City and County of San Francisco
Civil Service Commission

Annual Report
Fiscal Year 2018–2019

Fiscal Year 2018-2019

Civil Service Commission

F. X. Crowley
PRESIDENT

Elizabeth Salveson
VICE PRESIDENT

Douglas S. Chan
COMMISSIONER

Kate Favetti
COMMISSIONER

Scott A. Heldfond
COMMISSIONER

Commission Staff

Michael L. Brown
EXECUTIVE DIRECTOR

Sandra Eng
DEPUTY DIRECTOR

Luz Morganti
SENIOR HUMAN RESOURCES ANALYST

Jennifer Bushman
HUMAN RESOURCES ANAYLST

Lizzette Henríquez
RULES, PERSONNEL & OFFICE COORDINATOR

Elizabeth Aldana
ADMINISTRATIVE STAFF ASSISTANT

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Transmittal Letter to Mayor London Breed

October 4, 2019

The Honorable London N. Breed
Mayor of the City and County of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Mayor Breed,

It is with great pride that the Civil Service Commission submits its Annual Report for the fiscal year concluding June 30, 2019. This Annual Report commemorates the Commission's 119 continuous years of service in managing the Charter-mandated civil service merit system for public employment in the City and County of San Francisco.

The Report reflects the Commission's overall commitment to, and focus on providing fair and equitable opportunities for all prospective and current employees of the City and County. The quality of life in our great City is enhanced through the vital services provided by our City and County employees, and the Civil Service Commission strives to ensure an environment that is conducive to achieving the highest quality performance in carrying out the City's mission.

The Civil Service Commission received a total of 59 new appeals and requests for hearing in Fiscal Year 2018-2019, in addition to the 31 active unresolved appeals that were carried over from the previous fiscal year. The Commission heard and resolved 63 of the 90 pending appeals last fiscal year, representing 70%, which meets our target goal.

In Fiscal Year 2018-2019, the Commission received a total of 169 Inspection Service Requests from employees, departmental representatives, anonymous individuals or those requesting confidentiality, labor representatives, job applicants/candidates and members of the public. It is important to note that this represents an increase from last fiscal year of 32% for Inspection Service Requests. Even with our limited staffing, the Commission resolved 73% (123 out of 169) of the Inspection Service Requests within 60 days, which 7% below our target of 80%. The majority of Inspection Service Requests focus on appointments.

The Commission was productive in proposing and updating a number of Rules, policies and procedures in the last fiscal year which include Rule amendments for Volume I - Miscellaneous Employees and Volume IV – Service-Critical Employees Rules Series 02, 10, 11, 11A, 12, and 13 to help reduce implicit bias, increase applicant confidentiality while maintaining transparency in the hiring process.

In addition, we adjusted the salaries of elected officials in accordance with Charter mandates, certified the prevailing wage rates for various employees of City contractors, conducted numerous trainings and presentations on the merit system, and administered the Commission's Merit System Audit program. Moreover, the Commission continues to be successful in reducing its paper consumption as a result of our efforts to eliminate paper-intensive processes and post more documents and information on the Commission's website.

We would like to take this opportunity to highlight the outstanding performance of the small but mighty Civil Service Commission staff for their excellent work and continued dedication to the merit system. On behalf of the members of the Civil Service Commission and its staff, we are pleased to forward the Commission's Fiscal Year 2018-2019 Annual Report.

Respectfully submitted,

CIVIL SERVICE COMMISSION

F. X. CROWLEY, President

MICHAEL L. BROWN, Executive Director

Mission Statement

The Civil Service Commission's Mission is to establish, ensure and maintain an equitable and credible merit system for public service for the citizens of San Francisco. The Commission's goal is to consistently provide the best-qualified candidates for public service in a timely and cost-effective manner.

Highlights of Fiscal Year 2018-2019

This year's Annual Report focuses on the accomplishments of the Civil Service Commission and its department during Fiscal Year 2018-2019, and highlights the important role the Commission plays in creating a fair and equitable employment structure for the City and County of San Francisco.

Election of Officers

The Civil Service Commission elected Commissioner F. X. Crowley as its President and Commissioner Elizabeth Salveson as its Vice President in June 2018.

Meetings and Attendance

The Civil Service Commission convened a total of 21 Regular Meetings during Fiscal Year 2018-2019. The Commissioners' overall meeting attendance rate was an impressive 92.6%. Commissioner Scott Heldfond left the Commission and was appointed to the Retirement Board in April 2019 creating a vacancy on our Commission.

Personal Services Contracts

The Commission reviewed 246 Personal Services Contracts requests from City departments to ensure that the City does not contract out work inappropriately when work can otherwise be performed by civil service employees.

Goals and Objectives The Commission primarily focused its efforts in Fiscal Year 2018-2019 on accomplishing approximately 60 performance measures in furtherance of the following six goals:

- Increase access to, and utilization of the Civil Service Commission's information and resources.
- Create greater transparency and efficiencies in the Civil Service Commission's procedures and communications.
- Ensure the timely resolution of appeals so that merit system issues are addressed efficiently, effectively and fairly.
- Work to ensure that the Civil Service Commission Rules policies and procedures are easily understood and known by all stakeholders, consistent, compliant with the law, and reflective of current and best practices.
- Strengthen the Commission's ability to meet its Charter mandates and oversee the operation of the merit system.
- Work towards a diverse, equitable and inclusive city.

Despite its small staff of six, the Commission strives to meet performance goals established for the fiscal year. This Annual Report detailed our measured achievements for this fiscal year 2018-2019:

- **Inspection Service Requests –** Commission staff reviewed and investigated 169 Inspection Service requests. Those requests may cover a wide gamut of merit system issues, including examinations, selection processes and appointments, separations, layoff procedures, eligible lists and the certification of eligibles, exempt appointments, and acting assignments. The Commission was able to resolve 73% (123 out of 169) of the Inspection Service Requests within 60 days, which is slightly below our target goal of 80%. It is important to note that the 169 Inspection Service requests represents a 32% increase from last year, and the majority of our investigations were concerning appointments. This was expected after the introduction of de-identification.

- **Appeal Resolution –** The Commission resolved 70% of the appeals during fiscal year 2018-2019. The Commission received a total of 59 new appeals and requests for hearing in Fiscal Year 2018-2019, in addition to the 31 active unresolved appeals that were carried over from the previous fiscal year. The Commission heard and resolved 63 of the 90 pending appeals last fiscal year representing 70%, which meets our target goal.

- **Merit System Audit Program –** The Commission's Fiscal Year 2018-2019 Audit Program focused on reviewing the following selection and appointment practices for nine (9) recruitments conducted by the San Francisco Municipal Transportation Agency (MTA) in order to assess the agency's compliance with applicable Charter provisions, Commission Rules, and merit system policies and procedures:

  1. Departmental practices with respect to the verification and documentation of minimum qualifications for individuals appointed to Permanent Civil Service (PCS), or Exempt positions;
  2. Departments' justifications for exempting positions from civil service appointment selection and removal procedures in accordance with Charter Section 10.104; and
  3. Exam administration and/or the Post-Referral Selection process for Permanent Civil Service appointments.

  Overall, the reviews assessed compliance with Charter provisions, Commission Rules, and merit system policies and processes.

- **Merit System Training and Workshops –** Commission staff updated training material and provided presentations and trainings on various merit system issues to City department managers/supervisors, human resources representatives, employees and union representatives throughout the fiscal year which included the Civil Service Rules, Merit System, Protests and Appeals.

- **Salary and Benefit Setting for Elected Officials -** The Civil Service Commission certified the annual benefits and salary adjustments for elected officials including Members of the Board of Supervisors in accordance with Charter Sections 2.100 and A8.409-1.

- **Wage Rate Certifications –** The Commission certified the rates of pay for Police Officers, Firefighters and Registered Nurses. The Commission also certified the prevailing wage rates for various employees of private contracting with the City to ensure they receive a fair rate of pay.

Civil Service Rule Amendments

Foremost in the Civil Service Commission's agenda is to modernize and streamline the Civil Service Rules. The Commission was productive in proposing and updating a number of Rules, policies and procedures in the last fiscal year. The following Civil Service Commission Rules were adopted:

- **Deletion of Rule X9D Promotional Examinations for Employees on Military Leave and Rule X30.1 Personnel Service Records – Applicable to All Classes** – these Rules were originally posted for deletion in 2000 but the Commission took final action on July 10, 2018. Rule Series 020 Leave of Absence already addresses examinations and employees on Military Leave. The implementation of our PeopleSoft Human Capital Management 9.0 System in 2012 completed the requirement for Rule X30.1.
- **Rules 102 Definitions, 110 Examination Announcements and Applicants, 111 Examinations, 111A Position-Based Testing, 112 Eligible Lists, and 113 Certification of Eligibles – Applicable to Miscellaneous Employees** – to create a confidential eligible list, define de-identification and introduce the eligible list score report. The amendments are designed to reduce implicit bias, increase applicant confidentiality while maintaining transparency in the hiring process.
- **Rules 402 Definitions, 410 Examination Announcements and Applicants, 411 Examinations, 411A Position-Based Testing, 412 Eligible List, and 413 Certification of Eligibles – Applicable to All Service-Critical Classes of the Municipal Transportation Agency** – to create a confidential eligible list, define de-identification and introduce the eligible list score report. The amendments are designed to reduce implicit bias, increase applicant confidentiality while maintaining transparency in the hiring process.

