



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

Date: January 25, 2023

To: Civil Service Commission

From: Sandra Eng, Executive Officer

Subject: **Recommendations from the Executive Officer Regarding the Proposed Rule Amendments from the Department of Human Resources and the Municipal Transportation Agency on the Following Civil Service Rule Series: 002 Definitions; 010 Examination Announcements and Applications; 011 Examinations; 011A Position-Based Testing; 012 Eligible Lists; and 013 Certification of Eligibles**

I. Overview

The following opinion and recommendations are provided by the Executive Officer to the Civil Service Commission (“Commission”) in response to the Department of Human Resources (DHR) and the Municipal Transportation Agency’s (MTA) proposed rule amendments to “modernize and expedite hiring”.

At the Commission meeting of December 19, 2022, the Human Resources Director’s report stated that the Civil Service Commission Rules have not been fully reviewed for major revisions in a generation and layers of regulations and practices added over the 120 years since the civil service system was established contributed to convoluted, resource intensive and lengthy hiring practices. Due to advancement in technology and the predominant use of electronic mail versus the United States Postal Service, DHR and MTA indicated the proposed amendments would reduce the time and resources in the hiring process and provide greater consistency in the early stages of hiring. The Commission has been asked to review the tools, technology and best practices available today versus the roots in the hiring practices utilized in the early 20th century to determine how the City can expedite hiring.

II. Background

The Civil Service Commission oversees the merit system and has continuously reviewed the Rules, policies and procedures as authorized by Charter to find fair and equitable methods to improve the hiring process in seeking the best qualified candidates for the positions. Decisions made by the Commission are conducted in open hearings to provide transparency and opportunities for public comments from employees, unions, and other stakeholders. Commission staff has a well-documented history of meeting with employees, unions, and other stakeholders when proposed rules or policies are being considered by the Commission. The Commission is open to hearing new methods to improve the City’s hiring process to timely hired well qualified candidates that are reflective of the public served while continuing to provide equal opportunities for employment.

The Commission has a history of working closely with the Department of Human Resources and the human resources staff of all City departments when considering proposed changes from the Human Resources Director (HRD), Director of Transportation (DOT), or the Executive Officer (EO). The table below provides a very brief history of how the Commission has overview of the merit system while continuously reviewing rules and policies in order to expedite the hiring process while maintaining a fair hiring process. The following are only a few examples of several rule and policy amendments approved by the Commission in the last 10 years. I included the Civil Service Reform proposals from the HRD in 2005 and 2010 as a reference.

October 2005	HRD presented proposals on Civil Service Reform including Position-Based Testing to expedite hiring.
November 2010	HRD presented proposals on Civil Service Reform Phase 2 to expedite hiring.
September 2014	EO presented the Rules and Policies on the Civil Service Selection Process to expedite hiring reminding departments who conduct Position-Based Testing that departments are not required to conduct a post-referral selection process to hire the highest reachable rank on the eligible list.
September 2014	DOT proposed rule amendments to provide greater flexibility in addressing immediate hiring needs
April 2017	EO issues the Civil Service Adviser on Reinstatement, Reappointment, Reversion, and Transfer to inform employees of the number of possibilities to expand their knowledge and skills in addition to gain experience while still having ability to return to former classifications.
December 2017	HRD proposed rule amendments on De-Identification
March 2018	EO presented an updated Policy and Procedures on Exempt Appointments reminding departments that Temporary Exempt Category 18 employees only need to meet the minimum qualifications on the most recent examination announcement or job specification and there is no civil service selection process required. EO also communicated to departments on the possibility of using Exempt Category 12 for project managers due to a high number of employees continuously moving to TEX Category 18 positions for long term projects with several phases.
April 2018	EO proposed rule amendments to include all unions the opportunity to consider expanding the certification rule provisions upon mutual agreement.
February 2021	DOT proposed rule amendments to allow MTA to extend the eligible list beyond the timeframe established in the Rules in the event of a declared state of emergency.

III. Discussion

The proposed rule amendments from DHR and MTA are the following:

- Define Employment Opportunity Website
- Define Promotional Applicants
- Authorize the Human Resources Director and the Director of Transportation to determine the following:
 - Examination Announcement Posting Periods
 - Review of Rating Periods
 - Notice of Certification and Inquiry Response Periods
 - Extension or Exhaustion of the Eligible List

Employment Opportunity Website and Bulletin Boards

Because the Civil Service Commission must use bulletin boards to post agendas in the Civil Service Commission office and at City Hall, DHR removed the proposed amendment to Rule Series 002.4 Bulletin Board and instead proposed the rule amendment to establish the definition of Employment Opportunity Website as recommended by the Commission.

Promotional Applicants

In addition to the rule proposals from the EO at the meeting of November 21, 2022, HRD proposed amendments to 111A.13, 111.23.1-3 to keep the definition of promotional applicants consistent throughout the Rules. EO continues to support the expansion of promotional applicants to include exempt employees. Since many applicants through job training programs have had the opportunity to gain experience and skills through temporary as-needed positions with the City, this will increase the probability of permanent employment opportunities for graduates from the job training programs. Please note that hiring managers will continue to be reminded that although the hiring of exempt employees does not require a civil service selection process, applicants must still meet the

minimum qualifications for the position and departments must still make efforts to remove perceptions of favoritism or nepotism in the hiring process.

