



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

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Sent via Electronic Mail

March 6, 2014

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NOTICE OF CIVIL SERVICE COMMISSION MEETING

**SUBJECT: SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY'S
CONVICTION HISTORY PRESENTATION**

The above matter will be considered by the Civil Service Commission at a meeting to be held on **March 17, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Consent 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, March 12, 2014.

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

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

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

Attachment

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

THIS DOCUMENT SUPPORTS
CALENDAR ITEM 9



SFMTA
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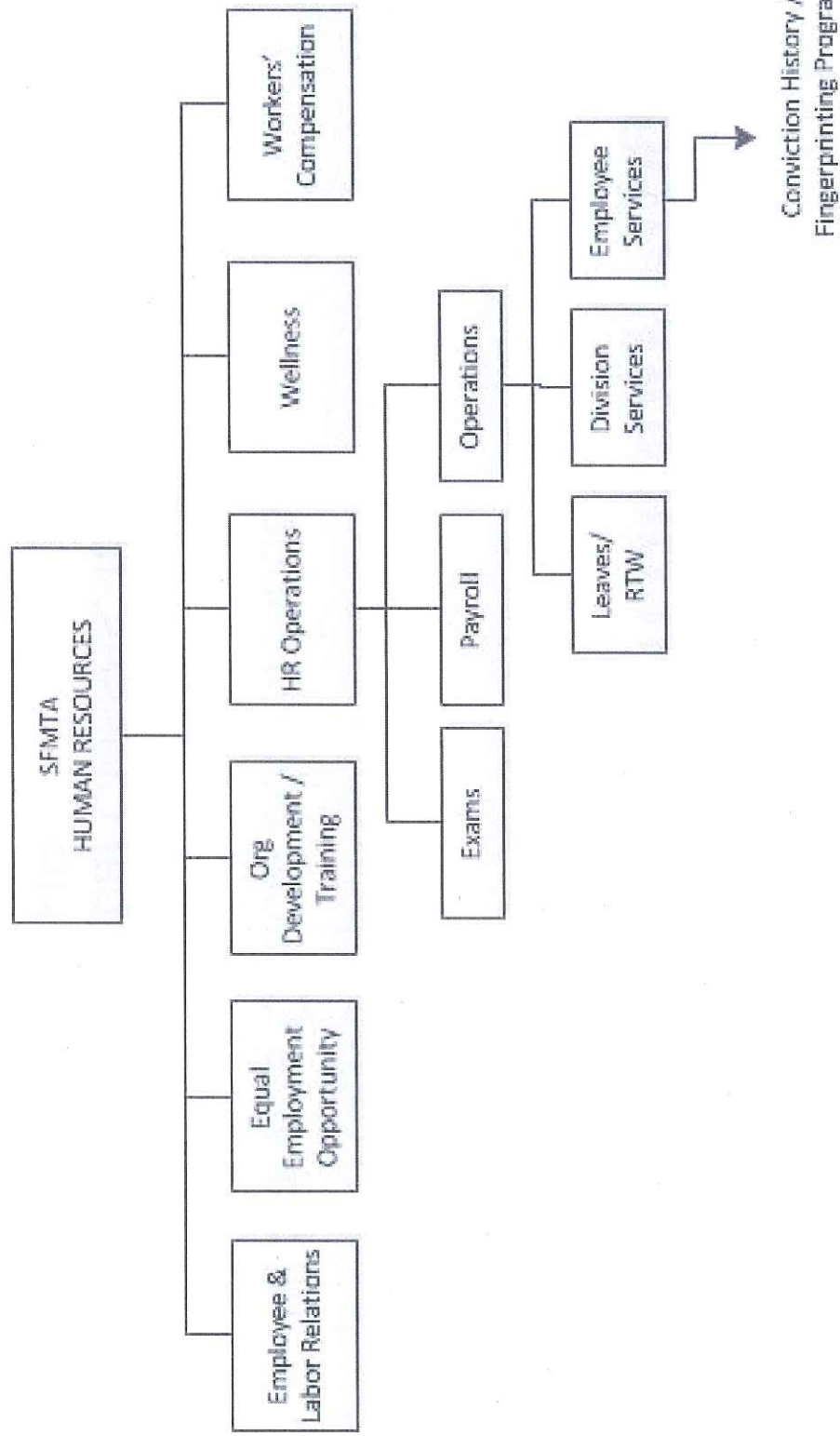
SFMTA Conviction History Program Overview

March 17, 2014

Presentation Agenda

- Overview of SFMTA's Conviction History Program
- Collaboration and Consistency with DHR's Conviction History Program
- Conviction History Statistics

Overview of SFMTA's Conviction History Program



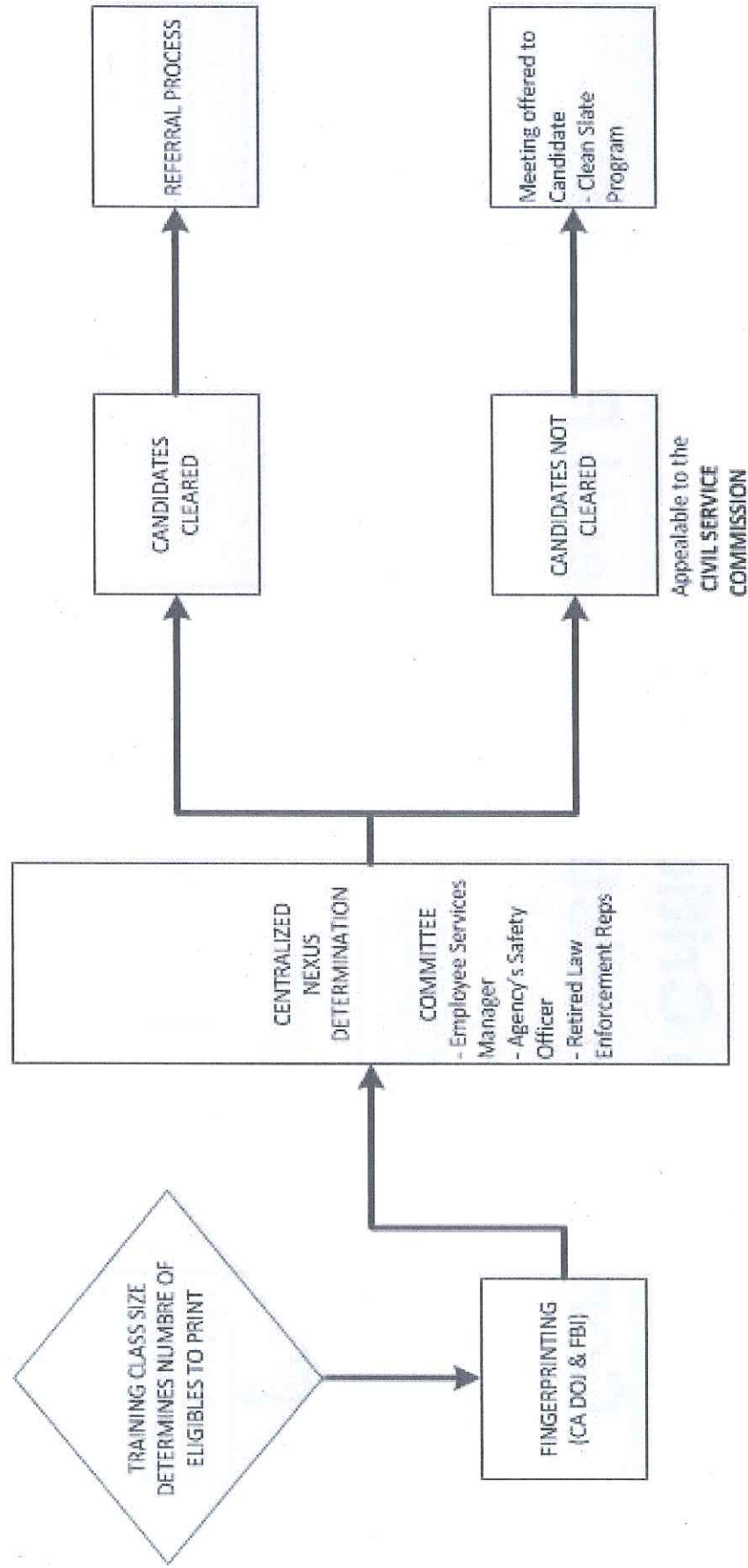
Overview of SFMTA's Conviction History Program

SFMTA fingerprints candidates for the following job classifications:

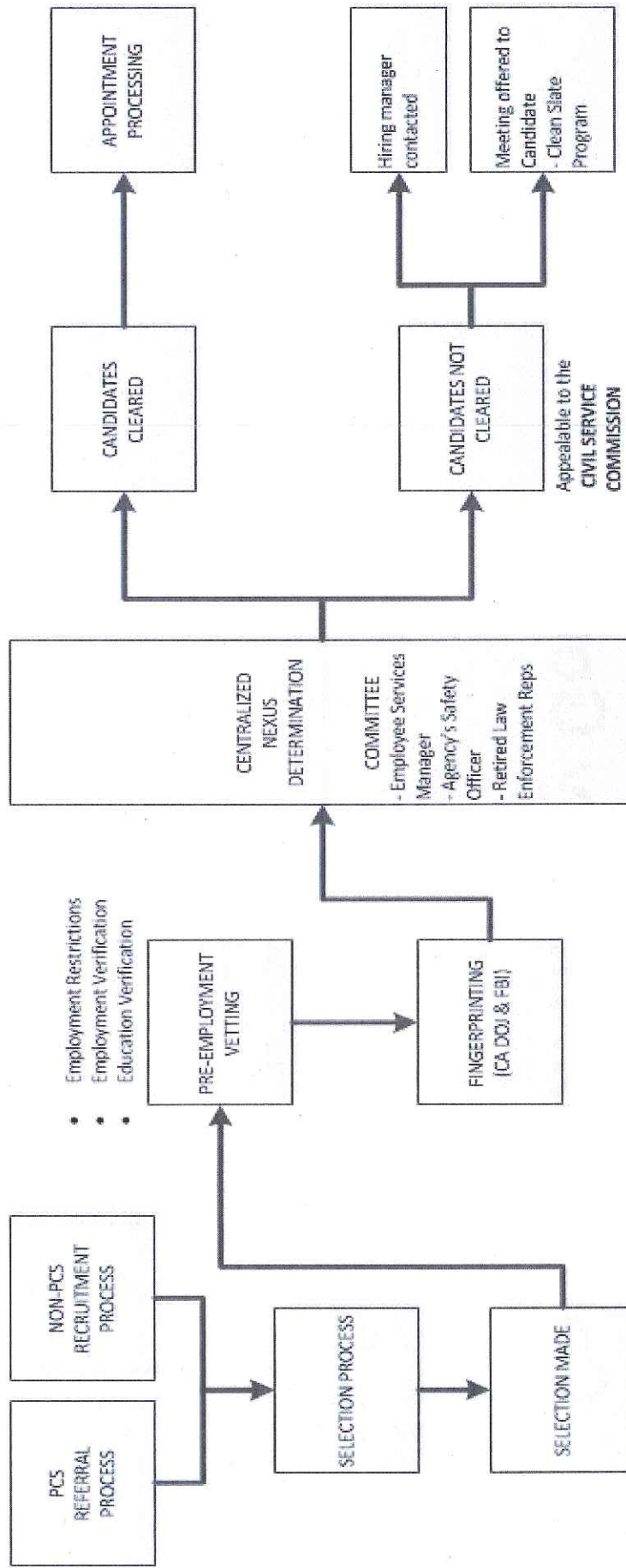
- 9163 Transit Operators
- All Service Critical Job Classes

For Non-Service Critical Classes, fingerprints are scheduled through DHR.

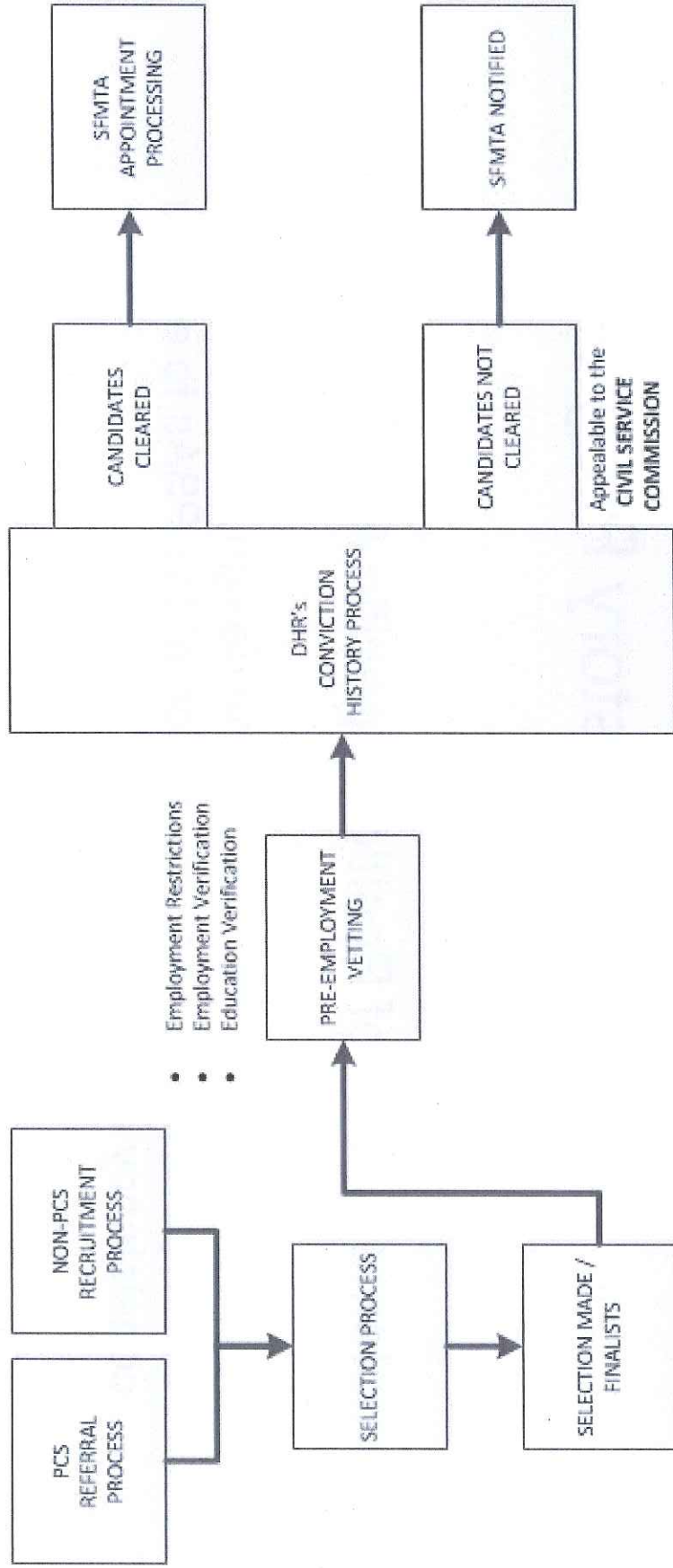
Transit Operator Conviction History General Process



Service Critical Miscellaneous Conviction History General Process



Non-Service Critical Miscellaneous Conviction History Process



Collaboration & Consistency with DHR's Conviction History Program

Implementation of Position Specific Attributes (PSAs)

- Worked with DHR staff during the design, planning, development, and implementation of the PSAs to ensure consistency of process
- Use DHR's forms to collect PSA data

Collaboration & Consistency with DHR's Conviction History Program

Consistency of Program Delivery

- Meet regularly with DHR staff to ensure SFMTA's conviction history program is consistent with City's program
 - Elimination of conviction history form
 - Use of same forms
 - Consistency in nexus determination methodology

Collaboration & Consistency with DHR's Conviction History Program

Outstanding Issues

- Development of conviction history tracking database
- FBI – Audit of SFMTA's Conviction History Program

Conviction History Statistics

Two-Year Totals - Since January 2012			
TYPE	PRINTED	NOT CLEARED	CLEAN SLATE PROGRAM
Transit Operators	1037	31	7
Miscellaneous	586	6	0

QUESTIONS?



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22MTA)

1. Civil Service Commission Register Number: _____ - _____ -
2. For Civil Service Commission Meeting of: March 17, 2014
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda X
4. Subject: 2013 Workforce Utilization Analysis Report for the
San Francisco Municipal Transportation Agency
5. Recommendation: Adopt report
6. Report prepared by: Kim L. Holman Telephone number: (415) 701-4408
7. Notifications:

Edward D. Reiskin, Director of Transportation, 1 So. Van Ness Ave, 7th Flr.
 Alicia John-Baptiste, Deputy Director, Chief of Staff, SFMTA, 1 So. Van Ness Ave, 7th Flr.
 Donald Ellison, Deputy Director, Human Resources, SFMTA, 1 So. Van Ness Ave, 6th Flr.
 Kim L. Holman, EEO Senior Specialist, EEO Programs, SFMTA, 1 So. Van Ness Ave, 3 Flr.

8. Reviewed and approved for Civil Service Commission Agenda:

Municipal Transportation Agency Director: Edward D. Reiskin

Date: February 11, 2014

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

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

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

<u>CSC RECEIPT STAMP</u>
Empty space for the receipt stamp



SFMTA
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Cheryl Brinkman, *Vice Chairman*

Jerry Lee, *Director*

Cristina Rubke, *Director*

Edward D. Reiskin, *Director of Transportation*

MEMORANDUM

DATE: February 5, 2014

TO: Jennifer Johnston
Civil Service Commission

THROUGH: Edward D. Reiskin
SFMTA Director of Transportation

FROM: Donald E. Ellison
SFMTA Director of Human Resources

SUBJECT: 2013 Equal Employment Opportunity Workforce Utilization Analysis

Pursuant to Civil Service Commission Rule 403, Equal Employment Opportunity, "it is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment...."

In keeping with this general requirement, Section 403.2, Equal Employment Opportunity Analysis, provides that, "the Department of Human Resources staff shall prepare every five years an analysis of the workforce to determine whether percentages of sex, race or ethnic groups in occupational categories are substantially similar to the percentages of those groups available in the workforce in the relevant external job market who possess the basic job-related qualifications."

Enclosed is the 2013 San Francisco Municipal Transportation Equal Employment Opportunity Workforce Utilization Analysis Report.

In summary, SFMTA's total workforce continues to be represented at substantially similar percentages as the available labor market; men and women are represented at percentages substantially similar to their labor market availability. In addition, historically underrepresented racial/ethnic groups are represented in the SFMTA workforce at percentages similar to or greater than their labor market availability. Blacks, Asians, American Indians are represented at parity or above parity with their labor market availability. Whites, Hispanics and women are below parity in a few occupational categories.

The overall findings in the 2013 Report show that the SFMTA remains in compliance with the Civil Service Commission Rule mandate to provide all persons equal employment opportunity in employment.

Attachment: 2013 Workforce Utilization Report

Recommendation: Adopt Report



SFMTA
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2013 Workforce Utilization Analysis

**EQUAL EMPLOYMENT OPPORTUNITY OFFICE
DONALD ELLISON, EEO MANAGER**

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ATTACHMENTS

- Attachment 1 2013 Utilization Tables
- Attachment 2 SFMTA EEO Policy

2013 SFMTA EQUAL EMPLOYMENT OPPORTUNITY WORKFORCE UTILIZATION ANALYSIS

I. PURPOSE

The 2013 San Francisco Municipal Transportation Agency (SFMTA) Equal Employment Opportunity (EEO) Workforce Utilization Analysis compares the race, ethnicity, and gender composition of the organization's internal workforce, to the relevant external labor market. It reports on employment in the agency as required by Civil Service Commission Rule 403, Equal Employment Opportunity Policy and Federal Equal Employment Opportunity Program Guidelines. (See Attachment 2, SFMTA EEO Policy)

II. AUTHORITY

Civil Service Commission Rule 403, Equal Employment Opportunity, Section 403.2.3, Equal Employment Opportunity Analysis, provides that "the SFMTA shall prepare and report to the Civil Service Commission every five (5) years with an analysis of the workforce to determine whether percentages of gender, race, or ethnic groups in occupational categories are substantially similar to the percentages of those groups available in the workforce in the relevant external labor market who possess the basic occupational qualifications."

In addition, the SFMTA is subject to the equal employment opportunity and affirmative action requirements of Federal Transit Administration (FTA) Circular 4704.1, EEO Program guidelines for Grant Recipients. As required by federal regulation, the development of a satisfactory EEO Plan requires the development of a workforce utilization analysis to identify problems areas of underutilization, coupled with an outline of specific, affirmative steps needed to guarantee equal employment opportunity.

III. DEFINITIONS

For the purposes of this report, the SFMTA adopts and analyzes its data using the Federal Transit Administration Equal Employment Opportunity Circular 4704.1 and the City and County of San Francisco Department of Human Resources (DHR) definitions for race/ethnicity and occupational categories.

Race/Ethnic categories:

White:	All persons having origins in any of the original peoples of Europe, North Africa or the Middle East;
Black (African American):	All persons having origins in any of the Black racial groups of Africa;
Hispanic:	All persons of Mexican, Puerto Rican, Cuban, Central or South American or Spanish culture or origin, regardless of race;
Asian/Pacific Islander:	All persons having origins in any of the original peoples of the Far East, Southeast Asia, the

Indian Subcontinent or the Pacific Islands; including all persons having origins in any of the original peoples of the Philippine Islands.

American Indian/Alaskan Native: All persons having origins in and of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Workers who self-identified as mixed heritage comprise approximately 4% of the labor force and are not represented in this report. Neither DHR nor the SFMTA maintains data on mixed heritage groups.

Occupational Categories:

Seven broad occupational categories are used by the SFMTA. They are Officials and Administrators, Professionals, Administrative Support, Protective Services, Technicians, Skilled Crafts, and Service and Maintenance. A general description of the major occupational categories used in this Workforce Utilization Analysis is as follows:

Officials and Administrators (01)

These occupations are comprised of employees who set broad policies, exercise overall responsibility for the execution of these policies, direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area wide basis. Some positions may be appointed, elected or designated exempt. Included are department heads, bureau chiefs, division chiefs, directors, deputy general managers, directors, deputy directors, controllers, examiners, wardens, superintendents, sheriffs, police and fire chiefs and inspectors and kindred workers.

Professionals (02)

These occupations require specialized and theoretical knowledge usually acquired through college training or through work experience and other training which provides comparable knowledge. Included are personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitations counselors, teachers, or instructors, police or fire captains and lieutenants and kindred workers.

Technicians (03)

These occupations require a combination of basic scientific or technical knowledge and manual skill, which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Included are computer programmers and operators, drafters, surveyors, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical, sciences), assessors, inspectors, police and fire sergeants and kindred workers.

Protective Services (04)

These occupations are comprised of employees who are fare collections investigators, animal control officers, parking control officers and kindred workers.

Administrative Support (Office/Clerical) (06)

These occupations are comprised of employees responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Included are bookkeepers, messengers, and office machine operators, clerk typists, and stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributor's payroll clerks and kindred workers.

Skilled Crafts (07)

These occupations are comprised of employees performing jobs requiring special manual skill and a thorough and comprehensive knowledge of the processes in the work. It may be acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Included are mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors, typesetters and kindred workers.

Service/Maintenance (08)

This category is comprised of employees performing duties related to upkeep and care of buildings, facilities or grounds. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operators, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and grounds keepers, refuse collectors, construction laborers, and kindred workers.

IV. SAN FRANCISCO LABOR MARKET AVAILABILITY (SFLMA)

The SFLMA is a custom tabulation based on data from the U.S. Census Bureau (source: 5-year American Community Survey 2006-2010 data released on November 29, 2012). It serves as an external benchmark for comparing the race, ethnicity, and read gender of an organization's internal workforce, to the relevant external labor market, within a specified geographic area and occupation.

For the purposes of this report, the labor market data was developed and issued by the City and County of San Francisco DHR. In that report, the SFLMA data was compiled from ACS Census statistics for the eleven (11) northern California counties, in which approximately 99% of the City's employees reside. Those eleven counties are Alameda, Contra Costa, Marin, Napa, San Francisco, San Joaquin, Santa Clara, Solano, Sonoma, San Mateo and Tuolumne.

Indicated below are DHR figures for San Francisco's General Labor Market Availability by race/ethnicity and gender based on the 2010 U.S. Census; first by chart followed by a table reflecting percentages:

Chart Reflecting San Francisco Labor Market Availability

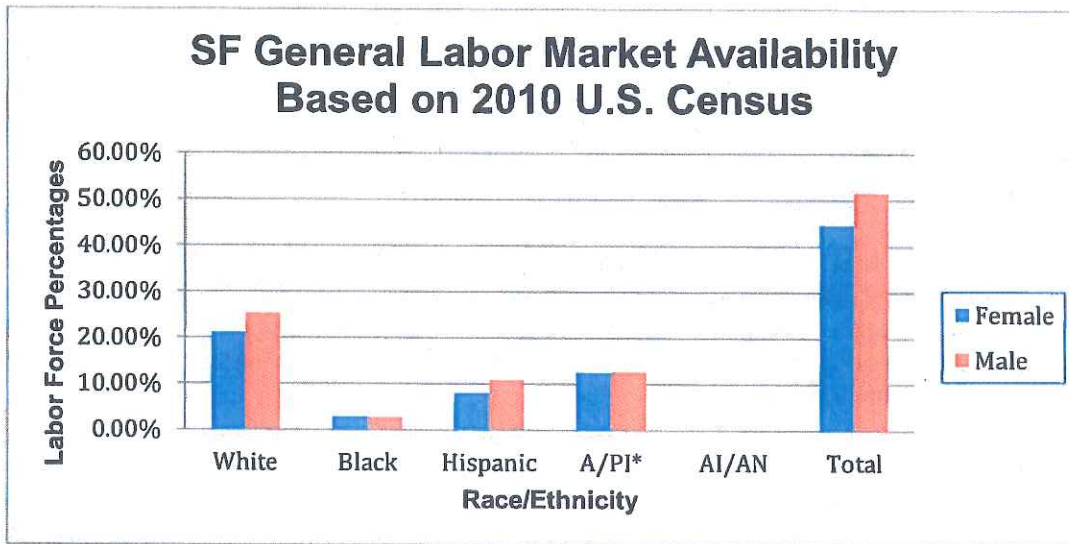


Table Reflecting San Francisco Labor Market Availability Percentages

Race/Ethnicity	Female	Male
White	21.11%	25.26%
Black	2.82%	2.74%
Hispanic	8.02%	10.86%
A/PI*	12.52%	12.60%
AI/AN	0.12%	0.13%

* Data on Filipinos present in the labor force are included as part of the Asian/Pacific Islander tabulated data.

