



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED  
MAYOR

Date: August 19, 2019

To: Civil Service Commission

Through: Michael L. Brown *mlb*  
Executive Director

From: Sandra Eng *se*  
Deputy Director

Subject: **Year-End Report on the Civil Service Commission's Activities and Achievements in Fiscal Year 2018-2019**

ELIZABETH SALVESON  
PRESIDENT

KATE FAVETTI  
VICE PRESIDENT

DOUGLAS S. CHAN  
COMMISSIONER

F. X. CROWLEY  
COMMISSIONER

The following is a summary report on the activities of the Civil Service Commission ("Commission" or "Department") in Fiscal Year 2018-2019, the period covering July 1, 2018 through June 30, 2019.

The Commission primarily focused its efforts in Fiscal Year 2018-2019 on achieving its performance measures in support of the following goals:

- Review status of previous Goals and Objectives for the Civil Service Commission and its Department for Fiscal Year 2017-2018; continuously review the status throughout the new fiscal year to ensure that measurable goals are achieved and targets are met CSC Year End; Fiscal Mid-Year; Fiscal Year Annual; Strategic Plan; and Goals and Objectives Reports are located at the following website:  
<http://sfgov.org/civilservice/commission-reports>.
- Expand efforts to increase access to and the utilization of the Civil Service Commission's information and resources in compliance with law requiring language and disability access.
- Continue to find ways to create greater transparency and efficiencies in the Civil Service Commission's procedures and communications.
- Continue to ensure the timely resolution of appeals so that merit system issues are addressed efficiently, effectively and fairly.
- Continue to seek ways to address City departments' need for flexibility in personnel management issues while at the same time maintaining the integrity of the City's merit system as mandated by the Charter.
- Continue efforts 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.

MICHAEL L. BROWN  
EXECUTIVE OFFICER

THIS DOCUMENT SUPPORTS  
CALENDAR ITEM 7



- Continue to seek ways to strengthen the Civil Service Commission's ability to meet its Charter mandates and oversee the operation of the merit system performed by the Department of Human Resources in providing fair and open examination and promotional opportunities that are void of discrimination, favoritism and nepotism.
- Share the Mayor's vision: San Francisco is a diverse, equitable, and inclusive City.

Please refer to "Attachment A" for a chart reflecting the Commission's achievements on the approximately 60 performance measures established for Fiscal Year 2018-2019.

Also attached to this report are the following Fiscal Year 2018-2019 documents: 1) the Appeals Log (Attachment B); 2) the Inspection Service Request Log (Attachment C); and 3) the Commission's Merit System Audit Program report (Attachment D).

### **Staffing**

While our 1241 Human Resources Analyst (1241) was on leave of absence for approximately 6 months, the department hired a temporary exempt 1241 for approximately 3 months to assist in developing PowerPoint presentations for trainings, scheduling and preparing for trainings, and assisting with Inspection Service Requests. Our 1426 Senior Clerk was on Acting Assignment to attend and prepare the minutes and notices for CSC meetings and conduct Inspection Service Requests. With staff on leaves of absence and having a new staff member, we are continuously reminded of the importance of cross training and being open to new ideas. Through training, documentation, and job shadowing, management had the opportunity to see the possibilities of growth from underlying classifications to promotive classifications.

As a small department, each position's duties and responsibilities are crucial to carrying out the Commission's mission and providing timely service to the public. Our small staff of 6 FTE is continuously cross trained to be resourceful and persistent in finding ways to best serve all stakeholders and the public.

