



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

**LONDON N. BREED  
MAYOR**

**Sent via Electronic Mail**

October 5, 2023

**NOTICE OF CIVIL SERVICE COMMISSION MEETING**

**SUBJECT: PROPOSED CHANGES TO CIVIL SERVICE COMMISSION RULES: 402  
DEFINITIONS; 409 POSITION CLASSIFICATION; 414  
APPOINTMENTS; 420 LEAVES OF ABSENCE; 421 LAYOFFS TO  
MODERNIZE AND EXPEDITE HIRING**

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 **October 16, 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

Attachment

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](mailto:civilservice@sfgov.org) and the web address is [www.sfgov.org/civilservice/](http://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 (4<sup>th</sup>) 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/](http://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](mailto: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](mailto:soff@sfgov.org), or on the City’s website at [www.sfgov.org/bdsupvrs/sunshine](http://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

## CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22MTA) Applicable to Municipal Transportation Agency Service-Critical Classes

Refer to Civil Service Commission Procedure for Staff - Submission of Written Reports MTA for Instructions on completing and processing this Form

1. Civil Service Commission Register Number: \_\_\_\_\_ - \_\_\_\_\_ -
2. For Civil Service Commission Meeting of: October 16, 2023
3. Check One:           Ratification Agenda  
                                  Consent Agenda  
                                  Regular Agenda                   X
4. Subject: Proposed Changes to Civil Service Commission Rules: 402 Definitions; 409 Position Classification; 414 Appointments; 420 Leaves of Absence; 421 Layoffs to Modernize and Expedite Hiring
5. Recommendation: SFMTA respectfully requests the Commission accept the report and post the proposed amended rules. SFMTA and DHR will then meet and confer with Labor on potential impacts of the proposed rule changes.
6. Report prepared by: William Miles II Telephone number: 415-646-2863
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:  
  
Municipal Transportation Agency Director: *Kimberly Deckerman*  
  
Date: October 4, 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

Kimberly Ackerman  
SF Municipal Transportation Agency  
[kimberly.ackerman@sfmta.com](mailto:kimberly.ackerman@sfmta.com)

Jeffrey Tumlin  
SF Municipal Transportation Agency  
[jeffrey.tumlin@sfmta.com](mailto:jeffrey.tumlin@sfmta.com)

William Miles II  
SF Municipal Transportation Agency  
[william.milesii@sfmta.com](mailto:william.milesii@sfmta.com)

Shana Dines  
SF Municipal Transportation Agency  
[shana.dines@sfmta.com](mailto:shana.dines@sfmta.com)

Kitty Wong  
SF Municipal Transportation Agency  
[kitty.wong@sfmta.com](mailto:kitty.wong@sfmta.com)

Shivani Nath  
SF Municipal Transportation Agency  
[shivani.nath@sfmta.com](mailto:shivani.nath@sfmta.com)

Valerie Coleman  
SF Municipal Transportation Agency  
[valerie.coleman@sfmta.com](mailto:valerie.coleman@sfmta.com)

Michael Johnson  
SF Municipal Transportation Agency  
[michael.johnson3@sfmta.com](mailto:michael.johnson3@sfmta.com)

Anna Biasbas  
Department of Human Resources  
[anna.biasbas@sfgov.org](mailto:anna.biasbas@sfgov.org)

Tim Neep  
Operating Engineers Local 3  
[tneep@oe3.org](mailto:tneep@oe3.org)

Carl Carr  
Operating Engineers Local 3  
[ccarr@oe3.org](mailto:ccarr@oe3.org)

Charlie Lavery  
Operating Engineers Local 3  
[clavery@oe3.org](mailto:clavery@oe3.org)

James Leonard  
San Francisco City Workers United  
[cityworker@sfcwu.org](mailto:cityworker@sfcwu.org)

John Doherty  
Electrical Workers Local 6  
[jdoherly@ibew6.org](mailto:jdoherly@ibew6.org)

Osha Ashworth  
Electrical Workers Local 6  
[oashworth@ibew6.org](mailto:oashworth@ibew6.org)

Debra Grabelle  
IFTPE Local 21  
[debra.grabelle@ifpte21.org](mailto:debra.grabelle@ifpte21.org)

Katherine General  
IFTPE Local 21  
[kgeneral@ifpte21.org](mailto:kgeneral@ifpte21.org)

Sean McGarry  
Carpenters Local 22  
[smcgarry@nccrc.org](mailto:smcgarry@nccrc.org)

Larry Mazzola, Jr.  
Plumbers Local 38  
[larryjr@ualocal38.org](mailto:larryjr@ualocal38.org)

John Chiarenza  
Plumbers Local 38  
[jchiarenza@ualocal38.org](mailto:jchiarenza@ualocal38.org)

Chung Y. Park  
Stationary Engineers Local 39  
[cpark@local39.org](mailto:cpark@local39.org)

Josh Callis  
Sheet Metal Workers Local 104  
[joshv@smw104.org](mailto:joshv@smw104.org)

Leroy Wilson  
TWU Local 200  
[leroy.wilson@sfmta.com](mailto:leroy.wilson@sfmta.com)

Thomas McQueen  
TWU Local 200  
[local200twu@sbcglobal.net](mailto:local200twu@sbcglobal.net)

Devon Anderson  
TWU Local 200  
[local200twu@sbcglobal.net](mailto:local200twu@sbcglobal.net)

Donacin Dunklin  
TWU Local 200  
[local200twu@sbcglobal.net](mailto:local200twu@sbcglobal.net)

Anthony Ballester  
TWU Local 200  
[aballester@twusf.org](mailto:aballester@twusf.org)

Pete Wilson  
TWU Local 250-A  
[pwilson@twusf.org](mailto:pwilson@twusf.org)

Theresa Foglio  
Laborers Local 261  
[laborers261@gmail.com](mailto:laborers261@gmail.com)

Nick King  
Glaziers Local 718  
[nick@dc16.us](mailto:nick@dc16.us)

Mike Hennebery  
Teamsters Local 853  
[mhenneberry@teamsters853.org](mailto:mhenneberry@teamsters853.org)

Mark Leach  
Teamsters Local 856  
[mleach@ibt856.org](mailto:mleach@ibt856.org)

Oumar Fall  
SEIU 1021  
[oumar.fall@seiu1021.org](mailto:oumar.fall@seiu1021.org)

Kristin Hardy  
SEIU 1021  
[Kristin.hardy@seiu1021.org](mailto:Kristin.hardy@seiu1021.org)  
[Kristin.hardy@sfdph.org](mailto:Kristin.hardy@sfdph.org)

Xiu Min Li  
SEIU 1021  
[XiuMin.Li@seiu1021.org](mailto:XiuMin.Li@seiu1021.org)

Hector Cardenas  
SEIU 1021  
[Hector.Cardenas@seiu1021.org](mailto:Hector.Cardenas@seiu1021.org)

Pedro Mendez  
IAM Local 1414  
[pmendeziamaw@comcast.net](mailto:pmendeziamaw@comcast.net)

Don Crosatto  
IAM Local 1414  
[Dcrow441@aol.com](mailto:Dcrow441@aol.com)

Donte Vickers  
IAM Local 1414  
[dvickers@iam1414.org](mailto:dvickers@iam1414.org)

Chriss Romero  
MEA  
[criss@sfmea.com](mailto:criss@sfmea.com)

Christina Fong  
MEA  
[christina@sfmea.com](mailto:christina@sfmea.com)

Rudy Gonzalez  
SF Labor Council  
[rudy@sflaborcouncil.org](mailto:rudy@sflaborcouncil.org)



## MEMORANDUM

**DATE:** October 5, 2023

**TO:** Honorable Civil Service Commission

**THROUGH:** Kimberly Ackerman *KA*  
Chief People Officer, SFMTA Human Resources

**FROM:** William (Bill) Miles II *WEM*  
Talent Acquisition Senior Manager, SFMTA Human Resources

**SUBJECT:** **Proposed Changes to Civil Service Commission Rules: 402 Definitions; 409 Position Classification; 414 Appointments; 420 Leaves of Absence; 421 Layoffs to Modernize and Expedite Hiring**

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### Executive Summary

At the Civil Service meeting of October 2, 2023, San Francisco's Department of Human Resources (DHR) recommended amendments to the Civil Service rules to modernize processes and to allow for the full use and value of the City's recent investments in technological innovations.

In particular, DHR has recommended amendments related to the establishment of citywide seniority. It is vitally important that Volume I and Volume IV match when it comes to the establishment of seniority so that the systems used by both departments apply the definition and process the same, to avoid employee confusion, and to ensure a consistent citywide process in the event of future layoffs in any classifications.

As such, the SFMTA is in support of DHR's proposals to amend the rules related to employee seniority and other rules that rely on it. DHR has provided the following reasons for these changes:

- Use of the certification date to establish employee seniority prevents the Department of Human Resources from fully automating the referral process, which leads to extraneous steps in the hiring process. Currently, the Department of Human Resources' Operations Team issues each referral. This step, which is currently performed by staff, could be fully automated. This would allow system-generated issuance of the referral as soon as the request-to-fill is approved.



The SFMTA currently uses the same exact system as the rest of the City when it comes to the referral process. As such, SFMTA will benefit the same from the above.

SFMTA has seen that some delays in the hiring process can be directly attributed to the certification date being the defined seniority date of candidates. In order to maximize hiring efforts, hiring divisions will often hold on requesting for issuance of a referral until all positions, including ones that aren't even vacant yet, are approved for filling. As a common example, a division might hold off on proceeding on a referral due to a concurrent hiring process for a higher classification which is likely to create vacancies at the lower level. Hiring divisions often choose today to hold off on requesting a referral to fill lower-level vacancies in such a scenario until the hiring process for the higher classification is complete, as they want all potential vacancies to be filled together and for those hired at the same time to have the same seniority date.

- Departments cluster positions due to the existing rules, and then do not have consistent practices or timelines on completing the hiring process once the position has been approved to fill. This results in system congestion and processing delays.

Under today's definition of seniority date being based on certification, there is really no urgency placed on hiring managers to complete the hiring process in an efficient manner. We have seen that a large timeframe associated with Time to Hire is post-eligible list when the hiring process is converted to the hiring manager to move forward. How fast or slow a hiring manager takes to fill their position has no real impact today. As such, the hiring manager can request a referral and sit on the position(s) for a very long time and still reap the benefits of a seniority date that is the same (and potentially better if they select a candidate at a higher rank) than other hiring managers who moved their process forward much quicker. As such, making appointment date the defined seniority date will further push hiring managers to fill positions efficiently, knowing that there will be impacts for not doing so.

- Reliance on the date of appointment to establish seniority would allow the City to take full advantage of technology for refreshing referrals tied to continuous lists. Currently, departments must request new referrals when they want the refreshed list, so they don't end up with a hire with a seniority date that precedes when they were added to the list. This would provide hiring managers with up-to-date candidate pools and reduce processing delays.

In addition to the reasons provided by DHR, SFMTA also supports these rule amendments as we feel that it will bring much clarity to employees and a better understanding of seniority. It is difficult for employees today to understand how it is possible for a person who was appointed after them to have the same or even higher citywide seniority than they do. When it comes to MOUs, many union-related items (such as shift bidding) often have a separate seniority definition based on an individual's 'date of employment' (appointment date). This can be confusing for employees. As such, these amendments would provide a consistent definition of seniority that employees are more likely to fully understand without needing explanation from Human Resources or Civil Service personnel.



## **Summary of Recommendations for Revisions to Civil Service Commission Rules** **Volume IV**

The proposed rule changes are prospective and modify the definition of seniority date from certification date to appointment date for all new appointees. These proposed changes match DHR's recommendations from Volumes I - III for consistency. The affected Volume IV rules are as follows:

- Definitions (Rule 402)
- Position Classification (Rule 409)
- Appointments (Rule 414)
- Leaves of Absence (Rule 420)
- Layoffs (Rule 421)

In addition, updates to these recommendations have been applied to Volume IV in alignment with recommendations by the Commission during the October 2, 2023 CSC meeting.

Detailed revisions to the language of the rules are provided in Attachment A.

### **Discussion of Rule Change Effects on Current Employees**

To maintain citywide seniority for current employees, the proposed rule changes, if adopted, would add the following definition for citywide seniority:

Citywide seniority is determined by the date of certification for appointees to a specific class prior to [date of rule adoption] and by the date of appointment for appointees to a specific class thereafter. In the event of identical dates, seniority shall be determined as elsewhere defined in this rule.

As defined above, citywide seniority would be unchanged for current employees in the class to which appointed. Upon adoption of these rule changes, new appointees' citywide seniority would be date of appointment to a specific class.

Various key rules and appointment processes rely on citywide seniority. These processes will utilize the newly defined citywide seniority date with no effect on administration or on employees. These processes include:

- Reassignment. Employees maintain their citywide seniority when reassigning from one PCS appointment to another PCS appointment in the same classification.
- Transfer. Employees maintain their citywide seniority when transferring from one PCS appointment in one department to another PCS appointment in another department in the same classification.
- Reinstatement. Employees maintain their citywide seniority when reinstating to a former PCS appointment.
- Reversion. Employees will maintain their citywide seniority in a former PCS appointment when reverting from a promotive PCS appointment.

- Reappointment. Former employees receive a new citywide seniority date when reappointing to a former PCS appointment.
- Layoffs. Employees maintain their citywide seniority for purposes of layoffs, holdover rosters, and return-to-duty placement.
- Status Grant. Employees maintain their citywide seniority date when granted status in a classification.
- Temporary Provisional and Exempt Appointment. Employees do not have citywide seniority.

The Department of Human Resources provided specific examples on how these rules would be applied in their report to the Commission, dated September 21, 2023. For the benefit of those receiving SFMTA's report, these examples are provided below.

The following scenarios are intended to provide clarity on the proposed rule changes and their effects on the abovementioned appointment processes. These scenarios are for a current City employee in the Human Resources Analyst job classification series.

