



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED
MAYOR**

Sent Via Electronic Mail

July 27, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: RECOMMENDATION TO ADOPT PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULE SERIES 002 DEFINITIONS, 010 EXAMINATION ANNOUNCEMENTS AND APPLICANTS, 011 EXAMINATIONS, 011A POSITION-BASED TESTING, 012 ELIGIBLE LISTS, AND 013 CERTIFICATION OF ELIGIBLES IN VOLUMES I-IV

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 **August 7, 2023, 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

Attachments

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 and the web address is 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, available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting 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 (4th) 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 available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at <https://sf.gov/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 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/.

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 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: soff@sfgov.org, or on the City’s website at 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 <https://sfethics.org/>.



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED
MAYOR**

Date: August 7, 2023

To: Civil Service Commission

From: Sandra Eng *SE*
Executive Officer

Subject: **Recommendation to Adopt Proposed Amendments to Civil Service Commission Rule Series 002 Definitions, 005 Meetings and Hearings of the Commission, 010 Examination Announcements and Applicants, 011 Examinations, 011A Position-Based Testing, 012 Eligible Lists, and 013 Certification of Eligibles in Volumes I-IV**

The Executive Officer, Human Resources Director and the Municipal Transportation Agency's Chief People Officer proposed rule amendments to expedite the hiring process at the following Civil Service Commission (Commission) meetings: November 7, 2022, November 21, 2022, December 19, 2022, and January 25, 2023. The staff reports were adopted by the Commission and approved on January 25, 2023, for posting and for the Department of Human Resources (DHR) Employee Relations Division to begin meetings with the unions.

Commission staff sent the posted proposed Rules to all employee organizations and City departments. DHR Employee Relations Division notified all recognized employee organizations of the Rules and the opportunities to meet regarding the proposed Rule Amendments. DHR, Municipal Transportation Agency, and Commission Staff hosted nine (9) meetings with interested unions who responded to the notice of Proposed Rule Amendments. These unions included the following: Firefighters Local 798, Police Officers' Association, Municipal Executives' Association, SEIU Local 1021, IFPTE Local 21, San Francisco City Workers United, IBEW Local 6, Machinists Union Local 1414, and Sheriff's Managers & Supervisors Association. As stated in the attached memo dated May 17, 2023, from Ardis Graham, Employee Relations Director, the unions did not raise any adverse impacts on their members.

Recommendation

Accept the Executive Officer's staff report, incorporate any changes made by the Civil Service Commission, adopt the proposed amendments to Civil Service Rule Series 002 Definitions, 005 Meetings and Hearings of the Commission, 010 Examination Announcements and Applicants, 011 Examinations, 011A Position-Based Testing, 012 Eligible Lists, and 013 Certification of Eligibles in Volumes I-IV.

Attachments:

Attachment A – DHR Memo Meetings with Labor presented to the Civil Service Commission at the meeting of June 5, 2023

Attachment B - Proposed Amendments to Volumes I-IV

ATTACHMENT A



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of
Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: _____ - _____ -
2. For Civil Service Commission Meeting of: June 5, 2023
3. Check One: Ratification Agenda
 Consent Agenda
 Regular Agenda
 Human Resources Director's Report ✓
4. Subject: **Meetings with Labor on the Proposed Amendments to Civil Service Commission Rule Series 002 Definitions, 005 Meetings and Hearing of the Commission, 010 Examination Announcements and Applicants, 011 Examinations: 011A Position-Based Testing, 012 Eligible Lists, and 013 Certification of Eligibles, Volumes I-IV**
5. Recommendation:
6. Report prepared by: Carol Isen, Director Telephone number: (415) 557-4815
7. Notifications: (Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director:

Date: **May 16, 2023**

9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

**Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102**

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

<u>CSC RECEIPT STAMP</u>

Attachment

Notifications

Carol Isen
Human Resources Director
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MEMORANDUM

DATE: May 17, 2023
TO: Civil Service Commission
THROUGH: Carol Isen, Human Resources Director
FROM: Ardis Graham, Employee Relations Director
SUBJECT: Meetings with Labor on the Proposed Amendments to Civil Service Commission Rule Series 002 Definitions, 005 Meetings and Hearing of the Commission, 010 Examination Announcements and Applicants, 011 Examinations: 011A Position-Based Testing, 012 Eligible Lists, and 013 Certification of Eligibles, Volumes I-IV

Summary of Meetings with Labor

The Employee Relations Division (ERD) concluded discussions with Labor on the proposed amendments to Civil Service Commission (CSC or Commission) Rule Series 002 Definitions, 005 Meetings and Hearings of the Commission, 010 Examination Announcements and Applicants, 011 Examinations: 011A Position-Based Testing, 012 Eligible Lists, and 013 Certification of Eligibles Volumes I-IV posted by the Commission on November 7, 2022, and February 17, 2023.

ERD noticed Labor of the proposed amendments on February 24, 2023, and ERD sent follow-up notices on March 6, 2023. Ten (10) Unions expressed interest in meeting. The Department of Human Resources (DHR) and CSC hosted nine (9) informational meetings with Labor attended by Firefighters Local 798, Police Officers' Association, Municipal Executives' Association, SEIU Local 1021, IFPTE Local 21, San Francisco City Workers United, IBEW Local 6, Machinists Union Local 1414, and Sheriff's Managers & Supervisors Association. The San Francisco Municipal Transportation Agency (MTA) co-hosted six (6) of the meetings. During the meetings DHR, CSC, and MTA presented each of the proposed rule amendments and answered Labor's questions. Labor did not raise any adverse impacts on their members. Therefore, ERD considers these discussions closed.

Conclusion

The City and County of San Francisco has met its obligations under the Meyers-Milias-Brown Act.

Attachments

- A) 2023.03.13 Post Meeting Memo Proposed CSC Rule Changes IAFF Local 798
- B) 2023.03.13 Post Meeting Memo Proposed CSC Rule Changes POA
- C) 2023.03.21 Post Meeting Memo Proposed CSC Rule Changes MEA

- D) 2023.03.27 Post Meeting Memo Proposed CSC Rule Changes Volumes I and IV
- E) 2023.04.03 Post Meeting Memo Proposed CSC Rule Changes IBEW Local 6
- F) 2023.04.06 Post Meeting Memo Proposed CSC Rule Changes Local 21
- G) 2023.04.10 Post Meeting Memo Proposed CSC Rule Changes SEIU
- H) 2023.04.18 Post Meeting Memo Proposed CSC Rule Changes IAM Local 1414
- I) 2023.04.24 Post Meeting Memo Proposed CSC Rule Changes MSA

City and County of San Francisco
Carol Isen
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Via Email

DATE: March 13, 2023

TO: Floyd Rollins, IAFF Local 798
Adam Wood, IAFF Local 798

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Sandra Eng, Executive Officer, CSC
Ardis Graham, Employee Relations Director
Jonathan T. Wright, Employee Relations Manager
Caitlin Kirke, Employee Relations Representative
Anna Biasbas, Director of Employment Services, DHR
Shawn Sherburne, Assistant Director of Employment Services, DHR
Dave Johnson, Assistant Director of Employment Services, DHR

RE: Proposed Civil Service Commission Rule Changes, Volume III

On Thursday, March 9, 2023, the City and County of San Francisco (City) met with the San Francisco Fire Fighters Union, Local 798 (Local 798 or Union) via Zoom to discuss the Civil Services Commission (CSC) proposed amendments to Civil Service Rules Volume III which were posted by the commission on November 7, 2022 and February 17, 2023.

The CSC and the Department of Human Resources presented and explained the proposed rule amendments which are intended to modernize hiring and recruitment processes and reduce the time to hire.

The Union stated that it is considering the proposed rule changes, and will respond to the City with any questions and identifiable impacts on working conditions, pay, or benefits next week. If we do not hear from you by close of business on Friday, March 17, 2023, we will consider this matter closed. Please feel free to contact Employee Relations with any questions or concerns.

Thank you for your continued partnership.

City and County of San Francisco
 Carol Isen
 Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Via Email

DATE: March 13, 2023

TO: Tracy McCray, President, SF Police Officers' Association

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Rocky Lucia, Rains Lucia Sterns
 Sandra Eng, Executive Officer, CSC
 Ardis Graham, Employee Relations Director
 Jonathan T. Wright, Employee Relations Manager
 Caitlin Kirke, Employee Relations Representative
 Anna Biasbas, Director of Employment Services, DHR
 Shawn Sherburne, Assistant Director of Employment Services, DHR
 Dave Johnson, Assistant Director of Employment Services, DHR

RE: Proposed Civil Service Commission Rule Changes, Volume II

On Thursday March 9, 2023, the City and County of San Francisco (City) met with the San Francisco Police Officers' Association (POA or Union) via Zoom to discuss the Civil Services Commission (CSC) proposed amendments to Civil Service Rules Volume II which were posted by the commission on November 7, 2022 and February 17, 2023.

The CSC and the Department of Human Resources presented and explained the proposed rule amendments which are intended to modernize hiring and recruitment processes and reduce the time to hire.

The Union did not express any concerns with the proposed changes and did not identify impacts on working conditions, pay, or benefits. If we do not hear from you by close of business on Friday, March 17, 2023, we will consider this matter closed. Please feel free to contact Employee Relations with any questions or concerns.

Thank you for your continued partnership.

City and County of San Francisco
 Carol Isen
 Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Via Email

DATE: March 21, 2023

TO: Criss Romero, Executive Director, Municipal Executives' Association
 Christina Fong, Deputy Director, Municipal Executives' Association

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Ardis Graham, Employee Relations Director
 Jonathan T. Wright, Employee Relations Manager
 Caitlin Kirke, Employee Relations Representative
 Anna Biasbas, Director of Employment Services, DHR
 Shawn Sherburne, Assistant Director of Employment Services, DHR
 Dave Johnson, Assistant Director of Employment Services, DHR
 Sandra Eng, Executive Director, CSC
 Lavena Holmes, Deputy Director, CSC
 William Miles II, Talent Acquisition Manager, MTA
 Shana Dines, Sr. Employee & Labor Relations Manager, MTA

RE: Proposed Civil Service Commission Rule Changes, Volume I through IV

On Friday, March 17, 2023, the City and County of San Francisco (City) met with the San Francisco Municipal Executives' Association (MEA or Union) via Zoom to discuss the Civil Services Commission (CSC) proposed amendments to Civil Service Rules Volumes I through IV which were posted by the commission on November 7, 2022 and February 17, 2023.

The CSC, the San Francisco Municipal Transportation Agency, and the Department of Human Resources presented and explained the proposed rule amendments which are intended to modernize hiring and recruitment processes and reduce the time to hire.

The Union did not express any concerns with the proposed changes and did not identify impacts on working conditions, pay, or benefits. If we do not hear from you by close of business on Friday, March 24, 2023, we will consider this matter closed. Please feel free to contact Employee Relations with any questions or concerns.

Thank you for your continued partnership.

City and County of San Francisco
 Carol Isen
 Human Resources Director



Department of Human Resources
Connecting People with Purpose
 www.sfdhr.org

Via Email

DATE: March 27, 2023

TO: Oumar Fall, Field Director, SEIU Local 1021
 Katherine General, Field Director, IFPTE Local 21
 Osha Ashworth, Senior Business Representative, IBEW Local 6
 Ellen Mendelson, Union Counsel, San Francisco City Workers United

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Ardis Graham, Employee Relations Director
 Jonathan T. Wright, Employee Relations Manager
 Caitlin Kirke, Employee Relations Representative, DHR
 Anna Biasbas, Director of Employment Services, DHR
 Shawn Sherburne, Assistant Director of Employment Services, DHR
 Dave Johnson, Assistant Director of Employment Services, DHR
 Sandra Eng, Executive Officer, CSC
 Lavena Homes, Deputy Director, CSC
 Kimberly Ackerman, Human Resources Director, MTA
 William Miles II, Talent Acquisition Manager, MTA
 Shana Dines, Sr. Employee & Labor Relations Manager, MTA

RE: **Proposed Civil Service Commission Rule Changes, Volume I and IV Post Meeting Memo**

On Friday, March 17, 2023, the City and County of San Francisco (City) met with the IFPTE Local 21 (Local 21), SEIU Local 1021 (SEIU), IBEW Local 6 (Local 6), and San Francisco City Workers United (SFCWU) via Zoom to discuss the Civil Service Commission's (CSC) proposed amendments to Civil Service Rules Volumes I and IV posted by CSC on November 7, 2022 and February 17, 2023.

CSC, the San Francisco Municipal Transportation Agency, and the Department of Human Resources provided a presentation explaining the proposed rule amendments which are intended to modernize hiring processes and reduce the time to hire. The Unions raised several questions and concerns regarding the proposed rule changes. Below are the City's responses to the Union's questions. The specific rules are cited for Volume I, but the same rules apply in Volume IV.

Employment Opportunity Website (Civil Service Rules 102.4, 102.25)

Question: Does this language change eliminate the requirement for hard copy postings of recruitments?

Response: The change does not eliminate hard copy postings. In cases where there is an existing agreement

between Unions and City to post hard copies, those agreements would still be valid. Rule 102.25 is defining the term “posting”. All recruitments will continue to be posted on the Employment Opportunity Website.

Minimum Posting Periods (Civil Service Rule 110.3)

Questions: Why is there not a maximum posting period?

Response: Some recruitments require a longer posting period as they are difficult to recruit. There are also continuous class-based tests (CCTs) that are open at all times.

Question: It seems like the main thrust is to reduce the applicant pool.

Response: Reducing announcement posting periods would be implemented based on the considerations written in the rule such as for classifications that have a high level of applicants and low turnover, low labor market availability, etc.

Question: How will the reduction of minimum posting periods impact nursing?

Response: Since nursing uses continuous testing where the recruitment is always open, this change would not impact the current process for posting recruitments for nursing. Reducing the Notice of Inquiry (NOI) would make interviewing faster for nurse hiring. The Department of Human Resources, Department of Public Health, and SEIU will meet separately to discuss RN hiring.

Promotional Applicants (Civil Service Rule 110.11)

Concern: The Unions raised concern regarding allowing exempt employees to qualify for promotional points in Class Based Tests (CBTs).

Response: The proposed change would align promotional points for CBTs with Position Based Tests (PBTs). Exempt candidates currently qualify for these points when they apply to a PBT. This proposed rule change would bring CBTs in line with PBTs, which would simplify the recruitment process for applicants and human resources. Additionally, the proposed language change would fully eliminate the process of verifying satisfactory service for each employee who is eligible for promotional points. This would expedite the exam process, as personnel files are not electronically stored citywide. Under the current system, this is manually carried out by human resources.

Question: Would all employees get the same number of promotional points?

Response: Yes, they will get the same number of promotional points.

Review of Ratings Period (Civil Service Rules 111A.22, 111.13, 111.15, 111.30, 112.7, 112.7.1, 112.7.3, 112.7.3)

Question: Please clarify on the change of language from “inspect” to “review”.

Response: This language change was clean up for consistency across all volumes. It is also to help minimize confusion between the Civil Services' auditing function (known as an inspection service).

Extension of Eligibility (Civil Service Rule 112.3)

Concern: The lists take a long time to make, so there are persons who have not performed the work in a long

time.

Response: The frequency to which someone has performed the work is something that should be addressed through a change in the minimum qualifications for the position in that the individual should have a certain number of years of experience within the past several years.

It is highly unlikely that the City will have a list duration of 48 months. This option is being added to account for emergencies such as COVID, where testing was delayed and eligible lists were expiring.

Exhaustion of the List (Civil Service Rule 113.6)

Question: What happens when a list is exhausted?

Response: The proposed rule change allows for a list to be declared exhausted when there are more vacancies than eligibles. This allows Departments to start a new recruitment process earlier.

Notice of Inquiry (Civil Service Rules 113.10.2, 113.10.3)

Question: Is the proposed change from a max of five days to a minimum of three days with no maximum?

Response: The proposed change would provide the option to reduce the NOI from five business days to three business days. The NOI can be longer based on the considerations written in the rule. As an example, reducing the NOI to three business days would expedite hiring for positions that have very few eligibles on the list.

Question: Concern regarding the reduction of some of the periods, such as the NOI in that some demographics will be left behind, people are working 10-hour days, and over reliance on the internet will hurt some people. Want to make sure it does not hurt some classifications, such as janitors.

Response: Within the proposed changes for the rules relating to time periods, there are considerations that need to be made when determining whether to reduce the time period. For example, the considerations listed in the rule for the NOI states:

“In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to respond, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by eligibles to the means for receiving timely notification, and complexity of the selection procedures.”

And, for the Minimum Posting Periods for Examination Announcements the proposed change adds:

“In establishing the minimum period, the Human Resources Director shall consider, among other factors, number of vacancies, turnover in the classification, labor market availability, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by the labor market to the means for receiving timely notification, and equal employment opportunity and racial equity goals.”

Appeal Language (Civil Service Rules 105.12.1, 105.12.2, 105.12.4)

No questions or concerns were expressed regarding the changes to these rules.

Certification Results (Civil Service Rule 113.11)

No questions or concerns were expressed regarding the changes to these rules.

The Civil Service Commission is responsible for the establishment of standards, procedures and qualifications of employment, recruitment, application, examination, selection, certification and appointment. If you wish to meet and confer on potential identifiable impacts of these proposed changes, please contact Caitlin Kirke at Caitlin.Kirke@sfgov.org. If we do not hear from you by close of business on Tuesday, April 4, 2023, we will consider this matter closed.

Please feel free to contact Employee Relations with any questions or concerns.

City and County of San Francisco
 Carol Isen
 Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Via Email

DATE: April 3, 2023

TO: Osha Ashworth, Assistant Business Manager, IBEW Local 6

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Ardis Graham, Employee Relations Director
 Jonathan T. Wright, Employee Relations Manager
 Caitlin Kirke, Employee Relations Representative
 Anna Biasbas, Director of Employment Services, DHR
 Shawn Sherburne, Assistant Director of Employment Services, DHR
 Dave Johnson, Assistant Director of Employment Services, DHR
 Sandra Eng, Executive Director, CSC
 Lavena Holmes, Deputy Director, CSC
 William Miles II, Talent Acquisition Manager, MTA
 Shana Dines, Sr. Employee & Labor Relations Manager, MTA

RE: Proposed Civil Service Commission Rule Changes, Volume I and IV

On Monday, March 27, 2023, the City and County of San Francisco (City) met with the IBEW Local 6 (Local 6 or Union) via Zoom to discuss the Civil Services Commission (CSC) proposed amendments to Civil Service Rules Volumes I and IV, posted by the CSC on November 7, 2022 and February 17, 2023.

CSC, the San Francisco Municipal Transportation Agency, and the Department of Human Resources answered questions regarding the proposed rule amendments which are intended to modernize hiring and recruitment processes and reduce the time to hire.

The Union did not identify impacts on working conditions, pay, or benefits. If we do not hear from Local 6 by close of business on Monday, April 10, 2023, we will consider this matter closed. Please feel free to contact Employee Relations with any questions or concerns.

Thank you for your continued partnership.

City and County of San Francisco
 Carol Isen
 Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Via Email

DATE: April 6, 2023

TO: Debra Grabelle, Executive Director, IFPTE, Local 21
 Kat General, Field Director, IFPTE, Local 21

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Ardis Graham, Employee Relations Director
 Jonathan T. Wright, Employee Relations Manager
 Caitlin Kirke, Employee Relations Representative
 Anna Biasbas, Director of Employment Services, DHR
 Shawn Sherburne, Assistant Director of Employment Services, DHR
 Dave Johnson, Assistant Director of Employment Services, DHR
 Sandra Eng, Executive Director, CSC
 Lavena Holmes, Deputy Director, CSC
 William Miles II, Talent Acquisition Manager, MTA
 Shana Dines, Sr. Employee & Labor Relations Manager, MTA

RE: Proposed Civil Service Commission Rule Changes, Volume I through IV

On Tuesday, April 4, 2023, the City and County of San Francisco (City) met with IFPTE, Local 21 (Local 21 or Union) via Zoom to discuss the Civil Services Commission (CSC) proposed amendments to Civil Service Rules Volumes I through IV which were posted by the commission on November 7, 2022 and February 17, 2023.

The CSC, the San Francisco Municipal Transportation Agency, and the Department of Human Resources answered questions regarding the proposed rule amendments which are intended to modernize hiring and recruitment processes and reduce the time to hire.

The Union did not identify impacts on working conditions, pay, or benefits. If we do not hear from you by close of business on Friday, April 14, 2023, we will consider this matter closed. Please feel free to contact Employee Relations with any questions or concerns.

Thank you for your continued partnership.

City and County of San Francisco
 Carol Isen
 Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Via Email

DATE: April 10, 2023

TO: Oumar Fall, Field Director, SEIU, Local 1021

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Ardis Graham, Employee Relations Director
 Jonathan T. Wright, Employee Relations Manager
 Caitlin Kirke, Employee Relations Representative
 Anna Biasbas, Director of Employment Services, DHR
 Shawn Sherburne, Assistant Director of Employment Services, DHR
 Dave Johnson, Assistant Director of Employment Services, DHR
 Sandra Eng, Executive Director, CSC
 Lavena Holmes, Deputy Director, CSC
 Kimberly Ackerman, Director of Human Resources, MTA
 William Miles II, Talent Acquisition Manager, MTA
 Shana Dines, Sr. Employee & Labor Relations Manager, MTA

RE: Proposed Civil Service Commission Rule Changes, Volume I and IV

On Wednesday, April 5, 2023, the City and County of San Francisco (City) met with SEIU, Local 1021 (Local 1021 or Union) via Zoom to discuss the Civil Services Commission (CSC) proposed amendments to Civil Service Rules Volumes I and IV which were posted by the commission on November 7, 2022 and February 17, 2023.

The CSC, the San Francisco Municipal Transportation Agency, and the Department of Human Resources answered questions regarding the proposed rule amendments which are intended to modernize hiring and recruitment processes and reduce the time to hire. The Union asked questions regarding the application of the amended rules for the minimum posting period and the notice of inquiry. The City responded to the Union's questions and concerns.

The Union did not identify impacts on working conditions, pay, or benefits. If we do not hear from you by close of business on Monday, April 17, 2023, we will consider this matter closed. Please feel free to contact Employee Relations with any questions or concerns.

Thank you for your continued partnership.

City and County of San Francisco
 Carol Isen
 Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Via Email

DATE: April 17, 2023

TO: Pedro Mendez, Area Director, IAM Local 1414
 Donte Vickers, Business Representative, IAM Local 1414

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Ardis Graham, Employee Relations Director
 Jonathan T. Wright, Employee Relations Manager
 Caitlin Kirke, Employee Relations Representative
 Anna Biasbas, Director of Employment Services, DHR
 Shawn Sherburne, Assistant Director of Employment Services, DHR
 Dave Johnson, Assistant Director of Employment Services, DHR
 Sandra Eng, Executive Director, CSC
 Lavena Holmes, Deputy Director, CSC
 William Miles II, Talent Acquisition Manager, MTA
 Shana Dines, Sr. Employee & Labor Relations Manager, MTA

RE: Proposed Civil Service Commission Rule Changes, Volume I and IV

On Friday April 14, 2023, the City and County of San Francisco (City) met with the IAM Local 1414 (Local 1414 or Union) via Zoom to discuss the Civil Services Commission's (CSC) proposed amendments to Civil Service Rules Volumes I and IV, posted by the CSC on November 7, 2022 and February 17, 2023.

CSC, the San Francisco Municipal Transportation Agency, and the Department of Human Resources answered questions regarding the proposed rule amendments which are intended to modernize hiring and recruitment processes and reduce the time to hire.

The Union did not identify impacts on working conditions, pay, or benefits. If we do not hear from Local 1414 by close of business on Monday, April 24, 2023, we will consider this matter closed. Please feel free to contact the Employee Relations Division with any questions or concerns.

Thank you for your continued partnership.

City and County of San Francisco
 Carol Isen
 Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Via Email

DATE: April 24, 2023

TO: Lisette Adams, President, MSA
 Claire McCaleb, Senior Employee Relations Representative

FROM: Ardis Graham, Employee Relations Director

CC: Jonathan T. Wright, Employee Relations Manager
 Caitlin Kirke, Employee Relations Representative
 Anna Biasbas, Director of Employment Services, DHR
 Shawn Sherburne, Assistant Director of Employment Services, DHR
 Dave Johnson, Assistant Director of Employment Services, DHR
 Sandra Eng, Executive Director, CSC
 Lavena Holmes, Deputy Director, CSC

RE: Proposed Civil Service Commission Rule Changes, Volume I

On Wednesday, April 5, 2023, the City and County of San Francisco (City) met with the Sheriffs' Managers and Supervisors Association (MSA or Union) via Zoom to discuss the Civil Service Commission's (CSC) proposed amendments to Civil Service Rules Volume I, posted by CSC on November 7, 2022 and February 17, 2023.

During the meeting, CSC and the Department of Human Resources (DHR) answered questions regarding the proposed rule amendments which are intended to modernize hiring and recruitment processes and reduce the time to hire. The Union identified concerns with the changes to Rule 110.3 Minimum Posting Period and Rule 112.3 Extension of Eligibility.

The Civil Service Rule changes apply Citywide including to Volumes 2, 3, and 4 applicable to Police sworn ranks, Fire sworn ranks, and MTA Service critical positions, respectively. In the rule changes allowing for a reduction in the time period, including Rule 110.3 Minimum Posting Period, there are criteria in the specific rules for when the period could be shortened. The classifications represented by MSA do not meet the criteria for reducing the posting period, and in fact a reduced period would likely be counterproductive. The City often extends the posting for these classifications to allow more time for your members to apply. DHR oversees the exam process, and only a strong argument based on operational need would convince DHR to consider a reduced posting period. In addition, departments are required to include the length of the posting on the job announcement, so MSA would know if a recruitment is posted for less than ten (10) business days. Further, if the Union raises a concern regarding the posting period to DHR, DHR will work with the Union to resolve the concern.

Regarding the Union's concern with the change to Civil Service Rule 112.3 Extension of Eligibility, this change is in response to the extraordinary measures taken in the City's effort to sustain its workforce during the pandemic-related shutdown of services including creation of eligible lists. This change would give the Human

Resources Director the authority to extend lists in extraordinary circumstance without requiring Mayoral or CSC action. This change also aligns Volume 1 with Police and Fire rules wherein a 48-month list duration has always been an option.

DHR recognizes the impediments to career advancement that an extended list duration places on members who “just missed” the eligibility cutoff. DHR also recognizes the frustration of eligibles who are “next up” for promotion when a list is about to expire., and the delicate balancing of those opposing interests. DHR prefers, absent extraordinary circumstances, a consistent process wherein members know well in advance the requirements and specifics regarding promotional opportunities. Finally, DHR reviewed the length of the eligible lists for MSA classifications and none of the lists in the past five (5) years went beyond two (2) years duration.

Please contact Employee Relations Representative Caitlin Kirke at Caitlin.kirke@sfgov.org with any further questions or concerns. If we do not hear from MSA by close of business on Monday, May 1, 2023, we will consider this matter closed.

Thank you for your continued partnership.

ATTACHMENT B



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED
MAYOR**

**MEMORANDUM
CSC NO. 2023 – 01**

Date: February 17, 2023

To: Department Heads
Department Personnel Officers
Employee Organization Representatives

From: Sandra Eng
Executive Director

Subject: **Notice of Posting:**
Proposed Amendments to Civil Service Commission Rule Series 002, Definitions, 010 Examination Announcements and Applicants, 011 Examinations: 011A Position-Based Testing, 012 Eligible Lists, and 013 Certification of Eligibles in Volumes I – IV.

At the Regular Meeting of December 19, 2022, and the Special Meeting of January 25, 2023, the Department of Human Resources and the Municipal Transportation Agency proposed amendments to Rule Series 002 Definitions, 010 Examination Announcements and Applicants, 011 Examinations, 011A Position-Based Testing, 012 Eligible Lists, and 013 Certification of Eligibles to modernize and expedite hiring. The Civil Service Commission (Commission) adopted the report and directed the Executive Officer to post the proposed rule amendments with modifications made by the Commission. The Department of Human Resources and the Municipal Transportation Agency will meet and confer with represented collective bargaining unions on potential impacts of the proposed changes.

If you have additional questions, please contact me at Sandra.Eng@sfgov.org.

Attachments

cc: Jaqueline Minor, President, Civil Service Commission
Kate Favetti, Vice President, Civil Service Commission
Douglas Chan, Commissioner, Civil Service Commission
FX Crowley, Commissioner, Civil Service Commission
Elizabeth Salvesson, Commissioner, Civil Service Commission

Rule Revisions Amended

Deletions in ~~strikethrough~~ – Additions in underline

Rule 102 Definitions

Applicability: Rule 102 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

<u>Sec. 102.1</u>	<u>Appointment</u>
<u>Sec. 102.2</u>	<u>Appointing Officer</u>
<u>Sec. 102.3</u>	<u>Appointment Date</u>
<u>Sec. 102.4</u>	<u>Bulletin Board / Employment Opportunity Website</u>
<u>Sec. 102.5</u>	<u>Certification Date</u>
<u>Sec. 102.6</u>	<u>Charter</u>
<u>Sec. 102.7</u>	<u>City</u>
<u>Sec. 102.8</u>	<u>Civil Service Department</u>
<u>Sec. 102.9</u>	<u>Class</u>
<u>Sec. 102.10</u>	<u>Classification Plan</u>
<u>Sec. 102.11</u>	<u>Classified Service</u>
<u>Sec. 102.12</u>	<u>Commission</u>
<u>Sec. 102.13</u>	<u>Commissioner</u>
<u>Sec. 102.14</u>	<u>Department</u>
<u>Sec. 102.15</u>	<u>Department of Human Resources</u>
<u>Sec. 102.16</u>	<u>Eligible</u>
<u>Sec. 102.17</u>	<u>Eligible List</u>
<u>Sec. 102.18</u>	<u>De-Identification</u>
<u>Sec. 102.19</u>	<u>Executive Session</u>
<u>Sec. 102.20</u>	<u>Human Resources Director</u>
<u>Sec. 102.21</u>	<u>Layoff</u>
<u>Sec. 102.22</u>	<u>Near List</u>
<u>Sec. 102.23</u>	<u>Part-Time Employment</u>
<u>Sec. 102.24</u>	<u>Position</u>
<u>Sec. 102.25</u>	<u>Post</u>
<u>Sec. 102.26</u>	<u>School Districts</u>
<u>Sec. 102.27</u>	<u>Seniority</u>
<u>Sec. 102.28</u>	<u>Service</u>
<u>Sec. 102.29</u>	<u>Start Work Date</u>
<u>Sec. 102.30</u>	<u>Time Periods</u>
<u>Sec. 102.31</u>	<u>Validation Date</u>

Rule 102

Definitions

Applicability: Rule 102 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Unless otherwise required by the context, the words listed below and as used in these Rules have the following meanings:

Sec. 102.1 **Appointment**

102.1.1 **Permanent Civil Service**

An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.

102.1.2 **Probationary**

Status of civil service employees during a trial period following permanent appointment.

102.1.3 **Temporary Civil Service**

An appointment made to a temporary position as a result of certification from an eligible list

102.1.4 **Provisional**

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which in either case, is time limited as provided elsewhere in these Rules.

102.1.5 **Exempt**

An appointment to a permanent or temporary position exempt from being filled from an eligible list in accordance with the provisions of Section 10.104 of the Charter.

Sec. 102.2 **Appointing Officer**

The head of an organizational unit having appointive authority within the organizational unit and the powers of a department head as defined by former Charter Section 3.501 as enacted into ordinance under Charter Section 18.103.

Sec. 102.3 **Appointment Date**

The date on which an appointing officer notifies the Department of Human Resources of his or her selection from a list of eligibles certified by the Department of Human Resources.

Sec. 102.4 **Bulletin Board**

The official bulletin boards, so designated, at the Civil Service Department and Department of Human Resources, used for posting of examinations and public announcements of the Commission and Department of Human Resources.

Sec. 102.4.1 **Employment Opportunity Website**

The City's official employment opportunity website, so designated used for posting of examinations, recruitments, and public announcements of the Department of Human Resources.

Sec. 102.5 **Certification Date**

The date on which the Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill a position.

Sec. 102.6 **Charter**

The Charter of the City and County of San Francisco.

Sec. 102.7 **City**

The City and County of San Francisco.

Sec. 102.8 **Civil Service Department**

The administrative office of the Commission under the direction of the Executive Officer.

Sec. 102.9 **Class**

A position or group of positions for which a common descriptive job title may be used.

102.9.1 **Job Code**

The term job code is used within the Human Resources classification system interchangeably with the Civil Service/Charter term class or classification.

Sec. 102.10 **Classification Plan**

All the classes which have been established, the procedures for maintaining the plan, and the specifications or descriptions of each of the classes.

Sec. 102.11 **Classified Service**

Includes all positions in the City service subject to competitive examination.

Sec. 102.12 **Commission**

The administrative body of Civil Service Commissioners empowered to enforce the civil service provisions of the Charter.

Sec. 102.13 **Commissioner**

A member of the Civil Service Commission of the City and County of San Francisco, appointed by the Mayor.

Sec. 102.14 **Department**

Organizational unit or units under one appointing officer.

Sec. 102.15 **Department of Human Resources**

The Department charged with administering the policies, Rules, and procedures of the Civil Service Commission and performing such other duties and functions as set forth in the Charter.

Sec. 102.16 **Eligible**

A person who has standing on an eligible list.

Sec. 102.17 **Eligible List**

A confidential list of names of applicants who have passed a civil service examination used for certification purposes only. Applicant information, including names of applicants on eligible lists, shall not be made public, unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

102.17.1 **Eligible List Examination Score Report**

A list of scores by rank of successful applicants, without names.

Sec. 102.18 **De-Identification**

De-Identification is the process of redacting candidates' information, including names, addresses, schools attended, and other personal identifying information to reduce the potential of biases (implicit or explicit) in the examination or selection process.

Sec. 102.19 **Executive Session**

A meeting or part of a meeting of the Commission legally held in private or with the general public excluded.

Sec. 102.20 **Human Resources Director**

Director of the Department of Human Resources.

Sec. 102.21 **Layoff**

Separation from a position because of economy, lack of funds, or lack of work.

Sec. 102.22 **Near List**

An eligible list or a holdover roster in a class similarly related to a class for which there is no eligible list from which the Human Resources Director may authorize the certification of eligibles for temporary civil service appointment.

Sec. 102.23 **Part-Time Employment**

Part-time employment is regularly scheduled, less than full-time, permanent or temporary appointment to a permanent or temporary position.

Sec. 102.24 **Position**

Duties and responsibilities assigned by an appointing officer to be performed by one employee.

102.24.1 **Permanent**

A collection of duties, regardless of the source and nature of the funds, performed by one individual, which represent the ongoing work of the City and County. Such position(s) may be either:

- 1) enumerated in the Annual Salary Ordinance or Salary Resolutions of the School Districts for which funds have been provided on a continuing basis; or
- 2) a position declared to be permanent by action of the Human Resources Director.

Sec. 102.24 **Position (cont.)****102.24.2 Temporary**

A position in which the duties and responsibilities exist for a maximum duration of 1040 hours except in the case of a special project, defined elsewhere in these Rules, for up to a maximum duration of 2080 hours.

102.24.3 Part-Time

Positions less than the established full-time normal schedule of hours per day or days per week.

102.24.4 Exempt

Temporary or permanent positions excluded from civil service hiring and removal procedures in accordance with the provisions of Section 10.104 of the Charter.

102.24.5 School-Term Only

Positions in the School Districts established for school term periods only.

102.24.6 As-Needed

A temporary or provisional appointment on either a full-time or part-time work schedule against a temporary requisition designated as as-needed to cover peak workloads, emergency extra workloads, necessary relief, and other situations involving a fluctuating staff.

Sec. 102.25 **Post**

~~To publish on the employment opportunity website.~~ To place on the official Bulletin Board or to publish on the employment opportunity website.

Sec. 102.26 **School Districts**

San Francisco Unified School District and San Francisco Community College District.

Sec. 102.27 **Seniority****102.27.1** **Civil Service - Permanent**

Seniority shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior. Employees who resign or are terminated and subsequently are reappointed shall have their seniority determined by their new certification date following separation.

102.27.2 **Civil Service - Temporary (from eligible list)**

Seniority shall be determined by the date of certification which resulted in a temporary appointment to a temporary position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.

102.27.3 **Departmental**

Seniority for shift and work assignments, vacation or holiday schedule is determined by the appointing officer and is not within the authority of the Civil Service Commission or the Department of Human Resources.

Sec. 102.28 **Service**

The City and County of San Francisco government service, including the classified positions in the School Districts.

Sec. 102.29 **Start Work Date**

The date on which an appointee is first reported on the timeroll as working.

Sec. 102.30 **Time Periods**

Reference to time periods, such as one week or one month, etc., shall mean calendar days unless the Rule specifically refers to business days.

Sec. 102.31 **Validation Date**

The date on which the Department of Human Resources notifies an appointing officer that it has approved an appointment.

Rule 110

Examination Announcements and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: Article I, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Article II: Examination Announcements

Applicability: Article II, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and, MTA Service-Critical classes.

Article III: Applicants

Applicability: Article III, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes.

Rule 110

Examination Announcements and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: Article I, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Sec. 110.1 Civil Service Commission Equal Employment Opportunity Policy Related to Examination Announcements and Application Procedures

It is the goal and policy of the Civil Service Commission to achieve a work force that is fully reflective of the multicultural, ethnic, and gender diversity of the City and County of San Francisco. The Human Resources Director shall conduct outreach for the purpose of announcing upcoming examinations. Outreach shall include such procedures among others as periodic mailings, job fairs, and presentations to inform the public of the employment opportunities and the examination process within the civil service merit system.

Rule 110

Examination Announcements and Applicants

Article II: Examination Announcements

Applicability: Article II, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical classes.

Sec. 110.2 Examination Announcements

The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates, and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

Sec. 110.3 Minimum Posting Periods for Examination Announcements

Examination announcements shall be posted on the City's official bulletin board employment opportunities website for a minimum period as determined by the Human Resources Director not to be less than three (3) business days. ~~of five (5) workdays for entrance examinations, and ten (10) workdays for promotional examinations. Examination announcements for promotional examinations shall be distributed to all City and County departments. In establishing the minimum period, the Human Resources Director shall consider, among other factors, number of vacancies, turnover in the classification, labor market availability, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by the labor market to the means for receiving timely notification, and equal employment opportunity and racial equity goals.~~ Appointing officers shall make reasonable efforts to properly notify employees. DHR will, on a regular basis, report to the CSC on the progress of advance notification of upcoming employment opportunities for postings of five (5) days or less on the employment opportunity website.

Sec. 110.4 Appeals of Examination Announcements

Appeals concerning the provisions of an examination announcement must be received by the Human Resources Director within five (5) business days from the issuance date. The Human Resources Director shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

Sec. 110.5 Reissuance of Examination Announcements

After considering appeals submitted under these Rules, the Human

Resources Director may reissue an examination announcement. When reissued, an examination announcement is not open to appeal.

Sec. 110.6 **Correction of Examination Announcements**

Examination announcements may be corrected by the Human Resources Director with respect to clerical errors, misprints, and incorrect wording by posting notice of such corrections next to the original examination announcement. When examination announcements are corrected under the provisions of this section, additional time shall not be allowed for the protest or appeal of the substantive provisions contained in the original examination announcement.

Rule 110

Examination Announcements and Applicants

Article III: Applicants

Applicability: Article III, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical classes.

Sec. 110.7 **Recruitment of Applicants**

Recruitment shall be conducted to attract qualified applicants and to maximize the multicultural, ethnic, and gender diversity of the workforce in the City and County of San Francisco. Where appropriate or needed, the Human Resources Director shall conduct targeted outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified members of underrepresented groups.

Sec. 110.8 **Definition of an Applicant**

An applicant is a person who has filed an application for examination within the time limits or under the conditions specified on the examination announcement.

