

Notification List

Report of Proportion of Appointments Exempt Under Charter Sections 10.104-1, 2, and 4 through 12

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MEMORANDUM

DATE: August 10, 2023
TO: Honorable Civil Service Commission
THROUGH: Carol Isen
Human Resources Director
FROM: Shawn Sherburne, Assistant Director of Employment Services
Lisa Pigula, Client Services Consulting Manager
SUBJECT: Report of Proportion of Employees Exempt Under Charter Sections 10.104-1, 2,
and 4 through 12

Executive Summary

This is an annual report requested by the Civil Service Commission. The report provides the percentage of employees exempt under Charter sections 10.104-1, 2, and 4 through 12, and summarizes the Department of Human Resources' (DHR) procedures to review and approve these position requests.

Background

Charter Section 10.104 provides that all City and County of San Francisco (City) positions will be filled through the civil service selection process except where specifically excluded. Charter section 10.104 contains categories 1 through 12, which are comprised of a variety of exceptions, including but not limited to department heads and deputy directors, executive assistants, confidential secretaries, and legislative analysts (Attachment A).

Additionally, the Charter includes a limit on the number of full-time employees in categories 1, 2, and 4 through 12.¹ The limit is a ratio based on the City's total workforce and is calculated based on the proportion of full-time employees in exempt categories 1, 2, and 4 through 12 divided by the total number of the City's civil service employees that existed on July 1, 1994, unless modified by the Civil Service Commission (Commission) and approved by the Board of Supervisors.² At its November 18, 1996 meeting, the Commission certified the ratio as two percent (2.0%).

Position Request Approval Process for Categories 1, 2, and 4 through 12

DHR procedures include monitoring all position requests and approvals to ensure compliance with the Charter. Departments submit position requests for categories 1, 2, and 4 through 12 to DHR for review and approval. The People & Pay system automatically calculates the proportion of these position requests against the limit. DHR's Client Services Consulting team determines whether the position request is appropriate and confirms that, if the position is approved and filled, the calculated proportion is below the 2.0% ratio. The Human Resources Director or designee reviews the position's attributes and provides final approval.

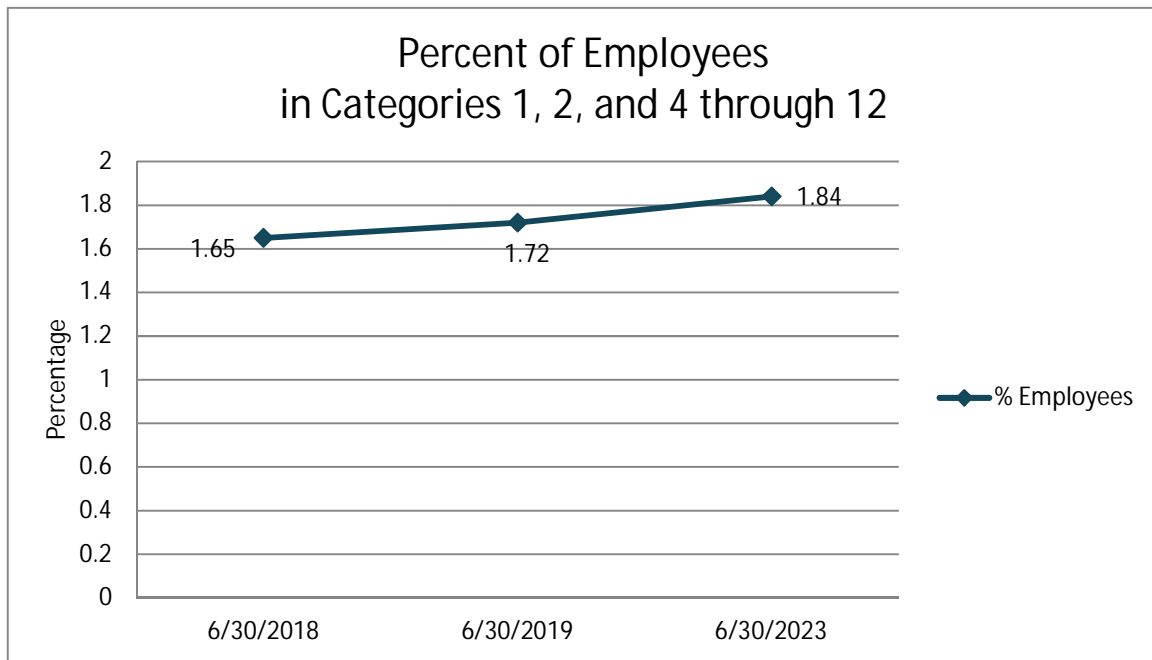
¹ Category 3 is not included as these employees serve as members of commissions, boards, and advisory committees and are not full-time.

² The San Francisco Municipal Transportation Authority is included in the calculation for percentage purposes. The Unified School District, Community College District, and Trial Courts are not included in the calculation.

In the event the ratio nears 2.0%, DHR would submit position requests to the Commission for approval in accordance with CSC Rule 114.26, Charter Limit on Certain Categories of Exempt Appointments.

Employee Percentage in Categories 1, 2, and 4 through 12

As of June 30, 2023, the proportion of employees in categories 1, 2 and 4 through 12, as compared to the total number of civil service employees, is 1.84%.



Recommendation

Adopt the report.

Attachment

Attachment A: Charter Section 10.104 and Civil Service Rule 114.26

Attachment A

CHARTER SECTION 10.104 EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority:

1. All supervisory and policy-level positions within the office of the Mayor and the office of the City Administrator;
2. All elected officers of the City and County and their chief deputies or chief assistants;
3. All members of commissions, boards and advisory committees;
4. Not more than one commission secretary for each commission or board;
5. All heads of agencies and departments, unless otherwise provided for herein;
6. All non-uniformed deputy heads of departments;
7. All uniformed deputy heads of departments, police commanders and Fire Chiefs aides;
8. Not more than one confidential secretary and executive assistant in each department and agency;
9. The Clerk of the Board of Supervisors, legislative analyst and assistants to the members of the Board of Supervisors.
10. Persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from the classified civil service by an order of the civil service commission;
11. Persons employed in positions in any department for expert professional temporary services, when such positions are exempted from said classified civil service for a specified period of said temporary service by order of the civil service commission.

CIVIL SERVICE RULE 114.26 Charter Limit on Certain Categories of Exempt Appointments

114.26.1 The proportion of full-time employees in the exempt categories included under Charter Sections 10.104-1 through 10.104-12 to the total number of civil service employees of the City and County shall not be greater than the proportion existing on July 1, 1994, except as authorized in this Article. As certified by the Civil Service Commission at its meeting of November 18, 1996, the ratio on July 1, 1994 of full-time exempt employees to the total full-time City and County work force was two percent (2%).

114.26.2 In accordance with Charter Section 10.104, the Civil Service Commission may, by express approval, authorize that full-time positions conforming to the criteria established in this Section in the categories defined in Charter Sections 10.104-1 through 10.104-12 in excess of the Charter limitation be excluded from civil service selection and removal procedures and be filled through exempt appointment.

114.26.3 Requests for exemption under this section must conform to the following:

- 1) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.
- 2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.
- 3) The Human Resources Director recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.
- 4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.
- 5) The official making the request provides written justification as to the reasons the position should be exempted.

114.26.4 An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.

114.26.5 The decision of the Human Resources Director is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.

114.26.6 This section as adopted by the Civil Service Commission at its meeting of November 18, 1996 was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).