*Employee is newly appointed as a PCS 1241 Human Resources Analyst prior to the Rule changes and have a citywide seniority date based on **certification date**. They are subsequently appointed to a PCS 1244 Senior Human Resources Analyst after the Rule changes are adopted and have a citywide seniority date based on **appointment date**. They are further appointed to a PCS 1246 Principal Human Resources Analyst after the Rule changes are adopted and have a citywide seniority date based on **appointment date**.*

Scenario #1 Layoff -> Holdover -> Return to Duty/Displacement ("Bumping")

*Employee is laid off from their PCS 1246 appointment and placed on a holdover roster based on their citywide seniority (**appointment date**). There is a vacancy in another department and the employee is returned to duty from the holdover roster with their 1246 citywide seniority date (**appointment date**).*

*If there are no 1246 or 1244 vacancies, the employee displaces ("bumps") the least senior 1244 citywide and retains their 1244 citywide seniority (**appointment date**).*

*If there are no 1244 or 1241 vacancies and they are the least senior 1244 citywide, the employee displaces ("bumps") the least senior 1241 citywide and retains their 1241 citywide seniority (**certification date**).*

Scenario #2 Near List/Temporary Civil Service (TCS)

If scenario #1 does not lead to placement and the City establishes a near list to an equivalent classification to class 1246, the employee will be placed onto a near list based on their citywide seniority in class 1246 (**appointment date**).

Scenario #3 Reinstatement

*Employee reinstates from PCS 1246 appointment to PCS 1244 appointment and retains their 1244 citywide seniority (**appointment date**) or to PCS 1241 appointment and retains their 1241 citywide seniority (**certification date**).*

Scenario #4 Transfer

*Employee transfers from a PCS 1246 appointment in one department to a PCS 1246 appointment in another department and retains their 1246 citywide seniority (**appointment date**).*

Scenario #5 Reappointment

*After resigning from City employment with satisfactory service, employee reappoints to PCS 1246 or PCS 1244 or PCS 1241 appointment and receives a new citywide seniority (**appointment date**) based on existing CS rules.*

**Authority**

Pursuant to Charter Section 10.100, the CSC is specifically charged with “the duty of providing qualified persons for appointment to the service of the City and County.” Under Charter Section 10.101, the CSC is responsible for adopting rules, policies, and procedures to carry out the civil service merit system provisions of the Charter, including those governing seniority, leaves, and layoffs. It further states that changes to the rules may be proposed by members of the Commission, the Executive Assistant or the Human Resources Director and approved or rejected by the Commission.

Article VIIIA of the City Charter established the department of the Municipal Transportation Agency, specifying that it shall also be governed by Civil Service rules. Per Charter Section 8A.104(c), “Effective July 1, 2000, except for the administration of health services, the Agency shall assume all powers and duties vested in the Department of Human Resources and the Director of Human Resources under Articles X and XI of this Charter in connection with job classifications within the Agency performing "service-critical" functions. Except for the matters set forth in subsection (f), the Department of Human Resources and the Director of Human Resources shall maintain all powers and duties under Articles X and XI as to all other Agency employees.”

**Conclusion**

The rule changes proposed in this staff report are prospective and focus on aligning our practices with advances in technology and creating system efficiencies.

**Recommendation**

SFMTA respectfully requests the Commission accept the report and post the proposed amended rules. SFMTA and DHR will then meet and confer with Labor on potential impacts of the proposed rule changes.

## ATTACHMENT A

Deletions in ~~strike~~through – 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</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.

**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.

**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**

Permanent Seniority shall be determined by the appointment date of the employee following certification from an eligible list to a ~~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 appointment certification ~~date~~ following reappointment certification to a position in a class following separation.

**Sec. 402.26 Seniority (cont.)****402.26.2 Civil Service - Temporary (from eligible list)**

Seniority shall be determined by the [appointment](#) date of [the employee following certification from an eligible list](#) ~~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.

**402.26.5 Citywide Seniority****102.26.5(a) Citywide Seniority Prior to [date]**

Citywide seniority is determined by the date of certification for appointees to a specific class.

**102.26.5(b) Citywide Seniority Effective [date]**

Citywide seniority is determined by the date of appointment for appointees to a specific class thereafter.

**102.26.5(c) Ties in Seniority**

In the event of ties in seniority, seniority shall be determined as elsewhere defined in the Rules on Layoff.

**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 409**

### **Position Classification and Related Rules**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Article I: Authority**

**Sec. 409.1**     **Authority**

**Sec. 409.2**     **Notice and Appeals**

#### **Article II: Definitions**

**Sec. 409.3**     **Definitions**

#### **Article III: Classification**

**Sec. 409.4**     **Classification of Positions**

**Sec. 409.5**     **Class Series**

**Sec. 409.6**     **Class Specification**

**Sec. 409.7**     **Official Copy**

**Sec. 409.8**     **Administration of the Classification Plan**

#### **Article IV: Status**

**Sec. 409.9**     **General Principles**

**Sec. 409.10**    **Effects of Classification Changes on the Status of Incumbents**

**Sec. 409.11**    **Limitations Under this Rule**

**Sec. 409.12**    **Situations Not Specifically Addressed**

**Sec. 409.13**    **Probationary Period**

**Sec. 409.14**    **Release From a Probationary Period**

**Sec. 409.15**    **Civil Service Seniority**

#### **Article V: Temporary Out-of-Class Assignments**

**Sec. 409.16**    **Temporary Out-of-Class Assignments - Policy and Definitions**

## **Rule 409**

### **Position Classification and Related Rules**

#### **Article I: Authority**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Sec. 409.1     Authority**

- 409.1.1** As provided under the Charter Section 8A.104 of the City and County of San Francisco, the MTA Director of Transportation/Designee shall have the duty and authority to establish a system of job classification and to allocate each position to a job class.
- 409.1.2** The MTA Director of Transportation/Designee 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 MTA Director of Transportation/Designee the duties are at the same level of responsibility and authority.
- 409.1.3** The MTA Director of Transportation/Designee, when notified of a significant change in duties, shall analyze positions. If it is determined, by the MTA Director of Transportation/Designee, through a job analysis that the level and/or function of the assigned responsibilities have changed significantly and are no longer consistent with the existing class, the position will be reclassified.
- 409.1.4** When appropriate to the Classification Plan, the MTA Director of Transportation/Designee has the authority to change the title and/or number of a class without affecting the classification of the position or the status of incumbents.
- 409.1.5** The MTA Director of Transportation/Designee has the authority to amend class specifications as necessary to reflect the major duties of positions within the class and the job related knowledge, skills and abilities necessary to perform the functions of the class.



**Sec. 409.1**     **Authority (cont.)**

- 409.1.6**     The MTA Director of Transportation/Designee has the authority to make changes to the Classification Plan including creating new classes, abolishing, consolidating or amending classes consistent with the Classification Plan.
- 409.1.7**     The decision of the MTA Director of Transportation/Designee regarding classification matters including the authority to determine the status of an employee, shall be final unless appealed to the Civil Service Commission.

**Sec 409.2**     **Notice and Appeals**

- 409.2.1**     Any employee and/or employee representative affected by a classification action or status grant under this Rule may appeal the action to the Civil Service Commission. The appeal shall be in writing, stating the basis on which the appeal is based and shall be in accordance with the procedures established by the Executive Officer of the Civil Service Commission.
- 409.2.2**     Proposed changes in classification and/or status of permanent civil service incumbents with existing status rights shall be posted for seven (7) calendar days. A day the MTA Human Resources office or Department of Human Resources is closed shall not be counted as the seventh (7<sup>th</sup>) calendar day. Proposed changes will become effective on the eighth (8<sup>th</sup>) calendar day following the posting date, with the following exception:
- 409.2.3**     Protests shall be submitted to the MTA Director of Transportation/Designee prior to the end of the posting period.
- 409.2.4**     The decision of the MTA Director of Transportation/Designee is appealable to the Civil Service Commission. The decision of the Civil Service Commission shall be final and not subject to reconsideration.

## **Rule 409**

### **Position Classification and Related Rules**

#### **Article II: Definitions**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

**Sec. 409.3**     **Definitions**

**409.3.1**     **Job Code**

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

**409.3.2**     **Position**

The duties and responsibilities assigned by an appointing officer to be performed by an employee.

**409.3.3**     **Classification System**

A method of organizing positions into classes and groups of classes based on an analysis of types and levels of work performed.

**409.3.4**     **Classification Plan**

The overall system or plan that encompasses all classes.

**409.3.5**     **Class**

A group of positions having common functions, levels of responsibility and requiring related knowledge, abilities and skills.

**409.3.6**     **Class Series**

Directly related classes within a job group that vary in level and scope of responsibility.

**Sec. 409.3**    **Definitions (cont.)**

**409.3.7**    **Position Description**

A position description generally describes the functions of a position but may not be all inclusive or specific to a particular position.

**409.3.8**    **Class Specifications**

A written delineation of the levels of duties and essential functions of a class.

**409.3.9**    **Allocation/Classification**

Designating new positions to an appropriate class.

**409.3.10**    **Reallocation/Reclassification**

Designating existing positions to a different class.

**409.3.11**    **Consolidation**

The combining of the duties of two or more classes into one class.

**409.3.12**    **Division**

The separation of a class into two or more classes.

**409.3.13**    **Amendment**

The formal revision of the class specifications for an existing class.

**409.3.14**    **Retitling**

Changing the name (title) of an existing class.

**409.3.15**    **Renumbering**

Changing the designated number of an existing class.

**409.3.16**    **Abolishment**

The elimination of a class from the Classification Plan.

**Sec. 409.3**    **Definitions (cont.)**

**409.3.17**    **Status**

Status in the City and County service is the right an employee has to perform certain duties in a specific class. Status is granted to a class and not to a specific position in a class.

**409.3.18**    **Temporary Out-of-Class Assignment**

The assignment of an employee who has permanent civil service status in a class to perform normal day-to-day responsibility and duties of another class on a temporary basis, and without a change in class.

**409.3.19**    **Protest**

A request to the MTA Director of Transportation/Designee for the reconsideration of a classification decision.

**409.3.20**    **Appeal**

A request to the Civil Service Commission to reconsider the decision of the MTA Director of Transportation/Designee.

## **Rule 409**

### **Position Classification and Related Rules**

#### **Article III: Classification**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Sec. 409.4**      **Classification of Positions**

Each position in the classified service shall be classified by the MTA Director of Transportation/Designee and allocated to the appropriate class in accordance with the level, scope and occupational concept of the assigned duties.

#### **Sec. 409.5**      **Class Series**

All classes directly related within a job family involving the same kind of work, but differing as to scope of responsibility, shall be assembled into the same series.

#### **Sec. 409.6**      **Class Specification**

**409.6.1**      The class specification shall be the official description of the class.

**409.6.2**      The class specification shall be descriptive of the class and shall not be considered as a restriction on the assignment of duties not specifically listed. The class specifications are intended to indicate the kind of positions that should be allocated to a class but shall not be construed as describing the exact duties and responsibilities of each individual position allocated to the class. The MTA Director of Transportation/Designee has the authority to assign an employee to perform work provided that it is consistent with the type of duties and level of responsibility of the employee's class, although not specifically described in the class specification.

#### **Sec. 409.7**      **Official Copy**

The MTA Director of Transportation/Designee shall maintain an accurate and completed copy of the Classification Plan to be designated as the "Official Copy." A copy of the report will be forwarded to the City's Human Resources Director. All changes in allocation or reallocation of positions to classes or amendment of classifications shall be recorded in the "Official Copy" of the Classification Plan. The "Official Copy" of the Classification Plan shall be open for public inspection.

**Sec. 409.8**     **Administration of the Classification Plan**

- 409.8.1**     The MTA Director of Transportation/Designee shall analyze positions and/or classifications whenever the MTA Director of Transportation/Designee deems it necessary.
- 409.8.2**     Upon request of the MTA Director of Transportation/Designee, the MTA departments, bureaus or operating divisions shall furnish detailed information relative to the duties and responsibilities or work assignments of positions under the appointing officer's jurisdiction. Each MTA department, bureau or operating division shall notify MTA Director of Transportation/Designee of significant changes in duties, responsibilities, or work assignments.
- 409.8.3**     The MTA Director of Transportation/Designee shall annually submit a classification report to the Civil Service Commission in compliance with Charter Section 8A.104.

## **Rule 409**

### **Position Classification and Related Rules**

#### **Article IV: Status**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Sec. 409.9**      **General Principles**

Status in the City and County service is the right of an employee to perform certain duties in a specific class. This right stems from the examination in which the employee qualified and/or the appointment received, and the duties performed as indicated on official records. The class specification or duties statement in existence at the time for the examination and/or appointment is a basic reference document in determining status in a class. An employee has status in a class, but not to a particular position within such class. The MTA Director of Transportation/Designee has very broad discretion in reassigning an employee from one position to another position in the same class.

In cases where status is involved, the MTA Director of Transportation/Designee shall be responsible for the determination of “status” of an employee and/or an eligible, subject to appeal to the Civil Service Commission.

#### **Sec. 409.10**      **Effects of Classification Changes on the Status of Incumbents**

##### **409.10.1**      **Class Consolidation**

When the duties of two or more classes are combined into one new, existing or amended class, and if any of the classes involved are abolished; an employee who has permanent civil service status within the abolished class is granted status to the new, existing or amended class, subject to the limitations of this Rule.

##### **409.10.2**      **Division of One Class into Two or More Classes**

When a class is divided into two or more classes, an employee who has permanent civil service status within the class which is divided is granted status to the new class or classes which reflect(s) the primary responsibility of the employee. The determination of which class or classes reflect(s) an employee’s primary responsibilities is made by the MTA Director of Transportation/Designee.



**Sec. 409.10   Effects of Classification Changes on the Status of Incumbents (cont.)**

**409.10.3   Upward Reclassification**

When a position occupied by an employee with permanent civil service status is upwardly reclassified, the employee is given status in the new, existing or amended class subject to the limitations provided in this Rule.

**409.10.4   Lateral Reclassification**

When a position occupied by an employee with permanent civil service status is laterally reclassified, the employee is given status in the new, existing or amended class.

**409.10.5   Downward Reclassification**

1) Subject to the limitations under Sec. 409.11 of this Rule, when a position occupied by an employee with permanent civil service status is downwardly reclassified, the employee may:

- a) accept the downward reclassification; or
- b) reassign to a vacant position in the same class and department; or
- c) request transfer to a vacant position within the same class citywide;  
or
- d) reinstate to a vacancy within the department or citywide class held by the employee prior to the downward reclassification; or
- e) accept the position as downwardly reclassified with reinstatement rights to the next available citywide vacancy in the class held by the employee prior to the downward reclassification; or
- f) exercise civil service layoff rights.

