



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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

November 22, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

**SUBJECT: PROPOSED REVISED POLICY OF THE CIVIL SERVICE COMMISSION
ON PERSONAL SERVICE CONTRACTS.**

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 **December 4, 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 recommended. 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: Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is civilservice@sfgov.org and the web address is www.sfgov.org/civilservice/. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

B. Policy Requiring Written Reports

It is the policy of the Civil Service Commission that except for appeals filed under Civil Service Commission Rule 111A Position-Based Testing, all items appearing on its agenda be supported by a written report prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Officer. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

C. Policy on Written Submissions by Appellants

All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original copy on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

D. Policy on Materials being Considered by the Commission

Copies of all staff reports and materials being considered by the Civil Service Commission are available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at <https://sf.gov/civilservice> and in its office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If any materials related to an item on this agenda have been distributed to the Civil Service Commission after distribution of the agenda packet, those materials will be available for public inspection at the Civil Service Commission's during normal office hours (8:00 a.m. to 5:00 p.m. Monday through Friday).

E. Policy and Procedure for Hearings to be Scheduled after 5:00 p.m. and Requests for Postponement

A request to hear an item after 5:00 p.m. should be directed to the Executive Officer as soon as possible following the receipt of notification of an upcoming hearing. Requests may be made by telephone at (628) 652-1100 and confirmed in writing or by fax at (628) 652-1109.

A request for a postponement (continuance) to delay an item to another meeting may be directed to the Commission Executive Officer by telephone or in writing. Before acting, the Executive Officer may refer certain requests to another City official for recommendation. Telephone requests must be confirmed in writing prior to the meeting. Immediately following the "Announcement of Changes" portion of the agenda at the beginning of the meeting, the Commission will consider a request for a postponement that has been previously denied. Appeals filed under Civil Service Commission Rule 111A Position-Based Testing shall be considered on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Department of Human Resources.

F. Policy and Procedure on Hearing Items Out of Order

Requests to hear items out of order are to be directed to the Commission President at the beginning of the agenda. The President will rule on each request. Such requests may be granted with mutual agreement among the affected parties.

G. Procedure for Commission Hearings

All Commission hearings on disputed matters shall conform to the following procedures: The Commission reserves the right to question each party during its presentation and, in its discretion, to modify any time allocations and requirements.

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.

The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

H. Policy on Audio Recording of Commission Meetings

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are audio recorded in digital form. These audio recordings of open sessions are available starting on the day after the Commission meeting on the Civil Service Commission website at www.sfgov.org/civilservice/.

I. Speaking before the Civil Service Commission

Speaker cards are not required. The Commission will take in-person 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. People who have received an accommodation due to a disability (as described below) may provide their public comments remotely. The Commission will also allow public comment from members of the public who choose to participate remotely. It is possible that the Commission may experience technical challenges that interfere with the ability of members of the public to participate in the meeting remotely. If that happens, the Commission will attempt to correct the problem, but may continue the hearing so long as people attending in-person are able to observe and offer public comment.

J. Public Comment and Due Process

During general public comment, members of the public sometimes wish to address the Civil Service Commission regarding matters that may come before the Commission in its capacity as an adjudicative body. The Commission does not restrict this use of general public comment. To protect the due process rights of parties to its adjudicative proceedings, however, the Commission will not consider, in connection with any adjudicative proceeding, statements made during general public comment. If members of the public have information that they believe to be relevant to a matter that will come before the Commission in its adjudicative capacity, they may wish to address the Commission during the public comment portion of that adjudicative proceeding. The Commission will not consider public comment in connection with an adjudicative proceeding without providing the parties an opportunity to respond.

K. Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Information on Disability Access

The Civil Service Commission normally meets in Room 400 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. However, meetings not held in this room are conducted in the Civic Center area. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our ADA coordinator at (628) 652-1100 or email civilservice@sfgov.org to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Victor Young, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: soft@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site <https://sfethics.org/>.



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

**LONDON N. BREED
MAYOR**

Date: December 4, 2023

To: Civil Service Commission

From: Sandra Eng
Executive Officer

Kate Kimberlin
Deputy City Attorney

Subject: **Recommendation to Adopt Proposed Amendments to the Policy of the Civil Service Commission on Personal Service Contracts**

At the Civil Service Commission (Commission) meeting of November 6, 2023, the Executive Officer and the Civil Service Commission's City Attorney proposed amendments to the Civil Service Commission's Policy and Procedures on Personal Service Contracts that was last updated on November 5, 2014 (Attachment B). The Commission approved the draft of the proposed amendments to the Policy of the Civil Service Commission on Personal Services Contract (policy) for posting (Attachment A).

On November 9, 2023, Commission staff sent the Notice of Action and the posted proposed policy amendments to all employee organizations and City departments. The Department of Human Resources Employee Relations Division (DHR) notified all recognized employee organizations of the scheduled meeting of November 16, 2023, for meet and discuss on the proposed amendments to the policy (Attachment C). There were no employee organizations who responded to DHR's notice; however, the meeting was still scheduled for November 16th. No employee organizations attended the meeting.

Recommendation:

Accept the Executive Officer's staff report and adopt the proposed amendments to the Policy of the Civil Service Commission on Personal Service Contracts.

Attachments:

- Attachment A – Notice of Action and Proposed Policy of the Civil Service Commission on Personal Service Contracts and staff report from the meeting of November 4, 2023
- Attachment B – Civil Service Commission's Policy and Procedures for Personal Service Contracts, dated November 5, 2014
- Attachment C – Notice to Employee Organizations from DHR

ATTACHMENT A



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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

November 9, 2023

NOTICE OF CIVIL SERVICE COMMISSION ACTION

**SUBJECT: PROPOSED REVISED POLICY OF THE CIVIL SERVICE COMMISSION
ON PERSONAL SERVICE CONTRACTS.**

At its meeting on **November 6, 2023, at 2:00 p.m.**, the Civil Service Commission had for its consideration the above matter.

The Civil Service Commission adopted the report; directed the Executive Officer to post the proposed Policy on Personal Service Contracts with the red lined changes made by the city attorney and as discussed by the Commission.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Commission File
Commissioners' Binder
Chron



DAVID CHIU
City Attorney

KATE G. KIMBERLIN
Deputy City Attorney

Direct Dial: (415) 554-4780
Email: kate.kimberlin@sfcityattorney.org

MEMORANDUM

TO: Hon. Commissioners of the Civil Service Commission
Sandra Eng, Executive Officer for the Civil Service Commission

FROM: Kate G. Kimberlin
Deputy City Attorney *Kate Kimberlin*

DATE: November 1, 2023

RE: Proposed Revised Policy of the Civil Service Commission on Personal Service Contracts

The Civil Service Commission maintains a public memorandum memorializing its Policy and Procedures on Personal Services Contracts (the "Policy"). The Commission last updated the Policy on November 5, 2014. On June 5 and August 21, 2023, the Commission considered various proposed updates to the Policy and asked our office to prepare an updated policy based on those discussions.

We prepared the attached draft amended Policy for your consideration based on your discussions and policy direction. We understand the goal of the proposed amendments is to maintain the Commission's oversight over the civil service merit system while removing unnecessary confusion and delays in City contracting. The proposed changes would also allow the City to more fully utilize the new technology available through the ServiceNow database.

Because we have updated the format of the Policy, it is not possible to provide a redline of the proposed changes. The majority of the Policy restates existing practice in a way that is intended to provide clarity and ensure consistent application. The proposed substantive changes are as follows:

1. Includes a statement of the law regarding the Commission's role in approving personal service contracts ("PSCs") (Section II);
2. Clarifies the analysis the Commission should undergo to determine whether a new class should be created to perform the work proposed to be contracted out (Section III(B));
3. Includes a list of types of transactions that do not require Commission approval (Section III(C)). Many of the items listed are in the existing Policy, but were not collected in a single section of the Policy. The proposed additions to the policy include transactions that cannot be performed by City employees, either now or in the future. The Commission is therefore empowered to issue a policy excluding these transactions from PSC review. The proposed new additions to the Policy are:
 - a. Contracts between the City and other government entities.
 - b. Grants under Administrative Code Chapter 21G (this is a new chapter of the Administrative Code not in existence in 2014 when the Commission adopted the current Policy).