Commission Policies and Procedures

In working with the Department of Human Resources (DHR) and the Municipal Transportation Agency on Hiring Modernization to reduce implicit bias in the hiring process, Commission staff has conducted several meetings with DHR Staff, Human Resources Management of other departments, and employee organizations. In addition, Commission staff also conducted several intense COPAR (Committee on Policy and Rules Revision) meetings for discussions on Rule Proposals, policy changes, and ideas on different methods utilized by departments for reducing implicit bias. Commission staff has also participated in various Hiring Modernization meetings with other department hiring managers and human resources staff to have a better understanding of other departments' challenges and listen to ideas for improving the City's hiring process.

Administrative and Public Records

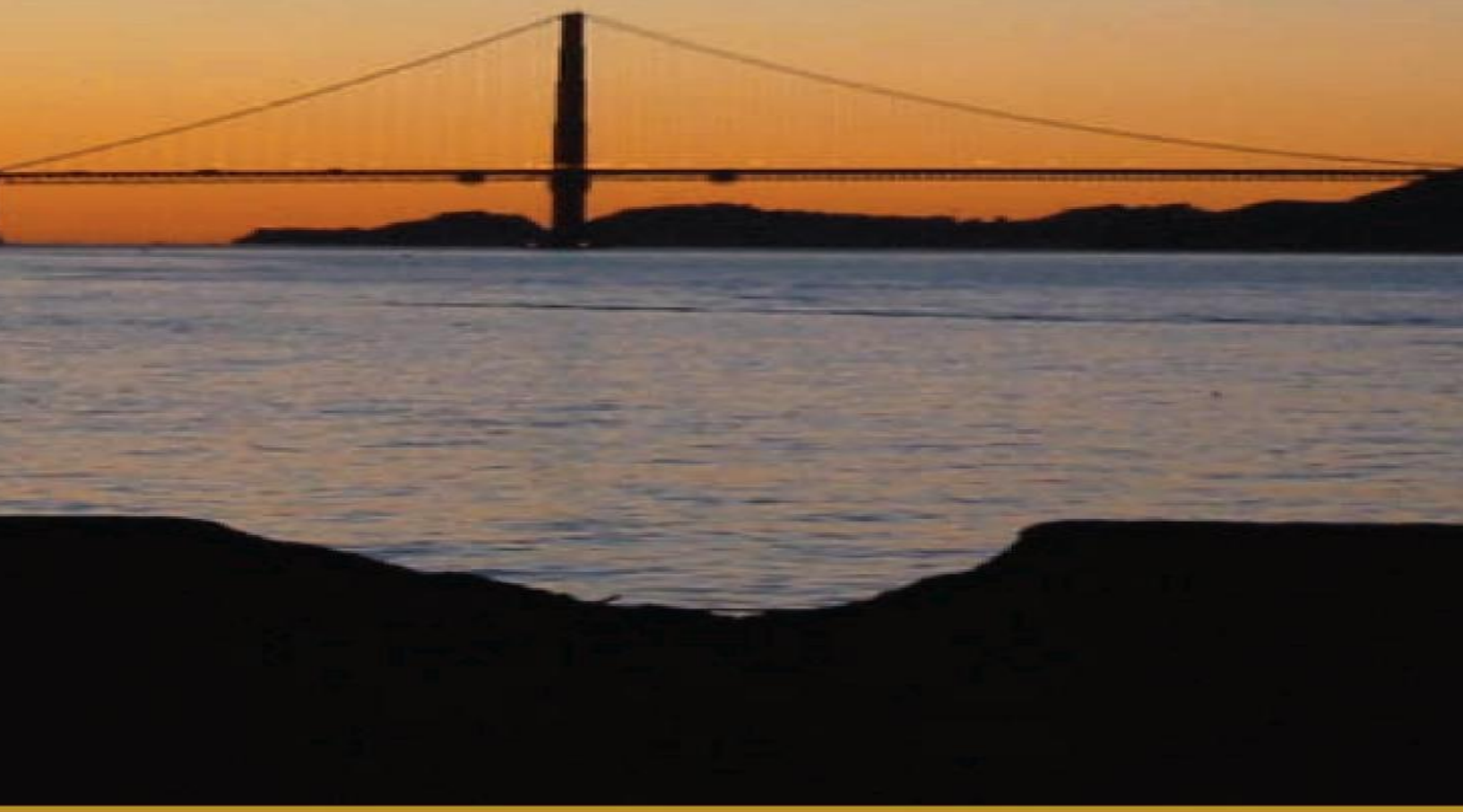
In Fiscal Year 2018-2019, the Department received ten (10) public records requests and two (2) administrative records requests. Although outside transcription services are utilized for Commission meetings, staff must still proofread transcriptions and make any necessary corrections for the administrative records.

Overview on the Civil Service Commission

Civil Service Commission:

The Commission is responsible for establishing, regulating, overseeing and serving as final arbiter of the City and County of San Francisco's merit system. The Commission consists of five Commissioners appointed by the Mayor (with review by the Board of Supervisors) serving a six-year term. The Charter requires the Commissioners to take a special oath in opposition to civil service appointment as a reward for political activity. Commission meetings are generally held on the first and third Monday of each month.

It is the goal of the Commission to provide fair treatment of applicants in all aspects of employment without regard to membership in a protected category and to prohibit nepotism or favoritism.



Commissioner Biographies

The Civil Service Commission is composed of five members, each appointed to serve a six-year term. The following Commissioners served on the Civil Service Commission during Fiscal Year 2018-2019. Commissioner Scott Heldfond left the Civil Service Commission and was appointed to the Retirement Board as of April 2019 creating a vacancy on the Civil Service Commission.

F. X. Crowley, COMMISSIONER

Appointed December 5, 2016 by Mayor Edwin Lee

Commissioner Francis X. (F.X.) Crowley is a labor relations consultant, helping labor unions and business collaborate on resolving differences. He spent 30 years with the International Alliance of Theatrical Stage Employees (IATSE) Local 16 in San Francisco.

Commissioner Crowley began his career with IATSE as a stagehand in 1982 working in the San Francisco Opera, and broadening his field experience in motion pictures and performing arts. He joined IATSE Local 16's management staff in 1990. Commissioner Crowley was elected IATSE Local 16 president in 1994 and rose to Business Manager in 1997, where he was elected to seven consecutive terms, distinguishing himself as a highly-skilled labor negotiator and mediator. In 2013, Commissioner Crowley started his eponymous firm, the FX Crowley Company, consulting to organized labor, business and nonprofit organizations.

Commissioner Crowley has served the City and County of San Francisco as Port Commissioner from 2010 to 2012 and as Public Utilities Commissioner from 2008 to 2010, where he also served as president from September 2009 through September 2010. He has served the San Francisco Labor Council Executive Committee since 1994 and is a charter member of the Friends of the San Francisco Film Commission. Commissioner Crowley has served three terms on the San Francisco Travel Board of Directors and is a member of the San Francisco-Cork Ireland Sister City Committee.

Commissioner Crowley received his Bachelor of Arts degree in Radio and Television from California State University, Long Beach in 1982. He and his wife Nancy are native San Franciscans and grateful parents to four adult children.

ELIZABETH SALVESON, VICE PRESIDENT

Appointed March 5, 2018 by Mayor Mark E. Farrell

Elizabeth Salveson served for 12 years as Chief Labor Attorney in the San Francisco City Attorney's office (2004-2016), leading the team that represented the City during that period on labor and employment issues, including civil service issues. She continues to serve the City with her appointment as a Civil Service Commissioner in 2018.

Prior to her appointment as Chief Labor Attorney, she was a Director for 20 years at the law firm Howard, Rice, Nemerovski, Canady, Falk & Rabkin in San Francisco (1984-2004), where she specialized in employment litigation and counseling. During her tenure with the firm, she served as Chair of the Employment Litigation & Counseling Group (1992-2004); Chair of the Litigation Department (1997-1999); and served terms on many other firm committees. She was an associate at the firm from 1978 until she became a Director.

During her professional career, Commissioner Salveson taught *Employment Discrimination* (2007-2009) and *Civil Pretrial Practice* (1996-1998) at UC Hastings College of the Law. As an active member of the San Francisco legal community, she served on several boards, including the Board of Equal Rights Advocates (1994-2002), the Board of Governors of the Association of Business Trial Lawyers for Northern California (2008-2015), and the Board of Directors for the Bar Association of San Francisco (2003-2005). Commissioner Salveson continues to be an active member of the California Bar.

Commissioner Salveson graduated with honors from UC Hastings College of the Law (1978). She received her B.A. degree from Occidental College.

DOUGLAS S. CHAN, COMMISSIONER

Appointed July 22, 2013 by Mayor Edwin Lee

Douglas S. Chan is an attorney and a founding partner with the San Francisco law firm of CHAN & WELCH, LLP. His law practice is concentrated on transactions involving business formations, estate and asset protection planning, technology licensing, product distribution and supply arrangements, and strategic counseling for domestic and international companies. As a professional, he has received the highest ("a-v") peer-review rating from the Martindale-Hubbell directory for two decades and named a Northern California "Super Lawyer" for business law.

Commissioner Chan has held a variety of positions in public service. He is a former member of several other San Francisco commissions and boards. His previous experience includes service as a member of the Human Rights Commission from 2008 to 2013, Police Commissioner from 2004 to 2006, a member of the San Francisco Board of Permit Appeals from 1993 to 1995, two terms as a member of the Assessment Appeals Board from 1987 to 1993, and as a Commissioner on the San Francisco Rent Stabilization and Arbitration Board from 1983 to 1987. In 1992, Commissioner Chan was also appointed to serve on the board of directors and chairman of the Mayor's Chinatown Economic Development Group, Inc., a quasi-governmental, nonprofit corporation charged with promoting the economic recovery and development of the Chinatown community. In 2001, Governor Gray Davis appointed Commissioner Chan to serve on the California Small Business Board, where he served until 2006.