**Sec. 409.10 Effects of Classification Changes on the Status of Incumbents (cont.)****409.10.5 Downward Reclassification (cont.)**

2) If under a downward reclassification of a position, the employee elects to accept the downward reclassification with reinstatement rights, the employee must accept the first available position. If no position becomes available within one (1) year from the effective date of the action, all status to the previous classification is forfeited; however, an extension may be granted as follows:

a) The MTA Director of Transportation/Designee may grant an extension for classifications exclusive to the Municipal Transportation Agency; or

b) The City's Human Resources Director may grant an extension for citywide classifications.

**409.10.6 Renumbered or Retitled Classes**

When classes are renumbered or retitled, or when the class description has been changed to more accurately describe the duties actually being performed, all employees with permanent status in the former class shall have continued permanent status in the renumbered or retitled class. Eligibles on a list in the former class shall continue as eligibles on the renumbered or retitled class.

**409.10.7 Implementation of Status**

1) All permanent employees in positions in the former class who have been reallocated to a new class, are granted status in positions in the new class as of the effective date of the amendment to the Annual Salary Ordinance establishing such positions in the new class.

2) The remaining employees in the same former class and in the same department are granted rights to assignment to positions in the new classes as vacancies occur according to seniority standing in the department.

3) Permanent employees occupying positions in the same former class in other departments are granted the right to transfer to positions in the new class or classes as vacancies occur. Such requests for transfer shall be governed by the provisions of these Rules governing appointment by transfer.

**Sec. 409.10** **Effects of Classification Changes on the Status of Incumbents (cont.)****409.10.7** **Implementation of Status (cont.)**

4) When status has been granted, all permanent employees in positions in the former class that has been reclassified to another class are granted status in positions.

5) An employee who is granted status must exercise those rights to the second class as soon as a position becomes available, within one (1) year from the effective date of the amendment to the Annual Salary Ordinance unless an extension is granted by either the MTA Director of Transportation/Designee or City's Human Resources Director as applicable. If status is not exercised within the time limit or if the employee refuses an offer of a status appointment, then, status is forfeited.

6) An employee who does not exercise status as provided above may continue in the original position until such time as the reclassified position is filled and the original incumbent is replaced by another employee who has status in the class or by an eligible from a civil service list.

7) When all permanent incumbents in the class and department have exercised or forfeited status, eligibles on lists for the original class as well as employees in the same original class in another department may be offered status appointments in the second class either by certification from the eligible list or under transfer provisions of the Transfer Rule.

**Sec. 409.11** **Limitations Under this Rule**

**409.11.1** The allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant legally holding such a position under permanent appointment. If there is an adverse affect on the civil service rights of an occupant legally holding such a position under permanent appointment, such allocation or reallocation shall be effective when the position becomes vacant by reassignment or for other reason(s), except when earlier implementation is approved by mutual agreement with the appropriate recognized employee organization. Pending such reallocation, the incumbent shall continue in the position.

**409.11.2** In administering this Rule, if the difference between the salary ranges of the former class and the new class is more than seven and one half (7½) percent, a significant difference in the scope of responsibility shall be deemed to exist, and status shall not be granted unless approved by the Civil Service Commission.

**Sec. 409.11**    **Limitations Under this Rule (cont.)**

- 409.11.3    An employee must meet the minimum qualifications for the position in order to be eligible for status.
- 409.11.4    The MTA Director of Transportation/Designee may assess the employee's ability to perform level of duties and the essential functions of the class.

**Sec. 409.12**    **Situations Not Specifically Addressed**

Situations not specifically addressed in this Article will be resolved by the MTA Director of Transportation/Designee subject to the prior approval of the Civil Service Commission.

**Sec. 409.13**    **Probationary Period**

- 409.13.1    Employees who are appointed by status in the same department/agency shall not be required to complete a new probationary period.
- 409.13.2    Employees who exercise status to transfer to a new citywide department shall be required to complete a probationary period.
- 409.13.3    Employees who have not yet completed the probationary period in the class subject to reclassification shall be required to complete the remainder of the probationary period in the new class.

**Sec. 409.14**    **Release from a Probationary Period**

Employees appointed by status and serving a probationary period are subject to the Civil Service Commission Rules on release from the probationary period.

**Sec. 409.15**    **Civil Service Seniority**

Civil service seniority for employees granted status under Civil Service Commission Rule 409 shall be carried forward and is calculated from the date of [the citywide seniority as defined in these Rules](#) ~~certification~~ in the former class prior to reclassification.

## **Rule 409**

### **Position Classification and Related Rules**

#### **Article V: Temporary Out-of-Class Assignments**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Sec. 409.16    Temporary Out-of-Class Assignments - Policy and Definitions**

**409.16.1** In accordance with this Rule, an appointing officer may exercise Charter authority to assign an employee to perform any of the duties of the department/Agency to which appointed and to make any temporary out-of-class assignment to maintain the provision of any public service.

**409.16.2** Temporary out-of-class assignment means the assignment of an employee without change in class to perform the normal day-to-day duties and responsibilities of another classification. Records of such temporary out-of-class assignment shall be placed in the employee's personnel file. An employee assigned to temporary out-of-class assignment may also request that the appointing officer/designee place the record in the employee's personnel file contemporaneous with the assignment. The record of temporary out-of-class assignments must be verified and approved by the appointing officer/designee prior to placement in the personnel file. The MTA Director of Transportation/Designee shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary. The decisions of the MTA Director of Transportation/Designee shall be subject to appeal to the Civil Service Commission.

1) Temporary out-of-class assignment is distinguished from "temporary appointment" in that the latter refers to an appointment to a differently classified position in accordance with civil service appointment provisions and in accordance with budgetary requirements.

2) Temporary out-of-class assignment is distinguished from a short term or regular assignment of a minor portion of work duties which are allocated to a different class, but which are generally related to the regular duties or level of responsibility of the employee's current class.

3) The MTA Director of Transportation/Designee shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary.

#### **Sec. 409.16    Temporary Out-of-Class Assignments - Policy and Definitions (cont.)**

**409.16.2 (cont.)**

4) Temporary out-of-class assignments shall not be made when an appointment based on the regularly established Rules and procedures of the Civil Service Commission may be made. Temporary out-of-class assignments may be approved while an appointment through the established procedures is pending.

5) When a temporary out-of-class assignment is in order within MTA, selection and retention shall be at the discretion of the MTA Director of Transportation/Designee.

## **Rule 414**

### **Appointments**

#### **Article I: General Provisions**

Applicability: Article I, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Article II: Limited Tenure Appointments**

Applicability: Article II, Rule 414, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A. . The provisions of Article II, Rule 414 shall be limited to time of war as defined in Sec 414.10.

#### **Article III: Temporary and Emergency Appointments**

Applicability: Article III, Rule 414, 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: Appointment by Reinstatement**

Applicability: Article IV, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Article V: Reappointment**

Applicability: Article V, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Article VI: Appointment by Transfer**

Applicability: Article VI, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Article VII: Exempt Appointment**

Applicability: Article VII, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

# Rule 414

## Appointments

### Article I: General Provisions

Applicability: Article I, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 414.1**      **Appointment - General Provisions**

##### **414.1.1**      **Report of Appointment**

All appointments shall be authorized by the MTA Director of Transportation/Designee on the prescribed form prior to the appointee's starting date of employment.

##### **414.1.2**      **Validation of Appointment**

No appointee may begin working until validation has been issued by the MTA Director of Transportation/Designee.

##### **414.1.3**      **Finality of Appointing Officer's Decision**

Except as otherwise provided in these Rules, ordinances, or the Charter, the decision of the MTA Director of Transportation/Designee in all matters regarding appointment within the MTA shall be final.

#### **Sec. 414.2**      **Permanent Appointment - Definition**

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

#### **Sec. 414.3**      **Method of Appointment - Permanent Appointment**

Permanent appointments shall be made in the following order of priority:

**414.3.1**      by the return to duty of a permanent holdover;

**414.3.2**      by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees;



**Sec. 414.3**      **Method of Appointment - Permanent Appointment (cont.)**

**414.3.3**      by the appointing officer through use of any one of the following options:

- 1) advancement of a part-time employee to full-time status consistent with the requirements found elsewhere in this Rule; or
- 2) transfer; or
- 3) from requests for reinstatement other than by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees; or
- 4) by reappointment following resignation; or
- 5) by certification by the MTA of eligibles from an eligible list or reemployment register.

**414.3.4**      Exercise of one option will preclude the use of any other method of appointment except as a result of any settlement arising following an appeal or other litigation. The MTA department may also fill permanent vacancies through internal reassignment within classifications of permanent employees consistent with MTA procedures. Such reassignments are not within the jurisdiction of the Civil Service Commission.

**Sec. 414.4**      **Temporary Appointment**

**414.4.1**      Temporary appointment shall be one of the following:

- 1) An appointment from an eligible list to a temporary position. Such appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 1040 hours; or

**Sec. 414.4      Temporary Appointment (cont.)**

2) An appointment from an eligible list to a temporary position established to perform a special project or investigation. The establishment of such position shall require the express approval of the MTA Director of Transportation/Designee. It must be readily foreseeable that the duties and responsibilities and products must be completed by the time limit of a maximum of the hourly equivalent of 260 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 2080 hours.

3) When no eligible list exists or no eligible is available on an existing eligible list for a position in the class requisitioned by MTA, and immediate service in the position is required and another eligible list exists which is deemed by the MTA Director of Transportation/Designee to be suitable to provide temporarily the service desired, the MTA Director of Transportation/Designee shall certify for civil service temporary appointment an eligible from such eligible list.

**414.4.2      Expiration of Temporary Appointment**

1) Upon expiration of the maximum allowable time period or upon expiration of the appointee's temporary position, temporary appointees shall be separated as provided below.

2) Temporary appointees so separated shall be returned to the eligible list from which appointed if such list has not expired.

3) Temporary appointees returned to the eligible list or to the holdover roster shall be immediately available for certification to temporary positions:

- under another appointing officer; or
- to the same appointing officer to another position with the express approval of the Human Resources Director.

In the case of represented classes, the MTA Director of Transportation/Designee shall provide prior notification to the appropriate bargaining representative of intention to authorize such immediate certification and shall, upon request, meet and confer concerning the proposed certification.

**Sec. 414.4**      **Temporary Appointment (cont.)****414.4.2**      **Expiration of Temporary Appointment (cont.)**

4) For employees represented by the Transport Workers Union, Locals 200 and 250A, temporary appointees, except those appointed from a "near list", whose list has expired shall be ranked on the holdover roster for the class.

**414.4.3**      Layoff due to lack of work or lack of funds or termination shall be as provided elsewhere in these Rules.

**Sec. 414.5**      **Provisional Appointment**

**414.5.1**      Provisional appointment shall be an appointment to a permanent or temporary position when there is no available eligible.

1) A provisional appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular work schedule of the employee; however, in no case may the maximum duration exceed 1040 hours in any class or in any department in a calendar year.

2) Except with the express approval of MTA Director of Transportation/Designee, when an eligible list is adopted, all provisional appointments in the affected class shall expire.

**414.5.2**      Provisional appointments may be extended with the approval of the MTA Director of Transportation/Designee for additional periods of time not to exceed, for each extension, the time limitations specified above.

**414.5.3**      Provisional appointees serve at the discretion of the MTA Director of Transportation.

**414.5.4**      Provisional appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.

**414.5.5**      The MTA Director of Transportation/Designee shall promulgate policies and procedures for making provisional appointments which shall include provisions that appointments shall be made on the basis of a combination of merit factors, equal employment opportunity and, if promotive, consideration of performance appraisal ratings and seniority.

**Sec. 414.5      Provisional Appointment (cont.)**

- 414.5.6**      Layoff of provisional appointees due to lack of work, lack of funds or termination shall be as provided elsewhere in these Rules.
- 414.5.7**      A civil service appointee who is laid off, terminated or who resigns from a provisional appointment shall return to the appointee's permanent position.
- 414.5.8**      A provisional appointee resigning from employment shall complete the prescribed resignation form.
- 414.5.9**      Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

**414.5.10      Restrictions on Provisional Appointment**

- 1)** Provisional appointments for civil service positions for which no eligible list exists shall not exceed three years.
- 2)** Provisional appointments may only be renewed beyond three years with the approval of the Board of Supervisors and upon certification by the MTA Director of Transportation/Designee that for reasons beyond its control MTA has been unable to conduct examinations for these positions.
- 3)** Unless provisional appointments are renewed as provided in this section or are transitioned to regular civil service appointment through either the competitive examination process or as provided in Charter Section 18.110, provisional employees appointed before July 1, 1996 shall be laid off by June 30, 1999.

**Sec. 414.6**      **Provisional Appointment - Non-Civil Service Appointment**

Section 414.6 and Section 414.7 of Article I, Rule 414, apply only to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

**414.6.1**      Non-Civil Service appointment made under the authority of these Rules shall be an appointment to a permanent or temporary position when either

1) there is no available eligible. It is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular work schedule of the employee; however, in no case may the maximum duration exceed 1040 hours in any class or in any department in a calendar or fiscal year or except with the express approval of the MTA Director of Transportation/Designee, thirty (30) days from eligible list adoption, whichever is less; or

2) there is an emergency.

Such appointment is time limited to a maximum of 240 hours.

**414.6.2**      Non-civil service appointees serve at the discretion of the MTA Director of Transportation.

**414.6.3**      Non-civil service appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.

**414.6.4**      The MTA Director of Transportation/Designee shall promulgate policies and procedures for making non-civil service appointments which include provisions that appointments shall be made on the basis of a combination of merit factors, affirmative action and, if promotive, seniority.

**414.6.5**      Notification to signatory unions shall be as follows:

Employee organizations signatory to the Letter of Agreement adopted April 4, 1983, shall be notified on a biweekly basis of all non-civil service appointments authorized in the preceding two-week period, together with the duration of such appointments and the reason(s) for such duration. Union representatives of organizations signatory to the aforementioned agreement shall have the right to meet and confer with the MTA Director of Transportation/Designee or designee following notification cited here in above.

