

Date: December 12, 2022

To: The Honorable Civil Service Commission

From: Kevin Jackson

Subject: Appeal of the Minimum Qualifications for the classification 3434 Arborist Technician

This document addresses the memorandum submitted by the Department of Human Resources (DHR) (attachment A).

Under "executive summary" the DHR states; *This memo addresses the issues surrounding the appeal by Kevin Jackson over the (MQs) for the 3434 Arborist Technician.*

The above statement serves as an admission from DHR that they are unable to address the appeal itself.

Any issues that are surrounding this appeal have been presented by DHR and are entirely irrelevant to the appeal.

The original October 1, 2018, appeal is of the Director of DHRs decision to add language to the 3434 spec, substituting apprenticeship for 3 years of Journey Level Experience. My position is that apprenticeship completion does not and cannot substitute for 3 years Journey Level Experience and as a matter of fact does not and cannot substitute for any years of Journey level experience.

This matter was brought before the Civil Service Commission (CSC) on October 1, 2018.

CSC's decision on this appeal is memorialized in the CSC action dated October 5, 2018, signed, and submitted by former CSC Executive Officer Brown (Attachment A)

Ten (10) days after the CSC action, on October 15, 2018, DHR posted revised substitution language that they believe is in conformity with the CSC Action (Attachment A)

Five (5) months later April 19, 2019, DHR posted a second (2) revised substitution language that they, *again*, believe is in conformity with the CSC action (Attachment A)

One (1) month later May 21, 2019, DHR posted a third (3) revised substitution language that they *insist is pursuant to instruction provided by the Civil Service Commission Executive Officer in conformity with earlier instructions from the Civil Service Commission* (Attachment A)

Four (4) months later September 19, 2019, DHR posted a fourth (4) revised substitution language that they *again* insist *is pursuant to explicit instruction from the Civil Service Commission* (Attachment A)

I protested each revision stating that they are not in conformity with the CSC action and appealed the third (3) and fourth (4) posting respectively

On October 21, 2019, former CSC Director Brown wrote a decision to administratively close this matter and remove my right to appeal.

On November 19, 2019, I appealed CSC Director Browns decision.

On November 1, 2021, (2years) my appeal was scheduled for the regular agenda. At this time CSC Director Brown had retired and CSC Executive Officer Director Eng filed a staff report stating that the

3434-substitution language submitted by DHR was the *exactly* the same as the CSC action from October 5, 2018.

On November 1, 2021, CSC granted my appeal and denied the Executive Officers report because DHR's substitution language is not in conformity with the October 5, 2018, CSC action.

My appeal submitted on August 29 ,2019, scheduled for meeting on September 19, 2022, is based on the obvious fact that DHR did not post substitution language in conformity with the compulsory requirements of the October 1, 2018, CSC action. Which is final, shall not be reconsidered and has the force and effect of law.

Because an identical appeal has previously been granted.

I request that The Civil Service Commission Grant my appeal from August 29, 2019, for the complete removal of the Department of Human Resource Directors, previously proposed and currently finalized 3434 classification action substitution language and amendment and to grant my appeal without conditions, and to prohibit all 3434-specification language that attempts to substitute, redefine, or equate with Journey Level or 3 years Journey Level Experience.

At the October 2018, meeting I presented evidence from subject matter experts employed with The Department of Industrial Relations, Division of Apprenticeship Standards (DAS). (Attachment B)

In the staff report submitted by DHR for the October 1, 2018, CSC meeting, DHR agrees with the subject matter experts from DAS in that apprentice experience is not the same as journey experience (Attachment C)

The City holds that three (3) years of experience in *The City's* apprenticeship program should be deemed the equivalent of three (3) years of journey level experience. (Attachment C).

DHR offers no evidence to support this position but asserts that an ISA certificate is a requirement to pass the apprenticeship program (Attachment D) and asserts that an ISA credential combined with the City program is adequate to substitute for three (3) years journey level experience.

DHR agrees that apprenticeship experience is not the same as journey experience.

An apprentice credential/certificate holder is recognized as a journey person.

Division of Apprenticeship Standards (DAS) issues credentials or certificates of completion. DAS does not recognize or declare a credential holder as having 3 years of Journey Level experience and it is not written on a certificate.

The International Society of Arboriculture (ISA) Of which I am a member, does not recognize that an ISA certification is a declaration of Journey Level Experience. It is not.

DHR alludes to the existence of a City program. This is a misnomer. You cannot call it a City program any more than you can call it a Laborers International Union of North America, Local 261 program

This program is a JATC with equal parts City and Labor.

All these facts, separately or combined, are objective truth and should have led CSC to the objective decision that three (3) years apprentice completion does not and cannot substitute for three (3) years Journey Level experience. This is the 3434 MQ's

The CSC did not apply objective truth in their decision and, in order for DHR to receive a favorable ruling, required DHR to remove reference to labor and include the ISA certification. DHR agreed to this, on the record.

