



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

*Sent Via Electronic Mail*

October 27, 2022

## **NOTICE OF CIVIL SERVICE COMMISSION MEETING**

**SUBJECT: PROPOSED RULE AMENDMENTS TO CIVIL SERVICE COMMISSION RULES SERIES 005 MEETINGS AND HEARING OF THE COMMISSION ARTICLE II: HEARINGS AND HEARING PROCEDURES APPLICABLE TO ALL CLASSIFICATIONS.**

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **November 7, 2022, at 2:00 p.m.**

This item will appear on the Regular Agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG  
Executive Officer

Attachment

Cc: All Unions  
All Departmental Personnel Officers  
Commission File  
Commissioners' Binder  
Chron

## **NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES**

### **A. Commission Office**

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is [civilservice@sfgov.org](mailto:civilservice@sfgov.org) and the web address is [www.sfgov.org/civilservice/](http://www.sfgov.org/civilservice/). Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

### **B. Policy Requiring Written Reports**

It is the policy of the Civil Service Commission that except for appeals filed under Civil Service Commission Rule 111A Position-Based Testing, all items appearing on its agenda be supported by a written report prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, a available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting a agenda items are submitted in accordance with the procedures established by the Executive Officer. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

### **C. Policy on Written Submissions by Appellants**

All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4<sup>th</sup>) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original copy on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

### **D. Policy on Materials being Considered by the Commission**

Copies of all staff reports and materials being considered by the Civil Service Commission are a available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at [www.sfgov.org/CivilService](http://www.sfgov.org/CivilService), and in its office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If any materials related to an item on this agenda have been distributed to the Civil Service Commission after distribution of the agenda packet, those materials will be a available for public inspection at the Civil Service Commission's during normal office hours (8:00 a.m. to 5:00 p.m. Monday through Friday).

### **E. Policy and Procedure for Hearings to be Scheduled after 5:00 p.m. and Requests for Postponement**

**A request to hear an item after 5:00 p.m. should be directed to the Executive Officer as soon as possible following the receipt of notification of an upcoming hearing. Requests may be made by telephone at (628) 652-1100 and confirmed in writing or by fax at (628) 652-1109.**

A request for a postponement (continuance) to delay an item to another meeting may be directed to the Commission Executive Officer by telephone or in writing. Before acting, the Executive Officer may refer certain requests to another City official for recommendation. Telephone requests must be confirmed in writing prior to the meeting. Immediately following the "Announcement of Changes" portion of the agenda at the beginning of the meeting, the Commission will consider a request for a postponement that has been previously denied. Appeals filed under Civil Service Commission Rule 111A Position-Based Testing shall be considered on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Department of Human Resources.

### **F. Policy and Procedure on Hearing Items Out of Order**

Requests to hear items out of order are to be directed to the Commission President at the beginning of the agenda. The President will rule on each request. Such requests may be granted with mutual agreement among the affected parties.

### **G. Procedure for Commission Hearings**

All Commission hearings on disputed matters shall conform to the following procedures: The Commission reserves the right to question each party during its presentation and, in its discretion, to modify any time allocations and requirements.

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.

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

#### **H. Policy on Audio Recording of Commission Meetings**

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are audio recorded in digital form. These audio recordings of open sessions are available starting on the day after the Commission meeting on the Civil Service Commission website at [www.sfgov.org/civilservice/](http://www.sfgov.org/civilservice/).

#### **I. Speaking before the Civil Service Commission**

Speaker cards are not required. The Commission will take public comment on all items appearing on the agenda at the time the item is heard. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Requests to Speak" portion of the regular meeting. Maximum time will be three (3) minutes. A subsequent comment after the three (3) minute period is limited to one (1) minute. The timer shall be in operation during public comment. Upon any specific request by a Commissioner, time may be extended.

#### **J. Public Comment and Due Process**

During general public comment, members of the public sometimes wish to address the Civil Service Commission regarding matters that may come before the Commission in its capacity as an adjudicative body. The Commission does not restrict this use of general public comment. To protect the due process rights of parties to its adjudicative proceedings, however, the Commission will not consider, in connection with any adjudicative proceeding, statements made during general public comment. If members of the public have information that they believe to be relevant to a matter that will come before the Commission in its adjudicative capacity, they may wish to address the Commission during the public comment portion of that adjudicative proceeding. The Commission will not consider public comment in connection with an adjudicative proceeding without providing the parties an opportunity to respond.

#### **K. Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings**

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

#### **Information on Disability Access**

The Civil Service Commission normally meets in Room 400 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. However, meetings not held in this room are conducted in the Civic Center area. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our ADA coordinator at (628) 652-1100 or email [civilservice@sfgov.org](mailto:civilservice@sfgov.org) to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

#### **Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Victor Young, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: [sof@sfgov.org](mailto:sof@sfgov.org), or on the City's website at [www.sfgov.org/bdsupvrs/sunshine](http://www.sfgov.org/bdsupvrs/sunshine).