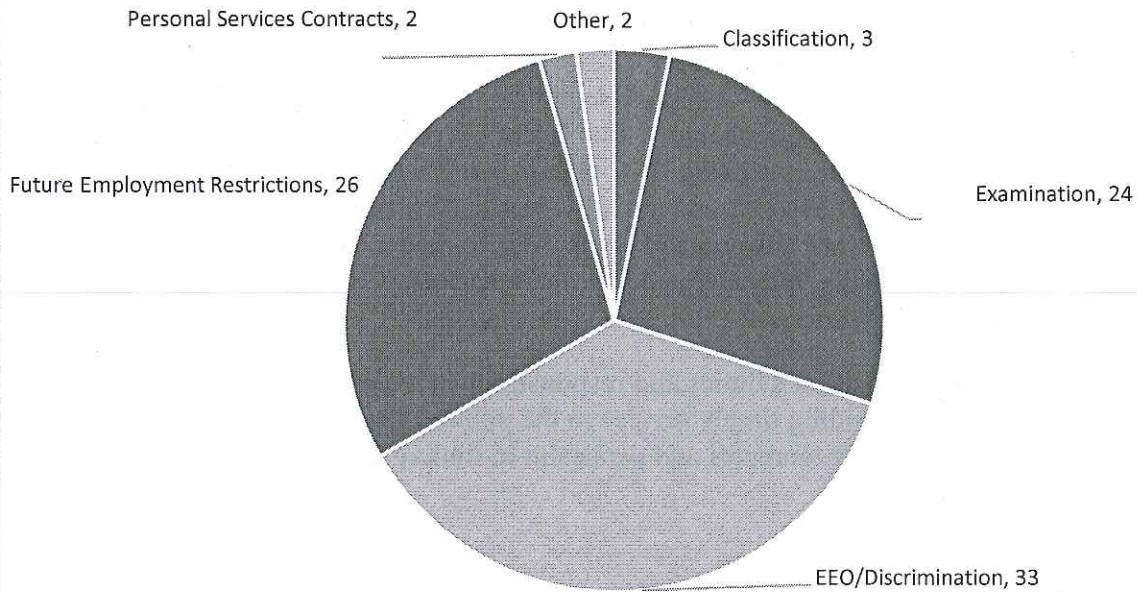
### **Budget**

The Department's budget last fiscal year fully funded all six (6) FTE's. Our approved overall budget for 2018-2019 is 1.262M with Board of Supervisors approval, likely increase to \$1.336M in 2019-2020 and is projected to increase to \$1.392 for FY 2020 - 2021.

### Appeals and Hearings

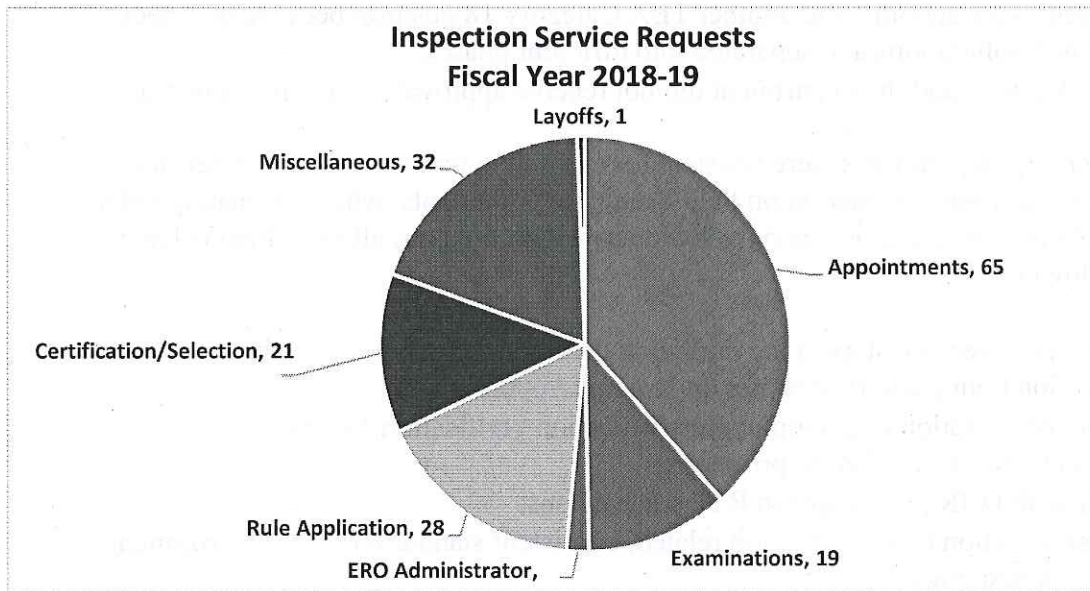
The Commission received a total of 59 new appeals and requests for hearings in Fiscal Year 2018-19, in addition to the 31 active unresolved appeals that were carried over from the previous fiscal year. The Commission heard and resolved 63 of the 90 pending appeals last fiscal year, representing 70%, which meets our target goal. (Attachment B).

