require that training for system use be completed.

Should you have any questions or concerns regarding this memorandum, please contact Ted Yamasaki, Managing Deputy Director, at Ted.Yamasaki@sfgov.org or 415-557-4915.

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