#### **San Francisco Lobbyist Ordinance**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site <http://www.sfgov.org/ethics/>.



# CIVIL SERVICE COMMISSION

## CITY AND COUNTY OF SAN FRANCISCO

Date: November 7, 2022

To: Civil Service Commission

From: Sandra Eng  
Executive Officer

Subject: **Proposed Rule Amendments to Civil Service Commission Rules Series 005 Meetings and Hearing of the Commission Article II: Hearings and Hearing Procedures Applicable to All Classifications**

### Discussion

The Executive Officer is proposing to amend Rule Series 005 to codify how departments are communicating with applicants and employees. This amendment is necessary to address the receipt of correspondence that has transitioned from receipt through the United States Postal Service to primarily electronically (through the use of email).

Therefore, the Executive Officer is proposing to update Rule Series 005 Appeal of Human Resources Director's and Executive Officer's Action to include "e-mail date" as the notice of action date in addition to "postmarked date". We will not remove "postmarked date" because there may be instances where employees do not have email addresses on file with the City or has not provided one to the Civil Service Commission (CSC).

CSC forms and letters will also be updated to include "postmarked or e-mail date" to clarify appeal deadlines for employees.

Please see the attachment for Rule Series 005 in all four (4) volumes.

**Recommendation:** Accept the Executive Officer's report, incorporate any changes made by the Commission, direct the Executive Officer to post the proposed amended Rule Series 005 for meet and discuss with the affected labor unions and interested stakeholders.

### Attachments

- Volume I Rule 105.12 Appeal of Human Resources Director's and Executive Officer's Actions - Applicable to Miscellaneous Classes
- Volume II Rule 205.12 Appeal of Human Resources Director's and Executive Officer's Action - Applicable to Uniformed Ranks of the San Francisco Police Department
- Volume III Rule 305.12 Appeal of Human Resources Director's and Executive Officer's Action - Applicable to the Uniformed Ranks of the San Francisco Fire Department
- Volume IV Rule 405.12 Appeal of Human Resources Director's and Executive Officer's Action - Applicable to the Service-Critical Classes of the Municipal Transportation Agency

**Sec. 105.11**      **Tie Vote**

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

**Sec. 105.12**      **Appeal of Human Resources Director's and Executive Officer's Action****105.12.1**      **Examination Matters**

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

**Sec. 105.12**      **Appeal of Human Resources Director's and Executive Officer's Action****105.12.2**      **Employee Compensation Matters**

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

**105.12.3**      **Personal Services Contracts**

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

**Sec. 105.12**     **Appeal of Human Resources Director's and Executive Officer's Action (cont.)****105.12.4**     **Other Matters**

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

**Sec. 105.13**     **Reconsideration of Commission Action**

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

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

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

**Sec. 105.14**     **Moot Questions**

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

**Sec. 105.15**     **Rules of Order**

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

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

**Sec. 205.8**      **Quorum**

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

**Sec. 205.9**      **Motion Requires Second**

A motion made by any Commissioner shall require a second.

**Sec. 205.10**      **Roll Call Vote**

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

**Sec. 205.11**      **Tie Vote**

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

**Sec. 205.12**      **Appeal of Human Resources Director's and Executive Officer's Action**

**205.12.1**      **Examination Matters**

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

**Sec. 205.12 Appeal of Human Resources Director's and Executive Officer's Action (cont.)****205.12.2 Employee Compensation Matters**

An action by the Human Resources Director, on wage and salary matters, may be appealed to the Civil Service Commission provided such appeal is received by the Executive Officer by close of business on the seventh (7th) business day (excluding Saturdays, Sundays, and holidays) following the postmarked mailing date (or e-mail date) of notification to the appellant. Where the Civil Service Commission has jurisdiction, the Civil Service Commission's action on the appeal shall be final and no reconsideration request shall be allowed.

**205.12.3 Personal Services Contracts**

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

**205.12.4 Other Matters**

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

**Sec. 205.13 Reconsideration of Commission Action**

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



**Sec. 305.12 Appeal of Human Resources Director's and Executive Officer's Action****305.12.1 Examination Matters**

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

**305.12.2 Employee Compensation Matters**

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

**305.12.3 Personal Services Contracts**

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

**305.12.4 Other Matters**

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

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

**405.12.1**     **Examination Matters**

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

**405.12.2**     **Employee Compensation Matters**

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

**405.12.3**     **Personal Services Contracts**

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

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

**405.12.4 Other Matters**

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

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

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

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

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

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

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

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

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