**The data in the Special EEO Tabulation in some cases did not total 100% due to rounding.

V. UTILIZATION ANALYSIS

Utilization data

The SFMTA workforce data reflects department employments recorded in the DHR PeopleSoft Human Resources Information System as of July 31, 2013. SFMTA reported 5,045 employments. Using the broad occupational category descriptions per Section III of this report, each of the SFMTA employments are mapped according to job classification to an occupational category by race/ethnicity and gender.

Utilization Analysis

The utilization methodology can be described as a comparison of the availability in the San Francisco General Labor Market to the employment or utilization in the SFMTA workplace. Presented in percentages, the utilization rates are approximate indicators of whether a particular racial/ethnic or gender group is represented at a level similar to the group's presence in the available labor market.

In this report, utilization is measured as follows: the percentage total of a racial/ethnic and/or gender group in the SFMTA workforce, divided by the percentage total of the same or similar group in the SFLMA. A utilization rate of 100% indicates parity or that the group is represented in the SFMTA at the same percentage as is reported by the 2010 Census for the SFLMA. A utilization rate higher than 100% indicates a higher percentage representation of the group than is in the SFLMA. A rate that is lower than 100% indicates that there is an underutilization or a smaller percentage of the group in the SFMTA workforce than is in the SFLMA.

Ninety Percent Rule

Due to limitations in data, data collection and changes to workforce demographics, this report maintains that a group is substantially similar to labor market availability when the utilization rate is 90% or above, and underutilized when the rate is below 90%. This is consistent with the practice of the DHR.

A. WORKFORCE STATISTICS

Overall, as of July 31, 2013 SFMTA employs 5,045 employees. Reportable workforce data includes appointed officials, but excludes contractors and consultants. Current SFMTA statistics on the general labor force percentages by gender and ethnicity compared to the labor force statistics for the SFLMA are as follows:

Chart reflecting SFMTA Workforce compared to SF Labor market Availability

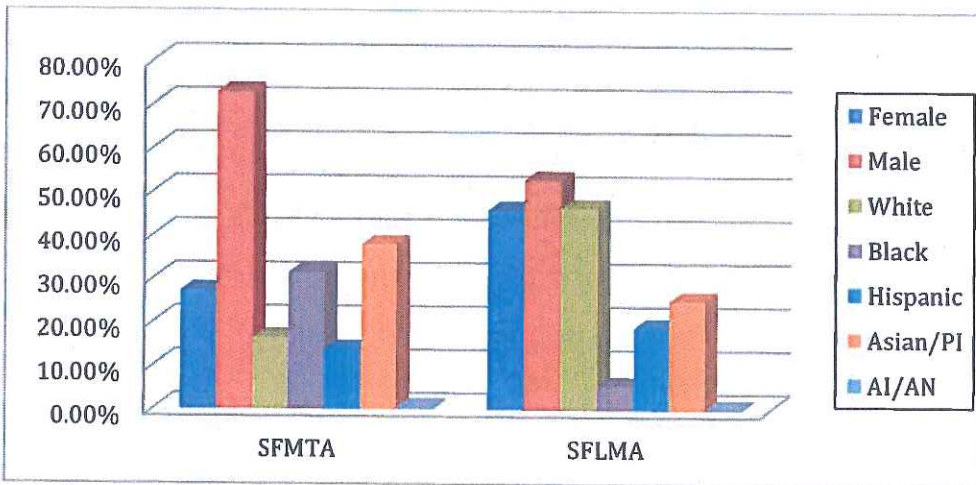


Table reflecting Overall SFMTA Workforce compared to SF Labor Market Availability by Percentage

Category	SFMTA	SFLMA	Utilization Rate
Female	27.20%	45.90%	59.30%
Male	72.80%	52.80%	137.80%
White	16.40%	46.40%	35.69%
Black	31.40%	5.50%	570.90%
Hispanic	13.70%	18.90%	72.50%
Asian/PI*	37.90%	25.10%	151.00%
AI/AN	0.50%	0.20%	250.00%

Overall, the SFMTA workforce is extremely diverse. Based on the Ninety Percent rule, the SFMTA workforce shows underrepresentation of two protected categories: Females and Hispanic who are employed at a 59.3% and 72.5% rate of availability in the San Francisco labor market.

* Data on Filipinos present in the labor force are included as part of the Asian/Pacific Islander tabulated data.

The following tables further break down the percentages for SFMTA employees by race/ethnicity and gender and in comparison to the SFMLA.

Table Reflecting Number / Percentages of Male Employees at SFMTA by Race

Base	MALE					
	White	Black	Hispanic	A/PI*	AI/AN	Total
5045 Employees at SFMTA	637	889	541	1587	19	3673
TOTAL DEPARTMENT	12.6%	17.6%	10.7%	31.4%	0.4%	72.8%
SFLMA	25.3%	2.7%	10.9%	12.6%	0.1%	52.8%
Utilization %	50.0%	643.1%	98.7%	249.7%	289.7%	137.8%

Table Reflecting Number/ Percentage of Female Employees at SFMTA by Race

Base	FEMALE					
	White	Black	Hispanic	A/PI*	AI/AN	Total
5045 Employees at SFMTA	192	694	150	331	5	1372
TOTAL DEPARTMENT	3.8%	13.8%	3.0%	6.5%	0.1%	27.2%
SFLMA	21.1%	2.8%	8.0%	12.5%	0.1%	45.9%
Utilization %	18.0%	487.8%	37.1%	52.4%	82.6%	59.3%

The foregoing tables demonstrate that overall, White, Hispanic and Asian/PI* females are underrepresented in the SFMTA workforce.

B. WORKFORCE BY OCCUPATIONAL CATEGORIES

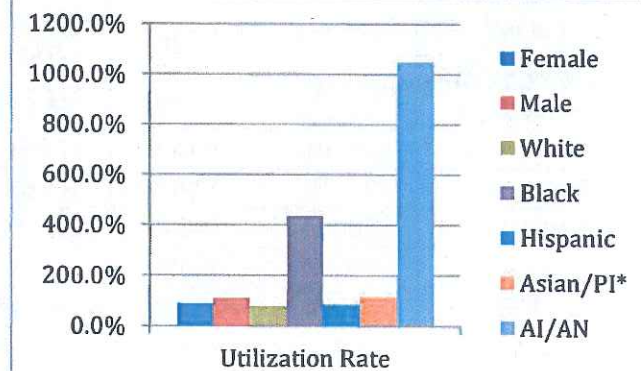
On the following pages, the SFMTA workforce is broken down into SFMTA job categories mapped to a comparable occupation code in U.S. Census 2010. Again, underutilization is determined by comparing the current workforce percentage of the ethnicity/gender group with the SFLMA estimates for the class or job category as measured by the Ninety Percent rule. The second set of charts and tables refers to workforce utilization by race/ethnicity and gender in the occupation or job codes.

* Data on Filipinos present in the labor force are included as part of the Asian/Pacific Islander tabulated data.

Occupational Category: Officials and Administrators (01)

There are 148 Official and Administrator positions at SFMTA. The distribution of this job category in the SFLMA and the SFMTA workforce is as follows:

JOB CATEGORY 01	SFMTA	SFLMA	Utilization Rate
Female	37.8%	43.0%	88.1%
Male	62.2%	55.8%	111.5%
White	47.3%	61.3%	77.2%
Black	18.3%	4.2%	435.7%
Hispanic	8.1%	9.5%	85.3%
Asian/PI*	24.4%	21.1%	115.6%
AI/AN	2.1%	0.2%	1050.0%



The following tables further break down the numbers and percentages of SFMTA Officials and Administrators by gender and race/ethnicity and in comparison to the SFMLA.

JOB CATEGORY 01	MALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
148 total	42	18	8	2	20	2	92
OFFICIALS & ADMINISTRATORS	28.4%	12.2%	5.4%	1.4%	13.5%	1.4%	62.2%
SFLMA	36.5%	2.0%	5.1%	10.9%		0.1%	55.8%
Utilization %	77.8%	611.2%	106.4%	136.1%		1228.5%	111.5%

JOB CATEGORY 01	FEMALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
148 total	28	9	4	6	8	1	56
OFFICIALS & ADMINISTRATORS	18.9%	6.1%	2.7%	4.1%	5.4%	0.7%	37.8%
SFLMA	24.8%	2.2%	4.4%	10.2%		0.1%	43.0%
Utilization %	76.4%	276.4%	61.0%	92.9%		519.8%	88.1%

Analysis:

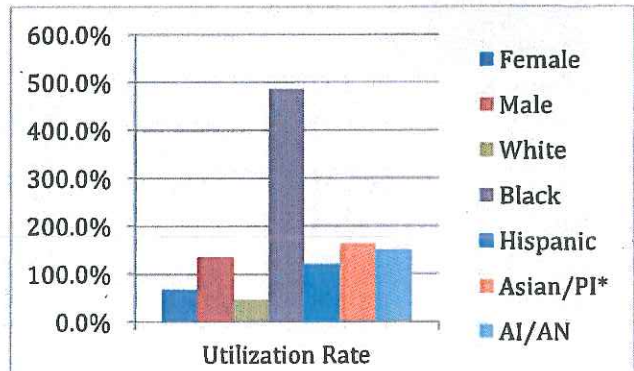
As identified above, the SFMTA workforce shows underrepresentation of White and Hispanic females, who are employed at 76.4% and 61.0% of marketplace availability respectively.

* Data on Filipinos present in the labor force are included as part of the Asian/Pacific Islander tabulated data.

Occupational Category: Professionals (02)

There are 620 Professional employee positions at SFMTA. The distribution of this job category in the SFLMA and the SFMTA workforce is as follows:

JOB CATEGORY 02	SFMTA	SFLMA	Utilization Rate
Female	34.2%	50.3%	68.0%
Male	65.8%	48.4%	135.9%
White	27.6%	58.0%	47.6%
Black	20.4%	4.2%	485.7%
Hispanic	10.1%	8.4%	120.2%
Asian/PI*	41.4%	25.3%	163.6%
AI/AN	0.3%	0.2%	150.0%



Overall, the SFMTA exceeds parity in the Professional employee category as measured by the Ninety Percent rule in every category except for female employees, who are employed at 68% of marketplace availability.

The following tables further breaks down the numbers and percentages of SFMTA Professional employees by gender and race/ethnicity and in comparison to the SFMLA.

JOB CATEGORY 02	MALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
620 total	112	79	48	35	132	2	408
PROFESSIONALS	18.1%	12.7%	7.7%	5.6%	21.3%	0.3%	65.8%
SFLMA	29.3%	1.9%	3.7%	12.2%		0.1%	48.4%
Utilization %	61.6%	685.1%	210.4%	221.1%		537.6%	135.9%

JOB CATEGORY 02	FEMALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
620 total	59	48	15	21	69	0	212
PROFESSIONALS	9.5%	7.7%	2.4%	3.4%	11.1%	0.0%	34.2%
SFLMA	28.7%	2.3%	4.7%	13.1%		0.1%	50.3%
Utilization %	33.2%	342.6%	51.4%	111.1%		0.0%	68.0%

Analysis:

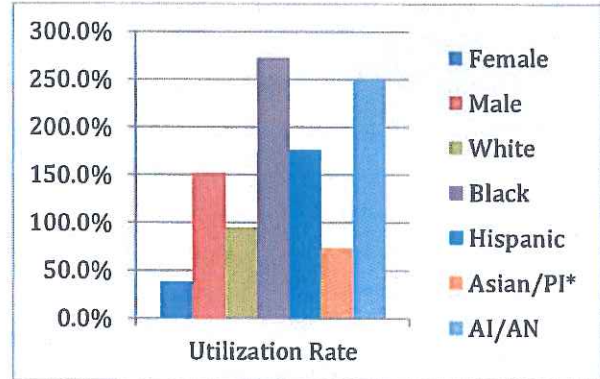
In the Professional employee category, the SFMTA workforce shows underrepresentation of White and Hispanic females, who are employed at 33.2% and 51.4% of marketplace availability.

* Data on Filipinos present in the labor force are included as part of the Asian/Pacific Islander tabulated data.

Occupational Category: Technicians (03)

There are a total of 200 Technician positions at SFMTA. They are distributed as follows:

JOB CATEGORY 03	SFMTA	SFLMA	Utilization Rate
Female	17.0%	44.1%	38.6%
Male	83.0%	54.6%	152.0%
White	44.5%	46.7%	95.3%
Black	12.0%	4.4%	272.7%
Hispanic	19.0%	10.8%	175.9%
Asian/PI*	24.0%	32.4%	74.1%
AI/AN	0.5%	0.2%	250.0%



Overall, the SFMTA is at or exceeds parity in the Technicians category as measured by the Ninety Percent rule, in every category, except for Female and Asian/PI/ Filipino employees employed at 38.5% and 74.1% of marketplace availability respectively. The following tables further break down the numbers and percentages of SFMTA Technicians by gender and race/ethnicity and in comparison to the SFMLA.

JOB CATEGORY 03	MALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
200 total	81	13	31	11	29	1	166
TECHNICIANS	40.5%	6.5%	15.5%	5.5%	14.5%	0.5%	83.0%
SFLMA	28.7%	2.1%	5.7%	15.9%		0.1%	54.6%
Utilization %	141.2%	311.0%	271.5%	126.0%		1000.0%	152.0%

JOB CATEGORY 03	FEMALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
200 total	8	11	7	2	6	0	34
TECHNICIANS	4.0%	5.5%	3.5%	1.0%	3.0%	0.0%	17.0%
SFLMA	18.0%	2.3%	5.1%	16.5%		0.1%	44.1%
Utilization %	22.2%	238.1%	68.8%	24.3%		0.0%	38.6%

Analysis:

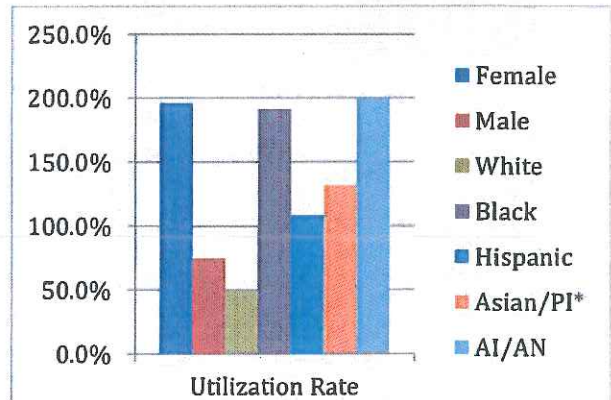
In the Technician category, the SFMTA workforce shows underrepresentation of White, Hispanic and Filipino/Asian/PI females.

* Data on Filipinos present in the labor force are included as part of the Asian/Pacific Islander tabulated data.

Occupational Category: Protective Services (04)

There are 307 Protective Services positions at SFMTA. The positions are distributed as follows:

JOB CATEGORY 04	SFMTA	SFLMA	Utilization Rate
Female	42.3%	21.6%	195.9%
Male	57.7%	77.1%	74.8%
White	19.6%	39.5%	49.6%
Black	34.8%	18.2%	191.2%
Hispanic	16.6%	15.4%	107.8%
Asian/PI*	28.1%	21.3%	131.9%
AI/AN	1.0%	0.5%	200.0%



Overall, the SFMTA is at or exceeds parity in the Protective Services category as measured by the Ninety Percent rule in every category except for male employees, who are only slightly underrepresented at 74.8% of marketplace availability. The following tables further break down the numbers and percentages of SFMTA Protected Services employees by gender and race/ethnicity and in comparison to the SFLMA.

JOB CATEGORY 04	MALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
307 total	37	40	27	18	53	2	177
PROTECTIVE SERVICES	12.1%	13.0%	8.8%	5.9%	17.3%	0.7%	57.7%
SFLMA	32.1%	12.6%	11.2%	18.0%	0.2%		77.1%
Utilization %	37.6%	103.4%	78.3%	128.6%	383.2%		74.8%

JOB CATEGORY 04	FEMALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
307 total	23	67	24	5	10	1	130
PROTECTIVE SERVICES	7.5%	21.8%	7.8%	1.6%	3.3%	0.3%	42.3%
SFLMA	7.4%	5.6%	4.2%	3.3%	0.3%		21.6%
Utilization %	101.4%	390.4%	187.9%	146.7%	130.3%		195.9%

Analysis:

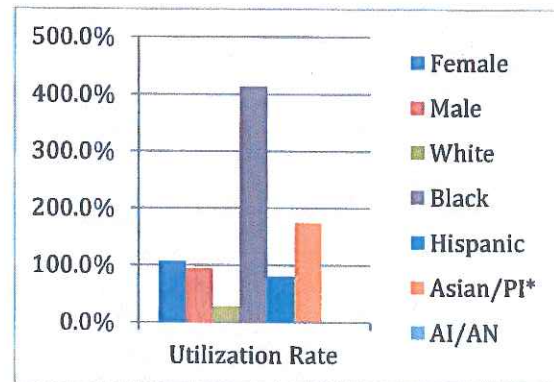
As identified above, the SFMTA workforce shows underrepresentation of Hispanic males, who is employed at 78.3% of marketplace availability respectively.

* Data on Filipinos present in the labor force are included as part of the Asian/Pacific Islander tabulated data.

Occupational Category: Administrative Support (Office/Clerical) (06)

There are a total of 371 Administrative Support positions distributed as follows:

JOB CATEGORY 06	SFMTA	SFLMA	Utilization Rate
Female	61.5%	57.9%	106.2%
Male	38.5%	40.8%	94.4%
White	12.7%	45.4%	28.0%
Black	26.9%	6.5%	413.8%
Hispanic	13.7%	17.1%	80.1%
Asian/PI*	46.7%	26.8%	174.3%
AI/AN	0.0%	0.3%	0.0%



Overall, the SFMTA is at or exceeds parity in the Administrative Support category as measured by the Ninety Percent rule in every protected category, except for AI/AN employees, who are not employed and Hispanics, who are only slightly underrepresented at 80.1%. The following tables further break down the numbers and percentages of SFMTA Administrative Support employees by gender and race/ethnicity and in comparison to the SFLMA.

JOB CATEGORY 06	MALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
371 total	21	28	23	24	47	0	143
ADMINISTRATIVE SUPPORT	5.7%	7.5%	6.2%	6.5%	12.7%	0.0%	38.5%
SFLMA	19.7%	2.3%	6.7%	11.1%		0.1%	40.8%
Utilization %	28.8%	326.7%	92.0%	172.3%		0.0%	94.4%

JOB CATEGORY 06	FEMALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
371 total	26	72	28	32	70	0	228
ADMINISTRATIVE SUPPORT	7.0%	19.4%	7.5%	8.6%	18.9%	0.0%	61.5%
SFLMA	25.7%	4.2%	10.4%	15.7%		0.2%	57.9%
Utilization %	27.3%	461.0%	72.9%	175.3%		0.0%	106.2%

Analysis:

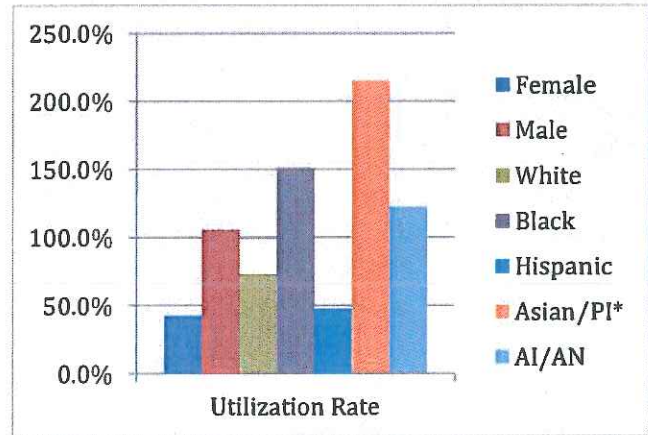
The SFMTA workforce shows underrepresentation of AI/AN employees, although the availability in the SFLMA is extremely low. White and Hispanic females are also underrepresented at 27.3% and 72.9% of marketplace availability.

* Data on Filipinos present in the labor force are included as part of the Asian/Pacific Islander tabulated data.

Occupational Category: Skilled Crafts (07)

There are a total of 654 Skilled Craft positions distributed as follows:

JOB CATEGORY 07	SFMTA	SFLMA	Utilization Rate
Female	2.9%	6.8%	42.5%
Male	97.1%	91.9%	105.7%
White	28.4%	38.7%	73.4%
Black	6.8%	4.5%	151.1%
Hispanic	14.6%	30.4%	48.0%
Asian/PI*	50.0%	23.2%	215.5%
AI/AN	0.3%	0.3%	122.3%



Overall, the SFMTA shows underrepresentation in the Skilled Crafts category for Female and Hispanic employees, who are represented at 42.5% and 48% of marketplace availability, respectively. The following tables further break down the numbers and percentages of SFMTA Skilled Crafts employees by gender and race/ethnicity and in comparison to the SFLMA.

JOB CATEGORY 07	MALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
654 total	176	41	94	97	225	2	635
SKILLED CRAFT WORKERS	26.9%	6.3%	14.4%	14.8%	34.4%	0.3%	97.1%
SFLMA	36.4%	4.1%	29.2%	20.3%	0.3%	0.3%	91.9%
Utilization %	73.9%	154.8%	49.3%	242.9%	122.3%	122.3%	105.7%

JOB CATEGORY 07	FEMALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
654 total	10	3	1	1	4	0	19
SKILLED CRAFT WORKERS	1.5%	0.5%	0.2%	0.2%	0.6%	0.0%	2.9%
SFLMA	2.3%	0.4%	1.2%	2.9%	0.0%	0.0%	6.8%
Utilization %	65.6%	127.4%	13.2%	26.6%	0.0%	0.0%	42.5%

Analysis:

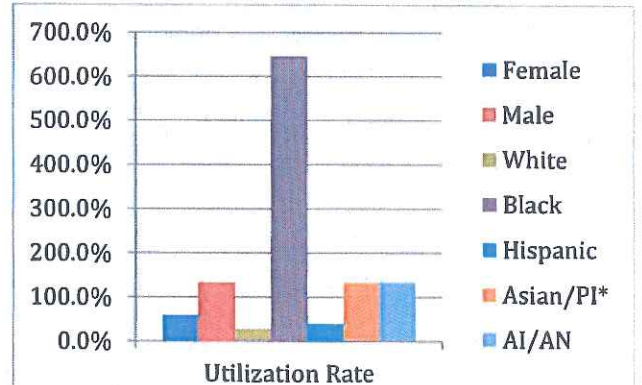
The SFMTA workforce shows underrepresentation of Hispanic males and White, Hispanic and Filipino/Asian/PI females in the Skilled Crafts category.

* Data on Filipinos present in the labor force are included as part of the Asian/Pacific Islander tabulated data.

Occupational Category: Service and Maintenance (08)

The majority of SFMTA employees are employed in the Service and Maintenance category which includes the 9163 Transit Operator classification. There are a total of 2,745 positions, distributed as follows:

JOB CATEGORY 08	SFMTA	SFLMA	Utilization Rate
Female	25.3%	42.7%	59.2%
Male	74.7%	56.0%	133.4%
White	7.5%	26.8%	28.0%
Black	42.0%	6.5%	646.2%
Hispanic	13.9%	36.0%	38.6%
Asian/PI*	36.1%	27.1%	133.2%
AI/AN	0.4%	0.3%	133.3%



Overall, the SFMTA shows underrepresentation in the Service and Maintenance category for Female and Hispanic employees, who are represented at 59.2% and 38.6% of marketplace availability, respectively. The following tables further break down the numbers and percentages of SFMTA Service and Maintenance employees by gender and race/ethnicity and in comparison to the SFLMA.

JOB CATEGORY 08	MALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
2745 total	168	670	310	217	677	9	2051
SERVICE AND MAINTENANCE	6.1%	24.4%	11.3%	7.9%	24.7%	0.3%	74.7%
SFLMA	14.8%	3.6%	22.4%	13.9%		0.2%	56.0%
Utilization %	41.4%	670.5%	50.5%	234.3%		182.1%	133.4%

JOB CATEGORY 08	FEMALE						
	White	Black	Hispanic	Filipino	A/PI	AI/AN	Total
2745 total	38	484	71	20	77	4	694
SERVICE AND MAINTENANCE	1.4%	17.6%	2.6%	0.7%	2.8%	0.1%	25.3%
SFLMA	12.0%	2.9%	13.6%	13.2%		0.1%	42.7%
Utilization %	11.5%	610.1%	19.1%	26.8%		145.7%	59.2%

Analysis:

The SFMTA workforce shows underrepresentation of Hispanic males and White, Hispanic and Filipino/Asian/PI females are underutilized in this category.

* Data on Filipinos present in the labor force are included as part of the Asian/Pacific Islander tabulated data.

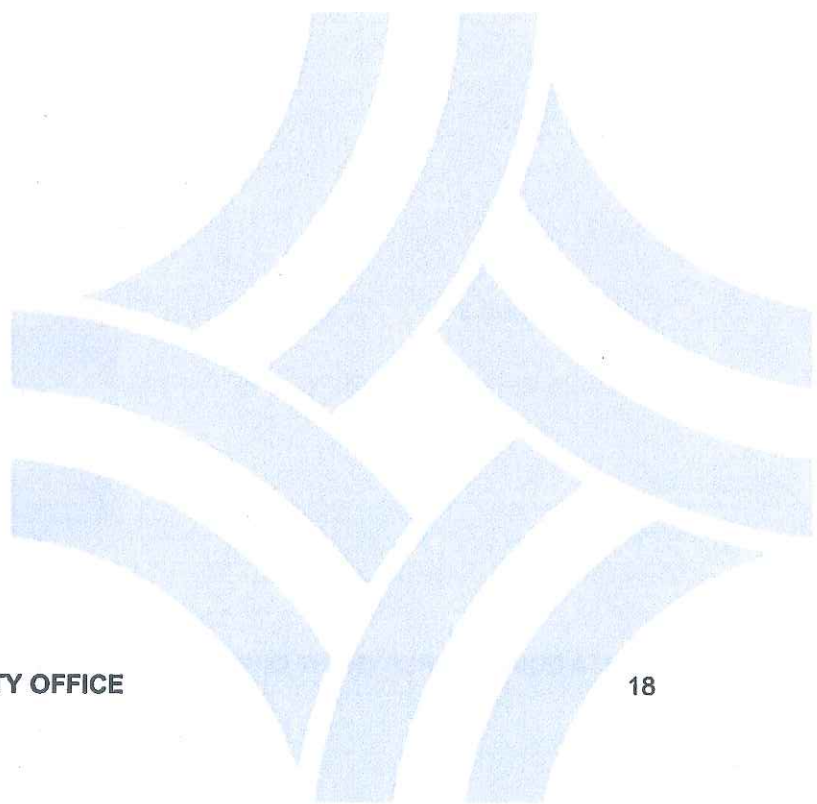
VI. SUMMARY

The SFMTA workforce is rich with diversity. The Agency is fully committed to Equal Employment Opportunity. This utilization report reflects SFMTA's success in the recruitment, employment and retention of underrepresented minorities and women. The Agency will continue to pursue every good faith effort to employ underrepresented minorities and women, consistent with our EEO policy.