Prior to his admission to the bar in 1981, Commissioner Chan was a legislative aide to U.S. Senator Alan Cranston in Washington, D.C., advising on the Civil Service Reform Act of 1978, Postal Service reorganization, civil aviation deregulation, labor law reform legislation, federal procurement policies and practices, and product liability insurance reform. In 1984, he was the principal author of Asian Americans and the Presidency of the United States, the first nationally-circulated position paper on Asian American issues.

Prior to his service with the U.S. Senate, he worked for the San Francisco Human Rights Commission where he evaluated the effectiveness of the police community relations unit of the San Francisco Police Department and reported on the state of multicultural educational programs in the San Francisco Unified School District. A native San Franciscan, Commissioner Chan's civic participation in numerous business and community organizations spans three decades. He received his J.D. degree from the King Hall School of Law at the University of California, Davis, and he holds a bachelor's degree from Stanford University.

KATE FAVETTI, COMMISSIONER

Appointed September 22, 2011 by Mayor Edwin Lee

As a City and County of San Francisco retiree with 36 years of dedicated service, the appointment of Commissioner Kate Favetti to the Civil Service Commission is hailed as an outstanding addition to the work and the betterment of the civil service merit system.

Commissioner Favetti's City and County career encompassed progressively more complex positions in the professional, managerial and executive ranks culminating as a City Department Head for the Civil Service Commission. Her 36 years of work experience is a reflection of the civil service merit system at work, starting as a Clerk Typist, working her way to qualify and be appointed in the positions of Senior Clerk-Typist, Management Assistant, Personnel Analyst, Senior Personnel Analyst, Senior Departmental Personnel Officer, Human Resources Manager, Special Assistant, Assistant Executive Officer, Principal Employee Relations Representative, SFGH Human Resources Director, and ultimately as a City Department Head.

Commissioner Favetti is a well-known and respected facilitator of the City and County's civil service personnel system. Her extensive knowledge of the legal framework of civil service and her considered judgment have established her as the key resource person to whom so many turn for advice and information on personnel matters. Commissioner Favetti's experience and achievements have earned her the honor and recognition of the International Public Management Association for Human Resources, IPMA-HR Executive Level Certification.

As a native and long-time resident of San Francisco, Commissioner Favetti is active in numerous neighborhood, community service and non-profit organizations. She is President of the Westwood Park Homeowners Association; and a member of the OMI Cultural Participation Project, the Ocean Avenue Public Plaza Naming Committee, the Ocean Avenue Association Street Life Committee, the Phelan Loop Design Committee and the San Francisco Botanical Gardens.

Commissioner Favetti and her husband Ray are the proud parents and doting grandparents. She is also a proud and regular rider of SF Muni.

SCOTT R. HELDFOND, COMMISSIONER

Appointed January 4, 2012 by Mayor Edwin Lee

Commissioner Scott R. Heldfond received a Certificate of Honor from the Board of Supervisors on September 27, 2011, for his accomplishments and dedication serving as the Commissioner on the Health Services Commission for over 15 years. At the ceremony in his honor, Supervisor Sean Elsbernd, who worked with Commissioner Heldfond on the Health Services Commission, stated that Commissioner Heldfond epitomized what is a public servant. Commissioner Heldfond was appointed to the HSS by four Mayoral administrations. He was elected and served as President over five times. During challenging periods, Commissioner Heldfond conducted himself as a professional and exercised good stewardship for both the City and HSS constituency. His business experience has been a huge contribution during significant budget challenges and reviewing health benefits for employees and retirees and serving the people of San Francisco.

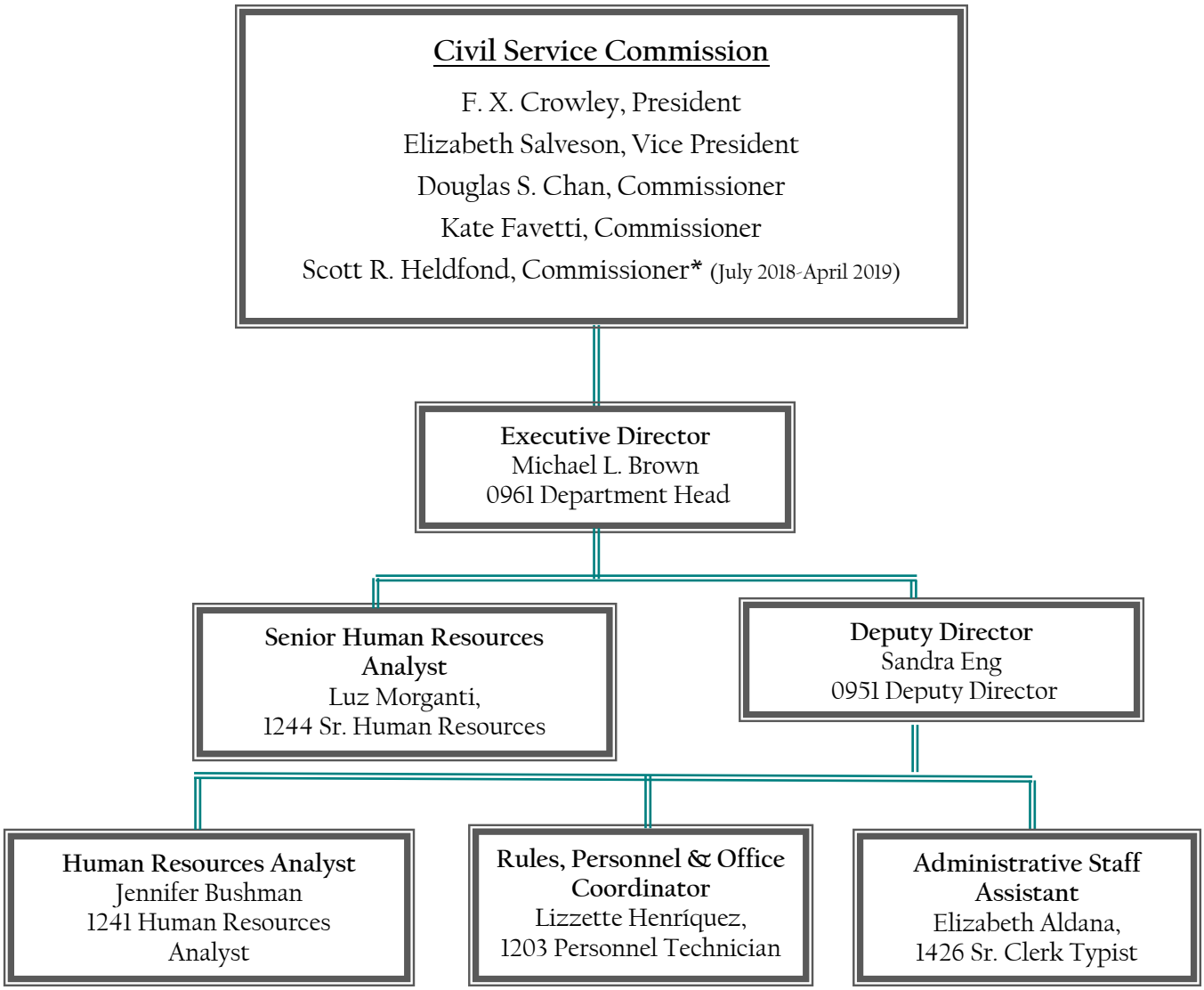
Commissioner Heldfond is Director of Aon Risk Services, a global insurance brokerage and consulting firm and previously the Director of Nasdaq Insurance Group, LLC owned by Nasdaq Stock Market. His former positions are as President and Chief Operating Officer of other insurance brokerage firms and investment banking firms. He is also an Honorary Consul General to the United States for the Republic of Rwanda.

Commissioner Heldfond's numerous community involvement include: Official Member of San Francisco-Bangalore India Sister City Committee; Member of the President's Council at St. Ignatius College Preparatory School; Past Board Member of Catholic Healthcare West Bay Area; Boys & Girls Club in San Francisco; St. Francis Memorial Hospital; and, San Francisco Symphony Youth Orchestra

Commissioner Heldfond received his Bachelor of Arts Degree from the University of California, Berkeley and attended the University of San Francisco Law School.

Organization Chart

(For the period covering July 1, 2018 through June 30, 2019)



As a small department with six employees, each position's duties and responsibilities are crucial to carrying out the Commission's mission. Department staff did an outstanding job of diligently and tirelessly working together to ensure that the Commission was able to achieve and surpass its performance measures for the fiscal year. They are to be commended for their continued excellent work and commitment to the merit system.

Commission Budget

The Civil Service Commission's Fiscal Year 2018-2019 budget appropriation was as follows:

Account	Adopted Budget	Total
Salary & Fringe Benefits		
Permanent	705,074	
Fringe Benefits	287,618	$992,692
Special and Professional Services		
Professional Services	35,795	$35,795
Materials and Supplies		
Material and Supplies	3,395	$3,395
Services of Other Departments		
DHR, DTIS, PUR Mail & Repro, Real Estate	230,190	$230,190
Total Budget Appropriation		**$1,262,072**

Although we are a small department with only six full-time employees and five Commissioners, we have extensive responsibilities in overseeing the merit system citywide. Staff is seeking ways to efficiently carry out its mission in overseeing the merit system to provide qualified persons for appointment because this will greatly affect how the City and County of San Francisco provides services to the residents of San Francisco.