**Types of Appeals Received in Fiscal Year 2018-2019**



## Inspection Service Requests

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. (Attachment C). The Commission resolved 73% (123 out of 169) of the Inspection Service Requests within 60 days, which is below our target of 80%.



There was an increase in the number of Inspection Service Requests regarding exempt appointments specifically in Categories 17 and 18. In addition to the concerns brought before the Commission, employees and union representatives had several concerns on the following:

- Positions were being created due to favoritism and/or nepotism (e.g. appointees were not reachable on the eligible list, appointees were not on the eligible list, appointees are family members of upper management).
- Appointees did not meet the minimum qualifications of the job classification or as approved by the Department of Human Resources (DHR) on the Request-to Fill form (RTF).
- Employees remained appointed past the limited duration.
- Category 17 Exempt employees were not released after the Permanent Civil Service employee returned from leave of absence.

Commission staff's research and findings indicate the following:

- A few hiring managers did not hire employees to perform the work as described in the project and job description in the RTF approved by DHR.
- Appointees did not meet the minimum qualifications listed on the RTF approved by DHR.

- The minimum qualifications on the job announcement were different from the minimum qualifications listed on the RTF approved by DHR.
- Some exempt appointees were continuously appointed to Category 17 or 18 positions in the same job classification and department.
- Managers were understaffed and needed to fill vacancies quickly.
- Employees were still on leave of absence due to special projects (Category 18); therefore, the department still needed to keep the TEX Category 17 employees.
- Employees were appointed to another TEX Category 18 position because the special project was voluminous and separated into different phases.
- Limited Funding and the department did not receive approval for any new positions.

Although a couple of departments were resistant to responding timely to the Civil Service Commission's request for information on their exempt appointments, which ultimately led to delays in completing the Inspection Service Requests within 60 days, all departments have learned the following:

- Exempt appointees must meet the minimum qualifications as stated in the Civil Service Commission Policy and Procedures on Exempt Appointments;
- Retain documentation (e.g. employment/education verification,) supporting their decisions in the exempt hiring processes;
- Comply with DHR procedures in RTF submissions;
- Establish selection criteria (e.g. job related, consistent standards) before recruitment begins as a best practice;
- Recusals or disclosures if necessary, to avoid any perceptions of favoritism or nepotism; and
- The importance of transparency as a public employer;
- Work with COPAR (Committee on Policy and Rules Revision) in coming up with possible solutions.

The depth of the anonymous and Whistleblower Complaints regarding claims of favoritism and nepotism in hiring has always included appointees not meeting minimum qualifications, but now more detailed claims such as the following:

- Appointees are being given acting assignments but not performing any out-of-class duties;
- Managers are providing inadequate documentation of employees performing out-of-class work (e.g. no acting assignment, performance appraisals or memos in the employee files at the time the employee is performing the work);
- Employee not maintaining their commercial driver's license as required for the position;
- Employee providing fraudulent or suspicious employment verification letters;
- Employee did not complete a certified apprenticeship program as stated on the examination announcement.

After meetings with human resources staff, union representatives, and management, Commission staff has concluded that more training must be conducted and written guidelines must be

provided to all hiring managers. The Commission previously produced a Civil Service Adviser on Exempt Appointments and staff is considering a proposal to amend the Civil Service Commission Policy on Exempt Appointments for the Commission to review. Commission staff is working with DHR to find ways to better support hiring managers through education and accountability. Commission staff continues to work closely with human resources managers, Ethics Commission, Whistleblower Program and the City Attorney's Office.