MEMORANDUM

TO: Hon. Commissioners of the Civil Service Commission
Sandra Eng, Executive Officer for the Civil Service Commission

DATE: November 1, 2023

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RE: Proposed Revised Policy of the Civil Service Commission on Personal Service Contracts

- c. Contracts for commodities subject to legal mandates, such as intellectual property laws, that require the use of non-City personnel, including proprietary SaaS (software as a service) licenses and other proprietary software or hardware where the City has no legal access to its code. Under this proposed amended Policy, there would be no further need for departments to seek future approval for the type of work described here in subsections (c) or (d).
 - d. Contracts for repair, maintenance, or similar services related to the purchase of software and equipment that must be performed by the manufacturer such as, for example, where such services cannot be completed by City employees without voiding the warranty. Professional services required to integrate software or other technology into City systems will still require PSC approval.
 - e. Delegated Department Purchasing (“Prop Q”) for one-time purchases of commodities or general services up to the dollar amount stated in Regulation 21.5(a) (currently \$10,000, including tax and shipping). This authority has existed since a voter-approved Charter amendment in November, 1993. The Office of Contract Administration oversees Prop Q purchasing. Prop Q may not be exercised to procure professional services, construction services, or to split orders exceeding \$10,000.
 - f. Contracts where state or Federal funding requirements specify use of non-City personnel;
 - g. Health Service System contracts for employee and retiree health benefits, which are excluded from the definition of “commodity” under Chapter 21 of the Administrative Code.
 - h. Contracts for services incidental to the purchase of goods, such as shipping or installation, valued up to \$10,000.
 - i. Contracts approved by the City Attorney for legal and litigation services or contracts entered into pursuant to settlement of legal proceedings.
4. Increases DHR’s authority to approve contracts up to \$200,000 (Section IV(A));
 5. Allows the notice and posting periods to run concurrently (Section IV(C));
 6. Removes the Annual Approval option for PSCs (Section V);
 7. Extends the time within which the first contract under an approved PSC must be executed from 12 to 18 months (Section V(B));
 8. Removes the 50% duration requirement for extensions of approved PSCs and replaces it with a requirement that PSCs up to or exceeding three years be returned to the Commission for approval (Section V(C)(4));
 9. Clarifies the procedure for Commission review of emergency contracts (Section VI);

MEMORANDUM

TO: Hon. Commissioners of the Civil Service Commission
Sandra Eng, Executive Officer for the Civil Service Commission
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RE: Proposed Revised Policy of the Civil Service Commission on Personal Service
Contracts

10. Requires departments to provide periodic reports for PSCs exceeding five years (Section VIII); and
11. Creates a standard set of information to be provided in periodic reports back to the Commission (Section VIII).

We look forward to discussing these proposed changes with you ahead of or at the upcoming November 6, 2023 Commission meeting.



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

**LONDON N. BREED
MAYOR**

Policy of the Civil Service Commission on Personal Service Contracts

I. Introduction

This memorandum shall serve as a comprehensive guide to the Civil Service Commission's ("Commission") policies on Personal Service Contracts ("PSCs"), as updated and adopted for posting by the Commission at its meeting on November 6, 2023. This memorandum shall supersede all previously-issued memoranda on PSCs.

The Commission previously delegated to the Department of Human Resources ("DHR") the authority to update and issue to departments instructions for PSC submissions, consistent with the Commission's policies. The Commission continues to delegate this authority and invites DHR to amend its PSC submission guidelines to correspond to this updated Policy.

The Commission has adopted a number of policies and procedures on PSCs over the years, including in 1994, 1996, 2007, 2013, and 2014. This update is intended to clarify the types of PSCs the Commission considers, the types of approval the Commission may grant, and to modify submission guidelines in recognition of changes in technology and Citywide processes.

Although the Commission is again updating its policies and procedures on PSCs, it is important to note that the Policy will continue to include the following critical components: a streamlined Commission approval process; notice requirements to ensure transparency and accountability; an appeal procedure to ensure merit system oversight; an approval option consistent with the City's budgetary time frames and process; and a list of compelling circumstances that may be considered in approving requests to contract out personal services.

II. Role of the Civil Service Commission in Approving PSCs

San Francisco's Charter mandates the Civil Service Commission "adopt rules, policies and procedures to carry out the civil service merit system." Consistent with this mandate and many years of judicial and legislative history in California, the Commission is authorized to set policy on the review of proposals to contract out work that could be performed by City employees. With DHR, the Commission reviews departmental proposals to determine whether the scope of work to be contracted out can or should be performed by civil service employees.

The Commission's role is distinguished from the roles of City departments, other commissions, and the Office of Contract Administration. *It is not the Commission's role to be involved in the selection of individual contractors or the cost of such services.* The role of the Commission is to determine whether contracting out is warranted. The selection of the individual contractor is done by City departments, with oversight and final decision-making authority exercised as appropriate by stakeholder departments vested with such authority.

If an existing civil service class of employees *could* perform the work a department proposes to contract out, the Commission may approve a request if the department demonstrates an exception is warranted. For example, the Commission may approve contracting out of services if there is only a short-term or intermittent need for the work. This memorandum sets out the criteria the Commission will consider to determine if the scope of services is appropriate for contracting out.

If there is no existing civil service class of employees that could perform the scope of work a department proposes to contract out, the Commission's role is to determine whether a new

classification should be established to perform that type of work. If it is not presently feasible to do so, the Commission may grant continuing approval to contract out the work until or unless a new classification is established.

Where a department *must* contract out work to comply with legal mandates and where it is therefore *not* possible for a classification of City employees to perform the work *or* for a new class to be established, there is no requirement that the Commission review or approve the scope of work. This Policy aligns with current law and practice and this memorandum seeks to clarify examples of these types of contract to enable departments to clearly identify when Commission approval is required and when it is not.

III. Types of Personal Services That May Be Contracted Out

A. Services That Could Be Performed by an Existing Class but for Which There is a Compelling Reason to Contract Out

With some exceptions noted below, the Commission is responsible for reviewing the scope of services departments seek to contract out. If there is an existing civil service class that can perform the type of work required, departments must seek approval from the Commission. Departments seeking such approval must demonstrate a compelling basis to contract out. Examples of compelling factors that may be considered appropriate for contracting out include:

1. Immediately needed services to address unanticipated or transitional situations, or services needed to address urgent situations that do not rise to the level of an “emergency”;
2. Short-term or capital projects requiring diverse skills, expertise, and/or knowledge;
3. Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload); or
4. Circumstances where there is a demonstrable potential conflict of interest (e.g., independent appraisals, audits, inspections, third party reviews and evaluations).

This is a non-exhaustive list of potential reasons a department may seek Commission approval to contract out services that might otherwise be performed by a current class of civil service employees. Departments should endeavor to provide the Commission with any relevant information to allow it to determine whether a compelling reason exists that warrants contracting out. In particular, departments should consider whether it is possible to hire additional City employees to perform the needed work or should explain why additional hiring is not feasible or possible.

B. Services That Cannot Be Performed by an Existing Class

Where there is no current class of civil service employees with the duties and responsibilities needed to perform the work a department is seeking to contract out, the Commission’s responsibility is to determine whether it is both advisable *and* feasible to establish a new class. Factors the Commission may consider in determining whether to establish a new class include, but are not limited to:

1. Whether the services are short-term, non-repetitive, or so specialized and unique that they could not be appropriately performed by City personnel;
2. Whether the services require resources the City lacks, such as facilities or equipment that must be run by a specially trained operator;
3. Whether regulatory or legal requirements preclude the use of an existing classification of City employees to perform the work; or
4. Whether future funding is so uncertain that creating a new class to complete the necessary work is not advisable.

In cases where the Commission determines it is not currently advisable to establish a new classification of City employees to perform the needed work, the Commission may grant continuing approval (described in more detail below).

C. Contracts That Do Not Require Commission Approval

There are a variety of service contracts that do *not* require Commission approval or review, either because there is a law or regulation that expressly exempts them from Commission review, there is a past policy decision by the Commission exempting the contracted service, or the personal services cannot otherwise be performed by City employees, either now or in the future. Based on the cited legal authorities and as a matter of policy, the Commission finds that the types of transactions listed below do not require Commission approval.

These transactions may still be subject to oversight by departments or their commissions as well as the Office of Contract Administration (“OCA”). For those categories of contracts that are processed by OCA (items 5, 6, 8, and 12 below), the exemptions from Commission review are conditioned upon entry of those contracts, and the specification of the exemption claimed, into the PSC database. Data about the exemptions claimed must also be made available to the public. Members of the public who believe that a department has improperly claimed a contract is exempt from the Commission’s PSC review may request a Civil Service Commission inspection. The Commission will continue to monitor how this policy is implemented and continues to reserve the right to further modify the policy in the future.

The types of transactions exempt from Commission review under this policy are:

1. Public works contracts under Chapter 6 of the Administrative Code that are not for professional services;
2. Grants under Administrative Code Chapter 21G;
3. Contracts between the City and other government entities;
4. Proposition J contracts based on the Board of Supervisors’ annual approval (Charter § 10.104-15);
5. Off-the shelf proprietary software, including software as a service (SaaS), and corresponding standard support, so long as (a) the City has no legal access to the software’s code and (b) the purchase does not require services beyond support that is required to ensure the software’s operability;
6. Contracts for repair, maintenance, or similar services related to the purchase of software and equipment that must be performed by the manufacturer such as, for example, where such services cannot be completed by City employees without voiding the warranty;
7. Delegated Department Purchasing (“Prop Q”) for one-time purchases of commodities or general services up to the dollar amount stated in Regulation 21.5(a) (currently \$10,000, including tax and shipping) (*see* Admin. Code § 21.03(a));
8. Contracts where state or Federal funding requirements specify use of non-City personnel;
9. Contracts for health and human welfare services where a City board or commission, the City Administrator, Controller, or the Mayor has determined that contracting is the most effective way to provide services (2014 CSC Policy on PSCs);
10. Contracts where the Retirement Board has determined that contracting is the most effective way to deliver investment management and actuarial services (2014 CSC Policy on PSCs);
11. Health Service System contracts for employee and retiree health benefits;

12. Contracts for services incidental to the purchase of goods, such as shipping or installation, up to the dollar amount stated in Regulation 21.5(a) (currently \$10,000, including tax and shipping) (*see* Admin. Code § 21.03(a)); and
13. Contracts approved by the City Attorney for legal and litigation services or contracts entered into pursuant to settlement of legal proceedings.