**Sec. 414.7**      **Provisional Appointment - Limited Tenure Appointment**

Section 414.6 and Section 414.7 of Article I, Rule 414, apply only to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

- 414.7.1** Limited tenure appointment is an appointment made to a permanent or temporary position under authority of this Rule is a class for which there is no available eligible.
- 414.7.2** All limited tenure appointments shall require the express prior approval of the Commission and shall be made pursuant to the stated intent of the Letter of Agreement and Compliance Agreement adopted April 4, 1983, as it pertains to the classes represented by the unions signatory to these Agreements.
- 414.7.3** Layoff due to lack of work, lack of funds, or termination shall be as provided elsewhere in these Rules.
- 414.7.4** A civil service appointee who is laid off, terminated, or who resigns from a limited tenure appointment shall return to the appointee's permanent position.
- 414.7.5** A limited tenure appointee resigning from employment shall complete the prescribed resignation form.
- 414.7.6**      **Provisional Appointees - No Preference for Permanent Appointment**
- Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

**Sec. 414.8**      **Advancement from Part-Time Position to Full-Time**

After verification of satisfactory performance in a permanent part-time position, the senior appointee in a class in the MTA may be advanced by the MTA Director of Transportation/Designee to a full-time position. Advancement from a part-time position shall require a new probationary period.

**Sec. 414.9**      **Separation of Temporary and Provisional Appointees Upon Expiration of Term of Employment**

**414.9.1**      No temporary or provisional appointment shall exceed the maximum allowable duration provided in these Rules, and upon expiration of that period of time, the appointee shall be separated from the position.

**414.9.2**      The appointee's separation shall be based upon the expiration of the maximum allowable duration or upon expiration of the appointee's temporary position. Such separation shall be without reference to the layoff or termination provisions of these Rules. The appointee shall be notified in writing:

1) at the time of appointment as to the duration of such appointment; and

2) at least ten (10) working days in advance of the final date.

## **Rule 414**

### **Appointments**

#### **Article II: Limited Tenure Appointments**

Applicability: Article II, Rule 414, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A. . The provisions of Article II, Rule 414 shall be limited to time of war as defined in Sec 414.10.

#### **Sec. 414.10      Limited Tenure Appointments - When Authorized**

When in time of war declared by the Congress of the United States eligibles are not available for appointment from registers established through the regular examination procedure as provided under these Rules, the MTA Director of Transportation/Designee may qualify applicants for wartime appointments to positions through informal and non-competitive tests.

#### **Sec. 414.11      Selection of Limited Tenure Appointees**

Such tests and appointments resulting therefrom shall be governed solely by the provisions of these Rules and the tests shall be adequate in the judgment of the MTA Director of Transportation/Designee to determine the capacity of applicants to perform the duties of the positions to be filled pending creation of lists of eligibles through the regular examination procedure as provided in these Rules.

#### **Sec. 414.12      Definition and Duration of Limited Tenure Appointments**

Appointments made under the provisions of this Rule shall be designated "limited tenure appointments" and may continue only until registers of eligibles are established through the regular examination procedure provided elsewhere in these Rules but in no event to exceed six (6) months beyond the cessation of hostilities.

#### **Sec. 414.13      Layoff of Limited Tenure Appointees**

Limited tenure appointments may be terminated by the appointing officer at any time for lack of work or funds.



**Sec. 414.14**      **Termination of Limited Tenure Appointees**

Limited tenure appointments may be terminated by the MTA Director of Transportation for good cause at any time without reference to the procedures governing removals set forth in Charter Section A8.341.

**Sec. 414.15**      **Restriction on Rights on Limited Tenure Appointees**

Persons serving under limited tenure appointments under this Rule shall by reason of such service acquire no right or preference to permanent civil service status as defined elsewhere in the Charter or by Rules of the Civil Service Commission, which is conferred on persons completing probationary appointments made from lists of eligibles established through the regular examination procedures as provided in these Rules.

**Sec. 414.16**      **Non-Civil Service Appointments When No Eligible List**

Non-civil service appointments in the absence of civil service eligibles, as provided in these Rules, shall not be authorized if applicants qualified for limited tenure appointments are available.

**Sec. 414.17**      **MTA to Maintain Eligible Lists**

The MTA shall make every effort, consistent with current conditions, to maintain adequate registers of eligibles established through the regular examination procedure as provided in these Rules.

**Sec. 414.18**      **Civil Service Commission to Adopt Rules to Govern Limited Tenure Appointments**

The Civil Service Commission shall adopt Rules to carry out the provisions of this Rule and to govern the administration of limited tenure appointments.

**Sec. 414.19**      **Additional Authority for Limited Tenure Appointments**

- 414.19.1**      In time of national emergency declared by the President of the United States or by the Congress or while any act authorizing compulsory military service or training is in effect, the provisions of this Rule may also be made operative upon recommendation of the Civil Service Commission and approval of the Board of Supervisors by ordinance enacted by two thirds vote of the Board.
- 414.19.2**      Authority for limited tenure appointments, if established pursuant to the authority of this paragraph, shall cease six (6) months after repeal by the Board of Supervisors of the ordinance which authorized such appointments.

## Rule 414

# Appointments

### Article III: Temporary and Emergency Appointments

Applicability: Article III, Rule 414, 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. 414.20**      **Temporary "Near List" Appointments Authorized**

When no list of eligibles exists or no eligible is available on an existing list for a position in the class requisitioned, and immediate service in the position is required and another list exists which is deemed by the MTA Director of Transportation/Designee to be suitable to provide temporarily the service desired, the Commission shall certify for civil service temporary appointment an eligible from such list;

#### **Sec. 414.21**      **Non-Civil Service Appointment Defined**

If no such other list deemed by the MTA Director of Transportation/Designee to be suitable exists, the MTA Director of Transportation/Designee pursuant to Civil Service Commission Rules may authorize a non-civil service or emergency appointment for a period not exceeding 130 working days.

#### **Sec. 414.22**      **Duration of Non-Civil Service Appointment**

Non-civil service or emergency appointments extended beyond ninety (90) days must be approved by the MTA Director of Transportation/Designee. Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such 130 working days at the time a civil service eligible reports for duty as provided in Section A8.329 of the Charter.

#### **Sec. 414.23**      **Emergency Appointment Pending Canvassing of Eligible List**

**414.23.1**      If a list of eligibles exists for the position requisitioned, but immediate service is deemed necessary by the appointing officer pending the time an eligible from such list is certified and reports for duty as provided in Section A8.329 of the Charter, the MTA Director of Transportation/Designee may authorize the appointing officer to make a non-civil service or emergency appointment thereto for a period not exceeding thirty (30) working days.

**Sec. 414.23**      **Emergency Appointment Pending Canvassing of Eligible List**

**414.23.2**      Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such thirty (30) working days at the time a civil service eligible reports for duty as provided in Section A8.329 of the Charter.

**Sec. 414.24**      **Restriction on Compensation of Non-Civil Service Appointees**

No person shall be compensated under any non-civil service or emergency appointment or appointments as authorized under the provisions of the foregoing paragraphs of this Rule for a period exceeding 130 working days in any fiscal or calendar year, and no claim or warrant therefore shall be approved, allowed or paid for any compensation in excess of such 130 working days in any fiscal or calendar year.

**Sec. 414.25**      **Mandate for Funding MTA to Conduct Examinations**

If no eligibles are available for appointment to a permanent position in the class requested, MTA shall immediately hold an examination and establish an eligible list for such position. If its annual appropriation is insufficient to meet the cost of said examination, MTA Director of Transportation/Designee shall report to the Mayor the estimated cost thereof, the Mayor shall request and the Supervisors shall make supplemental appropriation therefore in the manner provided herein for supplemental appropriations.

## **Rule 414**

### **Appointments**

#### **Article IV: Appointment by Reinstatement**

Applicability: Article IV, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 414.26      Reinstatement**

**414.26.1**      A permanent employee who accepts permanent appointment to a position in another class shall be permanently separated from any former position, with the following exception: the employee may be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the appointing officers in both the present department and the former department or the department(s) to which reinstatement is requested. A copy of the approved form(s) must be maintained in the MTA Office of the Director of Transportation/Designee and the City's Department of Human Resources.

**414.26.2**      An employee serving a promotive probationary period shall be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the MTA Director of Transportation/Designee.

1) A request for reinstatement under this section shall not extend the probationary period or infringe upon an appointing officer's authority to terminate an employee.

2) An approved request for reinstatement shall remain in effect until the employee is either reinstated, separated, refuses an offer of reinstatement, or such a request is canceled by the MTA Director of Transportation/Designee.

3) Separation of the employee shall nullify all requests for reinstatement approved under this section.

4) The employee shall receive one (1) offer of reinstatement. Failure to accept a reinstatement offer shall forfeit all rights to reinstatement under this section.

**Sec. 414.26**      **Reinstatement (cont.)****414.26.2 (cont.)**

5) A reinstatement under this section shall be under the applicable procedures of the Civil Service Commission.

6) If more than one (1) request for reinstatement under this section is on file, the person with the greater seniority in the class to which reinstatement is requested shall be reinstated first.

**414.26.3** Reinstatement to a position in a former class and department shall be with former civil service seniority standing in that department and no probationary period shall be required.

**414.26.4** Reinstatement to a position in a former class in another department shall require a new civil service seniority date in that department from the date of such reinstatement and shall require a new probationary period as provided elsewhere within these Rules.

**Sec. 414.27**      **Reinstatement Following Transfer**

An appointment by transfer shall cancel all rights to the position from which transferred except that, prior to the completion of the probationary period, a transferee may request reinstatement to a vacancy in a position in the same class and department from which transferred in accordance with the procedures established in this Rule.

**Sec. 414.28**      **Restrictions on Reinstatement**

Appointments by reinstatement are subject to the appointment provisions found elsewhere in this Rule.

# Rule 414

## Appointments

### Article V: Reappointment

Applicability: Article V, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 414.29**      **Reappointment after Resignation**

- 414.29.1**      A permanent appointee who has completed the probationary period who resigns and whose services have been certified as satisfactory by the appointing officer, or except as otherwise ordered by the Commission in the case of services certified as unsatisfactory, shall be permanently separated from such appointment except as follows:
- 414.29.2**      Upon request on the prescribed form within a four (4) year period after the effective date of the resignation, the resignee, with the approval of the MTA Director of Transportation/Designee, may be appointed ahead of eligibles to a vacancy in a permanent position in the class from which resigned in any department.
- 414.29.3**      A separate request must be filed with each department to which reappointment is desired. An approved copy of the reappointment form(s) must be filed with the office of the MTA Director of Transportation/Designee.
- 414.29.4**      If a vacancy does not exist in the class from which resigned from City and County Service, or, if otherwise approved by the MTA Director of Transportation/Designee, subject to appeal to the Civil Service Commission, a resignee may re-enter the service to a vacancy in any former class in which the probationary period had been completed.
- 414.29.5**      When reappointed, the resignee shall enter the service as a new appointee with no rights based on prior service except such as may be specifically provided elsewhere in these Rules, in the Vacation, Sick Leave and any other Ordinances as appropriate, and in the examination procedures with respect to credit for prior City and County Service.

#### **Sec. 414.30**      **Restrictions on Reappointment**

Reappointments are subject to the appointment provisions found elsewhere in this Rule.

## **Rule 414**

### **Appointments**

#### **Article VI: Appointment by Transfer**

Applicability: Article VI, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

##### **Sec. 414.31**      **Transfer - General**

- 414.31.1**      A transfer of a permanent appointee who has completed the probationary period to a position in the same class under another appointing officer shall be requested on the form prescribed by the City's Human Resources Director.
- 414.31.2**      A properly completed transfer form approved by the appointing officer or designee of the department to which transfer is requested shall be filed in the requested department as well as the employee's current department. A copy of the approved form shall also be filed with the office of the MTA Director of Transportation/Designee and the City's Department of Human Resources within two (2) business days of approval.
- 414.31.3**      Appointees accepting a new appointment by transfer shall give a minimum period of notice prior to separation from their current department of fifteen (15) working days, unless the current department approves a shorter period of notice.
- 414.31.4**      Appointments by transfer are subject to the appointment and probationary provisions of these Rules.
- 414.31.5**      Appointment by transfer will cancel all other transfer requests which have been filed.

##### **Sec. 414.32**      **Transfer from Position Not Full-Time**

A permanent appointee to a part-time position or a position not full time on an annual basis and who serves under such appointment continuously for one (1) year, may request transfer to a regular full-time position in accordance with the provisions of this Rule.



**Sec. 414.33**      **Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment**

Permanent civil service employees who have completed their probationary period and who are subject to layoff because of technological advances, automation, the installation of new equipment, or the transfer of functions to another jurisdiction may submit a request to the MTA Director of Transportation/Designee for transfer to a position within their capacities to perform, whether or not within the class for which they qualified for appointment. Such request for transfer shall be subject to the following:

- 414.33.1** Request for transfer shall be submitted on the prescribed form and shall be approved by the appointing officer or designee of the department to which transfer is requested.
- 414.33.2** The position to which transfer is requested shall not be to a class with more than a five percent (5%) increase in compensation.
- 414.33.3** The City's Human Resources Director or the MTA Director of Transportation may administer any examinations which, in the judgment of the City's Human Resources Director or the MTA Director of Transportation are deemed advisable to test the capacity of the employee to perform the duties in the position to which transfer is requested, unless the transfer is to a position in the same class or a closely related class.
- 414.33.4** Employees so transferred, who are not suited to the position, may be given an opportunity for further transfer to other positions within their capacities to perform.
- 414.33.5** In the event of layoff of an appointee who occupies a position through transfer under the provisions of this section, such layoff shall be in accordance with the applicable provisions of the Layoff Rule. Seniority shall be calculated from the date of [citywide seniority as defined in these Rules](#) ~~certification~~ in the class from which transferred.
- 414.33.6** Employees transferred under the provisions of this section may request reinstatement to the former class in accordance with the Reinstatement Rule.

**Sec. 414.33**      **Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment (cont.)**

**414.33.7**      In the event that more than one approved transfer to the same class is on file, preference shall be given to the appointee who has the longest service under civil service permanent appointment in the class from which layoff is to be made.

**414.33.8**      An appointee transferred under the provisions of this section shall serve a probationary period in the new class.

**Sec. 414.34**      **Transfers Occasioned by the Transfer of Functions from One Department to Another**

**414.34.1**      When, in accordance with Charter provisions, part of the functions and duties of any department are transferred to another department, the employees performing such functions and duties shall be transferred therewith.

**414.34.2**      Such employees shall retain in their new department the same salary and civil service seniority status as they had in the department from which transferred.

**414.34.3**      Employees transferred in accordance with this Rule shall not be required to serve a new probationary period.

**Sec. 414.35**      **Limited-Term Transfer**

**414.35.1**      **Definition**

The transfer of a permanent appointee to a vacant position in the same class under another appointing officer for a specified duration of time may be approved by the appointing officers of both departments, the City's Human Resources Director and the MTA Director of Transportation/Designee and shall be known as a "limited-term transfer."

