

Rule 413

Certification of Eligibles

Article I: General Principles

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

Article II: Definitions

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

Article III: Application of Certification Rules

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

Article IV: Personnel Requisitions

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

Article V: Administration of Certifications

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

Article VI: Selective Certification of Certified Temporary Employees

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

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Article I: General Principles

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Sec. 413.1 General Policy

413.1.1 The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize multicultural diversity of the work force in the City and County of San Francisco.

413.1.2 Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. The MTA Director of Transportation/Designee shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. The Civil Service Commission endorses and supports efforts to de-identify the names, address, and other personal information whenever screening determinations are conducted prior to the selection of certified eligible for interviews. The MTA Director of Transportation/Designee shall also be responsible for maintaining documentation of selection criteria including efforts to de-identify eligibles' information. The MTA Director of Transportation/Designee shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures. The MTA Director of Transportation/Designee shall report to the Civil Service Commission on the progress of the implementation of de-identification on a quarterly basis for two (2) years and thereafter on a schedule to be determined.

Sec. 413.1 **General Policy (cont.)**

413.1.3 **Implementation of the Rule by the MTA Director of Transportation/Designee**

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

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco, and

- 2) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

Rule 413

Certification of Eligibles

Article II: Definitions

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

Sec. 413.2 **Certification Rules**

413.2.1 **Rule of Three Scores**

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

413.2.2 **Rule of Three or More Scores**

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

413.2.3 **Rule of the List**

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

Sec. 413.3 **Notice of Certification**

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

Sec. 413.4 **Certification Date**

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

Sec. 413.5 **Notice of Inquiry**

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

Sec. 413.5 **Notice of Inquiry (cont.)**

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

Sec. 413.6 **Exhaustion of the List****413.6.1** **Rule of Three Scores**

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

413.6.2 **Rule of Three or More Scores**

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

413.6.3 **Rule of the List**

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

413.6.4 **MTA Director of Transportation/Designee Authority**

The MTA Director of Transportation/Designee has the authority to declare an eligible list exhausted in cases wherein there are fewer eligibles than vacant positions in the class. All affected eligibles shall be notified of the exhaustion of the eligible list.

Rule 413

Certification of Eligibles

Article III: Application of Certification Rules

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

Sec. 413.7 Certification Rules Applicable to Employees in all classes except Unrepresented and Municipal Executives Association

413.7.1 Rule of Three Scores

- 1) Unless mutually agreed between the employee organization representing the class and the MTA Director of Transportation/Designee to use a broader Certification Rule, the Rule of Three Scores shall be used exclusively.
- 2) The MTA Director of Transportation/Designee shall certify to the appointing officer the confidential list of candidate names with the three (3) highest scores on the list who are available for appointment to the position. Eligibles' information, including names on eligible lists shall not be made public unless required by law.
- 3) Except as otherwise provided, 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 two (2) scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.
- 4) If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

413.7.2 Expansion of Certification Rules

- 1) Notwithstanding any other provisions of these Rules, the MTA Director of Transportation/Designee is authorized to meet and confer with representatives of employee organizations to reach mutual agreement over the Certification Rule applicable to each of the classes covered by this section. If the parties fail to reach mutual agreement, the Rule of Three Scores shall be used.

Sec. 413.7 **Certification Rules Applicable to Employees in all classes except Unrepresented and Municipal Executives Association (cont.)**

413.7.2 **Expansion of Certification Rules (cont.)**

2) The agreed-upon Certification Rule shall be promulgated as a term of the examination announcement and the agreed-upon Certification Rule shall not be appealable to the Civil Service Commission.

Sec. 413.8 **Certification Rules Applicable to Employees in Unrepresented classes and classes represented by Municipal Executives Association**

413.8.1 **Rule of Three or More Scores**

1) For a Single (1) Position

A confidential list of names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position. Eligibles' information include names on eligible list shall not be made public, unless required by law.

2) When More Than One Position Available

Except as may otherwise be provided, when there are two 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 applicable to the eligible list being certified minus one.

3) When Eligible List Exhausted

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

4) Supplementary Certification

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

Sec. 413.8 **Certification Rules Applicable to Employees in Unrepresented classes and classes represented by Municipal Executives Association (cont.)**

413.8.2 **Rule of the List**

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

2) When Eligible List is Exhausted

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

413.8.3 **Establishment of Certification Rule**

1) The MTA Director of Transportation/Designee shall establish the Certification Rule for each class by specifying the Certification Rule to be used to administer the eligible list in the first examination announcement for the class after the adoption of this section.