IV. DHR's Role in Approval of PSCs

A. Contracts That Are Delegated to DHR for Review ("Expedited PSCs")

DHR receives all requests for PSCs and modifications to previously approved PSCs and then posts and forwards to the Commission requests for PSCs in excess of \$200,000 or that otherwise require Commission approval under this Policy or applicable memorandum of understanding with a labor union.

Departmental misuse of Expedited PSCs is prohibited. For example, a department may not use multiple PSCs for the same scope of services that cumulatively exceed \$200,000. Expedited PSCs where funding is added so that the total exceeds \$200,000 and requests to modify and approved Expedited PSC so that the amount exceeds \$200,000 must also be approved by the Commission.

B. PSC Database

Each City department that regularly utilizes PSCs must designate a departmental PSC coordinator. The PSC coordinator must work with DHR to ensure that all PSCs contracts are properly entered into the PSC Database. DHR is responsible for maintaining the database and establishing procedures for data entry. Departments are responsible for entering into the database all requests to contract out and all PSCs. The PSC Database will be used to ensure timely and adequate notice to the public and labor unions of requests to contract out and allow the Commission to audit overall City PSC contracting to ensure the integrity of the civil service system.

Departments may submit proposed PSCs for approval as soon as the need arises and prior to the award of any contract. Departments should submit one request for a specific service regardless of the number of vendors that may ultimately fulfill that service. Departments must also specify within the PSC Database what duration they are requesting for the PSC approval (e.g., one year, 18 months, three years, etc.). Where the duration sought is greater than five years, the department should include the date(s) it expects to report back to the Commission, as set forth in Section VIII below. Departments should expect to report back no less than every four years.

When submitting a PSC request, departments should keep in mind the purpose of the Commission's review. Background material and information must be included to clearly and sufficiently describe the specific personal service to be provided. It is crucial to clearly and adequately explain why City employees cannot perform the services being requested in the PSC. Departments should also remember that, in the interest of transparency, the description of the scope of work to be performed should be clear and specific so that a member of the public can understand what service will be contracted out.

C. Notice and Posting

Departments are required to notify affected labor unions of a department's request for a new or modified PSC in compliance with the applicable memorandum of understanding. DHR is responsible for creating and maintaining policies and practices to ensure unions are given timely and adequate notice under the terms of those agreements. Departments must comply with those procedures and practices. A copy or other proof of the notice from the department to the applicable union(s) must be included with any submission to the Commission for approval of a PSC.

DHR is also responsible for posting requests for new or modified PSCs on its website for seven calendar days. The posting must include at least the PSC number, the estimated amount, the scope of work to be considered, and the estimated duration. The posting period may run concurrently

with the notice period for unions. Where a PSC application is modified subsequent to posting, the modified posting must be available to the public for at least seven calendar days.

V. Approval of PSC Requests

A. Types of Commission Approval

1. Regular Approval

The Commission will grant regular approvals for PSCs where continuing approvals do not apply. The Commission may place conditions on its approval, such as requiring periodic reporting from the department or reducing the requested duration of the contract.

2. Continuing Approval

Continuing approval is granted by the Commission when the work to be contracted out cannot currently be completed by an existing class of City employees, it is not currently feasible to establish a new class to do the work, and a special circumstance, such as a legal mandate or a very highly specialized service, make it foreseeable that these criteria will continue to exist for an indefinite or lengthy period of time. Continuing approval is valid until revoked by the Commission.

Unless otherwise authorized by the Commission, in the event that the Commission revokes its continuing approval for a PSC, a department may not execute on any new contracts under that PSC approval, nor may a department increase the duration or amount of, or expand upon, the scope of personal services contracted out under any contracts executed under that PSC approval. Revoking a continuing approval shall not terminate contracts executed under that PSC approval or otherwise modify the City's existing contractual obligations.

B. Duration of Approval

The first contract under an approved PSC must be executed within 18 months from the date the Commission approves the PSC request. If the department still wishes to contract out personal services but fails to contract within the 18-month period, the department must submit a new request for PSC approval. Such requests must include a copy of the previously approved PSC and an explanation as to why the department was unable to execute a contract under the PSC within the 18-month deadline. Departments seeking PSCs in excess of five years must adequately justify the length of the requested PSC by, for example, including information about why a lengthier contract will benefit the City.

C. Modifications to Commission Approval

A department may only contract out personal services for the duration, amount, type, and scope of services specified in the approved PSC. Departments are required to submit a request to modify the PSC when the circumstances of the original request change. The following are changes that require Commission approval. All other changes may be submitted to DHR for approval unless otherwise specified by the Commission with respect to a particular PSC.

1. Changes to the type or scope of service provided under a PSC approved by the Commission;
2. Changes in legal requirements for contracting under a PSC approved by the Commission;
3. Increases over 50% of the Regular PSC contract amount last approved by the Commission or the Expedited PSC contract amount if the requested increase amount will exceed the \$200,000 DHR threshold; or
4. Extensions beyond the estimated term approved by the Commission where the duration of the amended PSC will be three years or longer relative to the duration last approved by the Commission.

D. Retroactive Requests for Extensions

The Commission recognizes that there may be rare circumstances when a PSC for an active contract must unexpectedly be extended for a period of time without enough notice for the department to request the Commission's approval to modify the duration prior to its expiration. In such event, departments may submit to the Commission's Executive Director a retroactive request to extend the duration of the PSC's expiration. Such requests must include an explanation as to why the department was unable to timely request the modification prior to expiration.

VI. Emergency Procedures

Where the Mayor has declared an emergency under Charter Section 3.100(14), or there is an emergency under Section 6.60 or 21.15 of the Administrative Code, a department may need to enter an emergency-related contract before the time that normal Commission procedures would allow. Departments seeking to contract for personal services on an emergency basis should contact the Commission's Executive Officer to determine what procedure is appropriate.

In the absence of another emergency procedure adopted by a controlling authority, the following procedures will apply in a declared emergency. The Executive Director, in consultation with the Commission President, is authorized to approve emergency-related PSCs or, where possible, to convene an emergency meeting of the Commission. The contracting department must, within 30 days of execution, report to the Commission any agreement executed during the emergency that would have otherwise required Commission approval under the non-emergency sections of this Policy.

VII. Protests and Appeals

A. Expedited PSCs

Protests of approved Expedited PSCs must be directed to the Human Resources Director no later than the close of business on the fifth business day after posting and noticing the PSC approval. In the absence of any timely protest, an Expedited PSC becomes final on the close of the fifth business day of posting.

The Human Resources Director is authorized to resolve protests on Expedited PSCs. The Human Resources Director's decision may be appealed to the Commission, provided such appeal is received by the Executive Officer by close of business on the fifth business day following the postmarked mailing/email date of notification of the Human Resource Director's action. Such appeals will generally be heard at the Commission's next regularly scheduled meeting on the Regular Agenda.

B. Regular and Continuing PSCs

A posted proposed Regular or Continuing PSC may be appealed to the Commission, provided such appeal is received by the Executive Officer by close of business of the fifth business day after posting. Timely appeals will generally be considered by the Commission at its next regularly scheduled meeting on the Regular Agenda. Where there is an appeal or other objection to a Regular PSC, departments are required to have representatives present (in person or remotely) to respond to questions or provide clarification. If a department representative is not available, the Commission may choose to postpone consideration of the PSC to a later meeting.

C. Ratification Agenda

The Ratification Agenda is used exclusively for expediting the processing of uncontested proposed PSCs and will precede the Consent Agenda on the Commission's calendar. Although they may provide public comment on a proposed PSC, individuals seeking to sever a proposed PSC from the Ratification Agenda must provide adequate justification to the Commission for their request and why they did not timely protest or appeal the item when they had an opportunity to do so.

The Commission recommends that a department representative attend the Commission meeting at which the department's request for PSC approval will be heard on the ratification agenda in order to answer any questions the Commission may have regarding that PSC. Whenever possible, the Commission encourages department personnel to appear remotely to maximize efficiency. Failure to appear or sufficiently respond to the Commission's questions may result in postponement or denial of the PSC.

VIII. Reporting Requirements

Departments are required to submit information to DHR regarding the names, contracts, amounts and durations for all personal service contracts issued under an approved PSC at the time those contracts are processed for award. DHR, in turn, is required to submit that information for all PSCs awarded during the preceding year to the Commission. The reports are public records.

Departments are also required to submit to the Commission annual reports for all PSCs with continuing approval.