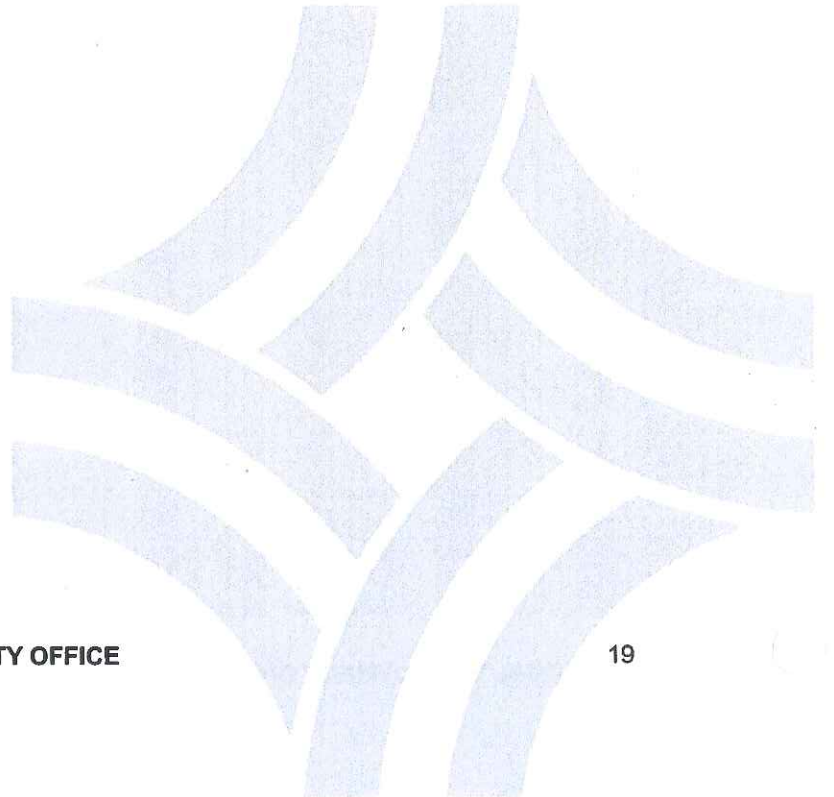
ATTACHMENTS

Attachment 1 2013 Utilization Tables

Attachment 2 SFMTA EEO Policy



ATTACHMENT 1



2013 UTILIZATION ANALYSIS: SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY - (SFMTA)
SFMTA Workforce as Compared to U.S. Census 2006-2010 Occupational Categories by Ethnicity and Gender for San Francisco-Oakland-Fremont, CA Metro Area as of July 31, 2013

JOB CATEGORY 01	MALE				FEMALE				Total
	W	B	H	API	W	B	H	API	
6045	637	889	541	404	192	694	150	244	1372
TOTAL DEPARTMENT	12.6%	17.6%	10.7%	8.5%	23.4%	72.8%	3.0%	4.8%	27.2%
SF/MMA	25.3%	2.7%	10.8%	12.6%	52.8%	21.1%	2.8%	8.0%	48.8%
Utilization %	50.8%	643.1%	88.7%	248.7%	288.7%	137.8%	37.1%	52.4%	59.3%

JOB CATEGORY 02	MALE				FEMALE				Total
	W	B	H	API	W	B	H	API	
1448	42	18	8	2	28	9	4	6	55
OFFICIALS & ADMINISTRATORS	28.4%	12.2%	5.4%	1.4%	62.2%	18.9%	2.7%	4.1%	37.8%
SF/MMA	36.5%	2.0%	5.1%	10.9%	24.8%	2.2%	4.4%	10.2%	43.0%
Utilization %	77.8%	611.2%	108.4%	136.1%	1228.5%	76.4%	61.0%	92.5%	88.1%

JOB CATEGORY 03	MALE				FEMALE				Total
	W	B	H	API	W	B	H	API	
280	81	13	31	11	29	1	8	11	169
TECHNICIANS	40.5%	6.5%	7.7%	5.9%	15.5%	0.3%	4.0%	5.5%	43.0%
SF/MMA	20.7%	2.1%	5.7%	15.9%	54.8%	0.1%	18.0%	2.3%	84.8%
Utilization %	141.2%	311.0%	271.5%	128.0%	1098.0%	152.0%	22.2%	236.1%	386.5%

JOB CATEGORY 04	MALE				FEMALE				Total
	W	B	H	API	W	B	H	API	
307	37	40	27	18	53	2	23	67	177
PROTECTIVE SERVICES (non-Sword)	12.1%	13.0%	8.8%	5.9%	17.3%	0.7%	7.5%	21.8%	57.7%
SF/MMA	32.1%	12.6%	11.2%	18.0%	77.1%	7.4%	101.4%	5.6%	101.4%
Utilization %	37.6%	103.4%	78.3%	128.6%	383.2%	74.8%	380.4%	187.8%	42.3%

Source: U.S. Census Bureau 2006-2010 American Community Survey, EEO Tabulation 2006-2010 (5-year ACS data) civilian labor force 16 years and older for San Francisco-Oakland-Fremont, CA Metro Area

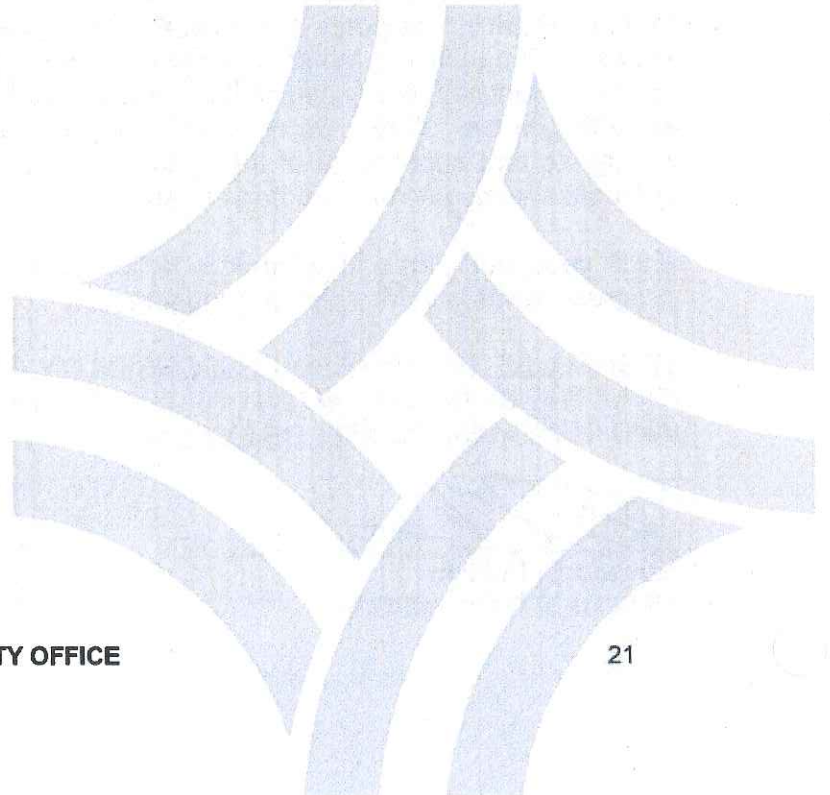
JOB CATEGORY 05	MALE				FEMALE				Total
	W	B	H	API	W	B	H	API	
371	21	26	23	24	47	0	26	12	143
ADMINISTRATIVE SUPPORT	5.7%	7.5%	6.2%	6.5%	12.7%	0.0%	7.0%	19.4%	38.5%
SF/MMA	18.7%	2.3%	6.7%	11.1%	40.8%	0.1%	25.7%	4.2%	40.8%
Utilization %	28.8%	328.7%	82.0%	172.3%	27.3%	94.4%	27.3%	481.0%	72.9%

JOB CATEGORY 06	MALE				FEMALE				Total
	W	B	H	API	W	B	H	API	
654	176	41	94	97	225	2	10	3	635
SKILLED CRAFT WORKERS	26.9%	6.3%	14.4%	14.8%	97.1%	1.5%	0.2%	0.2%	1.5%
SF/MMA	38.4%	4.1%	29.2%	20.3%	91.9%	2.3%	0.4%	1.2%	2.8%
Utilization %	73.9%	184.8%	49.3%	242.9%	122.3%	105.7%	127.4%	13.2%	28.6%

JOB CATEGORY 07	MALE				FEMALE				Total
	W	B	H	API	W	B	H	API	
654	176	41	94	97	225	2	10	3	635
SKILLED CRAFT WORKERS	26.9%	6.3%	14.4%	14.8%	97.1%	1.5%	0.2%	0.2%	1.5%
SF/MMA	38.4%	4.1%	29.2%	20.3%	91.9%	2.3%	0.4%	1.2%	2.8%
Utilization %	73.9%	184.8%	49.3%	242.9%	122.3%	105.7%	127.4%	13.2%	28.6%

JOB CATEGORY 08	MALE				FEMALE				Total
	W	B	H	API	W	B	H	API	
2745	168	670	310	217	877	9	38	484	2051
SERVICE AND MAINTENANCE	61%	24.4%	11.3%	7.9%	24.7%	0.3%	74.7%	1.4%	17.6%
SF/MMA	14.8%	3.8%	22.4%	13.9%	58.6%	0.2%	12.0%	2.9%	13.6%
Utilization %	41.4%	670.5%	50.5%	214.3%	182.1%	133.4%	11.5%	610.1%	19.1%

ATTACHMENT 2





SFMTA
Municipal
Transportation
Agency

EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the San Francisco Municipal Transportation Agency (SFMTA) to provide equal employment opportunity for all persons, regardless of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partner status, parental status, gender identity, AIDS, HIV, AIDS-related conditions, height and weight, other non-merit factors or any other categories prohibited by law. Further, it is the SFMTA's policy that no person shall be retaliated against for participating in an employment discrimination investigation either as a complainant or witness.

Employees are our most valuable resource and our policy is that equal employment opportunity be afforded to all present and prospective employees. This policy applies to all personnel actions of this organization including, but not limited to, recruiting, hiring, classification/compensation, benefits, promotions, transfers, layoffs, training and disciplinary actions.

Applicants and employees have the right to file complaints alleging discrimination and/or retaliation by contacting the SFMTA Equal Employment Opportunity Office (EEO) located at One South Van Ness Avenue, 3rd Floor in San Francisco, California 94103. Please contact SFMTA EEO Manager Don Ellison at 415.701.4407 or via facsimile at 415.701.4402.

The SFMTA has implemented a vigorous program to remove barriers that have operated to preclude employment opportunities to historically underrepresented class members and to increase the employment opportunities for members of those groups where they are presently underrepresented.

To fully implement our commitment to equality of opportunity and nondiscrimination, the SFMTA has set employment goals and timetables to correct the effects of past discrimination against women and minorities. When it is suspected or alleged that unlawful discrimination is being practiced, every step will be taken to eliminate such practices and prevent them from occurring in the future. Such unlawful discrimination shall not be tolerated. All employees, managers and supervisors of the SFMTA are to treat others with dignity and respect, and to promote a work environment free of harassment.

Each year, our plan and affirmative action goals will be reviewed and revised to reflect our progress towards achieving fair representation.

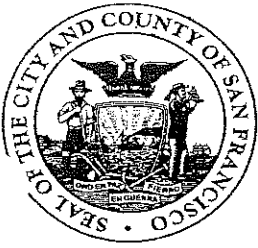
IT SHALL BE THE SHARED RESPONSIBILITY OF ALL SFMTA MANAGEMENT TO ENSURE THAT THE SPIRIT AND INTENT OF THE EEO PROGRAM ARE FULFILLED. ALL MANAGERS AND SUPERVISORS WILL BE EVALUATED ON THE SUCCESS OF THE EEO PROGRAM.



Edward D. Reiskin
Director of Transportation

1.05.2014

Date



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

SCOTT R. HELDFOND
PRESIDENT

March 7, 2014

E. DENNIS NORMANDY
VICE PRESIDENT

NOTICE OF CIVIL SERVICE COMMISSION MEETING

DOUGLAS S. CHAN
COMMISSIONER

**SUBJECT: PROPOSED CIVIL SERVICE COMMISSION POLICY ON
REQUESTS TO EXTEND APPROVAL TO CONTRACT OUT
UNDER PERSONAL SERVICES CONTRACTS.**

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 **March 17, 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 Thursday, March 13, 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 March 13th, 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

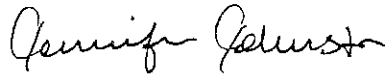
JENNIFER JOHNSTON
Executive Officer

Attachment

THIS DOCUMENT SUPPORTS
CALIFORNIA'S
11



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: March 17, 2014
To: Civil Service Commission
From: Jennifer Johnston, Executive Officer 
Subject: **Clarification of Policy on Requests for New versus Modifications to Existing Personal Services Contracts**

I. Overview

In some instances, a department may need to continue contracting out personal services for several years beyond the anticipated duration for which the department originally sought *regular approval* from the Civil Service Commission (“Commission”) for a Personal Services Contract (“PSC”). This often occurs, for example, when the department wishes to exercise an option to renew an existing contract. The department must return to the Commission to obtain additional approval to cover the remainder of the contracting period, sometimes more than once.¹

However, there is no clear Commission policy on whether such requests should be submitted as new PSCs or as modifications to the existing PSCs, resulting in inconsistent and confusing departmental PSC submissions.

This staff report is submitted in response to the discussions during the Commission’s meeting of February 3, 2014 regarding the need to establish such a policy. The following is intended to assist the Commission in adopting a policy that ensures that there is transparency, clarity, efficiency, consistency and accountability in the review of any future requests for approval to continue contracting out services beyond the approved PSC duration.

II. Authority and Standards

Consistent with its Charter authority to oversee the merit system, the Commission determines the City’s policy on the review and approval of proposed PSCs. This authority is underscored through case law and opinions by the City Attorney’s Office.

The Commission’s policy provides that, where there is a merit system, services are to be provided to the public by public employees hired through that merit system. However, the

¹ This is not an issue where the department has requested, and the Commission has granted, *continuing approval* for a PSC to contract out services to comply with policy, funding or legal mandates. In such cases, approval is valid until revoked by the Commission in accordance with the Commission’s policy, conditioned upon the departments providing the Commission with annual reports listing the contracts awarded under the PSC.

Commission's policy also recognizes that there are circumstances that may warrant the use of personal services contracts or contractors in lieu of civil service employees. See Attachment A for the Commission's policy on PSCs (adopted on May 6, 2013; and effective on October 25, 2013 with the launch of the Citywide PSC Database).

III. Discussion

Departments may only contract out services for the specific duration approved by the Commission under a PSC, irrespective of whether the contract(s) executed under the authority of that PSC is still active and/or the need to contract out continues. In such cases, the department must return to the Commission to request additional PSC approval.

As indicated, the Commission has questioned why some requests for additional approval to contract out services are submitted as requests for new PSCs while others are submitted as requests to modify (extend) existing PSCs. The following two PSCs reviewed during the Commission's February 3rd meeting exemplify the confusion and lack of consistency with these submissions:

- The San Francisco Police Department ("SFPD") submitted its request for continued approval to contract out DNA testing services under a new PSC# 49198-13/14. However, the same exact services are already being performed under an existing contract authorized under PSC #4165-09/10. See Attachment B for a copy of PSC# 49198-13/14, which includes a copy of PSC #4165-09/10; an audio recording of the Commission's discussion on PSC# 49198-13/14 is also available on the Commission's website at www.sfgov.org/Civil_Service under "Meetings," beginning at minute 39:25 of Part I.

The original PSC #4165-09/10 for DNA testing services was approved in June 2010, was subsequently modified in both amount and duration a number of times, and ultimately expired in September 2013 (however, the contract was extended to the end of March 2013).

The SFPD explained that it had submitted its request as a new PSC as opposed to a request to modify the existing PSC #4165-09/10 again, because the contract executed under the authority of PSC #4165-09/10 would be expiring soon and the SFPD would be going through a competitive bidding process to select a potentially new vendor to provide the same services under a new contract (i.e., it would not be a sole-source contract). In other words, the services performed under the existing contract would conclude on one day and begin anew on the next day under a new contract (and possibly a new vendor) without interruption. As the SFPD put it, the new PSC was intended as a "refreshed" request to contract out the DNA testing services.

- The Department of Public Health ("DPH"), on the other hand, submitted its request for continued approval to contract out "reimbursement and revenue optimization services" by seeking a modification to existing PSC# 4045-04/05. See Attachment C for a copy of PSC# 4045-04/05; the audio recording of the Commission's discussion on PSC#4045-04/05 begins at minute 49:25 of Part I. PSC#4045-04/05 was originally approved in 2005 and, like the SFPD's PSC #4165-09/10, was subsequently modified in both amount and duration

a number of times. And like the SFPD, DPH would soon be going through a competitive bidding process to select a potentially [though unlikely] different vendor to provide the same services under a new contract upon expiration of the existing contract, and without interruption to the services provided.

IV. Policy Recommendation

The Commission's policy must provide departments with clear direction to ensure consistent, transparent and accurate PSC submissions for Commission approval.

The Executive Officer recommends the following policies for the Commission's consideration:

- Departments may submit a request for a new PSC for Commission approval to continue contracting out the same or substantially same services if it will extend the total duration of the PSC beyond ten (10) years.
- Departments must submit a new PSC for Commission approval any time a department is seeking to include new or substantially different services not contained in the original PSC approved by the Commission.
- For any request for Commission approval of a new PSC under either circumstance, the department must include sufficient background information on the history of the PSC(s) under which the services have been provided, and a copy of the last approved PSC.

V. Attachments

- Attachment A:** Civil Service Commission Policy and Procedures on Personal Services Contracts (pages 5 through 14)
- Attachment B:** PSC# 49198-13/14 submitted by the San Francisco Police Department (pages 15 through 50)
- Attachment C:** PSC #4045-04/05 submitted by the Department of Public Health (pages 51 through 66)

Recommendation: Accept the Executive Officer's report; establish the recommended policies on requests for additional approval to contract out services under a PSC.

ATTACHMENT A



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCAÑOVA
COMMISSIONER

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

Date: October 25, 2013

To: Department Heads
Personnel Officers
Departmental Contract Coordinators

From: Jennifer Johnston
Executive Officer

Subject: **Policy and Procedures on Personal Services Contracts**

The purpose of this memorandum is to serve as a comprehensive guide on the Civil Service Commission's ("Commission") Rules and policies on Personal Services Contracts ("PSCs") as updated and adopted by the Commission on May 6, 2013, effective upon the issuance of this memorandum.

This memorandum shall serve to supersede previously issued memorandums on PSCs; including "Commission Policy Memorandum No. 2007-04" issued on May 30, 2007, and the "Amended Joint Department of Human Resources/Civil Service Commission Instructions for Processing Proposed Personal Services Contract Approval Requests" issued on September 16, 1996.

The Commission has delegated to the Department of Human Resources ("DHR") the authority to update and reissue the instructions for PSC submissions, consistent with the Commission's policies. DHR's updated PSC submission guidelines issued on October 25, 2013 are attached to this memorandum for reference, though they may be updated by DHR as needed. The most current submission guidelines may be located on the Commission's website at www.sfgov.org/Civil_Service.

Authority

Consistent with its Charter authority to oversee the merit system, the Commission sets policy on the review of proposed PSCs. This authority is underscored through case law and City Attorney's Opinions. The policy being that where there is a merit system, services provided to the public use public employees hired through that merit system. Based on criteria specified in its policy and procedure, the Commission *determines if the scope of service is appropriate for contracting out.*

Longstanding Policy and Procedures

Over the years, the Commission has adopted a number of policies and procedures on PSCs. On December 5, 1994, the Commission issued revised policies and procedures

that clarified the roles of the Commission and DHR, streamlined and expedited the processing of PSCs, and provided for monitoring and auditing of the contracting procedure. The Commission and DHR jointly issued updated PSC policy and procedures on September 16, 1996, and the Commission reiterated its policies in a memorandum on May 30, 2007. Those policies and procedures remained in place unchanged, with periodic reminders and clarifications issued by the Commission, until the issuance of this memorandum.

Although the Commission has updated its policies and procedures on PSCs, it is important to note that they continue to include the following critical components: a streamlined Commission approval process; an appeal procedure to ensure merit system oversight; an approval option consistent with the City and County's budgetary time frames and process; and, a list of compelling circumstances that may be considered in approving the use of personal services contracts.

Personal Services Contract Review Criteria

When reviewing a request for a PSC, the initial questions that are addressed are: 1) Is there an existing civil service class that can perform the required work? 2) Is it feasible or practical for civil service employees to perform the work? 3) If there is no current class, should one be created?

When there is no current class in which the duties and responsibilities encompass the desired need, a determination is made as to the feasibility of establishing a new class. If services are short-term and non-repetitive or so specialized and unique that they could not be appropriately performed by city personnel, establishing a new class may not be practical and the use of a contract may be appropriate.

If there are civil service classes that can perform the work, examples of compelling factors that may be considered as appropriate reasons for contracting out are:

- 1) Immediately needed services to address unanticipated or transitional situations, or services needed to address emergency situations. "Transitional situations" are those instances when contracting out is needed to bridge relatively short periods of time, such as during organizational restructuring that may be mandated by law or policy, or to facilitate a department's efforts to contract in services.
- 2) Short-term or capital projects requiring diverse skills, expertise and/or knowledge.
- 3) Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload).
- 4) Regulatory or legal requirements, or requirements or mandates of funding source(s) which limit or preclude the use of Civil Service Employees.
- 5) Services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator).
- 6) Circumstances where there is a demonstrable potential conflict of interest (e.g., independent appraisals, audits, inspections, third party reviews and evaluations).

- 7) Cases where future funding is so uncertain that the establishment of new civil service positions, classes or programs is not feasible (including situations where there is grant funding).

Provided that there are compelling circumstances such as those listed above, the Commission may approve the use of a PSC even if there is an existing class.

The Role of the Department of Human Resources

DHR reviews all requests for PSCs and modifications to previously approved PSCs submitted by departments to determine if the request complies with the Commission's policies. DHR then posts and forwards to the Commission requests for PSCs in excess of \$100,000 and those requests for PSC modifications that require Commission approval pursuant to this policy.

Requests for PSCs of \$100,000 or less do not require Commission approval. Instead, these PSCs, referred to as "Expedited PSCs," are reviewed and approved by DHR (PSCs in excess of \$100,000 are referred to as "Regular PSCs").

Misuse of Expedited PSCs is prohibited. For example, the use of PSCs for multiple vendors for the same scope of services in the same department that cumulatively exceed \$100,000 require DHR and Commission approval. Expedited PSCs where funding is added so that the total exceeds \$100,000 and requests to modify an approved Expedited PSC so that the amount exceeds \$100,000, must also be submitted to DHR and then the Commission for approval.

DHR is also responsible for reporting information regarding contract awards to the Commission on an annual basis. At the time that an approved PSC is processed for award, departments are required to submit to DHR information regarding the names, contract amounts and duration for all personal services contracts issued under the approved PSC. DHR, in turn, is required to submit that information for all PSCs awarded during the preceding year to the Commission no later than August 1st each year. Such DHR PSC contract award reports shall be made available for public inspection in the office of the Executive Officer, Civil Service Commission.

Departmental Personal Services Contract Coordinator

Each City and County department that regularly utilizes PSCs must designate a departmental PSC coordinator. The PSC coordinator works closely with DHR and Commission staff to expedite the review of proposed contracts by explaining the evaluation criteria to departmental personnel and by ensuring that the proper documentation is sent to the Commission through DHR in a timely manner.

Departmental Requests for Personal Services Contracts

1) Timing of PSC Approval Submissions

In order to facilitate and streamline the PSC approval process, all departments are required to utilize the Citywide Personal Services Contract Database for all PSC submissions, effective immediately. Departments must submit one request for a specific service regardless of the number of vendors.

Departments may submit proposed PSCs for approval as soon as the need arises and prior to the award of contract. Early submittals will expedite the PSC review and approval processes to ensure that the needed services can be performed as soon as possible.

2) PSC Approval Durations

Note that under the Commission's previous policies and procedures, departments were required to indicate specific effective and expiration dates for PSC approvals. However, there may be unanticipated delays in the contracting process, such that the actual contract award may occur several months to a year after the Commission has approved a request for PSC approval.

Therefore, effective upon the issuance of this memorandum, PSCs may be measured in terms of duration (e.g., one year, 18 months, three years, etc.) in order to provide departments with more flexibility and time to conclude the often time consuming contracting process. However, the contract(s) under an approved PSC measured in terms of duration must be executed within one year of the Commission meeting date at which the PSC was approved.

3) Retroactive Requests for Extensions

The Commission also recognizes that there may be rare circumstances when a PSC for an active contract must unexpectedly be extended for a period of time without enough notice for the department to request the Commission's approval to modify the duration prior to its expiration. In such event, departments may submit a retroactive request to extend the duration of an approved but expired PSC, provided that it is within one year of the PSC's expiration, and with adequate justification as to why the department was unable to submit a timely request for modification. Requests beyond the one-year expiration date require the submission of a new request for PSC approval (and assignment of a new PSC number), irrespective of whether the contract under the PSC is still active.

4) Deadlines for PSC Submissions

Departments must comply with all applicable DHR and Commission PSC deadlines as stated in DHR's PSC guidelines. All deadlines are necessary to allow sufficient time for DHR staff review, report preparation, and distribution of reports to the Civil Service Commissioners. Cover letters are generally not necessary, except in instances when non-typical circumstances arise and an explanation is needed to expedite the review process.

PSC requests submitted after a deadline will be considered at a subsequent Commission meeting. In emergency situations when it becomes necessary for PSC Coordinators to submit PSC approval requests after a deadline, the PSC Coordinator must obtain the Human Resources Director's approval (for DHR deadlines) and/or the Executive Officer's approval (for Commission deadlines).

5) Content of PSC Submissions

PSC requests must be comprehensive and thorough. When drafting the PSC request, departments should keep in mind the purpose of the Commission's review and focus the information appropriately. Information must be brief, but specific. Background material and information must be included to clearly and sufficiently describe the specific service to be

provided. It is crucial to clearly and adequately explain why City employees cannot perform the services being requested in the PSC.

Requests citing a legal or regulatory authority must cite that authority and include an excerpt of the applicable provision. In the event that a board or commission determines that contracting out is the most effective way to provide the services to be performed under a PSC, the department must include a copy of the resolution or other legislative action of such decision. Additionally, requests to contract out services for which the Commission has previously approved a PSC must include a copy of the prior PSC.

Union Notice

Departments are required to notify affected employee organizations of a department's request for both Regular and Expedited PSCs prior to forwarding the request for DHR review. A copy of the notice from the department to the applicable employee organization must be attached with the department's submission to the Commission. Some Collective Bargaining Agreements have additional requirements that must be considered in this process. Departments must refer to the applicable Collective Bargaining Agreement to determine the additional requirements.

