



# CIVIL SERVICE COMMISSION

## CITY AND COUNTY OF SAN FRANCISCO

Date: May 1, 2023

To: Civil Service Commission

From: Sandra Eng  
Executive Officer

Subject: **Processing and Scheduling of Appeals**

This is written to provide the Civil Service Commission (Commission) an overview of the processing and scheduling of appeals and to consider recommendations from the Executive Officer to expedite the scheduling, hearing, and resolving of these appeals.

### **Overview**

Appeals received by email, postmarked mail or delivered in-person are transmitted by email within two days to the Department of Human Resources including the designated department or the Municipal Transportation Agency. Departments are provided with a tentative hearing date approximately 60 days from the date of transmission. Acknowledgement letters are sent to the appellants on the same date, but without a tentatively scheduled meeting date.

### Acknowledgement letters inform appellants of the following:

- Departments must prepare a staff report for the Commission before appeals are scheduled for hearing.
- The Commission generally meets on the first and third Mondays of each month.
- Notice of Meeting and department staff reports are emailed two Fridays before the hearing date.
- Any additional information for the Commission to review must be received by 5 p.m. on the Tuesday preceding the meeting date.

### Transmittal letters inform departments of the following:

- If the appeal is not timely or appropriate, use Form 13 Action Request on pending appeal with supporting documentation to close this appeal (e.g., untimely, settlement agreement, not an appealable matter).
- The tentatively scheduled Commission meeting date (approximately 60 days).
- Due date for staff reports
- Completion of Form 13 to request a new meeting date with reason for postponement (e.g., availability of representatives, pending grievance, arbitration or litigation) and a proposed alternate date.

### Scheduling of Appeals

- Staff reports are due at 11 a.m. eleven (11) days prior to the meeting date (normally Thursday).

- Notices of Meeting and a copy of the staff reports are emailed to appellants that same date.
- Appellants have 5 days (normally Tuesday) to review the staff report and submit additional information in response to the staff report by 5 p.m.
- Appellants may request their 1<sup>st</sup> postponement with the reason for the postponement (e.g. additional time to review the staff report, availability of appellant or representative to attend) directly to the Executive Officer;
- After the first postponement request is granted, the appellant will need to appear before the Commission to request any additional postponements.
- Before postponements are granted, Commission staff must check on the availability of the department representatives.

### **Analysis**

Delays in scheduling the hearing of these appeals are due to delays in receiving staff reports from departments or the availability of both the appellant/representative and the department. Some of the reasons for departmental delays in submitting staff reports are the following:

- Pending grievances, arbitration, and litigation
- Signing of settlement agreements
- Understaffed in the departments' human resources division due to vacancies, retirement or leave of absence.
- New management or staff resulting in management not being aware of pending appeals or being unfamiliar with the employees involved. This is especially challenging for departments with pending Equal Employment Opportunity appeals or hearings on future employment restrictions.

### **Recommendations from the Executive Officer**

- Monthly meetings with one Department of Human Resources (DHR) representative who oversees all staff reports submitted to the Human Resources Director for approval before submission to the Commission. Departments often need support from experienced DHR staff in preparing staff reports for the Commission.
- Electronic appeals database system - appellants e-file their appeal and the database captures and tracks all pending appeals through the appeals process generating auto email alerts and reminders to commission staff and to the affected departments when appeals are filed, and staff reports are due.
- Monthly follow-up with departments concerning appeals backlog to resolve long-standing unresolved appeals. Updated status report at June 5, 2023 meeting.
- Provide a one two-week extension to departments for delayed appeal responses due to staffing issues. A second request for delay due to staffing issues will require a department representative appear before the commission to provide justification for their extension request and to inform the commission of the meeting date they will be prepared for the hearing.
- Extension requests due to grievance, arbitration, litigation, pending settlement agreements or similar will require departmental status updates to commission staff monthly until resolved and scheduling of the appeal within thirty (30) days of the resolution.
- Potentially when the capability is available in SF.GOV – online appeal filing
- Out of the box thinking – fillable PDF staff reports

- Continue conducting City-wide training on preparing and presenting staff reports responding to appeals to the Commission.
- Policy and Procedures including possibly reducing the timeline for departments in responding to appeals and reinforce submitting staff reports in a timely manner.

**Recommendation:** Open for discussion