2) Once established, the Certification Rule shall be used to administer all future eligible lists in the class unless otherwise ordered by the MTA Director of Transportation/Designee.

3) In establishing the Certification Rule, the MTA Director of Transportation/Designee may consult with City's Human Resources Director, representatives of employee organizations and other pertinent parties.

Rule 413

Certification of Eligibles

Article IV: Personnel Requisitions

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

Sec. 413.9 Personnel Requisitions

413.9.1 Requirement for Personnel Requisitions

Whenever a position is to be filled, the appointing officer shall issue a personnel requisition on the prescribed form. Fully approved personnel requisitions shall immediately be time stamped in the order of receipt in the Office of the MTA Director of Transportation/Designee.

413.9.2 Separate or Group Personnel Requisitions

A separate personnel requisition shall be made for each permanent position to be filled. Group personnel requisitions may only be made for temporary positions.

413.9.3 Cancellation of Personnel Requisitions

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the MTA Director of Transportation/Designee.

413.9.4 Priority of Personnel Requisitions

Except as otherwise provided in these Rules, certification shall be made in accordance with priority of approval of the personnel requisition in the Office of the MTA Director of Transportation/Designee or the date to report to duty, whichever is later.

413.9.5 Tenure of Temporary Appointments

1) Temporary employments may be requisitioned for a period not to exceed twelve (12) months.

2) Original personnel requisitions for fewer than twelve (12) months may be extended from the date of appointment but may not exceed the maximum allowable personnel requisition time. Upon completion of the allowable maximum time, the temporary appointment(s) may be extended when funds are available and when the employee continues to have standing on an eligible list for that class.

Sec. 413.9 Personnel Requisitions (cont.)

413.9.5 Tenure of Temporary Appointments (cont.)

3) Beginning on the effective date of this Rule, the MTA shall keep records of the number of temporary employments extended as provided in this Rule. On July 30, 1977, and each July 30 thereafter, a list of extended temporary employments for the past fiscal year shall be made available for public inspection.

413.9.6 Flexible Staffing Personnel Requisitions

A personnel requisition for a permanent vacancy filled by an appointee in accordance with the flexible staffing authority of the Salary Ordinance shall also be valid for subsequent certification for appointment of the same eligible, when qualified, to the class designated on the personnel requisition.

Rule 413

Certification of Eligibles

Article V: Administration of Certifications

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

Sec. 413.10 **Notice of Certification**

For each available position, the MTA Director of Transportation/Designee shall certify to the appointing officer a confidential list of the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. Eligibles' information, including names on eligible lists shall not be made public, unless required by law.

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

Sec. 413.11 **Notice of Inquiry**

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

413.11.2 Eligibles are required to respond to a Notice of Inquiry within a minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days. The response period may be extended by the MTA Director of Transportation/Designee. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider among other factors, availability of technology to respond, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by eligibles to the means for receiving timely notification, and complexity of the selection procedures.

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

Sec. 413.12 **Certification Results**

MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within twenty (20) business days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee. MTA will, on a regular basis, report to the CSC on the departmental response time and the reason(s) for delay in responding to a referral.

Sec. 413.13 **Waivers****413.13.1** **General Waivers**

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

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

413.13.2 **Waiver of Part-Time Employment**

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

Sec. 413.13 Waivers**413.13.3 Conditional Waivers**

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

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

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

413.13.4 Effects of Waivers

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

413.13.5 Withdrawal of Waivers

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

413.13.5 Withdrawal of Waivers (cont.)

- 3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer.
- 5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 413.14 Change of Address

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

Rule 413

Certification of Eligibles

Article VI: Selective Certification of Certified Temporary Employees

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

Sec. 413.15 Selective Certification of Certified Temporary Employees

- 413.15.1** Notwithstanding anything to the contrary in this or any other section of these Rules, an employee who has been appointed from a regularly adopted eligible list to a non-permanent position shall be entitled to appointment to a permanent position within the same class before the certification of persons standing higher on the list of eligibles subject to a period of six (6) months of service in the class or for the period provided for in the examination announcement in any status and certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the form and in the manner prescribed by the MTA Director of Transportation/Designee.
- 413.15.2** The MTA Director of Transportation/Designee is authorized to take such administrative action not in conflict with these Rules as is required to make this section operative including imposition and removal of waivers.