Posting

Once DHR has completed its review of an Expedited or Regular PSC, the department's request must be posted. The posting must include the PSC number assigned by DHR, the estimated amount, the scope of work to be considered, and the estimated duration.

If the department is requesting an annual amount for a multi-year request, the posting must specify either the total of the multi-year request or reflect that the amount is an annual amount. For example, a request indicating \$1,000,000 estimated annual amount for five (5) years will be listed on the Commission Agenda as "\$5,000,000" or "\$1,000,000 annually" with the duration clearly posted as five (5) years.

Affected employee organizations must also be notified of the posting.

In limited circumstances and with sufficient justification, the Commission may grant a department's request to omit the posting process and go directly from DHR review to Commission review.

Protests and Appeals (Civil Service Commission Rule Series 05.12)

Expedited PSCs: Protests of a posted proposed Expedited PSC must be received by the Human Resources Director by close of business on the seventh day of posting. In the absence of any timely protest, approval of an Expedited PSC becomes final on close of business of the seventh day of posting. An appeal of the Human Resources Director's action on a timely protest of a proposed Expedited PSC may be appealed to the Commission, provided such appeal is received by the Executive Officer by close of business on the fifth working day (excluding Saturdays, Sundays, and holidays) following the postmarked mailing/email date of notification of the Human Resources Director's action.

Regular PSCs: An appeal of a posted proposed Regular Personal Services Contract may be appealed to the Commission, provided such appeal is received by the Executive Officer by close of business of the seventh day of posting.

Timely appeals will be considered by the Commission at its next regularly scheduled meeting. DHR forwards Personal Services Contracts submissions over \$100,000 where no appeal has been filed to the Executive Officer to calendar on the Ratification Agenda.

PSCs that are appealed will be placed on the Commission's Regular Agenda and will be considered by the Commission separately. Departments are required to have representatives present to respond to questions or provide clarification on the need for contractual services. If a department representative is not present, consideration of the PSC will be postponed to another meeting.

Ratification Agenda

The Ratification Agenda is essentially a Consent Agenda used exclusively for expediting the processing of uncontested proposed PSCs and will precede the Consent Agenda on the Commission's calendar. Although they may provide public comment on a proposed PSC, individuals seeking to sever a proposed PSC from the Ratification Agenda must provide adequate justification to the Commission for their request and why they did not protest or appeal the item when they had the opportunity to do so.

Civil Service Commission Approval

The Commission determines whether the circumstance pertaining to the need to provide services warrants the use of a PSC or contractors in lieu of civil service employees. PSCs include agreements for services paid by the City and County of San Francisco with individuals, companies, corporations, non-profit organizations, and other public agencies.

The Commission's role is distinguished from the roles of City departments, other commissions, the City Administrator, the Director of the Department of Administrative Services, and the Human Rights Commission ("HRC"). It is not the Commission's role to be involved in the selection of individual contractors or the cost of such services. Again, the role of the Commission is to determine whether contracting is warranted; the selection of the individual contractor is done by City departments, with oversight and final decision making authority exercised as appropriate by commissions, the City Administrator, the Director of the Department of Administrative Services, and the HRC.

Nor is it the Commission's role to determine positions where work or services can be performed by contract at a lesser cost than similar work performed by City and County employees. By Charter definition (Section 10.10445), this function, often called "Prop J" contracting, is performed by the Controller and the Board of Supervisors.

The Commission retains final authority to approve PSCs after DHR review and posting. The Commission strongly recommends that a department representative attend the Commission meeting at which the department's request for PSC approval will be heard in order to answer any questions the Commission may have regarding that PSC. Failure to appear and/or sufficiently respond to the

Commission's questions may result in only conditional approval, postponement or denial of the PSC.

The Commission recommends that departments come forward to the Commission as soon as possible in the contracting process, in recognition of the fact that the actual contract award may occur months, and, for multiple year contracts, as much as a year after the Commission's approval.

Generally, unopposed PSCs in an amount greater than \$100,000 are placed on the Commission's Ratification Agenda for either regular, continuing, annual, or qualified approval:

The Commission may grant an annual approval so that a proposed contract may be included in a department's annual budget consistent with the City and County's budgetary timeframes and process. These approvals occur simultaneously with the budget process and must be submitted to DHR by March 1st. In the event the Mayor's budget deadlines are changed, the Human Resources Director is authorized to change the submission dates to conform to the revised schedule, provided that the PSC instructions are updated accordingly and the Executive Officer is notified of any changes to the schedule.

Continuing approval is granted by the Commission to comply with policy, funding or legal mandates. For example, those instances where: legal mandates direct the use of contractual services; or State or Federal funding requirements specify use of contractual services; or a City board, commission, the City Administrator, an elected official, or the Controller has determined that contracting is the most effective way to provide health and human welfare services; or the Retirement Board, consistent with its Charter and State constitutional authority, has determined that contracting is the most effective way to deliver investment management and actuarial services. Continuing approval is valid until revoked by the Commission.

For all PSCs for which the Commission approves a request for continuing approval, the requesting department must provide the Commission with annual reports listing the contracts awarded under the continuing approval. An annual report is to include the name of the contractor, type of service, amount, and duration of the contract. Annual reports are to be submitted to the Commission through DHR no later than August 1st of each year for the prior fiscal year. The Executive Officer will make all annual reports submitted under this section available for public inspection consistent with local and State law.

Regular approvals may be granted for those circumstances where annual or continuing approvals do not apply.

The Commission may also grant an interim, conditional approval known as "qualified approval" pending consideration of alternatives, requirements to report back to the Civil Service Commission or submission of additional information. Typically included with a qualified approval will be a request to the department to examine the feasibility of either budgeting positions in appropriate classification or obtaining a Proposition J contract certification.

A notice of the Commission's action will be sent to the departmental PSC Coordinator, the Controller's Office and the Office of Contract Administration. The PSC coordinator will also

receive separate notifications whenever a Qualified Approval is granted by the Commission. Departments must maintain copies of Commission notifications for their files.

Modification of Previously Approved Personal Services Contracts

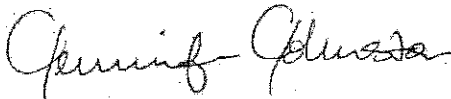
Departments are required to resubmit a request when the circumstances of the original request change. This type of request is considered a "Modification." Changes which warrant a modification request for approval include:

1. Changes to the type or scope of service provided; or
2. Changes in legal or grant requirements for contracting; or
3. Increases of fifty percent (50%) or more over the Regular PSC contract amount approved by the Commission or the Expedited PSC contract amount if the requested increase amount will exceed the \$100,000 threshold; or
4. Extensions beyond the estimated term approved by the Commission for any length of time greater than fifty (50%) of the original duration approved by the Commission. As indicated above, departments may request a modification to extend a PSC that has expired in order to allow completion of the contracted services, provided that it is within one year of the expiration of the approved PSC duration.

QUESTIONS

Questions on Civil Service Commission Rules or policies regarding PSCs as detailed herein may be directed to Commission staff at (415) 252-3247. Questions regarding the procedures for submitting PSCs as detailed in DHR's instructions and guidelines may be directed to the DHR PSC Coordinator.

CIVIL SERVICE COMMISSION



JENNIFER JOHNSTON
Executive Officer

Attachment (1)

Cc: Scott R. Heldfond, President
E. Dennis Normandy, Vice President
Douglas S. Chan, Commissioner
Kate Favetti, Commissioner
Gina Roccanova, Commissioner
Micki Callahan, Human Resources Director

ATTACHMENT B

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: POLICE – POL Dept. Code: POL

Type of Request: [X] Initial [] Modification of an existing PSC (PSC # _____)

Type of Approval: [] Expedited [X] Regular [] Omit Posting

Type of Service: Orchid Cellmark

Funding Source: General Fund PSC Duration: 3 years 1 day
PSC Amount: \$2,000,000 PSC Est. Start Date: 04/01/2014 PSC Est. End Date: 04/01/2017

1. Description of Work

A. Scope of Work:

The deoxyribonucleic acid (DNA) testing that the San Francisco Police Department (SFPD) is requesting for contract consist of extracting and testing samples of DNA-containing substances. The substance must be identified, confirmed as a DNA-containing substance, extracted and DNA strains and substances. Substances are tested through chemical and scientific processes. The cases that would be sent out for contract are those that current staffing has been unable to address. This will be an interim solution until new staff are recruited and trained.

B. Explain why this service is necessary and the consequence of denial:

This service is necessary in order to address crime. The test results provide additional proof of identity for individuals to be prosecuted in criminal cases in the criminal justice system. This work is required of the San Francisco Police Department and should this work be denied, individuals potentially suspected of homicides, sexual assaults, burglaries and other violent crimes will continue to remain unidentified and potentially committing additional crimes.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC. This service is currently provided under PSC #4165-09/10. The department is asking for a new PSC and will put out a Request for Proposal (RFP) to seek a new contractor

D. Will the contract(s) be renewed? Unknown

2. Union Notification: On 12/06/2013, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, Local 21, Management & Superv Local 21, Architect & Engineers, Lo

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 49198 - 13/14

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 02/03/2014

July 2013

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise:
A thorough and complete knowledge of DNA extraction and testing in order to conduct case work is needed. Employees must go through a skills testing and certification process that can take up to 12-18 months to complete in order to work on cases. These skills include identification and confirmation as a DNA-containing substances, extraction, and isolation of DNA strains and markers. Substances are tested through chemical and scientific processes. Chemical testing and analysis of suspected DNA containing substances,
- B. Which, if any, civil service class(es) normally perform(s) this work?
8260,
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
Possibly, it is not a requirement for the contract, but if a contractor has higher-quality equipment at a comparable price to other contractors, the City would benefit from selection of that contractor.

4. Why Classified Civil Service Cannot Perform

- A. Explain why civil service classes are not applicable:
There is a backlog of cases requiring DNA testing that SFPD needs to resolve and their current staffing levels will not allow for resolution of this backlog until additional positions are filled.
- B. Would it be practical to adopt a new civil service class to perform this work? Explain.
No. The current classification are sufficient for this work.

5. Additional Information (if "yes", attach explanation)

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD ON 12/23/2013 BY:

Name: Joseph Valdez Phone: 415-734-3254 Email: joe.valdez@sfgov.org

Address: 850 Bryant St Rm. 577-17 San Francisco, CA

Receipt of Union Notification(s)

◆ Local 21

Dang, Leorah

From: dhr-psccordinator@sfgov.org
Sent: Friday, December 06, 2013 8:12 AM
To: Valdez, Joe; L21PSCReview@ifpte21.org; Valdez, Joe; DHR-PSCCoordinator, DHR; Isen, Richard
Subject: Receipt of Notice for new PCS over \$100K PSC # 49198 - 13/14

RECEIPT for Union Notification for PSC 49198 - 13/14 more than \$100k

The POLICE -- POL has submitted a request for a Personal Services Contract (PSC) 49198 - 13/14 for \$2,000,000 for Initial Request services for the period 04/01/2014 - 04/01/2017. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/711>

Email sent to the following addresses: L21PSCReview@ifpte21.org for Professional & Tech Engrs, Local 21
jebrenner@ifpte21.org for Professional & Tech Engrs, Local 21

Additional Attachment(s) of Explanation

- **Request for Qualification for SFPD
DNA Backlog Forensic Laboratory Services
RFQ#CON2010-7**



City and County of San Francisco
San Francisco Police Department
Forensic Services Division

REQUEST FOR QUALIFICATIONS FOR
SFPD DNA Backlog Forensic Laboratory Services

RFQ#CON2010-7

CONTACT: Randle McClure, Randle.McClure@sfgov.org, (415) 554-5344

Background

San Francisco is the fourth largest city in California and serves as a center for business, commerce and culture for the West Coast. The City and County of San Francisco ("the City"), established by Charter in 1850, is a legal subdivision of the State of California with the governmental powers of both a city and a county under California law. The City's powers are exercised through a Board of Supervisors serving as the legislative authority, and a Mayor and other independent elected officials serving as the executive authority.

The San Francisco Police Department Crime Lab has an existing backlog of approximately 250 DNA cases that it desires to clear from its processing queue. These cases could provide additional proof of identity for individuals suspected of robberies, burglaries, arson and other crimes in the criminal justice system. Failure to process these DNA cases could allow suspects to remain unidentified and free to commit additional crimes. Proper chain of custody and documentation of these analyses according to standard rules of evidence result in criminal convictions that help keep the streets of San Francisco safe for its citizens and visitors.

Respondents with demonstrated experience in DNA sample forensic laboratory services are sought to perform comprehensive forensic analyses on this backlog of approximately 250 cases.

Schedule*

RFQ issued	09-01-10
Pre-response conference	09-20-10 (1pm PT)
RFQ re-issued	10-04-10
Advance questions deadline	10-08-10 (12pm PT)
Answers posted online	10-15-10 (5pm PT)
Deadline for RFQ responses	11-05-10 (12pm PT)
Pre-qualification notification	12-10-10

*Each date subject to change. All hours are Pacific Time. Check website for latest schedule.

Intent of this RFQ

On behalf of the San Francisco Police Department, it is the intent of the Controller's Office to create a pre-qualified list of contractors from which the SFPD may choose for DNA forensic laboratory services on an as-needed basis. This RFQ specifies three distinct service areas of DNA sample analysis for which the City may require service; respondents are encouraged to respond only for those service areas in which experience and qualifications can be demonstrated.

Anticipated Contract Period

Selected Respondents will remain eligible for consideration for selection for contracts on an as-needed basis for two years. Actual contract periods will vary depending upon service needs. Selected Respondents are not guaranteed a contract.

Anticipated Contract Budget

The anticipated not-to-exceed contract budget is \$1,900,000. Responses providing a lower cost estimate are welcomed due to the City's budgetary constraints.

Subcontracting Requirement

There is no Human Rights Commission Local Business Enterprise (LBE) subcontracting requirement for this RFQ or resulting contract(s). However, all Respondents must submit the forms required as part of RFQ Attachment II. LBEs are strongly encouraged to submit responses and will be eligible for rating discounts in accordance with RFQ Attachment II.

City-Respondent Communications

The City conducted a pre-response conference on September 20, 2010, under the initial RFQ schedule. The City will not conduct an additional pre-response conference, but will accept written questions pursuant to the schedule for this re-issued RFQ, and as described in Section 3.2.

1. Introduction

1.1 General terms used in this RFQ

Terms and abbreviations used throughout this RFQ include:

- **A2LA** – The American Association for Laboratory Accreditation.
- **Accrediting Body** – A2LA, ASCLD-LAB or FQS.
- **ASCLD-LAB** – American Society of Crime Laboratory Directors Laboratory Accreditation Board.
- **Chain of Custody** – The chronological documentation, and/or paper trail, showing the seizure, custody, control, transfer, analysis, and disposition of evidence, physical or electronic
- **CODIS** – Combined DNA Index System, the FBI-funded computer system that assists criminal prosecution by searching DNA profiles developed by federal, state, and local crime laboratories.
- **Contractor** – The Respondent who is awarded a contract for services under this RFQ.
- **Crime Lab** – The San Francisco Police Department Crime Lab, part of the Forensic Services Division of the Office of Administration. This lab supports the department and criminal justice system through the “efficient and reliable evaluation, analysis and comparison of physical evidence.”
- **Discovery Requests** – Compulsory pretrial disclosures of documents relevant to a case; enables one side in a litigation to elicit information from the other side concerning the facts in the case.
- **District Attorney** – An official prosecutor for a judicial district, specifically San Francisco
- **DNA** – Deoxyribonucleic Acid.
- **DNA Technical Lead** – The assigned SFPD officer or criminalist responsible for facilitating the backlog with the contractor(s).
- **FQS** – Forensic Quality Services.
- **Local Business Enterprise (LBE)** – A business that is certified as an LBE under Admin Code §14B.3. LBEs may be Small-LBEs, Micro-LBEs, or SBA-LBEs.
- **NDIS** – National DNA Index System.
- **Respondent** – Any entity submitting a response to this re-issued Request for Qualifications (RFQ).
- **SDIS** – State DNA Index System.
- **SFPD or Department** – San Francisco Police Department.

1.2 Background of the San Francisco Police Department and Crime Lab

The San Francisco Police Department was first established on August 13, 1849. Since that time the organization has grown into a nationally known police department providing public safety services to one of the most recognized cities in the United States.

The Police Chief is nominated by the City's Police Commission and appointed by the Mayor. The Chief reports to a Police Commission consisting of seven members with four members appointed by the Mayor and confirmed by the City's Board of Supervisors (legislative branch), and the remaining three positions appointed directly by the Board of Supervisors.

The Department has approximately 2,297 sworn officers and 382 civilian employees working in one of three offices each managed by an Assistant Chief. The Department is organized as follows:

- Office of Chief of Staff
- Office of Operations
- Office of Administration

The Crime Lab section is part of the Forensic Services Division of the Office of Administration. This section supports the Department and criminal justice system through the "efficient and reliable evaluation, analysis and comparison of physical evidence." The goal of the section is to provide clear, objective interpretations and findings. The lab has received full accreditation from the ASCLD-LAB (Legacy Program). Services performed include: firearms identification; operability and legality; forensic ballistics; serial number restoration; gunshot residue detection; document examination; and body fluid identification and DNA typing.

The San Francisco Police Department's proposed budget for fiscal year 2010-11 is \$446,541,021, of which \$78,713,888 has been allocated for investigations. For additional information about the Department, please see the SFPD website at <http://www.sfgov.org/police>.

1.3 Statement of Need and Intent

What Does the City Seek? The City and County of San Francisco, California ("City"), seeks responses from contractors demonstrating successful experience in providing DNA forensic laboratory services, divided into three service areas, including:

- A. *Robbery/Burglary Crimes*, including approximately 125 cases of crimes involving robbery or burglary containing an average of one to two DNA samples per case.
- B. *Firearm Crimes*, including approximately 100 cases of crimes involving possession of firearms with an average of one to two DNA samples per case.
- C. *Other Crimes*, including approximately 25 cases of crimes involving but not limited to arson, vehicular crimes, etc, containing an average of one to two DNA samples per case.

Respondents must have experience working with municipalities (or similar government agencies) on complex DNA forensic services involving the above criminal activities.

With Whom Will Contractors Work? Contractors will work with San Francisco Police Department Crime Lab personnel, specifically the DNA Technical Lead of the Forensic Services Division.

What is the City's Intent with this RFQ? Based on responses to this RFQ, it is the intent of the City to create a pre-qualified list of consultants from which the City shall choose prospective contractors on an as-needed basis for consulting projects indicated below in Section 2, Scope of Work. This list may be used by the City, at its sole and absolute discretion, for contractor selection and negotiations for two years following establishment of the pre-qualified list. No pre-qualified or selected Respondent is guaranteed a contract.

1.4 Role of Controller's Office / City Services Auditor (CSA)

Proposition C, passed in November 2003, amended City Charter Section 3.105 to instruct the City's Controller to serve as City Services Auditor. This role makes the Controller's Office responsible for providing objective, rigorous measurement of City service levels and effectiveness and authorizes it to contract with outside, independent experts for a variety of consultant services. CSA staff will be providing RFQ process administration and oversight as described in this RFQ. For more information regarding CSA roles and responsibilities, visit <http://www.sfgov.org/controller>.

2. Scope of Work

This scope of work is a general guide to the work the City expects to be performed, and is not a complete listing of all services that may be required or desired. The City is soliciting qualifications to create a pre-qualified list of consultants that may be selected for the services described below.

What if My Laboratory is Interested in Being Considered for More than One Service Area? Respondents are asked to indicate the Service Area Types for which they would like to be considered in RFQ Attachment V, Response Template. Given the broad range of possible opportunities, we encourage labs to respond for all Service Areas for which they meet or exceed minimum qualifications as described in this RFQ. Please note that qualifications will be evaluated separately for each Service Area.

Is My Laboratory Expected to Propose for a Specific Project? No. The Controller's Office will create a list of consultant labs to draw from for a diverse set of possible DNA forensic analyses. Each Respondent should demonstrate its capabilities by providing concise, but comprehensive responses in RFQ Attachment V, Response Template, including representative service area Sample Reports. The City will negotiate the specific scope of services, budget, deliverables and timeline with pre-qualified labs selected for contract negotiations. There is no guarantee of a minimum amount of work or compensation for any Respondent(s) selected for contract negotiations. The City may select Contractors from the pre-qualified list in its sole and absolute discretion.

Does the City prefer Laboratories to Form a Large Group or Consortium to Cover More Services, or to Focus on an Area of Expertise and Respond Individually? The City prefers individual laboratory responses focused on the Service Areas that the lab and its lead staff can demonstrate possession of appropriate qualifications. For any proposed Respondent partnerships, at least 50% of proposed work effort on the City's forensic analyses must come from the lead Respondent lab.

2.1 Provide DNA Forensic Laboratory Services

The City seeks contractors to provide DNA forensic laboratory services, divided into three service areas. Respondents can apply to provide services for a specific service area alone or multiple service areas collectively.

Note: SFPD will provide a complete case breakdown (number and offense type) for the requisite testing at contract execution.

- A. *Robbery/Burglary Crimes*, including approximately 125 cases of crimes involving robbery or burglary containing an average of one to two DNA samples per case.
- B. *Firearm Crimes*, including approximately 100 cases of crimes involving possession of firearms with an average of one to two DNA samples per case.
- C. *Other Crimes*, including approximately 25 cases of crimes involving but not limited to arson, vehicular crimes, etc, containing an average of one to two DNA samples per case.

Respondent must adhere to the following activities and task requirements for each DNA case analysis performed regardless of service area chosen.

Contractor tasks and activities shall include:

- *Biological Screening on an As-Needed Basis*. A first step in DNA cases involving identification of bodily fluids from crime scene items and sexual assault evidence kits to

determine if there are DNA samples available for testing (including presumptive tests not limited to screening for blood and semen and confirmatory tests for semen).

- *DNA Case Analysis.*

- *Requisite Technology and Methodologies.* The required methodologies to perform these DNA analyses include Organic/Differential Extraction, and EZ1 Extraction, Quantifiler Total Human DNA assay w/ ABI 7000 (or 7500) SDS. The required technology to perform these DNA analyses includes AmpFISTR Profiler Plus and COfiler, and ABI 310 Genetic Analyzer with Macintosh Genescan and Genotyper proprietary software.
- *Proprietary Chemistry Kits and Software.* When proprietary chemistry kits/software are used to develop DNA profiles, manufacturers' guidelines are to be followed without modification. This includes, but is not limited to, thermal cycling parameters, capillary electrophoresis injection times and data analysis.
- *Unknown Suspects.* In DNA cases involving crimes with no criminal suspects, Contractor shall develop 13 marker DNA profiles using the AmpFISTR Profiler Plus and COfiler DNA typing systems for submission to the national level of the Combined DNA Index System (CODIS).
- *Known Suspects.* In DNA cases involving crimes with known criminal suspects, Contractor shall provide a direct comparison between the evidence samples (i.e., gun swabs, blood, etc.) to the known reference sample(s) from the suspect(s) and victim(s) using AmpFISTR Profiler Plus only.
- *Sample Preservation.* When possible, the Contractor shall retain a portion of each evidentiary item for future 're-testing;' if complete consumption of an item is required in order to obtain an interpretable result, the Contractor shall notify and discuss with the SFPD Crime Lab DNA Technical Lead before proceeding with the analysis.
- *Sample Inhibition:* Alternative methods of quantification should be employed when possible (e.g., dilution of DNA extract, additional TE (10 mM tris-HCL-0.1 mM EDTA pH8.0) buffer washes, and/or alternative DNA purification methods) to overcome the inhibition before proceeding to amplification.
- *Quantification results:* If an evidentiary sample exhibits a result of 'not detected' (ND) for quantification with a normal C_T value (~27) on the Internal Positive Control (IPC), the Contractor shall proceed with amplification with AmpFISTR Profiler Plus and/or COfiler DNA typing system(s).

- *DNA Case Accessioning.*

- *Chain of Custody.* The Contractor shall ensure proper chain of custody throughout each case analysis, including providing a certified weekday (Monday through Friday) courier service once daily between the hours of 8:30 am and 3:30 pm to pick up DNA samples from the Property Control Division of the SFPD at the Hall of Justice and/or Building 606 at the Hunter's Point facility, and producing a complete written documentation of each step in the analysis. See Appendix B for an example of a case submission form.
- *Items Given to the Contractor.* SFPD will hand off the following items to the Contractor corresponding to each DNA case file:

- o Laboratory Examination Request (SFPD 64 Form)
 - o Laboratory Assignment Memo indicating items for testing and nature of requests
 - o SFPD Police Narratives and supporting documentation
- *DNA Case Disposition & Case File Documentation.*
 - *Time Limit.* The Contractor shall return each DNA case sample to the SFPD Property Control Division within sixty (60) days of receipt.
 - *Case Files.* The Contractor shall produce written DNA case files that include, at a minimum, hard copies of the following information:
 - o Case identifying numbers as provided by SFPD
 - o Biological Screening documentation
 - o DNA Extraction Data Sheet
 - o Quantifiler Data Sheet
 - o Amplification Data Sheet
 - o Short Tandem Repeat (STR) Run Data Sheet (hand written or electronic) and a printed copy of the "Sample Summary Sheet"
 - o ABI Prism 310 Injection List
 - o Internal Lane Size Standard Verification (GS500/ROX plots and tables)
 - o Genescan plots for all items injected on genetic analyzer
 - o Genotyper Plots (blue, green, yellow) for all evidence and known reference items
 - o Genotyping Summary
 - o Formal Report of Laboratory Examination
 - o Case Technical Review
 - o Evidence tracking (chain of custody) information with a clear list of names and dates of those interacting with the case exhibits
 - o Qualifications of the analyst performing the work
 - *Electronic Data.* All electronic files related to a particular case must be stored on a compact disk (CD) and provided in case file documentation. Each CD shall contain the case number, the analyst's initials, and the date.
 - *Discovery Requests/Testimony.* The Contractor shall provide timely assistance, as requested, to the SFPD and District Attorney with discovery requests and/or expert testimony for trial, including but not limited to preliminary hearing interviews.
 - *Auditing.* The Contractor shall provide onsite access to SFPD management and other relevant auditing agencies as requested for purposes of the inspection of the Contractor's facilities.

3. City-Respondent Communications

Interested parties, including Respondents, are specifically directed NOT to contact any employees or officials of the City other than those specifically designated in this RFQ and its Attachments. Unauthorized contact may be cause for rejection of responses at the City's sole and absolute discretion.

3.1 Pre-Response Conference

Note: this section applied to the original issuance of the RFQ only.

The City conducted a pre-response conference on September 20, 2010, under the initial RFQ schedule and will not conduct another pre-response conference for this re-issued RFQ.