Sec. 110.9 **Qualifications of Applicants**

110.9.1 Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement for the examination. Experience gained in violation of Commission Rules shall not be recognized. City and County employees shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees may receive credit for duties not usually performed by incumbents in a class if their employee file contains contemporaneous documentation that the duties were assigned and performed. By way of example but not limitation, records that describe and verify the out-of-class assignment that may be accepted as documentation include a valid performance appraisal completed during the normal evaluation period, payroll records filed at the time of the assignment and Notice of Assignment. Credit for duties not usually performed by incumbents in a class based on non-contemporaneous documentation shall require the certification of the Appointing Officer and the approval of the Human Resources Director.

Sec. 110.9 **Qualifications of Applicants**

110.9.2 Except with permission of the Human Resources Director, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class nor for a class in which the employee has current permanent appointment.

Sec. 110.10 **Review of Applicant Pool Demographics**

When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Human Resources Director shall review the ethnic and gender demographics of the pool of qualified applicants.

Where the pool of applicants does not reflect the demographics of the relevant labor market, and upon consideration of factors such as the number of anticipated vacancies and the level of underrepresentation, the Human Resources Director may take such action as appropriate including extending the filing period, reopening the examination for filing, or canceling the examination.

Sec. 110.11 **Promotional Applicants**

Applicants for promotive only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, ~~civil service employees with permanent, probationary, temporary civil service, or holdover status and who have had six (6) months of verifiable satisfactory experience in any class in any status (including provisional) qualify promotionally. employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.~~

Sec. 110.12 **Change of Address**

In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or an employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Sec. 110.13 **Custody of Examination Applications**

Examination applications and supporting documents become the property of the Department of Human Resources when received. Return of such documents shall require the approval of the Human Resources Director.

Rule 111

Examinations

Article I: Examination Provisions

Applicability: Article I, Rule 111, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

Article II: Examination Process

Applicability: Article II, Rule 111, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

Article III: Veterans Preference in Examinations

Applicability: Article III, Rule 111, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

Rule 111

Examinations

Article I: Examination Provisions

Applicability: Article I, Rule 111, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

Sec. 111.1 Civil Service Commission Equal Employment Opportunity Policy Related to the Conduct of Examinations

111.1.1 It is the policy of the Civil Service Commission that job-related criteria be utilized in establishing minimum qualification requirements and developing examination procedures, without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parent status, domestic partner status, color, medical condition (cancer-related), ethnicity or the conditions Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions or other non-merit factors or any other category provided by ordinance.

111.1.2 The Human Resources Director shall make every effort to ensure the representation of women and minorities on examination boards, panels and screening committees.

Sec. 111.2 Human Resources Director Empowered to Act

The Human Resources Director shall rule on all matters concerning the examination program in accordance with these Rules.

Sec. 111.3 Requirement to Conduct Examinations

111.3.1 Except for reasons beyond the Human Resources Director's control, the Human Resources Director shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.

111.3.2 Except for reasons beyond the Human Resources Director's control, the Human Resources Director will make every attempt, on a priority basis, to commence work required to conduct examinations at least sixty (60) days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.

Sec. 111.3 Requirement to Conduct Examinations (cont.)

111.3.3 Where possible, the Human Resources Director, or designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

Sec. 111.4 Requirement for Competitive Examinations

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three (3) or more persons participate. However, any such examination may be held for less than three (3) qualified applicants with the approval of the Human Resources Director after a finding that reasonable publicity of the proposed examination has been given. Notice of such determination by the Human Resources Director will be provided to the employee organization(s) representing employees within the classification.

Sec. 111.5 Examinations Without Charge

Examinations shall be without charge to the applicants.

Sec. 111.6 Apprenticeship Positions

Appropriate rosters of eligibles established by a trade, craft, or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists.

Sec. 111.7 Adequacy of Examinations

Subject to the approval of the Commission, the Human Resources Director, subject to appeal to the Civil Service Commission, shall judge the adequacy of the examination to rate the capacity of the applicants to perform service for the City and County.

Sec. 111.8 Establishing Cutoff Scores and Number on Eligible Lists

For each selection procedure, the Human Resources Director shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list based on the needs of the Service, equal employment opportunity principles and goals. Once established, the cutoff score shall not be changed.

Sec. 111.9 **Cheating or Fraud in Examinations**

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the Human Resources Director.

111.9.1 **Aid, Hindrance, Fraud and Collusion in Examinations**

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Any eligible securing standing on a list by fraud, concealment of fact or violation of Commission Rules shall be removed from such list and if certified or assigned to a position shall be removed therefrom.

Sec. 111.10 **Copying of Examination-Related Materials**

The copying or the making of notes or outlines of examination-related materials is prohibited.

Sec. 111.11 **Rating Keys - Written Examinations Other Than Essay Questions**

111.11.1 Written examinations other than essay questions are defined as those tests which present answers that may be available for inspection. Typical formats of written examinations include multiple-choice, true-false, or fill-in.

Sec. 111.11 Rating Keys - Written Examinations Other Than Essay Questions (cont.)

- 111.11.2** The examination booklet in written examinations, if not exempted from inspection privileges, shall state the time period where participants in an examination may review the rating key to be used for scoring. No changes in the rating key shall be made after the passing score has been established.
- 111.11.3** Inspection of the rating key is for the purpose of determining if any of the questions asked or answers are ambiguous, incorrect, or improper. Appeals concerning the rating key must be completed in the inspection room on forms supplied by the Department of Human Resources. Appeals must include substantiating data or authoritative references. If any appeals have been filed, an additional period for review of appeals and submission of counter-appeals will be provided. The Human Resources Director shall act on all appeals. The decision of the Human Resources Director shall be final.
- 111.11.4** Inspection privileges shall not apply to questions and answers in a continuous or standardized examination. The Human Resources Director may delete obsolete or erroneous questions or answers from any examination exempted by this Rule for inspection privileges prior to the establishing of a passing mark.

Sec. 111.12 Inspection of Rating Keys by Review Committee

- 111.12.1** The examination announcement may provide for review of questions and answers by a review committee in those examinations where large numbers of appeals might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three (3) or more persons expert in the field of subject matter covered by the examination.
- 111.12.2** The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the Human Resources Director for approval. The rating key, when approved by the Human Resources Director, shall be made available for review by participants in the examination for a minimum period of two days. The time allowed for such review may be extended if in the judgment of the Human Resources Director, the number of applicants warrants. The participants may appeal to the Human Resources Director concerning only those questions or answers where documented claim of significant error is made. The decision of the Human Resources Director shall be final. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

Sec. 111.13 **Inspection Review of Papers Ratings by Unsuccessful Candidates**

Where there are remaining parts of an examination, unsuccessful candidates may ~~inspect~~ review their papers rating during a ~~two (2)~~ day minimum period as determined by the Human Resources Director not to be less than three (3) business days and specified by the notice informing them of their scores. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and complexity of the examination ratings. Such ~~inspection~~ review shall be for the sole purpose of determining that the computation of the score has been accurate.

Sec. 111.14 **Oral Interview and Other Selection Tests - Definition and Appeals**

This Rule section shall govern examination procedures such as oral interviews, performance tests, work sample tests, essay questions, and assessment center exercises.

111.14.1 **Procedures and Practices**

- 1) The orientation of the raters may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal characteristics needed by employees in the class, and related information. The department head or representative shall not discuss any candidate with any rater at this time or any other time prior to the completion of the examination.
- 2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by any rater.
- 3) No rater shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the rater so that it would be difficult to make an impartial rating. If possible, the excused rater shall be replaced by an alternate with similar qualifications.
- 4) Raters may only consider relevant documents from candidates that are required by the scheduling notice.
- 5) Uniform standards shall be applied to every candidate in each examination. The minimum passing rating must be related to a class, not to a single position within a multiple-position class, unless specified by the examination announcement.

Sec. 111.14 **Oral Interview and Other Selection Tests - Definition and Appeals**
(cont.)

111.14.1 **Procedures and Practices (cont.)**

- 6) Except as otherwise permitted by law, applicants shall not be questioned regarding their race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, medical condition (cancer-related), ethnicity, or the conditions Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions or other non-merit factors; nor shall such factors be utilized in establishing minimum qualification requirements and developing examination procedures.
- 7) Recordings of an examination shall be retained until the eligible list is adopted. A defective recording shall not invalidate the examination unless the Human Resources Director finds the omitted or unintelligible material critically relevant to the examination, in which event the Human Resources Director may order a new examination.
- 8) In the event of an appeal that could invalidate the examination, all other candidates whose standing in the examination may be affected shall be notified of the appeal prior to final action being taken.
- 9) Any violation of the following procedures and practices by candidates may be cause for disqualification:
 - no fraternal rings, organization pins or insignia of any kind shall be displayed by any candidate;
 - no candidate shall discuss her or his candidacy or any relationship thereto with any rater prior to the completion of all parts of the examination and the final adoption of the eligible list; and
 - unless expressly directed by the notice to candidates to report for examination, no letters of reference or recommendation, performance evaluations, work samples, work products, awards, certificates, or other materials shall be presented to the raters.

Sec. 111.14 **Oral Interview and Other Selection Tests - Definition and Appeals**
(cont.)

111.14.2 **Appeals**

- 1) An appeal based on personal bias or competence of a rater shall be made by a candidate to the designated representative of the Department of Human Resources present at the examination immediately prior to participation in this phase of the examination. The candidate shall then proceed with the examination. If such appeal is sustained, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged raters. If more than one-half of the raters are successfully challenged, a new rating board shall be constituted, unless more than one rating board has been convened for the examination, in which case the candidate shall be examined by an alternate rating board of equal number.
- 2) An appeal based on the conduct of the raters must be made in writing and filed with the Human Resources Director not later than the second (2nd) business day after the examination was held and must be based on a claim of bias, malfeasance, or misfeasance of board members; documented inconsistencies, or any questions propounded by the raters which occur during any examination which require an answer in conflict with any Federal, State or City and County laws, rules, or regulations. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.
- 3) An appeal based on inconsistencies in examination administration shall be made in writing and filed with the Human Resources Director not later than the (5th) business day after the examination.
- 4) In acting on appeals, only the applications, records, and questions and answers which constitute the record of the examination shall be considered. Appeals will only be sustained when the candidate presents evidence that clearly substantiates a charge or charges as to the above listed items. In the absence of an appeal under this section, later appeals shall be precluded.

Sec. 111.15 **Inspection-Review of Ratings by Participants**

- 111.15.1** Composite ratings for examinations administered under this section shall be available for a minimum period not to be less than three (3) business days as determined by the Human Resources Director of two (2) working days during which period each participant may inspect review their own ratings. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and complexity of the examination ratings. The identity of the examiner giving any mark or grade shall not be disclosed.
- 111.15.2** Any appeal shall be filed in writing within the inspection-review period and shall be limited to failure of the raters to apply uniform standards. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the specific grounds for the appeal and provide facts shall nullify the appeal.
- 111.15.3** All appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules. Appeals shall not be considered merely because candidates believe they are entitled to a higher score. Neither the Commission nor the Human Resources Director shall substitute their judgment for the judgment of the raters. Ratings of less than the minimum passing score shall not be raised to more than the minimum passing score.
- 111.15.4** No evidence or documents shall be presented, which were not presented to the raters, unless the candidate was denied the opportunity to do so.
- 111.15.5** In the absence of an appeal under this section, later appeals shall be precluded.

Sec. 111.16 **Authorization for Flexible Staffing Program**

The Human Resources Director is authorized to establish flexible staffing programs to promote permanent civil service employees past the probationary period to higher classes within an occupational series or to another series by methods other than traditional selection procedures. In establishing a flexible staffing program, the Human Resources Director shall consider, among other factors, length of permanent service, performance appraisal ratings, availability of positions, budgetary restrictions, and equal employment opportunity. The specific procedures and qualifications established shall be listed in the flexible staffing examination announcement for the class(es) involved.

Sec. 111.17 Authorization for Exempt to Permanent Status Program

Pursuant to the Forty-Eighth Supplement to the Mayoral Emergency Declaration, the Human Resources Director is authorized to establish programs giving exempt employees the opportunity to transition to permanent status. The exempt employee must have successfully served in an exempt status for a minimum of one (1) year. In establishing the program, the Human Resources Director shall consider, among other factors, active holdover rosters where qualified eligibles exist, availability of positions, budgetary restrictions, equal employment opportunity and Office of Racial Equity goals.

The specific procedures and qualifications established shall be listed in the examination announcement for the classifications involved. Eligibles processed in this manner will be placed on an eligible list. This rule shall only apply to Exempt Category 18: Special Projects and Professional Services. The certification rule for all eligible lists established under this program shall be Rule of the List. Determination of the appropriate eligible list from which to make appointments if there is an active eligible list in the job classification is at the discretion of the Human Resources Director subject to criteria submitted to and approved by the Civil Service Commission.

Decisions by the Human Resources Director shall be subject to appeal to the Civil Service Commission whose decision shall be final. In view of the urgency and time limitations, an expedited report and hearing process utilizing special meetings of the Commission where a quorum is present may be considered.

The Human Resources Director shall submit monthly reports to the Civil Service Commission on the progress of the temporary program.

Inquiries and complaints on this program submitted to the Civil Service Commission office under its Charter authorizes Inspection Services and shall continue to be investigated and resolved.

Consistent with the provisions of the Forty-Eighth Supplement to the Mayoral Emergency Declaration, this Rule shall expire December 15, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.

Rule 111

Examinations

Article II: Examination Process

Applicability: Article II, Rule 111, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

Sec.111.18 **Charter Authority**

The examination program shall be in accordance with the provisions of the Charter. The Human Resources Director shall rule on all matters concerning the examination program as provided elsewhere in these Rules.

Sec. 111.19 **Announcement**

The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.

Sec.111.20 **Protests of Examination Announcements**

Appeals concerning the provisions of an announcement must be received by the Department of Human Resources within seven (7) business days from the issuance date. The Human Resources Director will rule upon appeals and notify petitioners in writing. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

Sec.111.21 **Reissuance of Examination Announcements**

After considering appeals submitted in accordance with this Rule, the Human Resources Director may reissue the announcement. When reissued, an examination announcement is not subject to the appeal procedure.

Sec.111.22 **Official Time Periods**

Examination announcements shall set forth time limits for determination of the qualifications of applicants.

Sec.111.23 — Promotional Applicants

~~111.23.1~~ — Applicants for promotional examinations shall meet the requirements of the examination announcement under which they apply and be eligible to participate in examinations on a promotive basis as defined by this Rule.

~~111.23.2~~ — The following employees who are otherwise qualified are entitled to participate in examinations on a promotive basis if they meet the service requirements specified below:

- ~~1)~~ — Employees with permanent status who have completed the probationary period;
- ~~2)~~ — Employees with permanent civil service, probationary, or certified temporary status currently on authorized leave of absence;
- ~~3)~~ — Employees with holdover rights;
- ~~4)~~ — Employees serving a probationary period in a different class but who were last employed in a next lower rank class as a certified temporary, probationary, or permanent employee past the probationary period;
- ~~5)~~ — Appointees from a regular adopted eligible list to a non permanent position other than a "near list" appointment;
- ~~6)~~ — Employees serving a probationary period.

~~111.23.3~~ — All employees entitled to participate in promotive examinations as outlined above shall meet the following requirements:

- ~~1)~~ — A period of six (6) months of service in the class or for the period provided in the examination announcement in any status; AND
- ~~2)~~ — Certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the forms and in the manner prescribed by the Human Resources Director.

Sec.111.2423 Means of Identification

~~111.2423.1~~ The Human Resources Director shall determine the method of candidate identification to be used in written and performance examinations.

Sec.111.2423 Means of Identification (cont.)

- 111.2423.2** When the sealed identification method is used, candidates are prohibited from making identifying marks on their examination papers. The examination papers of a candidate who makes identifying marks may be canceled. Sealed identification sheets of successful candidates may not be opened until all ratings and the passing mark are final.
- 111.2423.3** Where a number of candidates have competed in two (2) or more examinations in a series and at least one candidate has passed one and failed one of the examinations, the identification sheets of the candidates who have failed one examination may be opened prior to the qualifications appraisal interview but only for the purpose of determining which candidates should participate in the qualifications appraisal interview. Under no circumstance may the score on the examination passed be divulged by the Department of Human Resources prior to the posting of the tentative eligible list.

Sec.111.2524 Cheating or Fraud in Examinations

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the Human Resources Director.

111.2524.1 Aid, Hindrance, Fraud and Collusion in Examinations

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Sec.111.2524 Cheating or Fraud in Examinations (cont.)**111.2524.1 Aid, Hindrance, Fraud and Collusion in Examinations (cont.)**

Any eligible securing standing on a list by fraud, concealment of fact or violation of Commission Rules shall be removed from such list and if certified or assigned to a position shall be removed therefrom.

Sec.111.2625 Copying of Examination Questions

The copying of examination questions or the making of notes or outlines regarding an examination is prohibited.

Sec.111.2726 Rating Keys

111.2726.1 The examination booklet in examinations not exempted from inspection privileges shall provide the time period wherein participants in an examination may review the rating key to be used for scoring. Participants in an examination shall be allowed only one review of the rating key unless otherwise ordered by the Human Resources Director. No changes in the rating key shall be made after the identification sheets of any participants have been opened.

111.2726.2 Inspection of the rating key is for the purpose of correcting errors in the key or determining if any of the questions asked are ambiguous or incorrectly phrased. Protests concerning the rating key must be filled out in the inspection room on forms supplied by the Department of Human Resources. Petitions must include substantiating data or authoritative references. If any protest has been filed, an additional period for review of protests and submission of counter-protests will be provided.

Sec. 111.2827 Rating Keys - Continuous Examination

111.2827.1 Inspection privileges shall not apply to questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written examination. This includes examinations under the continuous testing program.

111.2827.2 The Human Resources Director may order obsolete or erroneous questions deleted from any examination exempted by this Rule from inspection privileges.

Sec. 111.2928 Inspection of Rating Keys by Review Committee

- 111.2928.1** Notwithstanding any other provision of these Rules, the examination announcement may provide for review of questions and answers thereto by a review committee in those examinations wherein large numbers of protests on key answers might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three (3) or more persons expert in the field of subject matter covered by the examination.
- 111.2928.2** The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the Human Resources Director for approval. Such rating key when approved by the Human Resources Director shall be made available for review by participants in the examination for a period of two (2) days. The time allowed for such review may be extended if, in the judgment of the Human Resources Director, the number of applicants warrants. The participants may appeal to the Commission concerning only those questions or answers wherein documented claim of significant error is made. If any appeals have been filed, an additional period for submission of counter-arguments will be provided. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

Sec.111.3029 Examination Passing Mark

- 111.3029.1** For each examination, the Human Resources Director shall establish a passing mark or shall determine the total number of persons to be included on the list of eligibles based on the needs of the service.
- 111.3029.2** No changes in the passing mark shall be made after the identification sheets have been opened.

Sec.111.3130 Inspection Review of Papers Ratings by Unsuccessful Candidates

Where there are remaining parts of an examination, and where the examination is not exempted from ~~inspection review~~ under these Rules, unsuccessful candidates may ~~inspect review~~ their ~~papers-ratings~~ during a ~~two (2) day~~ minimum period as determined by the Human Resources Director not to be less than three (3) business days and specified by the notice informing them of their scores. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and complexity of the examination ratings. Such ~~inspection review~~ shall be for the sole

purpose of determining that the scoring has been accurate.

Sec.111.3231 Veterans Preference in Examinations

- 111.3231.1** Veterans preference in examinations completed on or after July 7, 1976, shall be administered in accordance with these Rules.
- 111.3231.2** The following definitions apply to the administration of this section:
- 1) Completion date of an examination: The date the eligible list is adopted or on which all competitive parts of the examination have been administered and the passing mark set.
 - 2) Time for filing claim: Applicants must claim preference on the original application form or pre-application form, whichever is filed first. All such claims or withdrawals of claims must be made prior to participation in the first part of the test to be administered.
 - 3) First entitlement to claim preference: The date upon which the applicant was first separated from active duty service, including separations for re-enlistment purposes, and such service would have qualified the applicant to claim preference under the then-current requirements.

Sec.111.3332 Qualifications Appraisal Interview - Procedures and Appeals**111.3332.1 Procedures and Practices**

- 1) The orientation of the qualifications appraisal board may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal characteristics needed by employees in this class, and related information. The department head or representative shall not discuss any candidate with any member or members of the qualifications appraisal board at this time or any other time prior to the completion of the examination.
- 2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by the board members in any qualifications appraisal interview nor shall such rings, pins, or insignia be worn by any candidate who appears before such a board.
- 3) No board member shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the board member so that it would be difficult to make an impartial rating.

Sec.111.3332 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**111.3332.1 Procedures and Practices (cont.)**

- 4) No candidate shall discuss her/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.
- 5) No letters of reference or recommendation shall be presented to the qualifications appraisal board.
- 6) The board may consider relevant documents such as specified in examination announcements.
- 7) In all qualifications appraisal interviews, the same standards shall apply to all candidates who appear for the same class.
- 8) The minimum passing or qualifying rating must be related to a class, not to a single position within a multiple position class.
- 9) No applicant for public employment shall be questioned as to political views, religious beliefs, labor affiliations, or racial extraction.
- 10) Recordings of qualifications appraisal interviews shall be retained only until all ratings become final and any timely litigation based thereon has been resolved. A defective recording shall not invalidate the interview unless the Human Resources Director finds the omitted or unintelligible material critically relevant to the case, in which event the Human Resources Director may authorize a second interview or order a new examination.
- 11) In the event of any challenge of an examiner or of any ratings in qualifications appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.

111.3332.2 Challenge of Board Members

- 1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.

Sec.111.3332 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**111.3332.2 Challenge of Board Members (cont.)**

- 2) Any challenge as to personal bias or competence of a person serving as an examiner in a qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Commission following denial by the Human Resources Director, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board. If more than one-half of the board members are successfully challenged, then the Human Resources Director shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.
- 3) Any appeal or challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and presented to the representative of the Examination Unit not later than the second (2nd) business day on which the qualifications appraisal interview was held. Challenges based on bias, malfeasance, or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules before the identification sheets of those admitted to the oral examination are opened and scores of the participants are known.
- 4) The Commission, in acting on a challenge or appeal of the conduct of the qualification appraisal board, shall consider only the applications, records, and questions and answers which constitute the record of the qualifications appraisal interview. The Commission will sustain protests only when the candidate presents evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.
- 5) The decision of the Civil Service Commission on this subject shall be final.
- 6) In the absence of a challenge under this section or upon a decision by the Commission under this section, later challenges shall be precluded.

Sec.111.3332 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**111.3332.3 Inspection of Ratings in Qualifications Appraisal Interviews by Participants**

1) After the qualifications appraisal interviews for an examination are computed, such composite ratings shall be available for a minimum period of two (2) working days following the completion of the computations for all participants or for some other two (2) day period set by the Human Resources Director, provided that the candidates are advised of the dates, during which period each participant may inspect their own ratings. The identity of the examiner giving any mark or grade in a qualification appraisal interview shall not be disclosed.

2) Any challenges shall be filed in writing within the inspection period and shall be limited to:

- failure of the qualifications appraisal board to apply uniform standards; and

- any questions propounded by the panel of examiners which occur during a qualifications appraisal interview which require an answer in conflict with any Federal, State, or City and County laws, rules, or regulations which apply to the government of the City and County of San Francisco, the Department of Human Resources, and/or the Civil Service Commission.

3) All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules. The Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The Human Resources Director will not substitute her/his judgment for the judgment of the qualifications appraisal interviewers. Ratings by a qualifications appraisal board of less than the minimum passing score shall not be raised to more than the minimum passing score.

4) No evidence or documents supportive of qualifications shall be presented to the Human Resources Director which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.

5) The decision of the Human Resources Director on this subject shall be final.

6) In the absence of a challenge under this section or upon a decision by the Human Resources Director under this section, later challenges shall be precluded.

Sec.111.3433 Requirement to Conduct Examinations

- 111.3433.1** Except for reasons beyond the Human Resources Director's control, the Department of Human Resources shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.
- 111.3433.2** Except for reasons beyond the Human Resources Director's control, the Department of Human Resources will make every attempt, on a priority basis, to commence to conduct examinations at least sixty (60) days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.
- 111.3433.3** Where possible, the Human Resources Director or designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

Sec.111.3534 Examination of Applicants

Incorporating former Charter Section 8.321 into the Civil Service Commission Rules pursuant to former Charter Section 8.320-1 Incorporating Former Charter Provision (Proposition C - November 5, 1991 Election)

111.3534.1 Requirement for Competitive Examinations

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three (3) or more persons shall participate. However, any such examination may be held for less than three (3) qualified applicants with the approval of the Human Resources Director, after a finding that reasonable publicity of the proposed examination has been given.

111.3534.2 Examination without Charge

Such examinations shall be without charge to the applicants.

111.3534.3 Examination Control and Employment of Examiners

The Human Resources Director shall control all examinations and may employ suitable persons in or out of the public service to act as examiners.

Sec.111.3534 Examination of Applicants (cont.)**111.3534.4 Type of Examinations**

The examinations used shall measure the relative capacities of the persons examined to perform the functions, duties, and responsibilities of the class to which they seek appointment. Examinations shall consist of selection techniques which will test fairly the relative qualifications, merit and fitness of the applicants for the position to be filled. Examinations may include written tests to determine job-related aptitude, knowledge, or achievements, and oral tests by qualifications appraisal boards.

111.3534.5 Rules Governing Qualification Appraisal Boards

The Human Resources Director shall establish rules governing the size and composition of qualification appraisal board. Qualification appraisal boards may consider, in the case of employees of the City and County of San Francisco, all prior performance evaluations completed on Department of Human Resources forms and, in the case of all applicants, may consider prior work experience, assessment center evaluations, and work samples as part of their evaluation of candidates for employment to any position.

111.3534.6 Apprenticeship Positions

Appropriate rosters of eligibles established by a trade, craft or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists.

111.3534.7 Adequacy of Examinations

Subject to the approval of the Commission, the Human Resources Director shall judge the adequacy of the tests to rate the capacity of the applicants to perform service for the City and County.

111.3534.8 Establishment of Passing Mark and Number of List

The Human Resources Director may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles.

Sec.111.3534 Examination of Applicants (cont.)**111.3534.9 Preparation and Order of Eligible List**

The Human Resources Director shall prepare the eligible list from the returns of the examiners, arranged in order of relative performance.

111.3534.10 Confidentiality of Applicant Information

Applicant information, including names of applicants on eligible lists shall not be made public unless required by law.

111.3534.11 Prohibition of Political, Religious or Fraternal Questions

No question submitted to applicants shall refer to political or religious opinions or fraternal affiliations.

Sec. 111.3635 Protest of Written Questions and Answers

Incorporating former Charter Section 8.322 into the Civil Service Commission Rules pursuant to former Charter Section 8.320-1 Incorporating Former Charter Provision (Proposition C - November 5, 1991 Election)

111.3635.1 Review Period by Participants in Written Examinations

After the written portion of a civil service examination has been held, the questions used and the answers thereto shall be available for review by the participants.

111.3635.2 Exclusion from Review of Continuous or Standardized Tests

This review period shall not apply to questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written tests.

111.3635.3 Opportunity to Protest Questions and Answers

During the review period, participants shall have an opportunity to protest questions or answers they believe to be incorrect or improper.

111.3635.4 Changes in Rating Key

After all protested items have been acted on and after the official rating key has been adopted and the identification sheets have been opened, further changes in the rating key shall not be made.

Rule 111

Examinations

Article III: Veterans Preference in Examinations

Applicability: Article III, Rule 111, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

Sec. 111.3736 Definition of Veteran for Purposes of Entitlement Under This Rule

111.3736.1 The term “veteran” as used in this Rule shall be as defined under Cal. Gov’t. Code § 18540.4, which at the time of amendment of this Rule stated: Any person who has served full time in the armed forces in time of national emergency or state military emergency or during any expedition of the armed forces and who has been discharged or released under conditions other than dishonorable.

Sec. 111.3837 Definition of Disabled Veteran for Purposes of Entitlement Under This Rule

111.3837.1 For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 111.36, who has suffered a permanent service-connected disability that is of record in the United States Veterans Administration.

111.3837.2 Notwithstanding any preference allowed under this Rule, disabled veterans as defined above shall be afforded all rights under the Americans with Disabilities Act, including any reasonable accommodation if appropriate.

Sec. 111.3938 Veterans Entitlement

111.3938.1 Veteran, Widow or Widower, or Domestic Partner

A veteran as defined above in Sec. 111.36, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of five percent (5%) toward his/her entrance qualifying score.

Sec. 111.3938 Veterans Entitlement (cont.)**111.3938.2 Disabled Veteran, Widow or Widower, or Domestic Partner**

A disabled veteran as defined in Sec. 111.37.1, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

111.3938.3 Spouse or Domestic Partner of Disabled Veteran

Spouse or registered domestic partner of a one hundred percent (100%) disabled veteran as defined above in Sec. 111.37, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

111.3938.4 Notice of Veteran Status

Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive Veterans Preference credit must notify the Department of Human Resources of his/her veterans status at the time he/she submits the initial job application. Veterans preference is limited to an applicant for entrance employment; however, it may be applied to either an entrance only announcement or a combined entrance and promotional announcement.

Sec. 111.4039 Entitlement at Time of Separation from Active Duty

An individual qualifying for veterans preference as herein defined shall be deemed entitled thereto on the date of separation from active duty in the armed forces.

Sec. 111.4140 Entitlement Exhausted Upon Acquiring Permanent Appointment

The exercise of said veterans preference shall be exhausted upon permanent appointment from an eligible list and the completion of the required probationary period. The application of any other veterans credits on any other examination shall be automatically cancelled.

Rule 111A

Position-Based Testing

Applicability: Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Article I: Civil Service Commission Policy Related to Position-Based Testing

- Sec. 111A.1** **Purpose**
- Sec. 111A.2** **Merit Based Examinations**
- Sec. 111A.3** **Diversity of Workforce**

Article II: Examination Provisions

- Sec. 111A.4** **Application of Position-Based Testing**
- Sec. 111A.5** **Civil Service Commission Rules for Position-Based Testing**
- Sec. 111A.6** **Responsibilities of the Human Resources Director**

Article III: Examination Announcements

- Sec. 111A.7** **Examination Announcements**
- Sec. 111A.8** **Reissuing of Examination Announcements**
- Sec. 111A.9** **Correction of Examination Announcements**

Article IV: Examination Applicants and Applications

- Sec. 111A.10** **Definition of Applicant**
- Sec. 111A.11** **Qualifications of Applicants**
- Sec. 111A.12** **False Statements by Applicants**
- Sec. 111A.13** **Promotive~~onal~~ Applicants**

- Sec. 111A.14** **Veterans Preference in Examinations**
- Sec. 111A.15** **Change of Address**
- Sec. 111A.16** **Custody of Examination Applications**
- Sec. 111A.17** **Confidentiality of Applicant Information**

Article V: Examinations

- Sec. 111A.18** **Adequacy of Examinations**
- Sec. 111A.19** **Examination Rating Panels**
- Sec. 111A.20** **Establishing Cutoff Scores and Number of Eligibles**
- Sec. 111A.21** **Cheating in Examinations Prohibited**
- Sec. 111A.22** **Review of Ratings by Examination Participants**

Article VI: Administration of Eligible Lists

- Sec. 111A.23** **Eligible Lists for Certification Purposes Only**
- Sec. 111A.24** **Posting of Tentative Eligible List Examination Score Report**
- Sec. 111A.25** **Maintenance of Eligibility**
- Sec. 111A.26** **Management of Eligible Lists**
- Sec. 111A.27** **Rosters of Eligibles Established by Other Authorities**

Article VII: Certification of Eligibles

- Sec. 111A.28** **Certification**
- Sec. 111A.29** **Certification of Eligibles – Minimum Allowable Certification Rule**
- Sec. 111A.30** **Establishment of the Certification Rule for Position-Based Testing**

Article VIII: Appeals of Examination Processes

Sec. 111A.31 **Substance of Appeals**

Sec. 111A.32 **Timeliness of Appeals**

Sec. 111A.33 **Continuance of Examinations with Appeals Pending**

Sec. 111A.34 **Authority to Rule on Appeals**

Sec. 111A.35 **Appeals to the Civil Service Commission**

Sec. 111A.36 **Appeals to the Human Resources Director**

Rule 111A

Position-Based Testing

Article I: Civil Service Commission Policy Related to Position-Based Testing

Applicability: Article I, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.1 Purpose

111A.1.1 The Civil Service Commission recognizes the importance of reducing the time it takes to make permanent civil service appointments and reducing reliance on provisional and other forms of temporary hiring. Therefore, the Position-Based Testing Program is being established with the goal of adopting eligible lists resulting from merit-based examination processes within sixty (60) days from the posting of the examination announcement.

111A.1.2 It is the policy of the Civil Service Commission that examination processes in the City and County of San Francisco under the Position-Based Testing Program are conducted in an efficient and fair manner to ensure that the best-qualified individuals are selected to perform service for the City.

Sec. 111A.2 Merit Based Examinations

111A.2.1 It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment as expressed in Rule 103 Equal Employment Opportunity.

111A.2.2 All applicants for positions in the classified service shall submit to verifiable competitive examinations based on merit and fitness as shown by appropriate tests. Job-related criteria shall be utilized in all phases of the examination and employee selection process without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, ethnicity, medical condition (cancer-related), Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions, other non-merit factors or any other category provided by ordinance.

111A.2.3 All forms of cheating, improper aid or hindrance are prohibited.

Sec. 111A.3 Diversity of Workforce

111A.3.1 Subject to existing law, it is the policy of the Civil Service Commission to achieve a work force that is fully reflective of the diversity of the City and County of San Francisco.

111A.3.2 When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Human Resources Director may take appropriate legal actions to correct or mitigate the under- representation.

111A.3.3 The Civil Service Commission endorses and supports the broadening of the Rules governing the certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize diversity of the work force.

Rule 111A

Position-Based Testing

Article II: Examination Provisions

Applicability: Article II, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.4 Application of Position-Based Testing

The term Position-Based Testing as used in this Rule shall apply to any examination that has been designated by the Human Resources Director to be included in the Position-Based Testing Program. Inclusion of classes in the program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Human Resources Director.

Sec. 111A.5 Civil Service Commission Rules for Position-Based Testing

111A.5.1 All examination provisions for Position-Based Testing are specified in Rule 111A. Provisions specified in Civil Service Commission Rule 105.12.1, 105.12.4 and 105.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 110, 111 Articles I and II, 112 Articles I – IV, and 113 Articles II and VI, do not apply to the Position-Based Testing Program.

111A.5.2 Pursuant to its Charter authority, the Civil Service Commission may independently inquire into the operation of the Position-Based Testing Program to determine compliance to its Rules, regulations, policies, and procedures and respond to Inspection Service requests.

Sec.111A.6 Responsibilities of the Human Resources Director

111A.6.1 The Human Resources Director shall establish procedures, requirements and standards to implement the Rules and policies of the Civil Service Commission concerning the Position-Based Testing Program and to improve the City's ability to make prompt hires of best-qualified applicants. Nothing in this Rule is intended to extend to the Human Resources Director the authority to change Civil Service Commission policy or to cause or permit the Human Resources Director to take any action not in compliance with the law.

Sec.111A.6 Responsibilities of the Human Resources Director (cont.)

- 111A.6.2** The Human Resources Director shall administer and rule on all matters concerning the Position-Based Testing Program. The decision of the Human Resources Director related to Position-Based Testing Program matters under this Rule is final, unless this Rule expressly provides for appeal to the Civil Service Commission.
- 111A.6.3** The Human Resources Director may initiate audits or investigations of the Position-Based Testing Program for compliance with Civil Service Commission policies and Rules, compliance with Department of Human Resources policies and procedures, or for other business reasons.

Rule 111A

Position-Based Testing

Article III: Examination Announcements

Applicability: Article III, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.7 Examination Announcements

111A.7.1 The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

111A.7.2 City and County of San Francisco examination announcements shall be officially posted at the Department of Human Resources.

Sec. 111A.8 Reissuing of Examination Announcements

The Human Resources Director may reissue an examination announcement to extend the application-filing period or in response to an appeal. When reissued for these reasons, an examination announcement is not open to an appeal.

Sec. 111A.9 Correction of Examination Announcements

Examination announcements may be corrected by the Human Resources Director with respect to clerical errors, misprints and incorrect wording by posting notice of such corrections. Additional time shall not be allowed for appeal of the substantive provisions contained in the original examination announcement.

Rule 111A

Position-Based Testing

Article IV: Examination Applicants and Applications

Applicability: Article IV, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.10 Definition of Applicant

An applicant is a person who has filed an application for examination within the time limits and under the conditions specified on the examination announcement.

Sec. 111A.11 Qualifications of Applicants

111A.11.1 Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement.

111A.11.2 City and County employees shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees may receive credit for duties not usually performed by incumbents in a class if their employee file contains contemporaneous documentation that the duties were assigned and performed. Credit for duties not usually performed by incumbents in a class based on non-contemporaneous documentation shall require the approval of the Human Resources Director.

Sec. 111A.12 False Statements by Applicants

Relevant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in any phase of the examination or hiring process shall be good cause for the exclusion of such person from any examination, or the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

Sec. 111A.13 Promotive~~ional~~ Applicants

Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, ~~City~~ employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

Sec.111A.14 Veterans Preference in Examinations

111A.14.1 The Human Resources Director shall establish the procedures for veterans preference in examinations in accordance with applicable law. The Human Resources Director shall establish the definitions of veterans preference and applicants entitled to veterans preference in examinations in accordance with applicable law and Civil Service Commission Rules.

111A.14.2 Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive veterans preference credit as provided in Civil Service Commission Rules must notify the Department of Human Resources of his/her veteran status at the time he/she submits the initial job application or as specified on the examination announcement.

Sec. 111A.15 Change of Address

The Department of Human Resources must be notified in writing (including e-mail) by the applicant of any change of address, e-mail address or telephone number. Notice of change to the Post Office and/or an employee's current department only does not meet the notification requirement.

Sec. 111A.16 Custody of Examination Applications

Examination applications and supporting documents become the property of the Department of Human Resources when received. Return of such documents shall require the approval of the Human Resources Director.

Sec. 111A.17 Confidentiality of Applicant Information

Applicant information, including names of applicants on eligible lists shall not be made public, unless required by law.

Rule 111A

Position-Based Testing

Article V: Examinations

Applicability: Article V, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.18 Adequacy of Examinations

The Human Resources Director shall approve the adequacy of the examination to rate the capacity of the applicants to perform the job. Examinations may include but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, assessment centers, successful completion of requirements imposed by other authorities for the award of certification, licensure, academic recognition (e.g., degree, course completion), placement on a roster as provided in Sec. 111A.27, or any other devices or methods to determine merit and fitness for tested positions.

Sec. 111A.19 Examination Rating Panels

The Human Resources Director shall make every reasonable effort to ensure diversity of the qualified raters.

Sec. 111A.20 Establishing Cutoff Scores and Number of Eligibles

The Human Resources Director shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list.

Sec. 111A.21 Cheating in Examinations Prohibited

111A.21.1 Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Sec. 111A.21 Cheating in Examinations Prohibited (cont.)

111A.21.2 Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal and ineligibility for future employment and such other appropriate action as may be recommended by the Human Resources Director.

Sec. 111A.22 Review of Ratings by Examination Participants

111A.22.1 Examination participants shall have a minimum period as determined by the Human Resources Director not to be less than three (3) business days ~~of five (5) working days~~ to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and complexity of the examination ratings. The identity of the examiner giving any mark or grade shall not be disclosed.

111A.22.2 The Human Resources Director shall establish the procedures for Review of Ratings.