DHR based its justification for a favorable ruling on the ISA requirement for apprentice certification and insisted that an apprentice would not graduate without the ISA credential. These statements are repeated by DHR in the report and by representatives from DPW who sponsor the apprentice program (CSC audio archive 10/1/2018)

On the record at the October 1, 2018, meeting, DHR entered an agreement with CSC to receive a favorable ruling. CSC granted DHR a favorable ruling based on this agreement. Ten (10) days after the favorable ruling, DHR reneged on that agreement without consequence.

If I had not protested DHR's decision this action would now be finalized, with CSC none the wiser. Furthermore, DHR has submitted 3 subsequent postings without regard to the force and effect of law of the CSC action

CSC was made aware of DHR's actions through an appeal filed on November 1, 2021, in which an appeal was granted based on DHR's substitution language not being in conformity with the CSC action.

CSC has so far done nothing to remedy DHR's egregious actions.

DHR claims that former Director Brown approved of these actions but provides no evidence of his knowledge or participation until May 21, 2019, seven (7) months after DHR's first posting.

Commissioner Salveson stated on the record that Director Brown presented this issue to the Commission through e-mail, asking if CSC agreed with DHR's proposed language, in which case Commissioner Salveson stated "No" and presented the correct language from the CSC action.

Commissioner Salveson also stated that she was confident that he relayed this information to DHR.

DHR asserts that: *DHR believed that it was acting in accordance with direction provided by the Civil Service Commissions Executive Director; and that LIUNA Local 261's agreement was required due to its role and rights as the exclusive bargaining representative of class 3434 Arborist Technician.*

The above statement is DHR's attempt to claim "ignorance" of the rules, policies, and procedures and to pass the blame of their misconduct on to others

DHR has been through hundreds of appeals, CSC actions and decisions and cannot claim "belief" as a defense of their actions.

I have explained at every step of this process, beginning with DHR's first posting, that what they (DHR) were doing, did not conform to the compulsory requirement of the CSC action and they knowingly and intentionally disregarded it.

DHR believes that the Unions agreement was required for the posting, again claiming ignorance. Is DHR saying that bargaining units have never protested or appealed a decision of DHR?

If DHR had posted the language as required from CSC's action, L261 would have the same opportunity to protest as myself. DHR would then inform L261 that it was a final decision from CSC and that they have a right to appeal. L261 could then appeal or not appeal. This is the procedure I am required to follow and so should not be a double standard for L261.

The truth is obvious:

L261 informed DHR that the apprentices could not obtain the ISA credential.

DHR, L261 and DPW conspired to post substitution language that did not include ISA language that was required by the CSC action because apprentices cannot pass the exams for ISA certification

Theresa Foglio (L261) through the DHR report asserts that *not all candidates who graduate from the apprentice program obtain the ISA certification and it is not otherwise a requirement for this work.*

This suggests that some candidates obtained the ISA certification but in fact the truth is that *none* of the candidates have obtained the ISA credential.

Also, if this is not otherwise a requirement of this work as stated, we should then focus on what is a requirement of this work, specifically, **3 years of Journey Level Experience** which the candidates also do not have.

Let's also focus on the 3408 and 3409 apprentice class spec which shows that an ISA credential is a **requirement of the MQ's of the apprentice class** (Attachment E)

Was this spec language written with the required agreement from L261? The answer is yes.

Accordingly, if class 3408 and 3409 did not obtain the required ISA certificate they do not meet the MQ's of the position.

But this does not matter because DPW has already hired the only two (2) apprentices as 3434 Arborist technician including the one that failed the 3434 exams.

The City had a City wide exam that is pass or fail for all Departments.

DPW has changed the policy to "if you fail you pass and get hired" with no consequence. This is favoritism, discrimination and is unfair to those who have both passed and failed the 3434 exam, it is unacceptable and unethical and should be investigated for immediate answers and remedy if found to be true.

Conclusion:

Most of the above is what DHR would call *issues surrounding the appeal* and so I will circle back to the actual appeal.

Apprentice experience does not and cannot substitute for 3 years of journey level experience. ISA or not

If you deem to lower or remove the 3434 minimum qualifications because you believe they are barriers to hiring, you must do so for all classifications.

DHR has abandoned their position that apprentice experience equals journey level experience which was based mainly on ISA certification.

DHR has disregarded the CSC action. Despite any righteous indignation on their part they have done so willfully

I am requesting that Civil Service Commission permanently remove any substitution language for the 3434 spec without amendment and prohibit all language that attempts to equate, substitute or redefine Journey Level Experience or 3years Journey level experience.

Thank you

Kevin Jackson

Attachment A

BACKGROUND

On October 1, 2018, the Civil Service Commission granted Kevin Jackson's appeal and instructed DHR to post the following substitution language for classification 3434 Arborist Technician.