Additional Questions

Additional Questions regarding this re-issued RFQ will be accepted through 12pm PT on Friday, October 8, 2010, after which no questions or requests for interpretation will be accepted with the exception of City vendor compliance or Human Rights Commission subcontracting requirement questions.

Summary of Questions and Answers

A summary of any questions and answers pertaining to this re-issued RFQ will be posted on the Controller's Office website **by close of business on Friday, October 15, 2010** at <http://www.sfcontroller.org/solicitations>.

4. Response Submission Requirements

4.1 Time and Place for Submission of Responses

Responses and all related materials must be received by **12 pm PT on Friday, November 5, 2010**. Responses may be delivered to the Reception Desk at City Hall, Room 316 or delivered or mailed to:

*Randle McClure
Office of the Controller
City Hall, Room 388
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102*

Postmarks will not be considered in judging the timeliness of submissions. Responses submitted by e-mail or fax will not be accepted. Late submissions will not be considered, including those submitted late due to postal or delivery service failure. Note that Respondents hand-delivering responses to City Hall may be required to open and make packages accessible for examination by security staff.

4.2 Response Package

The following items must be included in your response and packaged in a box or envelope clearly marked **RFQ#CON2010-7 SFPD DNA Backlog Forensic Laboratory Services RFQ**.

Complete, but concise responses, are recommended for ease of review by the Evaluation Team. Responses should provide a straightforward, concise description of the Respondent's capabilities to satisfy the requirements of the RFQ. Marketing and sales type information should be excluded. All parts, pages, figures, and tables should be numbered and clearly labeled.

- A. **One (1) original printed response (with original signatures) labeled as "Original."** The pages should be bound by a method in which the sheets may be easily separated (e.g. 3-hole binder, binder clip, comb binding, velo binding, etc).

RFQ Attachment I Acknowledgement of RFQ Terms and Conditions

RFQ Attachment II Human Rights Commission Local Business Enterprise Forms – 2 copies

RFQ Attachment III City's Administrative Requirements

RFQ Attachment IV City's Agreement Terms and Conditions

RFQ Attachment V Response Template

- B. **One (1) CD-ROM containing entire contents of response, including all RFQ Attachments.** The CD-ROM and electronic files on the CD-ROM must be labeled with the Respondent's name. All files should be submitted in unprotected PDF or Word format. Electronic files should include signatures, where applicable.

- C. **Ten (10) complete printed copies of RFQ Attachment V.** The pages may be bound by a method of the Respondent's choosing. Respondents are advised to review RFQ Attachments I through IV before beginning work on the response template in RFQ Attachment V to ensure they can meet the City's requirements.

5. Evaluation Criteria

This section describes the guidelines used for analyzing and evaluating the responses and for Respondent pre-qualification. It is the City's intent to pre-qualify Respondent(s) that provide the best overall qualifications to the City inclusive of fee considerations. Consultant labs selected for pre-qualification are not guaranteed a contract. This RFQ does not in any way limit the City's right to solicit contracts for similar or identical services if, in the City's sole and absolute discretion, it determines the pre-qualified list is inadequate to satisfy its needs.

5.1 Evaluation Team

Representatives from the San Francisco Police Department, other City departments and other jurisdictions will serve on the Evaluation Team responsible for evaluating Respondents. Specifically, the team will be responsible for the evaluation and rating of the responses for pre-qualification, for conducting reference checks, and for interviews, if desired by the City.

5.2 Minimum Qualifications

The Minimum Qualifications are used by the City to determine whether the Respondent and the proposed staff have had experience in DNA forensic analysis comparable to the services the City is requesting. Respondents not meeting these minimum qualifications, as determined by the City, will not be considered, and their responses will be deemed non-responsive and not be evaluated or eligible for award of any subsequent contract(s).

By submitting a response, the Respondent certifies that:

A. RFQ ATTACHMENTS: It has completed the requirements and submitted the forms described in RFQ Attachments I, II, III, IV, and V as part of its RFQ response, as applicable.

B. EXPERIENCE:

It has submitted compliance and accreditation documents in accordance with RFQ Attachment V, Section B, clearly demonstrating current laboratory compliance with FBI Quality Assurance standards, as described in Appendix A, for handling of DNA samples and accreditation for DNA samples from an Accrediting Body.

It also uses state of the art technology and methodologies for its DNA analyses, including but not limited to the following:

- Organic/Differential Extraction
- EZ1 Extraction
- Quantifiler Total Human DNA assay w/ ABI 7000 SDS
- AmpFISTR Profiler Plus and COfiler
- ABI 310 Genetic Analyzer with Macintosh Genescan and Genotyper proprietary software

It has submitted two Sample Reports that includes comprehensive documentation for separate cases involving: 1) a single-source DNA profile and, 2) a mixed-source DNA profile serviced by the Respondent's laboratory within the last year of the issuance date of this RFQ.

C. STAFFING:

The laboratory manager and/or technical lead proposed to be assigned to this project individually have had a similar role at Respondent's laboratory for a minimum of one (1) year prior to the issuance of this RFQ.

5.3 Evaluation Criteria for Pre-Qualification (100 points)

Each RFQ response will be evaluated in accordance with the criteria below. A Respondent must receive a score of 70 points or above out of the 100 total possible points to be pre-qualified.

5.3.1 Respondent Qualifications – 20 points

- a) Respondent's laboratory history and structure;
- b) Respondent's depth and relevance of experience/familiarity providing forensic services comparable to those under this RFQ including experience in:
 - Robbery/Burglary DNA sample analysis;
 - Firearm (gun swabs) DNA sample analysis;
 - Other DNA sample analysis (e.g., arson);
 - Previous external DNA analytical experience;
- c) Pending litigation;
- d) Client relationships severed for reasons other than convenience;
- e) Respondent's capacity and resources to provide the services under this RFQ.

5.3.2 Proposed Staff Qualifications – 40 points

- a) Clarity and appropriateness of proposed staffing structure, including proposed staff organization chart;
- b) Appropriateness of proposed staff roles and responsibilities;
- c) Applicability of proposed staff qualifications, experience (including bench readiness and enrolled in a regularly scheduled proficiency testing program), education, and background of those who will be analyzing the samples. Staff qualifications shall include appropriate background investigations and no legal impediments to providing qualified court room testimony;
- d) Appropriate procedures for notifying the SFPD of any occurrences which would affect the ability of proposed staff to provide credible testimony, and appropriate procedures in place for removing such proposed staff if necessary. Such occurrences shall include arrests or other conduct which would bear upon the credibility of the staff.

5.3.3 Approach and Cost – 30 points

- a) Work plan/approach demonstrates understanding of the required services and the tasks to be performed. Demonstrates ability to perform services in a timely manner;
- b) Has appropriate expectations of client involvement or level of effort and knowledgeable questions and data/resource requests;
- c) Has developed sufficient expertise or methodology to create competitive differences that will be beneficial to the City;
- d) Cost response is sufficiently detailed, reasonable and appropriate for the services requested.

5.3.4 Quality of Response Submission – 10 points

- a) Response conforms with RFQ requirements and concisely but comprehensively addresses RFQ requirements;
- b) Response is professionally presented and contains organized content and format.

5.4 Contractor Selection Processes

Respondents scoring 70 points and above for each Service Area will be added to the pre-qualified list for as-needed services in that Service Area. Due to the varied nature of the services to be performed, the City reserves the right to contract with any or all pre-qualified Respondents.

Selection Interviews

Following the City's pre-qualification determination, pre-qualified consultant labs may be invited to interviews with the Evaluation Team for specific projects. Interviews, if pursued by the City, will consist of standard questions asked of all selected Respondents, and specific questions regarding individual responses. The lead staff members that will be assigned to the project should be present for the interview, as well as the lead staff of other partner(s), including Local Business Enterprise firms.

The City has sole and absolute discretion over whether interviews will be conducted or not to select Respondents for contract negotiations.

Reference Checks

Following the City's pre-qualification determination, reference checks may be used to determine the applicability of pre-qualified consultant labs' experience with the services the City is requesting and the quality of services and staffing provided to prior clients, as well as adherence to schedules/budgets and Respondent's problem-solving, project management, and communication abilities including performance on deliverables and outcomes and effectiveness in meeting or project objectives.

Other Terms and Conditions

The City may issue mini-Request(s) for Proposals or Request(s) for Quotes to the pre-qualified laboratory list to better assess qualifications for a specific scope of service, which may include staffing, Human Rights Commission Local Business Enterprise subcontracting, scheduling, deliverable, and cost considerations.

The selection of any pre-qualified Respondent for contract negotiations shall not imply acceptance by the City of all terms of the response, which may be subject to further negotiation and approvals before the City may be legally bound thereby.

If a satisfactory contract cannot be negotiated in a reasonable time with any pre-qualified Respondent, then the City, in its sole discretion, may terminate negotiations and begin contract negotiations with any other remaining pre-qualified Respondents.

The City, in its sole discretion, has the right to approve or disapprove any staff person assigned to a lab's projects before and throughout the contract term. The City reserves the right at any time to approve, disapprove or modify proposed project plans, timelines and deliverables. Such approvals will not be unreasonably withheld.

6. Protest Procedures

6.1 Protest of Non-Responsiveness Determination

Within five (5) working days of the City's issuance of a notice of non-responsiveness, any consultant lab that has submitted a response and believes that the City has incorrectly determined that its response is non-responsive may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth (5th) working day following the City's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the Respondent, and must cite the law, rule, local ordinance, procedure or RFQ provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

6.2 Protest of Establishment of Pre-Qualified Consultant List

Within five (5) working days of the City's issuance of a notice of intent to establish a pre-qualified consultant list, any consultant lab that has submitted a responsive response and believes that the City has incorrectly selected another Respondent for pre-qualification may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth (5th) working day after the City's issuance of the notice of intent to establish a pre-qualified consultant list.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the Respondent, and must cite the law, rule, local ordinance, procedure or RFQ provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

6.3 Delivery of Protests

All protests must be received by the due date. Protests may be transmitted by e-mail only, which is a means that will objectively establish the date the City received the protest. Protests or notice of protests made orally (e.g., by telephone) or by fax will not be considered. Protests must be e-mailed to: Richard.Kurylo@sfgov.org.

Appendix A – FBI Quality Assurance Standards

Vendor Compliance with FBI Quality Assurance Standards

The chosen vendor Laboratory performing forensic DNA analysis shall demonstrate compliance with the FBI Quality Assurance Standards ("QAS") (effective July 1, 2009) through a recognized Accrediting Body (ASCLD-LAB, FQS, or A2LA) and fulfill external audit requirements.

SFPD and the Contractor must comply with the following QAS standards for outsourcing agreements of DNA casework as follows:

STANDARD 17.1.1: An NDIS participating laboratory that outsources DNA sample(s) to a vendor laboratory to generate DNA data that will be entered into CODIS shall require the vendor laboratory to provide documentation of compliance with these Standards and the accreditation requirements of federal law. The NDIS participating laboratory shall maintain such documentation.

STANDARD 17.2: Except as provided in Standard 17.2.1, an NDIS participating laboratory's technical leader shall document approval of the technical specifications of the outsourcing agreement with a vendor laboratory before it is awarded. Such documentation shall be maintained by the NDIS participating laboratory.

- **STANDARD 17.2.1:** A vendor laboratory that is performing forensic DNA analysis for a law enforcement agency or other entity and generating DNA data that may be entered into or searched in CODIS shall not initiate analysis for a specific case or set of cases until documented approval has been obtained from the appropriate NDIS participating laboratory's technical leader of acceptance of ownership of the DNA data.

STANDARD 17.3: An NDIS participating laboratory shall not upload or accept DNA data for upload to or search in CODIS from any vendor laboratory or agency without the documented prior approval of the technical specifications of the outsourcing agreement and/or documented approval of acceptance of ownership of the DNA data by the NDIS participating laboratory's technical leader.

STANDARD 17.4: An NDIS participating laboratory shall have and follow a procedure to verify the integrity of the DNA data received through the performance of the technical review of DNA data from a vendor laboratory.

STANDARD 17.5: Prior to the upload or search of DNA data to SDIS, the technical review of a vendor laboratory's DNA data shall be performed by an analyst or technical reviewer employed by the NDIS participating laboratory who is qualified or previously qualified in the technology, platform and typing amplification test kit used to generate the data and participates in the laboratory's proficiency testing program.

- **STANDARD 17.5.1:** The technical review shall include the following elements:
 - **STANDARD 17.5.1.1:** A review of all DNA types to verify that they are supported by the raw and/or analyzed data (electropherograms or images).
 - **STANDARD 17.5.1.2:** A review of all associated controls, internal lane standards and allelic ladders to verify that the expected results were obtained.
 - **STANDARD 17.5.1.3:** A review of the final report (if provided) to verify that the results/conclusions are supported by the data. The report shall address each tested item (or its probative fractions) submitted to the vendor laboratory.

- o **STANDARD 17.5.1.4:** Verification of the DNA types, eligibility, and the correct specimen category for entry into CODIS.

STANDARD 17.6: An NDIS participating laboratory or multi-laboratory system outsourcing DNA sample(s) to a vendor laboratory or accepting ownership of DNA data from a vendor laboratory shall have and follow a procedure to perform an on-site visit(s) of the vendor laboratory. This procedure shall include, at a minimum, the following elements:

- **STANDARD 17.6.1:** A documented initial on-site visit prior to the vendor laboratory's beginning of casework analysis for the laboratory.
 - o **STANDARD 17.6.1.1:** The on-site visit shall be performed by the technical leader, or a designated employee of the NDIS participating laboratory who is a qualified or previously qualified DNA analyst in the technology, platform and typing amplification test kit, used to generate the DNA data.
- **STANDARD 17.6.2:** If the outsourcing agreement extends beyond one year, an annual on-site visit shall be required. Each annual on-site visit shall occur every calendar year and shall be at least 6 months and no more than 18 months apart.
 - o **STANDARD 17.6.2.1:** An NDIS participating laboratory may accept an on-site visit conducted by another NDIS participating laboratory using the same technology, platform and typing amplification test kit, for the generation of the DNA data and shall document the review and approval of such on-site visit.

Appendix B – Case Submission Form

CASE SUBMISSION FORM
San Francisco Police Department
850 Bryant St. (Building 606) SF CA 94103

SFPD INFORMATION
Case Number
Agency Phone
Address Fax
City/State/Zip

SENT ANALYTICAL REPORT : Yes / No

SENT HARD COPY of ANALYTICAL DATA & DATA SHEETS: Yes / No

CASE SUBMISSION TYPE:
New Case
Reopen Existing Case
Name of Suspect(s)
Name of Victim(s)
Offense

CASE & EVIDENCE DESCRIPTION:
Item Number
Description
OK to Consume?
Type of Testing: Biological Screening / STR Analysis

EVIDENCE DISPOSITION:
Narrative and relevant documentation included: Yes / No
Return evidence within 60 Days of case completion: Yes / No

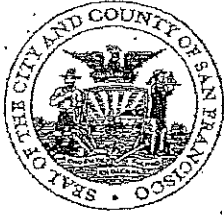
Additional Attachment(s) of Explanation

◇ **Section 1. Description of Work**

**1C. Has this service been provided in the past. If so, how?
If the service was provided via a PSC, provide the most
recently approved PSC # and upload a copy of the PSC.**

PSC #4165-09/10

- **Prior Notice of Civil Service Action – Mod2 – Similar**
- **Prior DHR Approved PSC Form 1 – Mod2 - Similar**
- **Prior CSC Meeting Minutes – Mod2 (Conditional
Follow-Up) – Similar**
- **CSC Report Transmittal (Form 22)**
- **Prior DHR Approved PSC Form 1 – Mod3 - Similar**



CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

October 3, 2012

4165-09/10
Mat #2
Similar

NOTICE OF CIVIL SERVICE COMMISSION ACTION

KATE FAVETH
PRESIDENT

SCOTT R. HELDROND
VICE PRESIDENT

MARY Y. JUNG
COMMISSIONER

E. DENNIS NORMANDY
COMMISSIONER

SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED
PERSONAL SERVICES CONTRACT NUMBERS 4027-12/13;
4028-12/13; 4030-12/13 THROUGH 4034-12/13; 3013-11/12; 4164-09/10
AND 4165-09/10.

At its meeting of October 1, 2012 the Civil Service Commission had for its consideration the above matter.

PLEASE NOTE: *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

The Commission:

- (1) Withdrew PSC #s 4028-12/13 and 4030-12/13 by mutual request of the Department of Human Resources and the Department of Emergency Management.
- (2) Adopted the report; Approved the request for approval of PSC #4165-09/10 on the condition that a joint report by IFTPE Local 21 and the San Francisco Police Department be submitted at the meeting of November 5, 2012.
- (3) Postponed PSC #3013-11/12 to the meeting of October 15, 2012.
- (4) Adopted the report; Approved the request for all remaining contracts. Notified the Office of the Controller and the Office of Contract Administration.

JENNIFER C. JOHNSTON
EXECUTIVE OFFICER

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

Attachment

- c:
- Cynthia Avakian, Airport Commission
 - Micki Callahan, Human Resources Director
 - Leorah Dang, Department of Human Resources
 - Jaci Fong, Office of Contract Administration
 - William Lee, Department of Emergency Management
 - Lucy Palileo, Department of Human Resources
 - Merrick Pascual, Mayor's Office of Economic & Workforce Development
 - Ben Rosenfield, Controller
 - Shawn Wallace, San Francisco Police Department
 - Commission File
 - Chron

POSTING FOR
10/1/2012

PROPOSED PERSONAL SERVICES CONTRACTS
MODIFICATION TO INCREASE CONTRACT AMOUNT/DURATION

PSC No	Dept No	Dept Description	Approval Type	Modified Amount	Cumulative Total	Description of Work	Start Date - End Date
3013-11/12	21	Business, Economic Development	Regular	\$100,000	\$149,900	The consultant will increase capacity with OEWD grantees who operate the City's One-Stop Career Link Centers. Contractor's work will be focused on sector-based training research, including sectors in demand and performance of training providers currently on the State's Eligible Training Provider List. Consultants will conduct technical assistance and training with One-Stop staff, Sector Academy Staff, and/or OEWD staff on research, best practices, high performing training providers, and growth industries/sectors to ensure that all parties can assist Workforce Investment Act program participants to make informed choices about training options. The consultant will assist in assessing the implementation of any program or operational changes and may also facilitate partnerships.	8/24/2011 - 12/31/2013
4164-09/10	38	Police	Regular	\$2,300,000	\$4,200,000	The contract substances testing consists of, but is not limited to, maintaining a chain-of-custody, weighing or reweighing, testing, analysis, documenting, completing reports of controlled substances. The work includes interaction with investigators, the District Attorney's Office & offering expert court testimony. Testing is performed through chemical & scientific process within ASCLAD standards.	11/1/2010 - 2/28/2017
4165-09/10	38	Police	Regular	\$900,000	\$2,900,000	The DNA Testing that the SFPD is requesting for contract consists of extracting and testing samples of DNA-containing substances. The substances must be identified, confirmed as a DNA-containing substance, extracted, and DNA stains and markers identified. Substances are tested through chemical and scientific processes. The cases that would be sent out for contract are those that current staffing has been unable to address. This will be an interim solution until new staff are recruited and trained.	11/1/2010 - 9/30/2013

Sum of Modified Amounts: \$3,800,000

01 01 01

39

Mod #2
Similar

City and County of San Francisco

Department of Human Resources

PERSONAL SERVICES CONTRACT SUMMARY

DATE: 7-03-12

DEPARTMENT NAME: Police

DEPARTMENT NUMBER 38

TYPE OF APPROVAL: EXPEDITED REGULAR (OMIT POSTING _____)
 CONTINUING ANNUAL

TYPE OF REQUEST: INITIAL REQUEST MODIFICATION (PSC# 4165-09/10)

TYPE OF SERVICE: DNA Testing as Evidence in Criminal Cases

FUNDING SOURCE: General Fund, with some supplemental grant funding

Original Amount:	\$2,000,000	PSC Duration:	11-1-10 - 6-30-12
Modification Amount:	\$0	PSC Duration:	6-30-12 - 3-31-13
	\$900,000		4-1-13 - 4-1-12 - 9-30-13
Total Amount:	\$2,900,000	Total PSC Duration:	11-1-10 - 9-30-13

12 AUG 31 PM 8:56
PERSONNEL OFFICE
DEPARTMENT OF HUMAN RESOURCES

I. DESCRIPTION OF WORK

A. Concise description of proposed work:

The DNA Testing that the SFPD is requesting for contract consists of screening, testing and documenting DNA profiles to identify subjects. The process includes, but is not limited to, extraction, quantification, amplification, separation and analysis. Case reports, consultation, Proposition 115 testimony and expert court testimony are also part of the services rendered by the contractor.

B. Explain why this service is necessary and the consequences of denial:

The service is necessary to alleviate any backlog or to address rush requests when the current Crime Lab cannot meet the demand. The consequences of denial would bring about the lack of evidence to investigate crimes, provide evidence of guilt, bring forward exculpatory evidence, aid the District Attorney to prosecute cases and inform the Court of the evidence. Additionally, suspects in violent crimes, other felonies and property crimes would never be identified and brought to justice and allowed to commit other crimes.

C. Explain how this service has been provided in the past (if this service was previously approved by the Civil Service Commission, indicate most recent personal services contract approval number):

This service has been provided through PSC # 4165-09/10 and through SFPD personnel.

D. Will the contract(s) be renewed: Yes

2. UNION NOTIFICATION: Copy of this summary is to be sent to employee organizations as appropriate (refer to instructions for specific procedures):

IFPTE Local 21	Officer Shawn Wallace #1104 (E-Mailed)	7-3-12
Union Name	Signature of person mailing/faxing form	Date
Union Name	Signature of person mailing/faxing form	Date
IAP sent to	on	Signature
Union Name	Date	Signature

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4165-09/10
STA ANALYSIS/RECOMMENDATION: Approved LW 9/13/12

CIVIL SERVICE COMMISSION ACTION:

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise:

A thorough and complete knowledge of DNA extraction and testing in order to conduct case work. Employees must go through a skills testing and certification process that can take up to 12-18 months to complete in order to work on cases. These skills include identification and confirmation as a DNA-containing substance, extraction, and isolation of DNA strains and markers. Substances are tested through chemical and scientific processes. Chemical testing and analysis of suspected DNA-containing substances, ability to isolate DNA markers, and a thorough working knowledge of scientific principles.

B. Which, if any, civil service class normally performs this work?

Classifications 8262 Criminalist III and 8260 Criminalist II perform this work. Class 8259 Criminalist I might also be able to do some of the work.

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Possibly. It is not a requirement for the contract, but if a contractor has higher-quality equipment at a comparable price to other contractors, the City would benefit from selection of that contractor.

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

A. Explain why civil service classes are not applicable:

This contract will be used only as a backup in case the Police Department runs into a backlog and an emergency rush order situation.

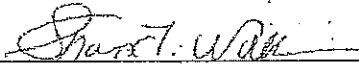
B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. The current classifications are sufficient for this work.

5. ADDITIONAL INFORMATION (if "yes," attach explanation)

	<u>Yes</u>	<u>No</u>
A. Will the contractor directly supervise City and County employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Describe the training and indicate approximate number of hours.		
• Indicate occupational type of City and County employees to receive training (i.e., clerks, civil engineers, etc.) and approximate number to be trained.		
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current personal services contract with your department? Orchid Cellmark Inc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:



Signature of Departmental Personal Services Contract Coordinator

Officer Shawn Wallace #1104

553-1096

Print or Type Name

Telephone Number

850 Bryant Street
San Francisco, Calif. 94103

Address

Next #2
Similar

Civil Service Commission Meeting Minutes

Regular Meeting of November 5, 2012

0377-12-1 Proposed Civil Service Commission Meeting Schedule for Calendar Year 2013.
(Item No. 11)

Speakers: None.

Action: Adopted the report. (Vote of 3 to 0)

0345-12-8 Follow-Up report from IFPTE Local 21 and the San Francisco Police Department on the conditional approval of Personal Services Contract #4165-09/10. (Item No. 12)

PSC#	Department	Amount	Type of Service	Type of Approval	Duration
4165-09/10	Police	Current Approved Amount \$2,000,000 Increase Amount Requested \$900,000 New Total Amount Requested \$2,900,000	The DNA Testing that the SFPD is requesting for contract consists of extracting and testing samples of DNA-containing substances. The substance must be identified, confirmed as a DNA-containing substance, extracted, and DNA stains and markers identified. Substances are tested through chemical and scientific processes. The cases that would be sent out for contract are those that current staffing has been unable to address. This will be an interim solution until new staff are recruited and trained.	Modification	09/30/13

October 1, 2012: Adopted the report; Approved the request for approval of PSC #4165-09/10 on the condition that a joint report by IFPTE Local 21 and the San Francisco Police Department be submitted at the meeting of November 5, 2012. (Vote of 4 to 0)

Speakers: Captain Louis Cassanego, San Francisco Police Department
Kim Carter, IFPTE Local 21

Action: Adopted the report. The San Francisco Police Department and IFPTE Local 21 will submit a joint report in May 2013.
(Vote of 3 to 0)

COMMISSIONERS' ANNOUNCEMENTS/REQUESTS (Item No. 13)

None.

ADJOURNMENT (Item No. 14)

2:59 p.m.



Civil Service Commission
CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure Number Two for Instructions on
Completing and Processing this Form

1. Civil Service Commission Register Number: 4164 - 09/10

2. For Civil Service Commission Meeting of: November 5, 2012

3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda XXX
 Human Resources Directors Report

4. Subject: Personal Services Contract – DNA Testing

5. Recommendation: Approval

6. Report prepared by: Capt. Louis Cassanego Telephone number: 553-1122

7. Notifications: Kate Favetti, President; Scott R. Heldfond, Vice President;
 Mary Y. Jung, Commissioner; E. Dennis Normandy,
 Commissioner; Jennifer C. Johnston, Executive Director

8. Reviewed and approved for Civil Service Commission Agenda:

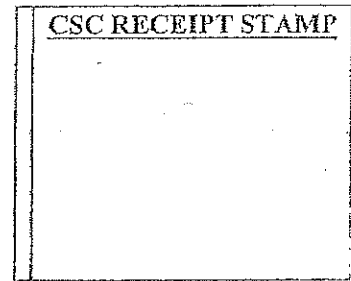
 Human Resources Director:

 Date:

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

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

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



Attachment

Katie Favetti, President
Scott R. Heldfond, Vice President
Mary Y. Jung, Commissioner
E. Dennis Normandy, Commissioner
Jennifer C. Johnston, Executive Director

Memorandum

San Francisco Police Department



To: Deputy Chief Lyn Tomioka
Administration Bureau

From: Captain Louis A. Cassanego
Forensic Services Division

Date: Thursday, October 25, 2012

Subject: Semi-annual Report to the Civil Service Commission
Regarding the Personal Services Contract #4165-09/10 - DNA Testing

APPROVED YES NO
[Handwritten signature]
THOMAS P. CLEARLY #721
A/K/A. CAPTAIN *[Handwritten initials]*
GREGORY P. SMITH *[Handwritten initials]*
Chief of Police

Issue:

On June 24, 2010, the Civil Service Commission approved Personal Services Contract #4165-09/10 for DNA Testing on the conditions that:

- 1) the processing through normal hiring procedures of additional criminalists to perform DNA testing work in the Police Department's crime lab move forward;
- 2) the Police Department and IFPTE Local 21 discuss the long range plans for DNA testing in the Police Department's crime lab; and,
- 3) both parties report back to the commission every six (6) months during the term of the DNA testing contract. Notify the Office of the Controller and the Office of Contract Administration.