Rule 111A

Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.23 Eligible Lists for Certification Purposes Only

111A.23.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list. Eligible information, including names on eligible lists shall not be made public, unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

111A.23.2 The Human Resources Director shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 111A.24 Posting of Tentative Eligible List Examination Score Report

111A.24.1 At the beginning of the inspection period the Tentative Eligible List Score Report shall be posted and made available for public inspection.

111A.24.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

111A.24.3 The Human Resources Director may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Resolutions of appeals shall not affect earlier hires from the eligible list.

Sec. 111A.25 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Human Resources Director is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

Sec. 111A.26 Management of Eligible Lists

- 111A.26.1** The Human Resources Director shall have the right to correct errors on an eligible list or amend an eligible list as a result of the outcome of an appeal or if required by Civil Service Commission Rules or other legal requirements. Corrections and/or amendments of the eligible list shall not affect earlier hires from the eligible list.
- 111A.26.2** The Human Resources Director may extend the duration of an eligible list or eligibility periods for individuals on the eligible list based on the needs of the City or merit factors. Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. The maximum duration of the eligible list shall not exceed forty-eight (48) months. Affected eligibles will be notified of the extension of the eligible list or eligibility period.
- 111A.26.3** The Human Resources Director may authorize the merging of eligible lists in the same class or different classes. Affected eligibles will be notified of the merging of eligible lists.
- 111A.26.4** The Human Resources Director may cancel an eligible list, or make optional the use of an eligible list based on the needs of the City or merit factors such as inability of eligibles to meet job specific qualifications or requirements. Affected eligibles will be notified of the cancellation of eligible lists.
- 111A.26.5** The Human Resources Director may approve the use of an eligible list for permanent civil service appointments to other positions in the same or similar classes.

Sec. 111A.27 Rosters of Eligibles Established by Other Authorities

- 111A.27.1** By mutual agreement with the affected employee organization, appropriate rosters of eligibles established by other recognized authorities, such as the State of California, may be utilized to fill positions, or as the basis for establishing eligible lists.
- 111A.27.2** The Human Resources Director shall determine the criteria and standards for approving the use of rosters established by other authorities. In assessing appropriateness, the Human Resources Director shall ensure that placement on a roster does not require membership in an organization.
- 111A.27.3** The use of such rosters shall be specified on the examination announcement and shall not be subject to appeal to the Civil Service Commission.

Rule 111A

Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.28 Certification

The Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of Certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

Sec. 111A.29 Certification of Eligibles – Minimum Allowable Certification Rule

111A.29.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

111A.29.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Department of Human Resources shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

Sec. 111A.30 Establishment of the Certification Rule for Position-Based Testing

- 111A.30.1** The Human Resources Director and/or representative is authorized to discuss and pursue agreement with employee organizations as to the certification rule applicable to an eligible list resulting from an examination in the Position-Based Testing Program, provided however, that the minimum rule cannot be fewer than the Rule of Three Scores.
Nothing in this Section is intended to change the scope of bargaining specified by Charter or applicable law.
- 111A.30.2** Unless agreed between the employee organization representing the class and the Human Resources Director, the Rule of Three Scores shall be used exclusively, except as set forth in Rule 113, Article III.
- 111A.30.3** The Certification Rule shall be specified as a term of the examination announcement. Appeals of the Certification Rule shall not be permitted.

Rule 111A

Position-Based Testing

Article VIII: Appeals of Examination Processes

Applicability: Article VIII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.31 Substance of Appeals

111A.31.1 An action by the Department of Human Resources under Rule 111A may be appealed by a party alleging injury by that action as provided in this Article VIII. For each appeal the appellant must state the specific grounds upon which the appeal is based, cite the specific Civil Service Commission Rule or Department of Human Resources Policy that the appellant contends was violated by the action which is the subject of the appeal, provide facts including available documents to support the appeal, and demonstrate a rational relationship between the alleged injury suffered by the appellant as a result of the action being appealed and the alleged violation of Rule or Policy. Failure to meet all of the above requirements to support the appeal may be sufficient grounds for denial of the appeal by the Civil Service Commission.

111A.31.2 An appeal that objects to ratings or rankings based solely on the candidate's belief that he or she is entitled to a higher or passing score shall not be considered. Neither the Human Resources Director nor the Civil Service Commission shall substitute his, her or its judgment for the judgment of qualified raters.

Sec. 111A.32 Timeliness of Appeals

Protests and appeals that are not submitted within the prescribed time limits shall not be considered.

Sec. 111A.33 Continuance of Examinations with Appeals Pending

The Human Resources Director may proceed with any and all phases of the Position-Based Testing process pending an appeal.

Sec. 111A.34 Authority to Rule on Appeals**111A.34.1 Civil Service Commission**

Appeals to the Civil Service Commission may occur at three (3) points in the examination process: (1) after the examination announcement has been issued, (2) after the examination has been administered and prior to the posting of the Tentative Eligible List Score Report and (3) after the merging of eligible lists in different classes. Appeals of the examination announcement may be based only on challenges to the position description and/or the minimum qualifications. Appeals after the examination administration may be based only on claims of inconsistency in examination administration, bias of raters and/or failure of raters to apply uniform standards. Appeals of merging of eligible lists in different classes may be based only on claims of substantial differences in the knowledge, skills and abilities required to perform the essential functions of the positions. Decisions of the Civil Service Commission on these examination matters will be final.

111A.34.2 Human Resources Director

All other appeals may be made to the Human Resources Director whose decision will be final.

Sec. 111A.35 Appeals to the Civil Service Commission**111A.35.1 Appeals of the Examination Announcement**

1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Human Resources Director made decisions beyond his/her authority or had no rational basis for his/her decision.

2) Appeals under this Section must be submitted directly to the Executive Officer of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.

3) Appeals must be in writing and shall include a statement of the specific component(s) or item(s) of the examination announcement being contested and specific reason(s) why adoption of the cited portions of the examination announcement constitutes abuse of discretion by the Human Resources Director. To the extent possible, all supporting documentation must be submitted with the written appeal.

Sec. 111A.35 Appeals to the Civil Service Commission (cont.)**111A.35.1 Appeals of the Examination Announcement (cont.)**

4) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Department of Human Resources. The Executive Officer of the Civil Service Commission shall place the appeal on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified of the particulars of the hearing in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

5) The Human Resources Director or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

6) The Civil Service Commission shall consider an unresolved appeal 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. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

111A.35.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards

1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised and cite the specific Civil Service Commission Rule or Department of Human Resources Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.

Sec. 111A.35 Appeals to the Civil Service Commission (cont.)**111A.35.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards (cont.)**

2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.

3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Department of Human Resources. The Executive Officer of the Civil Service Commission shall place the appeal on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

4) The Human Resources Director or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and Department of Human Resources. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed. In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e., more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

Sec. 111A.35 Appeals to the Civil Service Commission (cont.)**111A.35.3 Appeals of Merging of Eligible Lists of Different Classes**

- 1) The standard of review for appeals under this Section shall be abuse of discretion in merging eligible lists of different classes. Appeals shall include a statement of the specific facts that demonstrate that the merging of eligible lists in different classes is not supported by job analyses that demonstrate that the same or similar knowledge, skills and abilities are required to perform the essential functions of the positions.
- 2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of the merging of eligible lists.
- 3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Department of Human Resources. The Executive Officer of the Civil Service Commission shall place the appeal on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.
- 4) The Human Resources Director or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.
- 5) The Civil Service Commission shall consider an unresolved appeal 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. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

Sec. 111A.36 Appeals to the Human Resources Director**111A.36.1 Protests at the Examination Site**

1) An examination participant may protest the assignment of a rater to his/her board or panel based on a claim of the rater's inability to rate the examination participant competently or without bias. The protest of the rater must be made to the designated representative of the Human Resources Director present at the examination prior to participation in this phase of the examination. If no protest is made, then no appeal of the assignment of the rater will be permitted.

2) An examination participant may submit a protest of a problem occurring at an examination site, such as, but not limited to equipment malfunction or disturbance of the examination process, that interfered with the examination participant's performance in the examination. Such protest must be made to the designated representative of the Human Resources Director present at the examination site immediately upon encountering or experiencing the problem and before leaving the examination site. If no protest is submitted, then the Human Resources Director may refuse an appeal of a problem occurring at the examination site.

3) The decision or action in response to a protest at the examination site may be appealed to the Human Resources Director. The appeal must be submitted in writing and must be received at the Department of Human Resources not later than the fifth (5th) business day after the candidate's examination date.

111A.36.2 Appeal of Accuracy of the Calculation of Examination Scores and/or Ranking

An appeal of the accuracy of the calculation of examination scores and/or rank must be submitted directly to the Human Resources Director or representative within the period designated for review of ratings (see Section 111A.22). The decision of the Human Resources Director related to calculation of examination scores and rank is final.

111A.36.3 Appeals of Other Examination Matters

An appeal of any other examination matter must be made in writing and received by the Human Resources Director not later than the fifth (5th) business day after the occurrence or notice of the issue of appeal. The decision of the Human Resources Director on all these matters is final.

Rule 112

Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical classes.

Article II: Holdover Rosters and Return to Duty

Applicability: Article V, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes, and classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.

Article III: Holdover Rosters and Return to Duty for Classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” Classes Covered in the Unrepresented Ordinance.

Applicability: Article VI, Rule 112, shall apply to employees in classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.

Article IV: Redevelopment-Only Priority Eligible List

Applicability: Article VII, Rule 112, implements Assembly Bill 26 (2011) and shall apply to employees transitioned from the former San Francisco Redevelopment Agency (SFRA) to the City & County of San Francisco (CCSF) and who were laid off from their positions effective March 30, 2012.

Article V: Office of Community Investment and Infrastructure-Only Eligible List

Applicability: Article VIII, Rule 112, shall apply only to employees from the former San Francisco Redevelopment Agency who were appointed and separated from the City and County of San Francisco effective July 8, 2013 and are currently employed by the Office of Community Investment and Infrastructure as of February 2, 2015, without a break in service.

Rule 112

Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical classes.

Sec.112.1 Types of Eligible Lists

The names of applicants passing all phases of an examination shall be placed on one of the following types of eligible lists in the order of total score. Eligibles with tie scores shall be listed in alphabetical order. Applicant information, including applicant names on eligible lists shall not be made public, unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

112.1.1 Discrete Eligible Lists

Discrete eligible lists are lists derived from examinations which are open for filing for a specific time period and in which the selection procedure is administered on a specific date or dates.

112.1.2 Continuous Eligible Lists

A continuous eligible list may be used for a class after the Human Resources Director has designated the class as a "continuous list class." Each time an examination for such a class is given, the names of the eligibles resulting from the examination shall be added to the existing eligible list, ranked by the eligible's score on the examination taken. For eligibles with the same score, names shall be listed alphabetically.

112.1.3 Duration of Eligibility on Continuous Lists

Each examination announcement for a continuous list class shall state the time period during which the names of eligibles successfully passing the examination will remain on the continuous list. This time period will be referred to as the "eligibility period." An eligible's name shall be removed from a continuous list at the end of the eligibility period.

Sec.112.2 **Duration of Eligible Lists and of Eligibility****112.2.1** **Duration of Discrete Eligible List**

For discrete eligible lists, the eligible list shall state the duration of the list with the minimum duration being six (6) months and the maximum twenty four (24) months.

112.2.2 **Duration of Eligibility - Continuous Eligible Lists**

For continuous eligible lists, the examination announcement shall specify the duration of eligibility with the minimum period of eligibility being six (6) months and the maximum being twelve (12) months.

112.2.3 **Establishment of Duration of Eligible Lists**

In establishing duration of an eligible list or duration of eligibility, the Human Resources Director shall consider, among other factors, the size of the applicant pool, the number of positions in the class, the rate of turnover, and equal employment opportunity goals.

112.2.4 **Expiration of Eligible Lists and Eligibility**

If the expiration date of an eligible list or eligibility period falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

Sec.112.3 **Extension of Eligibility**

The Human Resources Director may extend ~~an eligible list or eligibility period for up to one (1) additional year~~ the duration of an eligible list or eligibility periods for individuals on the eligible list based on the needs of the City or merit factors. Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. The maximum duration of the eligible list shall not exceed forty-eight (48) months. Affected eEligibles shall be notified of the extension ~~and any change in the expiration of their eligibility.~~

Sec.112.4 **Cancellation of Eligibility**

The Human Resources Director may cancel an eligible list after the minimum duration of six (6) months. In canceling an eligible list, the Human Resources Director shall consider, among other factors, the number of eligibles remaining, the length of time since the selection procedures were administered, equal employment opportunity goals, and labor market availability. Eligibles and the recognized employee organization representing the affected class shall be notified.

Sec.112.5 Merging of Eligible Lists

- 112.5.1** The Human Resources Director may authorize the merging of an earlier list in a class with a later eligible list in the same class.
- 112.5.2** The names of eligibles from the earlier eligible list shall be interpolated with the names of eligibles on the later eligible list by score. Eligibles with the same score shall be listed in alphabetical order.
- 112.5.3** The duration of the merged eligible list shall be established as provided elsewhere in these Rules and eligibles from the earlier eligible list shall have their eligibility extended accordingly.

Sec.112.6 Priority of Eligible Lists

Except as otherwise provided in these Rules, the order of priority of discrete eligible lists regardless of adoption dates is as follows:

- 1) promotive lists;
- 2) combined promotive and entrance lists; and
- 3) entrance lists.

Within each category earlier discrete eligible lists have priority over later discrete eligible lists.

Sec.112.7 Posting Period for the Tentative Eligible List Examination Score Report and Review of Ratings by Examination Participants

- 112.7.1** Examination participants shall have a minimum period as determined by the Human Resources Director not to be less than three (3) business days ~~of three (3) business days~~ to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and complexity of the examination ratings. The identity of the examiner giving any mark or grade shall not be disclosed.
- 112.7.2** The Human Resources Director shall establish the procedures for Review of Ratings.
- 112.7.3** The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

Sec.112.8 Documents Included in Review of Ratings and Maintenance of Anonymity of Examiners

Review of ratings of the final score calculations, if not exempted from inspection privileges, shall include rating sheets and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions and answers shall be provided. Individuals are not permitted to see other applicants' application materials, ratings or rating forms.

Sec.112.9 **Appeal of Accuracy of Scores**

The exclusive purpose of the review of ratings period is to review papers supporting a person's standing on the eligible list. Appeals during this period shall be limited to the accuracy of scores. Appeals must be filed in the office of the Department of Human Resources during the inspection period of the eligible list. The Human Resources Director shall rule on all appeals filed during this period. The decision of the Human Resources Director on the appeal shall be final and shall not be reconsidered by the Commission.

Sec.112.10 **Adoption of Eligible List for Certification Purposes Only****112.10.1** **Confidentiality of Applicant Information**

Applicant information, including applicant name on eligible lists shall not be made public, unless required by law. Therefore, all eligible lists, upon adoption, will be used for certification purposes only. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

112.10.2 The Human Resources Director may adopt an eligible list pending the resolution of any appeal and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

Sec.112.11 **Maintenance of Eligibility**

112.11.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

112.11.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County Service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, such promotive credit points and the previous rank shall be restored.

Sec. 112.11 **Maintenance of Eligibility (cont.)**

112.11.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with promotive credit points and previous rank restored.

112.11.4 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec.112.12 **The Use of Eligible Lists**

Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of Certification to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 112

Eligible Lists

Article II: Holdover Rosters and Return to Duty

Applicability: Article V, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes, and classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.

Sec.112.13 Holdover Status and Return to Duty

112.13.1 Holdover Roster - General Requirements

- 1) Subject to the provisions of this Rule, permanent or probationary civil service appointees who are laid off or placed on an involuntary leave of absence shall be designated as holdovers.
- 2) The names of holdovers shall be ranked on a holdover roster for the class or classes from which layoff occurs and in the order of total seniority in the class in the City and County service. Seniority prior to resignation or termination shall not be used in determining holdover rights in a class.
- 3) Holdovers shall be returned to duty in rank order from holdover rosters.
- 4) Holdovers shall, for a period of five (5) years from the date of layoff, have preference for appointment over eligibles on civil service lists, or employees requesting transfer, reinstatement, or reappointment. The Human Resources Director, upon review of all the circumstances, may extend the holdover status for such specified period of time as he/she may deem proper.
- 5) Holdover rosters shall be canvassed in the following order: first, permanent holdover rosters; then, temporary holdover rosters.
- 6) Permanent holdovers shall be returned to duty in temporary positions before temporary holdovers. Permanent holdovers shall displace any temporary or part-time exempt appointee in the same class in any City and County department. Permanent holdovers returned to duty in temporary positions shall retain their status on the permanent holdover roster. In the event of a displacement, the least senior temporary or part-time exempt appointee in the City and County service shall be laid off first.

Sec.112.13 **Holdover Status and Return to Duty (cont.)****112.13.1** **Holdover Roster - General Requirements (cont.)**

7) Permanent holdovers in classes with citywide seniority for layoff purposes shall be entitled to displace only the least senior permanent employee in that class in City service. Holdovers who waive such appointment shall remain on the holdover list for subsequent permanent appointment to vacant positions, but may accept a temporary position in the class, if available.

8) Exceptions to Return to Duty in Rank Order

If two (2) or more approved requisitions are on file, the Human Resources Director may permit holdovers in line for appointment, and in accordance with their standing on the roster, to select from the available requisitions the positions to which they desire appointment. In cases where holdovers on rosters who would be reached for appointment on requisitions, the Human Resources Director may consult with appointing officers and employees involved, and if it is in the best interest of the service, may offer out said positions to holdovers so as to make it possible for them to return to duty in the department from which laid off.

9) Holdovers who are notified that they are being returned to duty are required to respond to the Department of Human Resources within five (5) business days of the date of notification. The Human Resources Director may extend the time response period beyond five (5) business days. Failure of a holdover to respond within the time limits shall be considered a refusal of the offer and shall be subject to the penalty, if any, provided in this Rule.

10) Except as otherwise provided in these Rules, holdovers who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

11) In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to notice of return to duty within time limits.

Sec.112.13 **Holdover Status and Return to Duty (cont.)****112.13.1** **Holdover Roster - General Requirements (cont.)**

12) Except as otherwise directed by the Human Resources Director, holdovers being returned to duty shall not be required to pass a new medical examination.

13) A properly completed copy of the designated report of layoff or involuntary leave of absence form shall be forwarded to the Department of Human Resources as soon as possible (in advance of the action if possible) so that the Department of Human Resources may record the action and place the employee's name on a holdover roster for immediate consideration for return to duty.

14) Late reports of layoff shall not interfere with nor affect the rights of holdovers to whom notices of return to duty have already been mailed and who have been or may be returned to duty in response to such notices.

15) If there is no holdover roster for a class or if the holdover roster is exhausted, the Human Resources Director may authorize that a holdover be returned to duty from another holdover roster deemed suitable to temporarily provide the required service. If no other roster is available, the position shall be offered to eligibles on regular civil service eligible lists or to individuals requesting transfer, reinstatement or reappointment.

16) Holdovers returned to duty shall be reinstated with accrued compensatory time, if any, and with their original anniversary date for the purposes of computing sick leave and vacation benefits.

112.13.2 **Holdover - Temporary Appointees**

1) Appointees certified from an eligible list who have satisfactorily served under temporary appointment shall upon expiration of the list be designated a "temporary holdover."

2) Resignation from temporary appointment from a holdover roster or refusal of temporary appointment from a holdover roster cancels all temporary holdover rights in that class.

Sec.112.13 Holdover Status and Return to Duty (cont.)**112.13.3 Holdover - Permanent and Probationary Appointees**

- 1) A permanent or probationary appointee to a promotional or entrance position who is laid off shall be designated a "permanent holdover" and shall be returned to duty in a position in the class from which laid off from a holdover roster as provided in this Rule.
- 2) A permanent holdover returned to duty on a permanent basis in a department other than the one from which laid off shall serve a new probationary period.
- 3) Return to duty of a permanent holdover to a position in the class from which laid off shall be subject to the following conditions:

4) Return to Duty - Department From Which Laid Off

Permanent Vacancy - A permanent holdover who refuses an offer to return to duty on a permanent basis in the department from which laid off shall forfeit all holdover rights in that class and shall be removed from all rosters for that class. Such refusal of return to duty shall be deemed a resignation.

Temporary Vacancy - Permanent holdovers may refuse an offer to return to duty on a temporary basis in the department from which laid off without affecting future offers to be returned to duty. Waiver of temporary appointment shall not be removed without the permission of the Human Resources Director.

5) Return to Duty - Department Other Than the One From Which Laid Off

Permanent holdovers may refuse an offer to return to duty on a permanent or temporary basis in a department other than the department from which laid off without affecting future offers to be returned to duty. Such departmental waivers shall not be withdrawn without the approval of the Human Resources Director.

- 6) A permanent holdover who was laid off during the probationary period and who is returned to duty in the department from which laid off shall complete the remaining period of probationary service.

Sec.112.13 **Holdover Status and Return to Duty (cont.)****112.13.3** **Holdover - Permanent and Probationary Appointees (cont.)**

7) Transferees who are laid off during the probationary period shall be ranked on the permanent holdover roster for the class in accordance with their seniority in the class in the City and County service.

8) Permanent holdovers who resign or are released during the probationary period may be returned to the holdover roster from which appointed subject to the provisions of these Rules. Such holdovers shall not displace any current permanent or probationary employees but shall remain on the list for subsequent permanent appointment to vacant positions and may accept a temporary position in the class, if available.

Rule 112

Eligible Lists

Article III: Holdover Rosters and Return to Duty for Classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” Classes Covered in the Unrepresented Ordinance.

Applicability: Article VI, Rule 112, shall apply to employees in classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.

Sec. 112.14 Holdover Status and Return to Duty

112.14.1 Holdover Roster – General Requirements

- 1) Subject to the provisions of this Rule, permanent or probationary civil service appointees who are laid off or placed on an involuntary leave of absence shall be designated as holdovers.
- 2) The names of holdovers shall be ranked on a holdover roster for the class or classes from which layoff occurs and in the order of total seniority in the class in the City and County service. Seniority prior to resignation or termination shall not be used in determining holdover rights in a class.
- 3) Holdovers shall be returned to duty in vacant positions, in rank order from holdover rosters.
- 4) Holdovers shall, for a period of five (5) years from the date of layoff, have preference for appointment over eligibles on civil service lists, or employees requesting transfer, reinstatement, or reappointment. The Human Resources Director, upon review of all the circumstances, may extend the holdover status for such specified period of time as he/she may deem proper.
- 5) Holdover rosters shall be canvassed in the following order: first, permanent holdover rosters; then, temporary holdover rosters.
- 6) Permanent holdovers shall be returned to duty in temporary positions before temporary holdovers. Permanent holdovers shall displace any temporary or part-time exempt appointee in the same class in any City and County department. Permanent holdovers returned to duty in temporary positions shall retain their status on the permanent holdover roster. In the event of a displacement, the least senior temporary or part-time exempt appointee in the City and County service shall be laid off first.

Sec. 112.14 Holdover Status and Return to Duty (cont.)**112.14.1 Holdover Roster – General Requirements (cont.)**

7) Permanent holdovers in classes with citywide seniority for layoff purposes shall not be entitled to displace permanent or probationary employees in that class in City service with the following exception:

a) Any active employee in classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance with a minimum of twenty (20) years of continuous service on January 1, 2007.

i. Continuous service for the purpose of this section is defined as continuous service in a permanent civil service appointment to any class(es) in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.

ii. Provisional and exempt service in a class(es) in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance will not constitute a break in continuous service.

8) Exceptions to Return to Duty in Rank Order

If two (2) or more approved requisitions are on file, the Human Resources Director may permit holdovers in line for appointment, and in accordance with their standing on the roster, to select from the available requisitions the positions to which they desire appointment. In cases where holdovers on rosters who would be reached for appointment on requisitions, the Human Resources Director may consult with appointing officers and employees involved, and if it is in the best interest of the service, may offer out said positions to holdovers so as to make it possible for them to return to duty in the department from which laid off.

9) Holdovers who are notified that they are being returned to duty are required to respond to the Department of Human Resources within five (5) business days of the date of notification. The Human Resources Director may extend the time response period beyond five (5) business days. Failure of a holdover to respond within the time limits shall be considered a refusal of the offer and shall be subject to the penalty, if any, provided in this Rule.

10) Except as otherwise provided in these Rules, holdovers who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

Sec. 112.14 Holdover Status and Return to Duty (cont.)**112.14.1 Holdover Roster – General Requirements (cont.)**

11) In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to notice of return to duty within time limits.

12) Except as otherwise directed by the Human Resources Director, holdovers being returned to duty shall not be required to pass a new medical examination.

13) A properly completed copy of the designated report of layoff or involuntary leave of absence form shall be forwarded to the Department of Human Resources as soon as possible (in advance of the action if possible) so that the Department of Human Resources may record the action and place the employee's name on a holdover roster for immediate consideration for return to duty to vacant positions.

14) Late reports of layoff shall not interfere with nor affect the rights of holdovers to whom notices of return to duty to vacant positions have already been mailed and who have been or may be returned to duty to vacant positions in response to such notices.

15) If there is no holdover roster for a class or if the holdover roster is exhausted, the Human Resources Director may authorize that a holdover be returned to duty to a vacant position from another holdover roster deemed suitable to temporarily provide the required service. If no other roster is available, the position shall be offered to eligibles on regular civil service eligible lists or to individuals requesting transfer, reinstatement or reappointment.

16) Holdovers returned to duty in vacant positions shall be reinstated with accrued administrative leave, if any, and with their original anniversary date for the purposes of computing sick leave and vacation benefits.

112.14.2 Holdover Roster – Temporary Appointees

1) Appointees certified from an eligible list who have satisfactorily served under temporary appointment shall upon expiration of the list be designated a "temporary holdover."

2) Resignation from temporary appointment from a holdover roster or refusal of temporary appointment from a holdover roster cancels all temporary holdover rights in that class.

Sec. 112.14 Holdover Status and Return to Duty (cont.)**112.14.3 Holdover - Permanent and Probationary Appointees**

1) A permanent or probationary appointee to a promotional or entrance position who is laid off shall be designated a "permanent holdover" and shall be returned to duty in a vacant position in the class from which laid off from a holdover roster as provided in this Rule.

2) A permanent holdover returned to duty on a permanent basis in a department other than the one from which laid off shall serve a new probationary period.

3) Return to duty of a permanent holdover to a vacant position in the class from which laid off shall be subject to the following conditions:

4) Return to Duty - Department From Which Laid Off

Permanent Vacancy - A permanent holdover who refuses an offer to return to duty on a permanent basis in the department from which laid off shall forfeit all holdover rights in that class and shall be removed from all rosters for that class. Such refusal of return to duty shall be deemed a resignation.

Temporary Vacancy - Permanent holdovers may refuse an offer to return to duty on a temporary basis in the department from which laid off without affecting future offers to be returned to duty. Waiver of temporary appointment shall not be removed without the permission of the Human Resources Director.

5) Return to Duty - Department Other Than the One From Which Laid Off

Permanent holdovers may refuse an offer to return to duty on a permanent or temporary basis in a department other than the department from which laid off without affecting future offers to be returned to duty. Such departmental waivers shall not be withdrawn without the approval of the Human Resources Director.

6) A permanent holdover who was laid off during the probationary period and who is returned to duty in the department from which laid off shall complete the remaining period of probationary service.

7) Transferees who are laid off during the probationary period shall be ranked on the permanent holdover roster for the class in accordance with their seniority in the class in the City and County service.

8) Permanent holdovers who resign or are released during the probationary period may be returned to the holdover roster from which appointed subject to the provisions of these Rules. Such holdovers shall not displace any current permanent or probationary employees but shall remain on the list for subsequent permanent appointment to vacant positions and may accept a temporary position in the class, if available.

Rule 112

Eligible Lists

Article IV: Redevelopment-Only Priority Eligible List

Applicability: Article VII, Rule 112, implements Assembly Bill 26 (2011) and shall apply to employees transitioned from the former San Francisco Redevelopment Agency (SFRA) to the City and County of San Francisco (CCSF) and who were laid off from their positions effective March 30, 2012.

Sec. 112.15 Redevelopment-Only Priority Eligible List

112.15.1 Redevelopment-Only Priority Eligible List – General Requirements

- 1) Former San Francisco Redevelopment Agency (SFRA) employees transitioned to the City and County of San Francisco (CCSF) and who were laid off from their positions effective March 30, 2012 will be placed on a Redevelopment-Only Priority Eligible List in rank order according to recognized seniority established at the former SFRA.
- 2) Redevelopment-Only Priority Eligible List will not include any employee who is employed by the City.
- 3) In the event an employee on the Redevelopment-Only Priority Eligible List obtains other City employment, s/he will be removed from the List.
- 4) The duration of eligibility on the Redevelopment-Only Priority Eligible List shall be two (2) years and may be extended only by action of the Commission.
- 5) Eligibles on the Redevelopment-Only Priority Eligible List shall possess and maintain minimum qualifications for the class.

112.15.2 Redevelopment-Only Priority Eligible List - Placement

- 1) The Human Resources Director shall identify classifications similarly related to Redevelopment-Only classifications affected by layoffs effective March 30, 2012.
- 2) Former SFRA employees affected by the March 30, 2012 layoff will be placed in the identified similarly related classifications on the Redevelopment-Only Priority Eligible List in rank order of their SFRA seniority.
- 3) The Human Resources Director's decision on classification matters is subject to appeal to the Commission.

Sec. 112.15 Redevelopment-Only Priority Eligible List (cont.)**112.15.3 Redevelopment-Only Priority Eligible List – Promotive Points**

- 1) Former SFRA employees laid off from their Redevelopment Agency Classifications effective March 30, 2012 and are active on Redevelopment-Only Priority Eligible List shall be considered promotive applicants.
- 2) Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, City employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

112.15.4 Redevelopment-Only Priority Eligible List - Certification

- 1) Redevelopment-Only Priority Eligible List will have priority of certification before regularly adopted eligible lists, with no right of refusal.
- 2) The Human Resources Director shall certify for Temporary Civil Service (TCS) appointment, in rank order, an eligible from the Redevelopment-Only Priority Eligible List to available permanent requisition(s) for position(s).
- 3) An eligible appointed from the Redevelopment-Only Priority Eligible List who completes six (6) months of documented satisfactory job performance subject to approval of the Civil Service Commission shall be granted permanent civil service status in the appointed classification. Paid or unpaid time off shall not count towards the completion of the six (6) month service requirement.
- 4) Seniority shall be established based on the date of certification to permanent civil service status.
- 5) The Human Resources Director is authorized to take such administrative action not in conflict with these Rules as is required to make this section operative.

112.15.5 Redevelopment-Only Priority Eligible List – Reports to the Civil Service Commission

- 1) The Department of Human Resources shall provide to the Civil Service Commission status reports on the Redevelopment-Only Priority Eligible List for all citywide classifications, including the names and rank order and appointment of former SFRA employees.

Sec. 112.15 Redevelopment-Only Priority Eligible List (cont.)

112.15.5 Redevelopment-Only Priority Eligible List – Reports to the Civil Service Commission (cont.)

2) Status Reports shall be submitted to the Civil Service Commission at the second meeting in August, commencing in 2012 and annually thereafter. The Civil Service Commission may request additional reports as it deems necessary.

112.15.6 Redevelopment-Only Priority Eligible List - Inoperability

This Rule shall become inoperable and removed on January 31, 2014 unless otherwise authorized by action of the Commission. The Rule shall be recorded and retained as part of the permanent Civil Service Commission records.

Rule 112

Eligible Lists

Article V: Office of Community Investment and Infrastructure- Only Eligible List

Applicability: Article VIII, Rule 112, shall apply only to employees from the former San Francisco Redevelopment Agency who were appointed and separated from the City and County of San Francisco effective July 8, 2013 and are currently employed by the Office of Community Investment and Infrastructure as of February 2, 2015, without a break in service.

Sec. 112.16 Office of Community Investment and Infrastructure-Only Eligible List

112.16.1 Authority and Purpose

- 1) This Rule provides authority to establish and adopt Office of Community Investment and Infrastructure-Only Eligible Lists based on open and competitive recruitment and selection processes conducted by the former San Francisco Redevelopment Agency for merit based permanent appointments.
- 2) As provided under the Charter Section 10.103 of the City and County of San Francisco, the Human Resources Director shall have the duty and authority to establish a system of job classification and to allocate each position to a job class.
- 3) The Human Resources Director shall have the responsibility and authority to allocate new positions to a class based on the level and type of assigned duties as applicable under this Rule. Groups of positions form a class when it is determined by the Human Resources Director that the duties are at the same level of responsibility and authority.
- 4) 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.
- 5) The decision of the Human Resources Director regarding classification matters, including the authority to determine the status of an employee, shall be final unless appealed to the Civil Service Commission.

Sec. 112.16 Office of Community Investment and Infrastructure-Only Eligible List (cont.)

112.16.2 General Principles

- 1) Only classifications determined by the Human Resources Director to be similarly related to the former “R” classifications will be established based on the open and competitive selection processes administered by the former San Francisco Redevelopment Agency to select and appoint former San Francisco Redevelopment Agency employees subject to appeal to the Civil Service Commission.
- 2) Office of Community Investment and Infrastructure-Only Eligible Lists shall only be comprised of former San Francisco Redevelopment Agency employees who meet the criteria established by this Rule, and shall be placed in rank order determined by the San Francisco Redevelopment Agency seniority date effective immediately prior to the date of San Francisco Redevelopment Agency dissolution.

112.16.3 Definitions

1) San Francisco Redevelopment Agency

A governmental agency independent of the City and County of San Francisco. The San Francisco Redevelopment Agency was dissolved by California State law (ABX1-26, Community Redevelopment), effective June 27, 2012.

2) Successor Agency

Pursuant to ABX1-26, the City and County of San Francisco was identified as the successor agency to the former San Francisco Redevelopment Agency. Subsequently, California State law (AB 1484 Community Redevelopment) amended the definition of the Successor Agency, with explicit requirements that the Successor Agency be a separate public entity from the public entity that provides for its governance, and that the two entities shall not merge. On October 4, 2012, Ordinance No. 215-12 Successor Agency to the Former Redevelopment Agency was signed into law by the Mayor, acknowledging and confirming that the Successor Agency is a separate legal entity from the City, including confirmation that all employees in “R” classification are employees of the separate legal entity, now known as the Office of Community Investment and Infrastructure.

Sec. 112.16 Office of Community Investment and Infrastructure-Only Eligible List (cont.)

3) Office of Community Investment and Infrastructure

The current successor agency to the former San Francisco Redevelopment Agency.

4) “R” Classifications

Abolished classification created by the City and County of San Francisco to reflect the classification structure and titles in the former San Francisco Redevelopment Agency.

112.16.4 Classification

The Human Resources Director shall establish Office of Community Investment and Infrastructure Only classifications similarly related to the former San Francisco Redevelopment Agency classifications (“R” classifications) in which affected employees were appointed immediately prior to the dissolution of the San Francisco Redevelopment Agency. The Human Resources Director’s decision on classification matters is subject to appeal to the Civil Service Commission.

112.16.5 Eligibility Requirements

Only those former San Francisco Redevelopment Agency employees transitioned to the City and County of San Francisco and subsequently separated effective July 8, 2013 and currently employed by the Office of Community Investment and Infrastructure as of February 2, 2015 without a break in service will be placed on the Office of Community Investment and Infrastructure-Only Eligible List in the Office of Community Investment and Infrastructure-Only classification determined by the Human Resources Director to be similarly related to their appointment in the respective “R” classification at the time of the San Francisco Redevelopment Agency dissolution.

112.16.6 Eligible Lists

1) Former San Francisco Redevelopment Agency employees will be placed on the Office of Community Investment and Infrastructure-Only Eligible List in rank order determined by the San Francisco Redevelopment Agency seniority date effective immediately prior to the date of San Francisco Redevelopment Agency dissolution.

Sec. 112.16 Office of Community Investment and Infrastructure-Only Eligible List (cont.)**112.16.6 Eligible Lists (cont.)**

2) Office of Community Investment and Infrastructure-Only Eligible Lists shall be ninety (90) days and may be extended only by action of the Commission.

112.16.7 Certification Rule of the List

1) The names of all eligibles on the Office of Community Investment and Infrastructure-Only Eligible Lists shall be certified to each available position.

2) An Office of Community Investment and Infrastructure-Only Eligible List adopted under the Rule of the List shall not be deemed exhausted without advance approval of the Commission.

112.16.8 Permanent Appointments

Permanent Appointment(s) will be made as a result of certification(s) from the Office of Community Investment and Infrastructure-Only Eligible Lists.

112.16.9 Probationary Period

Permanent appointments made from the Office of Community Investment and Infrastructure-Only Eligible Lists will be subject to the probationary period.

112.16.10 Reports to the Civil Service Commission

1) The Department of Human Resources shall provide to the Civil Service Commission status reports on the permanent civil service appointments offered to eligibles from all Office of Community Investment and Infrastructure-Only Eligible Lists, including the names and rank order and appointment of former San Francisco Redevelopment Agency employees.

2) The status report shall be submitted to the Civil Service Commission no later than thirty (30) days prior to the expiration date of the Office of Community Investment and Infrastructure-Only Eligible Lists. The Civil Service Commission may request additional reports as it deems necessary.

Sec. 112.16 **Office of Community Investment and Infrastructure-Only Eligible List (cont.)**

112.16.11 Inoperability

This Rule shall become inoperable and removed on June 1, 2015 unless otherwise authorized by action of the Civil Service Commission. The Rule shall be recorded and retained as part of the permanent Civil Service Commission records.

Rule 113

Certification of Eligibles

Article I: General Principles

Applicability: Article I, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Article II: Definitions

Applicability: Article II, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Article III: Application of Certification Rules

Applicability: Article III, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Article IV: Personnel Requisitions

Applicability: Article IV, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Article V: Administration of Certifications

Applicability: Article V, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Article VI: Selective Certification of Certified Temporary Employees

Applicability: Article VI, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Rule 113

Certification of Eligibles

Article I: General Principles

Applicability: Article I, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.1 **General Policy**

113.1.1 The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize multicultural diversity of the work force in the City and County of San Francisco.

113.1.2 Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointing officers and their designees shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. The Civil Service Commission endorses and supports efforts to de-identify the names, address, and other personal information whenever screening determinations are conducted prior to the selection of certified eligible for interviews. Appointing officers/designees shall also be responsible for maintaining documentation of selection criteria, including efforts to de-identify eligibles' information. Departments shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures. The Human Resources Director shall report to the Civil Service Commission on the progress of the implementation of de-identification on a quarterly basis for two (2) years and thereafter on a schedule to be determined.

113.1.3 Implementation of the Rule by the Human Resources Director

Implementing this Rule, the Human Resources Director shall:

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco, and
- 2) ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all departments as delegated by the Human Resources Director, and
- 3) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

Rule 113

Certification of Eligibles

Article II: Definitions

Applicability: Article II, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.2 **Certification Rules**

113.2.1 **Rule of Three Scores**

The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

113.2.2 **Rule of Three or More Scores**

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

113.2.3 **Rule of the List**

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 113.3 **Certification Date**

The Certification Date is the date on which the Department of Human Resources certifies to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule as provided under this Article II.

Sec. 113.4 **Notice of Certification**

Eligibles on the eligible list shall be simultaneously notified each time that the Department of Human Resources certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 113.5 **Notice of Inquiry**

Upon receipt of the confidential certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue a Notice of Inquiry to those eligibles for the purpose of:

Sec. 113.5 **Notice of Inquiry (cont.)**

- 1) Assessing the eligibles' interest in the specific position in the department; and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Sec. 113.6 **Exhaustion of the List****113.6.1** **Rule of Three Scores**

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.6.2 **Rule of Three or More Scores**

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.6.3 **Rule of the List**

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty-five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

113.6.4 **Human Resources Director Authority**

The Human Resources Director has the authority to declare an eligible list exhausted in cases wherein there are fewer eligibles than vacant positions in the class. All affected eligibles shall be notified of the exhaustion of the eligible list.