Even with the challenge of expanding our services with limited resources, our staff partners with other City departments to further create a diverse, equitable and inclusive City while still creating equal employment opportunities for all who are interested in a promotional opportunity or applying for a job with the City. We continue to develop methods to reduce expenditures while working closely with other City departments, but the Civil Service Commission cannot reduce staffing without affecting necessary services it currently provides that are mandated by Charter.

Commission Oversight of the Merit System

The Civil Service Merit System

The Civil Service Commission was established by the electorate in 1900 in response to widespread corruption. With its emphasis on merit principles, its aim was to eliminate the moral scourge of the "spoils system" in government employment. The City and County of San Francisco was the first public entity west of Chicago to establish a civil service system in the Freeholders Charter of 1900; and it remains one of the oldest merit systems in the country.

Under the Commission's oversight, Civil Service, also known as the merit system, was created to ensure that the recruitment and retention of a qualified workforce, and the selection and promotion of employees providing public service and who are compensated by tax dollars, are conducted in a fair and impartial manner and in a competitive fashion.

The demand for accountability, high performance and ethical standards require a visible, objective public personnel process provided by a merit system. This demand for accountability is reflected in the Civil Service Commission Charter mandates to oversee the City's merit system through the establishment of Rule, policies and procedures; hearing of appeals; inspection and audit services; training; and reports from the Executive Officer, Human Resources Director and Director of Transportation on the operation of the merit system.

As applied to classifications under the competitive civil service selection, appointment and removal procedures, the principles of the City and County's merit system include:

1) Recruitment, employment, retention, and promotion of employees on the basis of qualifications and performance; and,

2) High performance and ethical standards, consistent with the employment of qualified individuals who successfully completed the examination process, were placed on an eligible list and completed the probationary period.

Further, it is the goal and policy of the Civil Service Commission to provide fair treatment of applicants in all aspects of employment without regard to race, religion, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital or domestic partnership status, parental status, color, medical condition, and otherwise prohibited nepotism or favoritism.

The Commission assists in carrying out the mission of the City and County of San Francisco through a qualified, well-motivated workforce. Managers utilize hiring techniques that meet merit system principles and employees are hired based on merit and regular evaluation and performance appraisals in accordance with established standards. The Commission supports the immediate filling of a vacancy by an employee who meets or exceeds the minimum qualifications of the job, and is hired permanent civil service with full benefits.

The ultimate goal of the Commission is to provide the framework of a strong, credible merit system resulting in a City and County workforce with an inherent pride in providing efficient service for the public.

Important Events that have Shaped the City and County of San Francisco Merit System

The City's existing merit system is the result of a series of reform movements. The electorate has recognized throughout its 116 years of existence that the merit system must change and adapt to meet contemporary demands.

1900 Establishment of the Civil Service Commission

The San Francisco Civil Service System was established under the 1900 Freeholder Charter.

- San Francisco Civil Service Commission was established, simultaneously, with the establishment of the merit system for the City and County of San Francisco.
- The Civil Service Commission one of the oldest in the country, pre-dated only by just a few years by Chicago, New York, and a few other Eastern municipalities. San Francisco has the oldest civil service system west of the Mississippi.
- The first members of the Commission were P.H. McCarthy, John E. Quinn, and Richard Freud, who were appointed by Mayor James D. Phelan on December 30, 1899.
- The Commission's first meeting occurred on January 5, 1900; Richard Freud was elected president.
- The first competitive examination was held on January 8, 1900, and as a result, Edward F. Moran was appointed "Chief Examiner and Secretary" of the Commission.
- The offices of the Commission opened to the public at noon, January 8, 1900, and by 5:00 p.m., 621 Laborers applications were received and hundreds of applications for examinations were issued.

1932 Charter Reform

- Enlarged the scope of duties of the Civil Service Commission
- Gave greater powers to the Civil Service Commission to enforce its rulings and included the following important components:
  - Control of the classification plan;
  - Restrictions on exempt appointments;
  - Provisions for practical, free and competitive examinations;
  - Persons appointed subject to a six-month probationary period;
  - Decision of Civil Service Commission on appeals is final;
  - Prohibition of political activity; and,
  - Central control to assure the unhampered operation of the merit system.

1975 Expansion of Civil Service Commission

- Expanded the Civil Service Commission from three (3) members to five (5) members;
- Required not less than one member be a woman; and,
- Required a special oath upon appointment.

1979 Compliance Agreement between the Office of Revenue Sharing and the City and County of San Francisco.

- Created open, competitive process for promotive examination;
- Allowed horizontal and vertical access to the promotive system;
- Permitted an accelerated examination process to address long-term temporary employees;
- Expanded recruitment efforts for city jobs to support the citywide equal employment opportunity plan; and,
- Established an in-house discrimination complaint procedure.

1991 Civil Service Reform and Collective Bargaining

The electorate approved four (4) ballot measures that:

- Removed a number of Charter provisions word for word and added them to the Civil Service Commission Rules to allow for negotiation on changes through a meet and confer process;
- Increased flexibility in classification of positions;
- Established the minimum certification Rule of Three Scores; and,
- Provided for collective bargaining subject to merit system carve-outs.

1993 Creation of the Department of Human Resources

- Created the Department of Human Resources effective January 1, 1994; and,
- Redefined the Civil Service Commission role from an operational personnel department to a policy making/appeals board.

1996 Charter Revision

- The 1932 Charter was revised, re-codified and reorganized;
- The role of the Civil Service Commission was clarified to reflect the Civil Service Commission's jurisdiction and the merit system in the new collective bargaining environment;
- Limits were placed in the Charter on the duration of provisional appointments; and,
- Required that not less than two (2) members of the Civil Service Commission shall be women.

1999 Creation of the Municipal Transportation Agency (Proposition E in November 1999)

- Created the Municipal Transportation Agency (MTA); and,
- Preserved the role of the Civil Service Commission as to merit system issues in the Municipal Transportation Agency.

2001 Appeal to the Civil Service Commission of the Removal of the Director of Elections (Proposition E in November 2001)

- Amended the Department of Elections;
- Provided that the Director of Elections is to be appointed by the Elections Commission from a list of qualified applicants according to the civil service provisions of the Charter; and,
- Provided that the removal of the Director of Elections by the Elections Commission may be appealed to the Civil Service Commission.

2002 Salary Setting – Board of Supervisors (Proposition J in November 2002)

Amended Charter Section 2.100 to provide that the job of the members of the Board of Supervisors is full time and that the salaries be set by the Civil Service Commission once every five (5) years.

2003 Ethics Reform (Proposition E in November 2003)

- Consolidated all of the City's ethics laws into the Campaign and Governmental Conduct Code;
- Created new laws and amended some of the existing laws including laws on hiring of family members and incompatible activities; and,
- Provided that the Civil Service Commission shall comment from a merit system perspective on Statements of Incompatible Activities forwarded by the Ethics Commission.

2006 Salary Setting – Elected Officials (Proposition C in November 2006)

Amended Charter Section A8.409-1 to provide that the Civil Service Commission shall determine the base salaries every five (5) years of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer and Sheriff, effective July 1, 2007.

2007 Exempt Appointments in the Municipal Transportation Agency (MTA) (Proposition A in November 2007)

Allowed the MTA to create new managerial positions that are exempted from the civil service protection, subject to an overall limit of 2.75% of its workforce.

2010 Wages and benefits for Municipal Transportation Agency Transit Operators (Proposition G in November 2010)

- Eliminated the provision that the wages and benefits for MUNI transit operators would established annually based on a survey conducted by the Civil Service Commission; instead, wages are to be determined through collective bargaining; and,
- Eliminated the Charter-mandated trust fund (the general administration of which was established under the Civil Service Rules) created to receive and to administer the amount of money which represented the dollar value difference between benefits provided to MUNI transit operators under the Charter and those provided by the surveyed jurisdictions; instead, benefits are to be determined through collective bargaining.

Major Program Areas and Functions

The Civil Service Commission administers three (3) programs that are the essential core functions of its Charter mandates: 1) Appeals and Requests for Hearings, Rules, Policies, and Administration; 2) Merit System Review, Inspection Services and Audit; and 3) Employee Relations Ordinance Administration.

The Commission is required to maintain its objective to modernize and strengthen the operation of the City and County's Merit System, consisting of these important functions:

- Maintaining and administering the regular schedule of meetings and hearings of the Commission as a policy and appeals body and carrying out the decisions of the Commission;

- Continuing to work to streamline its Rules, policies and procedures on merit system activities (e.g., recruitment, examination, certification and appointment) in order to increase permanent civil service hiring and decrease provisional hiring;

- Increasing outreach, training and customer service efforts to departments and employee organizations by enhancing access to its Rules, activities and actions through informational and increased online materials;

- Streamlining the process for reviewing resolving appeals and other disputes; and,

- Conducting audits and Inspection Services on departments' application of the merit system rules, regulations, policies and procedures.