### **Merit System Audit Program**

This fiscal year the Commission 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.

The reviews included a review of the examination announcement, the verified qualifications of the appointees for the class to which appointed, the justification of exempt status positions; and conflict of interest issues.

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

As stated in the report: "This year's 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." (Attachment D).

### **Rule Amendments, Policies, and Procedures**

The Commission was productive in proposing and updating a number of Rules, policies and procedures in the last fiscal year. 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 extensive 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.

The following Civil Service Commission Rules, policies, and procedures 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 original posted for deletion in 2000 but the Commission took final action on July 10, 2018. Rule Series 020 Leaves of Absence all address examinations and employees on Military Leave. The implementation of our PeopleSoft Human Capital Management 9.0 System in 2012 completed the requirement for RuleX30.1.
- **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 Lists, 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.

### **Setting of Salary and Benefits for Elected Officials and Board of Supervisors**

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

Commission staff presented to Commissioners a report on May 20, 2019 of the projected salary increase data for Fiscal Year 2019-20 (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 to 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 May 20, 2019. The Commissioners adopted the report; approved a 12% increase to set the base salary for Fiscal Year 2019-20.

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 2019-20.

### **Merit System Outreach and Training**

The Executive Director conducted eight (8) trainings on the Merit System and on Appeals and Staff Reports for human resources analysts and managers including specialized training for the following departments: Department of Human Resources, Municipal Transportation Agency, and the Department of Human Resources. Departments and employees were not charged for these trainings. Although the training classes were for approximately three (3) hours, feedback consistently requested more time for discussion and answering questions. Due to the amount of time and labor involved in preparing and conducting these trainings, we may possibly need to charge a fee for future trainings.

Commission staff has also conducted one on one trainings with departments including the Board of Supervisors and employee organizations on subjects such as the following: Jurisdiction of the Civil Service Commission, exempt appointments, types of seniority, appealable matters, probationary periods, reversion, status grants, and responding to Inspection Service Requests.

### **Employee Relations Ordinance**

In accordance with the Employee Relations Operating Resolution for the San Francisco Municipal Transportation Agency, Section 16.214 Decertification and the City and County of San Francisco Employee Relations Ordinance (ERO) Section 16.212 Decertification, a decertification petition may be filed with the Commission by employees or by an employee organization to determine whether or not a recognized employee organization continues to represent a majority of the employees in the representation unit. In Fiscal 2018-19, the Commission received five (5) Decertification Petitions

### **Administrative and Public Records Requests**

In Fiscal Year 2018-19, the Department received ten (10) public records requests and two (2) administrative records request. Although outside transcription services are utilized for Commission meetings, staff must still proofread and make any necessary corrections for the administrative records.

## Summary

In summary, the Commission has been very productive last fiscal year despite their challenges. Credit must be given to the Civil Service Commission staff members who tirelessly work in supporting the mission of the Civil Service Commission.

“They have provided incredible and unmeasurable support to me as the Executive Officer. Elizabeth Aldana, Sr. Clerk Typist, Lizzette Henriquez, Personnel Technician, Jennifer Bushman, Human Resources Analyst, Luz Morganti, Sr. Human Resources Analyst, and Sandra Eng, Deputy Director are well deserving of acknowledgement for their individual jobs well done. In this small but powerful Department, their great team work, dedication and exemplary service prove that strength is not always measured in numbers.”

**Recommendation:** Adopt the Report.

## Attachments:

- Attachment A: Report on the Civil Service Commission Department's Achievement of its Fiscal Year 2018-2019 Goals and Objectives
- Attachment B: Fiscal Year 2018-2019 Appeals Log
- Attachment C: Fiscal Year 2018-2019 Inspection Service Request Log
- Attachment D: Merit System Audit Program Report