Rule 113

Certification of Eligibles

Article III: Application of Certification Rules

Applicability: Article III, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.7 **Certification Rules Applicable to Employees in all**

113.7.1 **Rule of Three Scores**

- 1) Unless mutually agreed between the employee organization representing the class and the Human Resources Director to use a broader Certification Rule, the Rule of Three Scores shall be used exclusively.
- 2) The Department of Human Resources shall certify to the appointing officer the confidential list of candidate names with the three (3) highest scores on the list who are available for appointment to the position. Eligibles' information, including names on eligible lists shall not be made public, unless required by law.
- 3) Except as otherwise provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two (2) scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.
- 4) If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

113.7.2 **Expansion of Certification Rules**

- 1) Notwithstanding any other provisions of these Rules, the Human Resources Director is authorized to meet and confer with representatives of employee organizations to reach mutual agreement over the Certification Rule applicable to each of the classes covered by this Section. If the parties fail to reach mutual agreement, the Rule of Three Scores shall be used.
- 2) The agreed-upon Certification Rule shall be promulgated as a term of the examination announcement and the agreed-upon Certification Rule shall not be appealable to the Civil Service Commission.

Sec. 113.7 Certification Rules Applicable to Employees in all classes (cont.)**113.7.3 Rule of Three or More Scores****1) For a Single (1) Position**

A confidential list of names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position. Eligibles' information, including names on eligible lists shall not be made public, unless required by law.

2) When More Than One Position Available

Except as may otherwise be provided, when there are two or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the Certification Rule applicable to the eligible list being certified minus one.

3) When Eligible List Exhausted

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

4) Supplementary Certification

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

113.7.4 Rule of the List

1) The confidential list of names of all eligibles on the eligible list shall be certified to each available position.

2) When Eligible List is Exhausted

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty-five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Sec. 113.7 Certification Rules Applicable to Employees in all classes (cont.)**113.7.5 Establishment of Certification Rule**

- 1) The Human Resources Director shall establish the Certification Rule for each class by specifying the Certification Rule to be used to administer the eligible list in the first examination announcement for the class after the adoption of this section.
- 2) Once established, the Certification Rule shall be used to administer all future eligible lists in the class unless otherwise ordered by the Human Resources Director.
- 3) In establishing the Certification Rule, the Human Resources Director may consult with appointing officers, representatives of employee organizations and other pertinent parties.

Rule 113

Certification of Eligibles

Article IV: Personnel Requisitions

Applicability: Article IV, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.8 **Personnel Requisitions**

113.8.1 Requirement for Personnel Requisitions

Whenever a position is to be filled, the appointing officer shall issue a personnel requisition on the prescribed form. Fully approved personnel requisitions shall immediately be time stamped in the order of receipt in the Department of Human Resources.

113.8.2 Separate or Group Personnel Requisitions

A separate personnel requisition shall be made for each permanent position to be filled. Group personnel requisitions may only be made for temporary positions.

113.8.3 Cancellation of Personnel Requisitions

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the Human Resources Director.

113.8.4 Priority of Personnel Requisitions

Except as otherwise provided in these Rules, certification shall be made in accordance with priority of approval of the personnel requisition in the Department of Human Resources or the date to report to duty, whichever is later.

113.8.5 Tenure of Temporary Appointments

1) Temporary employments may be requisitioned for periods not to exceed twelve (12) months.

2) Original personnel requisitions for fewer than twelve (12) months may be extended from the date of appointment but may not exceed the maximum allowable personnel requisition time. Upon completion of the allowable maximum time, the temporary appointment(s) may be extended when funds are available and when the employee continues to have standing on an eligible list for that class.

Sec. 113.8 **Personnel Requisitions (cont.)****113.8.5** **Tenure of Temporary Appointments (cont.)**

3) Beginning on the effective date of this Rule, the Department of Human Resources shall keep records of the number of temporary employments extended as provided in this Rule. On July 30, 1977, and each July 30 thereafter, a list of extended temporary employments for the past fiscal year shall be made available for public inspection.

113.8.6 **Flexible Staffing Personnel Requisitions**

A personnel requisition for a permanent vacancy filled by an appointee in accordance with the flexible staffing authority of the Salary Ordinance shall also be valid for subsequent certification for appointment of the same eligible, when qualified, to the class designated on the personnel requisition.

Rule 113

Certification of Eligibles

Article V: Administration of Certifications

Applicability: Article V, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.9 **Notice of Certification**

For each available position, the Department of Human Resources shall certify to the appointing officer a confidential list of the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. Eligibles' information, including names on eligible lists shall not be made public, unless required by law.

The Department of Human Resources shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 113.10 **Notice of Inquiry**

113.10.1 As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.

113.10.2 Eligibles are required to respond to a Notice of Inquiry within ~~five (5) business days~~ a minimum period as determined by the Human Resources Director not to be less than three (3) business days. ~~unless~~ The response period ~~time limit is~~ may be extended by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to respond, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by eligibles to the means for receiving timely notification, and complexity of the selection procedures.

113.10.3 If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may ~~request supplementary certification from~~ consider eligibles from the next highest score(s) in accordance with Article III of this Rule.

Sec. 113.11 **Certification Results**

Departments are required to notify the Department of Human Resources of the results of a certification within ~~twenty (20) business~~ ~~sixty (60) calendar~~ days after the date of the Notice of Certification. This deadline may be extended by the Human Resources Director. Upon notification of the selection of a reachable eligible, the Human Resources Director shall post the appointee's name, department, classification and rank on the eligible list. ~~DHR will, on a regular basis, report to the CSC on the departmental response time and the reason(s) for delay in responding to a referral.~~

Sec. 113.12 Waivers**113.12.1 General Waivers**

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.
- 3) For reasons prescribed elsewhere in these Rules.
- 4) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

113.12.2 Waiver of Part-Time Employment

Any part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

113.12.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

Sec. 113.12 **Waivers (cont.)****113.12.4** **Effects of Waivers**

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse two (2) offers of employment resulting from certification off of the eligible list. Refusal of a third (3rd) offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class.

113.12.5 **Withdrawal of Waivers**

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.
- 2) Such requests must be received in the Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer.
- 5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 113.13 **Change of Address**

Eligibles are responsible for notifying the Department of Human Resources of any change of address.

Rule 113

Certification of Eligibles

Article VI: Selective Certification of Certified Temporary Employees

Applicability: Article VI, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.14 Selective Certification of Certified Temporary Employees

- 113.14.1** Notwithstanding anything to the contrary in this or any other section of these Rules, an employee who has been appointed from a regularly adopted eligible list to a non-permanent position shall be entitled to appointment to a permanent position within the same class before the certification of persons standing higher on the list of eligibles subject to a period of six (6) months of service in the class or for the period provided for in the examination announcement in any status and certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the form and in the manner prescribed by the Human Resources Director.
- 113.14.2** The Human Resources Director is authorized to take such administrative action not in conflict with these Rules as is required to make this section operative including imposition and removal of waivers.

Rule Revisions Amended

Deletions in ~~strikethrough~~ – Additions in underline

Rule 202

Definitions

Applicability: Rule 202 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 202.1 Appointments

Sec. 202.2 Appointing Officer

Sec. 202.3 Appointment Date

Sec. 202.4 Bulletin Board / [Employment Opportunity Website](#)

Sec. 202.5 Certification - Banding

Sec. 202.6 Certification - Rule of Three Scores

Sec. 202.7 Certification Date

Sec. 202.8 Charter

Sec. 202.9 City

Sec. 202.10 Civil Service Department

Sec. 202.11 Class

Sec. 202.12 Classification Plan

Sec. 202.13 Classified Service

Sec. 202.14 Civil Service Commission

Sec. 202.15 Commissioner

Sec. 202.16 Department

Sec. 202.17 Department of Human Resources

Sec. 202.18 Eligible

Sec. 202.19 Eligible List

Sec. 202.20 Executive Session

Sec. 202.21 Human Resources Director

Sec. 202.22 Impact

Sec. 202.23 Layoff

Sec. 202.24 Near List

Sec. 202.25 Part-Time Employment

Sec. 202.26 Position

Sec. 202.27 Post

Sec. 202.28 Seniority

Sec. 202.29 Service

Sec. 202.30 Start Work Date

Sec. 202.31 Time Periods

Sec. 202.32 Validation Date

Rule 202 Definitions

Applicability: Rule 202 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 202.1 Appointments

202.1.1 Permanent Civil Service

An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.

202.1.2 Probationary

Status of civil service employees during a trial period following permanent appointment.

202.1.3 Temporary Civil Service

An appointment made to a temporary position as a result of certification from an eligible list.

202.1.4 Provisional

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which in either case, is time limited as provided elsewhere in these Rules.

202.1.5 Exempt

An appointment to a permanent or temporary position exempt from being filled from an eligible list in accordance with the provisions of Section 10.104 of the Charter.

Sec. 202.2 Appointing Officer

The head of an organizational unit having appointive authority within the organizational unit and the powers of a department head as defined by former Charter Section 3.501 as enacted into ordinance under Charter Section 18.103.

Sec. 202.3 Appointment Date

The date on which an appointing officer notifies the Department of Human Resources of his or her selection from a list of eligibles certified by the Department of Human Resources.

Sec. 202.4 Bulletin Board

The official bulletin boards, so designated, at the Civil Service Department and Department of Human Resources, used for posting of examinations and public announcements of the Civil Service Commission and Department of Human Resources.

Sec 202.4.1 [Employment Opportunity Website](#)

The City's official employment opportunity website, so designated used for posting of examinations, recruitments, and public announcements of the Department of Human Resources.

Sec. 202.5 Certification - Banding

Banding is a certification process which provides a reasonable way in which to interpret a range of scores for the purpose of making employment decisions. This is done by creating "bands" within which the lowest score within the "band" is considered as equally qualified as the highest score in the "band" based upon valid psychometric data and, therefore eligible for consideration for employment or promotion.

Sec. 202.6 Certification - Rule of Three Scores

The names of eligibles with the three highest scores on the list of eligibles for a position, who are available for appointment, are certified to the appointing officer. When there are two or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at less than three scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score.

Sec. 202.7 Certification Date

The date on which the Department of Human Resources notifies an appointing officer of the name(s) of eligible(s) from which appointment(s) may be made to fill position.

Sec. 202.8 Charter

The Charter of the City and County of San Francisco.

Sec. 202.9 City

The City and County of San Francisco.

Sec. 202.10 Civil Service Department

The administrative office of the Commission under the direction of the Executive Officer.

Sec. 202.11 Class

A position or group of positions for which a common descriptive job title may be used.

Sec. 202.12 Classification Plan

All the classes which have been established, the procedures for maintaining the plan, and the specifications or descriptions of each of the classes.

Sec. 202.13 Classified Service

Includes all positions in the City service subject to competitive examination.

Sec. 202.14 Civil Service Commission

The administrative body of Civil Service Commissioners empowered to enforce the civil service provisions of the Charter.

Sec. 202.15 Commissioner

A member of the Civil Service Commission of the City and County of San Francisco, appointed by the Mayor.

Sec. 202.16 Department

Organizational unit or units under one appointing officer.

Sec. 202.17 Department of Human Resources

The Department charged with administering the policies, Rules, and procedures of the Civil Service Commission and performing such other duties and functions as set forth in the Charter.

Sec. 202.18 Eligible

A person who has standing on an eligible list.

Sec. 202.19 Eligible List

A list of names of persons who have passed a civil service examination.

Sec. 202.20 Executive Session

A meeting or part of a meeting of the Civil Service Commission legally held in private or with the general public excluded.

Sec. 202.21 Human Resources Director

Director of the Department of Human Resources.

Sec. 202.22 Impact**Adverse Impact**

An adverse impact is a substantially different rate of selection in hiring, promotion or other employment decision disadvantaging members of a legally protected racial, gender or ethnic group not justified by a legitimate business necessity. When the selection rate for a particular legally protected group is less than four-fifths or eighty percent of the selection rate for the group with the highest selection rate, this may be regarded as evidence of an adverse impact. A selection rate larger than four-fifths or eighty percent will not be so regarded.

Sec. 202.23 Layoff

Separation from a position because of economy, lack of funds, or lack of work.

Sec. 202.24 Near List

An eligible list or a holdover roster in a class similarly related to a class for which there is no eligible list from which the Human Resources Director may authorize the certification of eligibles for temporary civil service appointment.

Sec. 202.25 Part-Time Employment

Part-time employment is regularly scheduled, less than full-time, permanent or temporary appointment to a permanent or temporary position.

Sec. 202.26 Position

Duties and responsibilities assigned by an appointing officer to be performed by one employee.

202.26.1 Permanent

A collection of duties, regardless of the source and nature of the funds, performed by one individual, which represent the ongoing work of the City and County. Such position(s) may be either:

- 1) enumerated in the Annual Salary Ordinance or Salary Resolutions of the School Districts for which funds have been provided on a continuing basis; or
- 2) a position declared to be permanent by action of the Human Resources Director.

202.26.2 Temporary

A position in which the duties and responsibilities exist for a maximum duration of 1040 hours except in the case of a special project, defined elsewhere in these Rules, for up to a maximum duration of 2080 hours.

202.26.3 Part-Time

Positions less than the established full-time normal schedule of hours per day or days per week.

202.26.4 Exempt

Temporary or permanent positions excluded from civil service hiring and removal procedures in accordance with the provisions of Section 10.104 of the Charter.

202.26.5 As-Needed

A temporary or provisional appointment on either a full-time or part-time work schedule against a temporary requisition designated as as-needed to cover peak workloads, emergency extra workloads, necessary relief, and other situations involving a fluctuating staff.

Sec. 202.27 Post

~~To place publish on the employment opportunity website official Bulletin Board.~~ To place on the official Bulletin Board or to publish on the employment opportunity website.

Sec. 202.28 Seniority**202.28.1 Civil Service - Permanent**

Seniority shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior, or as provided elsewhere in these Rules.

202.28.2 Civil Service - Temporary (from eligible list)

Seniority shall be determined by the date of certification which resulted in a temporary appointment to a temporary position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.

202.28.3 Departmental

Seniority for shift and work assignments, vacation or holiday schedule is determined by the appointing officer and is not within the authority of the Civil Service Commission or the Department of Human Resources.

Sec. 202.29 Service

The City and County of San Francisco government service, including the classified positions in the School Districts.

Sec. 202.30 Start Work Date

The date on which an appointee is first reported on the timeroll as working.

Sec. 202.31 Time Periods

Reference to time periods, such as one week or one month, etc., shall mean calendar days unless the rule specifically refers to business days.

Sec. 202.32 Validation Date

The date on which the Department of Human Resources notifies an appointing officer that it has approved an appointment.

Rule 210 Police Examination Qualifications And Applicants

Rule 210

Police Examination Qualifications And Applicants

Applicability: Rule 210 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Article I: Applications And Notice Of Examinations

Sec. 210.1 Applicants

Sec. 210.2 Notice of Examinations

Sec. 210.3 Application Custody

Sec. 210.4 Cheating or Fraud in Examinations

Sec. 210.5 Names Not to Be Made Public

Sec. 210.6 Change of Address

Sec. 210.7 Correction of Examination Announcements

Article II: Qualifications of Applicants

Sec. 210.8 Qualifications of Applicants

Sec. 210.9 Application for Examination

Sec. 210.10 Applicants for Entrance Positions - Uniformed Force of Police Department

Sec. 210.11 Recruitment of Applicants

Sec. 210.12 Review of Applicant Pool Demographics

Sec. 210.13 Promotional Applicants

Rule 210

Police Examination Qualifications And Applicants

Article I: Applications And Notice Of Examinations

Applicability: Rule 210 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 210.1 Applicants

An applicant is a person who has filed an application for examination within the time limits specified in the announcement of the examination for which the applicant applied and maintains eligibility until the time of appointment. Verification shall be the official time receipt of the Examination Division of the Police Department or postmark.

Sec. 210.2 Notice of Examinations

Official notice of examinations will be posted ~~at the San Francisco Police Department and the Department of Human Resources~~ on the City's official employment opportunity website. Notice of entrance ~~examinations will be posted for a minimum period of five (5) workdays~~ and ~~notice of promotional examinations will be posted for a minimum period~~ not to be less than three (3) business days ~~of ten (10) workdays~~ as determined by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, ensuring reasonable access to the job ad, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by the labor market to the means for receiving timely notification, and equal employment opportunity and racial equity goals. Requests for notice of filing dates for entrance examinations may be filed online through the Department of Human Resources website. Notifications shall be emailed at the inquirer's risk. Failure to receive a requested notification shall not result in any special consideration or remedy related to the examination process. DHR will, on a regular basis, report to the CSC on the progress of advance notification of upcoming employment opportunities for postings of five (5) days or less on the employment opportunity website.

Sec. 210.3 Application Custody

Applications and supporting documents become the property of the Department of Human Resources when received. Return of such documents shall require the approval of the Human Resources Director or his or her designee.

Sec. 210.4 Cheating or Fraud in Examinations

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the Human Resources Director.

210.4.1 Aid, Hindrance, Fraud and Collusion in Examinations

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely make, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Any eligible securing standing on a list by fraud, concealment of fact or violation of Commission Rules shall be removed from such list and, if certified or assigned to a position, shall be removed therefrom.

Sec. 210.5 Names Not to Be Made Public

The names of applicants for any examination shall not be made public prior to announcement of the results of the examination. Names of participants who fail any examination shall not be made public.

Sec. 210.6 Change of Address

In all cases of change of address, the Examination Division of the Police Department must be notified in writing separately for each class involved. Notice of change of address to the Post Office, the employee's current assignment and/or the Police Department Personnel Division will not be a reasonable excuse for special consideration in case of failure to respond within time limits.

Sec. 210.7 Correction of Examination Announcements

Examination announcements may be corrected with respect to clerical errors, misprints and incorrect wording by the Human Resources Director or his or her designee, by posting notice of such corrections next to the original examination announcement. The issuance of examination announcements corrected under the provisions of this section shall not allow additional time for protest or appeal of the substantive provisions contained in the original examination announcement.

Rule 210**Police Examination Qualifications And Applicants****Article II: Qualifications of Applicants**

Applicability: Rule 210 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 210.8 Qualifications of Applicants

210.8.1 Every applicant for entrance or promotional examination must possess and maintain the qualifications required by law and by the announcement of the examination for which applied. Experience gained in violation of Commission Rules shall not be recognized. It is the responsibility of the appointing officer and of the employee to have out-of-class experience recorded as provided in the Civil Service Commission Rules.

210.8.2 Except with permission of the Human Resources Director, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class. No employee may participate in an examination for a class in which the employee has current permanent appointment status except with the approval of the Human Resources Director.

210.8.3 If an applicant for a peace officer position in the uniformed ranks of the San Francisco Police Department has a Sustained Finding of Serious Misconduct arising from that applicant's prior employment as a peace officer or custodial officer, then the applicant is disqualified.

210.8.4 If an applicant resigned, retired, or otherwise separated from their employment as a peace officer or custodial officer in any jurisdiction during the pendency of a disciplinary proceeding that could lead to a Sustained Finding of Serious Misconduct by the applicant, the applicant is disqualified until such a time as an investigating agency, commission, board, hearing officer, or arbitrator reaches a final determination that 1) the peace officer or custodial officer did not violate law or department policy; 2) there is insufficient evidence to sustain a finding of Serious Misconduct; 3) the evidence establishes that the allegations are unfounded; or 4) the final determination is otherwise incompatible with a Sustained Finding of Serious Misconduct.

210.8.5 As used in this Rule, "Serious Misconduct" is defined as the following:

1. Use of excessive force resulting in injury;
2. Racial or identity profiling or bias, or other discriminatory actions or actions demonstrating discriminatory intent against any person or group based on any factors described in Rule 203.2;
3. Sexual harassment in the workplace, whether directed at a member of the public or a co-worker, including any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature directed at a person because of or relating to that person's sex, sexual orientation, or gender identity;
4. Dishonesty in the reporting, investigation, or prosecution of a crime, including perjury; false statement; filing false reports; or destruction, falsifying, or concealing of evidence; or
5. Dishonesty in the reporting or investigation of misconduct by another peace officer or custodial officer, including but not limited to perjury; false statements; filing false reports; or destruction, falsifying, or concealing of evidence.

210.8.6 Unless otherwise specified, words used in this Rule shall have the same definitions or meanings as in California Penal Code Sections 832.7 and 832.8.

Sec. 210.9 Application for Examination

Any person having the qualifications prescribed by these Rules and the terms of the examination announcement may submit himself or herself for any examination under conditions established by the Department of Human Resources.

Sec. 210.10 Applicants for Entrance Positions - Uniformed Ranks of Police Department

Applicants for entrance positions in the Uniformed Ranks of the Police Department shall not be less than 20 years of age at the time of taking the examination, nor less than 21 years of age at the time of appointment.

Sec. 210.11 Recruitment of Applicants

Recruitment shall be conducted to attract qualified applicants. Where appropriate or needed, the Human Resources Director or his or her designee shall conduct outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified candidates.

Sec. 210.12 Review of Applicant Pool Demographics

When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Human Resources Director or his or her designee shall review the ethnic and gender demographics of the pool of qualified applicants. Where the pool of applicants does not reflect the demographics of the relevant labor market, and upon consideration of factors such as the number of anticipated vacancies and the level of underrepresentation, the Human Resources Director or his or her designee may take such action as appropriate including extending the filing period, reopening the examination for filing or canceling the examination.

Sec. 210.13 Promotional Applicants

Applicants for promotional examinations shall meet the requirements of the examination announcement under which they apply and be eligible to participate in an examination on a promotive basis as defined by the examination announcement.

Rule 211 Examinations

Rule 211

Examinations

Applicability: Rule 211 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Article I: Promotional Examinations In The Uniformed Ranks Of The Police Department

Sec. 211.1 General Provisions Governing Promotional Examinations

Sec. 211.2 Frequency of Promotional Examinations

Sec. 211.3 Examinations without Charge

Article II: Examination Process and Announcement

Sec. 211.4 Human Resources Director Empowered to Act

Sec. 211.5 Announcement

Sec. 211.6 Protests and Appeals of Examination Announcements

Sec. 211.7 Reissuance of Examination Announcements

Sec. 211.8 Official Time Periods

Sec. 211.9 Posting and Notice of Promotional Examination Announcements

Sec. 211.10 Means of Identification

Sec. 211.11 Copying of Examination Questions - Dissemination of Examination Information

Sec. 211.12 Examination Passing Mark

Sec. 211.13 Appraisal/Review Boards

Article III: Inspection and Appeal Procedures

Sec. 211.14 Rating Keys

Sec. 211.15 Inspection of Rating Keys by Review Committee

Sec. 211.16 Inspection and Appeal Procedures

Sec. 211.17 Qualifications Appraisal Interview - Procedures and Appeals

Article IV: Veterans Preference In Examinations

Sec. 211.18 Requirements for Entitlement to Veterans Preference

Sec. 211.19 Definition of Veterans

Sec. 211.20 Entitlement at Time of Separation From Active Duty

Sec. 211.21 Restriction on Entitlement

Sec. 211.22 Entitlement Exhausted Upon Acquiring Permanent Appointment

Sec. 211.23 Additional Entitlement for Veterans with Permanent Disability

Sec. 211.24 Definition of Time of War

Rule 211

Examinations

Article I: Promotional Examinations In The Uniformed Ranks Of The Police Department

Applicability: Rule 211 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 211.1 General Provisions Governing Promotional Examinations

211.1.1 Except as specifically provided in this or other sections of these Rules, all promotions in the Uniformed Ranks of the Police Department, shall be made from the next lower civil service rank attained by examinations and/or other legally valid, job-related, selection procedures.

211.1.2 All promotive examinations in the Police Department shall be job-related, valid, and consistent with State and Federal laws that promote the non-discrimination policies of the City and County of San Francisco.

Sec. 211.2 Frequency of Promotional Examinations

The Civil Service Commission shall provide for promotion in the Police Department on the basis of examinations and tests at least once every four years for each promotive position or rank in the Police Department.

Sec. 211.3 Examination without Charge

211.3.1 Examinations shall be without charge to the applicants.

211.3.2 Pilot Exception to the Requirement that Examinations be without Charge.

1) Notwithstanding Section 211.3.1 above, on a pilot basis for a period not to exceed thirty-six (36) months from the date of adoption, December 16, 2013, applicants for the entry-level Police Officer classification may be charged a fee by an outside vendor to take a City-approved examination that is administered by that vendor. Such fee may be waived for financial hardship.

2) The decision to deny an applicant's request for fee waiver based on financial hardship may be protested to the Human Resources Director within five (5) calendar days from the date of the notice of such denial. A day the Department of Human Resources is closed shall not be counted as the fifth (5th) calendar day. The Human Resources Director's decision to deny a request for fee waiver based on financial hardship shall be appealable to the Civil Service Commission in accordance with Civil Service Rule 205.12.1 - Appeal of Human Resources Director's and Executive Officer's Acton, Examination Matters.

3) The Department of Human Resources shall provide the Civil Service Commission with reports on a semiannual basis on those examinations for which applicants were charged a fee pursuant to this Section 211.3.2. Such reports shall include, but not be limited to, the following information for each examination: the number of applicants; the number of fee waiver requests, denials, protests and appeals; no-show rates; and available statistical information on the sex, race or ethnic group of applicants and eligibles.

Sec. 211.4 Human Resources Director Empowered to Act

The Human Resources Director or his or her designee shall rule on all matters concerning the examination program in accordance with these Rules.

Rule 211**Examinations****Article II: Examination Process and Announcement**

Applicability: Rule 211 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 211.5 Announcement

The examination announcement shall provide the qualifications, dates, duration of eligible lists, type of examination, selection procedure(s) and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the

examination(s) for which they apply. Not less than thirty (30) days prior to the issuance of this announcement, it shall be provided to the bargaining agent for review and comment. Should the document not be returned within the thirty (30) days, the department will proceed with the job announcement.

Sec. 211.6 Protests and Appeals of Examination Announcements

211.6.1 Protests concerning provisions of an announcement must be received by the Department of Human Resources/Examination Division of the Police Department within five (5) calendar days from the issuance date. A day the Exam Unit is closed shall not be counted as the fifth (5th) calendar day.

211.6.2 The Human Resources Director or his or her designee will rule upon protests and notify the petitioners in writing.

211.6.3 This decision is subject to appeal to the Civil Service Commission as provided elsewhere in these Rules.

Sec. 211.7 Reissuance of Examination Announcements

After considering appeals submitted in accordance with this Rule, the Human Resources Director or his or her designee may reissue the announcement. When reissued, an examination announcement is not subject to the appeal procedure.

Sec. 211.8 Official Time Periods

Examination announcements shall set forth time limits for determination of the qualification of applicants.

Sec. 211.9 Posting and Notice of Promotional Examination Announcements

Examination announcements for a promotional examination shall be posted on the [City's official bulletin board at the Police Department and the Department of Human Resources employment opportunity website](#) and will be distributed to each Bureau and Division. The minimum posting period shall be twenty (20) calendar days prior to the beginning of the filing period. A copy of the posting will be provided to the certified bargaining representative. The Department shall develop procedures making examination announcement information available, upon request, to Police Officers detailed to outside agencies or on approved extended leaves of absence.

Sec. 211.10 Means of Identification

The Human Resources Director or his or her designee shall determine the method of candidate identification to be used in all entry-level and promotional examinations.

Sec. 211.11 Copying of Examination Questions - Dissemination of Examination Information

The copying of examination questions or the taking of unauthorized notes or outlines during the examination is prohibited. Dissemination of examination information including verbal dissemination of examination questions or topics is prohibited.

Sec. 211.12 Examination Passing Mark

For examinations that require the use of passing marks or qualifying scores, the Human Resources Director or his or her designee shall establish the passing mark or shall determine the total number of persons to be included on the list of eligibles based on the needs of the service.

Sec. 211.13 Appraisal/Review Boards

- 1) The orientation of an appraisal board may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements or personal characteristics needed by employees in this class, and related information. The department head or representative shall not discuss any candidate with any member or members of the qualifications appraisal board at this time or any other time prior to the completion of the examination.
- 2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by any candidate who appears before the board in any qualification appraisal interview.
- 3) No board member shall rate a candidate who is related to that person or rate a candidate if any strong personal or working association exists between that candidate and the board member so that it would be difficult to make an impartial rating or create a serious appearance of impropriety.
- 4) No candidate shall discuss her/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.
- 5) No letters of reference or recommendation shall be presented to the qualifications appraisal board.
- 6) The board may consider relevant documents such as specified in the scheduling notice.
- 7) In all qualifications appraisal interviews, the same standards shall apply to all candidates who appear for the same class.
- 8) The minimum passing or qualifying rating must be related to a class, not to a single position within a multiple position class.
- 9) No applicant for public employment shall be questioned as to political views, religious beliefs, labor affiliations, race, national origin, ethnicity, age, gender identification, sexual orientation,

ancestry, marital status, medical conditions or other non-merit factors, nor will such factor be utilized in establishing minimum qualification requirements and developing examinations. Otherwise prohibited nepotism and favoritism shall be prohibited.

10) Recordings of qualifications appraisal reviews shall be retained only until all ratings become final and any timely appeals and litigation based thereon have been resolved. A defective recording shall not invalidate the interview unless the Human Resources Director or his or her designee find the omitted or unintelligible material critically relevant to the case, in which event the Human Resources Director or his or her designee may authorize a second interview or order a new examination.

Rule 211

Examinations

Article III: Inspection and Appeal Procedures

Applicability: Rule 211 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 211.14 Rating Keys

Rating keys shall not be available for review or inspection. Protests of written questions or answers on any examination shall not be allowed.

Sec. 211.15 Inspection of Rating Keys by Review Committee

Notwithstanding any other provision of these Rules, the examination announcement may provide for review of questions and answers thereto by a review committee. Such review committee shall be composed of three or more persons appointed by the Human Resources Director or his or her designee from among a panel of five officers submitted by the Chief of Police and shall hold a rank not less than that of the class for which the examination is being held.

Sec. 211.16 Inspection and Appeal Procedures

211.16.1 All appeals regarding the administration of an examination component(s) must be filed in writing with the Department of Human Resources/Police Department Examination Division within five (5) calendar days of the administration of the examination component giving rise to the appeal. A day the Department of Human Resources/Exam Unit is closed shall not be counted as the fifth (5th) calendar day. These appeals which pertain to the administration of the examination shall be resolved in a single process to commence at the conclusion of the administration of the various examination components. Appeals shall be limited to allegations of malfeasance or bias during the administration of the examination.

211.16.2 Any challenges shall be filed in writing within the time limits provided in these Rules and shall state the basis upon which the appeal is being made.

211.16.3 All protests properly filed under this section shall be resolved in accordance with the provisions of these Rules of the Civil Service Commission. The decision of the Human Resources Director on these protests may be appealed to the Civil Service Commission. Appeals of the Director's decisions must be filed as provided elsewhere in these Rules.

Sec. 211.16 Inspection and Appeal Procedures (cont.)

211.16.4 The identity of any examiner giving any mark or grade shall not be disclosed.

Sec. 211.17 Qualifications Appraisal Interview - Procedures and Appeals

211.17.1 In the event of any challenge of an examiner or any ratings in qualifications appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.

211.17.2 Challenge of Board Members

1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.

2) Any challenge as to personal bias or competence of a person serving as an examiner in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director or his or her designee, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board.

If more than one-half of the board members are successfully challenged, then the Human Resources Director or his or her designee shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.

3) Any appeal or challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and presented to the representative of the Department of Human Resources/Police Department Examination Division within three (3) business days from when the qualifications appraisal interview was held. Challenges based on bias, malfeasance or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the specific grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved in accordance with the provisions of

these Rules before the identification sheets of those admitted to the oral examination are opened and scores of the participants are known.

4) The Civil Service Commission, in acting on a challenge or appeal of the conduct of the qualification appraisal board, shall consider only the applications, records, tape recordings, and questions and answers which constitute the record of the qualifications appraisal interview. The Commission will sustain protests only when the candidate presents evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.

5) The decision of the Civil Service Commission on this subject shall be final.

6) In absence of a challenge under this section or upon a decision by the Commission under this section, later challenges shall be precluded.

Rule 211

Examinations

Article IV: Veterans Preference In Examinations

Applicability: Rule 211 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 211.18 Definition of Veteran for Purposes of Entitlement Under This Rule

The term “veteran” as used in this Rule shall be as defined under Cal. Gov’t Code §18540.4, which at the time of amendment of this Rule stated: Any person who has served full time in the armed forces in time of national emergency or state military emergency or during any expedition of the armed forces and who has been discharged or released under conditions other than dishonorable.

Sec. 211.19 Definition of Disabled Veteran for Purposes of Entitlement Under This Rule

211.19.1 For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 211.17, who has suffered a permanent service-connected disability that is of record in the United States Veterans Administration.

211.19.2 Notwithstanding any preference allowed under this Rule, disabled veterans as defined above shall be afforded all rights under the Americans with Disabilities Act, including any reasonable accommodation if appropriate.

Sec. 211.20 Veterans Entitlement

211.20.1 Veteran, Widow or Widower, or Domestic Partner

A veteran as defined above in Sec. 211.17, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of five percent (5%) toward his/her entrance qualifying score.

Sec. 211.20 Veterans Entitlement (cont.)

211.20.2 Disabled Veteran, Widow or Widower, or Domestic Partner

A disabled veteran as defined in Sec. 211.18.1, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

211.20.3 Spouse or Domestic Partner of Disabled Veteran

Spouse or registered domestic partner of a one hundred percent (100%) disabled veteran as defined above in Sec. 211.19, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

211.20.4 Notice of Veteran Status

Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive Veterans Preference credit must notify the Department of Human Resources of his/her veterans status at the time he/she submits the initial job application. Veterans preference is limited to an applicant for entrance employment, however, it may be applied to either an entrance only announcement or a combined entrance and promotional announcement.

Sec. 211.21 Entitlement at Time of Separation from Active Duty

An individual qualifying for veterans preference as herein defined shall be deemed entitled thereto on the date of separation from active duty in the armed forces.

Sec. 211.22 Entitlement Exhausted Upon Acquiring Permanent Appointment

The exercise of said veterans preference shall be exhausted upon permanent appointment from an eligible list and the completion of the required probationary period. The application of any other veterans credits on any other examination shall be automatically cancelled.

Rule 212 Eligible Lists - Police Department

Rule 212

Eligible Lists - Police Department

Applicability: Rule 212 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Article I: Administration Of Eligible Lists

Sec. 212.1 Establishment of Eligible Lists

Sec. 212.2 Discrete Eligible Lists

Sec. 212.3 Continuous Eligible Lists

Sec. 212.4 Duration of Eligibility on Continuous Lists

Sec. 212.5 Duration of Discrete Eligible Lists and Eligibility

Sec. 212.6 Extension of Eligibility

Sec. 212.7 Cancellation of Eligibility – Entrance Appointments

Sec. 212.8 Merging of Eligible Lists – Entrance Appointments

Sec. 212.9 Posting of Tentative Eligible List

Sec. 212.10 Documents Included in Inspection and Maintenance of Anonymity of Examiners

Sec. 212.11 Appeal of Tentative Eligible List

Sec. 212.12 Adoption of Eligible List

Sec. 212.13 Official Adoption Date

Sec. 212.14 Maintenance of Eligibility

Article II: Holdover Status And Return To Duty

Sec. 212.15 Holdover Status and Return to Duty

Rule 212

Eligible Lists - Police Department

Article I: Administration Of Eligible Lists

Applicability: Rule 212 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 212.1 Establishment of Eligible Lists

Qualified participants successfully passing all phases of the examination shall be ranked on an “Eligible List” in the order of their total score.

Sec. 212.2 Discrete Eligible Lists

Discrete eligible lists are lists derived from examinations which are open for filing for a specific time period and in which the selection procedure is administered on a specific date or dates.

Sec. 212.3 Continuous Eligible Lists

A continuous eligible list may be used for a class after the Human Resources Director has designated the class as a “continuous list class.” Each time an examination for such a class is given, the names of the eligibles resulting from the examination shall be added to the existing eligible list, ranked by the eligible’s score on the examination taken. For eligibles with the same score, names shall be listed alphabetically.

Sec. 212.4 Duration of Eligibility on Continuous Lists

Each examination announcement for a continuous list class shall state the time period during which the names of eligibles successfully passing the examination will remain on the continuous list. This time period will be referred to as the “eligibility period.” The eligibility period of a continuous list shall not exceed forty-eight (48) months. An eligible’s name shall be removed from a continuous list at the end of the eligibility period.

Sec. 212.5 Duration of Discrete Eligible Lists and Eligibility

As provided in these Rules, the duration of the eligible list shall be from twenty-four (24) to forty-eight (48) months. The exact duration shall be stated on the examination announcement. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

Sec. 212.6 Extension of Eligibility

The Human Resources Director may extend an eligible list or eligibility period for up to one (1) additional year up to and not to exceed a total of four (4) years. Eligibles shall be notified of the extension or any change in the expiration of their eligibility.

Sec. 212.7 Cancellation of Eligibility - Entrance Appointments

The Human Resources Director may cancel an entrance appointment eligible list after the minimum duration of six (6) months. In canceling an eligible list, the Human Resources Director shall consider, among other factors, the number of eligibles remaining, the length of time since the selection procedures were administered, and labor market availability. Eligibles and the recognized employee organization representing the affected class shall be notified.

Sec. 212.8 Merging of Eligible Lists - Entrance Appointments

212.8.1 For entrance appointments the Human Resources Director may authorize the merging of an earlier list in a class with a later eligible list in the same class.

212.8.2 The names of eligibles from the earlier eligible list shall be interpolated with the names of eligibles on the later eligible list by score. Eligibles with the same score shall be listed in alphabetical order.

212.8.3 The duration of the merged eligible lists shall be established as provided elsewhere in these Rules and eligibles from the earlier eligible list shall have their eligibility extended accordingly.

Sec. 212.9 Posting of the Tentative Eligible List

212.9.1 Following the completion of an examination, a tentative eligible list shall be posted for public inspection for a minimum ~~of four (4) business days, two days falling on either side of a weekend period as determined by the Human Resources Director not to be less than three (3) business days.~~ In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, extent of access by eligibles to the means for receiving timely notification, the stability and reliability of the messaging platform in sending and receiving notifications, and complexity of the examination ratings.

212.9.2 During the posting of the tentative eligible list, participants shall be allowed to inspect their scores, their examination papers, and the tentative eligible list. The tentative eligible list shall be posted on the City's official bulletin board at the Police Department employment opportunity website and will be distributed to each Bureau and Division. A copy of the posting will be provided to the certified bargaining representative.

Sec. 212.10 Documents Included in Inspection and Maintenance of Anonymity of Examiners

Inspection during the posting period of the tentative eligible list shall include the eligible's application, documents supporting qualifications to participate in the examination, written answer sheet, oral rating sheet and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark nor grade in an examination nor the questions or answers shall be provided.

Sec. 212.11 Appeal of Tentative Eligible List

During this inspection period participants shall be allowed to file protests allowed by this Rule. The inspection of the tentative eligible list, the candidate's scores and examination papers shall occur during a four (4) day period, two (2) days falling on either side of a weekend. Allowable protests of the tentative eligible list and/or scoring shall be filed during the four (4) day protest period of posting and inspection. Protests shall be limited to scoring miscalculations, typographical errors, computational errors in scoring, and the listing on a tentative eligible list of a person or persons allegedly ineligible for promotion. No protests shall be permitted that were or could have been raised at an earlier stage. The Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The decisions of the Human Resources Director on all matters related to this section shall be final and not subject to appeal to the Civil Service Commission.

Sec. 212.12 Adoption of Eligible List

212.12.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational error shall not change the date of adoption of the eligible list.

