



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

**LONDON N. BREED
MAYOR**

**MINUTES
Regular Meeting
October 16, 2023**

**2:00 p.m.
Room 400, CITY HALL
1 Dr. Carlton B. Goodlett Place**

This meeting will be held in person at the location listed above. Members of the public may attend the meeting to observe and provide public comment at the physical meeting location listed above or by calling (415) 655-0001 and entering meeting id #2664 065 1064. Instructions for providing remote public comment are below.

**LISTEN/PUBLIC COMMENT CALL-IN
USA is (415) 655-0001 | Access Code: #2664 065 1064
Press # twice in order to listen to the meeting via audio conference
Dial *3 when you are ready to queue**

LONDON N. BREED, MAYOR

COMMISSIONERS

JACQUELINE MINOR

President

KATE FAVETTI

Vice President

F.X. CROWLEY

VITUS LEUNG

ELIZABETH SALVESON

SANDRA ENG

Executive Officer

The public is encouraged to submit comments in advance of the meeting by email at civilservice@sfgov.org, or by voicemail message at the CSC Office main line at 628-652-1100. Comments submitted by 5:00 pm the Friday before the meeting will be included in the record. During commission meeting use the Civil Service Commission's dedicated public comment line 1-415-655-0001, Access Code #2644 065 1064.

CALL TO ORDER

2:01 p.m.

ROLL CALL

President Jacqueline P. Minor	Excused
Vice President Kate Favetti	Present
Commissioner F. X. Crowley	Present
Commissioner Vitus Leung	Present
Commissioner Elizabeth Salveson	Present (Left at 5:36 p.m.)

Vice President Kate Favetti presided.

REQUEST TO SPEAK ON ANY MATTER WITHIN THE JURISDICTION OF THE CIVIL SERVICE COMMISSION BUT NOT APPEARING ON TODAY’S AGENDA (Item No. 2)

William Miles II, Municipal Transportation Agency, spoke about a recent appeal granted, MTA-HR requests a review of the CSC rules and/or requirements in relation to non-contemporaneous documentation.

Steve Zeltzer, United Front Committee for a Labor party, spoke about a situation with the city and county, the Department of Human Resources is spending millions of dollars fighting city workers who have been illegally discriminated against and discharged, and thinks that it has to be clear that the Police Officers Association POA and the Fire Department did not allow their members to be fired. They backed up their employees during this pandemic. That is not the case with over fifteen thousand members of miscellaneous workers who were discharged.

Selina Keene, San Francisco native, about to become a senior citizen, never would have thought that she was going to lose her job the way she did and how disrespected she felt after serving 17 years to the community, helped others become self-sufficient through the Human Service agency. Unfortunately, was unable to take this experimental job and follow the appropriate accommodations, both religious and medical, and ironically, she was among others who were working from home at the time she was pushed out. She was also on disability and, it's just not right. It's unlawful.

Melody Fountila, born and raised in San Francisco went to Cathedral High School, all American basketball player, but ended up coming and working for the City and County of San Francisco, which was very proud to do so. It was a career, but since she was working under the Human Services Agency working with Cal Works participants, helping them to find employment opportunities and/or find training when COVID came out.

Kimberly Cox expressed how a lot of them have been displaced and it's been a hardship for many. She applied for a medical exemption because she could not take the vaccine and was denied which is unfortunate. This whole entire fiasco has been traumatizing. She was in a gathering with some of the SEIU members during the Christmas holiday and had the opportunity to speak to those in Alameda County, spoke to the president who said, "don't worry, you're going to get your job back". She says we've done the same thing over here; they were able to get their jobs back, doesn't know what deal Theresa Rutherford had with San Francisco, but it worked over in Alameda. SEIU is nowhere here to defend us. The letter that was sent out by SFMTA informing workers to come back on September 18th. Why are you picking and choosing who comes back? We should all be able to get our jobs back.