**414.35.2**      **Purpose**

The purpose of a limited-term transfer is to more efficiently utilize and exchange human resources among the departments of the City and County; to allow employees exposure and training in other departments; and to provide a mechanism for reducing staffing levels during slow periods or periods of fiscal emergency and to temporarily increase staffing during peak work periods.

**Sec. 414.35****Limited-Term Transfer (cont.)****414.35.3****Types of Limited-Term Transfers**

**1) Voluntary:** A limited-term transfer may be initiated on the written request of an employee on the prescribed form. Upon receipt of a written request from an employee and no less than fifteen (15) working days prior to implementation, the designated union of the employee shall be provided written notice. The union shall have five (5) working days from the date of the notice to request a meeting with the appointing officer/designee. Within five (5) working days from the date of the union request, a meeting shall be held. If the union is unavailable to meet within the five (5) working days following the request to meet, the unavailability of the union shall constitute a waiver of the right to meet. Unavailability of the appointing officer/designee shall constitute an extension of the timelines. The timelines may also be extended through mutual written agreement.

**2) Mandatory:** A permanent or probationary employee may be transferred by the employee's appointing officer for a specified period up to a maximum of six (6) months in any calendar year to a position in the same class under another appointing officer. Such transfers shall be made by class in reverse order of seniority in the class in the department after all permanent and probationary employees in the class have been canvassed and all more senior employees have been notified and have waived the right to request a voluntary limited-term transfer. The employee shall receive at least five (5) working days written notice in advance of the effective date of the transfer and shall be given an opportunity, if requested, to meet and confer with the appointing officer/designee and the designated union representative. No permanent employee shall be placed on mandatory limited-term transfer if there are temporary or provisional employees in the same class in the department from which the transfer originates.

**Sec. 414.35**      **Limited-Term Transfer (cont.)****414.35.4**      **Expiration and Extension**

- 1) Limited-term transfers will remain in force for the period specified unless abridgment is approved by both appointing officers.
- 2) Voluntary limited-term transfers may be extended for additional periods of time with the approval of the employee and the MTA Director of Transportation/Designee
- 3) Upon expiration of the period of the transfer, the transferee shall be automatically reinstated to a permanent position in the class and department from which transferred.

**414.35.5**      **Probationary Period**

- 1) A limited-term transferee shall not serve a new probationary period; however, notwithstanding any other provision of these Rules, with the approval of the appointing officer in the department to which transferred, the time served during a limited-term transfer, or a portion thereof, may be counted toward the completion of the probationary period if the transferee requests and is granted a permanent transfer and commences a probationary period in the new department.
- 2) An appointee who is transferred under the provisions of this Rule while serving a probationary period in the department from which transferred shall complete the probationary period upon reinstatement to the original department; however, an appointing officer may, notwithstanding any other provision of these Rules, credit the time served during a limited-term transfer or a portion thereof toward the completion of the probationary period in the original department.

**414.35.6**      **Disciplinary Action**

A limited-term transferee is an appointee in the department to which transferred during the period of the transfer for the purpose of disciplinary action.

**Sec. 414.35**      **Limited-Term Transfer (cont.)****414.35.7**      **Temporary Positions**

Limited-term transfers which are not made to permanent positions may be made to positions which are funded on a temporary basis with the certification of the Controller that funds for the payment of mandatory fringe benefits are available in the department to which transferred. Appointees so transferred retain all the rights and benefits of permanent appointees.

**414.35.8**      **Seniority**

Appointees returning to their original departments following a limited-term transfer are reinstated with full seniority. No deduction from seniority in the original department shall be made for any period of limited-term transfer.

**414.35.9**      **Layoff**

An appointee who is laid off while on a limited-term transfer shall be automatically reinstated to a permanent position in the class in the department from which transferred.

## **Rule 414**

### **Appointments**

#### **Article VII: Exempt Appointment**

Applicability: Article VII, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 414.36 Exclusions from Civil Service Appointment**

All permanent employees of the City and County shall be appointed through the civil service process by competitive examination unless exempted from the civil service examination and selection process in accordance with Charter provisions. Appointments excluded by Charter from the competitive civil service examination and selection process shall be known as exempt appointments. Any person occupying a position under exempt appointment shall not be subject to civil service selection, appointment, and removal procedures and shall serve at the pleasure of the appointing officer.

#### **Sec. 414.37 Charter Limit on Certain Categories of Exempt Appointments**

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

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

**Sec. 414.37**      **Charter Limit on Certain Categories of Exempt Appointments (cont.)**

- 414.37.3**      Requests for exemption under this section must conform to the following:
- 1) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.
  - 2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.
  - 3) The MTA Director of Transportation/Designee recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.
  - 4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.
  - 5) The official making the request provides written justification as to the reasons the position should be exempted.
- 414.37.4**      An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.
- 414.37.5**      The decision of the MTA Director of Transportation/Designee is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.
- 414.37.6**      This section as adopted by the Civil Service Commission at its meeting of November 18, 1996 was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).

**Sec. 414.37**      **Charter Limit on Certain Categories of Exempt Appointments (cont.)**

**414.37.7**      Pursuant to Charter Section 8A.104: The MTA Director of Transportation/Designee may create new classifications and positions exempt from the Civil Service System for managerial employees in MTA bargaining units M and EM in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt managerial positions within the MTA shall not exceed 2.75 percent of the MTA's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent Civil Service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the Director of Transportation.

The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance to Charter Section 8A.104.



## **Rule 420**

### **Leaves of Absence**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

**Article I: Leaves of Absence - General Requirements**

**Article II: Sick Leave - General Provisions**

**Article III: Sick Leave with Pay**

**Article IV: Sick Leave without Pay**

**Article V: Compulsory Sick Leave**

**Article VI: Disability Leave**

**Article VII: Military, War Effort and Sea Duty Leaves**

**Article VIII: Unpaid Administrative Leave or Furlough**

**Article IX: Other Leaves of Absence**

**Article X: Appeal Procedures**

## **Rule 420**

### **Leaves of Absence**

#### **Article I: Leaves of Absence - General Requirements**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.1**      **Leaves of Absence - General Requirements**

- 420.1.1**      Leaves of absence, hereinafter referred to in this Rule as "leave," shall be governed by the provisions of this Rule. For the purpose of this Rule, "appointing officer" shall mean all elected officials; all department heads designated by the Charter as appointing officers; and all Boards and Commissions when officiating as appointing officers.
- 420.1.2**      Requests for leave shall be subject to the approval of the Director of Transportation/Designee. The decision of the MTA Director of Transportation/Designee is final unless provision for appeal is specifically granted in this Rule. Such requests for appeal shall be processed in accordance with the appeal procedure provided in this Rule. Requests for military, maternity, or witness or jury duty leave shall be granted as provided herein.
- 420.1.3**      Beginning January 1, 2016, amendments to California Labor Code Section 233 (Kin Care Law) authorize employees to use available accrued sick leave, each calendar year to care for a "family member" or themselves, in an amount equal to one-half of their annual accrual. Under the Kin Care Law, available accrued sick leave must be granted upon the employee's oral or written request and the employer shall not deny the right to take such leave, or impose conditions for granting such leave, including the requirement of medical certification.
- 420.1.4**      Except for vacation leave, witness or jury duty leave, compulsory sick leave, disability leave, unpaid administrative leave or absences covered under Labor Code Section 233, an employee requesting a leave for more than five working days shall submit such request on the prescribed form to the MTA Director of Transportation/Designee. With the exceptions noted herein, requests for sick leave in excess of five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave with pay for less than five (5) working days (seven (7) calendar days in the case of part-time

**Sec. 420.1**      **Leaves of Absence - General Requirements**

- 420.1.4**      **cont.**  
employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of an employee's leave use. For employees taking sick leave pursuant to Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233.
- 420.1.5**      The leave requests shall be retained in the department and maintained in a manner so as to be readily available for audit, review, or analysis, by authorized City personnel, including the Office of Labor Standards Enforcement Staff.
- 420.1.6**      Except as otherwise provided in these Rules, leave granted for the period stated on the prescribed form may be extended or abridged only with the approval of the MTA Director of Transportation/Designee. An employee who does not return to work on the approved date shall be deemed as away without official leave and shall be subject to automatic resignation as provided elsewhere in these Rules.
- 420.1.7**      Except when an employee requesting sick leave has accumulated unused sick leave with pay credits and except for employees eligible for military leave with pay, organ or bone marrow donor leave with pay, witness or jury duty leave, disability leave or leave due to battery as provided elsewhere in this Rule, or for authorized holiday or vacation, leaves shall be without pay.
- 420.1.8**      Refer to the Probationary Period Rule on leave during the probationary period.
- 420.1.9**      Exempt employees shall be granted paid sick leave on the ninetieth (90<sup>th</sup>) day of service. The decision of the MTA Director of Transportation/Designee shall be final and not subject to appeal.
- 420.1.10**      An appointee shall not be required to sign a resignation form as a condition of approval of a leave.
- 420.1.11**      Leaves granted under this Rule shall be indicated on time rolls as designated by the Controller.
- 420.1.12**      An authorized leave granted under this Rule shall not be considered as a break in the continuous service of an employee.

## **Rule 420**

### **Leaves of Absence**

#### **Article II: Sick Leave - General Provisions**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.2**      **Eligibility for Sick Leave**

Subject to the provisions of this Rule, employees and officers (hereinafter called "employees") who are absent from their duties due to their own illness or disability, or that of a qualifying family member, including preventive care, such as medical or dental appointments, and employees who are victims of domestic violence, sexual assault or stalking, are eligible for sick leave.

#### **Sec. 420.3**      **Verification of Sick Leave**

**420.3.1**      The MTA Director of Transportation/Designee may make such independent investigation as to the necessity for sick leave as is deemed proper under these rules and federal, state and local law and may require certification for any period of sick leave, provided that the employee has been previously notified in writing that such certification for absence of less than five (5) working days shall be required. For employees taking sick leave pursuant to Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233.

**420.3.2**      The MTA Director of Transportation/Designee may at any time make such independent investigation as may be deemed proper regarding the illness of any person on sick leave.

#### **Sec. 420.4**      **Retirement Automatically Terminates Sick Leave**

Sick leave shall automatically terminate on the effective date of an employee's retirement.

**Sec. 420.5**      **Abridgment of Sick Leave**

Sick leaves granted in excess of five (5) working days may be abridged if the employee presents to the MTA Director of Transportation/Designee medical evidence of capability to resume all the duties of the position.

**Sec. 420.6**      **Definition of Sick Leave**

A leave granted under this Rule for one of the following reasons shall be known as "sick leave":

**420.6.1**      **Sick Leave - Medical Reasons**

Absence for diagnosis, care or treatment of a health condition, including alcoholism, or preventive care, and for employees who are victims of domestic violence, sexual assault or stalking, but excluding illness or injury arising out of and in the course of City and County employment. Absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery").

**420.6.2**      **Sick Leave – Quarantine**

Absence during a period of quarantine established and declared by the Department of Public Health or other authority.

**420.6.3**      **Sick Leave – Bereavement**

Absence because of the death of the employee's spouse or domestic partner, parents, step parents, grandparents, parents-in-law or parents of a domestic partner, sibling, child, step child, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian, or any person who is permanently residing in the household of the employee. Such leave shall not exceed three (3) working days and shall be taken within thirty (30) calendar days after the date of death; however, two (2) additional working days shall be granted in conjunction with the bereavement leave if travel outside the State of California is required as a result of the death.

**Sec. 420.6**      **Definition of Sick Leave (cont.)****420.6.3**      **Sick Leave – Bereavement (cont.)**

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one (1) working day; however, two (2) additional working days shall be granted if travel outside the State of California is required as a result of the person's death.

**420.6.4**      **Sick Leave - Maternity**

Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six (6) months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay.

**420.6.5**      **Sick Leave – Parental Leave**

Absence due to the birth of a child to the employee, the employee's spouse, or the employee's domestic partner or assumption by the employee of parenting or child rearing responsibilities either by adoption or foster care.

**420.6.6**      **Sick Leave - Illness or Medical Appointment of a Family Member**

Absence for diagnosis, care or treatment of a health condition or injury, or for preventive care for an employee's family member, defined as follows:

- 1) A child, which for the purposes of this section means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
- 2) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- 3) A spouse.
- 4) A registered domestic partner.
- 5) A grandparent.
- 6) A grandchild.
- 7) A sibling.

**Sec. 420.6**      **Definition of Sick Leave (cont.)****420.6.7**      **Sick Leave Pursuant to Administrative Code Chapter 12W**

1) Absence due to the illness, injury, medical care, treatment, diagnosis or medical appointment of the employee; employee's child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state law, or "designated person."

The aforementioned child, parent, sibling, grandparent, and grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships. "Child" includes a child of a domestic partner and a child of a person standing in loco parentis.

2) For the purpose of this section, the definition of "designated person" is: one person designated by an employee who has no spouse or registered domestic partner, as the person for whom the employee may use paid sick leave to aid or care for under this section. The opportunity to make such a designation shall be extended to the employee no later than the date on which the employee has worked thirty (30) hours after paid sick leave begins to accrue. There shall be a window of ten (10) business days for the employee to make this designation. Thereafter, the opportunity to make such a designation, including the opportunity to change such a designation previously made, shall be extended to the employee on an annual basis, with a window of ten (10) business days for the employee to make the designation.

**420.6.8**      **Sick Leave Pursuant to Labor Code Sections 245-249**

Absence for the following purposes: (1) diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking, described in Labor Code Section 230, subdivision (c) and Labor Code Section 230.1, subdivision (a).

**420.6.9**      **Sick Leave – Compulsory**

Leave imposed by the MTA Director of Transportation/Designee due to an employee's medical inability or incapacity to perform all the duties of the position as provided elsewhere in this Rule.

## **Rule 420**

### **Leaves of Absence**

#### **Article III: Sick Leave with Pay**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.7**      **Sick Leave with Pay Eligibility**

**420.7.1**      Sick leave with pay may be granted to employees who have accrued paid sick leave on the ninetieth (90<sup>th</sup>) day of service except that supplemental disability credits may be used to supplement disability indemnity payments as provided elsewhere in this Rule regardless of length of service and except that an authorized leave of absence with or without pay granted under this Rule shall not be considered as a break in the continuous service of an employee.