Rules, Policies and Procedures Administration

Policy and Rules Making Authority

The City and County of San Francisco Charter delineates the Civil Service Commission's responsibilities and outlines civil service merit system requirements to include (but are not limited to):

- The authority, purpose, definitions, administration and organization of the merit system and the Civil Service Commission;

- The establishment of policies, procedures and Rules governing: allegations of discrimination or otherwise prohibited nepotism or favoritism; applications; examinations; eligibility; duration of eligible lists; certification of eligibles; leaves of absence; appointments; promotions; transfers; resignations; lay-offs or reduction in force, both permanent and temporary, due to lack of work or funds, retrenchment or completion of

work; the designation and filling of positions, as exempt, temporary, provisional, part-time, seasonal, or permanent; status and status rights; probationary status and the administration of probationary periods except duration; pre-employment and fitness for duty medical examinations, except for the conditions under which referrals for fitness for duty medical examinations will be made, and the imposition of new requirements; classification; conflict of interest; and such other matters not in conflict with this Charter;

- The ability to inquire into the operation of the civil service merit system to ensure compliance; and,

- The hearing of appeals from an action of the Human Resources Director or the Director of the Municipal Transportation Agency.

Policies and Procedures

Service accessibility and utilization of its services is a priority of the Civil Service Commission. The Commission has expanded upon the availability of its information through the Commission website (www.sfgov.org/civilservice). Policy and procedures on "Appeals and Requests for Hearings" and "Submission of Written Reports on Appeals" are available online, along with the Commission's recently adopted and/or revised policies.

Civil Service Commission Rules

Foremost in the Commission's agenda is to modernize and streamline the Civil Service Commission Rules, to protect the civil service merit system, and to control costs which result from practices which may not be conducive to the efficient operation of a department. The Civil Service Commission recognizes the need to make our workforce more efficient by providing managers with the necessary tools which conform with and anticipate changes in the work environment so as to avoid expending unnecessary personnel time and resources on duplicative or archaic practices.

In its effort to address City departments' need for flexibility in personnel management, the Commission has an on-going process of seeking input from departments and responding to the needs expressed regarding the City's merit system. The Committee on Policy and Rules Revision (COPAR), made up of various departmental representatives, Department of Human Resources representatives and Commission staff convenes regularly to share concerns, provide advice and address the operation of the merit system. COPAR reviews, evaluates and makes recommendations on needed Rule changes. Commission Rules are evaluated to assure compliance with federal, state and local laws.

Meetings with interested stakeholders on proposed Rules and/or amendments are conducted by Commission staff. All Rule changes are posted for ten (10) days prior to adoption by the Civil Service Commission.

Civil Service Commission Rules Applicability

The Civil Service Commission acted on October 4, 1999 to recodify and reformat the Rules to provide consistent administration, uniformity and easy readability. Each volume of the Rules identifies the employee class(es) to which it applies.

Civil Service Commission Rules 1996 Edition		**Civil Service Commission - Year 2000 Edition Rules**			
Rule Number and Title		Volume I Miscellaneous Classes	Volume II Uniformed Ranks of the SFPD	Volume III Uniformed Ranks of the SFFD	Volume IV MTA Service-Critical
Rule 1	Authority and Purpose	Rule 101	Rule 201	Rule 301	Rule 401
Rule 2	Definitions	Rule 102	Rule 202	Rule 302	Rule 402
Rule 3	Equal Employment Opportunity	Rule 103	Rule 203	Rule 303	Rule 403
Rule 4	Administration	Rule 104	Rule 204	Rule 304	Rule 404
Rule 5	Meetings and Hearings of the Commission	Rule 105	Rule 205	Rule 305	Rule 405
Rule 6	TWU Trust Fund	Rule 106	Blank	Blank	Rule 406
Rule 7	Rules Related to the Employee Relations Ordinance	Rule 107	Rule 207	Rule 307	Rule 407
Rule 8	Blank	Blank	Blank	Blank	Blank
Rule 9	Position Classification	Rule 109	Rule 209	Rule 309	Rule 409
Rule 10	Examination Announcements and Applicants	Rule 110	Rule 210	Rule 310	Rule 410
Rule 11	Examinations	Rule 111	Rule 211	Rule 311	Rule 411
Rule 11A	Position Based Testing	Rule 111A	N/A	N/A	Rule 411A
Rule 12	Eligible Lists	Rule 112	Rule 212	Rule 312	Rule 412
Rule 13	Certification of Eligibles	Rule 113	Rule 213	Rule 313	Rule 413
Rule 14	Appointments	Rule 114	Rule 214	Rule 314	Rule 414
Rule 15	Rules Related to the Employment of Persons with Disabilities	Rule 115	Rule 215	Rule 315	Rule 415
Rule 16	Medical Examinations	Rule 116	Rule 216	Rule 316	Rule 416
Rule 17	Probationary Period	Rule 117	Rule 217	Rule 317	Rule 417
Rule 18	Conflict of Interest	Rule 118	Rule 218	Rule 318	Rule 418
Rule 19	Resignation	Rule 119	Rule 219	Rule 319	Rule 419
Rule 20	Leaves of Absence	Rule 120	Rule 220	Rule 320	Rule 420
Rule 21	Layoff	Rule 121	Rule 221	Rule 321	Rule 421
Rule 22	Employee Separation Procedures	Rule 122	Rule 222	Rule 322	Rule 422

Hearings and Appeals

Commission Meetings

Regular Commission meetings are convened on the first and third Mondays of each month in City Hall Hearing Room 400. Special meetings are called by the President or a majority of the Commission. All meetings of the Commission are open to the public except as otherwise legally authorized and/or required.

The Civil Service Commission held a total of 21 meetings during Fiscal Year 2018-2019. The Commissioners' overall attendance rate for Civil Service Commission meetings was 92.6%.

Commission meetings are conducted in accordance with the Commission's Hearing Policies and Procedures, which are attached to each Agenda and Notice of Commission Meeting documents. The Hearing Policies and Procedures are also located on the Commission's website at www.sfgov.org/civilservice under "Policies and Procedures."

Regular Commission meetings are organized as follows:

Call to Order and Roll Call

Request to Speak on any Matters within the Jurisdiction of the Civil Service Commission and which is not appearing on Today's Agenda

Approval of Minutes

Announcements
Changes to the Agenda, change in meeting schedule and other relevant information.

Human Resources Director's Report
Report on merit system issues and items administered by the Department of Human Resources. No action is taken on these reports, nor is there significant or substantive discussion on the issues reported; they are intended to be brief, informational updates on matters of concern to the Commission (e.g., a brief update on the progress of a classification study; an issue that may be appealed to the Civil Service Commission in the future, etc.). Formal presentations or reports and issues to be reported that are known at the time that the agenda is posted will be listed in bullet-point format.

Executive Officer's Report
Report on merit system issues and items impacting the jurisdiction of the Civil Service Commission. No action is taken on these reports, nor is there significant or substantive discussion on the issues reported; they are intended to be brief, informational updates on matters of concern to the Commission (e.g., matters regarding the management of the Department; brief updates on matters that may be appealed to the Civil Service Commission in the future, etc.). Formal presentations or reports and issues to be reported that are known at the time that the agenda is posted will be listed in bullet-point format.

Ratification Agenda

Consists of those proposed personal services contracts that were not protested during the seven (7) days that they were posted on the Department of Human Resources' website. These are considered non-contested matters, and are to be acted on by a single vote of the Commission. There is no separate discussion on the items unless requested; in the event that discussion is requested on an item, the item(s) is severed from the Ratification Agenda and is considered a separate item.

Consent Agenda

All matters on the Consent Agenda are acted upon by a single vote of the Commission. There is no separate discussion on these items unless a request is made; in which event, the matter shall be removed from the Consent Agenda and considered as a separate item.

Regular Agenda

Requests for hearing on examination, classification, certain compensation matters, and appeals of the Human Resources Director's decisions on certain administrative matters; appeals of the Director of Transportation's decisions on merit system matters affecting service-critical classes at the Municipal Transportation Agency; and appeals of the Executive Officer's decision.

Separations Agenda

Appeals of separated employees on future employment restrictions recommended by appointing officers and automatic resignations for certain employee groups.

Closed Session Agenda (if applicable)

Commissioners' Announcement/Requests

Policy, procedures and matters impacting the jurisdiction of the Commission.