Departments that have obtained approvals for durations exceeding five years must report back every four years unless the Commission has approved an alternate reporting period.¹

All reports to the Commission should list the following information:

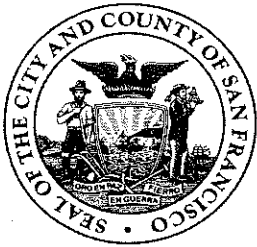
1. The contracts executed under the PSC since the last report, including duration;
2. The types of services rendered under the approved PSC since the last report;
3. The amounts expended under the contracts executed under the PSC since the last report;
4. Whether there have been any new classifications created that could perform the work or whether any such efforts are underway;
5. The identities of any potentially affected unions;
6. The progress made (e.g., the extent of the scope of work accomplished) under the contract since the last report; and
7. Additional information as requested by the Commission.

Departments must provide these reports to the Commission no later than August 1 for the prior fiscal year. Once received, the Executive Officer will place the reports on the Consent Agenda for the following Commission meeting and forward a copy to any affected union(s). The reports are public records.

Departments must also notify any affected union(s) each time a Request for Proposal ("RFP")/Request for Quote ("RFQ") is issued for a contract under the authority of a PSC with continuing approval, and provide the affected union(s) with a link to or copy of that RFP/RFQ.

¹ Departments are currently required to submit their own reports to the Commission. When the ServiceNow database is fully operational, DHR or OCA is authorized to submit Citywide reports.

ATTACHMENT B



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

MEMORANDUM

CSC No. 2014 – 20

E. DENNIS NORMANDY
PRESIDENT

DOUGLAS S. CHAN
VICE PRESIDENT

KATE FAVETTI
COMMISSIONER

SCOTT R. HELDFOND
COMMISSIONER

GINA M. ROCCANOVA
COMMISSIONER

SANDRA ENG
ACTING EXECUTIVE OFFICER

Date: November 5, 2014

To: Department Heads
Personnel Officers
Departmental Contract Coordinators

From: Sandra Eng
Acting Executive Officer

Subject: **Policy and Procedures on Personal Services Contracts**

The purpose of this memorandum is to serve as a comprehensive guide on the Civil Service Commission's ("Commission") Rules and policies on Personal Services Contracts ("PSCs") as updated and adopted by the Commission at its meeting on November 3, 2014. This memorandum shall serve to supersede all previously-issued memorandums on PSCs.

The Commission has delegated to the Department of Human Resources ("DHR") the authority to update and reissue the instructions for PSC submissions, consistent with the Commission's policies. DHR's updated PSC submission guidelines issued on October 25, 2013 are attached to this memorandum for reference, though they may be updated by DHR as needed. The most current submission guidelines may be located on the Commission's website at www.sfgov.org/Civil_Service.

Authority

Consistent with its Charter authority to oversee the merit system, the Commission sets policy on the review of proposed PSCs. This authority is underscored through case law and City Attorney's Opinions. The policy is that where there is a merit system, services to the public are to be provided by public employees hired through that merit system. Based on criteria specified in this memorandum, the Commission *determines if the scope of service is appropriate for contracting out.*

Longstanding Policy and Procedures

The Commission has adopted a number of policies and procedures on PSCs over the years. On December 5, 1994, the Commission issued revised policies and procedures that clarified the roles of the Commission and DHR, streamlined and expedited the processing of PSCs, and provided for monitoring and auditing of the contracting procedure. The Commission and DHR jointly issued updated PSC policy and procedures on September 16, 1996, and the Commission reiterated its policies in a memorandum on May 30, 2007. Those policies and procedures remained in place unchanged until the Commission updated and reissued its policy with the launch of the City's PSC database on October 25, 2013. The Commission updated its policy again with the issuance of this memorandum, primarily to provide more guidance on reporting and notice requirements for contracts executed during the preceding year under approved PSCs.

Although the Commission has updated its policies and procedures on PSCs, it is important to note that they continue to include the following critical components: a streamlined Commission approval process; notice requirements to ensure transparency and accountability; an appeal procedure to ensure merit system oversight; an approval option consistent with the City and County's budgetary time frames and process; and a list of compelling circumstances that may be considered in approving the use of personal services contracts.

Personal Services Contract Review Criteria

When reviewing a request for a PSC, the initial questions that are addressed are: 1) Is there an existing civil service class that can perform the required work? 2) Is it feasible or practical for civil service employees to perform the work? 3) If there is no current class, should one be created?

When there is no current class with the duties and responsibilities needed to perform the required work, a determination is made as to the feasibility of establishing a new class. If services are short-term and non-repetitive or so specialized and unique that they could not be appropriately performed by city personnel, establishing a new class may not be practical and the use of a contract may be appropriate.

If there are civil service classes that can perform the work, examples of compelling factors that may be considered as appropriate reasons for contracting out are:

- 1) Immediately needed services to address unanticipated or transitional situations, or services needed to address emergency situations. "Transitional situations" are those instances when contracting out is needed to bridge relatively short periods of time, such as during organizational restructuring that may be mandated by law or policy, or to facilitate a department's efforts to contract in services.

- 2) Short-term or capital projects requiring diverse skills, expertise and/or knowledge.
- 3) Services required on an as-needed, intermittent, or periodic basis (e.g., peaks in workload).
- 4) Regulatory or legal requirements, or requirements or mandates of funding source(s) which limit or preclude the use of Civil Service Employees.
- 5) Services that require resources that the City lacks (e.g., office space, facilities or equipment with an operator).
- 6) Circumstances where there is a demonstrable potential conflict of interest (e.g., independent appraisals, audits, inspections, third party reviews and evaluations).
- 7) Cases where future funding is so uncertain that the establishment of new civil service positions, classes or programs is not feasible (including situations where there is grant funding).

Provided that there are compelling circumstances such as those listed above, the Commission may approve the use of a PSC even if there is an existing class.

The Role of the Department of Human Resources

DHR reviews all requests for PSCs and modifications to previously approved PSCs submitted by departments to determine if the request complies with the Commission's policies. DHR then posts and forwards to the Commission requests for PSCs in excess of \$100,000 and those requests for PSC modifications that require Commission approval pursuant to this policy.

Requests for PSCs of \$100,000 or less do not require Commission approval. Instead, these PSCs, referred to as "Expedited PSCs," are reviewed and approved by DHR (PSCs in excess of \$100,000 are referred to as "Regular PSCs").

Misuse of Expedited PSCs is prohibited. For example, the use of PSCs for multiple vendors for the same scope of services in the same department that cumulatively exceed \$100,000 require DHR and Commission approval. Expedited PSCs where funding is added so that the total exceeds \$100,000 and requests to modify an approved Expedited PSC so that the amount exceeds \$100,000, must also be submitted to DHR and then the Commission for approval.

Departmental Personal Services Contract Coordinator

Each City and County department that regularly utilizes PSCs must designate a departmental PSC coordinator. The PSC coordinator works closely with DHR and Commission staff to expedite the review of proposed contracts by explaining the evaluation criteria to departmental

personnel and by ensuring that the proper documentation is sent to the Commission through DHR in a timely manner.

Requests for Personal Services Contracts

1) Timing of PSC Approval Submissions

In order to facilitate and streamline the PSC approval process, departments are required to utilize the Citywide Personal Services Contract Database (“PSC Database”) for all PSC submissions. Departments must submit one request for a specific service regardless of the number of vendors.

Departments may submit proposed PSCs for approval as soon as the need arises and prior to the award of contract. (This is particularly important since most if not all of the City’s Collective Bargaining Agreements have advance notice requirements of thirty to sixty days.) Early submittals will expedite the PSC review and approval processes to ensure that the needed services can be performed as soon as possible.

2) PSC Approval Durations

Under the Commission’s previous policies and procedures, departments were required to indicate specific effective and expiration dates for PSC approvals. However, there may be unanticipated delays in the contracting process, such that the actual contract award may occur several months to a year after the PSC was approved. Therefore, departments now have the option of requesting PSC approval by duration (e.g., one year, 18 months, three years, etc.) instead of by specific effective and expiration dates, in order to provide departments with more flexibility and time to conclude the often time-consuming contracting process. Any request for PSC approval in terms of duration (instead of specific effective and expiration dates) must be specifically and explicitly stated on the department’s PSC submission.

Again, this is at the department’s option and will depend on the circumstances; however, the first contract(s) under an approved PSC measured in terms of duration must be executed within one calendar year of the Commission meeting date at which the PSC was approved (or date of DHR approval, if it is an Expedited PSC). In the event that the department still wishes to contract out those personal services, but fails to execute a contract under the PSC within one year of approval, the department must submit a new request for PSC approval. Such request must include a copy of the previously approved PSC, and an explanation as to why the department was unable to execute a contract under that PSC within the one-year deadline.

3) Retroactive Requests for Extensions

The Commission also recognizes that there may be rare circumstances when a PSC for an active contract must unexpectedly be extended for a period of time without enough notice for the department to request the Commission’s approval to modify the duration

prior to its expiration. In such event, departments may submit a retroactive request to extend the duration of an approved but expired PSC, provided that it is within one year of the PSC's expiration, and with adequate justification as to why the department was unable to submit a timely request for modification. Requests beyond the one-year expiration date require the submission of a new request for PSC approval (and assignment of a new PSC number), irrespective of whether the contract under the PSC is still active.