212.12.2 The Human Resources Director may adopt an eligible list pending the resolution of any appeal. Eligibles who are reachable for certification may be certified. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Civil Service Commission.

Sec. 212.13 Official Adoption Date

212.13.1 Pending the official adoption of an eligible list, the tentative eligible list shall be posted. Any protests must be filed with the Human Resources Director/Police Department Examination Division as provided in these Rules. After the posting period and in the absence of protest on ratings, scorings or eligibility, the tentative eligible list shall automatically become official as posted.

212.13.2 If appeals are received during the applicable filing period under these Rules, the investigation and action of the Human Resources Director or his or her designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting except for reasons beyond the control of the Director or his or her designee.

212.13.3 Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment of the adopted eligible list.

212.13.4 Changes in the eligible list because of clerical errors or re-ratings or computations shall not change the date of adoption of the eligible list.

Sec. 212.14 Maintenance of Eligibility

212.14.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

212.14.2 Except for persons designated as “holdovers”, eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with previous rank on the list restored.

212.14.3 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions described above.

Rule 212

Eligible Lists - Police Department

Article II: Holdover Status And Return To Duty

Applicability: Rule 212 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 212.15 Holdover Status and Return to Duty

212.15.1 Holdover Roster - General Requirements

- 1) Subject to the provisions of this Rule, permanent or probationary civil service appointees who are laid off or placed on an involuntary leave of absence shall be designated as holdovers.
- 2) The names of holdovers shall be ranked on a holdover roster for the class or classes from which layoff occurs and in the order of total seniority in the class in the City and County service. Seniority prior to resignation or termination shall not be used in determining holdover rights in a class.
- 3) Holdovers shall be returned to duty in rank order from holdover rosters.
- 4) Holdovers shall, for a period of five (5) years from the date of layoff, have preference for appointment over eligibles on civil service lists, or employees requesting transfer, reinstatement, or reappointment. The Human Resources Director, upon review of all the circumstances, may extend the holdover status for such specified period of time as he/she may deem proper.
- 5) Holdover rosters shall be canvassed in the following order: first, permanent holdover rosters; then, temporary holdover rosters.
- 6) Permanent holdovers shall be returned to duty in temporary positions before temporary holdovers. Permanent holdovers shall displace any temporary or part-time exempt appointee in

the same class in any City and County department. Permanent holdovers returned to duty in temporary positions shall retain their status on the permanent holdover roster. In the event of a displacement, the least senior temporary or part-time exempt appointee in the City and County service shall be laid off first.

7) Permanent holdovers in classes with citywide seniority for layoff purposes shall be entitled to displace only the least senior permanent employee in that class in City service. Holdovers who waive such appointment shall remain on the holdover list for subsequent permanent appointment to vacant positions, but may accept a temporary position in the class, if available.

8) Exceptions to Return to Duty in Rank Order

If two or more approved requisitions are on file, the Human Resources Director may permit holdovers in line for appointment, and in accordance with their standing on the roster, to select from the available requisitions the positions to which they desire appointment. In cases where holdovers on rosters who would be reached for appointment on requisitions, the Human Resources Director may consult with appointing officers and employees involved, and if it is in the best interest of the service, may offer out said positions to holdovers so as to make it possible for them to return to duty in the department from which laid off.

9) Holdovers who are notified that they are being returned to duty are required to respond to the Department of Human Resources within five (5) business days of the date of notification. The Human Resources Director may extend the time response period beyond five (5) business days. Failure of a holdover to respond within the time limits shall be considered a refusal of the offer and shall be subject to the penalty, if any, provided in this Rule.

10) Except as otherwise provided in these Rules, holdovers who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

11) In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to notice of return to duty within time limits.

12) Except as otherwise directed by the Human Resources Director, holdovers being returned to duty shall not be required to pass a new medical examination.

13) A properly completed copy of the designated report of layoff or involuntary leave of absence form shall be forwarded to the Department of Human Resources as soon as possible (in advance of the action if possible) so that the Department of Human Resources may record the action and place the employee's name on a holdover roster for immediate consideration for return to duty.

14) Late reports of layoff shall not interfere with nor affect the rights of holdovers to whom notices of return to duty have already been mailed and who have been or may be returned to duty in response to such notices except as follows: A holdover with more than five (5) years of

seniority in a class shall displace any appointee or any holdover who has been returned to duty who has less than five (5) years or seniority in the same class.

15) If there is no holdover roster for a class or if the holdover roster is exhausted, the Human Resources Director may authorize that a holdover be returned to duty from another holdover roster deemed suitable to temporarily provide the required service. If no other roster is available, the position shall be offered to eligibles on regular civil service eligible lists or to individuals requesting transfer, reinstatement or reappointment.

16) Holdovers returned to duty shall be reinstated with accrued compensatory time, if any, and with their original anniversary date for the purposes of computing sick leave and vacation benefits.

212.15.2 Holdover - Temporary Appointees

1) Appointees certified from an eligible list who have satisfactorily served under temporary appointment shall upon expiration of the list be designated a "temporary holdover."

2) Resignation from temporary appointment from a holdover roster or refusal of temporary appointment from a holdover roster cancels all temporary holdover rights in that class.

212.15.3 Holdover - Permanent and Probationary Appointees

1) A permanent or probationary appointee to a promotional or entrance position who is laid off shall be designated a "permanent holdover" and shall be returned to duty in a position in the class from which laid off from a holdover roster as provided in this Rule.

2) A permanent holdover returned to duty on a permanent basis in a department other than the one from which laid off shall serve a new probationary period.

3) Return to duty of a permanent holdover to a position in the class from which laid off shall be subject to the following conditions:

4) Return to Duty - Department From Which Laid Off

Permanent Vacancy - A permanent holdover who refuses an offer to return to duty on a permanent basis in the department from which laid off shall forfeit all holdover rights in that class, and shall be removed from all rosters for that class. Such refusal of return to duty shall be deemed a resignation.

Temporary Vacancy - Permanent holdovers may refuse an offer to return to duty on a temporary basis in the department from which laid off without affecting future offers to be returned to duty. Waiver of temporary appointment shall not be removed without the permission of the Human Resources Director.

5) Return to Duty - Department Other Than the One From Which Laid Off

Permanent holdovers may refuse an offer to return to duty on a permanent or temporary basis in a department other than the department from which laid off without affecting future offers to be returned to duty. Such departmental waivers shall not be withdrawn without the approval of the Human Resources Director.

6) A permanent holdover who was laid off during the probationary period and who is returned to duty in the department from which laid off shall complete the remaining period of probationary service.

7) Transferees who are laid off during the probationary period shall be ranked on the permanent holdover roster for the class in accordance with their seniority in the class in the City and County service.

8) Permanent holdovers who resign or are released during the probationary period may be returned to the holdover roster from which appointed subject to the provisions of these Rules. Such holdovers shall not displace any current permanent or probationary employees, but shall remain on the list for subsequent permanent appointment to vacant positions and may accept a temporary position in the class, if available.

Rule 213 Certification Of Eligibles - Police Department

Rule 213

Certification of Eligibles - Police Department

Applicability: Rule 213 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Article I: Personnel Requisitions

Sec. 213.1 Personnel Requisitions

Article II: Certification Of Eligibles

Sec. 213.2 Certification of Eligibles - General Policy

Sec. 213.3 Certification Rules

Sec. 213.4 Requirement for Secondary Criteria Applicable to All Certification Rules

Sec. 213.5 Certification Rules – General Provisions Applicable to All Certification Rules

Sec. 213.6 Certification of Entry Eligible List

Sec. 213.7 Certification of Promotive Eligible List – Rule of Ten Scores

Article III: Administration of Certification

Sec. 213.8 Response Period

Sec. 213.9 Effect of Failure to Respond

Sec. 213.10 Waivers

Sec. 213.11 Change of Address

Rule 213

Certification of Eligibles - Police Department

Article I: Personnel Requisitions

Applicability: Rule 213 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 213.1 Personnel Requisitions

213.1.1 Requirement for Personnel Requisitions

Whenever a position is to be filled, the appointing officer shall issue a personnel requisition on the prescribed form. Fully approved personnel requisitions shall immediately be time stamped in the order of receipt in the Department of Human Resources.

213.1.2 Separate or Group Personnel Requisitions

A separate personnel requisition shall be made for each permanent position to be filled. Group personnel requisitions may only be made for temporary positions.

213.1.3 Cancellation of Personnel Requisitions

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the Human Resources Director.

213.1.4 Priority of Personnel Requisitions

Except as otherwise provided in these Rules, certification shall be made in accordance with priority of approval of the personnel requisition in the Department of Human Resources or the date to report to duty, whichever is later.

213.1.5 Flexible Staffing Personnel Requisitions

A personnel requisition for a permanent vacancy filled by an appointee in accordance with the flexible staffing authority of the Salary Ordinance shall also be valid for subsequent certification for appointment of the same eligible, when qualified, to the class designated on the personnel requisition.

Rule 213**Certification of Eligibles - Police Department****Article II: Certification of Eligibles**

Applicability: Rule 213 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 213.2 Certification of Eligibles - General Policy

213.2.1 The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from the civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions. Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, gender, national

origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointing officers and their designees shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. Appointing officer/designee shall also be responsible for maintaining documentation of selection criteria, and reviewing the proposed selection with the department's Equal Employment Opportunity Officer or with the Department of Human Resources Equal Employment Opportunity Unit. Unless otherwise instructed by the Civil Service Commission, the Police Department shall annually report to the Civil Service Commission on the selection process. In addition to the annual reports, the Department shall make regular reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures. For further clarification, prior to the issuance of any job announcement, secondary criteria shall be presented to the Civil Service Commission for its approval in advance to insure compliance with Civil Service Commission Rules and policy and will be discussed in open session with all parties interested.

213.2.2 Implementing this Rule, the Human Resources Director shall:

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City & County of San Francisco, and
- 2) ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all decentralized units as delegated by the Human Resources Director, and
- 3) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

Sec. 213.3 Certification Rules

213.3.1 Rule of Three Scores

- 1) The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.
- 2) Except as otherwise may be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two (2) scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at less than three (3) scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

213.3.2 Rule of Three or More Scores

- 1) The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with the three (3) highest scores shall be certified to each available position.
- 2) Except as otherwise may be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule applicable to the eligible list being certified minus one.

213.3.3 Rule of Ten Scores

- 1) The Department of Human Resources shall certify to the appointing officer the names of eligibles with the ten (10) highest scores on the list of eligibles for the position who are available for appointment.
- 2) Except as otherwise may be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus nine (9) scores. An eligible list adopted under the Rule of Ten Scores shall in all cases be exhausted when eligibles standing at less than three (3) scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

213.3.4 Rule of the List

- 1) The names of all eligibles on the eligible list shall be certified to each available position.
- 2) An eligible list adopted under the Rule of the List shall be exhausted when there are less than one third of the number of eligibles on the original list still available, provided however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

Sec. 213.4 Requirement for Secondary Criteria Applicable to All Certification Rules

213.4.1 The Police Chief/Designee shall be responsible for establishing non-discriminatory selection procedures. Prior to the issuance of any job announcement, secondary criteria shall be presented to the Civil Service Commission for its approval in advance to ~~insure~~ensure compliance with Civil Service Commission Rules and policy; and will be discussed in open session with all parties interested.

213.4.2 Selection of an eligible within the certification shall be made under the authority and direction of the Police Chief/Designee.

213.4.3 The Police Chief/Designee shall develop secondary criteria to guide the selection process following the certification of eligibles on the list of eligibles for the position who are available for appointment.

213.4.4 Secondary criteria may include but need not be limited to experience(s), training and employment history.

213.4.5 Secondary criteria shall be job related.

213.4.6 Secondary criteria shall not be based on relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition, or other non-merit factors or otherwise prohibited nepotism or favoritism.

Sec. 213.5 Certification Rules – General Provisions Applicable to All Certification Rules

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

Sec. 213.6 Certification of Entry Eligible List

The entry level Certification Rule to be utilized shall be established and announced on the examination announcement. For entry level eligible lists, the Department of Human Resources shall certify to the Police Chief/Designee the names of eligibles available for appointment under the Rule of the List.

Sec. 213.7 Certification of Promotive Eligible List – Rule of Ten Scores

For each referral from promotive eligible lists, the Certification Rule shall be the Rule of Ten Scores.

Rule 213

Certification of Eligibles - Police Department

Article III: Administration of Certification

Applicability: Rule 213 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 213.8 Response Period

213.8.1 Notice of Inquiry

1) Eligibles are required to respond in writing to the Department of Human Resources within a minimum period from ~~five (5) business days~~ of the date of such notice ~~not to be less than three (3) business days~~ as established by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of

technology to respond, number of eligibles, the stability and reliability of the messaging platform in sending and receiving notifications, extent of access by eligibles to the means for receiving timely notification, and complexity of the selection procedures.

2) The Human Resources Director may authorize that eligibles be polled by telephone, provided however, that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.

213.8.2 Notice of Certification

1) Eligibles are required to notify the Department of Human Resources/appointing officer or designated representative within a minimum period ~~five (5) business days~~ not to be less than three (3) business days after the date of such ~~Notice~~notice as determined by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to respond, number of eligibles, the stability and reliability of the messaging platform in sending and receiving notifications, extent of access by eligibles to the means for receiving timely notification, and complexity of the selection procedures.

2) Eligibles are required to notify the Department of Human Resources as to their certification status within ~~seven (7) business days~~ a minimum period not to be less than three (3) business days after the Notice of Certification as determined by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to respond, number of eligibles, the stability and reliability of the messaging platform in sending and receiving notifications, extent of access by eligibles to the means for receiving timely notification, and complexity of the selection procedures.

3) The Police Department is required to notify the Department of Human Resources of the results of a certification within twenty (20) business days after the date of the Notice of Certification.

213.8.3 Extensions

Response period time limits may be extended by the Human Resources Director or his or her designee.

Sec. 213.9 Effect of Failure to Respond

213.9.1 An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

213.9.2 Except if the Human Resources Director determines that unusual circumstances exist which would create an undue hardship, the Police Department may be required to present the reasons for a delay in providing the results of the certification to the Civil Service Commission.

Sec. 213.10 Waivers**213.10.1 General Waivers**

An eligible may be placed in an inactive status under general waiver of certification of an eligible list as follows:

- 1) At the eligible's request. Such waivers shall be effective on the next business day.
- 2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.
- 3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.
- 4) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director or his or her designee.
- 5) For reasons prescribed elsewhere in these Rules.
- 6) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources in writing to withdraw such waiver as prescribed in these Rules. General waivers imposed by the Human Resources Director or his or her designee may not be removed unless ordered by the Civil Service Commission, the Human Resources Director or his or her designee.

213.10.2 Waiver of Part-Time Employment

Any part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

213.10.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director or his or her designee.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

213.10.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) Notices of Certification. Refusal of consideration from the third (3rd) Notice of Certification shall result in removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.
- 4) Unless otherwise ordered by the Human Resources Director, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.

213.10.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.
- 2) Such requests must be received in Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Civil Service Commission or the Human Resources Director or his or her designee may be authorized at any time and become effective the first business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles next in line for certification to whom the Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.
- 5) Immediate withdrawal of waiver may be authorized by the Human Resources Director or his or her designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 213.11 Change of Address

In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of changes of address to the Post Office and/or

the employee's current department only shall not be a reasonable excuse for special consideration in cases of failure to respond to any notice within the time limits.

Rule Revisions Amended

Deletions in ~~strikethrough~~ – Additions in underline

Rule 302 Definitions

Applicability: Rule 302 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 302.1 Appointment

Sec. 302.2 Appointing Officer

Sec. 302.3 Appointment Date

Sec. 302.4 Bulletin Board / [Employment Opportunity Website](#)

Sec. 302.5 Certification Date

Sec. 302.6 Charter

Sec. 302.7 City

Sec. 302.8 Civil Service Department

Sec. 302.9 Class

Sec. 302.10 Classification Plan

Sec. 302.11 Classified Service

Sec. 302.12 Commission

Sec. 302.13 Commissioner

Sec. 302.14 Department

Sec. 302.15 Department of Human Resources

Sec. 302.16 Eligible

Sec. 302.17 Eligible List

Sec. 302.18 Executive Session

Sec. 302.19 Human Resources Director

Sec. 302.20 Layoff

Sec. 302.21 Near List

Sec. 302.22 Part-Time Employment

Sec. 302.23 Position

Sec. 302.24 Post

Sec. 302.25 Seniority

Sec. 302.26 Service

Sec. 302.27 Start Work Date

Sec. 302.28 Time Periods

Sec. 302.29 Validation Date

Rule 302

Definitions

Applicability: Rule 302 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Unless otherwise required by the context, the words listed below and as used in these Rules have the following meanings:

Sec. 302.1 Appointment

302.1.1 Permanent Civil Service

An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.

302.1.2 Probationary

Status of civil service employees during a trial period following permanent appointment.

302.1.3 Temporary Civil Service

An appointment made to a temporary position as a result of certification from an eligible list

302.1.4 Provisional

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which in either case, is time limited as provided elsewhere in these Rules.

302.1. Exempt

An appointment to a permanent or temporary position exempt from being filled from an eligible list in accordance with the provisions of Section 10.104 of the Charter.

Sec. 302.2 Appointing Officer

The head of an organizational unit having appointive authority within the organizational unit and the powers of a department head as defined by former Charter Section 3.501 as enacted into ordinance under Charter Section 18.103.

Sec. 302.3 Appointment Date

The date on which an appointing officer notifies the Department of Human Resources of his or her selection from a list of eligibles certified by the Department of Human Resources.

Sec. 302.4 Bulletin Board

The official bulletin boards, so designated, at the Civil Service Department and Department of Human Resources, used for posting of examinations and public announcements of the Commission and Department of Human Resources.

Sec 302.4.1 [Employment Opportunity Website](#)

The City's official employment opportunity website, so designated used for posting of examinations, recruitments, and public announcements of the Department of Human Resources.

Sec. 302.5 Certification Date

The date on which the Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill a position.

Sec. 302.6 Charter

The Charter of the City and County of San Francisco.

Sec. 302.7 City

The City and County of San Francisco.

Sec. 302.8 Civil Service Department

The administrative office of the Commission under the direction of the Executive Officer.

Sec. 302.9 Class

A position or group of positions for which a common descriptive job title may be used.

Sec. 302.10 Classification Plan

All the classes which have been established, the procedures for maintaining the plan, and the specifications or descriptions of each of the classes.

Sec. 302.11 Classified Service

Includes all positions in the City service subject to competitive examination.

Sec. 302.12 Commission

The administrative body of Civil Service Commissioners empowered to enforce the civil service provisions of the Charter.

Sec. 302.13 Commissioner

A member of the Civil Service Commission of the City and County of San Francisco, appointed by the Mayor.

Sec. 302.14 Department

Organizational unit or units under one appointing officer.

Sec. 302.15 Department of Human Resources

The Department charged with administering the policies, Rules, and procedures of the Civil Service Commission and performing such other duties and functions as set forth in the Charter.

Sec. 302.16 Eligible

A person who has standing on an eligible list.

Sec. 302.17 Eligible List

A list of names of persons who have passed a civil service examination.

Sec. 302.18 Executive Session

A meeting or part of a meeting of the Commission legally held in private or with the general public excluded.

Sec. 302.19 Human Resources Director

Director of the Department of Human Resources.

Sec. 302.20 Layoff

Separation from a position because of economy, lack of funds, or lack of work.

Sec. 302.21 Near List

An eligible list or a holdover roster in a class similarly related to a class for which there is no eligible list from which the Human Resources Director may authorize the certification of eligibles for temporary civil service appointment.

Sec. 302.22 Part-Time Employment

Part-time employment is regularly scheduled, less than full-time, permanent or temporary appointment to a permanent or temporary position.

Sec. 302.23 Position

Duties and responsibilities assigned by an appointing officer to be performed by one employee.

302.23.1 Permanent

A collection of duties, regardless of the source and nature of the funds, performed by one individual, which represent the ongoing work of the City and County. Such position(s) may be either:

- 1) enumerated in the Annual Salary Ordinance for which funds have been provided on a continuing basis; or
- 2) a position declared to be permanent by action of the Human Resources Director.

302.23.2 Temporary

A position in which the duties and responsibilities exist for a maximum duration of 1040 hours except in the case of a special project, defined elsewhere in these Rules, for up to a maximum duration of 2080 hours.

302.23.3 Part-Time

Positions less than the established full-time normal schedule of hours per day or days per week.

302.23.4 Exempt

Temporary or permanent positions excluded from civil service hiring and removal procedures in accordance with the provisions of Section 10.104 of the Charter.

302.23.5 As-Needed

A temporary or provisional appointment on either a full-time or part-time work schedule against a temporary requisition designated as as-needed to cover peak workloads, emergency extra workloads, necessary relief, and other situations involving a fluctuating staff.

Sec. 302.24 Post

To place on the official Bulletin Board. [To place on the official Bulletin Board or to publish on the employment opportunity website.](#)

Sec. 302.25 Seniority**302.25.1 Civil Service - Permanent**

Seniority shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior. Employees who resign or are terminated and subsequently are reappointed shall have their seniority determined by their new certification date following separation.

302.25.2 Civil Service - Temporary (from eligible list)

Seniority shall be determined by the date of certification which resulted in a temporary appointment to a temporary position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.

302.25.4 Departmental

Seniority for shift and work assignments, vacation or holiday schedule is determined by the appointing officer and is not within the authority of the Civil Service Commission or the Department of Human Resources.

Sec. 302.26 Service

The City and County of San Francisco government service, including the classified positions in the School Districts.

Sec. 302.27 Start Work Date

The date on which an appointee is first reported on the timeroll as working.

Sec. 302.28 Time Periods

Reference to time periods, such as one week or one month, etc., shall mean calendar days unless the Rule specifically refers to business days.

Sec. 302.29 Validation Date

The date on which the Department of Human Resources notifies an appointing officer that it has approved an appointment.

Rule 310 Examination Announcements and Applicants

Applicability: Rule 310 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Article I: Equal Employment Opportunity Policy

Article II: Applications and Notice of Examinations

Article III: Qualifications of Applicants

Rule 310 Examination Announcements and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: Article I, Rule 310 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 310.1 Civil Service Commission Equal Employment Opportunity Policy Related to Examination Announcements and Application Procedures

It is the goal and policy of the Civil Service Commission to provide equal employment opportunity for all persons, regardless of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partner status, parental status, or other non-merit factors prohibited by law.

The Human Resources Director shall conduct outreach for the purpose of announcing upcoming examinations. Outreach shall include such procedures among others as periodic mailings, job fairs, and presentations to inform the public of the employment opportunities and the examination process within the civil service merit system.

Rule 310

Examination Announcements and Applicants

Article II: Applications and Notice of Examinations

Applicability: Article II, Rule 310 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 310.2 Examination Announcement

The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply. Not less than fifteen (15) business days prior to the issuance of this announcement, it shall be provided to the bargaining agent for review and comment.

Sec. 310.3 Protests and Appeals of Examination Announcements

Protests concerning the provisions of an announcement must be received by the Department of Human Resources within a minimum period as determined by the Human Resources Director not to be less than three (3) business days, ~~seven (7) business days from the issuance date~~. In establishing the minimum period, the Human Resources Director shall consider, among other factors, and stability and reliability of the messaging platform in sending and receiving notifications, and extent of access by the labor market to the means for receiving timely notification. The Human Resources Director will rule upon protests and notify petitioners in writing. This decision is subject to appeal to the Civil Service Commission as provided elsewhere in these Rules.

Sec. 310.4 Reissuance of Examination Announcements

After considering protests submitted in accordance with this Rule, the Human Resources Director may reissue the announcement. When reissued, an examination announcement is not subject to the protest or appeal procedure.

Sec. 310.5 Official Time Periods

Examination announcements shall set forth time limits for determination of the qualifications of applicants.

Sec. 310.6 Qualifications of Applicants

310.6.1 Every applicant for entrance or promotional examination must possess and maintain the qualifications required by law and by the examination announcement. Experience not documented

in accordance with Civil Service Commission Rules will not be recognized. Credit for out-of-class experience will only be allowed if recorded as provided elsewhere in these Rules.

310.6.2 Except with permission of the Human Resources Director, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class. No employee may participate in an examination for a class in which the employee has current permanent appointment status except with the approval of the Human Resources Director.

Sec. 310.7 Application Time Periods

310.7.1 An applicant is a person who has filed an application for examination within the time limits specified and under the conditions specified on the examination announcement for that rank.

310.7.2 Verification shall be the official time receipt of the Examination Unit of the Fire Department or of the Department of Human Resources. Examination announcements shall not be distributed after the end of the filing period.

Sec. 310.8 Notice of Examinations

Official notice of entrance and promotional examinations will be posted ~~on at the Fire Department Examination Unit bulletin board at the Fire Department Headquarters and~~ the Department of Human Resources ~~employment opportunities website~~ and copies sent to affected employee organizations. A copy of the posting shall be provided to the certified bargaining representative.

310.8.1 Notice of promotional examinations will be posted for a minimum period ~~not to be less than three (3) business days as determined by the Human Resources Director of ten (10) calendar days. In establishing the minimum period, the Human Resources Director shall consider, among other factors, number of vacancies, turn over in the classification, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and equal employment opportunity and racial equity goals.~~ The Fire Department will also issue a General Order notifying uniformed members of the promotional opportunity. ~~DHR will, on a regular basis, report to the CSC on the progress of advance notification of upcoming employment opportunities for postings of five (5) days or less on the employment opportunity website.~~

310.8.2 Requests for notice of filing dates for entrance examinations may be filed online through the Department of Human Resources website. Notifications shall be emailed at the inquirer's risk. Failure to receive a requested notification shall not result in any special consideration or remedy related to the examination process.

Sec. 310.9 Application Custody

Applications and supporting documents become the property of the Department of Human Resources when received. Return of such documents shall require the approval of the Human Resources Director.

Sec. 310.10 False Statements by Applicants

Significant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in the selection process shall be good cause for the exclusion by the Human Resources Director of such person from any examination, the removal by the Human Resources Director of the applicant's name from the eligible list, and other action under the jurisdiction of the Human Resources Director. Such action may be appealed to the Civil Service Commission. Significant false statements shall be good cause for a recommendation by the Human Resources Director to the Fire Chief for action up to and including discharge from the City and County service.

310.10.1 In accordance with its Charter authority, the Civil Service Commission may act on charges against an entry-level applicant when the appointing officer neglects or refuses to act.

Sec. 310.11 Names Not to Be Made Public

The names of applicants for any examination shall not be made public prior to announcement of the results of the examination. Names of participants who fail in any examination shall not be made public.

Sec. 310.12 Change of Address

In all cases of change of address after having filed an application for an examination, the Examination Unit of the Fire Department must be notified in writing separately for each class involved. Notice of change of address to the Post Office, the Department of Human Resources, the employee's current department and/or the Fire Department Assignment Office will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Sec. 310.13 Correction of Clerical Errors in Examination Announcements

Examination announcements may be corrected with respect to clerical errors, misprints and incorrect wording by the Human Resources Director, by posting notice of such corrections next to the original examination announcement. The issuance of examination announcements corrected under the provisions of this section shall not allow additional time for appeal of the substantive provisions contained in the original examination announcement.

Rule 310

Examination Announcements and Applicants

Article III: Qualifications of Applicants

Applicability: Article III, Rule 310 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 310.14 Application for Examination

Any person having the qualifications prescribed by these Rules and the terms of the examination announcement may submit himself or herself for any examination under conditions established by the Department of Human Resources.

Sec. 310.15 Applicants for Entrance Positions

Applicants for entrance positions shall be a minimum of nineteen (19) years of age at the time of the close of the application filing period, and a minimum of twenty (20) years of age at the time of appointment.

Sec. 310.16 Recruitment of Candidates

Recruitment shall be conducted to attract qualified applicants and to ensure equal employment opportunity for all persons regardless of race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partner status, parental status, or other non-merit factors prohibited by law. Where appropriate or needed, the Human Resources Director shall conduct outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified applicants. When there is underrepresentation of historically disadvantaged groups for a specific class or occupational category, the Human Resources Director shall review the pool of qualified applicants. Where the pool of applicants does not reflect the demographics of the relevant labor market, and upon consideration of factors such as the number of anticipated vacancies and the level of underrepresentation, the Human Resources Director may take such action as appropriate and legal.

Sec. 310.17 Promotional Applicants

Applicants for promotional examinations shall meet the requirements of the examination announcement under which they apply and be eligible to participate in an examination on a promotive basis as defined by the examination announcement.

Rule 311 Examinations

Applicability: Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Article I: Examination General Principles

Article II: Examination Process

Article III: Inspection and Appeal Procedure

Article IV: Veterans Preference in Examinations

Rule 311 Examinations

Article I: Examination General Principles

Applicability: Article I, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 311.1 Charter Authority

The examination program shall be in accordance with the provisions of the Charter.

Sec. 311.2 General Provisions Governing Promotional Examinations

1. Except as specifically provided in this or other sections of these Rules, all promotions in the Uniformed Ranks of the Fire Department shall be made from the next lower permanent civil service rank or ranks attained by examination and reflected in the San Francisco Fire Department career track as outlined in the examination announcement.

311.2.2 All promotive examinations in the Fire Department shall be job-related, valid, and consistent with State and Federal laws that promote the non-discrimination policies of the City and County of San Francisco.

Sec. 311.3 Frequency of Promotional Examinations

The Civil Service Commission shall provide for promotion in the Fire Department on the basis of examinations and tests at least once every five (5) years for each promotive position or rank in the Fire Department. However, if a test is due and there are no vacancies or anticipated vacancies in a rank, the Human Resources Director may postpone the administration of an examination in said class until such time as vacancies are anticipated.

Sec. 311.4 Human Resources Director Empowered to Act

311.4.1 The Human Resources Director shall rule on all matters concerning the examination program in accordance with these Rules. The decisions of the Human Resources Director may be appealed to the Civil Service Commission unless specifically noted otherwise in these Rules. The decision of the Civil Service Commission is final and not subject to reconsideration.

311.4.2 Subject to the approval of the Civil Service Commission, the Human Resources Director shall judge the adequacy of the tests to rate the capacity of the applicants to perform service for the City and County.

311.4.3 Except for reasons beyond the Human Resources Director's control, the Department of Human Resources shall immediately commence to conduct an examination whenever a provisional appointment is made to a permanently budgeted position.

311.4.4 Except for reasons beyond the Human Resources Director's control, the Department of Human Resources will, on a priority basis, commence to conduct examinations at least sixty (60) days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.

Rule 311 Examinations

Article II: Examination Process

Applicability: Article II, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 311.5 Examination of Applicants**311.5.1 Requirement for Competitive Examinations**

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three (3) or more persons shall participate. However, any such examination may be held for less

than three (3) qualified applicants with the approval of the Human Resources Director, after a finding that reasonable publicity of the proposed examination has been given.

311.5.2 Examination without Charge

311.5.2.1 Such examinations shall be without charge to the applicants.

311.5.2.2 Pilot Exception to the Requirement that Examinations be without Charge

1) Notwithstanding Section 311.5.2.1 above, on a pilot basis for a period not to exceed thirty-six (36) months from the date of adoption, November 18, 2013, applicants for the entry-level firefighter classification may be charged a fee by an outside vendor to take a City-approved examination that is administered by that vendor. Such fee may be waived for financial hardship.

2) The decision to deny an applicant's request for fee waiver based on financial hardship may be protested to the Human Resources Director within five (5) calendar days from the date of the notice of such denial. A day the Department of Human Resources is closed shall not be counted as the fifth (5th) calendar day. The Human Resources Director's decision to deny a request for fee waiver based on financial hardship shall be appealable to the Civil Service Commission in accordance with Civil Service Rule 305.12.1 - Appeal of Human Resources Director's and Executive Officer's Action, Examination Matters.

3) The Department of Human Resources shall provide the Civil Service Commission with reports on a semiannual basis on those examinations for which applicants were charged a fee pursuant to this Section 311.5.2.2. Such reports shall include, but not be limited to, the following information for each examination: the number of applicants; the number of fee waiver requests, denials, protests and appeals; no-show rates; and available statistical information on the sex, race or ethnic group of applicants and eligibles.

4) This Section 311.5.2.2 shall become inoperable and removed on November 15, 2016 unless otherwise authorized by action of the Commission. The Rule shall be recorded and retained as part of the permanent Civil Service Commission records.

311.5.3 Examination Control and Employment of Examiners

The Human Resources Director shall control all examinations and may employ suitable persons in or out of the public service to act as examiners.

311.5.4 Type of Examinations

The examinations used shall measure the relative capacities of the persons examined to perform the functions, duties, and responsibilities of the class to which they seek appointment. Examinations shall consist of selection techniques which will test fairly the relative qualifications, merit and fitness of the applicants for the position to be filled. Examinations shall be used to measure job-related aptitude, knowledge, skills, and ability.

311.5.5 Non-Discrimination in Examinations

During the examination, no applicant for public employment shall be questioned as to political views, religious beliefs, labor or political affiliations, race, national origin, ethnicity, age, gender identification, sexual orientation, ancestry, marital status, medical conditions or disabilities, parental status, or other non-merit factors, nor will such factors be utilized in establishing minimum qualifications requirements and developing examinations. Nepotism and otherwise prohibited favoritism shall be prohibited.

Sec. 311.6 Means of Identification

The Human Resources Director shall determine the method of candidate identification to be used in all entry-level and promotional examinations and shall ensure candidate confidentiality for the purposes of scoring.

Sec. 311.7 Examination Misconduct**311.7.1 Cheating or Fraud in Examinations**

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Rules, the Charter and other laws. Actions to be taken by the Human Resources Director include elimination from the examination process, recommendation for dismissal and recommendation of ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the Human Resources Director.

311.7.2 Aid, Hindrance, Fraud and Collusion in Examinations

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

If any eligible secures standing on a list by fraud, concealment of fact or violation of Civil Service Commission Rules, the Human Resources Director may remove the eligible from such list and if certified, remove from certification; and if assigned to a position, shall recommend removal therefrom.

311.7.3 Confidentiality of Examination Questions

Examination questions are confidential information. Breaching this confidentiality is prohibited. Examples of breaching confidentiality include, but are not limited to the following:

- 1) The copying of examination questions or the taking of unauthorized notes or outlines during the examination.
- 2) The use of a personal tape recorder during the examination.
- 3) Dissemination of examination information including verbal dissemination of examination questions or topics.

Any person caught breaching this confidentiality shall be prosecuted to the full extent of these Rules, the Charter and other laws. Actions which may be taken by the Human Resources Director include elimination from the examination process, recommendation for dismissal, and recommendation of ineligibility for future employment.

4) Appeals

An action by the Human Resources Director on examination misconduct matters may be appealed to the Civil Service Commission as provided elsewhere in these Rules.

Sec. 311.8 Qualifications Appraisal Interview - Procedures

A Qualifications Appraisal Board is a panel of subject matter experts convened to rate candidate responses to questions that comprise an oral interview/performance examination.

311.8.1 The orientation of the Qualifications Appraisal Board may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the essential knowledge, skills and abilities needed by employees in this class, and other job-related information. The department head or representative shall not discuss any candidate with any member or members of the Qualifications Appraisal Board at this time or any other time prior to the completion of the examination.

311.8.2 No fraternal rings, organization pins, or insignia of any kind shall be displayed by the board members in any qualification appraisal interview. Nor shall such rings, pins, or insignia be worn by any candidate who appears before such a board.

311.8.3 No board member shall rate a candidate who is related to that person or rate a candidate if any strong personal or working association exists between that candidate and the board member so that it would be difficult to make an impartial rating or that it would create an appearance of impropriety.

311.8.4 No candidate shall discuss her/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.

311.8.5 No letters of reference or recommendation shall be presented to the qualification appraisal board.

311.8.6 The board may only consider relevant documents as specified in the scheduling notice. The scheduling notice is a letter sent to candidates that contains relevant examination information, such as test appointment times and dates, and test locations.

311.8.7 The same rating standards shall apply to all candidates who appear for a qualification appraisal interview for a particular examination.

311.8.8 The minimum passing or qualifying rating must be related to a class, not to a specific position within a class.

311.8.9 Recordings of qualifications appraisal interviews shall be retained only until all ratings become final and any timely litigation based thereon has been resolved. A defective recording shall not invalidate the interview unless the Human Resources Director finds the omitted or unintelligible material critically relevant to the case, in which event the Human Resources Director may authorize a second interview or order a new examination.

Sec. 311.9 Passing Marks

For examinations that require the use of passing marks or qualifying scores, the Human Resources Director shall establish the passing mark. No changes in the passing mark shall be made once those taking an examination have been identified by name.

Rule 311 Examinations

Article III: Inspection and Appeal Procedure

Applicability: Article III, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 311.10 Rating Keys

Rating keys shall not be available for review or inspection, except as otherwise provided in Section 311.10.1. Protests of questions or answers on any examination shall not be allowed.

311.10.1 Release of Examination Questions and Rating Key

Notwithstanding any other provision of this Rule 300 series, the test questions, rating keys, and similar information pertaining to the H-50 Assistant chief examination administered in 2010 may be disclosed by the Director of Human Resources subject to Civil Service Commission approval, on a nondiscriminatory basis to persons scheduled to take a subsequent H-50 Assistant Chief examination to be administered following adoption of this provision.

Sec. 311.11 Protests and Appeals – Examination Administration

311.11.1 All protests regarding the administration of an examination component must be filed in writing with the Fire Department Examination Unit within seven (7) calendar days of the administration of that specific examination component. A day the Examination Unit is closed shall not be counted as a calendar day. Protests shall be limited to allegations of bias, malfeasance, or misfeasance by exam administrators.

311.11.2 All protests properly filed under this section shall be resolved in accordance with the provisions of these Rules. The decision of the Human Resources Director on these protests may be appealed to the Civil Service Commission. Appeals of the Human Resources Director's decisions must be filed as provided elsewhere in these Rules.

Sec. 311.12 Qualifications Appraisal Board Interview – Challenges

311.12.1 In the Event of Challenge

In the event of any challenge of a board member or any ratings in qualification appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.

311.12.2 Challenge of Board Members

1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.

2) Any challenge as to personal bias or competence of a person serving as a board member in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director, the rating by the challenged board member shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the remaining members of the examining board.

If more than one-half of the board members are successfully challenged, then the Human Resources Director shall cancel this session and a new board shall be constituted, unless more than

one board has been convened for the examination, in which case the candidate shall be examined by an alternate board of equal number.

3) Any challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and submitted to the Fire Department Examination Unit within three (3) business days from when the qualifications appraisal interview was held. Challenges based on bias, malfeasance or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the specific grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved by the Human Resources Director in accordance with the provisions of these Rules before the examinations of the participants are scored. The protest time periods in Section 311.11 do not apply to this section.

All challenges properly filed under this section shall be resolved by the Human Resources Director in accordance with the provisions of these Rules before the examinations of the participants are scored. The protest time periods in Section 311.11 do not apply to this section.

4) The Civil Service Commission, in acting on an appeal of the qualification appraisal board, shall consider only the applications, records, tape recordings, and questions and answers which constitute the record of the qualification appraisal board interview. The Civil Service Commission will sustain challenges only when the candidate presents evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.

5) The decision of the Civil Service Commission on this subject shall be final.

6) In absence of a challenge under this section or upon a decision by the Civil Service Commission under this section, later challenges shall be precluded.

311.12.3 ~~Inspection-Review~~ of Ratings in Qualifications Appraisal Board Interviews by Participants

1) After the qualifications appraisal interviews for an examination are scored, the ratings shall be available for a minimum period not to be less than three (3) business days as determined following the completion of the scoring for all participants or for some other two (2)-day period set by the Human Resources Director, provided that the candidates are advised of the dates, during which period each participant may inspect-review their own ratings. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to facilitate the review of ratings, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and complexity of the examination ratings. During the inspection-review period, participants will be able to determine how their final score was computed. The identity of the board member giving any mark or grade in a qualification appraisal interview shall not be disclosed.