Bradley Wiedmaier is a 45 year resident of the City and has lived on the Edge of the Tenderloin. I bring you bad news that things are getting worse yet, again. The Walgreens at Taylor and Gary is closing in a month. The City's not meeting the needs under the current regime. There is a need to have the dedicated City employees back at work. Just make a new category for them, hire them and let the legal thing go on. We need to stop wasting all this money. Eventually they should get their jobs back because what you stand for is equal treatment for City employees so that there's no nepotism, favoritism, and corruption. We need to get the City moving again. It's still going downhill and 4000 empty places and thousands of people who were forced out because of the crisis. As a member of SEIU I'm not happy with my union.

APPROVAL OF MINUTES (Item No. 3)

Regular Meeting of October 2, 2023 – 2:00 p.m.

Action: Adopted the Minutes. (Vote of 4 to 0)

ANNOUNCEMENTS (Item No. 4)

None.

HUMAN RESOURCES DIRECTOR'S REPORT (Item No. 5)

Carol Isen, Human Resources Director provided an update on the vaccine policy issues that were raised at the previous Civil Service Commission meeting per the Commission's request. Due to ongoing litigation, the Human Resources Director could only provide a general update.

- In June of 2021, the Mayor's Emergency Authority, required all city employees as a condition of employment be vaccinated against COVID-19. Infections and deaths from COVID-19 were in all time high across the country including some employees dying from COVID-19. The policy was implemented to protect the health and safety of our workers and of the general public with whom we interact. After the policy was implemented, some employees resigned or retired, and some employees were involuntarily separated from city employment (non-disciplinary) due to the failure to meet the condition of employment. Throughout the pandemic, the City experienced a high rate of employees resigning and retiring for a

variety of reasons. The Department of Human Resources cannot isolate who resigned or retired based on the vaccine mandate.

- In the Police and Fire Departments, which are covered by Police Officer, Bill of Rights and the Firefighter Bill of Rights, those departments and those commissions conducted hearings for employees who went through non-disciplinary separations. A very small number of employees in the Fire Department were separated due to vaccination status.
- There are a number of employees who were on medical leaves or on some other form of leave who may not have been vaccinated and when they returned from leave, the policy had changed and so the conditions of employment had essentially reverted back to what they were previously.
- The Department of Human Resources received almost over a thousand medical or requests for either medical or religious exemptions from City employees. Some of those requests were granted, but in this 2 step process DHR had to first consider the exemption request and then make a decision about whether in each instance we could reasonably accommodate employees who were not vaccinated. In each instance, this was based on the duties of the work that was being performed.
- Some employees were both exempted and accommodated while others were not. Some employees filed EEO complaints appealing department determinations, denying either the exemption request or the accommodation request.
- DHR has not sent out notices or any invitations to former employees to ask them to return. Labor has been informed that there are options for former employees to return depending on how the employee separated.
- There are several reasons an employee may be on a leave of absence. Employees on a leave of absence at the time or shortly after the policy was implemented or went on leave shortly after its implementation may not have been vaccinated and may have returned after the vaccine mandate was lifted.
- Employees who resign from the city with satisfactory service may request reappointment within 4 year period from the effective date.
- There are no compulsory requirements in the City that require employees to retire. Former employees who wish to unretire must work with Retirement and may go through the reappointment process. Reappointment is not a guarantee.

Public Selina Keene
Comment: Melody Fountila
 Kimberly Cox
 Steve Zeltzer
 Bradley Wiedmaier
 Doug Bias
 Donte Vickers, Local 1414

EXECUTIVE OFFICER'S REPORT (Item No. 6)

Sandra Eng, Executive Officer reported about the hiring process of the Senior Clerk Typist (1426).

The department has conducted the following trainings for 5 City departments and one union: Merit System Overview, Response to Inspection Service Requests, and Appeals and Staff Reports.

