

# Rule 405

## Civil Service Commission - Meetings and Hearings

### Article I: Meetings

Applicability: Unless otherwise noted, Article I, Rule 405, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

<u>Sec. 405.1</u>	<u>Regular Meetings</u>
<u>Sec. 405.2</u>	<u>Adjourned Regular Meeting</u>
<u>Sec. 405.3</u>	<u>Special Meetings</u>
<u>Sec. 405.4</u>	<u>Commission Meetings - Public</u>
<u>Sec. 405.5</u>	<u>Executive Session</u>
<u>Sec. 405.6</u>	<u>Minutes</u>

### Article II: Hearings and Hearing Procedures

Applicability: Unless otherwise noted, Article II, Rule 405, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

<u>Sec. 405.7</u>	<u>Communications</u>
<u>Sec. 495.8</u>	<u>Quorum</u>
<u>Sec. 405.9</u>	<u>Motion Requires Second</u>
<u>Sec. 405.10</u>	<u>Roll Call Vote</u>
<u>Sec. 405.11</u>	<u>Tie Vote</u>
<u>Sec. 405.12</u>	<u>Appeal of the Action of the City's Human Resources Director</u>
<u>Sec. 405.13</u>	<u>Reconsideration of Commission Action</u>
<u>Sec. 405.14</u>	<u>Moot Questions</u>
<u>Sec. 405.15</u>	<u>Rules of Order</u>
<u>Sec. 405.16</u>	<u>Item Heard Out of Order</u>
<u>Sec. 405.17</u>	<u>Calendared Matters to be Postponed</u>
<u>Sec. 405.18</u>	<u>Matters to be Heard by the Commission</u>
<u>Sec. 405.19</u>	<u>Procedure for Commission Hearings</u>
<u>Sec. 405.20</u>	<u>Requirement for Written Report</u>
<u>Sec. 405.21</u>	<u>Requirement to Vote</u>
<u>Sec. 405.22</u>	<u>Submission of Written Material</u>

# Rule 405

## Civil Service Commission - Meetings and Hearings

### Article I: Meetings

Applicability: Unless otherwise noted, Article I, Rule 405, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 405.1 Regular Meetings**

**405.1.1** Regular meetings shall be held on the first and third Monday of each month at 2:00 p.m. in the Commission Meeting Room, Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place, or at such other day, time, or place as the Commission at a prior regular meeting may designate.

**405.1.2** Any change of time or place of meeting shall be posted.

**405.1.3** When a regular meeting day falls on a holiday, the Commission shall meet on the next succeeding business day unless at a prior regular meeting it designates some other day for its meeting.

**405.1.4** A regular meeting shall not be adjourned before 5:30 p.m., provided that, if in the judgment of the President of the Commission all calendared business has been concluded, the meeting may be adjourned at an earlier time. Persons having a matter on calendar, who within five (5) working days following the date of the meeting request in writing that their matter be recalendared because of their non-appearance due solely to the earlier adjournment time, shall have their matter recalendared for original consideration. Nothing contained herein shall be construed as barring the Commission from recessing from time to time during the continuance of the meeting.

#### **Sec. 405.2 Adjourned Regular Meeting**

The Commission may adjourn any regular meeting to a time and place specified. The adjourned meeting shall be part of the regular meeting.

#### **Sec. 405.3 Special Meetings**

**405.3.1** Special meetings may be called by the President or a majority of the Commission in accordance with applicable local and State laws.

**Sec. 405.3 Special Meetings (cont.)**

**405.3.2** Notice shall be sent by the Executive Officer to all concerned parties who have matters on the special meeting agenda. Such notice must be delivered personally or by mail at least seventy-two (72) hours before the time of such meeting as specified in the notice. A copy shall also be posted on the Official Bulletin Board, posted on the Civil Service Commission website and forwarded to the San Francisco Public Library. The notice shall specify the time and place of the meeting and the business to be transacted. No other business shall be transacted except that for which the meeting is ordered.

**Sec. 405.4 Commission Meetings - Public**

All meetings of the Commission shall be open to the public except as otherwise legally authorized.