4) Deadlines for PSC Submissions

Departments must comply with all applicable DHR and Commission PSC deadlines as stated in DHR's PSC guidelines. All deadlines are necessary to allow sufficient time for DHR staff review, report preparation, and distribution of reports to the Civil Service Commissioners. Cover letters are generally not necessary, except in instances when there are unusual circumstances requiring an explanation to expedite or facilitate the review process. Departments must either upload the cover letter and/or explanatory memorandums into the PSC Database directly, or include the text of any such document(s) in the appropriate PSC Database field.

PSC requests submitted after a deadline will be considered at a subsequent Commission meeting. In emergency or urgent situations when it becomes necessary for PSC Coordinators to submit PSC approval requests after a deadline, the PSC Coordinator must obtain the Human Resources Director's approval (for DHR deadlines) and/or the Executive Officer's approval (for Commission deadlines). For requests to waive a Commission deadline, the department must provide a written memorandum to the Commission outlining the reason(s) why it could not meet the applicable deadline and the likely consequences of denying the request.

5) Content of PSC Submissions

PSC requests must be comprehensive and thorough, and each question in the PSC Form 1 should be answered. When drafting the PSC request, departments should keep in mind the purpose of the Commission's review and focus the information appropriately. Information must be brief, but specific. Background material and information must be included to clearly and sufficiently describe the specific service to be provided. It is crucial to clearly and adequately explain why City employees cannot perform the services being requested in the PSC. Accompanying memoranda are not required but are recommended if there are circumstances that require further explanation or if additional background information is needed.

Departments should also remember that, in the interest of transparency, the description of the scope of work to be performed should be clear and specific so that a member of the public can understand what services will be contracted out by the notice of posting (this includes spelling out all acronyms).

Requests citing a legal or regulatory authority must cite that authority and include an excerpt of the applicable provision. In the event that a board or commission determines that contracting out is the most effective way to provide the services to be performed under a PSC, the department must include a copy of the resolution or other legislative action of such decision. Additionally, requests to contract out services for which the Commission has previously approved a PSC must include a copy of the prior PSC.

Personal Services Contract Submissions and Scope of Approvals

A department may only contract out personal services for the duration, amount, and type and scope of services specified in the approved PSC. Departments are required to resubmit a PSC request (either as a request for a new PSC, or as a request for a "Modification" to change existing PSC, as noted below) when the circumstances of the original request change.

The following are changes that require Commission approval. All other changes require only DHR approval.

1. Changes to the type or scope of service provided under a PSC approved by the Commission; or
2. Changes in legal or grant requirements for contracting under a PSC approved by the Commission; or
3. Increases over fifty percent (50%) of the Regular PSC contract amount last approved by the Commission or the Expedited PSC contract amount if the requested increase amount will exceed the \$100,000 threshold; or
4. Extensions beyond the estimated term approved by the Commission for any length of time greater than fifty (50%) of the original duration approved by the Commission. As indicated above, departments may request a modification to extend a PSC that has expired in order to allow completion of the contracted services, provided that it is within one year of the expiration of the approved PSC duration.

Generally, any changes to an existing PSC must be submitted as a request for a Modification (as opposed to as a new PSC), with the following exceptions:

1. At its discretion, a department may submit a request for a new PSC (as opposed to a request for a Modification) to continue contracting out the same or substantially same services if it will extend the total duration of the PSC beyond ten (10) years. If it will not extend the total duration of the PSC beyond ten years, the department must submit the request as a modification to an existing PSC.

2. Departments must submit a request for a new PSC approval any time a department is seeking to include new or materially different services not contained in the approved PSC.

Any request for Commission PSC approval under either circumstance must include sufficient background information on the history of the PSC(s) under which the services have been provided, a copy of the Form 1 for last approved PSC and any documentation attached thereto, any changes in circumstances since the last time the PSC was reviewed (e.g., if any of the services have already been completed and therefore no longer require contracting out; if the training component has already been satisfied), and explanation of the reason(s) for the requested modification(s).

Union Notice

Departments are required to notify affected employee organizations of a department's request for new PSCs (both Regular and Expedited PSCs) or modification thereto, prior to or at the time of forwarding the request for DHR review. A copy of the notice from the department to the applicable employee organization must be attached with the department's submission to the Commission. Some Collective Bargaining Agreements have additional requirements that must be considered in this process. Departments must refer to the applicable Collective Bargaining Agreement to determine the additional requirements.

Posting

All requests for new or modified Expedited or Regular PSCs must be posted on the DHR website for seven (7) calendar days. The posting must include the PSC number, the estimated amount, the scope of work to be considered, and the estimated duration.

If the department is requesting an annual amount for a multi-year request, the posting must specify either the total of the multi-year request or reflect that the amount is an annual amount. For example, a request indicating \$1,000,000 estimated annual amount for five (5) years will be listed on the Commission Agenda as "\$5,000,000" or "\$1,000,000 annually" with the duration clearly posted as five (5) years.

Affected employee organizations must also be notified of the posting.

In limited circumstances and with sufficient justification, the Commission may grant a department's request to omit the posting process and go directly from DHR review to Commission review. Again, the department must provide a memorandum detailing the reasons for the request to waive posting requirements and the consequences of denying that request. PSCs for which an "Omit Posting" has been approved shall be placed on the Regular Agenda.

Protests and Appeals (Civil Service Commission Rule Series 05.12)

Expedited PSCs: Protests of a posted proposed Expedited PSC must be received by the Human Resources Director by close of business on the seventh calendar day of posting. In the absence of any timely protest, approval of an Expedited PSC becomes final on close of business of the seventh calendar day of posting. An appeal of the Human Resources Director's action on a timely protest of a proposed Expedited PSC may be appealed to the Commission, provided such appeal is received by the Executive Officer by close of business on the fifth working day (excluding Saturdays, Sundays, and holidays) following the postmarked mailing/email date of notification of the Human Resources Director's action.

Regular PSCs: An appeal of a posted proposed Regular PSC may be appealed to the Commission, provided such appeal is received by the Executive Officer by close of business of the seventh day of posting.

Timely appeals will generally be considered by the Commission at its next regularly scheduled meeting. DHR forwards Personal Services Contracts submissions over \$100,000 where no appeal has been filed to the Executive Officer to calendar on the Ratification Agenda.

PSCs that are appealed will be placed on the Commission's Regular Agenda and will be considered by the Commission separately. Departments are required to have representatives present to respond to questions or provide clarification on the need for contractual services. If a department representative is not present, consideration of the PSC will be postponed to another meeting.

Ratification Agenda

The Ratification Agenda is essentially a Consent Agenda used exclusively for expediting the processing of uncontested proposed PSCs and will precede the Consent Agenda on the Commission's calendar. Although they may provide public comment on a proposed PSC, individuals seeking to sever a proposed PSC from the Ratification Agenda must provide adequate justification to the Commission for their request and why they did not protest or appeal the item when they had the opportunity to do so.

Civil Service Commission Approval

The Commission determines whether the circumstance pertaining to the need to provide services warrants the use of a PSC or contractors in lieu of civil service employees. PSCs include agreements for services paid by the City and County of San Francisco with individuals, companies, corporations, non-profit organizations, and other public agencies.

The Commission's role is distinguished from the roles of City departments, other commissions and the City Administrator. It is not the Commission's role to be involved in the selection of

individual contractors or the cost of such services. Again, the role of the Commission is to determine whether contracting is warranted; the selection of the individual contractor is done by City departments, with oversight and final decision making authority exercised as appropriate by commissions and the City Administrator.

Nor is it the Commission's role to determine positions where work or services can be performed by contract at a lesser cost than similar work performed by City and County employees. By Charter definition (Section 10.104-15), this function, often called "Prop J" contracting, is performed by the Controller and the Board of Supervisors.

The Commission retains final authority to approve PSCs after DHR review and posting. The Commission strongly recommends that a department representative attend the Commission meeting at which the department's request for PSC approval will be heard in order to answer any questions the Commission may have regarding that PSC. Failure to appear and/or sufficiently respond to the Commission's questions may result in only conditional approval, postponement or denial of the PSC. However, as noted above, attendance is required in the event that a PSC request is appealed; failure to attend will result in automatic postponement.

The Commission recommends that departments come forward to the Commission as soon as possible in the contracting process, in recognition of the fact that the actual contract award may occur months, and, for multiple year contracts, as much as a year after the Commission's approval.

Generally, unopposed PSCs in an amount greater than \$100,000 are placed on the Commission's Ratification Agenda for either regular, continuing, annual, or qualified approval:

The Commission may grant an annual approval so that a proposed contract may be included in a department's annual budget consistent with the City and County's budgetary timeframes and process. These approvals occur simultaneously with the budget process and must be submitted to DHR by March 1st. In the event the Mayor's budget deadlines are changed, the Human Resources Director is authorized to change the submission dates to conform to the revised schedule, provided that the PSC instructions are updated accordingly and the Executive Officer is notified of any changes to the schedule.