Successful completion of the Arborist Technician Apprenticeship Program and possession of an ISA certification.

The Department of Human Resources posted numerous variances of this language based on the guidance provide by Michael Brown, then Executive Officer of the Civil Service Commission.

On October 15, 2018, DHR posted the following revised substitution language in the minimum qualification.

In accordance with the registered agreement between the City and County of San Francisco, the LiUNA Local 261 (Union) and the State of California, Division of Apprenticeship Standards, the following shall apply:

The City and the Union agree that apprentices will be trained in accordance with applicable municipal, state and federal laws, rules, and ordinances; and that the training content of the program is adequate to qualify the eligible apprentices as journey Arborist Technicians (City classification 3434 Arborist Technician).

Therefore, eCompletion of the City And County Of San Francisco and Laborers' International Union of North America, Local 261 Arborist Technician Apprenticeship Project ~~CITY AND COUNTY OF SAN FRANCISCO AND LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 261 ARBORIST TECHICIAN APPRENTICESHIP PROJECT~~ (which is a California Division of Apprenticeship Standards registered Arborist Technician apprenticeship program) which includes obtaining Tree Worker Climber Specialist certification issued by the International Society of Arboriculture (ISA) may substitute for the required experience.

Pursuant to a subsequent appeal on May 21, 2018 by Kevin Jackson, DHR worked with Michael Brown to develop alternative substitution language in an attempt to resolve Mr. Jackson's appeals.

On April 19, 2019, DHR posted the following revised substitution language:

In accordance with the registered agreement between the City and County of San Francisco, the LiUNA Local 261 (Union) and the State of California, Division of Apprenticeship Standards, the following shall apply:

~~The City and the Union agree that apprentices will be trained in accordance with applicable municipal, state and federal laws, rules, and ordinances; and that the training content of the program is adequate to qualify the eligible apprentices as journey Arborist Technicians (City classification 3434 Arborist Technician).~~

~~Therefore, completion of the CITY AND COUNTY OF SAN FRANCISCO AND LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 261 ARBORIST TECHNICIAN APPRENTICESHIP PROJECT (which is a California Division of Apprenticeship Standards registered Arborist Technician apprenticeship program) may substitute for the required experience.~~

Completion of an Arborist Technician Apprenticeship Program approved by the Director of Human Resources.

Mr. Jackson protested this posting on April 26, 2019. In response to that protest, on May 21, 2019, Michael Brown met with Theresa Foglio, representative of LIUNA Local 261 and Steven Ponder in which the parties agreed that DHR would post the following substitution language in the minimum qualification section of classification 3434 Arborist Technician.

Completion of an Arborist Technician Apprenticeship Program registered with the California Division of Apprenticeship Standards.

At this meeting, Ms. Foglio explained that not all candidates who graduate from the apprenticeship program obtain the ISA certification and it is not otherwise a requirement for this work. Attachment A memorializes the exchange between DHR and CSC on this matter. Attachment B reaffirms LIUNA Local 261's concurrence with this approach.

Based on Kevin Jackson's appeal of our August 29, 2019 posting, the word "successful" was added to the beginning of the substitution language that was finalized on September 11, 2019. The final language agreed to by DHR, Civil Service Commission Executive Officer and LIUNA Local 261 was as follows:

Successful completion of an Arborist Technician Apprenticeship Program registered with the California Division of Apprenticeship Standards.

Irrespective of the extensive multi-party negotiations, on November 1, 2021, the Civil Service Commission granted Kevin Jackson's appeal based on the reasoning that DHR did not post the revised MQ pursuant to the instruction provided by the Civil Service Commission on October 1, 2018.

Conclusion and Recommendation

DHR believed that it was acting in accordance with direction provided by the Civil Service Commission's Executive Director; and that LIUNA Local 261's agreement was

Attachment B

Sent: Wednesday, October 17, 2018 8:54 AM
To: Franchimon, Eric@DIR <EFranchimon@dir.ca.gov>
Cc: Jackson, Kevin (REC) <kevin.jackson@sfgov.org>
Subject: FW: apprenticeship

Hi Eric,

I am forwarding this to you, as you are the consultant for this program and you are more aware of the revisions you and this program may be working on. This gentleman has legitimate concerns as outlined in the attachments and email below. Eric and Richard Robles answered his first question and I agree with their answer. Please reach out to Mr. Jackson.

Thank you,

Gary Knight - Senior Consultant
San Francisco and San Jose
State of California
Dept. of Industrial Relations
Division of Apprenticeship Standards
100 Paseo de San Antonio Room 125
San Jose, CA 95113-1484
SJ Main - (408) 277-1273
SF Main - (415) 730-4332
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GKnight@dir.ca.gov



 PLEASE CONSIDER THE ENVIRONMENTAL IMPACT OF PRINTING THIS MESSAGE

----- Forwarded message -----

From: "Elberg, Eric@DIR" <EElberg@dir.ca.gov>

To: "Jackson, Kevin (REC)" <kevin.jackson@sfgov.org>

Cc: "Robles, Richard@DIR" <RRobles@dir.ca.gov>, "Freeman, Rachel@DIR" <RFreeman@dir.ca.gov>

Bcc:

Date: Fri, 9 Jun 2017 18:24:02 +0000

Subject: Reply to Question on Journey person time.