**Sec. 405.5 Executive Session**

The Commission may hold executive sessions to consider the employment or dismissal of an officer or employee subject to the jurisdiction of the Commission; to hear complaints or charges brought against such officer or employee unless such officer or employee requests a public hearing; or for other purposes in accordance with applicable local and State laws.

**Sec. 405.6 Minutes**

The Executive Officer shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission and the votes of the Commissioners. When requested, a Commissioner's dissent or approval, together with the reasons therefore, shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting.

## **Rule 405**

### **Civil Service Commission - Meetings and Hearings**

#### **Article II: Hearing and Hearing Procedures**

Applicability: Unless otherwise noted, Article II, Rule 405, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 405.7**      **Communications**

**405.7.1**      Communications requiring action by the Commission must be filed in writing in the Civil Service Department. The Executive Officer shall maintain a register of communications received with disposition recorded. Such register shall be open for public inspection during regular business hours.

**405.7.2**      Communications not requiring action by the Commission under these Rules shall be processed by the Executive Officer as provided by these Rules, and proper notations shall be made on the pertinent records.

**405.7.3**      A Commissioner may request that any matter be calendared. All requests for hearing shall be calendared within a reasonable period of time.

#### **Sec. 405.8**      **Quorum**

The majority of all members of the Commission shall constitute a quorum and the concurrence of a majority shall be necessary to any action.

#### **Sec. 405.9**      **Motion Requires Second**

A motion made by any Commissioner shall require a second.

#### **Sec. 405.10**      **Roll Call Vote**

A roll call vote may be requested by a Commissioner on any matter before the Commission.

#### **Sec. 405.11**      **Tie Vote**

If only four (4) Commissioners are present and it is evident that they are not in agreement on the matter or request before the Commission, then any Commissioner or any interested party may request a postponement of action.

**Sec. 405.12     Appeal of the Action of the City’s Human Resources Director, the Executive Officer or the MTA Director of Transportation/Designee**

**405.12.1     Examination Matters**

An action by the MTA Director of Transportation/Designee, on examination matters, may be appealed to the Commission provided such appeal is received by the Executive Officer by close of business on the fifth (5<sup>th</sup>) working day (excluding Saturdays, Sundays, and holidays) following the postmarked mailing date (or e-mail date) of notification to the appellant. The appeal period shall be extended an additional five (5) working days (excluding Saturdays, Sundays, and holidays) where the notification to the appellant is sent exclusively by certified mail – return receipt requested. The Commission's action on the appeal shall be final and no reconsideration request shall be allowed.

**405.12.2     Employee Compensation Matters**

An action by the MTA Director of Transportation/Designee, on wage and salary matters, may be appealed to the Commission provided such appeal is received by the Executive Officer by close of business on the seventh (7<sup>th</sup>) business day (excluding Saturdays, Sundays, and holidays) following the postmarked mailing date (or e-mail date) of notification to the appellant. The Commission's action on the appeal shall be final and no reconsideration request shall be allowed.

**405.12.3     Personal Services Contracts**

An action by the City’s Human Resources Director on personal services contracts may be appealed provided such appeal is received by the Executive Officer during the posting period prescribed in Commission personal services contract procedures. The Commission's action on the appeal shall be final and no reconsideration request shall be allowed. Personal services contracts not appealed during the prescribed posting period shall be calendared for ratification by the Commission. Ratification action by the Commission shall be final and no reconsideration request shall be allowed.

**Sec. 405.12**     **Appeal of the Action of the City's Human Resources Director, the Executive Officer or the MTA Director of Transportation/Designee (cont.)**

**405.12.4 Other Matters**

An action by the City's Human Resources Director or the MTA Director of Transportation/Designee on other matters or an action of the Executive Officer on a matter under the Executive Officer's jurisdiction may be appealed to the Commission provided such appeal is received by the Executive Officer within thirty (30) calendar days following the postmarked mailing date (or e-mail date) of notification to the appellant. The Commission's action on the appeal shall be final and no reconsideration request shall be allowed.