Adjournment

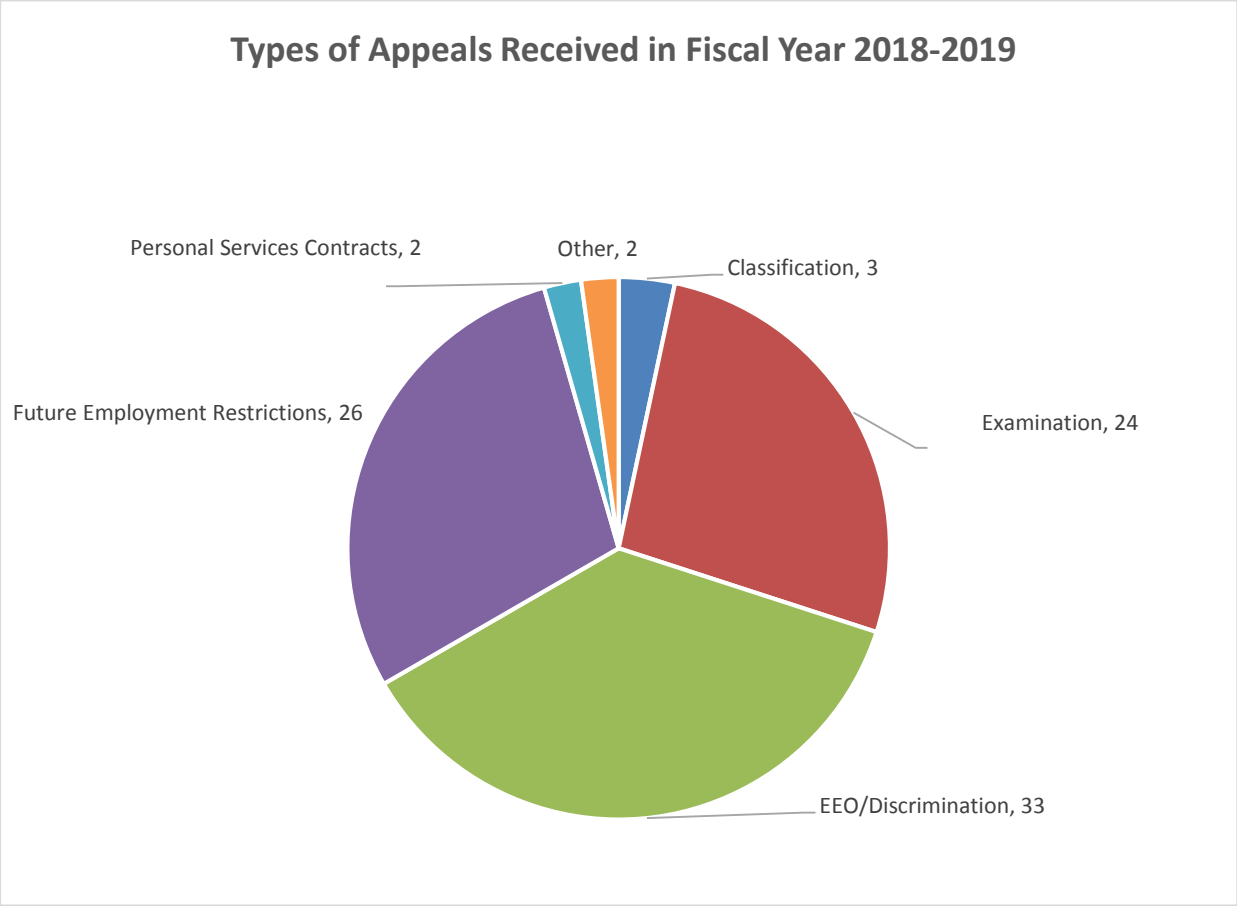
The Commission also considers at its meetings proposed Civil Service Commission Rule and policy changes, and proposed Charter amendments.

Hearing of Appeals on the Merit System

One of the Commission's most important Charter-mandated functions is to consider appeals on the merit system and other matters within its jurisdiction. Appeal hearings provide a mechanism for the Commission to monitor and oversee the operation of the merit system and ensure compliance with merit system principles and the Civil Service Rules.

The Commission presides over hearings covering a range of merit system issues, including appeals of future employment restrictions placed on employees after separation from service, examination appeals, classification appeals, certain compensation appeals, and appeals of the Human Resources Director's decisions on certain administrative matters. The Commission also hears appeals of decisions of the Director of Transportation on merit system matters affecting service-critical classes at the Municipal Transportation Agency.

The Commission received a total of 59 new appeals and requests for hearings during Fiscal Year 2018-2019, in addition to the 31 active unresolved appeals that were carried over from the previous fiscal year. The Commission resolved 63 of those 90 appeals pending before it last fiscal year, representing a 70% resolution percentage rate, which meets our target of 70%. The following chart provides a summary of the type of appeals before the Commission in Fiscal Year 2018-2019.



Of those 63 resolved appeals, 31 were heard by the Commission; 3 were not untimely; 14 were administratively resolved; and 15 were either withdrawn, determined not to be in the Commission's jurisdiction or resolved through other mechanisms.

Review of Proposed Personal Services Contracts

The Civil Service Commission's review of proposed Personal Services Contracts ("PSCs") is consistent with its authority to oversee the merit system. This authority provides that, where there is a merit system, services to the public should be provided through the use of public employees.

The Civil Service Commission also determines whether the circumstance pertaining to the need to provide services in a particular situation warrant the use of a personal services contract 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 and responsibilities are in accordance with City Attorney opinions and are consistent with the objectives of Proposition L (November 1993), in that it places the Civil Service Commission in a policy making rather than an administrative role in the selection of individual contractors.

The Commission's PSC policy creates efficiencies, both in time and resources; realigns the Commission's procedures with current practices; implements available technological capabilities; increases transparency and accountability; and improves communications and accessibility to information to ensure that the City does not contract out inappropriately or unnecessarily. Important points in the policy include:

- A list of examples of compelling reasons for contracting out when there are Civil Service classifications that could potentially perform the work, to better reflect the current business and operational realities of departments providing services to the public and other City agencies.

- A threshold amount of $100,000 for Expedited PSCs to establish a meaningful threshold and to simplify and streamline the City's complicated procurement processes.

- A Citywide PSC database, in order to increase transparency, facilitate PSC approval submissions, and facilitate stakeholder reviews.

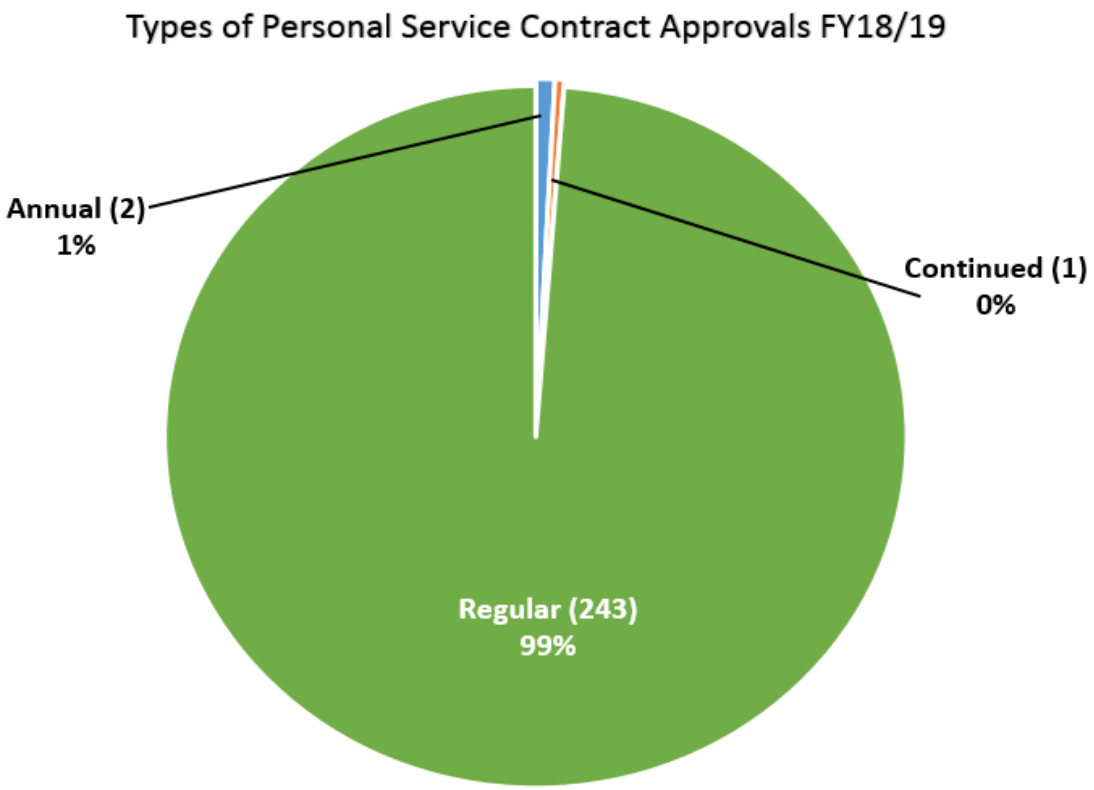
- Public posting, notification and appeal procedures, to ensure merit system oversight.

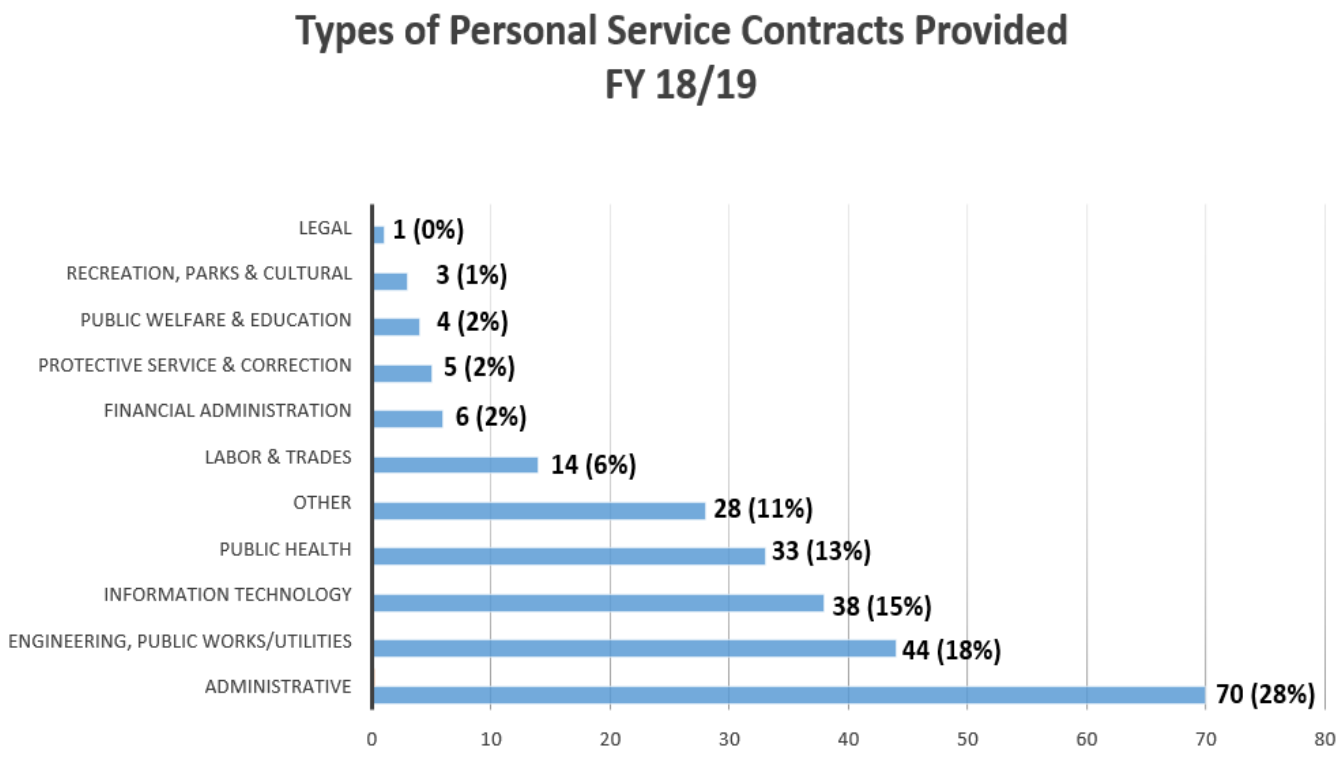
- Delegation of authority to the Department of Human Resources to establish procedures by which PSCs are to be submitted for approval, in order to facilitate and expedite future revisions to the procedures, consistent with the Commission's policy.