Examination Announcement Posting Periods

HRD would like the flexibility and the administrative authority to determine the time period for posting announcements dependent on the specifics of the recruitment. At the last meeting, Vice President Favetti recommended the rules state a minimum and maximum period. Concerns were raised on the amount of time and labor utilized to conduct an entrance examination for several applicants when there is only a small limited number of vacancies citywide. In these instances, HRD would like to minimize the posting period from 5 days to 3 days. Commission staff was also informed of times when examination announcements for hard-to-fill positions may be posted for extended periods of time so it is not recommended to place a maximum time period to post examination announcements. EO has concerns with narrowing the time period to post examination announcements for entrance level positions because it would appear to exclude groups who may not have immediate access to technology to become aware of the openings and to submit an application through the system. DHR has provided other resources where the public has access to computers such as the DHR front office (open 8 a.m. – 5 p.m. Monday through Friday) and the library (various branches are open select weekends and evenings) that provide computers where applicants can apply for City jobs or check their emails. There may also be community centers that provide access to computers, but these locations often close after 5 p.m. and on weekends. Through the pandemic, the City quickly learned how many individuals had limited access to technology so recreational community centers opened up usually during the day to provide free WiFi and schools provided tablets to every student. The City also quickly learned how many individuals did not have the convenience of working from home because of the type of work they performed (e.g. trades, drivers, hospitality) which limited their access to using technology for personal business during the day.

EO recommends posting announcements earlier to provide advance notice of when applications would be accepted so applicants have time to complete and submit their applications within the narrow time frame. Since the current application system does not allow departments to post announcements earlier than the time frame allowed to accept applications, DHR provided current mechanisms already in place that may inform applicants in advance:

- Job Boards (may only be electronic job boards)
- Posting job opportunities to social media sites such as LinkedIn prior to the start of the filing period
- Potential applicants signing up to be notified by email for positions of interest using keywords
- Community based organizations may sign up to be notified of all job announcements

At the most recent recruitment conducted by the Civil Service Commission, we were not informed our job announcement was sent to community-based organizations or if it was posted on social media. To ensure many groups were notified of the employment opportunity, Commission staff worked with the Office of Racial Equity and the Diversity Recruitment Manager to reach out to various groups nationwide.

HRD stated that “while DHR is cognizant of the concerns related to timeframes for posting of job announcement, DHR’s objective is reducing time elapses at each step of the recruitment and examination process without sacrificing the rights of applicants, along with consistency within and across the rules.” From what the City has learned from attending the Reducing Implicit Bias Trainings, and collaborating with Racial Equity Leaders who are not working in human resources divisions, the City must increase our actions to expand racial equity. This includes not only training hiring managers and increasing the use of technology but expanding opportunities to inform the underserved groups about the many opportunities to be employed with the City and County of San Francisco.

If HRD would like to narrow the time period to post the examination announcement, EO recommends requiring departments to use the available list of community-based organizations from Diversity Recruitment to show how according to each department’s Racial Equity Action Plans that departments have taken every opportunity to reach out to underrepresented groups in order to expand racial equity. Departments would only need to create one list of email addresses from the list and send out the examination announcement in one email. This would create opportunities to build relationships with community-based organizations and without impacting the amount of time and labor to announce an upcoming job opening.

EO recommends expanding the application system to allow departments to notify potential applicants of job opportunities by text messaging and notifying applicants to respond to the Notice of Inquiry by text messaging. The City has learned through the pandemic that not all homes have computers and many may have limited abilities to access available resources during business hours; however, the City is aware of the increased probability that many individuals have access to smart phones at all hours. EO recommends requiring departments to use the available list of community-based organizations from Diversity Recruitment to show how according to each department's Racial Equity Action Plans that departments have taken every opportunity to reach out to underrepresented groups in order to expand racial equity. Currently the application system does not allow texting but it is encouraged to be reviewed in the next upgrade of the application system.

Review of Rating Periods

Due to technology, applicants are informed much faster than before of the results of the examination. EO has no further recommendations.

Notice of Certification/Inquiry Response Periods

EO recommends informing candidates in advance of the time period to respond to the Notice of Inquiry. Candidates have often contacted Commission staff protesting/appealing the hiring process because they never received the email notifying them to respond if they are still interested in the position. The City has witnessed how difficult it has been to receive responses from applicants. EO again recommends the application system have the ability to notify candidates by text messaging in order for candidates to respond within a shortened time period.

Extension of the Eligible List

Through the pandemic, the City has learned how important it is to extend the eligible lists especially when the City is in a state of emergency. The proposed rule amendment has included that all affected eligibles shall be notified of the exhaustion of the eligible list. EO has no further recommendations.

IV. Summary

The proposed amendments from the Department of Human Resources and the Municipal Transportation Agency are focused on expanding the authorization of the Human Resources Director and the Director of Transportation in determining the time periods currently established in the Rules for the examination process, expanding the definition of promotional applicants and creating the definition for Employment Opportunity Website. Based on the citywide responses from other departments and the goals of the Racial Equity Action Plans, EO encourages the Department of Human Resources and the Municipal Transportation Agency to review the following when researching efforts to expedite hiring: 1) Review if minimum qualifications are fairly determined for each classification; 2) Evaluate the tools utilized to determine if applicants meet the minimum qualifications; 3) Review the types of examinations conducted to determine if we are determining knowledge, skills, and abilities or are we searching for great test takers; and 4) Review how we can expand recruitments for various classifications in order to find the best qualified candidates for the City. The probationary period is often the best tool to determine if the hiring manager has selected the best qualified candidate because it involves on the job training, application of skills, and hands on experience. How can the City create a fair and competitive selection process that efficiently determines the best qualified candidate?

Recommendation: Accept the report