**Sec. 405.13**     **Reconsideration of Commission Action**

**405.13.1** A request to reconsider a Commission action that was not calendared as an appeal of the MTA Director of Transportation/Designee or City's Human Resources Director's or Executive Officer's decision must be in writing and received by the Executive Officer no later than thirty (30) calendar days following the date of the action. Requests received after thirty (30) days will not be processed and will be denied.

**405.13.2** A request for reconsideration must succinctly specify the reasons for the request and shall be calendared as soon as practicable after receipt of the written request. The Commission may allow up to three (3) minutes of verbal testimony from the requestor or representative. If the Commission agrees to grant the request for a reconsideration, the matter shall be calendared at a subsequent Commission meeting.

**405.13.3** The Commission's action to deny a request for reconsideration or the Commission's decision following a reconsideration hearing shall be final and no further requests for reconsideration shall be considered.

**Sec. 405.14**     **Moot Questions**

Request for rulings on moot or hypothetical questions will not be considered.

**Sec. 405.15**     **Rules of Order**

Except as otherwise provided herein, Robert's Rules of Order, in its latest revision, shall guide the Commission in its proceedings.

**Sec. 405.16**    **Item Heard Out of Order**

A request that a calendared item be heard out of order shall be presented at the start of the meeting to the President stating the reason for the request. The President shall decide if the request will be granted.

**Sec. 405.17**    **Calendared Matters to be Postponed**

All calendared matters to be postponed shall be announced by the Executive Officer at the start of the meeting.

**Sec. 405.18**    **Matters to be Heard by the Commission**

Only matters that have been calendared will be heard by the Commission at any meeting. No oral requests for rulings will be considered. Notification of the Commission actions shall be mailed no later than the second (2<sup>nd</sup>) working day following such action.

**Sec. 405.19**    **Procedure for Commission Hearings**

All Commission hearings in disputed matters shall conform to the following procedures:

**405.19.1**    **Ratification and Consent Agenda**

Presentation by opponent for a maximum time limit of five (5) minutes; and response by departmental representative for a maximum time limit of five (5) minutes.

**405.19.2**    **Regular Agenda**

Presentation by staff or departmental representative for a maximum time limit of five (5) minutes; and response by opponent or appellant for a maximum time limit of five (5) minutes.

**405.19.3**    **Separation Hearings**

1) Presentation by department for a maximum time limit of ten (10) minutes unless extended by the Commission as follows: opening summary of case (brief overview); discussion of evidence; corroborating witnesses, if necessary; and closing remarks.

**Sec. 405.19**      **Procedure for Commission Hearings (cont.)****405.19.3**      **Separation Hearings (cont.)**

2)      Presentation by employee or employee's representative for a maximum time limit of ten (10) minutes unless extended by the Commission as follows: opening summary of case (brief overview); discussion of evidence; corroborating witnesses, if necessary; and closing remarks.

3)      The Commission may allocate five (5) minutes for each side to rebut evidence presented by other side.

**405.19.4**      **Commission Authority**

The Commission reserves the right to question each party during its presentation and, in its discretion, to modify the time allocations and requirements set forth above.

**Sec. 405.20**      **Requirement for Written Report**

All matters coming before the Commission, except matters properly heard in executive session, shall be supported by a complete report in writing prepared in accordance with procedures determined by the Executive Officer and shall, together with all written documentation to be presented at the hearing, be delivered to each of the Commissioners not later than 4:00 p.m. on the second (2<sup>nd</sup>) business day preceding the meeting day. Any matter coming before the Commission not in compliance with this Rule shall, upon request of any Commissioner, be deemed out of order and shall be continued to the next scheduled meeting.

**Sec. 405.21**      **Requirement to Vote**

Each member of the Commission present at a meeting must vote for or against a particular question, unless excused from voting by a motion adopted by a majority of the members present.

**Sec. 405.22**      **Submission of Written Material**

All written material to be considered by the Commission in support of an agenda item shall be submitted to the Executive Officer no later than the fourth (4<sup>th</sup>) business day preceding the Regular Commission meeting or in accordance with appellate procedures established by the Executive Officer. An original and such additional copies as required by the Executive Officer shall be provided.