2) Any challenges shall be filed in writing within the inspection period and shall be limited to:

- failure of the qualifications appraisal board to apply uniform standards; and

- any questions propounded by the board which occur during a qualifications appraisal interview which require an answer in conflict with any Federal, State, or City and County laws, rules, or regulations which apply to the government of the City and County of San Francisco, the Department of Human Resources, and/or the Civil Service Commission.

3) All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules. The Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The Human Resources Director will not substitute her/his judgment for the judgment of the qualification appraisal interviewers. Ratings by a qualification appraisal board of less than the minimum passing score shall not be raised to more than the minimum passing score.

4) No evidence or documents supportive of qualifications shall be presented to the Human Resources Director which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.

5) The decision of the Human Resources Director on this subject shall be final.

6) In the absence of a challenge under this section or upon a decision by the Human Resources Director under this section, later challenges shall be precluded.

Rule 311

Examinations

Article IV: Veterans Preference in Examinations

Applicability: Article IV, Rule 311 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 311.13 Definition of Veteran for Purposes of Entitlement Under This Rule

The term “veteran” as used in this Rule shall be as defined under Cal. Gov’t Code §18540.4, which at the time of amendment of this Rule stated: Any person who has served full time in the armed forces in time of national emergency or state military emergency or during any expedition of the armed forces and who has been discharged or released under conditions other than dishonorable.

Sec. 311.14 Definition of Disabled Veteran for Purposes of Entitlement Under This Rule

311.14.1 For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 311.13, who has suffered a permanent service-connected disability that is of record in the United States Veterans Administration.

311.14.2 Notwithstanding any preference allowed under this Rule, disabled veterans as defined above shall be afforded all rights under the Americans with Disabilities Act, including any reasonable accommodation if appropriate.

Sec. 311.15 Veterans Entitlement

311.15.1 Veteran, Widow or Widower, or Domestic Partner

A veteran as defined above in Sec. 311.13, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of five percent (5%) toward his/her entrance qualifying score.

311.15.2 Spouse or Domestic Partner of Disabled Veteran

Spouse or registered domestic partner of a one hundred percent (100%) disabled veteran as defined above in Sec. 311.14, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

Rule 312

Eligible Lists - Fire Department

Applicability: Rule 312 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Article I: Eligible Lists - General Provisions

Article II: Protest of Tentative Eligible List

Article III: Holdover Rosters and Return to Duty

Rule 312

Eligible Lists - Fire Department

Article I: Eligible Lists - General Provisions

Applicability: Article I, Rule 312 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 312.1 Establishment of Eligible Lists

312.1.1 The Human Resources Director may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles.

312.1.2 Qualified participants successfully passing all phases of the examination shall be ranked on an "Eligible List" in the order of their total score.

Sec. 312.2 Discrete Eligible Lists

Discrete eligible lists are lists derived from examinations which are open for filing for a specific time period and in which the selection procedure is administered on a specific date or dates.

Sec. 312.3 Continuous Eligible Lists

A continuous eligible list may be used for a class after the Human Resources Director has designated the class as a "continuous list class." Each time an examination for such a class is given, the names of the eligibles resulting from the examination shall be added to the existing eligible list, ranked by the eligible's score on the examination taken. For eligibles with the same score, names shall be listed alphabetically.

Sec. 312.4 Duration of Eligibility on Continuous Lists

Each examination announcement for a continuous list class shall state the time period during which the names of eligibles successfully passing the examination will remain on the continuous list. This time period will be referred to as the "eligibility period." An eligible's name shall be removed from a continuous list at the end of the eligibility period.

Sec. 312.5 Priority of Eligible Lists

The order of priority of eligible lists regardless of adoption dates is as follows:

- 1) Promotive lists
- 2) Combined promotive and entrance lists
- 3) Entrance lists

Within each category, earlier lists have priority over later lists.

Sec. 312.6 Maintenance of Eligibility

312.6.1 Except as otherwise provided in these Rules, eligibles who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated will forfeit their eligibility.

312.6.2 Except for persons designated as "holdovers" (see Holdover Roster and Return to Duty section of this Rule), eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with previous rank on the list restored.

312.6.3 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions described above.

Sec. 312.7 Adoption of Eligible List

312.7.1 Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Department of Human Resources during the posting period. After the posting period and in the absence of protests, tentative eligible lists shall automatically become official as posted.

312.7.2 If protests are received during the applicable filing period under these Rules, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting, except for reasons beyond the control of the Human Resources Director.

312.7.3 The Human Resources Director may adopt an eligible list pending the resolution of any protest or appeal. Eligibles who would be reachable regardless of the outcome of the protest or appeal may be certified.

312.7.4 Changes in an eligible list because of clerical errors or computation errors shall not change the date of adoption of the eligible list.

Sec. 312.8 Duration of Eligible Lists and Eligibility

The Human Resources Director may provide in the examination announcement that the eligible lists secured thereby shall automatically expire at a date not less than two (2) or more than four (4) years after the adoption of such list.

If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

Sec. 312.9 Extension of Eligibility

The Human Resources Director may extend an eligible list or eligibility period for up to one (1) additional year up to and not to exceed a total of four (4) years. Eligibles shall be notified of the extension or any change in the expiration of their eligibility.

Sec. 312.10 Cancellation of Entrance Eligibility

The Human Resources Director may cancel an entrance eligible list after the minimum duration of six (6) months. In canceling an eligible list, the Human Resources Director shall consider, among other factors, the number of eligibles remaining, the length of time since the selection procedures were administered, the Equal Employment Opportunity Policy, and labor market availability. Eligibles and the recognized employee organization representing the affected class shall be notified.

Sec. 312.11 Merging of Entrance Eligible Lists

312.11.1 The Human Resources Director may authorize the merging of an earlier list in a class with a later eligible list in the same class.

312.11.2 The names of eligibles from the earlier eligible list shall be interpolated with the names of eligibles on the later eligible list by score. Eligibles with the same score shall be listed in alphabetical order.

312.11.3 The duration of the merged eligible lists shall be established as provided elsewhere in these Rules and eligibles from the earlier eligible list shall have their eligibility extended accordingly.

Rule 312

Eligible Lists - Fire Department

Article II: Protest of Tentative Eligible List

Applicability: Article II, Rule 312 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 312.12 Posting of Tentative Eligible List

Following the completion of any examination, a tentative eligible list shall be posted for the inspection of the public and of participants. The tentative eligible list shall be posted at the Department of Human Resources and the Fire Department Examination Unit bulletin board at Fire Department headquarters.

Sec. 312.13 Duration of Tentative Eligible List Posting Period

The posting period shall be for a minimum period as determined by the Human Resources Director not to be less than three (3) business days :

~~1) three (3) business days for entrance examinations; or~~
~~2) five (5) business days for promotional or combined entrance and promotional examinations.~~ In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, the stability and reliability of the messaging platform in sending and receiving notifications, extent of access by eligibles to the means for receiving timely notification, and complexity of the examination ratings.

Sec. 312.14 Documents Included in Inspection and Maintenance of Anonymity of Examiners

Inspection during the posting period of the tentative eligible list shall include the eligible's application, documents supporting qualifications to participate in the examination, rating sheets and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions or answers shall be provided.

Sec. 312.15 Inspection Restricted to Examination Participants

Only participants in the examination may review the examination documents during the posting period.

Sec. 312.16 Protest Procedures

During this posting period, participants shall be allowed to file protests allowed by this Rule. The inspection of the tentative eligible list, the candidate's scores and examination papers shall commence with the posting of the tentative eligible list. Allowable protests of the tentative eligible list and/or scoring shall be filed within four (4) business days after the initial date of

posting. Protests shall be limited to scoring miscalculations, typographical errors, computational errors in scoring, and the listing on a tentative eligible list of a person or persons allegedly ineligible for promotion. No protests shall be permitted that were or could have been raised at an earlier stage. The Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The decisions of the Human Resources Director on all matters related to this section shall be final and not subject to appeal to the Civil Service Commission.

Rule 312

Eligible Lists - Fire Department

Article III: Holdover Rosters and Return to Duty

Applicability: Article III, Rule 312 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 312.17 Holdover Status and Return to Duty

312.17.1 Holdover Roster - General Requirements

- 1) Subject to the provisions of this Rule, permanent or probationary civil service appointees who are laid off or placed on an involuntary leave of absence shall be designated as holdovers.
- 2) The names of holdovers shall be ranked on a holdover roster for the class or classes from which layoff occurs and in the order of total seniority in the class in the City and County service. Seniority prior to resignation or termination shall not be used in determining holdover rights in a class.
- 3) Holdovers shall be returned to duty in rank order from holdover rosters.
- 4) Holdovers shall, for a period of five (5) years from the date of layoff, have preference for appointment over eligibles on civil service lists, or employees requesting transfer, reinstatement, or reappointment. The Human Resources Director, upon review of all the circumstances, may extend the holdover status for such specified period of time as he/she may deem proper.
- 5) Holdover rosters shall be canvassed in the following order: first, permanent holdover rosters; then, temporary holdover rosters.
- 6) Permanent holdovers shall be returned to duty in temporary positions before temporary holdovers. Permanent holdovers shall displace any temporary or part-time exempt appointee in the same class in any City and County department. Permanent holdovers returned to duty in temporary positions shall retain their status on the permanent holdover roster. In the event of a displacement, the least senior temporary or part-time exempt appointee in the City and County service shall be laid off first.
- 7) Permanent holdovers in classes with citywide seniority for layoff purposes shall be entitled to displace only the least senior permanent employee in that class in City service. Holdovers who waive such appointment shall remain on the holdover list for subsequent permanent appointment to vacant positions, but may accept a temporary position in the class, if available.

8) Exceptions to Return to Duty in Rank Order

If two (2) or more approved requisitions are on file, the Human Resources Director may permit holdovers in line for appointment, and in accordance with their standing on the roster, to select from the available requisitions the positions to which they desire appointment. In cases where there are holdovers on rosters who would be reached for appointment on requisitions, the Human Resources Director may consult with appointing officers and employees involved, and if it is in the best interest of the service, may offer said positions to holdovers so as to make it possible for them to return to duty in the department from which laid off.

9) Holdovers who are notified that they are being returned to duty are required to respond to the Department of Human Resources within five (5) business days of the date of notification. The Human Resources Director may extend the time response period beyond five (5) business days. Failure of a holdover to respond within the time limits shall be considered a refusal of the offer and forfeiture of holdover rights.

10) Except as otherwise provided in these Rules, holdovers who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

11) In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only, shall not be a reasonable excuse for special consideration in case of failure to respond to notice of return to duty within time limits.

12) Except as otherwise directed by the Human Resources Director, holdovers being returned to duty shall not be required to pass a new medical examination.

13) A properly completed copy of the designated report of layoff or involuntary leave of absence form shall be forwarded to the Department of Human Resources as soon as possible (in advance of the action if possible) so that the Department of Human Resources may record the action and place the employee's name on a holdover roster for immediate consideration for return to duty.

14) Late reports of layoff shall not interfere with nor affect the rights of holdovers to whom notices of return to duty have already been mailed and who have been or may be returned to duty in response to such notices.

15) If there is no holdover roster for a class or if the holdover roster is exhausted, the Human Resources Director may authorize that a holdover be returned to duty from another holdover roster deemed suitable to temporarily provide the required service. If no other roster is available, the position shall be offered to eligibles on regular civil service eligible lists or to individuals requesting transfer, reinstatement or reappointment.

16) Holdovers returned to duty shall be reinstated with accrued compensatory time, if any, and with their original anniversary date for the purposes of computing sick leave and vacation benefits.

312.17.2 Holdover - Temporary Appointees

- 1) Appointees certified from an eligible list who have satisfactorily served under temporary appointment shall upon expiration of the list be designated a "temporary holdover."
- 2) Resignation from temporary appointment from a holdover roster or refusal of temporary appointment from a holdover roster cancels all temporary holdover rights in that class.

312.17.3 Holdover - Permanent and Probationary Appointees

- 1) A permanent or probationary appointee to a promotional or entrance position who is laid off shall be designated a "permanent holdover" and shall be returned to duty in a position in the class from which laid off from a holdover roster as provided in this Rule.
- 2) A permanent holdover returned to duty on a permanent basis in a department other than the one from which laid off shall serve a new probationary period.
- 3) Return to duty of a permanent holdover to a position in the class from which laid off shall be subject to the following conditions:
 - a) Permanent Vacancy - A permanent holdover who refuses an offer to return to duty on a permanent basis in the department from which laid off shall forfeit all holdover rights in that class, and shall be removed from all rosters for that class. Such refusal of return to duty shall be deemed a resignation.
 - b) Temporary Vacancy - Permanent holdovers may refuse an offer to return to duty on a temporary basis in the department from which laid off without affecting future offers to be returned to duty. Waiver of temporary appointment shall not be removed without the permission of the Human Resources Director.
 - c) Permanent holdovers may refuse an offer to return to duty on a permanent or temporary basis in a department other than the department from which laid off without affecting future offers to be returned to duty. Such departmental waivers shall not be withdrawn without the approval of the Human Resources Director.
 - d) A permanent holdover who was laid off during the probationary period and who is returned to duty in the department from which laid off shall complete the remaining period of probationary service.
- 4) Transferees who are laid off during the probationary period shall be ranked on the permanent holdover roster for the class in accordance with their seniority in the class in the City and County service.

5) Permanent holdovers who resign or are released during the probationary period may be returned to the holdover roster from which appointed subject to the provisions of these Rules. Such holdovers shall not displace any current permanent or probationary employees, but shall remain on the list for subsequent permanent appointment to vacant positions and may accept a temporary position in the class, if available.

Rule 313

Certification of Eligibles - Fire Department

Applicability: Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Article I: Personnel Requisitions

Sec. 313.1 Personnel Requisitions

Article II: Certification Rules - Entry and Promotive

Sec. 313.2 Certification of Eligibles – General Policy

Sec. 313.3 Certification Rules

Sec. 313.4 Certification Rules – General Provisions Applicable to All Certification Rules

Sec. 313.5 Certification of Entry Eligible List

Sec. 313.6 Certification of Promotive Eligible List – Statistically Valid Grouping

Article III: Administration of Certifications

Sec. 313.7 Response Period

Sec. 313.8 Effect of Failure to Respond

Sec. 313.9 Waivers

Sec. 313.10 Change of Address

Rule 313

Certification of Eligibles - Fire Department

Article I: Personnel Requisitions

Applicability: Article I, Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 313.1 Personnel Requisitions

313.1.1 Requirement for Personnel Requisitions

Whenever a position is to be filled, the appointing officer shall issue a personnel requisition on the prescribed form. Fully approved personnel requisitions shall immediately be time stamped in the order of receipt in the Department of Human Resources.

313.1.2 Separate or Group Personnel Requisitions

A separate personnel requisition shall be made for each permanent position to be filled. Group personnel requisitions may only be made for temporary positions.

313.1.3 Cancellation of Personnel Requisitions

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the Human Resources Director.

313.1.4 Priority of Personnel Requisitions

Except as otherwise provided in these Rules, certification shall be made in accordance with priority of approval of the personnel requisition in the Department of Human Resources or the date to report to duty, whichever is later.

313.1.5 Tenure of Temporary Appointments

1) Temporary employments may be requisitioned for a period not to exceed twelve (12) months.

Sec. 313.1 Personnel Requisitions (cont.)

313.1.5 Tenure of Temporary Appointments (cont.)

2) Original personnel requisitions for less than twelve (12) months may be extended from the date of appointment but may not exceed the maximum allowable personnel requisition time. Upon completion of the allowable maximum time, the temporary appointment(s) may be extended when funds are available and when the employee continues to have standing on an eligible list for that class.

3) Beginning on the effective date of this Rule, the Department of Human Resources shall keep records of the number of temporary employments extended as provided in this Rule. On July 30, 1977, and each July 30 thereafter, a list of extended temporary employments for the past fiscal year shall be made available for public inspection.

313.1.6 Flexible Staffing Personnel Requisitions

A personnel requisition for a permanent vacancy filled by an appointee in accordance with the flexible staffing authority of the Salary Ordinance shall also be valid for subsequent certification for appointment of the same eligible, when qualified, to the class designated on the personnel requisition.

Rule 313

Certification of Eligibles - Fire Department

Article II: Certification Rules - Entry and Promotive

Applicability: Article II, Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 313.2 Certification of Eligibles – General Policy

313.2.1 The Civil Service Commission endorses and supports the broadening of the Rules governing the certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to ensure equal employment opportunity to all persons. Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, sex, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointing officers and their designees shall be responsible for establishing non-discriminatory selection procedures which may include scheduling each interested eligible for interview, conducting interviews by a diverse panel, asking job-related questions, maintaining documentation of selection criteria, and reviewing the proposed selection with the department's Equal Employment Opportunity Officer or with the Department of Human Resources Equal Employment Opportunity Unit. Unless otherwise instructed by the Civil Service Commission, the Fire Department shall annually report to the Civil Service Commission on the selection process. In addition to the annual reports, the Department shall make regular reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures. For further clarification, prior to the issuance of any job announcement, secondary criteria shall be presented to the Civil Service Commission for its approval in advance and will be discussed in open session with all parties interested.

313.2.2 In implementing this Rule, the Human Resources Director shall:

- adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City & County of San Francisco, and
- ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all decentralized units as delegated by the Human Resources Director, and
- take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

Sec. 313.3 Certification Rules

313.3.1 Rule of Three Scores

- 1) The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three highest scores on the list of eligibles for the position who are available for appointment.
- 2) Except as otherwise may be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at less than three (3) scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

313.3.2 Rule of Three or More Scores

- 1) The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with the three highest scores shall be certified to each available position.
- 2) Except as otherwise may be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule applicable to the eligible list being certified minus one.

Sec. 313.3.3 Rule of the List

- 1) The names of all eligibles on the eligible list shall be certified to each available position.
- 2) An eligible list adopted under the Rule of the List shall be exhausted when there are less than one third of the number of eligibles on the original list still available, provided however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

Sec. 313.3.4 Statistically Valid Grouping (Sliding Band)

- 1) The Department of Human Resources shall certify to the appointing officer the names of eligibles that are within a statistically valid grouping/sliding band of scores (“grouping”).
- 2) The grouping shall be determined through the standard error of the difference (SED) of the examination multiplied by a confidence factor of 1.96. Eligibles within the grouping are considered to be of comparable knowledge, skills and abilities with respect to the areas tested on the examination.
- 3) If at any time, the highest score in the grouping is exhausted, the grouping will slide so that its upper limit rests on the highest score remaining on the list. Any additional eligibles whose scores fall within the new grouping shall be certified to available positions. The grouping shall also slide

if all eligibles at the highest score waive or fail to respond within the time limits provided in this Rule.

4) Charter Section 10.101 provides that the minimum rule for the certification of eligibles shall be the Rule of Three Scores. Therefore, if at any time the grouping includes fewer than three scores, then the Department of Human Resource shall certify to the appointing officer the names of eligibles with the three highest scores as described in Section 313.3.1 of this Rule.

5) Selection of an eligible within the grouping shall be made under the authority and direction of the appointing officer.

6) The appointing officer shall develop secondary criteria to guide the selection process.

7) Secondary criteria may include but need not be limited to experience(s), training and employment history.

8) Secondary criteria shall be job related.

9) Secondary criteria shall not be based on relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition, or other non-merit factors or otherwise prohibited nepotism or favoritism.

Sec. 313.4 Certification Rules – General Provisions Applicable to All Certification Rules

313.4.1 If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

313.4.2 The Certification Rule established at the time of the announcement 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 of notification to the appellant. Such appeals shall be limited to an expansion of the Certification Rule beyond the Rule of Three Scores. The decision of the Civil Service Commission shall be final and no reconsideration shall be allowed. Use of the Statistically Valid Grouping under Section 313.3.4 of this Rule applied to a promotive eligible list shall not be subject to appeal.

Sec. 313.5 Certification of Entry Eligible List

The entry level Certification Rule to be utilized shall be established and announced on the examination announcement. For entry level eligible lists, the Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment under the Rule of Three Scores, Rule of Three or More Scores, Statistically Valid Grouping, or Rule of the List.

Sec. 313.6 Certification of Promotive Eligible List – Statistically Valid Grouping

For a promotive eligible list, the Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment in the Statistically Valid Grouping under Section 313.3.4 of this Rule.

Rule 313

Certification of Eligibles - Fire Department

Article III: Administration of Certifications

Applicability: Article III, Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 313.7 Response Period

313.7.1 Notice of Inquiry

1) Eligibles are required to respond in writing to the Department of Human Resources within a minimum period from ~~five (5) business days~~ of the date of such notice not to be less than three (3) business days as established by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to respond, number of eligibles, the stability and reliability of the messaging platform in sending and receiving notifications, ~~extent of access by eligibles to the means for receiving timely notification~~, and complexity of the selection procedures.

313.7.2 Notice of Certification

1) Eligibles are required to respond to the appointing officer or designated representative within ~~five (5) business days~~ a minimum period after the date of such Notice not to be less than three (3) business days as established by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to respond, number of eligibles, the stability and reliability of the messaging platform in sending and receiving notifications, ~~extent of access by eligibles to the means for receiving timely notification~~, and complexity of the selection procedures.

2) Eligibles are required to notify the Department of Human Resources as to their certification status within ~~seven (7) business days~~ a minimum period not to be less than three (3) business days after the date of the Notice of Certification as established by the Human Resources Director. In establishing the minimum period, the Human Resources Director shall consider, among other factors, availability of technology to respond, number of eligibles, the stability and reliability of the messaging platform in sending and receiving notifications, ~~extent of access by eligibles to the means for receiving timely notification~~, and complexity of the selection procedures.

3) Departments are required to notify the Department of Human Resources of the results of a certification within twenty (20) business days after the date of the Notice of Certification.

313.7.3 Extensions

Response period time limits may be extended by the Human Resources Director.

Sec. 313.8 Effect of Failure to Respond

313.8.1 An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

313.8.2 Except if the Human Resources Director determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.

Sec. 313.9 Waivers**313.9.1 General Waivers**

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.
- 3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.
- 4) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.
- 5) For reasons prescribed elsewhere in these Rules.
- 6) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

313.9.2 Waiver of Part-Time Employment

Any part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

313.9.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

313.9.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two (2) Notices of Certification. Refusal of consideration from the third (3rd) Notice of Certification shall result in the removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.
- 4) Unless otherwise ordered by the Human Resources Director if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.

313.9.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.
- 2) Such requests must be received in Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles next in line for certification to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.

5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 313.10 Change of Address

In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Rule Revisions Amended

Deletions in ~~strikethrough~~ – Additions in underline

Rule 402 Definitions

Applicability: Rule 402 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

<u>Sec. 402.1</u>	<u>Appointment</u>
<u>Sec. 402.2</u>	<u>Appointing Officer</u>
<u>Sec. 402.3</u>	<u>Appointment Date</u>
<u>Sec. 402.4</u>	<u>Bulletin Board / Employment Opportunity Website</u>
<u>Sec. 402.5</u>	<u>Certification Date</u>
<u>Sec. 402.6</u>	<u>Charter</u>
<u>Sec. 402.7</u>	<u>City</u>
<u>Sec. 402.8</u>	<u>Civil Service Department</u>
<u>Sec. 402.9</u>	<u>Class</u>
<u>Sec. 402.10</u>	<u>Classification Plan</u>
<u>Sec. 402.11</u>	<u>Classified Service</u>
<u>Sec. 402.12</u>	<u>Commission</u>
<u>Sec. 402.13</u>	<u>Commissioner</u>
<u>Sec. 402.14</u>	<u>Department</u>
<u>Sec. 402.15</u>	<u>Department of Human Resources</u>
<u>Sec. 402.16</u>	<u>Eligible</u>
<u>Sec. 402.17</u>	<u>Eligible List</u>
<u>Sec. 402.18</u>	<u>Executive Session</u>
<u>Sec. 402.19</u>	<u>Human Resources Director</u>
<u>Sec. 402.20</u>	<u>Layoff</u>
<u>Sec. 402.21</u>	<u>Near List</u>
<u>Sec. 402.22</u>	<u>Part-Time Employment</u>
<u>Sec. 402.23</u>	<u>Position</u>
<u>Sec. 402.24</u>	<u>Post</u>
<u>Sec. 402.25</u>	<u>School Districts</u>
<u>Sec. 402.26</u>	<u>Seniority</u>
<u>Sec. 402.27</u>	<u>Service</u>
<u>Sec. 402.28</u>	<u>Start Work Date</u>
<u>Sec. 402.29</u>	<u>Time Periods</u>
<u>Sec. 402.30</u>	<u>Validation Date</u>

Rule 402 Definitions

Applicability: Unless otherwise noted, Rule 402 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Unless otherwise required by the context, the words listed below and as used in these Rules have the following meanings:

Sec. 402.1 Appointment

402.1.1 Permanent Civil Service

An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.

402.1.2 Probationary

Status of civil service employees during a trial period following permanent appointment.

402.1.3 Temporary Civil Service

An appointment made to a temporary position as a result of certification from an eligible list.

402.1.4 Provisional

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which in either case, is time limited as provided elsewhere in these Rules.

1) Non-Civil Service

Section 402.1.4 1) shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which, in either case, is time limited to a maximum duration as provided elsewhere in these Rules.

Sec. 402.1 **Appointment (cont.)****402.1.4** **Provisional (cont.)****2) Limited Tenure**

Section 402.1.4 2) shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

An appointment to a permanent or temporary position in the absence of an available eligible. Use of limited tenure appointment is restricted as provided in these Rules.

402.1.5 **Exempt**

An appointment to a permanent or temporary position exempt from being filled from an eligible list in accordance with the provisions of Sections 10.104 and 8A.104 of the Charter.

Sec. 402.2 **Appointing Officer**

402.2.1 The head of an organizational unit having appointive authority within the organizational unit and the powers of a department head as defined by former Charter Section 3.501 as enacted into ordinance under Charter Section 18.103 and existing Administrative Code Section 2A.30.

402.2.2 **Appointing Officer - MTA**

The MTA Director of Transportation.

Sec. 402.3 **Appointment Date**

402.3.1 The date on which an appointing officer notifies the Department of Human Resources of his or her selection from a list of eligibles certified by the Department of Human Resources.

402.3.2 **Appointment Date - MTA**

The date on which the MTA Director of Transportation issues official notice of the selection from a list of eligibles.

Sec. 402.4 **Bulletin Board**

The official bulletin boards, so designated, at the Civil Service Department, Municipal Transportation Agency (MTA) and the City's Department of Human Resources, used for posting of examinations and public announcements of the Commission, MTA and the City's Department of Human Resources.

402.4.1 **Employment Opportunity Website**

[The MTA's official employment opportunity website, so designated, used for posting of examinations, recruitments and public announcements of the MTA.](#)

Sec. 402.5 **Certification Date**

402.5.1 The date on which the City's Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill a position.

402.5.2 **Certification Date - MTA**

The date the MTA Director of Transportation/ Designee issues a notice to eligibles from which appointments may be made to fill a Service-Critical position at the MTA.

Sec. 402.6 **Charter**

The Charter of the City and County of San Francisco.

Sec. 402.7 **City**

The City and County of San Francisco.

Sec. 402.8 **Civil Service Department**

The administrative office of the Commission under the direction of the Executive Officer.

Sec. 402.9 **Class**

A position or group of positions for which a common descriptive job title may be used.

402.9.1 **Job Code**

The term job code is used within the Human Resources classification system interchangeably with the Civil Service/Charter term class or classification.

Sec. 402.10 **Classification Plan**

All the classes which have been established, the procedures for maintaining

the plan, and the specifications or descriptions of each of the classes.

Sec. 402.11 **Classified Service**

Includes all positions in the City service subject to competitive examination.

Sec. 402.12 **Commission**

The administrative body of Civil Service Commissioners empowered to enforce the civil service provisions of the Charter.

Sec. 402.13 **Commissioner**

A member of the Civil Service Commission of the City and County of San Francisco, appointed by the Mayor.

Sec. 402.14 **Department**

Organizational unit or units under one appointing officer.

Sec. 402.15 **Department of Human Resources**

The City-wide Department charged with performing such duties and functions as set forth in the Charter.

Sec. 402.16 **Eligible**

A person who has standing on an eligible list.

Sec. 402.17 **Eligible List**

A list of names of persons who have passed a civil service examination.

Sec. 402.18 **Executive Session**

A meeting or part of a meeting of the Commission legally held in private or with the general public excluded.

Sec. 402.19 **Human Resources Director**

Director of the City's Department of Human Resources.

Sec. 402.20 **Layoff**

Separation from a position because of economy, lack of funds, or lack of work.

Sec. 402.21 **Near List**

An eligible list or a holdover roster in a class similarly related to a class for which there is no eligible list from which the City's Human Resources Director or the MTA Director of Transportation may authorize the certification of eligibles for temporary civil service appointment.

Sec. 402.22 **Part-Time Employment**

Part-time employment is regularly scheduled, less than full-time, permanent or temporary appointment to a permanent or temporary position.

Sec. 402.23 **Position**

Duties and responsibilities assigned by an appointing officer to be performed by one employee.

402.23.1 **Permanent**

A collection of duties, regardless of the source and nature of the funds, performed by one individual, which represent the ongoing work of the City and County. Such position(s) may be either:

- 1) enumerated in the Annual Salary Ordinance for which funds have been provided on a continuing basis; or
- 2) a position declared to be permanent by action of the City's Human Resources Director or the MTA Director of Transportation .

402.23.2 **Temporary**

A position in which the duties and responsibilities exist for a maximum duration of 1040 hours except in the case of a special project, defined elsewhere in these Rules, for up to a maximum duration of 2080 hours.

402.23.3 **Part-Time**

Positions less than the established full-time normal schedule of hours per day or days per week.

Sec. 402.23 **Position (cont.)****402.23.4 Exempt**

Temporary or permanent positions excluded from civil service hiring and removal procedures in accordance with the provisions of Section 8A.104 or 10.104 of the Charter.

402.23.5 School-Term Only

Positions in the School Districts established for school term periods only.

402.23.6 As-Needed

A temporary or provisional appointment on either a full-time or part-time work schedule against a temporary requisition designated as as-needed to cover peak workloads, emergency extra workloads, necessary relief, and other situations involving a fluctuating staff.

Sec. 402.24 **Post**

To place on the official Bulletin Board [or to publish on the employment opportunity website](#).

Sec. 402.25 **School Districts**

San Francisco Unified School District and San Francisco Community College District.

Sec. 402.26 **Seniority****402.26.1 Civil Service - Permanent**

Seniority shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior. Employees who resign or are terminated and subsequently are reappointed shall have their seniority determined by their certification date following separation.

Sec. 402.26 **Seniority (cont.)****402.26.2** **Civil Service - Temporary (from eligible list)**

Seniority shall be determined by the date of certification which resulted in a temporary appointment to a temporary position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.

402.26.3 **Civil Service - Limited Tenure**

Section 402.26.3 shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Seniority shall be determined by the date an appointee starts to work in a position in a class in a department on a limited tenure basis. Seniority in the event of ties shall be determined by the appointing officer.

402.26.4 **Departmental**

Seniority for shift and work assignments, vacation or holiday schedule is determined by the appointing officer and is not within the authority of the Civil Service Commission.

Sec. 402.27 **Service**

The City and County of San Francisco government service, including the classified positions in the School Districts.

Sec. 402.28 **Start Work Date**

The date on which an appointee is first reported on the time roll as working.

Sec. 402.29 **Time Periods**

Reference to time periods, such as one week or one month, etc., shall mean calendar days unless the Rule specifically refers to business days.

Sec. 402.30 **Validation Date**

The date on which the City's Department of Human Resources notifies an appointing officer that it has approved an appointment or the MTA Director of Transportation/Designee issues a notice of having approved an appointment.

Rule 410

Examination Announcements and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: Article I, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Article II: Examination Announcements

Applicability: Article II, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Article III: Applicants

Applicability: Article III, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Article IV: Applications and Notice of Examinations

Applicability: Article IV, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Article V: Qualifications of Applicants

Applicability: Article V, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Rule 410

Examination Announcements and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: Article I, Rule 410 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Sec. 410.1 Civil Service Commission Equal Employment Opportunity Policy Related to Examination Announcements and Application Procedures

It is the goal and policy of the Civil Service Commission to achieve a work force that is fully reflective of the multicultural, ethnic, and gender diversity of the City and County of San Francisco. The MTA Director of Transportation/Designee shall conduct outreach for the purpose of announcing upcoming examinations. Outreach shall include such procedures among others as periodic mailings, job fairs, and presentations to inform the public of the employment opportunities and the examination process within the civil service merit system.

Rule 410

Examination Announcements and Applicants

Article II: Examination Announcements

Applicability: Article II, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Sec. 410.2 Examination Announcements

The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates, and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

Sec. 410.3 ~~Promotional Minimum Posting Periods for~~ Examination Announcements

Examination announcements ~~for a promotional examination~~ shall be posted on the ~~MTA's official employment opportunities website bulletin board~~ for a minimum period ~~as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days of ten (10) calendar days. Examination announcements for promotional examinations shall be distributed to all City and County departments. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider, among other factors, number of vacancies, turnover in the classification, labor market availability, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by the labor market to the means for receiving timely notification~~ and equal employment opportunity and racial equity goals. Appointing officers shall make reasonable efforts to properly notify employees. ~~MTA will, on a regular basis, report to the CSC on the progress of advance notification of upcoming employment opportunities for postings of five (5) days or less on the employment opportunity website.~~

Sec. 410.4 Appeals of Examination Announcements

Appeals concerning the provisions of an examination announcement must be received by the MTA Director of Transportation/Designee within five (5) business days from the issuance date. The MTA Director of Transportation/Designee shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

Sec. 410.5 Reissuance of Examination Announcements

After considering appeals submitted under these Rules, the MTA Director of Transportation/Designee may reissue an examination announcement. When reissued, an examination announcement is not open to appeal.

Sec. 410.6 **Correction of Examination Announcements**

Examination announcements may be corrected by the MTA Director of Transportation/Designee with respect to clerical errors, misprints, and incorrect wording by posting notice of such corrections next to the original examination announcement. When examination announcements are corrected under the provisions of this section, additional time shall not be allowed for the protest or appeal of the substantive provisions contained in the original examination announcement.

Rule 410

Examination Announcements and Applicants

Article III: Applicants

Applicability: Article III, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Sec. 410.7 Recruitment of Applicants

Recruitment shall be conducted to attract qualified applicants and to maximize the multicultural, ethnic, and gender diversity of the workforce in the City and County of San Francisco. Where appropriate or needed, the MTA Director of Transportation/Designee shall conduct targeted outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified members of underrepresented groups.

Sec. 410.8 Definition of an Applicant

An applicant is a person who has filed an application for examination within the time limits or under the conditions specified on the examination announcement.

Sec. 410.9 Qualifications of Applicants

410.9.1 Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement for the examination. Experience gained in violation of Commission Rules shall not be recognized. City and County employees in Service-Critical classes at the Municipal Transportation Agency shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees in Service-Critical classes at the Municipal Transportation Agency may receive credit for duties not usually performed by incumbents in a Service-Critical class if their employee file contains contemporaneous documentation that the duties were assigned and performed. By way of example but not limitation, records that describe and verify the out-of-class assignment that may be accepted as documentation include a valid performance appraisal completed during the normal evaluation period, payroll records filed at the time of the assignment and Notice of Assignment. Credit for duties in Service-Critical classes at the Municipal Transportation Agency not usually performed by incumbents in a Service-

Sec. 410.9 Qualifications of Applicants (cont.)**410.9.1 (cont.)**

Critical class based on non-contemporaneous documentation shall require the certification of the Municipal Transportation Agency Deputy Director, Labor Relations and Human Resources, and the approval of the Director of Transportation.

410.9.2 Except with permission of the MTA Director of Transportation/Designee, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class nor for a class in which the employee has current permanent appointment.

Sec. 410.10 Review of Applicant Pool Demographics

When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the MTA Director of Transportation/Designee shall review the ethnic and gender demographics of the pool of qualified applicants. Where the pool of applicants does not reflect the demographics of the relevant labor market, and upon consideration of factors such as the number of anticipated vacancies and the level of underrepresentation, the MTA Director of Transportation/Designee may take such action as appropriate including extending the filing period, reopening the examination for filing, or canceling the examination.

Sec. 410.11 Promotional Applicants

Applicants for promotive only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, ~~civil service~~ employees with ~~permanent, probationary, temporary civil service, or holdover status and who have had~~ six (6) consecutive months (1040 hours) of verifiable satisfactory experience in any job classification in any appointment type status (including provisional) qualify ~~promotionally as promotive applicants~~.

Sec. 410.12 Change of Address

In all cases of change of address, MTA must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or an employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Sec. 410.13 Custody of Examination Applications

Examination applications and supporting documents become the property of MTA when received. Return of such documents shall require the approval

Sec. 410.14 Confidentiality of Applicant Information

Applicant information, including names of applicants on eligible lists shall not be made public unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

Rule 410

Examination Announcements and Applicants

Article IV: Applications and Notice of Examinations

Applicability: Article IV, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Sec. 410.15 **Qualifications of Applicants**

410.15.1 Every applicant for entrance or promotional examination must possess and maintain the qualifications required by law and by the announcement of the examination for which applied. Experience gained in violation of Commission Rule will not be recognized. It is the responsibility of the appointing officer and of the employee to have out-of-class experience recorded as provided elsewhere in these Rules.

410.15.2 Except with permission of the MTA Director of Transportation/Designee, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class. No employee may participate in an examination for a class in which the employee has current permanent appointment status except with the approval of the MTA Director of Transportation/Designee.

Sec. 410.16 **Application Time Periods**

An applicant is a person who has filed an application for examination within the time limits specified in the announcement of the examination for which the applicant applied. Verification shall be the official time receipt of the MTA or postmark. Examination announcements shall not be distributed after the end of the filing period.

Sec. 410.17 **Notice of Minimum Posting Periods for Examinations Announcements**

~~Official notice of eExaminations announcements will shall~~ be posted on MTA's official employment opportunities website. ~~Notice of promotional examinations will be posted~~ for a minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days. of ten (10) calendar days. ~~In establishing the minimum period, the MTA Director of Transportation/Designee shall consider, among other factors, number of vacancies, turnover in the classification, labor market availability, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by the labor market to the means for receiving timely notification, and equal employment opportunity and racial equity goals.~~ Appointing officers shall make

[reasonable efforts to properly notify employees. Requests\(s\) for notice of filing dates for entrance examinations may be filed in the MTA designated department. Notification cards shall be mailed at the inquirer's risk. MTA will, on a regular basis, report to the CSC on the progress of advance notification of upcoming employment opportunities for postings of five \(5\) days or less on the employment opportunity website.](#)

Sec. 410.18 **Additional Notice of Promotional Examinations**

Notices of promotional examinations shall be distributed to the appropriate departments. Appointing officers shall employ any method of distribution to insure that employees are properly notified.

Sec. 410.19 **Application Custody**

Applications and supporting documents become the property of MTA when received. Return of such documents shall require the approval of the MTA Director of Transportation/Designee.

Sec. 410.20 **False Statements by Applicants**

Significant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in the qualifications appraisal interview shall be good cause for the exclusion by the MTA Director of Transportation/Designee of such person from any examination, the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

Sec. 410.21 **Promotional Applicants**

[Applicants for promotive only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, employees with six \(6\) consecutive months \(1040 hours\) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.](#)

Sec. 410.2122 **Confidentiality of Applicant Information**

Applicant information including names of applicants on eligible lists shall not be made public unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

Sec. 410.2223 **Change of Address**

In all cases of change of address, the MTA designated department must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Sec. 410.2324 Correction of Examination Announcements

Examination announcements may be corrected with respect to clerical errors, misprints and incorrect wording by the MTA Director of Transportation/Designee, by posting notice of such corrections next to the original examination announcement. The issuance of examination announcements corrected under the provisions of this section shall not allow additional time for protest or appeal of the substantive provisions contained in the original examination announcement.