Mr. Jackson:

I concur with the answer Mr. Robles provided you regarding whether the time spent as an apprentice can be counted toward "Journey person" time (See below).

The time spent as an apprentice is just that, apprentice time. You are not considered a journey person until you successfully complete the apprenticeship and from that point on you would accrue time as a journey person.

During those 3 years you are an apprentice not a journeyman so the answer based on your question would "no" as you are not a journeyman during that 3 year time period.

Richard E Robles

Senior Apprenticeship Consultant

Division of Apprenticeship Standards

(213) 576-7750

Rrobles@dir.ca.gov

Question;

In an occupation that has a 3year Apprenticeship Program. Would a graduate of this Apprenticeship Program qualify for a job (in that occupation) that requires 3 years of verifiable Journey Level experience as a minimum qualification (MQ)?

Successful completion of the Apprentice Program recognizes the graduate as a Journeyman

Thank you for your assistance

Kevin Jackson

CCSF RPD

Thank you,

Department of Industrial Relations

Division of Apprenticeship Standards (DAS)

10/8/22, 9:29 AM

Mail - Jackson, Kevin (REC) - Outlook

Eric Elberg

Senior Consultant

Northern California DAS District Offices

(916) 928-6800 Sacramento DAS Office

(916) 241-6542 Direct/Mobile

eelberg@dir.ca.gov

----- Forwarded message -----

From: Meagan Pukhtiar <mpukhtiar@tcia.org>
To: "Jackson, Kevin (REC)" <kevin.jackson@sfgov.org>
Cc:
Bcc:
Date: Fri, 26 Apr 2019 16:15:33 +0000
Subject: RE: Apprenticeship

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Kevin,
Thank you for clarifying. I appreciate your question and want to make sure I understand it.

You're asking – Does an apprentice who completes a 3-year program and receives a journeyworker credential meet the qualifications for a position that requires 3-years of journeyworker level experience?

I would say the answer is no. A journeyworker is an individual who has attained a level of skills, abilities, and competencies recognized within an industry as having mastered the skills and competencies required for the occupation.

If a job requires 3 years of journeyworker experience, then a recent apprentice graduate would not yet meet this qualification. The apprentice would have to complete the apprenticeship, receive the journeyworker credential, and then be in practice for 3 years as a journeyworker to meet that requirement.

Please let me know if this is helpful and if I answered your question!

Thank you,

Meagan

Meagan Pukhtiar
Recruitment and Workforce Development Manager
Tree Care Industry Association

603.792.1280 | mpukhtiar@tcia.org

Attachment C

Attempts to resolve Mr. Jackson's protest were unsuccessful. Seeing as the apprentices would not be graduating from the program for at least another year, the parties agreed to maintain the existing minimum qualifications without the apprenticeship substitution language to allow for the 3434 examination to move forward (Attachment D).

Upon completion of this 3434 examination and with expectation that the apprentices would be graduating soon, the City reposted the proposed classification action for class 3434 in March of 2018 with the proposed apprenticeship substitution language added back in. On this posting, the apprenticeship language was modified to make clear that only graduation from the City's apprenticeship program would be allowed to substitute for the journey-level experience (Attachment E).

The amended 3434 Arborist Technician class specification states:

In accordance with the registered agreement between the City and County of San Francisco, the LIUNA Local 261 (Union) and the State of California, Division of Apprenticeship Standards, the following shall apply:

The City and the Union agree that apprentices will be trained in accordance with applicable municipal, state and federal laws, rules, and ordinances; and that the training content of the program is adequate to qualify the eligible apprentices as Journey Arborist Technicians (City classification 3434 Arborist Technician).

Therefore, completion of the CITY AND COUNTY OF SAN FRANCISCO AND LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 261 ARBORIST TECHNICIAN APPRENTICESHIP PROJECT (which is a California Division of Apprenticeship Standards registered Arborist Technician apprenticeship program) may substitute for the required experience.

The Apprenticeship Standards approved by the State of California, Department of Industrial Relations, Division of Apprenticeship Standards states in part, "The City and the Union agree that apprentices will be trained in accordance with applicable municipal, state and federal laws, rules, and ordinances; and that the training content of the program is adequate to qualify the eligible apprentices as journey Arborist Technicians (City classification 3434)." (Attachment F)

Mr. Kevin Jackson has expressed two primary concerns regarding the revision to the 3434 minimum qualifications (MQ). 1) Even with completion of the apprenticeship program, incumbents need to have three (3) years of journey-level experience in order to be eligible to become a 3434 Arborist Technician; and 2) the apprenticeship program does not adequately train employees to do the work at REC.