**420.7.2**      A break in service of more than twelve (12) continuous months by any employee other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

**420.7.3**      Sick leave with pay credits will continue to accrue at the normal rate while an employee is on either furlough or voluntary unpaid time off in accordance with this Rule, for a maximum of up to ten (10) days per fiscal year for imposed furlough or twenty (20) days per fiscal year for voluntary unpaid time off.

#### **Sec. 420.8**      **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W Effective February 5, 2007, and Labor Code Sections 245-249 Applicable to Employees Not Otherwise Qualified for Sick Leave Effective July 1, 2015**

**420.8.1**      Sick leave with pay may be granted to said employees, on the ninetieth (90) day of service.

**420.8.2**      Employees hired on or before February 5, 2007, shall immediately be eligible to accrue and use sick leave with pay credits under this section.

**420.8.3**      A complete separation in service for twelve (12) continuous months by an employee, other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.



**Sec. 420.8**     **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W Effective February 5, 2007, and Labor Code Sections 245-249 Applicable to Employees Not Otherwise Qualified for Sick Leave Effective July 1, 2015 (cont.)**

- 420.8.4**     Employees rehired within one (1) year following a separation will not be subject to the ninety (90) calendar day eligibility period. And any of previously accrued and unused sick leave hours will be reinstated.

**Sec. 420.9**     **Sick Leave with Pay - Maximum Accumulation of Credits**

**420.9.1**     **Sick Leave with Pay – Maximum Accumulation of Credits**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed the equivalent of six (6) months which is the hourly equivalent of 130 working days based on the regular daily work schedule as defined, provided that in no case may the total accumulated unused sick leave with pay credit balance exceed 1040 hours. Maximum accumulated sick leave with pay credits shall be reduced proportionately for employees entering a class or position where the regular work schedule is less than the class exiting if such employees have accumulated unused sick leave with pay credits in excess of the maximum allowable for the new class or position. Such employees shall have all such credits restored upon return to a class or position with an increased regular work schedule.

- 420.9.2**     Maximum Accumulation of Credits Pursuant to Administrative Code Chapter 12W Effective February 5, 2007, and Labor Code Sections 245-249 Effective July 1, 2015 Applicable to Employee Not Otherwise Qualified for Sick Leave.

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed seventy-two (72) hours under Administrative Code Chapter 12W and forty-eight (48) hours under Labor Code Section 245-249.

**Sec. 420.10**     **Sick Leave with Pay - Restrictions**

- 420.10.1**     Sick leave with pay, beyond that authorized by law, is a privilege recognized by Charter and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or as otherwise defined in this Rule.

**Sec. 420.10 Sick Leave with Pay – Restrictions (cont.)**

- 420.10.2** Except for absences covered under Labor Code Section 233, the MTA Director of Transportation/Designee may require proof of incapacitation before granting sick leave with pay for any period of time and may withhold pay for failure to submit such proof provided that the employee had been previously notified in writing that such proof would be required for absences of less than five (5) working days.
- 420.10.3** The rate of earning and accumulating sick leave with pay credits and authorization for its use under this Rule shall in no way inhibit or restrict the right of the MTA Director of Transportation/Designee to establish standards of attendance.

**Sec. 420.11 Prohibition Against Employment While on Sick Leave with Pay**

- 420.11.1** Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the MTA Director of Transportation/Designee, grants permission for the employee to engage in a secondary employment subject to the provisions of these Rules governing such employment.
- 420.11.2** Violators of this section are subject to disciplinary action as provided in the Charter.

**Sec. 420.12 Calculation of Sick Leave with Pay Credits**

- 420.12.1** Unless otherwise provided in this Rule or by ordinance, sick leave with pay credits shall be earned at the rate of .05 hours for each hour of regularly scheduled paid service excluding, overtime exceeding forty (40) hours per week and holiday pay, except that an employee on disability leave shall earn sick leave with pay credits at the normal rate.
- 420.12.2** Exempt employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked, excluding holiday pay.

**Sec. 420.13 Disbursement of Sick Leave with Pay Credits**

Sick leave with pay credits shall be used and deducted at the minimum rate in units of one (1) hour for those employees whose credits are calculated in hours.

**Sec. 420.14 Conversion of Sick Leave with Pay Credits from Days to Hours**

Sick leave with pay credit balances shall be converted from days to hours based on the equivalent number of hours in such employee's sick leave with pay credit balances. The equivalent number of hours shall be based on the employee's authorized normal daily work schedule in effect

**Sec. 420.14**      **Conversion of Sick Leave with Pay Credits from Days to Hours (cont.)**

on the effective date of this amended Rule, except if the MTA Director of Transportation/Designee determines that such conversion is inequitable and allows another formula to be used.

**Sec. 420.15**      **Employees Injured by Battery**

**420.15.1**      An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.

**420.15.2**      Sick leave with pay under this section shall be known as "leave due to battery" and shall be subject to approval by the MTA Director of Transportation/Designee. The MTA Director of Transportation/Designee shall make such investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the MTA Director of Transportation/Designee.

**420.15.3**      The decision of the MTA Director of Transportation/Designee may be appealed to the Civil Service Commission whose decision is final.

**420.15.4**      Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

**Sec. 420.16**      **Appeal of Denial of Sick Leave with Pay**

Denial of sick leave with pay to an appointee who is eligible and qualified for such leave is appealable as provided elsewhere in this Rule.

**Sec. 420.17**      **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance**

**420.17.1**      An employee who had accumulated unused sick leave with pay credits and who had completed the service requirement on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

**Sec. 420.17      Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

**420.17.1 (cont.)**

<b>Schedule of Service Requirements and Allowances for Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance at the Time of Retirement, Separation Because of Accident or Death</b>	
<b>Service Requirement</b>	<b>Amount of Cash Reimbursement</b>
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%
Up to and including 5 continuous years of service	33.3%

**420.17.2** Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

- 1) The MTA Director of Transportation/Designee shall administer the provisions of this section.
- 2) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used being deducted.
- 3) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death, or at a later date when so selected by the employee, but within one (1) year of such retirement, separation or death.
- 4) Reimbursement is to be computed at the base rate of pay of an employee's permanent class, at the base rate of pay of the class of a temporary or provisional employee with no permanent status, or at the base rate of pay in a temporary or provisional appointment of an employee with permanent status in another class who has held such temporary or provisional appointment continuously for one or more years at the time of separation.

**Sec. 420.17**      **Reimbursement of Vested and Unused Accumulated Sick Leave  
with Pay Credits Balance (cont.)**

**420.17.2 (cont.)**

5) No reimbursement shall be made for unused sick leave with pay credits earned on or after December 6, 1978.

6) The enactment of this section is not intended to constitute additional compensation, nor be a part of the rate of pay of the employee, but is reimbursement for the vested and unused accumulated sick leave with pay credit balance to which an employee would have been entitled if the employee had not retired, separated due to industrial injury or died.

## **Rule 420**

### **Leaves of Absence**

#### **Article IV: Sick Leave without Pay**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

##### **Sec. 420.18**      **Sick Leave without Pay – Eligibility**

Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

##### **Sec. 420.19**      **Sick Leave without Pay – Temporary and Provisional Employees**

Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave - maternity.

##### **Sec. 420.20**      **Sick Leave without Pay – Permanent Employees**

Sick leave without pay may be approved for permanent employees for the period of the illness provided that requests for prolonged leave shall be renewed every three (3) months and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless there is a reasonable probability that additional leave will enable the employee to return to employment within a reasonable time.

##### **Sec. 420.21**      **Prohibition Against Employment While on Sick Leave Without Pay**

**420.21.1**      Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the MTA Director of Transportation/Designee, grants permission for the employee to engage in outside employment.

**420.21.2**      Violators of this section are subject to disciplinary action.

## **Rule 420**

### **Leaves of Absence**

#### **Article V: Compulsory Sick Leave**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.22      Compulsory Sick Leave**

- 420.22.1** If the MTA Director of Transportation/Designee has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public and the employee, may require the employee to present a medical report from a physician designated by the MTA Director of Transportation/Designee certifying the employee's medical or physical competency to perform the required duties.
- 420.22.1.2** If the employee refuses to obtain such physician's certificate or if as a result of a medical evaluation, the employee is found not to be medically or physically competent, the MTA Director of Transportation/Designee may place the employee on compulsory sick leave.
- 420.22.3** An employee shall remain on compulsory sick leave until such time as the employee is found to be competent to return to duty by a physician designated by the MTA Director of Transportation/Designee, but such leave shall not exceed the maximum period of sick leave provided in this Rule.
- 420.22.4** The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Medical Examination Rule.
- 420.22.5** An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable.

## **Rule 420**

### **Leaves of Absence**

#### **Article VI: Disability Leave**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.23**      **Disability Leave**

- 420.23.1**      Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.
- 420.23.2**      An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than ninety (90) days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's supplemental disability credits so as to equal the full salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave.
- 420.23.3**      Supplemental disability credits shall be an account separate from, but equivalent to, the employee's accumulated unused sick leave with pay credit balance except that the supplemental disability credit account shall be adjusted as provided below.
- 420.23.4**      Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.
- 420.23.5**      Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.
- 420.23.6**      The employee's department shall submit separate timerolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.
- 420.23.7**      Salary may be paid on regular timerolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.



**Sec. 420.23**      **Disability Leave (cont.)**

- 420.23.8**      When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for the amount of sick leave with pay credits charged and paid.
- 420.23.9**      An employee who uses supplemental disability credits to supplement disability indemnity payments shall, while on disability leave, earn supplemental disability credits at the same rate as sick leave with pay credits.
- 420.23.10**      Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.
- 420.23.11**      Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for the amount of supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.

**Sec. 420.24**      **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance**

- 420.24.1**      Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one (1) hour.
- 420.24.2**      SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one-hour provides up to, but does not exceed, the regular gross salary the employee would have received for the normal work schedule excluding overtime.
- 420.24.3**      An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on the prescribed form to the MTA Director of Transportation/Designee within seven (7) calendar days following the first date of absence.

**Sec. 420.24**      **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance (cont.)**

**420.24.4**      Employees who are supplementing SDI earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.

## **Rule 420**

### **Leaves of Absence**

#### **Article VII: Military, War Effort and Sea Duty Leaves**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.25      Military Leave**

**420.25.1**      Military leave is governed by the provisions of applicable Federal and State laws, by Charter provision and by this Rule.

#### **420.25.2      Time of War - Definition**

The phrase "time of war" is defined elsewhere in these Rules.

#### **420.25.3      Military Leave - Time of War**

Leaves of absence shall be granted to officers and employees for service in the armed forces of the United States or the State of California or for service on ships operated by or for the United States government in time of war and for a period not to exceed three (3) months after the conclusion of such service, but not later than one (1) year after the cessation of hostilities, except in case of disability incurred while in active service with the armed forces or the merchant marines when such disability shall extend beyond such period.

#### **420.25.4      Military Leave – Time of Peace**

Whenever any officer or employee shall, by order of the government of the United States or by lawful order of any of its departments or officers, or by lawful order of the State of California, or any of its departments or officers, be directed in time of peace to report and serve in the armed forces of the United States, or in the armed forces of the State of California, said officer or employee shall be entitled to a leave of absence from the employee's office or position during the time of such service and for a period not to exceed three (3) months after the expiration thereof.

**Sec. 420.25**      **Military Leave (cont.)****420.25.5**      **Military Leave – Permanent Appointees**

Any officer or employee on military leave, who prior to such leave has been appointed to a permanent position in the City and County service, shall be entitled to resume such position at the expiration of the leave, and in determining and fixing rights, seniority, salary and otherwise which have accrued and shall inure to the benefit of such officer or employee, the term of military leave shall be considered and accounted as part of the employee's service to the City and County.

**420.25.6**      **Military Leave – Proof of Duty**

Officers and employees requesting military leave shall file with the MTA Director of Transportation/Designee a copy of the orders necessitating such service prior to the effective date of the leave of absence and upon return from such leave shall submit a copy of the discharge or release.

**420.25.7**      **Military Leave – Salary While on Temporary Leave**

Employees who have been employed by the City and County or any other public agency or have been on military duty for a period of not less than one (1) year continuously prior to the date upon which temporary military leave not exceeding 180 calendar days begins shall, as required by the State of California Military and Veterans' Code (Section 395), receive their regular salary or compensation for a period not to exceed thirty (30) calendar days of such military leave in any fiscal year or more than thirty (30) calendar days during any period of continuous military leave.

**420.25.8**      **Military Leave – Eligible Not Reached for Certification While in Service - Time of War**

An eligible on a regular civil service list, who served on active military duty not including reserve service during time of war who presents an honorable discharge or certificate of honorable active service within one (1) year from the date of release from military service, shall be preferred for certification for a period of four (4) years after the cessation of hostilities in the order of standing upon the eligible list at the time of entrance into military service and before candidates procuring standing through an examination held subsequent to the entrance of such eligibles into the military service.

**Sec. 420.25      Military Leave (cont.)****420.25.9      Military Leave – Eligibles Reached for Certification**

If while in the military service, the name of an eligible was reached for certification to a permanent position and the eligible presents an honorable discharge or certificate of honorable active service within one hundred and 120 days from the date of release from active military duty not including reserve service during time of war, the eligible shall be certified to a position in the class for which so reached; and, for all purposes of seniority, the date of [appointment following](#) certification if appointed, shall be deemed to be the date when the eligible was reached for certification while in the military service. A person appointed in accordance with this section shall serve the required probationary period. An eligible who is offered appointment in accordance with the provisions of this section and who waives appointment and is subsequently ~~certifi~~[appointed following subsequent certification](#) after withdrawal of waiver shall have seniority as of the date of such [appointment](#)~~-certification~~.

**420.25.10      Military Leave – Participants in Written Examinations**

Persons who participate in a written examination and who present their orders or other proof of service within 120 days from the date of release from active military service in time of war shall be allowed to participate in the remaining parts of the examination. If they meet all the eligibility qualifications, they shall be ~~certifi~~[appointed following certification](#) as of the date they would have been reached for certification in accordance with their rank based on the entire examination.

**420.25.11      Military Leave – Employees or Officers Not Subject to Civil Service Examination**

Military leave to an elected or appointed officer, appointed for a definite period of time, shall not be extended beyond the period of time for which elected or appointed, provided that if such officer is re-elected or reappointed, then military leave shall be automatically extended for such ensuing period of time.