The San Francisco Police Department submitted a Personal Services Contract renewal on October 1, 2012. The Commission inquired as to the status of the conditions as stated above, since they never received a report.

This memorandum is submitted to address and fulfill these three conditions for the Commission's November 5, 2012 meeting.

Discussion:

Responses to each of the three above stated conditions are as follows:

1. The Police Department has increased its staff significantly from mid-2011 of one DNA supervisor and four DNA criminalists to the present day of two DNA supervisors and thirteen DNA criminalists. The Department has requested in its 2012 Budget for an additional DNA supervisor and three criminalists and will be moving forward to hire these positions.

SFPD-68 (03/89) *

- DNA testing will continue to be a foundation at the Crime Lab. The work has proven beneficial to the justice system to solve crimes and punish the guilty. DNA can also be used to provide exculpatory evidence to exonerate the innocent. As more criminalists become fully trained and more criminalists are hired, the need for outsourcing will greatly diminish.

Below is a table of outsourced cases and costs presented in a quarterly basis. Except for the quarter of April-June 2012, outsourced cases have steadily decreased, proving the fact that our criminalists are successfully shouldering the workload.

Table 1

Quarter	Seri Cases	Seri Costs	Orchid Cases	Orchid Costs	Total Cases	Total Costs
July-Sept 2010	54	\$332,225.00	0	0	54	\$332,225.00
Oct-Dec 2010	129	\$141,437.00	0	0	129	\$141,437.00
Jan-March 2011	143	\$265,863.00	0	0	143	\$265,863.00
April-June 2011	71	\$307,100.50	0	0	71	\$307,100.50
July-Sept 2011	62	\$268,631.00	0	0	62	\$268,631.00
Oct-Dec 2011	11	\$211,650.00	36	\$31,370.00	47	\$243,020.00
Jan-March 2012	3	\$77,025.00	54	\$72,225.00	57	\$149,250.00
April-June 2012	7	\$10,150.00	68	\$209,645.00	75	\$219,795.00
July-Sept 2012	5	\$12,028.00	35*	\$41,600.00*	40*	\$53,628.00*

*September 2012 Orchid-Cellmark cases not completed.

- It is the intent of the Department and Local 21 to report back every six months during the term of the DNA testing contract. The contract sunsets in September 2013. The next report will be issued in May 2013.

Union Local 21

Union Local 21 Representative Kim Carter has requested five points to be included in this report.

- Total number of outsourced cases and costs.
- The number of fully trained DNA Criminalists compared to non-fully trained DNA Criminalists.
- The size limitation of the new Crime Lab facility compared to the number of DNA staff.
- The present situation and plans of the new Crime Lab facility.
- The addition of a laboratory technician for the DNA Unit.

Responses are as follows:

1. The total number of outsourced cases and costs are represented in Table 1.
2. The DNA Unit has:
 - a. Two DNA supervisors (Criminalist III),
 - b. Ten trained criminalists (Criminalist II), and
 - c. Three not fully trained criminalists (Criminalist I).

Of the ten Criminalist IIs, five are completing their training and proficiency tests for new technologies which will be fully implemented by early next year. The new technologies are the Identifiler Chemistry Kit, the 3130 Instrument and the Genemapper.

Table 2 represents all the criminalists and their statuses.

Table 2

Criminalist III	Criminalist II	Criminalist II	Criminalist I
Supervisor	Fully Trained	New Technology Training	Not Fully Trained
Boland Salmon	Dunbar Jackson Mead Sylvester Walicki	Barkwill Burg Kilpatrick Newton Rigley	Cowan Chukwujindu Ha

3. The San Francisco Police Department has projected a capacity of forty DNA criminalists by the year 2027. The exact number is in negotiation with the Department of Public Works (DPW), since there is a balance between staffing numbers and the cost of the facility. DPW is aware of the projected demands on the Crime Lab and should accommodate our needed capacity.
4. The Crime Lab cannot stay at its present location at the Hunter's Point Naval Shipyards indefinitely. The Police Department has been working with the Department of Public Works to find a new location for the Crime Lab. We have explored existing buildings in the mid-Market corridor, undeveloped land in the Bayview neighborhood and even a different building within the naval shipyard.

At this time, the Department is looking at the old Parisian Bakery site at 1995 Evans. It offers 89,200 square feet footprint of buildable area. Chief Suhr has authored a letter to Chief Administrator Steve Kawa of our interest in the site

(attached). The Chief has also met with Mr. Kawa and his staff on September 25, 2012 to discuss the possibility to locate the Crime Lab at the Evans Avenue location.

I have met with DPW on several occasions. I was offered a very preliminary view of a building footprint design (attached). The project is subject to a future bond measure to be voted upon by the City's residents, probably in the fall of 2014. Therefore, the Department, the City Administrator's Office and DPW are planning to move forward in anticipation of the bond's passage.

5. The Department is exploring the possibility of transferring a Criminalist I (8259) requisition to a Laboratory Technician 1 (2402). This would free a criminalist to focus on DNA work rather than stocking supplies and mixing re-agents. I have worked with DNA Unit members to draft a requisition with a special condition.

Conclusion:

I conclude the Department has successfully complied with the three conditions as set forth by the Civil Service Commission and addressed the five points requested by Union Local 21.

Recommendation:

I recommend this memorandum be approved and submitted to the Civil Service Commission for their adoption by October 26, 2012 for their November 5, 2012 meeting.

Attachments:

CSC Form 22
Civil Service Commission Memorandum Dated June 24, 2010
Letter to City Administrator Steve Kawa
Preliminary Crime Lab Footprint Design

4165-09/10 Mod#3
Similar

City and County of San Francisco

Department of Human Resources

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: POLICE

Dept. Code: POL

Type of Request: Initial Modification of an existing PSC (PSC # 4165-09/10)

Type of Approval: Expedited Regular Omit Posting

Type of Service: Orchid Cellmark

Funding Source: General Fund

PSC Original Approved Amount: \$2,000,000

PSC Original Approved Duration: 11/01/10 - 06/30/12 (1 year 34 weeks)

PSC Mod#1 Amount: no amount added

PSC Mod#1 Duration: 07/01/12-03/31/13 (39 weeks 1 day)

PSC Mod#2 Amount: \$900,000

PSC Mod#2 Duration: 04/01/13-09/30/13 (26 weeks 1 day)

PSC Mod#3 Amount: no amount added

PSC Mod#3 Duration: 10/01/13-03/31/14 (26 weeks)

PSC Mod#4 Amount: _____

PSC Mod#4 Duration: _____

PSC Cumulative Amount Proposed: \$2,900,000

PSC Cumulative Duration Proposed: 3 years 21 weeks

1. Description of Work

A. Scope of Work:

The deoxyribonucleic acid (DNA) testing that the San Francisco Police Dept. (SFPD) is requesting for contract consist of extracting and testing samples of DNA- containing substances. The substance must be identified, confirmed as a DNA- containing substance, extracted and DNA strains and substances. Substances are tested through chemical and scientific processes. The cases that would be sent out for contract are those that current staffing has been unable to address. This will be an interim solution until new staff are recruited and trained.

B. Explain why this service is necessary and the consequence of denial:

PLEASE SEE ORIGINAL PSC

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.

Services have been provided in the past through earlier PSC request. See 4165-09/10

D. Will the contract(s) be renewed? Unknown

2. Union Notification: On 11/20/13, the Department notified the following employee organizations of this PSC/RFP request: Architect & Engineers, Local 21;

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4165-09/10

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Not Required

Approved by DHR on 12/04/2013

217

49

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

A thorough and complete knowledge of DNA extraction and testing in order to conduct case work is needed. Employees must go through a skills testing and certification process that can take up to 12-18 months to complete in order to work on cases. These skills include identification and confirmation as a DNA-containing substances, extraction, and isolation of DNA strains and markers. Substances are tested through chemical and scientific processes. Chemical testing and analysis of suspected DNA containing substances,

B. Which, if any, civil service class(es) normally perform(s) this work?

8260,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Possibly, it is not a requirement for the contract, but if a contractor has higher-quality equipment at a comparable price to other contractors, the City would benefit from selection of that contractor.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

There is a backlog of cases requiring DNA testing that SFPD needs to resolve and their current staffing levels will not allow for resolution of this backlog until additional positions are filled.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. The current classification are sufficient for this work.

5. Additional Information (if "yes", attach explanation)

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 11/20/13 BY:

Name: Joseph Valdez Phone: 415-734-3254 Email: joe.valdez@sfgov.org

Address: 850 Bryant St Rm. 577-17 San Francisco, CA

ATTACHMENT C

PERSONAL SERVICES CONTRACT SUMMARY

DATE: 10/28/13
 DEPARTMENT NAME: Department of Public Health (DPH) MW DEPARTMENT NUMBER: 81

TYPE OF APPROVAL: EXPEDITED REGULAR (OMIT POSTING _____)
 CONTINUING ANNUAL

TYPE OF REQUEST:
 INITIAL REQUEST MODIFICATION (PSC# 4045-04/05)

TYPE OF SERVICE: Reimbursement and revenue optimization services

FUNDING SOURCE: DPH-Community Health Network Funds

PSC AMOUNT:	<u>\$1,300,000 or \$260,000 per year (5 yrs)</u>	PSC DURATION:	<u>4/1/05-3/31/10</u>
Mod AMOUNT: #1	<u>\$ 0 (fees only; see 1.A.) (4 yrs)</u>	PSC DURATION: #1	<u>4/1/10-3/31/14</u>
PSC AMOUNT:	<u>\$1,300,000 (fee only; see 1.A.) (9 yrs)</u>	PSC DURATION:	<u>4/1/05-3/31/14</u>
Mod AMOUNT: #2	<u>\$2,500,000 (fee only; see 1.A.) (5 yrs)</u>	PSC DURATION: #2	<u>4/1/14-3/31/19</u>
PSC AMOUNT:	<u>\$3,800,000 (fee only; see 1.A.) (14 yrs)</u>	PSC DURATION:	<u>4/1/05-3/31/19</u>

1. DESCRIPTION OF WORK

- A. Concise description of proposed work:
- Contractor will generate highly specialized step-down cost reports to allocate administrative and other costs to revenue-generating units of San Francisco General Hospital, Laguna Honda Hospital, and the Health At Home program. Contractor will work with Federal Intermediaries and State Agencies when reports are audited. Contractor will provide interpretation and analysis of new and proposed Medicare and Medi-cal regulations affecting reimbursement and optimize DPH's revenues and reimbursements within the regulations and instructions of Medicare, Medi-cal and other third party insurers.
 - Contractor will pursue Medicare and Medi-cal appeals, as necessary, related to filed cost reports.. including those formed prior to and during the length of this agreement.

B. Explain why this service is necessary and the consequences of denial:
 These services enable DPH to file annual cost reports to third party insurers and maximize its revenues from non-City revenue sources, as well as determining DPH's Medicare and Medi-Cal disproportionate share payments. The services will enable DPH to join in statewide and national Medicare and Medi-Cal appeals which we would not otherwise be able to do, resulting in significant potential increase in revenues. Denial of services could result in lost revenue and reduction of services to the City.

C. Explain how this service has been provided in the past (if this service was previously approved by the Civil Service Commission, indicate most recent personal services contract approval number):

These services were previously approved under PSC#4045-04/05.

D. Will the contract(s) be renewed: Yes. MW

2. UNION NOTIFICATION: Copy of this summary is to be sent to employee organizations as appropriate (refer to instructions for specific procedures):

<input checked="" type="checkbox"/> SEIU Local 1021 Union Name	<u>Jacquie Hale</u> Jacquie Hale <i>mw</i> Signature of person mailing/faxing form	<u>October 28, 2013</u> Date
<input checked="" type="checkbox"/> IFPTE Local 21 Union Name	<u>Jacquie Hale</u> Signature of person mailing/faxing form	<u>October 28, 2013</u> Date
RFP sent to <u>SEIU Local 1021 & IFPTE Local 21</u> Union Name	<u>September 25, 2013</u> Date	<u>Junko Craft</u> Signature

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4045-04/05
 AFF ANALYSIS/RECOMMENDATION: Approval MW 1/16/2014

CIVIL SERVICE COMMISSION ACTION:

CIVIL SERVICE COMMISSION ACTION:

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise:

At least 8 years of experience in the health care industry, working with governmental teaching hospitals and Medicare and Medi-Cal cost-report regulatory issues is required, because changes in regulations and rulings on the interpretation of these regulations can reach back seven years and be retroactive. At least 5 years of extensive experience in all aspects of financial accounting in the health care industry is necessary to perform the services.

B. Which, if any, civil service class normally performs this work?

No current classes perform this work. If classes were to be utilized for this work, they would likely be managerial classes such as 0955 Deputy Director V, 0943 Manager VII, and/or 0923 Manager II.

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

No.

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

A. Explain why civil service classes are not applicable:

The services require technical expertise to generate Federal and State step-down, cost reports. The regulations change frequently and it is more practical to have a large team of high-level, highly specialized experts to be available as specific regulatory needs and questions arise. Also, the services allow DPH to join with other hospitals and jurisdictions both statewide and nationally in order to appeal Medicare and Medi-Cal regulations and decisions, which the City would not have the resources to do otherwise.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. The work is intermittent and requires specialized knowledge and expertise.

5. ADDITIONAL INFORMATION (if "yes," attach explanation)

A. Will the contractor directly supervise City and County employees?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

B. Will the contractor train City and County employees?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

•Describe the training and indicate approximate number of hours.

•Indicate occupational type of City and County employees to receive training (i.e., clerks, civil engineers, etc.) and approximate number to be trained.

C. Are there legal mandates requiring the use of contractual services?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

D. Are there federal or state grant requirements regarding the use of contractual services?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

E. Has a board or commission determined that contracting is the most effective way to provide this service?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

F. Will the proposed work be completed by a contractor that has a current personal services contract with your department? *Contractor at time of initial PSC was Toyon Inc*

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:

Jacquie Hale

Signature of Departmental Personal Services Contract Coordinator

Jacquie Hale
Print or Type Name

(415) 554-2609
Telephone Number

101 Grove Street, Room 307
San Francisco, CA 94102
Address

Receipt of Union Notification(s)

◆ **Local 1021**

◆ **Local 21**



Junko Craft/DPH/SFGOV

10/28/2013 01:17 PM

To pattie.tamura@seiu1021.org, ed.warshauer@seiu1021.org,
brook.demmerie@seiu1021.org, l21pscreview@ifple21.org
cc Yvonne Eckhoff, Jacquie Hale/DPH/SFGOV@SFGOV

bcc

Subject PSC4045-04/05

On behalf of: Jacquie Hale, Director of Contract Management and Compliance, Please find attached a draft of the following Personal Services Contract Summaries, which we plan to request for calendaring on the January 8, 2014, Civil Service Commission meeting agenda:



PSC4045-0405 Reimb Rev Optimzn Svcs to unions 10-28-13.pdf

thanks

Junko Craft, Contract Analyst
Office of Contract Management & Compliance
City and County of San Francisco
Department of Public Health
1380 Howard Street, Room 419c
San Francisco, CA 94103
Telephone (415) 255-3543
Fax (415) 252-3088



"Rebecca Rhine"
 <rebecca@sfmea.com>
 11/06/2013 08:11 PM

To "Junko Craft" <Junko.Craft@sfdph.org>
 cc
 bcc
 Subject RE: PSC 4045-04/05 Reimbursement and Revenue Optimization Services

History: This message has been forwarded.

Not necessary. Thank you for the clarification.

Rebecca

-----Original Message-----

From: Junko Craft [mailto:Junko.Craft@sfdph.org]
 Sent: Tuesday, November 05, 2013 2:20 PM
 To: Rebecca Rhine
 Cc: 'Jacquie Hale'; raquel@sfmea.com; 'Yvonne Eckhoff'
 Subject: RE: PSC 4045-04/05 Reimbursement and Revenue Optimization Services

Hi, Rebecca,

Thanks for reviewing the PSC promptly.

This is on-going program with a new contract as the current contract will be expired. Understand that DHR would like us to indicate "Modification" as we are adding additional amount to the PSC, rather than creating a new PSC for a new contract.

The answer to 1D is Yes. Should we resend the document to you? Please let us know.

Junko Craft, Contract Analyst
 Office of Contract Management & Compliance
 City and County of San Francisco
 Department of Public Health
 1380 Howard Street, Room 419c
 San Francisco, CA 94103
 Telephone (415) 255-3543
 Fax (415) 252-3088

"Rebecca Rhine"
 <rebecca@sfmea.com>

11/05/2013 01:32 PM

"Junko Craft"
 <Junko.Craft@sfdph.org>,
 <raquel@sfmea.com>

To

cc

"Jacquie Hale"
 <Jacquie.Hale@sfdph.org>, "Yvonne Eckhoff"
 <Yvonne.Eckhoff@sfdph.org>

Subject

RE: PSC 4045-04/05 Reimbursement and Revenue Optimization Services

Is the modification on the term?

Question 1D was not answered.

Rebecca

Rebecca Rhine
Executive Director
Municipal Executives Association
870 Market Street, Suite 840
San Francisco, CA 94102
(415) 989-7244 phone
(415) 989-7077 fax

-----Original Message-----

From: Junko Craft [mailto:Junko.Craft@sfdph.org]
Sent: Tuesday, November 05, 2013 1:15 PM
To: Rebecca@sfmea.com; raquel@sfmea.com
Cc: Jacquie Hale; Yvonne Eckhoff
Subject: PSC 4045-04/05 Reimbursement and Revenue Optimization Services

On behalf of: Jacquie Hale, Director of Contract Management and Compliance.
Please find attached Personal Services Contract Summaries, which we plan to
request for calendaring on the January 6, 2014, Civil Service Commission
meeting agenda:

(See attached file: 4045-0405 Reimb Rev Optmzn Svcs - MEA.pdf)

thanks

Junko Craft, Contract Analyst
Office of Contract Management & Compliance City and County of San Francisco
Department of Public Health 1380 Howard Street, Room 419c San Francisco, CA
94103 Telephone (415) 255-3543 Fax (415) 252-3088

Department's Letter of Explanation

- **Proposed PSC requesting 5 years or more**




City and County of San Francisco

San Francisco Department of Public Health

Barbara A. Garcia, MPA
Director of Health

DATE: January 14, 2014

TO: Jennifer Johnston, Executive Officer, Civil Service Commission

FROM: Jacquie Hale, Director, DPH Office of Contracts Management and Compliance 

RE: Request for Approval of Modification to PSC 4045-04/05, Reimbursement and Revenue Optimization Services for an additional Five Years

We have requested that the above-referenced Personal Services Contract (PSC) be calendared for approval by the Civil Service Commission at its next meeting.

Please note that we expect the need for these services to continue. The most recent competitive solicitation conducted for these services provided for a maximum contract term of eight years, as well as language which allows DPH to conduct another RFP within those eight years, at its discretion, to solicit services from additional providers.

We understand that the marketplace is especially changeable at this time due to the implementation of the Affordable Care Act, and we will be reviewing the need for the specific services described in this PSC as we proceed with our implementation of the Act in San Francisco. We are aware that should the scope of work change significantly, we would be required to request further approval to modify this PSC.

I hope this provides the information needed. If you need more information, please do contact me.

Thank you for your time and consideration.

/jh

cc: Valerie Inouye, DPH Deputy Chief Financial Officer

The mission of the San Francisco Department of Public Health is to protect and promote the health of all San Franciscans.

We shall ~ Assess and research the health of the community ~ Develop and enforce health policy ~ Prevent disease and injury ~
~ Educate the public and train health care providers ~ Provide quality, comprehensive, culturally-proficient health services ~ Ensure equal access to all ~

Jacquie.hale@sfdph.org -- office 415-554-2509 fax 415 554-2555

101 Grove Street, Room 307, San Francisco, CA 94102

Additional Attachment(s) of Explanation

◇ **Section 1. Description of Work**

- 1C. Has this service been provided in the past. If so, how?
If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.**

PSC #4045-04/05

- **Prior CSC Notice of Action – Mod1 - Current**
- **Prior PSC Form 1–Mod1 - Current**

4045-10/07
11/6/07



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM
MAYOR

May 5, 2010

MORGAN R. GORRONO
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DONALD A. CASPER
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

NOTICE OF CIVIL SERVICE COMMISSION ACTION

SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED PERSONAL SERVICES CONTRACT NUMBERS 4126-09/10 THROUGH 4131-09/10; 4001-05/06 AND 4045-04/05.

At its meeting of May 3, 2010 the Civil Service Commission had for its consideration the above matter.

PLEASE NOTE: *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

It was the decision of the Commission to: Approve request for proposed personal services contracts. Notify the offices of the Controller and the Office of Contract Administration.

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

ANITA SANCHEZ
Executive Officer

Attachment

- c: Cynthia Avakian, Airport Commission
- Parveen Boparai, Municipal Transportation Agency
- Micki Callahan, Human Resources Director
- Jacquie Hale, Department of Public Health
- Shamica Jackson, Public Utilities Commission
- Naomi Kelly, Office of Contract Administration
- Florence Kyaun, Public Utilities Commission
- Sean McFadden, Recreation and Parks Department
- Mary Ng, Department of Human Resources
- Ben Rosenfield, Controller
- Shawn Wallace, San Francisco Police Department
- Commission File
- Chron

POSTING FOR
5/3/2010

PROPOSED PERSONAL SERVICES CONTRACTS
MODIFICATION TO INCREASE CONTRACT AMOUNT/DURATION

Dept No	PSC No	Dept Description	Approval Type	Change	Contract Amount	Description of Work	Duration
27	4001-05/06	Airport Commission	Modification	\$75,000	\$487,500	Will provide on-going, coordinated communications with the Bay Area Congressional delegation in Washington, D.C., on matters relating to the Airport. This modification will allow the Airport to exercise the final one-year option to the existing contract.	6/30/2011
81	4045-04/05	Public Health	Modification	\$0	\$1,300,000	Will generate highly specialized step-down cost reports to allocate administrative and other costs to revenue-generating units of San Francisco General Hospital, Laguna Honda Hospital, and the Health At Home program, as well as financial consultation services for specific areas of hospital operations, in order to optimize DPH's revenues and reimbursements within the regulations and instructions of Medicare, Medi-Cal and other third-party insurers. New services under this modification will include advising and including SFGH in Medicare group appeal issues.	3/31/2014

19
18
17
16
15

63

11p10-0-1/05
Mod #1

PERSONAL SERVICES CONTRACT SUMMARY

DATE: March 31, 2010; rev. Apr. 6, 2010

DEPARTMENT NAME: Department of Public Health DEPARTMENT NUMBER 81

TYPE OF APPROVAL: EXPEDITED REGULAR (OMIT POSTING _____)
 CONTINUING ANNUAL

TYPE OF REQUEST:
 INITIAL REQUEST MODIFICATION (PSC# 4045-04/05)

TYPE OF SERVICE: Reimbursement and revenue optimization services

FUNDING SOURCE: DPH Community Health Network (CHNB) funds

PSC AMOUNT:	<u>\$1,300,000 or \$260,000 per year (5 yrs.)</u>	PSC DURATION:	<u>4/1/05-3/31/10</u>
Mod. Amount:	<u>\$ 0 (fees only; see 1.A.) (4 yrs.)</u>	PSC DURATION:	<u>4/1/10-3/31/14</u>
PSC AMOUNT:	<u>\$1,300,000 (fees only; see 1.A.) (9 yrs.)</u>	PSC DURATION:	<u>4/1/05-3/31/14</u>

1. DESCRIPTION OF WORK

A. Concise description of proposed work:

- Contractor will continue to generate highly specialized step-down cost reports to allocate administrative and other costs to revenue-generating units of San Francisco General Hospital, Laguna Honda Hospital, and the Health At Home program, as well as financial consultation services for specific areas of hospital operations, in order to optimize DPH's revenues and reimbursements within the regulations and instructions of Medicare, Medi-Cal and other third-party insurers.
- Contractor's fees average approximately 20% of total contract amount; the remainder is revenue. Revenues for the next 4 years are estimated to be \$3,600,000.
- New services under this modification will include advising and including SFGH in Medicare group appeal issue(s), including those formed prior to and during the length of this agreement.

B. Explain why this service is necessary and the consequences of denial:

These services enable DPH to file annual cost reports to third party insurers and maximize revenues from non-City revenue sources, as well as determining DPH's Medicare and Medi-Cal disproportionate share payments. The new services will enable DPH to join in statewide and national Medicare and Medi-Cal appeals which we would not otherwise be able to do, resulting in significant potential increase in revenues. Denial of Services could result in lost revenue and reduction of services to the City.

C. Explain how this service has been provided in the past (if this service was previously approved by the Civil Service Commission, indicate most recent personal services contract approval number):

These services were previously approved under PSC#4045-04/05.

D. Will the contract(s) be renewed:

2. UNION NOTIFICATION: Copy of this summary is to be sent to employee organizations as appropriate (refer to instructions for specific procedures):

X	<u>SEIU Local 1021</u>	<u>Jacquie Hale</u>	<u>2/18/10</u>
	Union Name	Signature of person mailing/faxing form	Date
X	<u>IFPTE Local 21</u>	<u>Jacquie Hale</u>	<u>2/18/10</u>
	Union Name	Signature of person mailing/faxing form	Date

RFP sent to	_____	_____	_____
	Union Name	Date	Signature

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4045-04/05

STAFF ANALYSIS/RECOMMENDATION: May 3, 2010

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise:

At least eight years of experience with health care industry regulations (as changes in regulations and rulings on the interpretation of these regulations can be retroactive for as many as seven years), working with governmental teaching hospitals and Medicare and Medi-Cal cost reports and other high-level, highly specialized regulatory issues, including at least five years of extensive experience in all aspects of financial accounting in the health care industry is necessary to perform the services.

B. Which, if any, civil service class normally performs this work?

No current classes perform this work. If classes were to be utilized for this work, they would likely be managerial classes such as 0955 Deputy Director V, 0943 Manager VII, and/or 0923 Manager II.

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

No.

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

A. Explain why civil service classes are not applicable:

The services require technical expertise to generate Federal and State step-down, cost reports, the requirements for which change frequently. The services needed do not constitute a full time position, but require a large team of high-level, highly specialized experts to be available as specific regulatory needs and questions arise. Also, the new services allow DPH to join with other hospitals and jurisdictions both statewide and nationally in order to appeal Medicare and Medi-Cal regulations and decisions, which the City would not have the resources to do otherwise.