Continuing approval is granted by the Commission to comply with policy, funding or legal mandates. For example, those instances where: legal mandates direct the use of contractual services; or State or Federal funding requirements specify use of contractual services; or a City board, commission, the City Administrator, an elected official, or the Controller has determined that contracting is the most effective way to provide health and human welfare services; or the Retirement Board, consistent with its Charter and State constitutional authority, has determined that contracting is the most effective way to

deliver investment management and actuarial services. Continuing approval is valid until revoked by the Commission. Unless otherwise authorized by the Commission, in the event that the Commission revokes its continuing approval for a PSC, the department may not execute any new contracts under that PSC; nor may the department increase the duration or amount of, or expand upon the scope of personal services contracted out under, any contracts executed under the authority of that PSC. However, revocation of continuing approval shall not serve to nullify contracts executed under that PSC, nor otherwise conflict with the City's contractual obligations.

Regular approvals may be granted for those circumstances where annual or continuing approvals do not apply.

The Commission may also grant an interim, conditional approval known as "qualified approval" pending consideration of alternatives, requirements to report back to the Civil Service Commission or submission of additional information. Typically included with a qualified approval will be a request to the department to examine the feasibility of either budgeting positions in appropriate classification or obtaining a Proposition J contract certification.

Commission staff will issue a notice of the Commission's action to the departmental PSC Coordinator, the Controller's Office and the Office of Contract Administration. The PSC coordinator will also receive separate notifications whenever a Qualified Approval is granted by the Commission. Departments must maintain copies of Commission notifications for their files, as well as upload them into the PSC Database.

Reporting and Additional Requirements

PSCs with Regular and Annual Approval

Departments are required to submit information to DHR regarding the names, contract amounts and durations for all personal services contracts issued under an approved PSC at the time that those contracts are processed for award. DHR, in turn, is required to submit that information for all PSCs awarded during the preceding year to the Commission no later than August 1st each year. Such DHR PSC contract award reports shall be made available for public inspection in the Commission's offices and on its website.

PSCs with Continuing Approval

For all PSCs for which the Commission approves a request for continuing approval, the requesting department must provide the Commission with annual reports listing the contracts awarded under the continuing approval. The annual report must include a memorandum providing a brief history of the PSC(s) that are being submitted in accordance with this reporting requirement and an overview of the services contracted out under the PSC(s), and attached thereto must be: the Form 1(s) for any PSC(s) with Continuing approval covered under that report; supporting documentation relevant to the PSCs (e.g., copies of any

applicable policy, funding or legal mandates); and the name(s) of the contractor(s), type(s) of service(s), amount(s), and duration(s) of the contract(s). The annual reports must also indicate if there have been any changes to the affected classes or unions since the last report was given. The annual reports are to be submitted to the Commission with a Transmittal Form 22 (which must also identify all affected unions) no later than August 1st of each year for the prior fiscal year. Once received, the Executive Officer shall place the reports on the Consent Agenda for the following Commission meeting, and forward a copy to the affected union(s) identified on the Transmittal Form 22. Such reports shall be made available for public inspection in the Commission's offices and on its website.

In addition, departments are required to notify the affected union(s) each time that a Request for Proposal ("RFP")/Request for Quote ("RFQ") is issued for a contract under the authority of a PSC with continuing approval, and provide the affected union(s) with a link to that RFP/RFQ.

QUESTIONS

Questions on Civil Service Commission Rules or policies regarding PSCs as detailed herein may be directed to Commission staff at (415) 252-3247. Questions regarding the procedures for submitting PSCs as detailed in DHR's instructions and guidelines may be directed to the DHR PSC Coordinator at DHR-PSCcoordinator@sfgov.org.

CIVIL SERVICE COMMISSION



SANDRA ENG
Acting Executive Officer

Attachment (1)

Cc: E. Dennis Normandy , President
Douglas S. Chan , Vice President
Kate Favetti , Commissioner
Scott R. Heldfond , Commissioner
Gina Roccanova, Commissioner
Micki Callahan, Human Resources Director

City and County of San Francisco
Resources




Department of Human

Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

DATE: October 25, 2013

TO: DEPARTMENT PERSONNEL OFFICERS
DEPARTMENT PERSONAL SERVICES CONTRACT COORDINATORS

FROM: MICKI CALLAHAN, HUMAN RESOURCES DIRECTOR 

SUBJECT: INSTRUCTIONS FOR PROCESSING PROPOSED PERSONAL SERVICE CONTRACTS

On May 6, 2013, the Civil Service Commission ("Commission") approved revisions to its policies, procedures and guidelines for approving requests by City departments for personal services contracts ("PSCs"). Those revisions are fully explained in the Commission's October 25, 2013 memorandum. Among its actions, the Commission delegated to the Department of Human Resources ("DHR") the responsibility for updating and reissuing instructions for PSC submissions consistent with the Commission's policies.

The purpose of this memorandum is to provide departments with detailed instructions for submitting and processing requests for PSCs before the Commission and the City's Human Resources Director effective as of October 25, 2013. This memo is an attachment to the Commission's October 25, 2013 memorandum on PSC policies.

1) OVERVIEW

PSCs are contracts paid for by the City and County of San Francisco ("City") for services provided by individuals, companies, corporations, nonprofit organizations and other public agencies. A PSC request covers a specific service regardless of the number of vendors.

The Commission determines the City's policy on the review and approval of proposed PSCs. The Commission's policy provides that, as a general rule, services are to be provided to the public by public employees hired through the merit system. However, the Commission's policy also recognizes that there are circumstances that may warrant the use of personal services contracts as a mechanism for the City to provide some of its services.

DHR reviews all requests for new or modified PSCs to determine whether they comply with the Commission's policies. DHR then posts all PSC requests and transmits those PSC requests that require Commission approval to the Commission.

The Commission has established a list of factors, which it revised on May 6, 2013, that it considers to be among the compelling factors for contracting out even when there are existing civil service classes that can perform the work of the proposed PSC. The Commission's list of factors, however, is not intended to be exhaustive, but rather to be demonstrative of the types of circumstances that may warrant the contracting out of personal services that could potentially otherwise be performed by civil service employees. For specific information on the factors pre-identified by the Commission, please refer to the Commission's policy (see attached, or go to the Commission's website at www.sfgov.org/Civil_Service).

2) PSC BASICS

- **Department PSC Coordinator:** Each City department that utilizes PSCs must have a department PSC coordinator. The department PSC coordinators are responsible for the submission of their departments' PSC requests. They are authorized by the department head/appointing authority to determine when their departments' PSC requests are ready for review by either the Human Resources Director or the Civil Service Commission. The department PSC coordinator works closely with DHR and Commission staff to expedite the review of proposed contracts, including explaining the evaluation criteria to department personnel and ensuring that the proper documentation is sent to the Commission through DHR in a timely manner. Each City department must notify DHR of the name, email address and telephone number of its departmental PSC coordinator.
- **Scheduling a PSC request before the Commission:** Departments may submit proposed PSCs for Commission or DHR approval as soon as the need arises, and must do so prior to the award of a contract. The practice of early submittal will expedite startup of the desired service(s).
- **Entering PSC requests into the PSC Database:** The PSC database collects the contents of the PSC Form 1 and PSC Award Notice ("PSC Form 2"), as well as additional relevant documents and information. Departments must submit all PSC requests through the PSC database.
- **Notifying affected union(s) of a PSC request:** Departments must notify the union(s) that represents City employees who could potentially perform the work of the proposed PSC through the PSC database. Please check each relevant Memorandum of Understanding (MOU) for the appropriate notice requirements.
- **Posting PSCs publicly:** DHR generally posts regular PSC requests to its website on a bi-monthly basis. DHR posts expedited PSC requests to its website at the time that a department submits the PSC request to DHR for review and approval. The DHR website is located at www.sfdhr.org.
- **Processing a PSC request through DHR:** Once a PSC is ready for review, the department PSC coordinator must notify the DHR PSC coordinator through the PSC database by changing the PSC request's status to "Ready for Review by DHR."
- **Appealing a PSC request:** All PSC requests (regular and expedited) are appealable.

3) TYPES OF PSCs

DHR staff review all PSC requests. PSC requests are either regular or expedited. Regular PSCs are approved by the Civil Service Commission and expedited PSCs are approved by the Human Resources Director.

- Expedited PSCs – PSC requests that are less than or equal to \$100,000
- Regular PSCs – PSC requests that exceed \$100,000 (May be approved under one of three subcategories):
 - Continuing
 - Annual
 - Qualified

EXPEDITED PSCs - \$100,000 AND UNDER

- The Human Resources Director has the authority to approve all requests for expedited PSCs.
- DHR will complete its review of each expedited PSC request within seven (7) calendar days concurrently with the posting period.
- Expedited PSCs must contain the same information required of regular PSCs, and they are reviewed based on the same criteria as regular PSCs.
- The DHR PSC Coordinator will notify the department PSC Coordinator of the result of DHR's review once the seven-day review period has ended.
- Departments may not circumvent the \$100,000 expedited PSC threshold amount by submitting multiple PSCs for the same vendor to provide the same type of service for approximately the same period of time.
- When an expedited PSC is modified for less than 50% of its originally-approved amount or duration, but exceeds the \$100,000 threshold amount for expedited PSC requests, it goes to the Commission for approval through the procedures for regular PSC requests.
- Expedited PSCs that are modified to the extent that they require Commission approval will retain the same PSC reference number.