The Commission has adopted guidelines to ensure consistency and transparency in departmental requests to contract out personal services beyond the terms approved under an existing PSC (i.e., to submit requests for extensions as new PSCs or modifications to existing PSCs).

The following chart is a breakdown of the approval types for PSCs reviewed in Fiscal Year 2018-2019:

The following chart provides a breakdown of the types of service that departments requested to contracted out under PSCs reviewed last fiscal year:





Merit System Oversight Functions

Inspection Service Requests

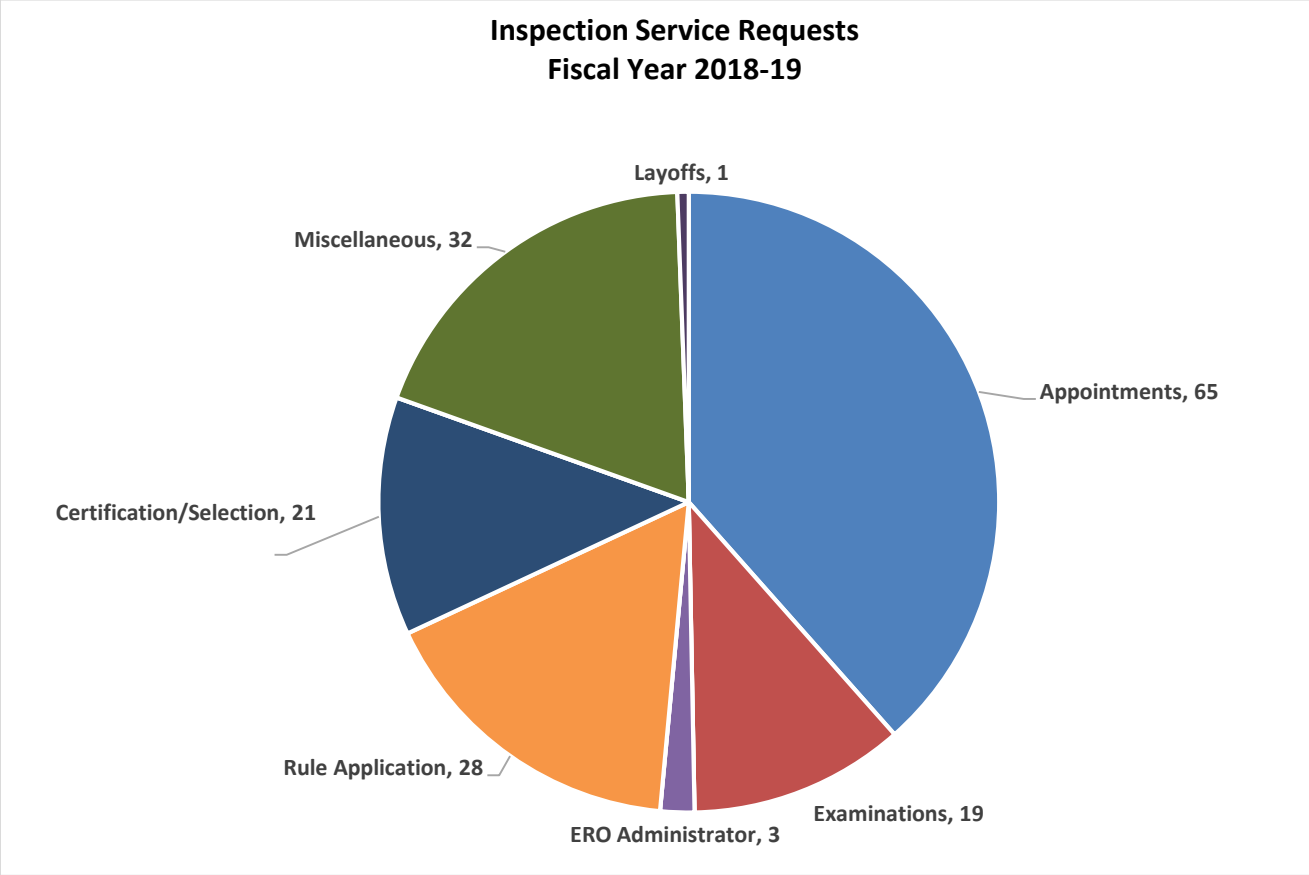
The Inspection Service is another important and effective mechanism under the Charter by which the Civil Service Commission ensures compliance with the Civil Service Rules and Commission policies. Commission staff investigates as Inspection Service requests those merit system complaints, questions and concerns it receives which are not otherwise subject to protest or appeal under Civil Service Rules. The Civil Service Commission is further authorized under the Charter to inquire into the conduct of any department or office of the City and County; and may hold hearings, subpoena witnesses, administer oaths, and compel the production of books, paper, testimony and other evidence in pursuing such inquiry.

All departments are required to cooperate with the Civil Service Commission and its staff in any inquiry or investigation. The Commission's investigations may include a review or audit of departmental records and merit system practices, and interviews with witnesses or departmental representatives. In all instances where there is a finding, Commission staff works with departments to correct practices or actions that are found to violate merit system principles; findings of significant merit system violations are scheduled for hearing before the Civil Service Commission so that an appropriate remedial action may be ordered.

Any individual or entity may request that the Commission undertake an Inspection Service review into a merit system matter; in Fiscal Year 2018-2019, the Commission received a total of 169 Inspection Service requests from employees, departmental representatives, anonymous individuals or those requesting confidentiality, labor representatives, job applicants/candidates and members of the public. Of those 169 requests, 121 were submitted by letter or email and 48 were submitted by telephone or in person. 11 were submitted anonymously, 56 were referrals or requests from the Controller's Office Whistleblower Complaints Unit and 0 from the Ethics Commission. (In the case of Whistleblower complaints, the Whistleblower Complaints Unit does not disclose the name or identity of the complainants, and the Commission staff's findings and recommendations are submitted to the Whistleblower Complaints Unit for final determination and action.)

The Commission's 169 Inspection Service requests covered a wide gamut of merit system issues, including nepotism, appointments, examinations, reinstatements, layoff procedures, classification actions, post-referral selection processes, eligible lists and the certification of eligibles, exempt appointments, and acting assignments.

The Commission resolved 73% or 123 out of the 169 Inspection Service requests within 60 days from the date received. The following chart reflects those 169 Inspection Service requests received for Fiscal Year 2018-2019 by category.



Merit System Audits

The Commission formally established the Merit System Audit Program in 2006 as another mechanism to carry out its merit system oversight functions, with the goal of ensuring that City departments are adhering to Federal and California State law, the Civil Service Rules, and Commission policies and procedures. The audits are conducted in the same manner as Inspection Service reviews. The topics of the pre-planned audits are determined each fiscal year as part of the process by which the Civil Service Commission sets its annual goals and objectives.

The Commission's Audit Program for Fiscal Year 2018-2019 focused on the following selection and appointment practices for nine (9) recruitments conducted by the San Francisco Municipal Transportation Agency (MTA) in order to assess the agency's compliance with applicable Charter provisions, Commission Rules, and merit system policies and procedures:

1. Departmental practices with respect to the verification and documentation of minimum qualifications for individuals appointed to Permanent Civil Service (PCS), or Exempt positions;

2. Departments' justification for exempting positions from civil service appointment, selection and removal procedures in accordance with Charter Section 10.104; and

3. Exam administration and/or the Post-Referral Selection process for Permanent Civil Service appointments.

Findings of the audit:

Overall, our review assessed that there was compliance with Charter provisions, Commission Rules, and merit system policies and processes.

The audit illustrates how the Merit System Audit Program is indeed a constructive mechanism utilized to assist departments in reviewing their internal procedures regarding the compliance of Civil Service Rules, policies and/or procedures."