Rule 410

Examination Announcements and Applicants

Article V: Qualifications of Applicants

Applicability: Article V, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Sec. 410.2425 Application for Examination

Any person having the qualifications prescribed by these Rules and the terms of the examination announcement may submit himself or herself for any examination under conditions established by MTA.

Sec. 410.2526 Recruitment of Candidates

MTA shall advertise and may take further appropriate means to interest suitable applicants.

Sec. 410.26 Notice of Promotional Examinations

~~When examinations for promotion are to be held, MTA shall give notice thereof to all persons in positions entitling them under the Civil Service Commission Rules, to participate in such examination, by posting information thereof on the designated bulletin board at MTA for a period of ten (10) days and notifying the office, agency, or department concerned.~~

Rule 411

Examinations

Article I: Examination Provisions

Applicability: Article I, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Article II: Examination Process

Applicability: Article II, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Article III: Veterans Preference in Examinations

Applicability: Article III, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Rule 411

Examinations

Article I: Examination Provisions

Applicability: Article I, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Sec. 411.1 **Civil Service Commission Equal Employment Opportunity Policy Related to the Conduct of Examinations**

411.1.1 It is the policy of the Civil Service Commission that job-related criteria be utilized in establishing minimum qualification requirements and developing examination procedures, without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parent status, domestic partner status, color, medical condition (cancer-related), ethnicity or the conditions Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions or other non-merit factors or any other category provided by ordinance.

411.1.2 The MTA Director of Transportation/Designee shall make every effort to ensure the representation of women and minorities on examination boards, panels and screening committees.

Sec. 411.2 **MTA Director of Transportation/Designee Empowered to Act**

The MTA Director of Transportation/Designee shall rule on all matters concerning the examination program in accordance with these Rules.

Sec. 411.3 **Requirement to Conduct Examinations**

411.3.1 Except for reasons beyond the MTA Director of Transportation/Designee's control, the MTA Director of Transportation/Designee shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.

411.3.2 Except for reasons beyond the MTA Director of Transportation/Designee's control, the MTA Director of Transportation/Designee will make every attempt, on a priority basis, to commence work required to conduct examinations at least sixty (60) days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.

Sec. 411.3 **Requirement to Conduct Examinations (cont.)**

411.3.3 Where possible, the MTA Director of Transportation/Designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

Sec. 411.4 **Requirement for Competitive Examinations**

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three (3) or more persons participate. However, any such examination may be held for less than three (3) qualified applicants with the approval of the MTA Director of Transportation/Designee after a finding that reasonable publicity of the proposed examination has been given. Notice of such determination by the MTA Director of Transportation/Designee will be provided to the employee organization(s) representing employees within the classification.

Sec. 411.5 **Examinations Without Charge**

Examinations shall be without charge to the applicants.

Sec. 411.6 **Apprenticeship Positions**

Appropriate rosters of eligibles established by a trade, craft, or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists.

Sec. 411.7 **Adequacy of Examinations**

Subject to the approval of the Commission, the MTA Director of Transportation/Designee, subject to appeal to the Civil Service Commission, shall judge the adequacy of the examination to rate the capacity of the applicants to perform service for the City and County.

Sec. 411.8 **Establishing Cutoff Scores and Number on Eligible Lists**

For each selection procedure, the MTA Director of Transportation/Designee shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list based on the needs of the Service and equal employment opportunity principles and goals. Once established, the cutoff score shall not be changed.

Sec. 411.9 Cheating or Fraud in Examinations

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the MTA Director of Transportation/Designee.

411.9.1 Aid, Hindrance, Fraud and Collusion in Examinations

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Any eligible securing standing on a list by fraud, concealment of fact or violation of Commission Rules shall be removed from such list and if certified or assigned to a position shall be removed therefrom.

Sec. 411.10 Copying of Examination-Related Materials

The copying or the making of notes or outlines of examination-related materials is prohibited.

Sec. 411.11 Rating Keys - Written Examinations Other Than Essay Questions

411.11.1 Written examinations other than essay questions are defined as those tests which present answers that may be available for inspection. Typical formats of written examinations include multiple-choice, true-false, or fill-in.

Sec. 411.11 **Rating Keys - Written Examinations Other Than Essay Questions (cont.)**

- 411.11.2** The examination booklet in written examinations, if not exempted from inspection privileges, shall state the time period where participants in an examination may review the rating key to be used for scoring. No changes in the rating key shall be made after the passing score has been established.
- 411.11.3** Inspection of the rating key is for the purpose of determining if any of the questions asked or answers are ambiguous, incorrect, or improper. Appeals concerning the rating key must be completed in the inspection room on forms supplied by MTA. Appeals must include substantiating data or authoritative references. If any appeals have been filed, an additional period for review of appeals and submission of counter-appeals will be provided. The MTA Director of Transportation/Designee shall act on all appeals. The decision of the MTA Director of Transportation/Designee shall be final.
- 411.11.4** Inspection privileges shall not apply to questions and answers in a continuous or standardized examination. The MTA Director of Transportation/Designee may delete obsolete or erroneous questions or answers from any examination exempted by this Rule for inspection privileges prior to the establishing of a passing mark.

Sec. 411.12 **Inspection of Rating Keys by Review Committee**

- 411.12.1** The examination announcement may provide for review of questions and answers by a review committee in those examinations where large numbers of appeals might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three (3) or more persons expert in the field of subject matter covered by the examination

Sec. 411.12 **Inspection of Rating Keys by Review Committee**

411.12.2 The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the MTA Director of Transportation/Designee for approval. The rating key, when approved by the MTA Director of Transportation/Designee, shall be made available for review by participants in the examination for a minimum period of two (2) days. The time allowed for such review may be extended if in the judgment of the MTA Director of Transportation/Designee, the number of applicants warrants. The participants may appeal to the MTA Director of Transportation/Designee concerning only those questions or answers where documented claim of significant error is made. The decision of the MTA Director of Transportation/Designee shall be final. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

Sec. 411.13 **Inspection Review of Ratings Papers by Unsuccessful Candidates**

Where there are remaining parts of an examination, unsuccessful candidates may ~~inspect-review~~ their ~~papers-ratings~~ during a ~~two (2) day~~ minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days and specified by the notice informing them of their scores. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and complexity of the examination ratings. Such ~~inspection-review~~ shall be for the sole purpose of determining that the computation of the score has been accurate.

Sec. 411.14 **Oral Interview and Other Selection Tests - Definition and Appeals**

This Rule section shall govern examination procedures such as oral interviews, performance tests, work sample tests, essay questions, and assessment center exercises.

411.14.1 **Procedures and Practices**

1) The orientation of the raters may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal

characteristics needed by employees in the class, and related information. The department head or representative shall not discuss any candidate with any rater at this time or any other time prior to the completion of the examination.

Sec. 411.14 **Oral Interview and Other Selection Tests - Definition and Appeals**
(cont.)

411.14.1 **Procedures and Practices (cont.)**

- 2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by any rater.
- 3) No rater shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the rater so that it would be difficult to make an impartial rating. If possible, the excused rater shall be replaced by an alternate with similar qualifications.
- 4) Raters may only consider relevant documents from candidates that are required by the scheduling notice.
- 5) Uniform standards shall be applied to every candidate in each examination. The minimum passing rating must be related to a class, not to a single position within a multiple-position class, unless specified by the examination announcement.
- 6) Except as otherwise permitted by law, applicants shall not be questioned regarding their race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, medical condition (cancer-related), ethnicity, or the conditions Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions or other non-merit factors; nor shall such factors be utilized in establishing minimum qualification requirements and developing examination procedures.
- 7) Recordings of an examination shall be retained until the eligible list is adopted. A defective recording shall not invalidate the examination unless the MTA Director of Transportation/Designee finds the omitted or unintelligible material critically relevant to the examination, in which event the MTA Director of Transportation/Designee may order a new examination.
- 8) In the event of an appeal that could invalidate the examination, all other candidates whose standing in the examination may be affected shall be notified of the appeal prior to final action being taken.

**Sec. 411.14 Oral Interview and Other Selection Tests - Definition and Appeals
(cont.)****411.14.1 Procedures and Practices (cont.)**

9) Any violation of the following procedures and practices by candidates may be cause for disqualification:

- no fraternal rings, organization pins or insignia of any kind shall be displayed by any candidate;
- no candidate shall discuss her or his candidacy or any relationship thereto with any rater prior to the completion of all parts of the examination and the final adoption of the eligible list; and
- unless expressly directed by the notice to candidates to report for examination, no letters of reference or recommendation, performance evaluations, work samples, work products, awards, certificates, or other materials shall be presented to the raters.

411.14.2 Appeals

1) An appeal based on personal bias or competence of a rater shall be made by a candidate to the designated representative of MTA present at the examination immediately prior to participation in this phase of the examination. The candidate shall then proceed with the examination. If such appeal is sustained, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged raters. If more than one-half of the raters are successfully challenged, a new rating board shall be constituted, unless more than one rating board has been convened for the examination, in which case the candidate shall be examined by an alternate rating board of equal number.

2) An appeal based on the conduct of the raters must be made in writing and filed with the MTA Director of Transportation/Designee not later than the second (2nd) business day after the examination was held and must be based on a claim of bias, malfeasance, or misfeasance of board members; documented inconsistencies, or any questions propounded by the raters which occur during any examination which require an answer in conflict with any Federal, State or City and County laws, rules, or regulations. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.

Sec. 411.14 **Oral Interview and Other Selection Tests - Definition and Appeals (cont.)**

411.14.2 Appeals (cont.)

3) An appeal based on inconsistencies in examination administration shall be made in writing and filed with the MTA Director of Transportation/Designee not later than the fifth (5th) business day after the examination.

4) In acting on appeals, only the applications, records, and questions and answers which constitute the record of the examination shall be considered. Appeals will only be sustained when the candidate presents evidence that clearly substantiates a charge or charges as to the above listed items. In the absence of an appeal under this section, later appeals shall be precluded.

Sec. 411.15 **Inspection-Review of Ratings by Participants**

411.15.1 Composite ratings for examinations administered under this section shall be available for a minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days of two (2) working days during which period each participant may inspect-review their own ratings. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and complexity of the examination ratings. The identity of the examiner giving any mark or grade shall not be disclosed.

411.15.2 Any appeal shall be filed in writing within the inspection-review of ratings period and shall be limited to failure of the raters to apply uniform standards. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the specific grounds for the appeal and provide facts shall nullify the appeal.

411.15.3 All appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules. Appeals shall not be considered merely because candidates believe they are entitled to a higher score. Neither the Commission nor the MTA Director of Transportation/Designee shall substitute their judgment for the judgment of the raters. Ratings of less than the minimum passing score shall not be raised to more than the minimum passing score.

411.15.4 No evidence or documents shall be presented, which were not presented

to the raters, unless the candidate was denied the opportunity to do so.

411.15.5 In the absence of an appeal under this section, later appeals shall be precluded.

Sec. 411.16 **Authorization for Flexible Staffing Program**

The MTA Director of Transportation/Designee is authorized to establish flexible staffing programs to promote permanent civil service employees past the probationary period to higher classes within an occupational series or to another series by methods other than traditional selection procedures. In establishing a flexible staffing program, the MTA Director of Transportation/Designee shall consider, among other factors, length of permanent service, performance appraisal ratings, availability of positions, budgetary restrictions, and affirmative action. The specific procedures and qualifications established shall be listed in the flexible staffing examination announcement for the class(es) involved.

Rule 411

Examinations

Article II: Examination Process

Applicability Article II, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Sec. 411.17 **Charter Authority**

The examination program shall be in accordance with the provisions of the Charter. The MTA Director of Transportation/Designee shall rule on all matters concerning the examination program as provided elsewhere in these Rules.

Sec. 411.18 **Announcement**

The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.

Sec. 411.19 **Protests of Examination Announcements**

Appeals concerning the provisions of an announcement must be received by MTA within seven (7) business days from the issuance date. The MTA Director of Transportation/Designee will rule upon appeals and notify petitioners in writing. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

Sec. 411.20 **Reissuance of Examination Announcements**

After considering appeals submitted in accordance with this Rule, the MTA Director of Transportation/Designee may reissue the announcement. When reissued, an examination announcement is not subject to the appeal procedure.

Sec. 411.21 **Official Time Periods**

Examination announcements shall set forth time limits for determination of the qualifications of applicants.

Sec. 411.22 — Promotional Applicants

~~411.22.1 — Applicants for promotional examinations shall meet the requirements of the examination announcement under which they apply and be eligible to participate in examinations on a promotive basis as defined by this Rule.~~

~~411.22.2 — The following employees who are otherwise qualified are entitled to participate in examinations on a promotive basis if they meet the service requirements specified below:~~

~~1) — Employees with permanent status who have completed the probationary period;~~

~~2) — Employees with permanent civil service, probationary, or certified temporary status currently on authorized leave of absence;~~

~~3) — Employees with holdover rights;~~

~~4) — Employees serving a probationary period in a different class but who were last employed in a next lower rank class as a certified temporary, probationary, or permanent employee past the probationary period;~~

~~5) — Appointees from a regular adopted eligible list to a non permanent position other than a "near list" appointment;~~

~~6) — Employees serving a probationary period.~~

~~411.22.3 — All employees entitled to participate in promotive examinations as outlined above shall meet the following requirements:~~

~~1) — A period of six months of service in the class or for the period provided in the examination announcement in any status; AND~~

~~2) — Certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the forms and in the manner prescribed by the MTA Director of Transportation/Designee.~~

Sec. 411.23 **Means of Identification**

- 411.23.1** The MTA Director of Transportation/Designee shall determine the method of candidate identification to be used in written and performance examinations.
- 411.23.2** When the sealed identification method is used, candidates are prohibited from making identifying marks on their examination papers. The examination papers of a candidate who makes identifying marks may be canceled. Sealed identification sheets of successful candidates may not be opened until all ratings and the passing mark are final.
- 411.23.3** Where a number of candidates have competed in two (2) or more examinations in a series and at least one candidate has passed one and failed one of the examinations, the identification sheets of the candidates who have failed one examination may be opened prior to the qualifications appraisal interview but only for the purpose of determining which candidates should participate in the qualifications appraisal interview. Under no circumstance may the score on the examination passed be divulged by MTA prior to the posting of the tentative eligible list.

Sec. 411.24 **Cheating or Fraud in Examinations**

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the MTA Director of Transportation/Designee.

Sec. 411.24 **Cheating or Fraud in Examinations (cont.)****411.24.1** **Aid, Hindrance, Fraud and Collusion in Examinations**

No person or officer shall, by himself/herself or in cooperation with other persons, defeat, deceive or obstruct any person in respect to his or her right of examination; or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or make any false representations concerning the same, or concerning the person examined; or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Any eligible securing standing on a list by fraud, concealment of fact or violation of Commission Rules shall be removed from such list and if certified or assigned to a position shall be removed therefrom.

Sec. 411.25 **Copying of Examination Questions**

The copying of examination questions or the making of notes or outlines regarding an examination is prohibited.

Sec. 411.26 **Rating Keys**

411.26.1 The examination booklet in examinations not exempted from inspection privileges shall provide the time period wherein participants in an examination may review the rating key to be used for scoring. Participants in an examination shall be allowed only one review of the rating key unless otherwise ordered by the MTA Director of Transportation/Designee. No changes in the rating key shall be made after the identification sheets of any participants have been opened.

411.26.2 Inspection of the rating key is for the purpose of correcting errors in the key or determining if any of the questions asked are ambiguous or incorrectly phrased. Protests concerning the rating key must be filled out in the inspection room on forms supplied by MTA. Petitions must include substantiating data or authoritative references. If any protests have been filed, an additional period for review of protests and submission of counter-protests will be provided.

Sec. 411.27 **Rating Keys - Continuous Examination**

- 411.27.1** Inspection privileges shall not apply to questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written examination. This includes examinations under the continuous testing program.
- 411.27.2** The MTA Director of Transportation/Designee may order obsolete or erroneous questions deleted from any examination exempted by this Rule from inspection privileges.

Sec. 411.28 **Inspection of Rating Keys by Review Committee**

- 411.28.1** Notwithstanding any other provision of these Rules, the examination announcement may provide for review of questions and answers thereto by a review committee in those examinations wherein large numbers of protests on key answers might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three (3) or more persons expert in the field of subject matter covered by the examination.
- 411.28.2** The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the MTA Director of Transportation/Designee for approval. Such rating key when approved by the MTA Director of Transportation/Designee shall be made available for review by participants in the examination for a period of two (2) days. The time allowed for such review may be extended if, in the judgment of the MTA Director of Transportation/Designee, the number of applicants warrants. The participants may appeal to the Commission concerning only those questions or answers wherein documented claim of significant error is made. If any appeals have been filed, an additional period for submission of counter-arguments will be provided. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

Sec. 411.29 **Examination Passing Mark**

- 411.29.1** For each examination, the MTA Director of Transportation/Designee shall establish a passing mark or shall determine the total number of persons to be included on the list of eligibles based on the needs of the service.

Sec. 411.29 **Examination Passing Mark (cont.)**

411.29.2 No changes in the passing mark shall be made after the identification sheets have been opened.

Sec. 411.30 **Inspection-Review of Papers-Ratings by Unsuccessful Candidates**

Where there are remaining parts of an examination, and where the examination is not exempted from inspection-review under these Rules, unsuccessful candidates may inspect-review their papers-ratings during a two (2) day minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days and specified by the notice informing them of their scores. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification and complexity of the examination ratings. Such inspection-review shall be for the sole purpose of determining that the scoring has been accurate.

Sec. 411.31 **Veterans Preference in Examinations**

411.31.1 Veterans' preference in examinations completed on or after July 7, 1976, shall be administered in accordance with these Rules.

411.31.2 The following definitions apply to the administration of this section:

- 1) Completion date of an examination: The date the eligible list is adopted or on which all competitive parts of the examination have been administered and the passing mark set.
- 2) Time for filing claim: Applicants must claim preference on the original application form or pre-application form, whichever is filed first. All such claims or withdrawals of claims must be made prior to participation in the first part of the test to be administered.
- 3) First entitlement to claim preference: The date upon which the applicant was first separated from active duty service, including separations for re-enlistment purposes, and such service would have qualified the applicant to claim preference under the then-current requirements.

Sec. 411.32 **Qualifications Appraisal Interview - Procedures and Appeals****411.32.1** **Procedures and Practices**

- 1) The orientation of the qualifications appraisal board may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal characteristics needed by employees in this class, and related information. The department head or representative shall not discuss any candidate with any member or members of the qualifications appraisal board at this time or any other time prior to the completion of the examination.
- 2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by the board members in any qualifications appraisal interview nor shall such rings, pins, or insignia be worn by any candidate who appears before such a board.
- 3) No board member shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the board member so that it would be difficult to make an impartial rating.
- 4) No candidate shall discuss her/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.
- 5) No letters of reference or recommendation shall be presented to the qualifications appraisal board.
- 6) The board may consider relevant documents such as specified in examination announcements.
- 7) In all qualifications appraisal interviews, the same standards shall apply to all candidates who appear for the same class.
- 8) The minimum passing or qualifying rating must be related to a class, not to a single position within a multiple position class.

Sec. 411.32 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**411.32.1 Procedures and Practices (cont.)**

9) No applicant for public employment shall be questioned as to political views, religious beliefs, labor affiliations, or racial extraction.

10) Recordings of qualifications appraisal interviews shall be retained only until all ratings become final and any timely litigation based thereon has been resolved. A defective recording shall not invalidate the interview unless the MTA Director of Transportation/Designee finds the omitted or unintelligible material critically relevant to the case, in which event the MTA Director of Transportation/Designee may authorize a second interview or order a new examination.

11) In the event of any challenge of an examiner or of any ratings in qualifications appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.

411.32.2 Challenge of Board Members

1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.

2) Any challenge as to personal bias or competence of a person serving as an examiner in a qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of MTA or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Commission following denial by the MTA Director of Transportation/Designee, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board. If more than one-half of the board members are successfully challenged, then the MTA Director of Transportation/Designee shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.

Sec. 411.32 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**411.32.2 Challenge of Board Members (cont.)**

3) Any appeal or challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and presented to the representative of the Examination Unit not later than the second (2nd) business day on which the qualifications appraisal interview was held. Challenges based on bias, malfeasance, or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules before the identification sheets of those admitted to the oral examination are opened and scores of the participants are known.

4) The Commission, in acting on a challenge or appeal of the conduct of the qualification appraisal board, shall consider only the applications, records, and questions and answers which constitute the record of the qualifications appraisal interview. The Commission will sustain protests only when the candidate presents evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.

5) The decision of the Civil Service Commission on this subject shall be final.

6) In the absence of a challenge under this section or upon a decision by the Commission under this section, later challenges shall be precluded.

411.32.3 Inspection of Ratings in Qualifications Appraisal Interviews by Participants

1) After the qualifications appraisal interviews for an examination are computed, such composite ratings shall be available for a minimum period of two (2) working days following the completion of the computations for all participants or for some other two (2) day period set by the MTA Director of Transportation/Designee, provided that the candidates are advised of the dates, during which period each participant may inspect their own ratings.

Sec. 411.32 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**411.32.3 Inspection of Ratings in Qualifications Appraisal Interviews by Participants (cont.)**

The identity of the examiner giving any mark or grade in a qualification appraisal interview shall not be disclosed.

2) Any challenges shall be filed in writing within the inspection period and shall be limited to:

- failure of the qualifications appraisal board to apply uniform standards; and

- any questions propounded by the panel of examiners which occur during a qualifications appraisal interview which require an answer in conflict with any Federal, State, or City and County laws, rules, or regulations which apply to the government of the City and County of San Francisco, MTA, and/or the Civil Service Commission.

3) All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules. The MTA Director of Transportation/Designee shall not consider challenges merely because candidates believe they are entitled to a higher score. The MTA Director of Transportation/Designee will not substitute her/his judgment for the judgment of the qualifications appraisal interviewers. Ratings by a qualifications appraisal board of less than the minimum passing score shall not be raised to more than the minimum passing score.

4) No evidence or documents supportive of qualifications shall be presented to the MTA Director of Transportation/Designee which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.

5) The decision of the MTA Director of Transportation/Designee on this subject shall be final.

Sec. 411.32 **Qualifications Appraisal Interview - Procedures and Appeals (cont.)****411.32.3** **Inspection of Ratings in Qualifications Appraisal Interviews by Participants (cont.)**

6) In the absence of a challenge under this section or upon a decision by the MTA Director of Transportation/Designee under this section, later challenges shall be precluded.

Sec. 411.33 **Requirement to Conduct Examinations**

411.33.1 Except for reasons beyond the MTA Director of Transportation/Designee's control, MTA shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.

411.33.2 Except for reasons beyond the MTA Director of Transportation/Designee's control, MTA will make every attempt, on a priority basis, to commence to conduct examinations at least sixty (60) days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.

411.33.3 Where possible, the MTA Director of Transportation/Designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

Sec. 411.34 **Examination of Applicants**

Incorporating former Charter Section 8.321 into the Civil Service Commission Rules pursuant to former Charter Section 8.320-1 Incorporating Former Charter Provision (Proposition C - November 5, 1991 Election)

411.34.1 **Requirement for Competitive Examinations**

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three (3) or more persons shall participate. However, any such examination may be held for less than three (3) qualified applicants with the approval of the MTA Director of Transportation/Designee, after a finding that reasonable publicity of the proposed examination has been given.

Sec. 411.34 **Examination of Applicants (cont.)****411.34.2** **Examination without Charge**

Such examinations shall be without charge to the applicants.

411.34.3 **Examination Control and Employment of Examiners**

The MTA Director of Transportation/Designee shall control all examinations and may employ suitable persons in or out of the public service to act as examiners.

411.34.4 **Type of Examinations**

The examinations used shall measure the relative capacities of the persons examined to perform the functions, duties, and responsibilities of the class to which they seek appointment. Examinations shall consist of selection techniques which will test fairly the relative qualifications, merit and fitness of the applicants for the position to be filled. Examinations may include written tests to determine job-related aptitude, knowledge, or achievements; and oral tests by qualifications appraisal boards.

411.34.5 **Rules Governing Qualification Appraisal Boards**

The MTA Director of Transportation/Designee shall establish rules governing the size and composition of qualification appraisal boards. Qualification appraisal boards may consider, in the case of employees of the City and County of San Francisco, all prior performance evaluations completed on MTA forms and, in the case of all applicants, may consider prior work experience, assessment center evaluations, and work samples as part of their evaluation of candidates for employment to any position.

411.34.6 **Apprenticeship Positions**

Appropriate rosters of eligibles established by a trade, craft or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists.

Sec. 411.34 **Examination of Applicants (cont.)****411.34.7** **Adequacy of Examinations**

Subject to the approval of the Commission, the MTA Director of Transportation/Designee shall judge the adequacy of the tests to rate the capacity of the applicants to perform service for the City and County.

411.34.8 **Establishment of Passing Mark and Number of List**

The MTA Director of Transportation/Designee may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles.

411.34.9 **Preparation and Order of Eligible List**

The MTA Director of Transportation/Designee shall prepare the eligible list from the returns of the examiners, arranged in order of relative performance.

411.34.10 **Confidentiality of Applicant Information**

Applicant information, including names of applicants on eligible lists shall not be made public unless required by law.

411.34.11 **Prohibition of Political, Religious or Fraternal Questions**

No question submitted to applicants shall refer to political or religious opinions or fraternal affiliations.

Sec. 411.35 **Protest of Written Questions and Answers**

Incorporating former Charter Section 8.322 into the Civil Service Commission Rules
Pursuant to former Charter Section 8.320-1 Incorporating Former Charter Provision
(Proposition C - November 5, 1991 Election)

411.35.1 **Review Period by Participants in Written Examinations**

After the written portion of a civil service examination has been held, the questions used and the answers thereto shall be available for review by the participants.

411.35.2 **Exclusion from Review of Continuous or Standardized Tests**

This review period shall not apply to questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written tests.

411.35.3 **Opportunity to Protest Questions and Answers**

During the review period, participants shall have an opportunity to

protest questions or answers they believe to be incorrect or improper.

Sec. 411.35 **Protest of Written Questions and Answers (cont.)**

411.35.4 **Changes in Rating Key**

After all protested items have been acted on and after the official rating key has been adopted and the identification sheets have been opened, further changes in the rating key shall not be made.

Rule 411

Examinations

Article III: Veterans Preference in Examinations

Applicability: Article III, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Sec. 411.36 **Definition of Veteran for Purposes of Entitlement Under This Rule**

The term “veteran” as used in this Rule shall be as defined under Cal. Gov’t Code §18540.4, which at the time of amendment of this Rule stated: Any person who has served full time in the armed forces in time of national emergency or state military emergency or during any expedition of the armed forces and who has been discharged or released under conditions other than dishonorable.

Sec. 411.37 **Definition of Disabled Veteran for Purposes of Entitlement Under This Rule**

411.37.1 For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 411.36, who has suffered a permanent service-connected disability that is of record in the United States Administration.

411.37.2 Notwithstanding any preference allowed under this Rule, disabled veterans as defined above shall be afforded all rights under the Americans with Disabilities Act, including any reasonable accommodation if appropriate.

Sec. 411.38 **Veterans Entitlement**

411.38.1 **Veteran, Widow or Widower, or Domestic Partner**

A veteran as defined above in Sec. 411.36, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of five percent (5%) toward his/her entrance qualifying score.

411.38.2 **Disabled Veteran, Widow or Widower, or Domestic Partner**

A disabled veteran as defined in Sec. 411.37.1, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

Sec. 411.38 **Veterans Entitlement (cont.)****411.38.3 Spouse or Domestic Partner of Disabled Veteran**

Spouse or registered domestic partner of a one hundred percent (100%) disabled veteran as defined in Sec. 411.37, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

411.38.4 Notice of Veteran Status

Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive Veterans Preference credit must notify the Department of Human Resources of his/her veterans status at the time he/she submits the initial job application. Veterans preference is limited to an applicant for entrance employment, however, it may be applied to either an entrance only announcement or a combined entrance and promotional announcement.

Sec. 411.39 **Entitlement at Time of Separation from Active Duty**

An individual qualifying for veterans preference as herein defined shall be deemed entitled thereto on the date of separation from active duty in the armed forces.

Sec. 411.40 **Entitlement Exhausted Upon Acquiring Permanent Appointment**

The exercise of said veterans preference shall be exhausted upon permanent appointment from an eligible list and the completion of the required probationary period. The application of any other veterans credits on any other examination shall be automatically cancelled.

Rule 411A

Position-Based Testing Program for MTA Service-Critical Positions or Classes

Applicability: Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Article I: Civil Service Commission Policy Related to Position-Based Testing

- Sec. 411A.1 Purpose
- Sec. 411A.2 Merit Based Examinations
- Sec. 411A.3 Diversity of Workforce

Article II: Examination Provisions

- Sec. 411A.4 Application of Position-Based Testing
- Sec. 411A.5 Reporting Requirement
- Sec. 411A.6 Civil Service Commission Rules for Position-Based Testing
- Sec. 411A.7 Responsibilities of the Director of Transportation

Article III: Examination Announcements

- Sec. 411A.8 Examination Announcements
- Sec. 411A.9 Reissuing of Examination Announcements
- Sec. 411A.10 Correction of Examination Announcements

Article IV: Examination Applicants and Applications

- Sec. 411A.11 Definition of Applicant
- Sec. 411A.12 Qualifications of Applicants
- Sec. 411A.13 False Statements by Applicants
- Sec. 411A.14 Promotive-Promotional Applicants
- Sec. 411A.15 Veterans Preference in Examinations
- Sec. 411A.16 Change of Address
- Sec. 411A.17 Custody of Examination Applications
- Sec. 411A.18 Confidentiality of Applicant Information

Article V: Examinations

- Sec. 411A.19 Adequacy of Examinations**
- Sec. 411A.20 Examination Rating Panels**
- Sec. 411A.21 Establishing Cutoff Scores and Number of Eligibles**
- Sec. 411A.22 Cheating in Examinations Prohibited**
- Sec. 411A.23 Review of Ratings by Examination Participants**

Article VI: Administration of Eligible Lists

- Sec. 411A.24 Eligible Lists**
- Sec. 411A.25 Posting of Tentative Eligible List Examination Score Report**
- Sec. 411A.26 Maintenance of Eligibility**
- Sec. 411A.27 Management of Eligible Lists**
- Sec. 411A.28 Rosters of Eligibles Established by Other Authorities**

Article VII: Certification of Eligibles

- Sec. 411A.29 Certification**
- Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule**
- Sec. 411A.31 Establishment of the Certification Rule for Position-Based Testing**

Article VIII: Appeals of Examination Processes

- Sec. 411A.32 Substance of Appeals**
- Sec. 411A.33 Timeliness of Appeals**
- Sec. 411A.34 Continuance of Examinations with Appeals Pending**
- Sec. 411A.35 Authority to Rule on Appeals**
- Sec. 411A.36 Appeals to the Civil Service Commission**
- Sec. 411A.37 Appeals to the Director of Transportation**

Rule 411A

Position-Based Testing

Article I: Civil Service Commission Policy Related to Position-Based Testing

Applicability: Article I, Rule 411A shall apply to examinations designated to this Position-Based Testing Program, and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.1 Purpose

411A.1.1 The Civil Service Commission recognizes the importance of reducing the time it takes to make permanent civil service appointments and reducing reliance on provisional and other forms of temporary hiring. Therefore, this Position-Based Testing Program is being established with the goal of adopting eligible lists resulting from merit-based examination processes within sixty (60) days from the posting of the examination announcement.

411A.1.2 It is the policy of the Civil Service Commission that examination processes in the City and County of San Francisco under this Position-Based Testing Program are conducted in an efficient and fair manner to ensure that the best-qualified individuals are selected to perform service for the City.

Sec. 411A.2 Merit Based Examinations

411A.2.1 It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment as expressed in Rule 403 Equal Employment Opportunity.

411A.2.2 All applicants for positions in the classified service shall submit to verifiable competitive examinations based on merit and fitness as shown by appropriate tests. Job-related criteria shall be utilized in all phases of the examination and employee selection process without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, ethnicity, medical condition (cancer-related), Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions, other non-merit factors or any other category provided by ordinance.

411A.2.3 All forms of cheating, improper aid or hindrance are prohibited.

Sec. 411A.3 Diversity of Workforce

411A.3.1 Subject to existing law, it is the policy of the Civil Service Commission to achieve a workforce that is fully reflective of the diversity of the City and County of San Francisco.

411A.3.2 When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Director of Transportation may take appropriate legal actions to correct or mitigate the underrepresentation.

411A.3.3 The Civil Service Commission endorses and supports the broadening of the Rules governing the certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize diversity of the work force.

Rule 411A

Position-Based Testing

Article II: Examination Provisions

Applicability: Article II, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in MTA Service-Critical positions or classes.

Sec. 411A.4 Application of Position-Based Testing

The term “Position-Based Testing” as used in this Rule shall apply to any examination for a classification that has been designated by the Human Resources Director to be included in the Position-Based Testing Program under Civil Service Rule 111A. Inclusion of classes in the Program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Human Resources Director.

Sec. 411A.5 Reporting Requirement

The Director of Transportation shall provide semi-annual reports to the Civil Service Commission on any examinations administered under this Position-Based Testing Program. The Civil Service Commission shall consider whether to require such reports from the MTA to be consistent with the Department of Human Resources’ reporting requirement under Civil Service Rule 111A and will determine the frequency of such reports by Commission action. The frequency of such reports will be noted on the Annual Calendar of Required Reports.

These reports shall include, but not be limited to the following information for each examination: the applicable certification rule and duration of the eligible list; the number of applicants, and how many were deemed qualified under the terms of the examination announcement; the number of candidates who participated in the examination, and how many were placed on the eligible list; and the number and types of protests submitted to the Director of Transportation, and their disposition (i.e., the response of, or any action taken by the Director of Transportation in response; and whether they were appealed to the Civil Service Commission). The Director of Transportation shall also include in its reports a list of the known Service-Critical positions or classifications for which the MTA intends to administer a Position-Based Test under this Civil Service Rule 411A.

Sec. 411A.6 Civil Service Commission Rules for Position-Based Testing

411A.6.1 All examination provisions for Position-Based Testing are specified in Rule 411A. Provisions specified in Civil Service Commission Rule 405.12.1, 405.12.4 and 405.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 410, 411 Articles I and II, 412 Articles I – IV, and 413 Article III, do not apply to the Position-Based Testing Program.

Sec. 411A.6 Civil Service Commission Rules for Position-Based Testing (cont.)

411A.6.2 Pursuant to its Charter authority, the Civil Service Commission may independently inquire into the operation of the Position-Based Testing Program to determine compliance to its Rules, regulations, policies, and procedures and respond to Inspection Service requests.

Sec.411A.7 Responsibilities of the Director of Transportation

411A.7.1 The Director of Transportation shall adhere to the procedures, requirements and standards established by the Human Resources Director for the Position-Based Testing Program under Rule 111A to implement this Rule 411A, and the policies of the Civil Service Commission concerning this Position-Based Testing Program, and to improve the City's ability to make prompt hires of best-qualified applicants. Nothing in this Rule is intended to extend to the Human Resources Director or the Director of Transportation the authority to change Civil Service Commission policy or to cause or permit the Human Resources Director or the Director of Transportation to take any action not in compliance with the law.

411A.7.2 The Director of Transportation shall administer and rule on all matters concerning this Position-Based Testing Program. The decision of the Director of Transportation related to Position-Based Testing Program matters under this Rule is final, unless this Rule expressly provides for appeal to the Civil Service Commission.

411A.7.3 The Executive Officer of the Civil Service Commission may initiate audits or investigations of the MTA's administration or implementation of this Position-Based Testing Program for compliance with Civil Service Commission policies and Rules; or for compliance with Department of Human Resources' policies, procedures and standards for Position-Based Testing.

411A.7.4 Additionally, the Department of Human Resources shall conduct periodic independent reviews of the MTA's administration and implementation of this Position-Based Testing Program during the first three years following the adoption of this Civil Service Rule 411A on April 21, 2014 to ensure compliance with the Department of Human Resources' policies, procedures and standards for Position-Based Testing. The Department of Human Resources shall report any deficiencies to the Executive Officer of the Civil Service Commission to ensure that they are appropriately addressed. At the conclusion of the three-year period, the Department of Human Resources shall report to the Civil Service Commission on its findings regarding the operation of the MTA's Position-Based Testing Program under this Rule 411A.

Rule 411A

Position-Based Testing

Article III: Examination Announcements

Applicability: Article III, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.8 Examination Announcements

411A.8.1 The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

411A.8.2 Municipal Transportation Agency examination announcements shall be officially posted at the Department of Human Resources and the Municipal Transportation Agency.

Sec. 411A.9 Reissuing of Examination Announcements

The Director of Transportation may reissue an examination announcement to extend the application-filing period or in response to an appeal. When reissued for these reasons, an examination announcement is not open to an appeal.

Sec. 411A.10 Correction of Examination Announcements

Examination announcements may be corrected by the Director of Transportation with respect to clerical errors, misprints and incorrect wording by posting notice of such corrections. Additional time shall not be allowed for appeal of the substantive provisions contained in the original examination announcement.

Rule 411A

Position-Based Testing

Article IV: Examination Applicants and Applications

Applicability: Article IV, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.11 Definition of Applicant

An applicant is a person who has filed an application for examination within the time limits and under the conditions specified on the examination announcement.

Sec. 411A.12 Qualifications of Applicants

411A.12.1 Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement.

411A.12.2 City and County employees in Service-Critical classes at the Municipal Transportation Agency shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees in Service-Critical classes at the Municipal Transportation Agency may receive credit for duties not usually performed by incumbents in a Service-Critical class if their employee file contains contemporaneous documentation that the duties were assigned and performed. Credit for duties in Service-Critical classes at the Municipal Transportation Agency not usually performed by incumbents in a Service-Critical class based on non-contemporaneous documentation shall require the Certification of the Municipal Transportation Agency Deputy Director, Labor Relations and Human Resources, and the approval of the Director of Transportation.

Sec. 411A.13 False Statements by Applicants

Relevant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in any phase of the examination or hiring process shall be good cause for the exclusion of such person from any examination, or the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

Sec.411A.14 ~~Promotive~~-Promotional Applicants

Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, ~~City~~ employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

Sec. 411A.15 Veterans Preference in Examinations

411A.15.1 The Director of Transportation shall adhere to the procedures for veterans preference in examinations established by the Human Resources Director in accordance with applicable law and Civil Service Commission Rules.

411A.15.2 Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive veterans preference credit as provided in Civil Service Commission Rules must notify the Department of Human Resources of his/her veteran status at the time he/she submits the initial job application or as specified on the examination announcement.

Sec. 411A.16 Change of Address

The Municipal Transportation Agency must be notified in writing (including e-mail) by the applicant of any change of address, e-mail address or telephone number. Notice of change to the Post Office and/or an employee's current department only, does not meet the notification requirement.

Sec. 411A.17 Custody of Examination Applications

Examination applications and supporting documents become the property of the Municipal Transportation Agency when received. Return of such documents shall require the approval of the Director of Transportation.

Sec. 411A.18 Confidentiality of Applicant Information

Applicant information, including names of applicants on eligible lists shall not be made public, unless required by law.

Rule 411A

Position-Based Testing

Article V: Examinations

Applicability: Article V, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.19 Adequacy of Examinations

The Director of Transportation shall approve the adequacy of the examination to rate the capacity of the applicants to perform the job. Examinations may include, but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, assessment centers, successful completion of requirements imposed by other authorities for the award of certification, licensure, academic recognition (e.g. degree, course completion), placement on a roster as provided in Sec. 411A.28, or any other devices or methods to determine merit and fitness for tested positions.