REGULAR PSCs – OVER \$100,000

- The Commission has the authority to approve all requests for regular PSCs.
- The DHR PSC Coordinator will review all regular PSC requests and notify the department PSC Coordinator when a PSC request is ready to be scheduled before the Commission.

4) SCHEDULING A PSC REQUEST BEFORE THE COMMISSION

- Scheduling a PSC request before the Commission may vary based on the type of PSC approval required, advance notification requirements in the applicable memoranda of understanding (MOU(s)) with the union(s) representing classifications potentially affected by

the PSC request, or whether a union initiates discussions with a department about a proposed PSC, as well as the Commission's schedule.

- The PSC database includes a reference chart of deadlines for document submission before each regularly scheduled Civil Service Commission meeting. Please ensure that your department's PSC submission conforms to the submission deadlines. The chart is also located on the DHR website at <http://www.sfdhr.org/index.aspx?page=419>.
- Submission and notice deadlines are necessary to allow sufficient time for DHR staff review, to ensure MOU compliance, and to allow for the preparation and distribution of the report packet to the Civil Service Commissioners before each Commission meeting.
- In rare circumstances, the Human Resources Director may waive DHR deadlines and/or the Commission's Executive Officer may waive Commission deadlines if a department misses a submission deadline for inclusion on a particular Commission meeting agenda. When a department requests a deadline waiver, a cover letter with an explanation for the request must be submitted for the request to be considered. If a deadline waiver request is not granted, the PSC request will proceed according to the regular timelines.

5) ENTERING PSC REQUESTS INTO THE PSC DATABASE

The City's new PSC database has improved capabilities for DHR, City departments, the City's unions, and the public to monitor PSC requests, approvals and conditional approvals; to access information on specific PSC requests; and to generate several types of reports on PSCs.

Departments will no longer need to submit the PSC Form 1 as a Microsoft Word document; rather, departments will be able to directly enter the required information into the PSC database¹ and the database will automatically populate the PSC Form 1 with all required information into a pdf format. After the information is entered by the department, the database will generate required notifications by email on behalf of the requesting department, DHR or the Commission. The PSC database can be accessed at <http://apps.sfgov.org/dhrrupal/>.

When completing the PSC database fields, please keep in mind the following instructions:

- Provide brief but specific information to assist the Commission in determining whether the circumstances requiring the PSC request are compelling enough to contract out work when civil services class(es) exist to perform work within the same scope;
- Include background material and information to clearly and completely describe the specific services or work to be provided;
- Clearly explain the reasons why City employees cannot perform the services or work being requested;
- Spell out all words before using an acronym for the first time;
- Do not simply use "not applicable" or "N.A." The department must explain why there is no response to a particular item; and

¹ The City and its unions have agreed to add additional fields in the database to collect information of interest to the unions with the intent of expediting discussions between the requesting department and affected unions on a specific PSC request. Populating the additional fields in the database may facilitate a department's request for a waiver by the union(s) of the advance notification requirements in the MOUs.

- Departments are not required to provide specific contract effective and expiration dates; rather, departments will provide the duration of contracts (e.g., the number of years or months the department seeks to contract out the work). Departments must begin the contract within a calendar year of the Commission's approval of the PSC. The PSC database will capture the number of years and months and the estimated start and end dates.
- PSC requests do not require cover letters. However, a department may submit a cover letter in the event unusual circumstances arise and an explanation may be necessary to expedite the review process.
- PSC requests that cite a legal or regulatory authority must include a copy of such authority (PSC Form 1 Question #5c or 5d). Likewise, if applicable, departments must include a copy of the board or commission action determining that contracting is the most effective way to provide the service (PSC Form 1 Question #5e). These documents can be uploaded to the PSC database.
- The Commission is critical of PSC requests of five years or greater since circumstances can change so greatly in such a significant amount of time. Therefore, the Commission asks the department to provide an explanation in support of such a request, either in a separate attached memorandum or indicated somewhere on the PSC Form.
- Always view and proofread the PDF of the PSC Form 1 produced by the PSC database prior to notifying the affected unions/submitters to DHR. Substantial revisions to the PSC request may result in delays of the PSC request's processing.

6) NOTIFYING AFFECTED UNION(S) OF A PSC REQUEST

- Departments must notify the union(s) representing classifications of employees potentially affected by a regular PSC request: Most MOUs require greater notice than the notice requirement in the Commission's policy—generally thirty (30) days' notice prior to the PSC request's submission to DHR, or at the time the department issues a Request for Proposals ("RFP")/ Request for Qualifications ("RFQ"), whichever occurs first. One notable exception is the SEIU Local 1021 MOU, which requires notice to the union sixty (60) days prior to the PSC request's submission to DHR, or at the time the department issues a Request for Proposals ("RFP")/Request for Qualifications ("RFQ"), whichever occurs first. However, notification requirements differ depending on the specific terms negotiated with the affected union(s), and departments must check the relevant MOUs when processing a PSC request.
- Expedited PSC requests: Departments must notify affected unions of the department's expedited PSC request no later than the date of the submission of the request to DHR.
- Modifications of PSC requests: Departments must notify affected unions of a modification to an expedited or regular PSC request no later than the date of the submission of the request to DHR.
- The PSC database generates an email notification to affected unions identified by the department requesting the PSC at the same time the department sets the PSC request's status to "Start Union Notification."

- If a PSC request requires union notification, the PSC database automatically fills in the date the department notified the affected unions of the PSC request and the name of the person submitting the PSC request.
- If there are questions about which classes of employees are impacted by the department's PSC request, please work with your department's personnel unit and/or your assigned DHR Client Services representative. The online Classification and Compensation Database is also a resource for identifying the union that covers the civil service classification(s) affected by the PSC request's scope of work: <http://sfdhr.org/index.aspx?page=32>.
- If the PSC request is substantively changed in terms of scope of work, affected civil service classifications, duration or amount since the union notification, the department must provide affected unions and DHR with the final PSC Form 1 by email. Be aware that the MOU advance notification requirements may be triggered if the changes made to the PSC request were not a product of discussions with affected unions.
- If a PSC request does not identify a civil service classification potentially affected by the PSC request, the departments must notify all of the City's exclusive labor organizations through the PSC database. The MOU advance notification requirements are not required when no civil service classifications are potentially affected. However, departments are strongly advised to identify all potentially affected civil service classifications and to notify the respective unions of the PSC request so as not to delay the PSC unnecessarily. Failure to notify the affected unions could result in a grievance and/or delay in processing a PSC request.

7) PROCESSING A PSC REQUEST THROUGH DHR

- To initiate a PSC request, a department must enter all information required by the PSC Form 1 into the PSC database. When a PSC request is ready for review by DHR, the department PSC Coordinator will change the status of the PSC in the PSC database to "Ready for Review by DHR."
- Once the DHR PSC Coordinator receives notice that a PSC is ready for review, the DHR PSC Coordinator will review the information submitted by the department. If necessary, the DHR PSC Coordinator will contact the department PSC coordinator for additional required information or clarification.
- After the posting period is complete and the advance notice required by the affected unions expires, the DHR PSC Coordinator will schedule the PSC at the next scheduled Commission meeting and will prepare the PSC request's packet for the Commission's review. Each PSC packet must include the names of the individuals notified of the PSC request by the department because they represent unions affected by the PSC request.

8) POSTING PSCs PUBLICLY

- DHR generally posts PSC requests on its website at www.sfdhr.org every other Friday for seven (7) calendar days. The DHR PSC Coordinator emails a copy of the posted PSC requests to the Commission, department PSC Coordinators and affected unions on the day of the posting.

- DHR also posts all expedited PSC requests to its website for seven (7) calendar days once they are submitted to DHR for review.
- In the rare situation when a department may need to expedite a PSC request and omit the DHR posting process, the department must have approval from the CSC Executive Officer prior to submitting the PSC request to DHR for review. In requesting approval to omit posting, the department must provide the Executive Officer with sufficient information in support of the request, as well as the consequence of denial. The PSC request must be entered into the PSC database and the department PSC coordinator must change the PSC request's status to "Start Union Notification" prior to changing its status to "Ready for DHR Review." The PSC request must indicate that the posting process is to be omitted in the PSC database.