Here, Mr. Jackson asserts that he asked Richard Robles and Eric Elberg from the Division of Apprenticeship Standards whether apprenticeship experience is the same as journey-level experience to which they said it does not. The City would agree with this interpretation which is why the City proposed to make the changes at issue.

The City holds that three (3) years of apprenticeship experience in the City's apprenticeship program should be deemed the equivalent of three (3) years of journey-level experience.

On July 12, 2017, Mr. Jackson appealed Ms. Callahan's finalization of the classification action to the Civil Service Commission (Attachment G). On 3/21/18, Mr. Jackson reinstated his appeal (Attachment H).

ISSUE

Should completion of a three (3) year apprentice program substitute for the minimum qualification of three (3) years journey-level experience?

AUTHORITY/STANDARDS

Civil Service Rule 109.6.2 provides that "The class specification shall be descriptive of the class but shall not be considered as a restriction on the assignment of duties not specifically listed. The class specifications are intended to indicate the kind of positions that should be allocated to a class but shall not be construed as describing the exact duties and responsibilities of each individual position allocated to the class. In addition to defining the duties and characteristics of the class, the specifications shall give examples of the more significant and typical duties assigned to the positions in the class, the minimum requirements for applicants for the positions in the class, and any other special requirements. The appointing officer has the authority to assign an employee to perform work provided that it is consistent with the type of duties and level of responsibility of the employee's class, although not specifically described in the class specification."

Civil Service Rule 109.1.6 also indicates that "The Human Resources Director has the authority to make changes to the Classification Plan including creating new classes, abolishing, consolidating or amending classes consistent with the Classification Plan." Civil Service Rule 109.2.4 further states "The decision of the Human Resources Director is appealable to the Civil Service Commission. The decision of the Civil Service Commission shall be final and not subject to reconsideration."

ANALYSIS

In an occupation that has a three (3) year Apprenticeship Program, should a graduate of this apprenticeship program (in that occupation) qualify for a journey-level position that requires three (3) years of verifiable Journey-level experience as a MQ?

Richard Robles, Senior Apprenticeship Consultant, from California Department of Industrial Relation, California Division of Apprenticeship Standards, Southern California District Offices responded. "During those three years you are an Apprentice not a Journeyman so the answer based on the question would be "no" as you are not a Journeyman during those three years".

Eric Elberg, Senior Apprenticeship Consultant, Division of Apprenticeship Standards, Northern California, concurs with Mr. Robles and adds, " whether the time spent as an Apprentice can be counted toward Journeyman time. The time spent as an Apprentice is just that, Apprentice time. You are not considered a Journeyman until you successfully complete the Apprenticeship and from that point on you would accrue time as a Journeyman."

Additionally, Mr. Jackson notes that pursuant to the City's MQ Principles, the City recommends that additional years of journey-level experience are required for those that have graduated from an apprenticeship program. Based on that, he holds that the same should hold true for the 3434 as well.

DHR Classification and Compensation Division provide updated Minimum Qualification Principles. It defines MQ's and provides guidelines when determining Training and Experience and substitution language for classifications, based on field and level. Under training and experience for a Journey-level position. The

Attachment D

After 3 years of mentoring and training, apprentices who graduate from the City's apprenticeship program are more qualified and highly versed on City operational processes and procedures. By the time the apprentices graduate, they have established a solid ground.

The City's Arborist Technician apprenticeship program consist of 6000 work hours covering (Attachment L):

- o Tree Health & Science – 860 Hours
- o Ropes & Knots & Rigging – 800 Hours
- o Climbing – 900 Hours
- o Pruning – 1500 Hours
- o Removal – 540 Hours
- o Equipment & Tools – 300 Hours
- o Cabling - 40 Hours
- o Customer Service/Time Management – 60 Hours
- o Safety – 1000 Hours; **AND**

Eight (8) Weeks of Related and Supplemental Instruction (Attachment M).

Apprentice Arborist Technicians are expected to perform routine tasks in support of journey-level Arborist Technicians. Assigned duties increase in scope and difficulty as the Apprentice Arborist Technician demonstrates skills in performing diverse duties that are learned on the job. Work is performed under direct supervision and is evaluated on the basis of progress in a structured work experience program. Demonstrated competence and successful completion of the structured training program leads to meeting the minimum qualifications for the 3434 Arborist Technician.

In addition, in order to successfully graduate from the Arborist Technician apprenticeship program, apprentices must obtain the Tree Worker Climber Specialist certification from the International Society of Arboriculture (ISA) (Attachment N). In order to be eligible to participate in the certification examination, the ISA Certification Board requires a candidate to have a minimum of 18 months of climbing experience in arboriculture. The candidate must also show proof of training in a physical aerial rescue, CPR, and first aid. Currently the two (2) Arborist Technician Apprentices are in the process of taking the ISA certification exam. The City expects their Arborist Technician Apprentices to be fully trained and ISA certified before being eligible for the 3434 Arborist Technician classification.