Military leave to an employee occupying a position exempt from civil service examination shall not extend beyond the period of time for which the employee's appointing officer was elected or appointed.

**Sec. 420.26**      **War Effort Leave**

The Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees during time of war for service directly connected with the prosecution of the war or national defense or preparedness.

**Sec. 420.27**      **Leave for Sea Duty as Licensed Officers**

In time of war or while any act authorizing compulsory military service or training is in effect, the Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees for sea duty as licensed officers aboard ships operated by or for the United States government. The Commission shall amend this section to implement such ordinance.

**Sec. 420.28**      **Leave for Spouse or Registered Domestic Partner During Leave from Deployment of Qualified Member**

**420.28.1**      In compliance with the State of California Military and Veterans Code, an eligible employee who is a spouse or registered domestic partner of a qualified member of the Armed Forces, National Guard, or Reserves shall be allowed to take up to ten (10) days of leave during a period of leave from deployment of the qualified member.

**420.28.2**      An “eligible employee” is an employee who meets all of the following conditions:

- 1) is a spouse or registered domestic partner of a qualified member;
- 2) works on average twenty (20) or more hours per week and is not an independent contractor;
- 3) provides notice to the City, within two (2) business days of receiving official notice that the qualified member will be on leave from deployment, of his or her intention to take leave; and
- 4) submits written documentation to the City, certifying that the qualified member will be on leave from deployment during the time of leave.

**420.28.3**      A “qualified member” is any of the following:

- 1) A member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or
- 2) A member of the National Guard who has been deployed during a period of military conflict; or
- 3) A member of the Reserves who has been deployed during a period of military conflict.

## **Rule 420**

### **Leaves of Absence**

#### **Article VIII: Unpaid Administrative Leave or Furlough**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.29**      **Unpaid Administrative Leave or Furlough**

##### **420.29.1**      **General Provisions**

- 1) Notwithstanding the layoff and involuntary leave provisions or any other provisions of these Rules, the MTA Director of Transportation/Designee is authorized to impose unpaid administrative leave (furlough) on any MTA employee as provided in this section. The imposition of furloughs shall be subject to receipt of a Projected Deficit Notice (PDN) from the Controller stating that the department's budget will be insufficient to support the department's level of spending through the end of the fiscal year.
- 2) The authority of the MTA Director of Transportation/Designee to impose furloughs shall be limited to those furloughs necessary to correct the projected deficit identified by the Controller.
- 3) This Rule shall apply to all employees of the City and County.
- 4) No provision of Layoff and Involuntary Leave, including but not limited to any provision regarding the order of layoff, displacement of less senior employees, or reinstatement, shall be applicable to any employees furloughed hereunder.

##### **420.29.2**      **Voluntary Unpaid Time Off**

- 1) Prior to imposing a furlough on any employee, the MTA Director of Transportation/Designee shall attempt to determine, to the extent feasible and with due consideration for the time constraints which may exist for eliminating the projected deficit, the interest of employees within the appointing officer's jurisdiction in taking unpaid personal time off on a voluntary basis.

**Sec. 420.29**      **Unpaid Administrative Leave or Furlough (cont.)****420.29.2**      **Voluntary Unpaid Time Off (cont.)**

2) The MTA Director of Transportation/Designee shall have full discretion to approve or deny requests for voluntary unpaid time off based on the operational needs of the department and any court decrees or orders pertinent thereto. The decision of the MTA Director of Transportation/Designee shall be final except in cases where requests for voluntary unpaid time off in excess of ten working days are denied. In such cases, an employee may appeal in accordance with the procedures provided below for appealing imposition of furlough.

3) An employee shall be entitled to take up to ten (10) unpaid days per fiscal year at the rate of no more than five (5) days in a three (3) month period, at the employee's discretion, upon at least fifteen (15) calendar days prior written notice to the employee's appointing officer. Such request shall not be denied except for the reason of a requirement that such position be filled on an overtime or premium pay basis, for essential operational needs or the requirements of a court decree or order.

**420.29.3**      **Furloughs**

1) The MTA Director of Transportation/Designee is encouraged to furlough entire operational units within departments rather than individual employees; or stagger work hours within an operational unit on a reduced hours basis. The decision of the appointing officer to impose furloughs under this subsection, and the appointing officer's determination of what constitutes an operational unit, shall be final.

2) Where, in the discretion of the MTA Director of Transportation/Designee, furlough of an operational unit as prescribed above is not feasible, individual employees within an operational unit may be furloughed.

3) To the extent practicable, furlough shall be equitably distributed among all of the employees within the affected operational unit to which the Projected Deficit Notice (PDN) has application; and, all of the employees in the affected class(es).



**Sec. 420.29 Unpaid Administrative Leave or Furlough (cont.)****420.29.3 Furloughs (cont.)**

4) In determining which employees to furlough, the MTA Director of Transportation/Designee shall consider citywide seniority within a class as well as considering the operational needs of the MTA.

5) In no event shall furlough be imposed upon an employee for more than four (4) days in any three (3) month period or ten (10) days in any fiscal year. Voluntary time off not to exceed a total of five (5) days per quarter or ten (10) days per year, approved pursuant to this section, shall be credited toward the maximum number of furlough days which may be imposed pursuant to this Rule.

6) Employees placed on furlough pursuant to this section shall be notified in writing at least fifteen (15) calendar days in advance of the effective date for the furlough.

7) The decision to furlough an individual employee within an operational unit shall be final except that an employee given notice of a furlough, which taken together with an employee's prior furloughs in the same fiscal year would exceed five (5) working days within any six (6) month period, may file an appeal. Such appeals must be in writing and filed within three (3) calendar days of the date of the notice of furlough with the MTA Director of Transportation/Designee. The MTA Director of Transportation, the Mayor and the Controller, or their designees, who shall meet on no less than twenty-four (24) hours public notice. The determination regarding the appeal shall be rendered within seven (7) calendar days of the date of the appeal. This decision is final and shall not be reconsidered by the Commission. The MTA Director of Transportation/Designee shall notify the employee of the decision prior to the effective date of the furlough.

**420.29.4 Restrictions on Use of Paid Time Off While on Voluntary Unpaid Time Off or Furlough**

1) All voluntary unpaid time off or furlough imposed or granted pursuant to this section shall be without pay.

2) Employees granted voluntary unpaid time off or placed on furlough are precluded from using sick leave with pay credits, vacation credits, compensatory time off credits, floating holidays, training days or any other form of pay for the time period involved.

**Sec. 420.29      Unpaid Administrative Leave or Furlough (cont.)****420.29.5      Imposition of Furlough - Fair Labor Standards Act (FLSA) Restrictions**

1) Furlough for employees who are non-exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one (1) hour.

2) Furlough for employees who are exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one (1) day.

**420.29.6      Vacation and Sick Leave with Pay Accruals While on Voluntary Unpaid Time Off or Furlough**

Subject to passage of necessary ordinances by the Board of Supervisors, vacation and sick leave with pay accruals shall continue during a maximum of ten (10) days of furlough in any fiscal year, or a maximum of twenty (20) days for approved voluntary unpaid time off taken pursuant to this Section in any fiscal year.

**420.29.7      Duration and Revocation of Voluntary Unpaid Time Off or Furlough**

Furlough imposed upon an employee shall remain in force for the period specified in the written notice unless sooner revoked by written notice from the MTA Director of Transportation/Designee. Approved voluntary unpaid time off taken pursuant to this section may not be changed by the MTA Director of Transportation/Designee without the employee's consent.

**420.29.8      Resolution of Disputes**

Except as provided elsewhere in this section, the MTA Director of Transportation/Designee shall act on all disputes arising out of the application or implementation of the provisions of this section. The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

## **Rule 420**

### **Leaves of Absence**

#### **Article IX: Other Leaves of Absence**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.30**      **Leave to Accept Other City and County Position**

**420.30.1**      Leave by an employee who has completed the probationary period to accept exempt or temporary appointment in the City and County service may be approved for the duration of such appointment. Such leave by a probationary employee is subject to the provisions of the Rule governing the Probationary Period.

**420.30.2**      Denial of such leave by the MTA Director of Transportation/Designee is appealable as provided elsewhere in this Rule.

#### **Sec. 420.31**      **Educational Leave**

**420.31.1**      Educational leave is defined as leave for the purpose of educational or vocational training in a field related to the employee's current position and as any training to which a veteran is entitled pursuant to the laws of the United States or the State of California.

**420.31.2**      Educational leave may be approved for permanent appointees for a period of up to one (1) year. Requests for educational leave of longer than one (1) year must be renewed each year.

**420.31.3**      Denial of educational leave is appealable as provided elsewhere in this Rule.

**420.31.4**      An employee on educational leave shall not accept other employment without approval of the MTA Director of Transportation/Designee.

**420.31.5**      As soon as records are available, the employee shall periodically present to the MTA Director of Transportation/Designee a record of completed educational work. These records shall be maintained in such a manner as to be readily available for audit. Failure to submit an acceptable record of completed educational work shall subject the employee to disciplinary action as provided in the Charter.

**Sec. 420.32**      **Leave for Civilian Service in the National Interest**

- 420.32.1**      Civilian service in the national interest is defined as leave to serve with a Federal, state or other public agency or non-profit organization in a program or in a capacity which the MTA Director of Transportation/Designee deems to be in the national or general public interest.
- 420.32.2**      Such leave may be approved for permanent appointees for a period of up to one (1) year. Requests for such leave of longer than one (1) year must be renewed each year.
- 420.32.3**      Denial of such leave is appealable as provided elsewhere in this Rule.

**Sec. 420.33**      **Leave for Employment as an Employee Organization Officer or Representative**

- 420.33.1**      Leave for employment as an employee organization officer or representative is defined as leave to serve full-time as an officer or representative of an employee organization whose membership includes City employees, or to attend a convention or other type of business meeting of an employee organization as an officer or delegate of the employee organization.
- 420.33.2**      Leave for permanent appointees may be approved for the duration of such service.
- 420.33.3**      Denial of such leave is appealable as provided elsewhere in this Rule.

**Sec. 420.34**      **Family Care Leave****420.34.1**      **Definition of Family**

A unit of interdependent and interacting persons, related together over time by strong social and emotional bonds and/or by ties of marriage, birth, and adoption, whose central purpose is to create, maintain, and promote the social, mental, physical and emotional development and well being of each of its members.

- 420.34.2**      Permanent employees who have one (1) or more years of continuous service in any status may be granted up to one (1) year of unpaid family care leave for the following reasons:
- 1) The birth of a biological child of the employee;

**Sec. 420.34**      **Family Care Leave (cont.)****420.34.2**      **(cont.)**

2) The assumption by the employee of parenting or child rearing responsibilities. Family care leave does not apply to an employee who temporarily cares for a child for compensation, such as a paid child care worker;

3) The serious illness or health condition of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities; or

4) The mental or physical impairment of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities, which impairment renders that person incapable of self-care.

**420.34.3**      Family care leave is unpaid leave. Such leave may be granted in addition to accumulated compensatory time off, vacation time, floating holiday time or sick leave as specified under Sick Leave - Illness or Medical Appointment of Child, Parent, Spouse or Registered Domestic Partner.

**420.34.4**      Denial of family care leave is appealable as provided elsewhere in this Rule.

**Sec. 420.35**      **Witness or Jury Duty Leave**

**420.35.1**      An employee who is summoned as a witness on behalf of the City and County or juror for a judicial proceeding shall be entitled to leave with pay less the amount of juror or witness fee paid for the period required for such service (Charter Section A8.400G). An employee who is summoned to serve as a witness in cases which involve outside employment or personal business affairs shall be placed on leave without pay unless vacation leave or compensatory time is requested and granted.

**420.35.2**      Paid witness or jury duty leave shall be only from an employee's scheduled duty time and shall not include hours outside of scheduled hours of work or on days off.

**Sec. 420.35**      **Witness or Jury Duty Leave (cont.)**

- 420.35.3      Such employees shall notify the MTA Director of Transportation/Designee immediately upon receiving notice of jury duty.
- 420.35.4      An employee who takes vacation leave while on witness or jury duty leave shall receive regular salary.
- 420.35.5      Refer to the Probationary Period Rule on leave during the probationary period.

**Sec. 420.36**      **Holiday Leave**

Holiday leave shall be as provided by ordinance of the Board of Supervisors.

**Sec. 420.37**      **Vacation Leave**

Vacation leave shall be as provided in the Charter and by ordinance of the Board of Supervisors.

**Sec. 420.38**      **Involuntary Leave of Absence**

- 420.38.1      Whenever it becomes necessary to effect a reduction in force due to lack of work or lack of funds which shall result in the displacement of a permanent or probationary appointee from the City and County service, the MTA Director of Transportation/Designee, notwithstanding other provisions of these Rules governing leaves of absence, shall place such employees on a leave of absence of an involuntary nature unless the employee elects to be laid off.
- 420.38.2      Such reductions in force shall be effected by the provisions of this Rule governing seniority and order of layoff.
- 420.38.3      Employees placed on an involuntary leave of absence shall be ranked on the holdover roster for the class from which laid off and shall be returned to duty as provided in this Rule.
- 420.38.4      Leaves of absence imposed under the provisions of this Rule shall expire upon the return to duty of the holdover, upon the expiration of holdover status, or upon written request of the employee to elect to be laid off while on involuntary leave.

**Sec. 420.39**      **Religious Leave**

- 420.39.1**      Employees may be granted leave when personal religious beliefs require that the employee abstain from work during certain periods of the work day or work week. Such leave shall be known as "Religious Leave."
- 420.39.2**      Religious leave shall be without pay unless the employee elects to use accumulated compensatory time off, vacation time, or floating holiday time.
- 420.39.3**      Denial of religious leave is appealable as provided elsewhere in this Rule.

**Sec. 420.40**      **Personal Leave**

- 420.40.1**      Personal leave is defined as leave for reasons other than those covered in other sections of this Rule.
- 420.40.2**      Personal leave for permanent employees may be approved for a period of up to twelve (12) months within any two-year period. Personal leave for temporary or provisional employees may be approved only if replacement of the employee is not required and for a maximum of one (1) month.
- 420.40.3**      The MTA Director of Transportation/Designee may for reasons deemed to be in the best interest of the service approve extension of personal leave for permanent employees beyond a twelve (12) month period.

## **Rule 420**

### **Leaves of Absence**

#### **Article X: Appeal Procedures**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

**Sec. 420.41**      **Appeal Procedures**

**420.41.1**      Appeals concerning furloughs or voluntary unpaid time off are excluded from appeal under this section and are appealable as provided elsewhere in this Rule.