9) APPEALING A PSC REQUEST

- PSC requests may be protested and/or appealed in accordance with the Commission's PSC policy.
 - Regular PSCs: An appeal of a posted regular PSC must be filed in the Commission's office by close of business on the seventh (7th) day of posting by mail or hand-delivery with the appellant's original signature and email address. Appeal forms and instructions are located on the Commission's website at <http://www.sfgov3.org/index.aspx?page=267>.
 - Expedited PSCs: Protests of a proposed expedited PSC must be filed with the Human Resources Director via email to DHR-PSCCoordinator@sfgov.org by close of business on the seventh day of posting. The Human Resources Director's decision on a PSC protest is appealable to the Commission within five (5) business days after notice of such decision.
- DHR will notify the affected department of any timely protests it receives on an expedited PSC during the seven-day posting period. The Executive Officer will notify DHR and the affected department of any appeal it receives on a regular PSC or on the decision of the Human Resources Director on an expedited PSC protest.
- **Note:** If a union objects to a PSC request directly to the requesting department at any point, the department must inform DHR of the parties' dispute and the reasons cited for the union's objection to the PSC. If the department and the objecting union have not resolved all issues related to the PSC request before it is placed on a Commission agenda, the department must inform DHR and the Commission that the request is still in dispute.
- Uncontested expedited PSCs become final on close of business of the seventh day of posting; uncontested regular PSCs are placed on the Commission's Ratification Agenda for the Commission's review and approval.
- PSC appeals are placed on the Regular Agenda as a separate item for the Commission's consideration at the next regularly scheduled meeting following receipt of the appeal, in accordance with the Commission's timelines.
- Departments must send representatives to the Commission meeting to speak on any PSC appeal. Departments should approach PSC appeals as they would any other type of appeal—they should submit a staff report if possible and appropriate (along with any additional supporting documentation or materials, if applicable), and they should be prepared to

provide the Commission with a presentation in support of their PSC request. Please contact the Executive Officer for guidance on applicable staff report submission deadlines and other requirements.

- **Note:** Department representatives must attend the Commission meeting even in the absence of an appeal, in the event that the Commission severs a PSC from the Ratification Agenda to scrutinize it and/or obtain additional information.

10) **REGULAR PSC APPROVAL CATEGORIES: CONTINUING**

- The Commission may, at its discretion, grant "Continuing Approval" for a regular PSC request in situations where:
 - a. Legal mandates direct the use of contractual services;
 - b. State or Federal funding requirements specify use of contractual services;
 - c. A City board or commission, the City Administrator, an elected official, or the Controller has determined that contracting is the most effective way to provide health and human welfare services; or
 - d. The Retirement Board, consistent with its Charter and State constitutional authority, has determined that contracting is the most effective way to deliver investment management and actuarial services.
- Continuing Approval is valid until revoked by the Commission.
- If the Commission approves a request for Continuing Approval, the requesting department must provide the Commission with an annual report listing the contracts awarded under the Continuing Approval. The department's annual report must include the name of the contractor, type of service, amount, and duration of the contract.

11) **REGULAR PSC APPROVAL CATEGORIES: ANNUAL**

- The Commission may grant "Annual Approval" for a regular PSC request in situations where a proposed contract is included in a department's annual budget.
- Appeals of PSC requests seeking Annual Approval will be considered by the Commission not later than its first meeting in April.
- In the event the Mayor's budget deadlines are changed, the Human Resources Director is authorized to change the deadlines for PSC requests seeking Annual Approval to conform to the revised budget schedule. DHR will notify the Commission's Executive Officer of any changes to the schedule.

12) **REGULAR PSC APPROVAL CATEGORIES: QUALIFIED**

- The Commission may grant a PSC request "Qualified Approval." This conditional approval is generally an interim measure with direction to the contracting department to consider other alternatives for providing the service if the need for the service is expected to be ongoing, and/or to provide the Commission with additional information, and/or to report back to the Commission on the status of performance under the contract, and/or to continue discussions with the affected labor union(s).

- When approving a PSC request with a Qualified Approval, the Commission may recommend that the department examine the feasibility of either budgeting positions in appropriate classifications or obtaining a Proposition J contract certification.
- When a PSC request is granted Qualified Approval, the department's PSC coordinator must work directly with Commission staff to meet the terms of the conditions the Commission placed on the PSC.

13) MODIFICATION OF AN EXISTING PSC (See attached chart)

- Departments are required to resubmit a request when the circumstances of the original request substantively change (e.g., changes to the type or scope of services provided, changes in legal or grant requirements for contracting, and any increases to the amount or duration of the PSC). This type of request is considered a "Modification."
- DHR reviews all modification requests and approves those requests that do not require Commission approval. Modifications which require Commission approval include:
 - Changes to the type or scope of services provided under a regular PSC; or
 - Changes in legal or grant requirements for contracting under a regular PSC; or
 - Increases of fifty percent (50%) or more over the current existing (last approved) regular PSC amount; or
 - Increases of fifty percent (50%) or more over the expedited PSC amount if it will increase the total amount of the PSC above the \$100,000 threshold.
 - Changes in the approved regular PSC contract duration that would increase the duration of the PSC by fifty percent (50%) or more above the original estimated duration approved by the Commission.
- In the event a department must request the Commission's approval to retroactively extend a PSC's duration, the department can do so within a year of the PSC's duration end date and retain its original PSC reference number. However, in such cases the department must provide the Commission with adequate justification for why it was unable to submit a timely request for modification, and it must not request to extend the PSC's duration for more than five years. DHR will not accept a request to modify a PSC more than one year after the PSC's approved duration. The department must submit a new PSC request.

14) AFTER PSC APPROVAL

- After a Commission meeting, Commission staff will enter the outcome of each PSC request into the PSC database. The Commission will email a "Notice of Civil Service Commission Action" to the DHR PSC Coordinator and the department's PSC coordinator. In the event the Commission grants a "Qualified Approval," Commission staff will include any conditions placed on the PSC's approval in its Notice of Civil Service Commission Action to the department PSC coordinator.
- After the Commission approves a PSC request, the department must include a copy of the PSC Form 1 and a copy of the notice of the Commission's action when processing the PSC through the Office of Contract Administration. The Commission separately provides a copy of its notice of action to the Office of Contract Administration and the Controller's Office.

- At the time PSCs are processed for award, the department must enter the information required by the PSC Form 2 (contractor name, contract amount and the contract's actual start and end dates) into the PSC database. The database will generate reminders to the department to input the information required by the PSC Form 2 beginning six months after the PSC's approval.
- DHR will generate a report of contract awards (PSC Form 2 information) for the Commission no later than August 1 of each year for the preceding fiscal year.

QUESTIONS?

If you have any questions about PSC procedures, the DHR PSC Coordinator can be emailed at DHR-PSCCoordinator@sfgov.org and the Civil Service Commission staff can be emailed at civilservice@sfgov.org.

ATTACHMENT - DHR PSC Memorandum October 25, 2013

PSC Types & Union Notification Guidelines

	<u>Requires:</u> 30-Days Advance Notice to All Other Unions	<u>Requires:</u> 60-Days Advance Notice to SEIU	<u>Requires:</u> 7-Days Advance Notification to All Unions	Types of Approval Required
Initial PSCs:				
Regular (> \$100K)	X	X		CSC
Expedited (≤ \$100K)			X	DHR
Modify - Regular PSCs:				
> 50% of Initial Duration			X	CSC
> 50% of Last CSC Cumulative Approval Amount			X	CSC
≤ 50% of Last CSC Cumulative Amount			X	DHR
≤ 50% of Initial Duration			X	DHR
Modify - Expedited PSCs:				
> 50% of Last CSC Cumulative Approval Amount (after the \$100K threshold)			X	CSC
Cumulative Amount ≤ \$100K			X	DHR
Change in Duration (prior to the \$100K threshold)			X	DHR

ATTACHMENT C

City and County of San Francisco
Carol Isen
Human Resources Director



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

Via Email

DATE: November 9, 2023

TO: All Labor

FROM: Ardis Graham, Employee Relations Director

CC: Carol Isen, Human Resources Director
Sandra Eng, Executive Director, CSC
Rachel Cukierman, Deputy Director of Administration and Finance, Assessor-Recorder
Taraneh Moayed, Assistant Director, Office of Contract Administration
Molly Peterson, Contract Reform Manager, City Administrator
Kate Howard, Managing Deputy Director, DHR
Mawuli Tugbenyoh, Chief of Policy, DHR
Anna Biasbas, Director Employment Services, DHR
Mike Cotter, Deputy Director of Finance & Administration, DHR
Jonathan Wright, Employee Relations Manager, DHR
Caitlin Kirke, Employee Relations Representative, DHR

RE: Notice on Proposed Policy of the Civil Service Commission on Personal Service Contracts

Dear Labor Partners,

On November 6, 2023, the Civil Service Commission posted the proposed revised policy of the Civil Service Commission on Personal Service Contracts. The goal of the proposed changes is to maintain the Commission's oversight over the civil service merit system while removing unnecessary confusion and delays in City contracting. The Proposed changes would allow the City to more fully utilize the new technology available through the ServiceNow database. Please find attached the proposed amended policy.

If Labor wishes to meet to discuss the proposed amendments, the City is available to meet on November 16, 2023 at 10:00 am. Please contact Caitlin Kirke at caitlin.kirke@sfgov.org to confirm your attendance and to receive the meeting details.

If you would like to meet, and the proposed date and time does not work for your organization, please contact Caitlin Kirke by Friday, November 17, 2023.

Attachment: Proposed Revised Policy of the CSC on PSCs