Upon completion of the apprenticeship program, employees do not automatically promote to the 3434 journey-level class. Rather, they must compete in a Civil Service examination to be eligible for appointment. The 3434 Arborist Technician examination is a three (3) Part examination. Part I & Part II – Candidates perform tasks to determine their ability to correctly tie safety knots and perform chainsaw maintenance. Parts I & II are Pass/Fail. The candidate must pass Parts I & II in order to advance to Part III. Part III - Candidates perform tasks to determine their ability to safely climb trees.

Upon passing the 3434 examination and if reachable from the eligible list, departments may require the eligible to undergo a practicum to ensure that they could perform the work in hiring department.

CONCLUSION

The City's ability to create structured apprenticeship programs has provided City departments the ability to train and retain skilled employees who are committed to their work. The City's Arborist Technician Apprenticeship program provides training that meets industry standards and provides a significant amount of transferred knowledge required to perform City tree maintenance at the highest level. By working directly with experienced City Arborist Technicians, combined with education courses result in improved skills and competencies. Additionally, with the program's emphasis on safety training (1000 hours) the apprenticeship

program provides a safer workplace for its employees. Lastly, the apprentices are required to pass the Tree Worker Climber Specialist certification administered by the ISA. By holding an ISA certification, it demonstrates that these

apprentices have the knowledge and skills in safety, climbing, rigging, cabling, tree pruning and tree removal, needed to properly care and maintain City trees.

RECOMMENDATION

Based upon the above, the Department respectfully requests that the Civil Service Commission deny Kevin Jackson's appeal and adopt this report to approve the amendment to the classification specifications for the 3434 Arborist Technician.

Attachment to Report

- Attachment A Classification Action – Establish New Job Specification - 3408 Apprentice Arborist Technician I and 3409 Apprentice Arborist Technician II
- Attachment B Classification Action – Amend Job Specification – 3434 Arborist Technician. Adding substitution language.
- Attachment C 03/07/17 – Kevin Jackson Appeal of 3434 Arborist Technician Classification posting
- Attachment D Classification Action – Amend Job Specification – 3434 Arborist Technician and 3434 Arborist Technician Announcement (Original MQs – No substitution)
- Attachment E Classification Action – Amend Job Specification – 3434 Arborist Technician. Adding substitution language specific to completion of City's Apprenticeship
- Attachment F City and County of San Francisco Laborers' Local 261 Arborist Technician Apprenticeship Project and Amendment No. 2 to the 2014-19 MOU between CCSF and Local 261
- Attachment G 07/12/17 – Kevin Jackson Appeal of 3434 Arborist Technician Classification MQs
- Attachment H 03/21/18 – Kevin Jackson notification to CSC to proceed with appeal of 3434 Arborist Technician Proposed Classification Action
- Attachment I DHR – Minimum Qualification Principles (Updated 8/29/18)
- Attachment J DHR – Craft Minimum Qualifications (Updated 7/3/18)
- Attachment K Job Specification for Classes 7514 General Laborer, 7311 Cement Mason, and 3417 Gardener
- Attachment L 6000 Training Hours
- Attachment M Related and Supplemental Instruction
- Attachment N ISA Certified Tree Worker Climber Application Guide

Attachment E

**NOTICE OF PROPOSED CLASSIFICATION ACTIONS BY
THE HUMAN RESOURCES DIRECTOR**

The following actions are being posted in accordance with Civil Service Rule 109. In the absence of a protest addressed to the Human Resources Director, the proposed changes will become final seven (7) calendar days from the posting date.

Posting No: 39
Fiscal Year: 2014/2015
Posted Date: 02/05/2015
Reposted Date: N/A

ESTABLISH THE FOLLOWING JOB SPECIFICATION(S):
(Job specification(s) attached.)

Item #	Job Code	Title
1	3408	Apprentice Arborist Technician I
2	3409	Apprentice Arborist Technician II

Protests on an item should be addressed to the Human Resources Director and can be submitted by mail to the City and County of San Francisco, Department of Human Resources, 1 South Van Ness Ave, 4th Floor, San Francisco, CA 94103 or by email to DHR.ClassificationActionPostings@sfgov.org. All protests must be received in writing no later than close of business seven (7) calendar days from the posting date, and must include the posting and item number(s), the basis on which the protest is submitted and identify the affected parties.

For additional information regarding this proposed classification action, please contact Megan Siems, Senior Classification and Compensation Analyst, at (415) 557-4898 or by email at Megan.Siems@sfgov.org.