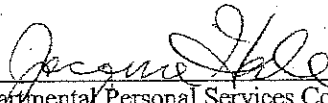
B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. The work is as needed and requires highly specialized knowledge and expertise.

5. ADDITIONAL INFORMATION (if "yes," attach explanation)

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| A. Will the contractor directly supervise City and County employees? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Will the contractor train City and County employees? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Describe the training and indicate approximate number of hours. | | |
| • Indicate occupational type of City and County employees to receive training (i.e., clerks, civil engineers, etc.) and approximate number to be trained. | | |
| C. Are there legal mandates requiring the use of contractual services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. Are there federal or state grant requirements regarding the use of contractual services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| E. Has a board or commission determined that contracting is the most effective way to provide this service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. Will the proposed work be completed by a contractor that has a current personal services contract with your department? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:



 Signature of Departmental Personal Services Contract Coordinator

 Jacquie Hale (415) 554-2609

 Print or Type Name Telephone Number

 101 Grove Street, Room 307

 San Francisco, CA 94102

 Address

CIVIL SERVICE COMMISSION ACTION:



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail.

March 7, 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 MEETING

SUBJECT: PROPOSED CIVIL SERVICE COMMISSION POLICY ON FUTURE EMPLOYMENT RESTRICTIONS; AND PROPOSED AMENDMENT TO CIVIL SERVICE RULE SERIES 022, REQUEST TO REMOVE DEPARTMENT BAN.

The above matter will be considered by the Civil Service Commission at a meeting to be held on **March 17, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings. The meeting agenda and all meeting materials will be posted on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting Information" no later than end of day on Thursday, March 13, 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 March 13th, 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 IS UNCLASSIFIED
DATE 03/17/14 BY 12



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: March 17, 2014
To: Civil Service Commission
From: Jennifer Johnston, Executive Officer *Jennifer Johnston*
Subject: **Proposed Policy on Future Employment Restrictions and Recommendation to Amend Civil Service Rule Series 022, Request to Remove Department Ban**

I. Overview

Civil Service Rule Series 022 provides that an appointing officer or the Human Resources Director may impose restrictions on a separated employee's future employment with the City, either indefinitely or conditioned on the individual meeting certain requirements, subject to appeal to the Civil Service Commission ("Commission").

Although Civil Service Adviser No. 21/2003 provides information regarding appeals of future employment restrictions under the Civil Service Rules (see Attachment A), departments have very little guidance in determining when it is appropriate to impose a restriction on future employment and the kind of restriction that would be appropriate under the circumstances. Members of the Commission have also expressed frustration in recent years regarding the inconsistent standards and criteria used by City departments in imposing future employment restrictions.

The purpose of this memorandum is to propose for the Commission's consideration, comprehensive policies and guidelines on the imposition, review, documentation and reconsideration of future employment restrictions (see Attachment B). As detailed herein, the Executive Officer is also recommending that Civil Service Rule Series 022 be amended to allow for the reconsideration of City-wide restrictions on future employment, provided that they are not permanent, unconditional bans. (See Attachment C for proposed revisions to Civil Service Rule Series 022.)

II. Authority

Authority to Establish Rules and Policies on Future Employment Restrictions

Under Charter Section 10.100, the Commission is charged with "the duty of providing qualified persons for appointment to the service of the City and County." Charter Section 10.101 provides that the Commission shall adopt rules, policies and procedures to carry out the civil service merit system provisions of the Charter, including rules governing eligibility for employment with the City and County of San Francisco.

Authority to Amend the Civil Service Rules

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 Series 01.5, Amendment of Rules, provides:

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

III. Proposed Policy on Future Employment Restrictions

The draft policy and guidelines (again, see Attachment B) are primarily based on the comments and concerns expressed by the Commission in the course of its review of appeals on future employment restrictions over the past several years. They are intended to be comprehensive to ensure that restrictions on future employment are imposed consistently and appropriately, that appeals of proposed restrictions and requests to remove existing restrictions are resolved expediently, and that City departments understand their roles and responsibilities for documenting and implementing employment restrictions.

IV. Proposed Rule Amendment

Civil Service Rule Series 022 currently provides that only department-specific bans are subject to reconsideration by the Commission; City-wide bans may never be lifted or removed under any circumstances.

Although in rare cases it may be appropriate to indefinitely ban an individual from ever working for the City again, the distinction as to whether the ban is permanent (and therefore not subject to reconsideration) should not be based on whether it is a department or City-wide ban. As the Commission has noted on several occasions in recent years, it is rarely appropriate to impose a department-only restriction, absent special circumstances unique to that specific department. For example, an individual who was separated from City employment for violating the City’s policy prohibiting workplace violence should be banned from employment in all City departments, not just the one from which he or she was separated. Therefore, departments have been encouraged to impose more City-wide bans, even in circumstances when an indefinite ban on employment may arguably be too severe.

The Executive Officer recommends that Civil Service Rule Series 022 be amended to allow for the reconsideration of a City-wide ban, provided that it is not a permanent and unconditional

restriction. Again, see Attachment C for the recommended revisions. An indefinite ban not subject to reconsideration would specifically state that it is a permanent restriction. For example, a permanent restriction not subject to reconsideration would specify: "Permanent restriction on any future employment with the City and County of San Francisco." Employment restrictions that do not specify that they are "permanent" would be eligible for reconsideration after five years in accordance with the provisions of Rule 022 as revised. See also the highlighted text on page 5 of the proposed policy at Attachment B.

V. Attachments

Attachment A: Civil Service Adviser No. 21/2003 (pages 5 through 8)

Attachment B: Proposed Policy on Restrictions on Future Employment (pages 9 through 18)

Attachment C: Proposed Revisions to Civil Service Rule Series 022 (pages 19 through 28)

Recommendation: Adopt the Executive Officer's report; direct the Executive Officer to post the proposed policy on future employment restrictions (Attachment B) to meet and discuss the proposed policy with any interested stakeholders; and direct the Executive Officer to post the proposed amendments to Civil Service Rule Series 022 (Attachment C) for adoption as required under the Charter and Civil Service Rules, and to meet and discuss the proposed revisions with affected labor union(s) and other interested stakeholders.

ATTACHMENT A

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

APPEALS ON FUTURE EMPLOYMENT RESTRICTIONS

Many changes have occurred in the past decade relating to Release, Discharge and Automatic Resignation of city employees. With Civil Service Charter reforms of the 1990's including provisions for collective bargaining and contract grievance arbitration procedures on discipline and discharge, the nature of appeals on separation matters within the jurisdiction of the Civil Service Commission has changed. This issue of the Adviser attempts to clarify where the Civil Service Commission has jurisdiction and what may be appealed to the Civil Service Commission.

The Civil Service Commission conducts hearings on appeals on future employment restrictions with the City and County of San Francisco and in classified positions at the San Francisco Unified School District and San Francisco Community College District. When taking an action, the Civil Service Commission may uphold, modify or reject the recommendation made by the Human Resources Director, appointing authority/department head, or for Service-Critical Classifications of the Municipal Transportation Agency, the Director of Transportation.

Appeals on recommendations on future employment are forwarded to the Civil Service Commission for a hearing when the grievance/arbitration process has been completed. The Commission's decisions are public and made when the matter is heard. Should an appellant not appear, the Commission acts on the matter based on the written materials submitted. In all cases, the decision of the Civil Service Commission is final.

Probationary Permanent Civil Service - Release: Rule Series 17 addresses the definition and administration of Probationary Periods applicable to all employees. The appointing authority/department head may release an employee at any time during the probationary period. Except in cases where the appointing authority/department head releases an employee for disciplinary reasons and recommends restrictions on future employment, there is no appeal to the Civil Service Commission. Appeals of the department head recommendation on future employment must be filed within 20 days as specified on the Notice of Separation form.

Permanent Civil Service-Discharge: The decision of the appointing authority/department head to discharge an employee may be subject to the applicable grievance/arbitration procedures found in the collective bargaining agreement. Appeals to the Civil Service Commission on the recommendation of the appointing authority/department head on future employment must be filed within 20 days as described in the Notice of Separation form.

Provisional Employees: Generally, provisional employees are considered "at-will" appointments (CSC Rule Series 14) and serve at the pleasure of the appointing authority/department head. However, some collective bargaining agreements have grievance/arbitration procedures applicable to some provisional employees. Future employment restrictions

may be recommended by the department to the Human Resources Director. Employees may appeal the Human Resources decision (CSC Rule Series 05.12 Other Matters) to the Civil Service Commission within 30 days of the postmarked mailing date of the notice of the decision.

Exempt: In accordance with City Charter Section 10.104, employees appointed as "exempt," are considered "at-will" appointments (Charter Section 10.104) and serve at the pleasure of the appointing authority/department head. Future employment restrictions may be recommended to the Human Resources Director. Employees may appeal the Human Resources Director's decision (CSC Rule Series 05.12 Other Matters) to the Civil Service Commission within 30 days of the postmarked mailing date of the notice of decision.

Automatic Resignation: The Commission's jurisdiction on Automatic Resignations covers the employee's eligibility for future employment with the City. Appeals on the recommendation of the appointing authority/department head on future employment must be filed within 15 days. If there is no grievance available through the collective bargaining agreement, the Civil Service Commission has full authority to rule on the Automatic Resignation. Appeals on the decision of the appointing authority/department head to file an automatic resignation must be filed within 15 days. (See Adviser No. 16/2002 for more information)

Unsatisfactory Resignation: The Commission's jurisdiction on unsatisfactory resignations covers the employee's eligibility for future employment with the City. Appeals on the recommendation of the appointing authority/department head on future employment must be filed within 20 days.

Removal of Employment Restriction: The Civil Service Commission Rules allow former employees to request the removal of a department ban after five (5) years. The request is submitted to the Human Resources Director for recommendation to the Civil Service Commission whose decision is final.

Filing an Appeal

Civil Service Commission Rules, Policies, and Procedures require that instructions on how to file an appeal and deadlines for filing be included in the Notice to affected individuals and, when applicable, their representative or advocate.

Appeals must be filed in writing and submitted to the Executive Officer, Civil Service Commission at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 within the time frames specified in the Civil Service Commission Rules. Appeals may also be filed by fax - (415) 252-3260 followed by an original signed copy submitted to the Commission office. A Request to Appeal form is available on the Commission website (www.sfgov.org/civil_service) and in the Civil Service Commission office. Appeals may **not** be filed by E-mail.



QUESTIONS:

Department Of Human Resources:
 Merit System Services 557-4923
 Employee Relations Division 557-4990
 Internal Services 557-4849
 Equal Employment Opportunity 557-4832
 Civil Service Commission 252-3247
 Website: www.sfgov.org/civil_service

CIVIL SERVICE COMMISSION

Morgan R. Gorrone, President
 Rosabella Safont, Vice President
 Donald A. Casper, Commissioner
 Thomas T. Ng, Commissioner
 Linda Richardson, Commissioner
 Kate Favetti, Executive Officer

The information provided in this Adviser is for information purposes only and does not constitute nor intend to provide legal advice.

ATTACHMENT B

DRAFT

Date: April XX, 2014

To: Department Heads
Personnel Officers

Cc: Micki Callahan, Human Resources Director

From: Jennifer Johnston, Executive Officer

Subject: **Policy and Guidelines regarding Future Employment Restrictions
under Civil Service Rule Series 022**

Civil Service Rule Series 022 provides that the appointing officer or Human Resources Director may impose restrictions on a separated employee's future employment with the department and/or City—either indefinitely or conditioned on the individual meeting certain requirements—subject to appeal to the Civil Service Commission (“Commission”). See Attachment A. Such restrictions apply to all future employment with the City in any appointment type (e.g., permanent civil service, exempt, provisional, etc.).

This memorandum states the Commission's policies and guidelines on the imposition, removal and appeal of such future employment restrictions, as adopted by the Commission on [DATE]. Civil Service Adviser No. 21/2003 provides additional guidance on appeals of proposed restrictions on future employment. See Attachment B.

I. Authority

Under Charter Section 10.100, the Commission is charged with “the duty of providing qualified persons for appointment to the service of the City and County.” Charter Section 10.101 provides that the Commission shall adopt rules, policies and procedures to carry out the civil service merit system provisions of the Charter, including rules governing eligibility for employment with the City and County of San Francisco.

II. Overview

Departments have an affirmative duty to their employees, other departments, the taxpayers of the City and County of San Francisco and the individuals to whom the City provides services, to ensure that the selection and appointment of individuals for City employment is done in a careful and responsible manner. This includes the obligation to review the circumstances of any negative separation to determine whether it would be appropriate to restrict a former employee's future employment with the City.

This also includes the responsibility to review the employment history of any current or former employee prior to making an appointment. Departments are prohibited from appointing individuals with any applicable restriction on their future employment, irrespective of the appointment type of the position (e.g., permanent civil service, temporary exempt, provisional, etc.).

There are two primary benefits of future employment restrictions. First, they serve to limit the possibility of a City department making any hiring decision mistakes in the future and/or exposing itself to liability for negligent hiring. This is particularly important in light of the fact that there may not be sufficient existing documentation regarding the circumstances of a former employee's release, since City departments are not required to retain a former City employee's personnel file more than seven years following separation pursuant to the Commission's Citywide Employee Personnel Records Guidelines. Second, individuals who are restricted from future employment with the City do not get referred to a department for selection off of an eligible list, and therefore do not count against the number of reachable eligibles that a department may consider for employment under the applicable certification rule.

III. Imposing a Restriction

When to Impose a Restriction on Future Employment

All negative separations (e.g., discharge/negative release/termination, disciplinary release from probation, designation of services unsatisfactory following a resignation, etc.), irrespective of appointment type (e.g., permanent civil service, exempt, etc.), should be evaluated to determine whether a restriction on future employment would be appropriate.

This evaluation should be on a case-by-case basis, based on the totality of the circumstances (e.g., the egregiousness of the conduct, the consequences of the conduct, whether it was repeated or a one-time occurrence, etc.). *Generally speaking*, and depending on the circumstances, one or more of the following situations would likely merit a future employment restriction of some kind (note that the following is not intended to be an exhaustive list):

- Egregious misconduct (malfeasance or nonfeasance) (e.g., being intoxicated in the workplace).
- Serious unethical conduct which may mar the department's reputation and/or the public's trust in the department/City (e.g., using one's City position for personal gain).
- Misappropriation of public/City/department funds or property.
- Destruction or serious misuse of public/City/department property.

- Mistreatment of persons (e.g., sexual harassment, violence in the workplace).
- Acts or conduct which presented a danger to the health and safety of the individual, his or her coworkers or members of the public.
- Significant, continued performance issues/deficiencies that would indicate that the individual would not satisfactorily perform the duties of his or her future employment with the City.

Type of Restriction to be Imposed

There are a multitude of different types of restrictions that a department may consider. They range from any of the following or a combination of the following: requiring evidence of subsequent satisfactory work performance outside the City for a specified duration; cancellation of eligibility status; restricting employment in a particular department, classification or type of job (for example a job that requires driving); and, any other job-related restrictions, up to and including no future employment with the department and/or City and County of San Francisco.

Except in cases of misconduct/malfeasance, the Commission *generally* favors demonstration of satisfactory work experience outside the City consistent with the position for a period of time, prior to allowing a former employee to return to the City workforce.

Departments must be thoughtful in recommending a department-specific ban instead of a City-wide ban, as the latter would be more appropriate absent special circumstances unique to a specific department. For example, an individual who was separated from City employment for violating the City's policy prohibiting workplace violence should be banned from employment in all City departments, not just the one from which he or she was separated. Likewise, a restriction on future employment conditioned on proof of a satisfactory driving record for an individual separated for numerous driving infractions/accidents should apply to any driving position with the City, not just those with the department from which he or she was separated.

There must also be a nexus between the conduct that resulted in the negative separation and the type of the restriction. For example, if an employee has been released due to his or her unsafe driving, the restriction should be related to restricting that person's employment in a driving position with the City pending proof of a satisfactory driving record in a similar position for another employer. This would not prohibit the individual from being appointed to non-driving positions. Again, the restriction should be for *any* driving position with *the City* (not just with the specific department), since many City departments have driving positions.

The severity (scope and duration) of the restriction should also be correlative to, and commensurate with, the conduct that resulted in the negative separation. The duration of the restriction should be meaningful, and should be whatever time period the department believes would be enough to correct the employee's conduct that led to his or her negative separation. Permanent, unconditional bans should be imposed judiciously and only in circumstances that would merit such a severe restriction.

Effective Date of the Employment Restriction

If appealed, recommendations on future employment restrictions become final by action of the Civil Service Commission. In the absence of an appeal, a recommendation of the appointing officer or Human Resources Director that results in a "Final Administrative Action" is in effect a final action of the Commission, provided that the restriction conforms to Civil Service Rules and applicable laws.

Individuals are placed under general waiver for all appointments pending resolution of an appeal of a restriction on their future employment in accordance with the Civil Service Rules. Further, DHR and the Municipal Transportation Agency ("MTA") place individuals under general waiver on all eligible lists pending the outcome of any grievances/arbitrations regarding their dismissal, discharge or termination.

Unless it is a permanent, unconditional ban on any and all future City employment, an individual may still be placed on an eligible list for future consideration under waiver pending satisfaction of any conditions on his or her future employment.

IV. Appeals

The decision of the appointing officer or Human Resource Director to impose restrictions on an individual's future employment with the City may be appealed to the Commission in accordance with Rule Series 022. The Commission may uphold, modify or expand the recommendation of the appointing officer on the future employment restriction. Again, see Civil Service Adviser No. 21/2003 for additional guidance on appeals of future employment restrictions.

A proposed employment restriction should not be rescinded solely because it has been appealed to the Commission. A department should only consider rescinding a proposed restriction for good cause (e.g., in the event that the department learns of new information that mitigates the conduct, or if DHR advises that the circumstances do not warrant the proposed restriction, etc.).

Commission's Review

The Commission does not determine if the negative release itself was appropriate, nor does it re-adjudicate an arbitrator's decision. Rather, the Commission's role is to determine *if the proposed restriction on future employment is appropriate*: 1) whether the circumstances surrounding the individual's negative separation merit a restriction on his or her future employment with the City/department; and, 2) whether the scope, duration and type of restriction itself is appropriate under the circumstances.

Requirement for a Staff Report

As indicated, the individual is placed under general waiver for all appointments pending resolution of an appeal of a restriction on future employment to the Civil Service Commission. Therefore, departments are required to submit a staff report to the Commission within sixty (60) calendar days of receiving notification of an appeal on a future employment restriction to ensure that the matter is resolved expeditiously.

The department's staff report should support the department's position and address the issue to be determined on appeal: whether the proposed restriction on future employment is appropriate (i.e., whether the circumstances surrounding the individual's negative separation merit a restriction on his or her future employment with the City/department; and, whether the scope, duration and type of the restriction itself is appropriate under the circumstances).

The department must notify the Executive Officer as soon as possible if the individual has filed a grievance or lawsuit challenging the underlying separation so that the matter may be postponed until that proceeding has concluded. In the event that the former employee's separation is overturned, therefore making the appeal moot, the department must submit a Form 13 with supporting documentation within ten (10) business days to request administrative closure. In the event that the former employee's separation is upheld, the department must submit a staff report within sixty (60) calendar days so that the appeal can be scheduled for a Commission hearing.

The appeal will be calendared at the next Commission hearing date following receipt of the staff report in accordance with the Commission's meeting calendar.

V. Removing a Restriction

Permanent restrictions on future employment may never be removed. Unless the restriction specifically indicates that it is a "permanent" ban on the individual's future employment with the City and/or department, it will be considered to be a non-permanent restriction eligible for reconsideration after five years in accordance with Civil Service Rule Series 022. A permanent restriction must specify, for example, "Permanent restriction on any future employment with the City and County of San Francisco;" or "Permanent restriction on any future employment in a driving position with the City and County of San Francisco;" or "Permanent restriction on any future employment with the MTA;" etc. Citywide bans imposed before [date of the Commission's action to adopt the proposed revisions to Civil Service Rule Series 022] are considered permanent restrictions and are therefore not subject to reconsideration.

Non-permanent, unconditional future employment restrictions may be removed by action of the Commission; and conditional restrictions on future employment may generally be removed with the approval of the Human Resources Director, unless otherwise specified by the Commission. The removal of a restriction does not serve to rescind or abrogate the Commission action that imposed the restriction in the first place.

The procedures for removing a future employment restriction are outlined below. In all instances, it is the individual's responsibility to submit a *complete and thorough* request that the restriction/ban be lifted, including all relevant documentation in support of the request.

Individuals cannot be considered for employment in accordance with the terms of any restriction until it is removed. Therefore, DHR and/or the department should endeavor to respond to and process an individual's request to have a non-permanent ban lifted within a reasonable amount of time.

Request to Remove a Conditional Restriction

Unless otherwise specified by the Commission, the Human Resources Director (or Director of Transportation, if the conditional restriction is specific to an MTA service-critical class or position) may approve the removal of a conditional restriction on an individual's future employment upon determination that he or she has met or otherwise satisfied the terms or conditions of that restriction (e.g., future employment conditioned on the demonstration of one year of satisfactory service with another employer, future employment conditioned on the demonstration of a satisfactory driving record for a period of five years, etc.).

DHR (or the MTA, if the restriction is specific to an MTA service-critical position or class) should endeavor to respond to an individual's *complete* request to remove a conditional ban within thirty (30) calendar days of receipt of the request, notifying him or her of the Human Resources Director's/Director of Transportation's determination on whether the terms or conditions of the restriction have been met. The decision of the Human Resources Director/Director of Transportation is not appealable to the Commission.

Requests to Remove a Non-Permanent, Unconditional Restriction (Request for Reconsideration)

As indicated, the removal of a non-permanent, unconditional ban may only be done through Commission action. Civil Service Rule Series 022 governs the process and procedures for a request to remove such restrictions.

Departments are required to forward to DHR within thirty (30) calendar days, an individual's *complete* request to lift a non-permanent and an accompanying memorandum with the department's recommendation on whether the request should be approved, declined or modified, and the reason(s) therefor. The memorandum must also include sufficient information that may be available regarding the circumstances of the individual's negative separation (including an overview of what happened and the reason(s) for the separation) and any supporting relevant documentation to inform the Human Resources Director's recommendation to the Commission

Within sixty (60) calendar days of receipt of the department's memorandum, DHR must submit a staff report to the Commission (with the department's memorandum packet attached) with the Human Resources Director's recommendation to either approve, decline or modify the individual's request to remove the restriction, and the reason(s) therefore.

VI. Additional Roles and Responsibilities

Appointing Officers/Departments

An Appointing Officer must properly notify an individual of his or her intent to impose a restriction on his or her future employment in accordance with the procedures prescribed by DHR. The notification must clearly indicate the type (i.e., whether it is permanent or not), scope and duration of the restriction; and it must include information on the process for appealing the restriction. Departments are also required to adequately document in the system of record the base(s) for the employment restriction.

Departments are responsible for ensuring that any proposed employment restriction is appropriately and accurately documented in the system of record and in the individual's personnel file. Departments are also responsible for documenting in the system of record when an individual has appealed a proposed employment restriction, and what the disposition was if the matter did not ultimately go before the Commission for review.

Finally, departments are responsible for ensuring that any other necessary actions are undertaken to implement a final employment restriction. This includes notifying the DHR Recruitment and Assessment Services Division and/or the MTA of any restriction that requires that an individual's name from any eligible lists.

Human Resources Director/DHR and Director of Transportation/MTA

The Human Resources Director is responsible for establishing the procedures for implementing these policies and guidelines for all departments except for the MTA, which shall be the responsibility of the Director of Transportation.

DHR is required to report to the Commission in February and August of each year with information on individuals who appealed a restriction on their future employment but ultimately withdrew the appeal because the department reduced or rescinded the restriction. The MTA is also required to report such information to the Commission for MTA service-critical positions in February and August of each year.

DHR and the MTA are responsible for ensuring that the Human Resources Director's/Director of Transportation's decision to lift a conditional employment restriction is appropriately and accurately documented in the system of record, and that any other necessary actions are undertaken to implement that decision.

Executive Officer/Commission Staff

The Executive Officer is responsible for ensuring that departments understand their roles and responsibilities as outlined herein. This includes providing any training that may be needed.

The Executive Officer is also responsible for notifying all parties of the Commission's action on an appeal or request to remove an employment restriction, and for ensuring that such action is properly documented in the system of record.

QUESTIONS

Questions on Civil Service Rules or Commission policies, procedures and guidelines may be directed to Commission staff at (415) 252-3247.

ATTACHMENTS

- Civil Service Rule Series 022
- Civil Service Adviser No. 21/2003

ATTACHMENT C

Rule 122

Employee Separation Procedures

Applicability: Rule 122 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 122 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Article I: Separation Procedures

Article II: Termination of Temporary Employee

Article III: Termination of Limited Tenure Employee

Applicability: Article III, Rule 122, shall apply to employees in classes represented by the Transport Workers Union (TWU) - Locals 200 and 250A; except MTA Service-Critical classes. However, all definitions in Rule 122 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

Article IV: Dismissal of Permanent Employee

Article V: Resignation - Services Unsatisfactory

Article VI: Absence from Duty Without Leave (Automatic Resignation)

Article VII: Request to Remove Department Ban

Applicability: Article VII, Rule 122, shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Rule 122

Employee Separation Procedures

Article VII: Request to Remove ~~Department~~ Non-Permanent Ban

Applicability: Article VII, Rule 122, shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Sec. 122.13 Those Individuals Covered Under Rule 122, Article VII

~~_____ The provisions of Rule 122, Article VII shall apply only to those individuals who were Former employees of the City and County of San Francisco and who were banned from future employment in one or more department(s) in accordance with the provisions of Civil Service Rule 122 may request reconsideration of any non-permanent ban if it has been separated from employment five (5) or more years since the ban was imposed. For the purpose of this Rule, any or more and who have been banned from any future employment in a department.~~

Citywide ban imposed before [date of the Commission's action to adopt the amendments to this Rule] is considered a permanent ban not subject to reconsideration.

Sec. 122.14 Reconsideration

Individuals as defined in Sec. 122.13 may submit a written request to the Human Resources Director for reconsideration of a ban ~~from working in a department~~ on their future employment. It shall be the responsibility of the requesting individual to submit to the Human Resources Director all available documentation and information regarding the separation. The individual must also provide reasons for the request for reconsideration of the ~~permanent employment restriction~~.

Sec. 122.15 Action of the Human Resources Director

The Human Resources Director shall consider the request and the recommendation from the affected department(s). The Human Resources Director may request additional information deemed necessary to make a recommendation to the Civil Service Commission. The decision of the Civil Service Commission is final.