Wage Setting Responsibilities of the Civil Service Commission

Certification of Rates of Pay and Prevailing Wages

The Charter mandates that the Commission certify the rates of pay for Police Officers, Firefighters, Registered Nurses, and the prevailing rate of wages for: 1) workers performing work under City contracts for public works and improvement; 2) workers performing work under City contracts for janitorial services; 3) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City; 4) workers engaged in theatrical or technical services for shows on property owned by the City; 5) workers performing moving services under City contracts at facilities owned or leased by the City; and 6) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City.

Setting of Salary and Benefits for Elected Officials and Members of the Board of Supervisors

The Commission sets the salary and benefits of all elected officials of the City and County of San Francisco in accordance with the Charter Section A8.409-1 and Section 2.100.

Salary - Elected Officials
On November 7, 2006, the City and County of San Francisco's Electorate approved Proposition C, amending City Charter Section A8.409-1 - Employees Covered. The Charter amendment requires that the Civil Service Commission set the base salary of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff once every five years by averaging the salaries of the comparable elected officials in Alameda, Contra Costa, Marin, San Mateo, and Santa Clara counties. For each year between the five-year cycles, the Civil Service Commission is required to adjust the salaries to reflect the upward movement in the CPI during the prior calendar year not to exceed five percent. The Charter prohibits the Commission from reducing the salaries of each elected official in setting the base five-year salary. If the City and employee organizations agree to amend the compensation provisions of an existing memorandum of understanding to reduce costs, the Civil Service Commission is required to review and amend the salaries of the above-named elected officials.

In accordance with the Charter, the Commission set the base five-year salary cycle for the elected officials at its meeting of May 15, 2017, covering the period from July 1, 2017 through June 30, 2022.

Salary - Members of the Board of Supervisors
On November 5, 2002, the City and County of San Francisco Electorate approved Proposition J, amending City Charter Section 2.100 - Composition and Salary to provide that Member of the Board of Supervisors is a full-time position. As amended, the Charter also now requires the Civil Service Commission to: 1) establish a five-year salary cycle; 2) consider a salary survey of California cities and counties with full-time City Councils and County Supervisors; 3) transmit its salary determination to the Controller in a timely manner to coordinate with City budget processes and related procedures; and 4) set the salary of the Board of Supervisors once every

five years. Commission staff presented to Commissioners a report on May 20, 2019 of the projected salary increase data for Fiscal Year 2019-2020 (third year of the five-year cycle) based on the CPI-U of 4.5% for the previous calendar year. It was the decision of the Commission to accept the report and approve the 4.5% increase in their salary.

Charter Section 2.100. directs the Civil Service Commission to set the salary for the City and County of San Francisco Board of Supervisors' once every five (5) years. Before the Commission determines the Supervisors' salary, the Charter requires that the Civil Service Commission conduct and consider a salary survey of other fulltime City Councils and County Boards of Supervisors; and the transmit its salary determination to the Controller in a timely manner so that funds can be set aside to insure implementation. Commission staff surveyed data for all 58 California counties and all 482 California cities to determine which counties and cities were comprised of full-time Board of Supervisors and/or City Council members. The results of the survey and salary analysis/recommendations were presented to the Commissioners on May20, 2019. The Commissioners adopted the report; approved a 12% increase to set the base salary for Fiscal Year 2019-2020.

Benefit Setting for Elected Officials

The Civil Service Commission also continues to set the benefits of elected officials (the above-listed elected officials and Members of the Board of Supervisors) to take effect July 1st of each year in accordance with Charter Section A8.409-1, which provides that the benefits of elected officials may equal but may not exceed those benefits provided to any classification of miscellaneous officers and employees. Commission staff presented to Commissioners a report on May 20, 2019 recommending the certification of benefits for all elected officials. Commissioners adopted the report and approved the same level of benefits as those of MEA covered employees for elected officials for Fiscal Year 2019-2020.

Employee Relations Ordinance Administration

The Employee Relations Ordinance (ERO) was established in 1973 to promote employee-employer relations and to recognize the right of City and County employees to join employee organizations of their own choice and to be represented by those organizations in their employment relationship with the City and County. This Ordinance is administered through the Civil Service Commission and is part of the Administrative Code that authorizes the Commission to perform functions required for ERO administration.

The Commission is both neutral and impartial in its role of providing a reasonable foundation to resolve labor relations disputes. The ERO promotes communication between the City and its employees and their representative employee organizations. Civil Service Commission Rule 07 Series – Rules Related to the Employee Relations Ordinance, was adopted to provide specific administrative procedures to carry out these functions which were assumed by the Commission in August 1976.

State legislation (SB 739) that took effect on July 1, 2001 impacted the Commission's administration of the City and County of San Francisco's ERO. SB 739 amended the Meyers-Milias-Brown Act (MMBA) and gave the State agency known as the "Public Employment Relations Board" (PERB) the authority to administer and decide unfair labor practice charges previously filed and remedied at the local level. PERB is not limited to enforcing local rules regarding Unfair Labor Practices, and it will often look to the MMBA and other State and local laws for guidance. PERB was also authorized to enforce local rules regarding representational issues.

The City's ERO remains in the City's Administrative Code. The ERO was updated and amended on December 3, 2010 to be consistent with State and local law and the processing of unfair labor practice charges involving peace officers and management employees for administrative law judge hearings. Civil Service Commission Rule Series 007 – Rules Related to the Employee Relations Ordinance was subsequently amended on February 6, 2012 to incorporate the changes to the amended ERO. The various functions assigned to the Civil Service Commission by the City and County of San Francisco's Employee Relations Ordinance includes, but are not limited to:

Unfair Labor Practice Charges

The ERO provides for the administration and processing of Unfair Labor Practice Charges (ULPC) for peace officers and management employees. An employee or group of employees, an employee organization or management may file charges on the prescribed form (CSC 101) within the specified timeframe. The Commission will no longer investigate ULPCs, but will continue to coordinate the process for an administrative law judge to convene a hearing and issue a final determination on the charge.

Bargaining Unit Assignments

The ERO provides that the Department of Human Resources is responsible for assigning or reassigning classes to bargaining units. The ERO permits affected employees or recognized employee organizations to file complaints over the allocation of classes to bargaining units. Complaints are filed on the required form (CSC 102) and must be received by the Civil Service Commission no later than 60 calendar days from the date of the original notice from the Department of Human Resources. Staff reviews the complaint to determine if it is timely and contains sufficient information to proceed. The Employee Relations Division Director is notified of the complaint and is given an opportunity to respond. Complaints that cannot be resolved are referred to an Administrative Law Judge for hearing.

A bargaining unit designation complaint was filed in August 2017 by an employee in Class 2578 Medical Examiner Investigator II protesting the Employee Relations Director's decision to continue with the current designations of Class 2578 Medical Examiner II - Unit 24 and Class 2579 Medical Examiner Investigator III – Unit 27. The protest requested that both classes are placed in unit 52 for reasons of community of interest/placement with peace officer classifications. Since the Employee Relations Director made the determination not to consider the transfer of unit placement, the protesting party filed for a hearing with an Administrative Law Judge for bargaining unit determination of both classes. Commission staff coordinated the scheduling of the hearing with the Office of Administrative Hearings – State of California. The hearing took place in June 2018, however, the Administrative Law Judge determination has not yet been conveyed.

Management, Supervisory, Confidential and Designations

The Employee Relations Division of the Department of Human Resources is responsible for placing Management, Supervisory, or Confidential designations to specific positions after consulting with department heads because of the nature of their functional role within a department. Designation assignments may be protested by filing a complaint by using the prescribed form (CSC 103) with the Civil Service Commission. Staff reviews the complaint, and attempts to mediate the dispute. If mediation is not possible, staff arranges for the issue to be submitted before an Administrative Law Judge for hearing and final determination.

Recognition Elections: Employee Organization Certification or Decertification

Recognition

A registered employee organization may petition to become the recognized representative for a Bargaining Unit composed of classes with similar duties and responsibilities for employees not represented.

Challenge Petition

Another employee organization submits a valid petition, which affords the employee organization an opportunity to be added to the ballot.

Decertification/Recognition

Concurrent election to un-represent and elect a new employee organization on the same petition. Formal recognition of an employee organization entitles it to rights and responsibilities as specified in the ERO. Validity requires a 30% show of interest from all employees in the affected bargaining unit. In Fiscal Year 2018-2019, the Commission received five (5) Decertification Petitions, which did not meet the threshold.

State labor law (AB 1281) enacted on October 13, 2001 streamlined recognition procedures for public agencies by allowing a signed petition, authorization cards, or union membership cards showing that a majority of the employees in an appropriate bargaining unit desire the representation unless another labor organization has previously been lawfully recognized as the representative. Disputes, in these cases, are remedied in accordance with the procedures outlined in Government Code Section 3507.1.

Affiliation, Disaffiliation or Merger of Labor Organizations

The Civil Service Commission certifies employee organizations when they affiliate, disaffiliate, or merge with other employee organizations. An affiliation is the formal joining or association of an employee organization with another organization. The employee organization remains a legal entity, but its name may change. A disaffiliation is when two (2) employee organizations agree to no longer affiliate. A merger occurs when two (2) or more employee organizations become a single new legal entity. The absorbed union(s) loses recognition for all its recognized bargaining units as recognition is transferred to the newly merged organization.

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In Appreciation

In the course of carrying out our duties, the members and staff of the Civil Service Commission interact with a wide range of people both in and outside of City government. The Commission works closely with the Mayor and other elected officials, employee organizations, departmental management and staff, and community leaders and groups. These people contribute a great deal of effort and support to the Commission and we would like to express our sincere appreciation to all of them. Thank you!