Copies of this notice may be obtained from the Department of Human Resources or from the website at: <http://sfdhr.org/index.aspx?page=109>. Copies of Civil Service Rule 109 may be obtained from the Department of Human Resources, the office of the Civil Service Commission at 25 Van Ness Ave, Suite 720, San Francisco, CA 94102 or from the website at: <http://www.sfgov3.org/index.aspx?page=328>.

cc: All Employee Organizations
All Departmental Personnel Officers
DHR – Class and Comp Unit
DHR – Client Services Unit
DHR – Employee Relations Unit
DHR – Recruitment and Assessment Unit
DHR – Client Services Support Services
Micki Callahan, DHR
Michael Brown, CSC
Sandra Eng, CSC
Linda Cosico, DHR
Maria Newport, SFERS
Risa Sandler, Controller/Budget Division
Devin Macaulay, Controller/ Budget Division
Theresa Kao, Controller/ Budget Division
Drew Murrell, Controller/ Budget Division
Alex Koskinen, Controller/ Budget Division
E-File

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES**

**Title: Apprentice Arborist Technician I
Job Code: 3408**

INTRODUCTION

Classes 3408 Apprentice Arborist Technician I and 3409 Apprentice Arborist Technician II are the entry level training classes. These classes exist to develop the competencies required of a journey level Arborist Technician, while working under close guidance and direct supervision. Apprentice Arborist Technicians perform routine tasks in support of journey level Arborist Technicians.

Apprentices are initially hired in classification 3408 Apprentice Arborist Technician I and advance to class 3409 Apprentice Arborist Technician II upon meeting education and training requirements.

DISTINGUISHING FEATURES

This class is distinguished from class 3434 Arborist Technician by the structured training program requirements, the close guidance and supervision received, and the developmental nature of the class, whereas the 3434 Arborist Technician independently performs the full range of arboriculture work.

SUPERVISION EXERCISED

None.

MAJOR, IMPORTANT, AND ESSENTIAL DUTIES

According to Civil Service Commission Rule 109, the duties specified below are representative of the range of duties assigned to this job code/class and are not intended to be an inclusive list.

1. Assist Arborists and receive training in performing arboriculture duties in connection with a wide variety of tree and shrub trimming and maintenance activities including:
 - a) Assessing and evaluating the condition of trees and other vegetation.
 - b) Climbing trees and removing dead, diseased or otherwise damaged or unwanted limbs or tree tops; pruning, felling and cutting up trees; piling trimmings for pick up and disposal.
 - c) Performing various types of rigging in connection with this work; operating chain and hand saws, aerial ladder truck, chipper, and other power equipment.
 - d) Driving heavy equipment
 - e) Performing other related duties as assigned.

IMPORTANT AND ESSENTIAL KNOWLEDGES, SKILLS, AND ABILITIES

Knowledge of: Basic arithmetic, including measuring, counting, addition, subtraction, fundamental multiplication and division, without the aid of a calculator; basic English reading and writing; methods, materials and equipment used in trimming and caring for trees; mechanical aptitude in the

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES**

**Title: Apprentice Arborist Technician I
Job Code: 3408**

use of power saws and other equipment.

Skill to: Operate hand, pneumatic and power tools and other equipment and materials used in arboriculture work, including chain saw, stump grinder, and dump truck; operate two-way radios, cell phones and pagers; operate motor vehicles.

Ability to: Learn of the scope of arboriculture work performed by the Departments of the City and County of San Francisco; learn general arborist technician skills, tools and equipment; learn methods and procedures used to support workers aloft (i.e., aerial lift truck and climber); learn safety procedures; follow oral and written instructions; cooperate with others in the performance of duties; write and speak in a manner that is easily understood; read and write English; interpret reference materials such as regulations and technical documentation; identify common tree species and shrubs; and maintain effective working relationships.

Physical ability to: Climb ladders; work at heights in excess of 100 feet without undue discomfort; crawl on hands and knees; lift, drag and/or move up to 50 pounds and occasionally lift and/or move upwards of 100 pounds with assistance large and/or heavy equipment or debris to truck bed level; bend the knees, waist and back; stoop or squat; ability to kneel, bend and squat for considerable periods of time; remain in uncomfortable positions for extended periods of time. Stand; walk; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. Sit; climb or balance, talk or hear.

The physical demands described here are representative of those that must be met by an employee in order to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

MINIMUM QUALIFICATIONS

These minimum qualifications establish the education, training, experience, special skills and/or license(s) which are required for employment in the classification. Please note, additional qualifications (i.e., special conditions) may apply to a particular position and will be stated on the exam/job announcement.

Education:

Possession of a high school diploma or equivalent (GED or High School Proficiency Examination).

Experience: None

License and Certification:

Possession of a California Class C driver's license.

Requires ability to obtain a California Class B driver's license and the required International Society of Arboriculture certifications upon completion of apprenticeship.

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES**

**Title: Apprentice Arborist Technician I
Job Code: 3408**

SUPPLEMENTAL INFORMATION

Working Conditions:

The nature of the work will require exposure to inclement weather conditions and will require exposure to hazardous materials and/or conditions.