**420.41.2**      In cases where appeal is specifically granted in this Rule, a dispute concerning the application or implementation of the provisions of this Rule shall be processed EITHER, at the option of the employee:

- 1)** in accordance with the grievance procedure provided for unrepresented employees or in a collective bargaining agreement;
- 2)** by appeal in writing to the MTA Director of Transportation/Designee, whose decision shall be final and shall not be reconsidered by the Commission. A decision under one option shall preclude the use of the other option.



## **Rule 421**

### **Layoff**

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

<b><u>Article I</u></b>	<b><u>Rules Prescribed - Authority</u></b>
<b><u>Article II</u></b>	<b><u>Seniority</u></b>
<b><u>Article III</u></b>	<b><u>Order of Layoff</u></b>
<b><u>Article IV</u></b>	<b><u>Layoff - Provisional and Temporary Appointees</u></b>
<b><u>Article V</u></b>	<b><u>Layoff - Probationary Appointees</u></b>
<b><u>Article VI</u></b>	<b><u>Layoff - Permanent Appointees</u></b>

# **Rule 421**

## **Layoff**

### **Article I: Rules Prescribed - Authority**

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 421.1      Rules Prescribed - Authority**

- 421.1.1**      Under the authority of Section 10.101 of the Charter of the City and County of San Francisco, the Civil Service Commission of the City and County of San Francisco does prescribe and adopt the following Rule which shall have the force and effect of law.
  
- 421.1.2**      The MTA Director of Transportation/Designee shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls as may be necessary.
  
- 421.1.3**      In all matters pertaining to interpretation of this Rule, the decision of the Commission shall be final.

# Rule 421

## Layoff

### Article II: Seniority

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### Sec. 421.2      Determination of Seniority

**421.2.1**      Except as may otherwise be provided in this Rule, seniority shall be determined as follows:

**1)    Permanent**

Seniority for permanent appointees shall be determined by the date of ~~certification which resulted in a~~ permanent appointment [following certification](#) to a position in a class in a department. Seniority for appointees granted status or permanent tenure to a class shall be determined by the date of [citywide seniority as defined in these Rules](#) ~~certification~~ in the class from which status or permanent tenure was granted.

**2)    Temporary from Eligible List**

Seniority for temporary employees appointed from an eligible list shall be determined by the date of [citywide seniority as defined in these Rules](#) ~~from~~ certification which resulted in a temporary appointment to a position in a class in a department.

**3)    Limited Tenure**

**Section 421.2.1 (3) of Article II, Rule 421, apply only to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.**

Seniority for limited tenure appointees shall be determined by the date an appointee starts to work in a current continuous limited tenure appointment in a department. Seniority in the event of ties shall be determined by the MTA Director of Transportation/Designee whose decision shall be final. For purposes of calculating the seniority of non-civil service or limited tenure employees, all periods of time served in the most recent continuous temporary or limited tenure appointment shall be combined and the cumulative total derived thereby shall be used to determine seniority.

**Sec. 421.2**      **Determination of Seniority (cont.)**

- 421.2.2**      Excluding involuntary leave as provided elsewhere in this Rule, seniority shall not be affected or reduced by current or previous periods of authorized leave of absence or authorized reduction in work schedules.
- 421.2.3**      In calculating permanent seniority in a class, temporary seniority in the same class shall not be added to permanent seniority in a class.
- 421.2.4**      In calculating temporary seniority in a class, permanent seniority in the same class shall be added to temporary seniority in a class.
- 421.2.5**      Seniority acquired in a recognized craft apprenticeship program with the City and County shall be added to seniority in the journey-level class.

**Sec. 421.3**      **Tie Scores in Seniority**

- 421.3.1**      In the event of ties, seniority of civil service appointees shall be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive lists have absolute priority over entrance lists.
- 421.3.2**      In the event of a tie in rank among appointees from lists of eligibles adopted on or after December 6, 1991, the methods listed below shall be used to determine seniority in the following order of priority until the tie is broken. First, the appointee with the longest continuous service in the class under permanent civil service appointment regardless of department shall be ranked above appointees with lesser service in the class; then, the appointee with the longest continuous citywide service under permanent civil service appointment regardless of class shall be ranked above appointees with lesser citywide service; finally, if the tie has not been broken by the preceding methods, it shall be broken by lot in the manner prescribed by the MTA Director of Transportation/Designee and conducted under the supervision of the MTA Director of Transportation/Designee. The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission. In no case shall service before resignation and reappointment or discharge and reemployment be included in determining length of service for the purposes of this section.

**Sec. 421.4**      **Establishment and Verification of Seniority Roster**

- 421.4.1      When a layoff is imminent, the MTA Director of Transportation/Designee shall notify the City's Department of Human Resources as to the class or classes affected.
- 421.4.2      If requested by the City's Human Resources Director, the MTA Director of Transportation/Designee shall provide a seniority roster including, but not limited to, the name, status, ~~certification~~ citywide seniority date, and rank on eligible list of all employees in the affected classes and the number of such employees to be laid off.
- 421.4.3      The City's Human Resources Director ~~MTA Director of Transportation/Designee, upon verification of~~ shall validate the seniority roster, shall notify the City's Director of Human Resources of the names provided by the MTA Director of Transportation/Designee of those employees to be laid off.
- 421.4.4      Whenever possible the MTA Director of Transportation/Designee must notify affected employees sufficiently in advance of a layoff.

# Rule 421

## Layoff

### Article III: Order of Layoff

**Applicability:** Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 421.5**      **Order of Layoff**

Except as may otherwise be provided in this Rule, layoff of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

- 421.5.1      Provisional /Non-Civil Service/Limited Tenure
- 421.5.2      Temporary From Eligible List
- 421.5.3      Probationary
- 421.5.4      Permanent

#### **Sec. 421.6**      **Exceptions to Order of Layoff**

- 421.6.1      Provisional or limited tenure employees, who qualified for their positions as a result of meeting specific hiring criteria and who are appointed under specific funding guidelines which limit the duration of employment shall be laid off at the end of their designated tenure without effect on any other employees.
- 421.6.2      Persons appointed to positions requiring special qualifications or skills shall be laid off when the work requiring such special qualifications or skills is completed, providing such appointees shall have rights to continue employment within their class in positions where the special qualifications or skills are not required if their name has been reached for certification to a regular position.
- 421.6.3      In the event of a layoff, a person appointed to a position requiring special qualifications or skills as approved by the MTA Director of Transportation/Designee shall continue in the position unless a more senior employee or holdover in the class in which the layoff occurs possesses the same qualifications and skills. The MTA Director of Transportation/Designee may administer such tests as deemed necessary to determine possession of special qualifications and skills.

**Sec. 421.6**      **Exceptions to Order of Layoff (cont.)**

**421.6.4**      All exceptions to the order of layoff shall require the express approval of the MTA Director of Transportation/Designee.

## Rule 421

### Layoff

#### Article IV: Layoff - Provisional and Temporary Appointees

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superseded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

##### **Sec. 421.7**      **Layoff - Provisional Appointees**

Except as provided, provisional appointees shall be laid off at the discretion of the MTA Director of Transportation/Designee; except that entrance provisional employees shall be laid off prior to the layoff of any promotive provisional appointees in the same class. Provisional appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

##### **Sec. 421.8**      **Layoff - Non-Civil Service Appointees**

Section 421.8 of Article IV, Rule 421, shall apply only to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Non-civil service appointees shall be laid off at the discretion of the MTA Director of Transportation/Designee. Non-civil service employees who were previously limited tenure or temporary civil service in a current continuous appointment shall be treated as limited tenure for the purposes of layoff.

##### **Sec. 421.9**      **Layoff - Limited Tenure Appointees**

Section 421.9 of Article IV, Rule 421, shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by Transport Workers Union (TWU) - Locals 200 and 250A.

The layoff of a limited tenure appointee shall be governed by the following provisions:

- 421.9.1**      The limited tenure appointee with the least seniority in the class in the department shall be laid off first except if a more senior limited tenure appointee elects to be laid off. In the event of a conflict, the limited tenure appointee with the greater seniority shall have preference.



**Sec. 421.9**      **Layoff - Limited Tenure Appointees (cont.)**

Section 421.9 of Article IV, Rule 421, shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by Transport Workers Union (TWU) - Locals 200 and 250A.

**421.9.2**      Entrance limited tenure employees shall be laid off prior to the layoff of any promotional limited tenure appointees in the same class.

**421.9.3**      Limited tenure appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

**Sec. 421.10**      **Temporary Appointees from Eligible List**

**421.10.1**      Order of layoff for temporary appointees shall be by class within a department, by inverse order of seniority except if a more senior temporary appointee elects to be laid off. In the event of a conflict, the temporary appointee with the greater seniority shall have preference.

**421.10.2**      The names of temporary appointees who are laid off shall be returned to the eligible lists from which appointed for further certification if such lists are still in existence.

# Rule 421

## Layoff

### Article V: Layoff - Probationary Appointees

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### Sec. 421.11      Layoff - Probationary Appointees

421.11.1      Probationary appointees shall be laid off in inverse order of the date of— citywide seniority as defined in these Rules~~permanent certification~~, except if a more senior probationary or permanent appointee elects to be laid off. In the event of a conflict, the probationary or permanent appointee with the greater seniority shall have preference.

421.11.2      As provided elsewhere in these Rules, a probationary appointee, regardless of length of service, may displace any temporary appointee including part-time exempt, in the same class in any department.

# Rule 421

## Layoff

### Article VI: Layoff - Permanent Appointees

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 421.12**      **Layoff - Permanent Appointees**

- 421.12.1**      Layoff of permanent appointees shall be by class in a department in inverse order of seniority except if a more senior permanent appointee elects to be laid off. In the event of a conflict, the permanent appointee with the greater seniority shall have preference.
- 421.12.2**      Layoff shall be treated separately under each appointing officer except that permanent and probationary employees may displace other permanent or probationary employees in the same class with less seniority in any department.

#### **Sec. 421.13**      **Reinstatement from Entrance Appointment**

An employee laid off from an entrance appointment shall be either:

- 421.13.1**      Restored to a position in a class and department which the employee held on a permanent basis immediately prior to appointment in the class from which laid off. If necessary, layoffs in the classes affected shall follow;
- 421.13.2**      or, as directed by the City's Human Resources Director, appointed in rank order of seniority to a position not filled by a permanent employee in any other city department in the class held on a permanent basis immediately prior to appointment in the class from which laid off;

**Sec. 421.13**      **Reinstatement from Entrance Appointment (cont.)**

- 421.13.3      or, if options 1 and 2 are exhausted or if the employee had no permanent status prior to appointment in the class from which laid off; the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred provided such action shall not adversely affect an incumbent certified from an eligible list. The City's Human Resources Director shall designate classes between departments and recommend such classes to the Commission. The MTA Director of Transportation/Designee shall make such designations and recommendations for classes within MTA.

**Sec. 421.14**      **Requirement for Probationary Period**

Reinstatement to a position other than the position in the class and department in which permanently employed immediately prior to appointment in the class from which laid off shall require the appointee to serve a new probationary period.

**Sec. 421.15**      **Seniority Date Upon Reinstatement**

- 421.15.1      Employees who are reinstated to a position held on a permanent basis immediately prior to appointment in the class from which laid off shall return with their [citywide](#) ~~original~~ seniority date [as defined in these Rules](#) in the class.
- 421.15.2      Employees who are reinstated to a position in which they have had no prior permanent service shall have seniority calculated from the date of [citywide seniority as defined in these Rules](#) ~~certification~~ to the class from which laid off.

**Sec. 421.16**      **Layoff - Promotive Appointees**

An employee laid off from a promotive appointment shall be either:

- 421.16.1      Restored to a position in the class and department from which promoted. If necessary, layoffs in the classes affected shall follow;
- 421.16.2      Or, as directed by the City's Human Resources Director, appointed in rank order of [citywide](#) seniority [as defined in these Rules](#) in the class to a position not filled by a permanent appointee in the class from which promoted in any other city department;

**Sec. 421.16**      **Layoff - Promotive Appointees (cont.)**

- 421.16.3** Or, if options 1 and 2 are exhausted, the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred or to an appropriate lower rank class provided such action shall not adversely affect the permanent incumbents. The City's Human Resources Director shall designate classes between departments and recommend such classes to the Commission. The MTA Director/Designee shall make such designations and recommendations for classes within MTA.
- 421.16.4** An employee who has completed the probationary period in a promotive appointment that is two or more steps higher in an occupational series than the permanent position from which promoted may be returned to a position in the City and County service in the next lower ranks. If necessary, layoffs in the classes affected shall follow.
- 421.16.5** For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of [citywide seniority as defined in these Rules](#)~~certification~~ in the higher class or in a class designated by the City's Human Resources Director or the MTA Director of Transportation/Designee as similarly related to the intermediate class.
- 421.16.6** If the employee laid off is the least senior employee in the intermediate rank(s), the employee shall be placed on holdover list(s) for such intermediate rank(s) and shall be restored to the class from which promoted.
- 421.16.7** Promotive employees who do not wish to be reinstated to a former class, a similarly-related class, or an intermediate class may waive such reinstatement and elect to be laid off or placed on involuntary leave. Such waiver shall not affect the employee's status on a holdover roster for the class from which laid off.

**Sec. 421.17**      **Higher Class Not Filled by Promotional Examination**

- 421.17.1** The Commission may order that the provisions of this Rule shall apply to appointees in higher classes in a class series even though the examination for such higher class was not held as a promotive examination or where appointees were blanketed in to such higher classes. If necessary, layoffs in the classes affected shall follow.

**Sec. 421.17**      **Higher Class Not Filled by Promotional Examination (cont.)**

**421.17.2**      For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of [citywide seniority as defined in these Rules](#) ~~certification~~ in the higher class or in a class designated by the City's Human Resources Director or the MTA Director of Transportation/Designee, as similarly related to the intermediate class.

**Sec. 421.18**      **Requirement for Probationary Period**

Reinstatement to a position other than the position in the class and department from which promoted shall require the appointee to serve a new probationary period.

**Sec. 421.19**      **Reinstatement with Employee's Original Seniority in the Class**

Employees who are reinstated from a promotive appointment are restored with their ~~original~~ [citywide](#) seniority [as defined in these Rules](#) in the class, if any.