



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Date: November 7, 2022

To: Civil Service Commission

From: Sandra Eng
Executive Officer

Subject: **Follow-up to the Civil Service Commission's Request to Respond to Service Employees International Union (SEIU) 1021 Public Comment Regarding Reversion Rights**

Background

At the Civil Service Commission meeting of October 17, 2022, SEIU 1021 made public comment requesting the commission consider a training refresher on reversion, reappointment and reinstatement rules. Specifically, the need to train departments on the rules regarding reversion to the former classification promotive from, after being released from a promotive probationary period.

Authority

Rule 110.11 Promotional Applicants

Applicants for promotive only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, civil service employees with permanent, probationary, temporary civil service, or holdover status and who have had six (6) months of verifiable satisfactory experience in any class in any status (including provisional) qualify promotionally.

Rule 117.9.3 Reversion to Former Class - Released Promotive Probationary Employee.

- 1) Except if the release is for disciplinary reasons and subject to approval of the Human Resources Director, an employee released during a promotive probationary period shall revert to a position in the class from which promoted. If necessary, displacements in the former class shall occur.
- 2) Except for reasons beyond the control of the Commission or the Human Resources Director, reversion of a released promotive probationary employee shall be accomplished not later than thirty (30) days from the effective date of the employee's release.
- 3) The Human Resources Director shall establish and promulgate the administrative process and procedures for the reversion of a released promotive probationary employee.

Discussion

In addition to the public comment at the Commission Meeting on October 17, 2022, SEIU 1021 recently contacted the Executive Officer regarding two (2) employees who were released from their promotive probationary appointment. SEIU explained that the former departments did not want to return the released employees back to their formerly held permanent civil service positions.

Regarding the release in Department A, applicants/employees are required to pass medical examinations before being appointed or returning to the position (e.g., Department of Public Health, Municipal Transportation Agency, San Francisco Police Department, San Francisco Fire Department). Due to the limited availability of medical appointments available for scheduling, the high number of new hires being processed for onboarding and employees returning from leaves of absences requiring medicals; individuals are waiting an average of 2-3 weeks for a medical examination. In addition to the need of a medical examination, the department the employee was being returned to was not notified until the day before the employee was released from probation, so they needed additional time to locate a position in the correct classification in order for the employee to return.

Regarding the release in Department B, the released employee had difficulty being placed in their formerly held PCS class because again, the department was not notified in advance that the employee was being released from probationary period and the department also disagreed that the employee had promoted to a higher position. In this case, the department was informed that promotive positions could be in a different class series and is not determined only by salary. Although the department thought that the former classification had higher responsibility due to access to confidential information, the department was reminded that in the designated promotive position, the employee also had access to confidential information related to the nature of the work. With this employee, SEIU 1021 filed grievance at level 3. After I informed Employee Labor Relations and SEIU 1021 of Rules 110.11 and 117.9.3, the employee returned to the former classification from which promoted.

Summary

Departments, unions, and employees often have questions regarding reversion because it is not an action often discussed outside of layoffs. It happens so infrequently that many human resources professionals in departments are unaware or unfamiliar with the rule. We have also discovered that it is often not a practice of hiring managers to inform human resources staff in advance of an upcoming release from probationary period until the same day or sometimes after the release has taken place. This in turn delays communication to former departments and the rule requires the released employee to automatically be returned to the classification promoted from within 30 days. If there is no communication between the departments during this 30-day process, it can be very difficult for the employee who has no other income or knowledge of the reversion process to know what rights they have to their formally held positions.

After spending a considerable amount of time working with the two departments, Employee Labor Relations, and SEIU 1021 to resolve this matter, Commission staff plans to prepare a one-page user friendly reference (Civil Service Adviser), focusing on defining promotive appointees and automatic return rights after a non-disciplinary release from a promotive probationary period.

Recommendation: Accept the report