PROMOTIVE LINES

ORIGINATION DATE: 2/xx/2015

AMENDED DATE:

REASON FOR AMENDMENT *To accurately reflect the current tasks, knowledge, skills and abilities defined in the most recent job analysis conducted for this job code.*

BUSINESS UNIT(S): COMMN, SFMTA

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES**

**Title: Apprentice Arborist Technician II
Job Code: 3409**

INTRODUCTION

Classes 3408 Apprentice Arborist Technician I and 3409 Apprentice Arborist Technician II are the entry level training classes. These classes exist to develop the competencies required of a journey level Arborist Technician, while working under close guidance and direct supervision. Apprentice Arborist Technicians perform routine tasks in support of journey level Arborist Technicians.

Apprentices are initially hired in classification 3408 Apprentice Arborist Technician I and advance to class 3409 Apprentice Arborist Technician II upon meeting education and training requirements.

DISTINGUISHING FEATURES

This class is distinguished from class 3434 Arborist Technician by the structured training program requirements, the close guidance and supervision received, and the developmental nature of the class, whereas the 3434 Arborist Technician independently performs the full range of arboriculture work.

SUPERVISION EXERCISED

None.

MAJOR, IMPORTANT, AND ESSENTIAL DUTIES

According to Civil Service Commission Rule 109, the duties specified below are representative of the range of duties assigned to this job code/class and are not intended to be an inclusive list.

1. Assist Arborists and receive training in performing arboriculture duties in connection with a wide variety of tree and shrub trimming and maintenance activities including:
 - a) Assessing and evaluating the condition of trees and other vegetation.
 - b) Climbing trees and removing dead, diseased or otherwise damaged or unwanted limbs or tree tops; pruning, felling and cutting up trees; piling trimmings for pick up and disposal.
 - c) Performing various types of rigging in connection with this work; operating chain and hand saws, aerial ladder truck, chipper, and other power equipment.
 - d) Driving heavy equipment
 - e) Performing other related duties as assigned.

IMPORTANT AND ESSENTIAL KNOWLEDGES, SKILLS, AND ABILITIES

Knowledge of: Basic arithmetic, including measuring, counting, addition, subtraction, fundamental multiplication and division, without the aid of a calculator; basic English reading and writing; methods, materials and equipment used in trimming and caring for trees; mechanical aptitude in the

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES**

**Title: Apprentice Arborist Technician II
Job Code: 3409**

use of power saws and other equipment.

Skill to: Operate hand, pneumatic and power tools and other equipment and materials used in arboriculture work, including chain saw, stump grinder, and dump truck; operate two-way radios, cell phones and pagers; operate motor vehicles.

Ability to: Learn of the scope of arboriculture work performed by the Departments of the City and County of San Francisco; learn general arborist technician skills, tools and equipment; learn methods and procedures used to support workers aloft (i.e., aerial lift truck and climber); learn safety procedures; follow oral and written instructions; cooperate with others in the performance of duties; write and speak in a manner that is easily understood; read and write English; interpret reference materials such as regulations and technical documentation; identify common tree species and shrubs; and maintain effective working relationships.

Physical ability to: Climb ladders; work at heights in excess of 100 feet without undue discomfort; crawl on hands and knees; lift, drag and/or move up to 50 pounds and occasionally lift and/or move upwards of 100 pounds with assistance large and/or heavy equipment or debris to truck bed level; bend the knees, waist and back; stoop or squat; ability to kneel, bend and squat for considerable periods of time; remain in uncomfortable positions for extended periods of time. Stand; walk; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. Sit; climb or balance, talk or hear.

The physical demands described here are representative of those that must be met by an employee in order to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

MINIMUM QUALIFICATIONS

These minimum qualifications establish the education, training, experience, special skills and/or license(s) which are required for employment in the classification. Please note, additional qualifications (i.e., special conditions) may apply to a particular position and will be stated on the exam/job announcement.

Education:

Possession of a high school diploma or equivalent (GED or High School Proficiency Examination).

Experience: None

License and Certification:

Possession of a California Class C driver's license.

Requires ability to obtain a California Class B driver's license and the required International Society of Arboriculture certifications upon completion of apprenticeship.

**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES**

**Title: Apprentice Arborist Technician II
Job Code: 3409**

SUPPLEMENTAL INFORMATION

Working Conditions:

The nature of the work will require exposure to inclement weather conditions and will require exposure to hazardous materials and/or conditions.

PROMOTIVE LINES

To: 3434 Arborist Technician

ORIGINATION DATE: 2/xx/2015

AMENDED DATE:

REASON FOR AMENDMENT

To accurately reflect the current tasks, knowledge, skills and abilities defined in the most recent job analysis conducted for this job code.

BUSINESS UNIT(S): COMMN, SFMTA