Rule 222

Employee Separation Procedure

Applicability: Rule 222 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

- Article I: Separation Procedures**
- Article II: Termination of Temporary Employee**
- Article III: Resignation - Services Unsatisfactory**
- Article IV: Absence from Duty Without Leave**
- Article V: Request to Remove Department Ban**

Rule 222

Employee Separation Procedures

Article V: Request to Remove ~~Department~~ Non-Permanent Ban

Applicability: Article V, Rule 222, shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

Sec. 222.10 Those Individuals Covered Under Rule 222, Article V

~~The provisions of Rule 222, Article V shall apply only to those individuals who were~~ Former employees of the City and County of San Francisco and who were banned from future employment in one or more department(s) in accordance with the provisions of Civil Service Rule 222 may request reconsideration of any non-permanent ban if separated from employment it has been five (5) or more years since that ban was imposed. For the purpose of this Rule, any City-wide ban imposed before [date of the Commission's action to adopt the amendments to this Rule] is considered a permanent ban not subject to reconsideration. or more and who have been banned from any future employment in a department.

Sec. 222.11 Reconsideration

Individuals as defined in Sec. 222.10 may submit a written request to the Human Resources Director for reconsideration of a ban ~~from working in a department on their future employment.~~ It shall be the responsibility of the requesting individual to submit to the Human Resources Director all available documentation and information regarding the separation. The individual must also provide reasons for the request for reconsideration of the ~~permanent~~ employment restriction.

Sec. 222.12 Action of the Human Resources Director

The Human Resources Director shall consider the request and the recommendation from the affected department(s). The Human Resources Director may request additional information deemed necessary to make a recommendation to the Civil Service Commission. The decision of the Civil Service Commission is final.

Rule 322

Employee Separation Procedures

Applicability: Rule 322 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Article I: Separation Procedures

Article II: Termination of Temporary Employee

Article III: Termination of Limited Tenure Employee

Article IV: Dismissal of Permanent Employee

Article V: Resignation - Services Unsatisfactory

Article VI: Absence from Duty Without Leave (Automatic Resignation)

Article VII: Request to Remove Department Ban

Rule 322

Employee Separation Procedures

Article VII: Request to Remove ~~Department~~ Non-Permanent Ban

Applicability: Article VII, Rule 322, shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 322.12 Those Individuals Covered Under Rule 322, Article VII

~~The provisions of Rule 322, Article VII shall apply only to those individuals who were~~Former employees of the City and County of San Francisco ~~and who were banned from future employment in on or more department(s) in accordance with the provisions of this Civil Service Rule 322 may request reconsideration of any non-permanent ban if it has been separated from employment five (5) years or more years since the ban was imposed. and who have been banned from any future employment in a department.~~For the purpose of this Rule, any City-wide ban imposed before [date of the Commission's action to adopt the amendments to this Rule] is considered a permanent ban not subject to reconsideration.

Sec. 322.13 Reconsideration

Individuals as defined in Sec. 322.12 may submit a written request to the Human Resources Director for reconsideration of a ban ~~from working in a department~~on their future employment. It shall be the responsibility of the requesting individual to submit to the Human Resources Director all available documentation and information regarding the separation. The individual must also provide reasons for the request for reconsideration of the ~~permanent~~employment restriction.

Sec. 322.14 Action of the Human Resources Director

The Human Resources Director shall consider the request and the recommendation from the affected department(s). The Human Resources Director may request additional information deemed necessary to make a recommendation to the Civil Service Commission. The decision of the Civil Service Commission is final.

Rule 422

Employee Separation Procedures

Applicability: Rule 422 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 422 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

Article I: Separation Procedures

Article II: Termination of Temporary Employee

Article III: Termination of Limited Tenure Employee

Applicability: Article III, Rule 422, shall apply only to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A, except that the provisions of Rule 422 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

Article IV: Dismissal of Permanent Employee

Article V: Resignation - Services Unsatisfactory

Article VI: Absence from Duty Without Leave (Automatic Resignation)

Article VII: Request to Remove Department Ban

Rule 422

Employee Separation Procedures

Article VII: Request to Remove ~~Department~~ Non-Permanent Ban

Applicability: Article VII, Rule 422, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Sec. 422.13 Those Individuals Covered Under Rule 422, Article VII

~~The provisions of Rule 422, Article VII shall apply only to those individuals who were~~Former employees of the City and County of San Francisco ~~and who were banned from future separated from employment in accordance with the provisions of Civil Service Rule 422 may request reconsideration of any non-permanent ban if it has been five (5) or more years or more and who since the ban was imposed.~~ For the purpose of this Rule, any City-wide ban imposed before [date of the Commission's action to adopt the amendments to this Rule] is considered a permanent ban not subject to reconsideration.~~have been banned from any future employment in a department.~~

Sec. 422.14 Reconsideration

Individuals as defined in Sec. 422.13 may submit a written request to the Human Resources Director for reconsideration of a ban ~~from working in a department~~ on their future employment. It shall be the responsibility of the requesting individual to submit to the Human Resources Director all available documentation and information regarding the separation. The individual must also provide reasons for the request for reconsideration of the ~~permanent~~ employment restriction.

Sec. 422.15 Action of the Human Resources Director

The Human Resources Director shall consider the request and the recommendation from the affected department(s). The Human Resources Director may request additional information deemed necessary to make a recommendation to the Civil Service Commission. The decision of the Civil Service Commission is final.

- END -



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

Sent via Electronic Mail

March 6, 2014

SCOTT R. HELDFOND
PRESIDENT

E. DENNIS NORMANDY
VICE PRESIDENT

DOUGLAS S. CHAN
COMMISSIONER

KATE FAVETTI
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

NOTICE OF CIVIL SERVICE COMMISSION MEETING

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

The above matter will be considered by the Civil Service Commission at a meeting to be held on March 17, 2014 at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings. The meeting agenda and all meeting materials will be posted on the Civil Service Commission's website at www.sfgov.org/Civil_Service under "Meeting Information" no later than end of day on Wednesday, March 12, 2014.

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

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

CIVIL SERVICE COMMISSION

JENNIFER JOHNSTON
Executive Officer

Attachment

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

THIS DOCUMENT SUPPORTS
CALIFORNIA FORM 13



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: March 17, 2014

To: Civil Service Commission

From: Jennifer Johnston, Executive Officer *Jennifer Johnston*

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

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

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

I. Overview

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

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

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

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

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

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

II. Authority

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

“Changes to the rules may be proposed by members of the Commission, the Executive Assistant or the Human Resources Director and approved or rejected by the Commission. The Commission may, upon ten days’ notice, make changes in the rules, which changes shall thereupon be printed and be in force; provided that no such changes in rules shall affect a case pending before the Commission.”

Civil Service Rule Section 401.5, Amendment of Rules, provides as follows:

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

III. Analysis and Recommendations

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

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

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

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

requires:

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

This provision must remain in the Rule.

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

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

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

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

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

Additionally, the Department of Human Resources shall conduct periodic independent

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

IV. Additional Considerations

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

V. Attachments:

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

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

ATTACHMENT A

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

February 2014

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

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

February 2014

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

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

February 2014

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

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

February 2014

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

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

February 2014

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

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

February 2014

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

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

February 2014

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

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

February 2014

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

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

February 2014

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

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

February 2014

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

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

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

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

February 2014

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

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

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

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

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

ATTACHMENT B

Rule 411A Position-Based Testing

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

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

Sec. 411A.1 Purpose

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

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

Sec. 411A.2 Merit Based Examinations

411A.2.1 It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment as expressed in Rule 403 Equal Employment Opportunity.

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

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

Sec. 411A.3 Diversity of Workforce

- 411A.3.1** Subject to existing law, it is the policy of the Civil Service Commission to achieve a workforce that is fully reflective of the diversity of the City and County of San Francisco.
- 411A.3.2** When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Director of Transportation may take appropriate legal actions to correct or mitigate the underrepresentation.
- 411A.3.3** The Civil Service Commission endorses and supports the broadening of the Rules governing the certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize diversity of the work force.

Rule 411A Position-Based Testing

Article II: Examination Provisions

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

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

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

Comment [J11]: This language is in Civil Service Rule 111A.4.

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

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

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

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

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

Sec. 411A.6 Reporting Requirement

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

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

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

- 411A.7.1** All examination provisions for Position-Based Testing are specified in Rule 411A. Provisions specified in Civil Service Commission Rule 405.12.1, 405.12.4 and 405.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 410, 411 Articles I and II, 412 Articles I – IV, and 413 Article III, do not apply to the Position-Based Testing Program.
- 411A.7.2** Pursuant to its Charter authority, the Civil Service Commission may independently inquire into the operation of the Position-Based Testing Program to determine compliance to its Rules, regulations, policies, and procedures and respond to Inspection Service requests.

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

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

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

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

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

Rule 411A Position-Based Testing

Article III: Examination Announcements

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

Sec. 411A.9 Examination Announcements

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

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

Sec. 411A.10 Reissuing of Examination Announcements

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

Sec. 411A.11 Correction of Examination Announcements

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

Rule 411A Position-Based Testing

Article IV: Examination Applicants and Applications

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

Sec. 411A.12 Definition of Applicant

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

Sec. 411A.13 Qualifications of Applicants

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

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

Sec. 411A.14 False Statements by Applicants

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

Sec. 411A.15 Promotive Applicants

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

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

Sec.411A.16 Veterans Preference in Examinations

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

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

Sec. 411A.17 Change of Address

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

Sec. 411A.18 Custody of Examination Applications

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

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

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

Rule 411A
Position-Based Testing
Article V: Examinations

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

Sec. 411A.20 Adequacy of Examinations

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

Sec. 411A.21 Examination Rating Panels

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

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

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

Sec. 411A.23 Cheating in Examinations Prohibited

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

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

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

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

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

Rule 411A Position-Based Testing

Article VI: Administration of Eligible Lists

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

Sec. 411A.25 Eligible Lists

- 411A.25.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.
- 411A.25.2 The Director of Transportation shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

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

- 411A.26.1 After the period for Review of Ratings, the eligible list shall be adopted and posted.
- 411A.26.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 411A.26.3 The Director of Transportation may adopt an eligible list pending the resolution of any appeal. Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire. Resolutions of appeals shall not affect earlier hires from the eligible list.

Sec. 411A.27 Maintenance of Eligibility

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

Sec. 411A.28 Management of Eligible Lists

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

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

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

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

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

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

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

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

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

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

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

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

Rule 411A Position-Based Testing

Article VII: Certification of Eligibles

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

Sec. 411A.30 Certification

411A.30.1 The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Municipal Transportation Agency, the initial notice of certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

411A.30.2 If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).

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

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

411A.31.2 The most restrictive formula for application of the Rule of Three Scores shall be:

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

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

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

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

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

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

Rule 411A

Position-Based Testing

Article VIII: Appeals of Examination Processes

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

Sec. 411A.33 Substance of Appeals

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

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

Sec. 411A.34 Timeliness of Appeals

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

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

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

Sec. 411A.36 Authority to Rule on Appeals

411A.36.1 Civil Service Commission

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

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

411A.36.2 Director of Transportation

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

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

411A.37.1 Appeals of the Examination Announcement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

411A.38.1 Protests at the Examination Site

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

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

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

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

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

411A.38.3 Appeals of Other Examination Matters

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

ATTACHMENT C



SFMTA

Municipal Transportation Agency

MEMORANDUM

DATE: February 28, 2013

TO: The Honorable Civil Service Commission

THROUGH: Donald Ellison
Director, Human Resources

FROM: Derek Kim
HR Operations Manager

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

OVERVIEW

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

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

BACKGROUND

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

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

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

Every year since 2006, there's been a steady increase in the number of PBT examinations conducted by the Department of Human Resources. In fiscal year 2011-2012, PBT examinations made up 70% of all tests conducted in the City². However, Rule 111A in its applicability excludes SFMTA Service-Critical positions or classes and there is no equivalent or similar rule contained in the *Volume IV Municipal Transportation Agency Service Critical Civil Service Rules*.

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

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

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

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

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

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



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

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

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

The SFMTA, in staffing size and FTEs, consistently ranks in the top two for all City Departments³. With so many positions, it is crucial to maintain active eligible lists for all classifications in order to quickly fill vacancies. To achieve the goal of maintaining an active eligible list for all classifications, the SFMTA is requesting the creation and adoption of a one-year pilot PBT program for the *Volume IV Municipal Transportation Agency Service Critical Civil Service Rules*.

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

PROPOSED PILOT POSITION-BASED TESTING PROGRAM

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

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

³ 2009 Workforce and Succession Planning Report Appendix E. Citywide Workforce Analysis



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

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

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

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

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

Table A.

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

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



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

The classifications were selected based on the following criteria:

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

Classifications for the PBT Exam Process

IT Classes

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

Personnel / HR Classes

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

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

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



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

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

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

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

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

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

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

Administrative Analyst Classes

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



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

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

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

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

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

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

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



Safety Class

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

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

Sign Worker Classes

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

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

Traffic Sign Shop volume (preventive maintenance):

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

Pilot Program Recommendation 3. Requirements for Qualified Examination Administrators



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

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

Pilot Program Recommendation 4. Limited Extension of the Eligible List

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

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

Pilot Program Recommendation 5. Sharing of Eligible Lists

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

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

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

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

SUMMARY

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



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

Data from August 15, 2012 Memo:

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

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

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

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

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

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

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



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

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

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

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

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

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


RECOMMENDATION

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

ATTACHMENT D



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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

I. Overview

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

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

II. Authority

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

"Changes to the rules may be proposed by members of the Commission, the Executive Assistant or the Human Resources Director and approved or rejected by the Commission. The Commission may, upon ten days' notice, make changes in the rules, which changes shall thereupon be printed and be in force; provided that no such changes in rules shall affect a case pending before the Commission."

Civil Service Rule Section 401.5, Amendment of Rules, provides as follows:

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

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

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

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

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

B. Stakeholder Discussions

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

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

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

IV. Analysis and Recommendation

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

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

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

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

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

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

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

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

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

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

They are as follows:

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

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

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

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

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

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

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

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

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

Attachments:

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

ATTACHMENT A

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

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

Rule 411A.411A

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

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

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

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

Article II: Examination Provisions

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

Article III: Examination Announcements

- Sec. 411A.7 Examination Announcements
- Sec. 411A.8 Reissuing of Examination Announcements
- Sec. 411A.9 Correction of Examination Announcements

Article IV: Examination Applicants and Applications

- Sec. 411A.10 Definition of Applicant
- Sec. 411A.11 Qualifications of Applicants
- Sec. 411A.12 False Statements by Applicants
- Sec. 411A.13 Promotive Applicants
- Sec. 411A.14 Veterans Preference in Examinations
- Sec. 411A.15 Change of Address
- Sec. 411A.16 Custody of Examination Applications
- Sec. 411A.17 Names Not to be Made Public

Article V: Examinations

- Sec. 411A.18 Adequacy of Examinations
- Sec. 411A.19 Examination Rating Panels
- Sec. 411A.20 Establishing Cutoff Scores and Number of Eligibles
- Sec. 411A.21 Cheating in Examinations Prohibited

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

Article VI: Administration of Eligible Lists

Sec. 411411A.23 Eligible Lists

Sec. 411411A.24 Adoption and Posting of Eligible List

Sec. 411411A.25 Maintenance of Eligibility

Sec. 411411A.26 Management of Eligible Lists

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

Article VII: Certification of Eligibles

Sec. 411411A.28 Certification

Sec. 411411A.29 Certification of Eligibles – Minimum Allowable Certification Rule

Sec. 411411A.30 Establishment of the Certification Rule for Position-Based Testing

Article VIII: Appeals of Examination Processes

Sec. 411411A.31 Substance of Appeals

Sec. 411411A.32 Timeliness of Appeals

Sec. 411411A.33 Continuance of Examinations with Appeals Pending

Sec. 411411A.34 Authority to Rule on Appeals

Sec. 411411A.35 Appeals to the Civil Service Commission

Sec. 411411A.36 Appeals to the ~~Human Resources Director~~ Director of Transportation

Rule 411A – Position-Based Testing

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

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

Sec. 411A.1 Purpose

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

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

Sec. 411A.2 Merit-Based Examinations

411A.2.1 It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment as expressed in Rule 403 Equal Employment Opportunity.

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

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

Sec. 411A.3 Diversity of Workforce

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

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

411A.3.3 The Civil Service Commission endorses and supports the broadening of the Rules governing the certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize diversity of the work force.

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

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

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

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

1021, IS Administrator I*

1022, IS Administrator II*

1041, IS Engineer – Assistant*

1043, IS Engineer – Senior*

1044, IS Engineer – Principal*

1053, IS Business Analyst – Senior

1244, Senior Personnel Analyst

1823, Senior Administrative Analyst

1824, Principal Administrative Analyst

5177, Safety Officer

5303, Supervisor, Traffic and Street Signs

7457, Sign Worker

*The position must require a special qualification or skill pursuant to Rule 421.5.2 (i.e., a "special condition").

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

Comment [11]: Under the Citywide PBT Program, PBT's may be administered only to fill those II classes with special conditions. See Attachment D to the MTA staff report for the list of classes/positions currently included in the Citywide PBT program.

Resources-Director.

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

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

Sec. 411A.6 Reporting Requirement

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

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

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

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

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

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

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

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

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

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

Rule 411A – Position-Based Testing

Article III: Examination Announcements

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

Sec. 411A.7 Examination Announcements

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

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

Sec. 411A.8 Reissuing of Examination Announcements

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

Sec. 411A.9 Correction of Examination Announcements

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

Rule 411A – Position-Based Testing
Article IV: Examination Applicants and Applications

Applicability: Article IV, Rule 411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

Sec. 411A.10 Definition of Applicant

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

Sec. 411A.11 Qualifications of Applicants

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

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

Comment [32]: This language is consistent with the provisions in Rule 410.9.1, Qualifications of Applicants.

Sec. 411A.12 False Statements by Applicants

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

Sec. 411A.13 Promotive Applicants

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

Sec. 411A.14 Veterans Preference in Examinations

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

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

~~411411A.14.2 Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive veterans preference credit as provided in Civil Service Commission Rules must notify the Department of Human Resources of his/her veteran status at the time he/she submits the initial job application or as specified on the examination announcement.~~

Comment [33]: Rule 411 Article III, Veterans Preference in Examinations, is very clear on the applicable definition of veterans preference, so Commission staff is proposing to omit this portion from the pilot Rule 411A.

Comment [34]: This is consistent with Rule 411.36.3, Notice of Veterans Status.

Sec. 411411A.15 Change of Address

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

Sec. 411411A.16 Custody of Examination Applications

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

Sec. 411411A.17 Names Not to be Made Public

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

**Rule 411411A – Position-Based Testing
Article V: Examinations**

Applicability: Article V, Rule 411411A shall apply to examinations designated to this Pilot Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes listed in Article II, Section 411A.4.

Sec. 411411A.18 Adequacy of Examinations

~~The Human Resources DirectorDirector of Transportation shall approve the adequacy of the examination to rate the capacity of the applicants to perform the job. Examinations may include, but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, assessment centers, successful completion of requirements imposed by other authorities for the award of certification, licensure, academic recognition (e.g. degree, course completion), placement on a roster as provided in Sec. 411411A.27, or any other devices or methods to determine merit and fitness for tested~~

positions.

Sec. 411A.19 Examination Rating Panels

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

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

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

Sec. 411A.21 Cheating in Examinations Prohibited

411A.21.1 Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

411A.21.2 Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal and ineligibility for future employment and such other appropriate action as may be recommended by the ~~Human Resources Director~~ Director of Transportation.

Sec. 411A.22 Review of Ratings by Examination Participants

411A.22.1 Examination participants shall have a minimum period of five (5) working days to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. The identity of the examiner giving any mark or grade shall not be disclosed.

411A.22.2 The ~~Human Resources Director~~ Director of Transportation shall establish the procedures for Review of Ratings.

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

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

Sec. 411A.23 Eligible Lists

411A.23.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list.

411A.23.2 The Human Resources Director/Director of Transportation shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 411A.24 Adoption and Posting of Eligible List

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

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

411A.24.3 The Human Resources Director/Director of Transportation may adopt an eligible list pending the resolution of any appeal. Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire. Resolutions of appeals shall not affect earlier hires from the eligible list.

Sec. 411A.25 Maintenance of Eligibility

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

Sec. 411A.26 Management of Eligible Lists

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

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

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

~~411A.26.3~~ 411A.26.3 The ~~Human Resources Director~~ Director of Transportation may authorize the merging of eligible lists in the same Service-Critical class or different Service-Critical classes. Affected eligibles will be notified of the merging of eligible lists.

~~411A.26.4~~ 411A.26.4 The ~~Human Resources Director~~ Director of Transportation may cancel an eligible list, or make optional the use of an eligible list based on the needs of the Municipal Transportation Agency or merit factors such as inability of eligibles to meet job specific qualifications or requirements. Affected eligibles will be notified of the cancellation of eligible lists.

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

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

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

~~Sec. 411A.27~~ Sec. 411A.27 Rosters of Eligibles Established by Other Authorities

~~411A.27.1~~ 411A.27.1 By mutual agreement with the affected employee organization, appropriate rosters of eligibles established by other recognized authorities, such as the State of California, may be utilized to fill Service-Critical positions, or as the basis for establishing eligible lists for Service-Critical classifications.

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

~~411A.27.2~~ 411A.27.2 The ~~Human Resources Director~~ Director of Transportation shall determine the criteria and standards for approving the use of rosters established by other authorities. In assessing appropriateness, the ~~Human Resources Director~~ Director of Transportation shall ensure that placement on a roster does not require membership in an organization.

~~411A.27.3~~ 411A.27.3 The use of such rosters shall be specified on the examination announcement and shall not be subject to appeal to the Civil Service Commission.

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

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

Sec. 411A.28 Certification

411A.28.1 The Department of Human Resources Municipal Transportation Agency shall certify to the appointing officer the names of eligibles that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Department of Human Resources Municipal Transportation Agency, the initial notice of certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

411A.28.2 If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).

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

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

411A.29.2 The most restrictive formula for application of the Rule of Three Scores shall be:

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

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

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

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

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

414411A.30.3 The Certification Rule shall be specified as a term of the examination announcement. Appeals of the Certification Rule shall not be permitted.

Rule 414411A – Position-Based Testing **Article VIII: Appeals of Examination Processes**

Applicability: Article VIII, Rule 414411A shall apply to examinations designated to this ~~Pilot~~ Position-Based Testing Program and shall apply to employees in all classes ~~except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes listed in Article II, Section 411A.4.~~

Sec. 414411A.31 Substance of Appeals

414411A.31.1 An action by the ~~Department of Human Resources~~Municipal Transportation Agency under Rule 414411A may be appealed by a party alleging injury by that action as provided in this Article VIII. For each appeal the appellant must state the specific grounds upon which the appeal is based, cite the specific Civil Service Commission Rule or ~~Department of Human Resources~~Municipal Transportation Agency Policy that the appellant contends was violated by the action which is the subject of the appeal, provide facts including available documents to support the appeal, and demonstrate a rational relationship between the alleged injury suffered by the appellant as a result of the action being appealed and the alleged violation of Rule or Policy. Failure to meet all of the above requirements to support the appeal may be sufficient grounds for denial of the appeal by the Civil Service Commission.

414411A.31.2 An appeal that objects to ratings or rankings based solely on the candidate's belief that he or she is entitled to a higher or passing score shall not be considered. Neither the ~~Human Resources Director~~Director of Transportation nor the Civil Service Commission shall substitute his, her or its judgment for the judgment of qualified raters.

Sec. 414411A.32 Timeliness of Appeals

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

Sec. 414411A.33 Continuance of Examinations with Appeals Pending

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

Sec. 414411A.34 Authority to Rule on Appeals

414411A.34.1 Civil Service Commission

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

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

411A.34.2 Human Resources Director/Director of Transportation

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

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

411A.35.1 Appeals of the Examination Announcement

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

Comment [37]: The Commission may want to consider including this additional caveat to ensure that the Executive Officer does not calendar a matter that is otherwise untimely or not appealable under this Rule.

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

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

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

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

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

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

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

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

Comment [29]: The Commission may want to consider including this additional caveat to ensure that the Executive Officer does not calendar a matter that is otherwise untimely or not appealable under this Rule.

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

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

411A.36.1 Protests at the Examination Site

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

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

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

411A.36.3 Appeals of Other Examination Matters

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


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

ATTACHMENT E



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

Date: April 15, 2013

To: Civil Service Commission 

From: Jennifer Johnston, Executive Officer

Subject: **Recommendation to Adopt the Proposed Pilot Rule 411A (Position-Based Testing Program) for Incorporation into Volume IV of the Civil Service Rules**

During its meeting of March 18, 2013, the Civil Service Commission ("Commission") acted to accept the Executive Officer's recommendation to adopt a new pilot Civil Service Rule 411A establishing a one-year Position-Based Testing ("PBT") Program for specific service-critical positions/classifications at the Municipal Transportation Agency ("MTA"), and directed the Executive Officer to post the proposed new pilot Rule as amended by the Commission¹ for meet and confer with the City's labor unions. The Executive Officer's staff report (*sans* attachments) recommending the pilot Rule is appended to this staff report as Attachment A.

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

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

Recommendation:

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

Attachments:

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

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

ATTACHMENT F



Gavin Newsom
Mayor

Philip A. Ginsburg
Human Resources Director

MEMORANDUM
DHR No. 19-2006

DATE: June 29, 2006

TO: Department Heads
Departmental Personnel Representatives
Labor Organizations

FROM: Philip A. Ginsburg
Human Resources Director

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

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

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

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

Policy

General Policy

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

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

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

Requirement for Qualified Examination Administrators

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

Classes Appropriate for Position Based Testing

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

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

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

Job Related Application Screening and Examination Processes:

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

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

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

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

Fair Examination Processes

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

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

Efficient Examination Practices:

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

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

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

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

Appeals

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

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

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

Promotive Points

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

Review of Ratings by Candidates

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

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

Eligible Lists:

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

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

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

Examination Documents and Records:

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



Gavin Newsom
Mayor

Philip A. Ginsburg
Human Resources Director

MEMORANDUM
DHR No. 26-2006

DATE: October 4, 2006

TO: Department Heads
Personnel Officers

FROM: Philip A. Ginsburg
Human Resources Director

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

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	Braillist
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	2552	Director Of Activities, Therapy And Volunteer Services
2340	Operating Room Nurse	2558	Senior Physical Therapist
2350	Instructor Of Nursing	2561	Optometrist
2392	Senior Central Processing And Distribution Technician	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	2980	Manager, Recruitment and Credentials Unit, S.F.U.S.D.
2537	Respiratory Care Practitioner II	2982	Rent Board Supervisor
2538	Audiometrist	2991	Coordinator, Human Rights Commission
2540	Audiologist	2994	Homemaker
2542	Speech Pathologist	2996	Representative, Human Rights Commission
2550	Senior Occupational Therapist	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**

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

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

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

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

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