Sec. 411A.20 Examination Rating Panels

The Director of Transportation shall make every reasonable effort to ensure diversity of the qualified raters.

Sec. 411A.21 Establishing Cutoff Scores and Number of Eligibles

The Director of Transportation shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list.

Sec. 411A.22 Cheating in Examinations Prohibited

411A.22.1 Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person of being appointed, employed or promoted.

Sec. 411A.22 Cheating in Examinations Prohibited (cont.)

411A.22.2 Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal and ineligibility for future employment and such other appropriate action as may be recommended by the Director of Transportation.

Sec. 411A.23 Review of Ratings by Examination Participants

411A.23.1 Examination participants shall have a minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days ~~of five (5) working days~~ to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, ~~extent of access by candidates to the means for receiving timely notification~~ and complexity of the examination ratings. The identity of the examiner giving any mark or grade shall not be disclosed.

411A.23.2 The Director of Transportation shall establish the procedures for Review of Ratings.

Rule 411A

Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.24 Eligible Lists for Certification Purposes Only

411A.24.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list. Eligible information, including names on eligible list shall not be made public unless required by law; however, any eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

411A.24.2 The Director of Transportation shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 411A.25 Posting of Tentative Eligible List Examination Score Report

411A.25.1 At the beginning of the inspection period the Tentative Eligible List Score Report shall be posted and made available for public inspection.

411A.25.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

411A.25.3 The Director of Transportation may adopt an eligible list pending the resolution of any appeal. Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire. Resolutions of appeals shall not affect earlier hires from the eligible list.

Sec. 411A.26 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Director of Transportation is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

Sec. 411A.27 Management of Eligible Lists

411A.27.1 The Director of Transportation shall have the right to correct errors on an eligible list or amend an eligible list as a result of the outcome of an appeal or if required by Civil Service Commission Rules or other legal requirements. Corrections and/or amendments of the eligible list shall not affect earlier hires from the eligible list.

Sec. 411A.27 Management of Eligible Lists (cont.)

411A.27.2 The Director of Transportation may extend the duration of an eligible list or eligibility periods for individuals on the eligible list based on the needs of the Municipal Transportation Agency or merit factors. Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. ~~During the first three years following the adoption of this Civil Service Rule 411A on April 21, 2014, the~~ The maximum duration of the eligible list shall not exceed ~~twenty-four (24) months. At the conclusion of the three-year period, the Civil Service Commission shall consider whether to increase the allowable maximum duration of the eligible list to~~ forty-eight (48) months, ~~consistent with the provisions of Civil Service Rule 111A.~~ Affected eligibles will be notified of the extension of the eligible list or eligibility period.

411A.27.3 The Director of Transportation may authorize the merging of eligible lists in the same Service-Critical class or different Service-Critical classes. Affected eligibles will be notified of the merging of eligible lists.

411A.27.4 The Director of Transportation may cancel an eligible list, or make optional the use of an eligible list based on the needs of the Municipal Transportation Agency or merit factors such as inability of eligibles to meet job specific qualifications or requirements. Affected eligibles will be notified of the cancellation of eligible lists.

411A.27.5 The Director of Transportation may approve the use of an eligible list established under this Rule 411A Position-Based Testing Program for permanent civil service appointments to other positions in the same or similar classes in the MTA or other City departments.

411A.27.6 The Human Resources Director may approve the use of an eligible list established pursuant the Position-Based Testing Program under Rule 111A for permanent civil service appointments to MTA Service-Critical positions or classes.

~~**411A.27.7** In the event of a declaration of emergency by the Mayor of San Francisco and with the approval of the Civil Service Commission, active eligible lists during a declared emergency may be extended for up to an additional year beyond the timeframes set forth in these rules.~~

Sec. 411A.28 Rosters of Eligibles Established by Other Authorities

411A.28.1 By mutual agreement with the affected employee organization, appropriate rosters of eligibles established by other recognized authorities, such as the State of California, may be utilized to fill Service-Critical positions, or as the basis for establishing eligible lists for Service-Critical classifications.

411A.28.2 The Director of Transportation shall determine the criteria and standards for approving the use of rosters established by other authorities. In assessing appropriateness, the Director of Transportation shall ensure that placement on a roster does not require membership in an organization.

411A.28.3 The use of such rosters shall be specified on the examination announcement and shall not be subject to appeal to the Civil Service Commission.

Rule 411A

Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.29 Certification

411A.29.1 The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Municipal Transportation Agency, the initial notice of certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

411A.29.2 If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).

Sec. 411A.30 Certification of Eligibles – Minimum Allowable Certification Rule

411A.30.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.30.2 The most restrictive formula for application of the Rule of Three Scores shall be:

- 1) When there is one (1) approved personnel requisition on file for a class, the Municipal Transportation Agency shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.
- 2) When there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

Sec. 411A.31 Establishment of the Certification Rule for Position-Based Testing

411A.31.1 The Director of Transportation and/or representative is authorized to discuss and pursue agreement with employee organizations as to the certification rule applicable to an eligible list resulting from an examination in the Position-Based Testing Program, provided however, that the minimum rule cannot be fewer than the Rule of Three Scores. Nothing in this Section is intended to change the scope of bargaining specified by Charter or applicable law.

Sec. 411A.31 Establishment of the Certification Rule for Position-Based Testing (cont.)

411A.31.2 Unless agreed between the employee organization representing the class and the Director of Transportation, the Rule of Three Scores shall be used exclusively, except as set forth in Rule 413, Article III.

411A.31.3 The Certification Rule shall be specified as a term of the examination announcement. Appeals of the Certification Rule shall not be permitted.

Rule 411A

Position-Based Testing

Article VIII: Appeals of Examination Processes

Applicability: Article VIII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.32 Substance of Appeals

411A.32.1 An action by the Municipal Transportation Agency under Rule 411A may be appealed by a party alleging injury by that action as provided in this Article VIII. For each appeal the appellant must state the specific grounds upon which the appeal is based, cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that the appellant contends was violated by the action which is the subject of the appeal, provide facts including available documents to support the appeal, and demonstrate a rational relationship between the alleged injury suffered by the appellant as a result of the action being appealed and the alleged violation of Rule or Policy. Failure to meet all of the above requirements to support the appeal may be sufficient grounds for denial of the appeal by the Civil Service Commission.

411A.32.2 An appeal that objects to ratings or rankings based solely on the candidate's belief that he or she is entitled to a higher or passing score shall not be considered. Neither the Director of Transportation nor the Civil Service Commission shall substitute his, her or its judgment for the judgment of qualified raters.

Sec. 411A.33 Timeliness of Appeals

Protests and appeals that are not submitted within the prescribed time limits shall not be considered.

Sec. 411A.34 Continuance of Examinations with Appeals Pending

The Director of Transportation may proceed with any and all phases of the Position-Based Testing process pending an appeal.

Sec. 411A.35 Authority to Rule on Appeals

411A.35.1 Civil Service Commission

Appeals to the Civil Service Commission may occur at three (3) points in the examination process: (1) after the examination announcement has been issued, (2) after the examination has been administered and prior to the posting of the Tentative Eligible List Score Report and (3) after the merging of eligible lists in different classes.

Appeals of the examination announcement may be based only on challenges to the position description and/or the minimum qualifications. Appeals after the examination

Sec. 411A.35 Authority to Rule on Appeals (cont.)**411A.35.1 Civil Service Commission (cont.)**

administration may be based only on claims of inconsistency in examination administration, bias of raters and/or failure of raters to apply uniform standards. Appeals of merging of eligible lists in different classes may be based only on claims of substantial differences in the knowledge, skills and abilities required to perform the essential functions of the positions. Decisions of the Civil Service Commission on these examination matters will be final.

411A.35.2 Director of Transportation

All other appeals may be made to the Director of Transportation whose decision will be final.

Sec. 411A.36 Appeals to the Civil Service Commission**411A.36.1 Appeals of the Examination Announcement**

- 1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Director of Transportation made decisions beyond his/her authority or had no rational basis for his/her decision.
- 2) Appeals under this Section must be submitted directly to the Executive Officer of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.
- 3) Appeals must be in writing and shall include a statement of the specific component(s) or item(s) of the examination announcement being contested and specific reason(s) why adoption of the cited portions of the examination announcement constitutes abuse of discretion by the Director of Transportation. To the extent possible, all supporting documentation must be submitted with the written appeal.
- 4) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified of the particulars of the hearing in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

Sec. 411A.36 Appeals to the Civil Service Commission (cont.)**411A.36.1 Appeals of the Examination Announcement (cont.)**

- 5) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.
- 6) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

411A.36.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards

- 1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.
- 2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.
- 3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

411A.36.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards (cont.)

4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed. In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

411A.36.3 Appeals of Merging of Eligible Lists of Different Classes

1) The standard of review for appeals under this Section shall be abuse of discretion in merging eligible lists of different classes. Appeals shall include a statement of the specific facts that demonstrate that the merging of eligible lists in different classes is not supported by job analyses that demonstrate that the same or similar knowledge, skills and abilities are required to perform the essential functions of the positions.

2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of the merging of eligible lists.

3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appropriate, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

411A.36.3 Appeals of Merging of Eligible Lists of Different Classes (cont.)

4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

Sec. 411A.37 Appeals to the Director of Transportation**411A.37.1 Protests at the Examination Site**

1) An examination participant may protest the assignment of a rater to his/her board or panel based on a claim of the rater's inability to rate the examination participant competently or without bias. The protest of the rater must be made to the designated representative of the Director of Transportation present at the examination prior to participation in this phase of the examination. If no protest is made, then no appeal of the assignment of the rater will be permitted.

2) An examination participant may submit a protest of a problem occurring at an examination site, such as, but not limited to equipment malfunction or disturbance of the examination process, that interfered with the examination participant's performance in the examination. Such protest must be made to the designated representative of the Director of Transportation present at the examination site immediately upon encountering or experiencing the problem and before leaving the examination site. If no protest is submitted, then the Director of Transportation may refuse an appeal of a problem occurring at the examination site.

3) The decision or action in response to a protest at the examination site may be appealed to the Director of Transportation. The appeal must be submitted in writing and must be received at the Municipal Transportation Agency not later than the fifth (5th) business day after the candidate's examination date.

411A.37.2 Appeal of Accuracy of the Calculation of Examination Scores and/or Ranking

An appeal of the accuracy of the calculation of examination scores and/or rank must be submitted directly to the Director of Transportation or representative within the period designated for review of ratings (see Section 411A.23). The decision of the Director of Transportation related to calculation of examination scores and rank is final.

411A.37.3 Appeals of Other Examination Matters

An appeal of any other examination matter must be made in writing and received by the Director of Transportation not later than the fifth (5th) business day after the occurrence or notice of the issue of appeal. The decision of the Director of Transportation on all these matters is final.

Rule 412 Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Article III: Protest of Tentative Eligible List

Applicability Article III, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Article IV: Duration of Eligible Lists

Applicability Article III, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Article V: Holdover Rosters and Return to Duty

Applicability: Article IV, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Rule 412

Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Sec. 412.1 **Types of Eligible Lists**

The names of applicants passing all phases of an examination shall be placed on one of the following types of eligible lists in the order of total score. Eligibles with tie scores shall be listed in alphabetical order. Applicant information, including applicant names on eligible lists shall not be made public, unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

412.1.1 **Discrete Eligible Lists**

Discrete eligible lists are lists derived from examinations which are open for filing for a specific time period and in which the selection procedure is administered on a specific date or dates.

412.1.2 **Continuous Eligible Lists**

A continuous eligible list may be used for a class after the MTA Director of Transportation/Designee has designated the class as a "continuous list class." Each time an examination for such a class is given, the names of the eligibles resulting from the examination shall be added to the existing eligible list, ranked by the eligible's score on the examination taken. For eligibles with the same score, names shall be listed alphabetically.

412.1.3 **Duration of Eligibility on Continuous Lists**

Each examination announcement for a continuous list class shall state the time period during which the names of eligibles successfully passing the examination will remain on the continuous list. This time period will be referred to as the "eligibility period." An eligible's name shall be removed from a continuous list at the end of the eligibility period.

Sec. 412.2 **Duration of Eligible Lists and of Eligibility**

412.2.1 **Duration of Discrete Eligible List**

For discrete eligible lists, the eligible list shall state the duration of the list with the minimum duration being six (6) months and the maximum twenty-four (24) months.

Sec. 412.2 **Duration of Eligible Lists and of Eligibility (cont.)****412.2.2** **Duration of Eligibility - Continuous Eligible Lists**

For continuous eligible lists, the examination announcement shall specify the duration of eligibility with the minimum period of eligibility being six (6) months and the maximum being twelve (12) months.

412.2.3 **Establishment of Duration of Eligible Lists**

In establishing duration of an eligible list or duration of eligibility, the MTA Director of Transportation/Designee shall consider, among other factors, the size of the applicant pool, the number of positions in the class, the rate of turnover, and equal employment opportunity goals.

412.2.4 **Expiration of Eligible Lists and Eligibility**

If the expiration date of an eligible list or eligibility period falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

Sec. 412.3 **Extension of Eligibility**

The MTA Director of Transportation/Designee may extend [the duration of an eligible list or eligibility periods ~~for up to one \(1\) additional year for individuals on the eligible list or eligibility periods for individuals based on the needs of the Municipal Transportation Agency or merit factors.~~ Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. The maximum duration of the eligible list shall not exceed forty-eight \(48\) months. Affected eEligibles shall be notified of the extension ~~and any change in the expiration of their eligibility.~~](#)

Sec. 412.4 **Cancellation of Eligibility**

The MTA Director of Transportation/Designee may cancel an eligible list after the minimum duration of six (6) months. In canceling an eligible list, the MTA Director of Transportation/Designee shall consider, among other factors, the number of eligibles remaining, the length of time since the selection procedures were administered, equal employment opportunity goals, and labor market availability. Eligibles and the recognized employee organization representing the affected class shall be notified.

Sec. 412.5 **Merging of Eligible Lists**

412.5.1 The MTA Director of Transportation/Designee may authorize the merging of an earlier list in a class with a later eligible list in the same class.

412.5.2 The names of eligibles from the earlier eligible list shall be interpolated with the names of eligibles on the later eligible list by score. Eligibles with the same score shall be listed in alphabetical order.

412.5.3 The duration of the merged eligible list shall be established as provided elsewhere in these Rules and eligibles from the earlier eligible list shall have their eligibility extended accordingly.

Sec. 412.6 **Priority of Eligible Lists**

Except as otherwise provided in these Rules, the order of priority of discrete eligible lists regardless of adoption dates is as follows:

- 1) promotive lists;
- 2) combined promotive and entrance lists; and
- 3) entrance lists.

Within each category earlier discrete eligible lists have priority over later discrete eligible lists.

Sec. 412.7 **Posting Period for the Tentative Eligible List Examination Score Report and Review of Ratings by Examination Participants**

412.7.1 Examination participants shall have a minimum period as determined by the MTA Director of Transportation/Designee not to be less than ~~of~~ three (3) business days to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and complexity of the examination ratings. The identity of the examiner giving any mark or grade shall not be disclosed.

412.7.2 The MTA Director of Transportation/Designee shall establish the procedures for Review of Ratings.

412.7.3 The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

Sec. 412.8 **Documents Included in Inspection and Maintenance of Anonymity of Examiners**

Review of ratings of the final score calculations, if not exempted from inspection privileges, shall include rating sheets, and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions and answers shall be provided. Individuals are not permitted to see other applicant's application materials, ratings or rating forms.

Sec. 412.9 **Appeal of Accuracy of Scores**

The exclusive purpose of the review of ratings period is to review papers supporting a person's standing on the eligible list. Appeals during this period shall be limited to the accuracy of scores. Appeals must be filed in

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the office of the MTA Director of Transportation/Designee during the inspection period of the eligible list. The MTA Director of Transportation/Designee shall rule on all appeals filed during this period. The decision of the MTA Director of Transportation/Designee on the appeal shall be final and shall not be reconsidered by the Commission.

Sec. 412.10 Adoption of Eligible List for Certification Purposes Only**412.10.1 Confidentiality of Applicant Information**

Applicant information, including applicant name on eligible lists shall not be made public unless required by law. Therefore all eligible lists upon adoption, will be used for certification purposes only. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

412.10.2 The MTA Director of Transportation/Designee may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

Sec. 412.11 Maintenance of Eligibility

412.11.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

412.11.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.

412.11.3 Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible list with promotive credit points and previous rank restored.

412.11.4 The MTA Director of Transportation/Designee is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec. 412.12 The Use of Eligible Lists

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligibles as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 412

Eligible Lists

Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Sec. 412.13 **Establishment of Eligible Lists**

The names of applicants passing all phases of an examination shall be placed on one of the following types of eligible lists in the order of total score. Eligibles with tie scores shall be listed in alphabetical order. Applicant information, including applicant names on eligible lists shall not be made public, unless required by law; however, an eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.

Sec. 412.14 **Priority of Eligible Lists**

The order of priority of eligible lists regardless of adoption dates is as follows:

- 1) Promotive lists
- 2) Combined promotive and entrance lists
- 3) Entrance lists

Within each category, earlier lists have priority over later lists.

Sec. 412.15 **Maintenance of Eligibility**

412.15.1 Except as otherwise provided in these Rules, eligibles who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated will forfeit their eligibility.

412.15.2 Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.

Sec. 412.15 **Maintenance of Eligibility (cont.)**

- 412.15.3** Except for persons designated as "holdovers," eligibles on a promotive only list who are separated from the City and County service shall be removed from such list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible lists with promotive credit points and previous rank restored.

Sec. 412.16 **Official Adoption Date**

- 412.16.1** At the beginning of the inspection period the tentative eligible list examination score report shall be posted and made available for public inspection. Any protests must be filed in the office of the MTA Director of Transportation/Designee during the posting period. After the posting period and in the absence of protests on ratings, the eligible lists shall automatically become officially adopted.
- 412.16.2** If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.
- 412.16.3** Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 412.16.4** Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec. 412.17 **Duration of Eligibles**

- 412.17.1** As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 412.17.2** Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Sec. 412.18 **Use of Eligible Lists**

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligible as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of the eligible list.

Rule 412

Eligible Lists

Article III: Protest of Tentative Eligible List

Applicability Article III, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Sec. 412.19 **Posting of Tentative Eligible List Examination Score Report**

Following the completion of any examination, a tentative eligible list examination score report shall be posted for the inspection of the public and of participants.

Sec. 412.20 **Duration of Posting Period for the Tentative Eligible List Examination Score Report and Review of Ratings by Examination Participants**

~~The posting period shall be for a minimum of:~~

- ~~1) three (3) working days for entrance examinations; or~~
- ~~2) five (5) working days for promotional or combined entrance and promotional examinations.~~

412.20.1 Examination participants shall have a minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days to review their own examination ratings to confirm the accuracy of the calculation of their scores and/or rankings. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider, among other factors, availability of technology to facilitate the review of ratings, technology or method used for scoring, type of exam, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by candidates to the means for receiving timely notification, and complexity of the examination ratings. The identity of the examiner giving any mark or grade shall not be disclosed.

412.20.2 The MTA Director of Transportation/Designee shall establish the procedures for Review of Ratings.

412.20.3 The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

Sec. 412.21 **Documents Included in Inspection and Maintenance of Anonymity of Examiners**

~~Inspection of papers shall include all documents supporting the eligible's rank and score, except neither the identity of the examiner giving any mark or grade in an oral examination nor the questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written test, shall be provided.~~ Review of ratings of the final score calculations, if not exempted from inspection privileges, shall include rating sheets, and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions and answers shall be provided. Individuals are not permitted to see other applicant's application materials, ratings or rating forms.

Sec. 412.22 **Inspection Restricted to Examination Participants**

Only participants in the examination may review the questions used in the examination.

Sec. 412.23 **Automatic Adoption of Tentative List**

If no protests are received during the posting period the eligible list is automatically adopted.

Sec. 412.24 **Disposition of Protests**

If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.

Sec. 412.25 **Effect on Eligibles Pending Resolution of Protest**

Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s) may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.

Rule 412

Eligible Lists

Article IV: Duration of Eligible Lists

Applicability Article IV, Section 412.26 and 412.27, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals [200](#) and [250A](#).

Sec. 412.26 **Tenure of Eligible Lists**

The [eligible list shall state the duration of the list with the minimum duration being MTA Director of Transportation/Designee may remove all names from the eligible lists after they have remained thereon for six \(6\) months and all names thereon shall be removed at the expiration of four \(4\) years the maximum being twenty-four \(24\) months.](#)

Sec. 412.27 **Provision for Automatic Expiration of Eligible Lists Extension of Eligibility**

~~The MTA Director of Transportation/Designee may provide in the examination announcement that the eligible lists secured thereby shall automatically expire at a date not less than six (6) months or more than four (4) years after the adoption of such list. The MTA Director of Transportation/Designee may extend the duration of an eligible list or eligibility period for individuals on the eligible list based on the needs of the Municipal Transportation Agency or merit factors. Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. The maximum duration of the eligible list shall not exceed forty-eight (48) months. Affected eligibles shall be notified of the extension.~~

~~Applicability: Article IV, Sections 412.28 and 412.29 shall apply to all Service Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union, Local 200.~~

Sec. 412.28 **Tenure of Eligible Lists**

~~The MTA Director of Transportation/Designee may remove all names from the eligible lists after they have remained thereon for one (1) year and all names thereon shall be removed at the expiration of three (3) years.~~

Sec. 412.29 **Provision for Automatic Expiration of Eligible Lists**

~~The MTA Director of Transportation/Designee may provide in the examination announcement that the eligible lists secured thereby shall automatically expire at a date not less than one (1) year or more than three (3) years after the adoption of such list.~~

~~Sec. 412.30 — Extension of Eligibility~~

~~Applicability: Article IV, Section 412.30 shall apply to all Service Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.~~

~~**412.30.1** — The MTA Director of Transportation Agency/Designee may extend an eligible list or eligibility period for up to one (1) additional year. Eligibles shall be notified of the extension and any change in the expiration of their eligibility.~~

~~Sec. 412.30 — Extension of Eligibility (cont.)~~

~~**412.30.2 — Extension of an Eligible List in a Declared Emergency**~~

~~Applicability: Article IV, Section 412.30 shall apply to all Service Critical classes of the Municipal Transportation Agency (MTA)~~

~~In the event of a declaration of emergency by the Mayor of San Francisco and with the approval of the Civil Service Commission, active eligible lists during a declared emergency may be extended for up to an additional year beyond the timeframes set forth in these rules.~~

Rule 412

Eligible Lists

Article V: Holdover Rosters and Return to Duty

Applicability: Article V, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Sec. 412.31 **Holdover Status and Return to Duty**

412.31.1 **Holdover Roster - General Requirements**

- 1) Subject to the provisions of this Rule, permanent or probationary civil service appointees who are laid off or placed on an involuntary leave of absence shall be designated as holdovers.
- 2) The names of holdovers shall be ranked on a holdover roster for the class or classes from which layoff occurs and in the order of total seniority in the class in the City and County service. Seniority prior to resignation or termination shall not be used in determining holdover rights in a class.
- 3) Holdovers shall be returned to duty in rank order from holdover rosters.
- 4) Holdovers shall, for a period of five (5) years from the date of layoff, have preference for appointment over eligibles on civil service lists, or employees requesting transfer, reinstatement, or reappointment. The MTA Director of Transportation/Designee, upon review of all the circumstances, may extend the holdover status for such specified period of time as he/she may deem proper.
- 5) Holdover rosters shall be canvassed in the following order: first, permanent holdover rosters; then, temporary holdover rosters.
- 6) Permanent holdovers shall be returned to duty in temporary positions before temporary holdovers. Permanent holdovers shall displace any temporary or part-time exempt appointee in the same class in any City and County department. Permanent holdovers returned to duty in temporary positions shall retain their status on the permanent holdover roster. In the event of a displacement, the least senior temporary or part-time exempt appointee in the City and County service shall be laid off first.

Sec. 412.31 **Holdover Status and Return to Duty (cont.)****412.31.1** **Holdover Roster - General Requirements (cont.)**

7) Permanent holdovers in classes with citywide seniority for layoff purposes shall be entitled to displace only the least senior permanent employee in that class in City service. Holdovers who waive such appointment shall remain on the holdover list for subsequent permanent appointment to vacant positions, but may accept a temporary position in the class, if available.

8) Exceptions to Return to Duty in Rank Order

If two (2) or more approved requisitions are on file, the MTA Director of Transportation/Designee may permit holdovers in line for appointment, and in accordance with their standing on the roster, to select from the available requisitions the positions to which they desire appointment. In cases where holdovers on rosters who would be reached for appointment on requisitions, the MTA Director of Transportation/Designee may consult with appointing officers and employees involved, and if it is in the best interest of the service, may offer out said positions to holdovers so as to make it possible for them to return to duty in the department from which laid off.

9) Holdovers who are notified that they are being returned to duty are required to respond to MTA within five (5) business days of the date of notification. The MTA Director of Transportation/Designee may extend the time response period beyond five (5) business days. Failure of a holdover to respond within the time limits shall be considered a refusal of the offer and shall be subject to the penalty, if any, provided in this Rule.

10) Except as otherwise provided in these Rules, holdovers who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

11) In all cases of change of address, MTA must be notified in writing separately for each class involved. Notice of change of address to the participant may inspect their own ratings. Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to notice of return to duty within time limits.

12) Except as otherwise directed by the MTA Director of Transportation/Designee, holdovers being returned to duty shall not be required to pass a new medical examination.

Sec. 412.31 **Holdover Status and Return to Duty (cont.)****412.31.1** **Holdover Roster - General Requirements (cont.)**

13) A properly completed copy of the designated report of layoff or involuntary leave of absence form shall be forwarded to the MTA Director of Transportation/Designee as soon as possible (in advance of the action if possible) so that MTA may record the action and place the employee's name on a holdover roster for immediate consideration for return to duty.

14) Late reports of layoff shall not interfere with nor affect the rights of holdovers to whom notices of return to duty have already been mailed and who have been or may be returned to duty in response to such notices.

15) If there is no holdover roster for a class or if the holdover roster is exhausted, the MTA Director of Transportation/Designee may authorize that a holdover be returned to duty from another holdover roster deemed suitable to temporarily provide the required service. If no other roster is available, the position shall be offered to eligibles on regular civil service eligible lists or to individuals requesting transfer, reinstatement or reappointment.

16) Holdovers returned to duty shall be reinstated with accrued compensatory time, if any, and with their original anniversary date for the purposes of computing sick leave and vacation benefits.

412.31.2 **Holdover - Temporary Appointees**

1) Appointees certified from an eligible list who have satisfactorily served under temporary appointment shall upon expiration of the list be designated a "temporary holdover."

2) Resignation from temporary appointment from a holdover roster or refusal of temporary appointment from a holdover roster cancels all temporary holdover rights in that class.

412.31.3 **Holdover - Permanent and Probationary Appointees**

1) A permanent or probationary appointee to a promotional or entrance position who is laid off shall be designated a "permanent holdover" and shall be returned to duty in a position in the class from which laid off from a holdover roster as provided in this Rule.

412.31.3 Holdover - Permanent and Probationary Appointees

2) A permanent holdover returned to duty on a permanent basis in a department other than the one from which laid off shall serve a new probationary period.

3) Return to duty of a permanent holdover to a position in the class from which laid off shall be subject to the following conditions:

4) Return to Duty - Department From Which Laid Off

Permanent Vacancy - A permanent holdover who refuses an offer to return to duty on a permanent basis in the department from which laid off shall forfeit all holdover rights in that class, and shall be removed from all rosters for that class. Such refusal of return to duty shall be deemed a resignation.

Temporary Vacancy - Permanent holdovers may refuse an offer to return to duty on a temporary basis in the department from which laid off without affecting future offers to be returned to duty. Waiver of temporary appointment shall not be removed without the permission of the MTA Director of Transportation/Designee.

5) Return to Duty - Department Other Than the One From Which Laid Off

Permanent holdovers may refuse an offer to return to duty on a permanent or temporary basis in a department other than the department from which laid off without affecting future offers to be returned to duty. Such departmental waivers shall not be withdrawn without the approval of the MTA Director of Transportation/Designee.

6) A permanent holdover who was laid off during the probationary period and who is returned to duty in the department from which laid off shall complete the remaining period of probationary service.

7) Transferees who are laid off during the probationary period shall be ranked on the permanent holdover roster for the class in accordance with their seniority in the class in the City and County service.

8) Permanent holdovers who resign or are released during the probationary period may be returned to the holdover roster from which appointed subject to the provisions of these Rules. Such holdovers shall not displace any current permanent or probationary employees, but shall remain on the list for subsequent permanent appointment to vacant positions and may accept a temporary position in the class, if available.

Rule 413

Certification of Eligibles

Article I: General Principles

Applicability: Unless otherwise noted, Article I, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Article II: Definitions

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Article III: Application of Certification Rules

Applicability: Unless otherwise noted, Article III, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Article IV: Personnel Requisitions

Applicability: Unless otherwise noted, Article IV, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Article VI: Selective Certification of Certified Temporary Employees

Applicability: Unless otherwise noted, Article VI, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Rule 413

Certification of Eligibles

Article I: General Principles

Applicability: Unless otherwise noted, Article I, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.1 **General Policy**

413.1.1 The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions and to provide greater opportunities to maximize multicultural diversity of the work force in the City and County of San Francisco.

413.1.2 Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. The MTA Director of Transportation/Designee shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. The MTA Director of Transportation/Designee shall also be responsible for maintaining documentation of selection criteria. The MTA Director of Transportation/Designee shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures.

413.1.3 **Implementation of the Rule by the MTA Director of Transportation/Designee**

Implementing this Rule, the MTA Director of Transportation/Designee shall:

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco, and
- 2) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

Rule 413

Certification of Eligibles

Article II: Definitions

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.2 **Certification Rules**

413.2.1 **Rule of Three Scores**

The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

413.2.2 **Rule of Three or More Scores**

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

413.2.3 **Rule of the List**

The names of all eligibles on the eligible list shall be certified to each available position.

Sec. 413.3 **Notice of Certification**

Eligibles on the eligible list shall be simultaneously notified each time that the MTA Director of Transportation/Designee certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 413.4 **Certification Date**

The Certification Date is the date on which the MTA Director of Transportation/Designee issues the Notice of Certification to eligibles as provided under this Article II.

Sec. 413.5 **Notice of Inquiry**

Upon receipt of the certified list of names of eligibles available for appointment in accordance with the established certification rule, the appointing officer may issue a Notice of Inquiry to those eligibles for the purpose of:

Sec. 413.5 **Notice of Inquiry (cont.)**

- 1) Assessing the eligibles' interest in the specific position in the department; and/or
- 2) Requesting additional information or submissions from the eligibles as part of the selection process.

Sec. 413.6 **Exhaustion of the List****413.6.1** **Rule of Three Scores**

An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.6.2 **Rule of Three or More Scores**

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.6.3 **Rule of the List**

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available; provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

413.6.4 **MTA Director of Transportation/Designee Authority**

The MTA Director of Transportation/Designee has the authority to declare an eligible list exhausted in cases wherein there are fewer eligibles than vacant positions in the class. All affected eligibles shall be notified of the exhaustion of the eligible list.

Rule 413

Certification of Eligibles

Article III: Application of Certification Rules

Applicability: Unless otherwise noted, Article III, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.7 **Certification Rules Applicable to Employees in all classes except Unrepresented, Municipal Executives Association, San Francisco Association of Personnel Professionals (SFAPP) - Local 21, Transport Workers Union - Locals 200 & 250A, and Service Employees International Union - Local 535**

413.7.1 Rule of Three Scores

- 1) Unless mutually agreed between the employee organization representing the class and the MTA Director of Transportation/Designee to use a broader Certification Rule, the Rule of Three Scores shall be used exclusively.
- 2) The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.
- 3) Except as otherwise provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two (2) scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.
- 4) If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

413.7.2 Expansion of Certification Rules

- 1) Notwithstanding any other provisions of these Rules, the MTA Director of Transportation/Designee is authorized to meet and confer with representatives of employee organizations to reach mutual agreement over the Certification Rule applicable to each of the classes covered by this Section. If the parties fail to reach mutual agreement, the Rule of Three Scores shall be used.

Sec. 413.7 Certification Rules Applicable to Employees in all classes except Unrepresented, Municipal Executives Association, San Francisco Association of Personnel Professionals (SFAPP) - Local 21, Transport Workers Union - Locals 200 & 250A, and Service Employees International Union - Local 535 (cont.)

413.7.2 Expansion of Certification Rules (cont.)

2) The agreed-upon Certification Rule shall be promulgated as a term of the examination announcement and the agreed-upon Certification Rule shall not be appealable to the Civil Service Commission.

Sec. 413.8 Certification Rules Applicable to Service Employees International Union – Local 535 and Transport Workers Union – Locals 200 & 250A

413.8.1 Rule of Three Scores - Exclusively

- 1) The Rule of Three Scores shall be used exclusively.
- 2) The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.
- 3) Except as otherwise provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two (2) scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at fewer than three (3) scores are available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.
- 4) If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

Sec. 413.9 Certification Rules Applicable to Employees in Unrepresented classes and classes represented by Municipal Executives Association and San Francisco Association of Personnel Professionals (SFAPP) - Local 21

413.9.1 Rule of Three or More Scores

1) For a Single (1) Position

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three (3) scores shall be certified to each available position.

Sec. 413.9 **Certification Rules Applicable to Employees in Unrepresented classes and classes represented by Municipal Executives Association and San Francisco Association of Personnel Professionals (SFAPP) - Local 21 (cont.)**

413.9.1 **Rule of Three or More Scores (cont.)**

2) When More Than One Position Available

Except as may otherwise be provided, when there are two or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the Certification Rule applicable to the eligible list being certified minus one.

3) When Eligible List Exhausted

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are fewer than three (3) scores available. Use of the eligible list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

4) Supplementary Certification

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

413.9.2 **Rule of the List**

1) The names of all eligibles on the eligible list shall be certified to each available position.

2) When Eligible List is Exhausted

An eligible list adopted under the Rule of the List shall be exhausted when there are fewer than one third of the number of eligibles on the original list still available provided, however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available; for original lists with forty five (45) or more names, at least fifteen (15) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is fewer than the minimum certification available shall be at the discretion of the appointing officer.

Sec. 413.9 **Certification Rules Applicable to Employees in Unrepresented classes and classes represented by Municipal Executives Association and San Francisco Association of Personnel Professionals (SFAPP) - Local 21 (cont.)**

413.9.3 **Establishment of Certification Rule**

- 1) The MTA Director of Transportation/Designee shall establish the Certification Rule for each class by specifying the Certification Rule to be used to administer the eligible list in the first examination announcement for the class after the adoption of this section.
- 2) Once established, the Certification Rule shall be used to administer all future eligible lists in the class unless otherwise ordered by the MTA Director of Transportation/Designee.
- 3) In establishing the Certification Rule, the MTA Director of Transportation/Designee may consult with City's Human Resources Director, representatives of employee organizations and other pertinent parties.

Rule 413

Certification of Eligibles

Article IV: Personnel Requisitions

Applicability: Unless otherwise noted, Article IV, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.10 Personnel Requisitions

413.10.1 Requirement for Personnel Requisitions

Whenever a position is to be filled, the appointing officer shall issue a personnel requisition on the prescribed form. Fully approved personnel requisitions shall immediately be time stamped in the order of receipt in the Office of the MTA Director of Transportation/Designee.

413.10.2 Separate or Group Personnel Requisitions

A separate personnel requisition shall be made for each permanent position to be filled. Group personnel requisitions may only be made for temporary positions.

413.10.3 Cancellation of Personnel Requisitions

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the MTA Director of Transportation/Designee.

413.10.4 Priority of Personnel Requisitions

Except as otherwise provided in these Rules, certification shall be made in accordance with priority of approval of the personnel requisition in the Office of the MTA Director of Transportation/Designee or the date to report to duty, whichever is later.

413.10.5 Tenure of Temporary Appointments

- 1) Temporary employments may be requisitioned for a period not to exceed twelve (12) months.
- 2) Original personnel requisitions for fewer than twelve (12) months may be extended from the date of appointment but may not exceed the maximum allowable personnel requisition time. Upon completion of the allowable maximum time, the temporary appointment(s) may be extended when funds are available and when the employee continues to have standing on an eligible list for that class.

Sec. 413.10 Personnel Requisitions (cont.)**413.10.5 Tenure of Temporary Appointments (cont.)**

3) Beginning on the effective date of this Rule, the MTA shall keep records of the number of temporary employments extended as provided in this Rule. On July 30, 1977, and each July 30 thereafter, a list of extended temporary employments for the past fiscal year shall be made available for public inspection.

413.10.6 Flexible Staffing Personnel Requisitions

A personnel requisition for a permanent vacancy filled by an appointee in accordance with the flexible staffing authority of the Salary Ordinance shall also be valid for subsequent certification for appointment of the same eligible, when qualified, to the class designated on the personnel requisition.

Rule 413

Certification of Eligibles

Article V: Administration of Certifications

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.11 **Notice of Certification**

For each available position, the MTA Director of Transportation/Designee shall certify to the appointing officer the names of all eligibles who are available for appointment in accordance with the established certification rule as provided under Article II of this Rule. The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

Sec. 413.12 **Notice of Inquiry**

413.12.1 As provided under Article II of this Rule, an appointing officer may issue a Notice of Inquiry to eligibles available for appointment in accordance with the established certification rule for the purpose of assessing interest in a specific position in the department, and/or to obtain additional information or submissions as part of the selection process.

413.12.2 Eligibles are required to respond to a Notice of Inquiry within ~~five (5) business days, a minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days. unless~~ The response period may be time limit is extended by the MTA Director of Transportation/Designee. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider, among other factors, availability of technology to respond, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by eligibles to the means for receiving timely notification, and complexity of the selection procedures.

413.12.3 If all eligibles at a score waive the opportunity or fail to respond to a Notice of Inquiry within the response period time limit, the hiring department may ~~request supplementary certification from~~ consider eligibles from the next highest score(s) in accordance with Article III of this Rule.

Sec. 413.13 **Certification Results**

MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within twenty (20)

~~business sixty (60) calendar~~ days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee. ~~MTA will, on a regular basis, report to the CSC on the departmental response time and the reason(s) for delay in responding to a referral.~~

Sec. 413.14 Waivers**413.14.1 General Waivers**

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the MTA Director of Transportation/Designee.
- 3) For reasons prescribed elsewhere in these Rules.
- 4) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the MTA to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or MTA Director of Transportation/Designee may not be removed unless ordered by the Civil Service Commission or MTA Director of Transportation/Designee.

413.14.2 Waiver of Part-Time Employment

Any part-time position may be declared by the MTA Director of Transportation/Designee to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

413.14.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

Sec. 413.14 Waivers (cont.)**413.14.4 Effects of Waivers**

- 1) A general or conditional waiver of certification by an eligible having standing on more than one (1) list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse two (2) offers of employment resulting from certification off of the eligible list. Refusal of a third (3rd) offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class.

413.14.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.
- 2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1st) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer.
- 5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 413.15 Change of Address

Eligibles are responsible for notifying the Office of the MTA Director of Transportation/Designee of any change of address.

Rule 413

Certification of Eligibles

Article VI: Selective Certification of Certified Temporary Employees

Applicability: Unless otherwise noted, Article VI, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 413.14 Selective Certification of Certified Temporary Employees

- 413.14.1** Notwithstanding anything to the contrary in this or any other section of these Rules, an employee who has been appointed from a regularly adopted eligible list to a non-permanent position shall be entitled to appointment to a permanent position within the same class before the certification of persons standing higher on the list of eligibles subject to a period of six (6) months of service in the class or for the period provided for in the examination announcement in any status and certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the form and in the manner prescribed by the MTA Director of Transportation/Designee.
- 413.14.2** The MTA Director of Transportation/Designee is authorized to take such administrative action not in conflict with these Rules as is required to make this section operative including imposition and removal of waivers.