**0211-23-8 Review of Request for Approval of Proposed Personal Services Contracts.
(Item No. 7)**

PSC	Department	Amount	Type of Service	Type of Approval	Duration
41248-23/24	General Services Agency	\$8,500,000.00	Contractors will provide as-needed and intermittent maintenance and repair services on City-owned vehicles during periods when Central Shops is at full capacity and does not have the staff/space to service the vehicles in a timely manner. Contractors will only provide overflow services.	Regular	9/29/2028
42903-23/24	Emergency Management	\$400,000	DEM needs to update a routine renewal of the contract for the Local Emergency Medical Services (EMS) Agency, a Division at DEM. FirstWatch provides Computer-Aided Design (CAD) and Fire/EMS data analysis to maintain situational awareness, respond to emergencies, and monitor the EMS system. FirstWatch uses CAD data feed for automatic ambulance routing system integrations with ReddiNet – Hospital Association of Southern California. (another DEM vendor). Numerous EMS Agencies use FirstWatch across the state and county.	Regular	12/31/2033
42873-23/24	Homelessness and Supportive Housing	\$44,000,000	The purpose of San Francisco Homeless Outreach Team (SFHOT) services is to provide a comprehensive community response, street outreach, special projects, and case management services to unsheltered adults, youth, and families experiencing acute homelessness throughout San Francisco. Contractor will provide field-based outreach services to support and engage unsheltered individuals in accessing shelter, housing, and other City services, as well as distribute resources, provide referrals and support with linkages to benefits, medical services, mental health services, and support individuals in housing navigation. SFHOT services are provided Citywide in collaboration with various City departments including Department of Public Health, Department of Emergency Management, Police Department, Fire Department, Municipal Transportation Agency Parking Enforcement, and Recreation and Parks Department.	Regular	11/30/2028
47796-23/24	Municipal Transportation Agency	\$5,076,680.62	The San Francisco Municipal Transportation Agency (SFMTA) seeks a contractor to provide maintenance and repair services for the Automated Fare Collection (AFC) equipment at its metro rail subway stations. AFC equipment consists of Ticket Vending Machine (TVM), Reversible Fare Gates, Station Agent Gates, and Station Operations Control Unit. Hardware maintenance must include maintenance strategy; corrective maintenance; preventive maintenance; configuration monitoring to comply and communicate with NextFare software; spare inventory; systems monitoring; and Maintenance Help Desk (METRIX) implementation and management. The contractor will also be required to submit weekly maintenance reports as outlined by SFMTA. The contractor, per the agreed schedule and timeline, is responsible to train SFMTA personnel for First Line Maintenance tasks of TVM's and Fare Gates, work that was previously done by Cubic personnel under contract with the Metropolitan Transportation Commission. The contractor is also required to maintain an agreed-upon service level availability and response and repair time. If repair services are out of scope, upon authorization by SFMTA for work, the contractor is responsible to provide necessary personnel, support equipment, and all tools and materials.	Regular	1/31/2029

PSC	Department	Amount	Type of Service	Type of Approval	Duration
40334-23/24	Public Utilities Commission	\$16,000,000	The consultant will perform detailed analyses of facility energy use patterns and provide specialized energy efficiency retrofit recommendations and cost benefit analysis for heating, ventilation, and air conditioning (HVAC), building controls, lighting retrofits, and fuelswitching for building electrification. Consultant will support retrofit implementation with specialized design, performance specifications, and construction support services, along with project commissioning, benchmarking, building retrocommissioning, LEED Certification, energy system training, and measurement and verification services. Consultant also will provide city design teams with “better than code” design recommendations to incorporate energy efficiency into new construction and major renovations of municipal buildings, water/wastewater facilities and other City facilities. The consultant also will provide technical support for developing and managing new energy efficiency programs, along with financial analysis, environmental services, and guidance of new and emerging energy technologies.	Regular	4/14/2029
48767-23/24	Public Works	\$1,900,000	The contract seeks licenses for a cloud-based software solution that will provide Public Works users with the ability to view three-dimensional models of street trees in San Francisco (expected to cost approximately \$729,000) in addition to integration and configuration services to better connect the data with the department’s existing street tree database application and dataset (expected to cost approximately \$47,000). Integration services are necessary to match asset IDs between the legacy Public Works Tree Database and the street tree LiDAR survey dataset associated with this solicitation. These integration services are expected to be completed twice over the contract’s four-year duration. Configuration services are required to configure the LiDAR survey data platform procured in this solicitation to allow Public Works applications to link directly to a specified LiDAR survey tree asset. This configuration work is expected to be completed once at the beginning of the contract.	Regular	9/27/2032
41698-19/20	Public Health	Current Approved Amount \$29,300,000 Increase Amount Requested \$10,000,000 New Total Amount Requested \$39,3000,000	The contractor(s) will be used on an asneeded basis to maintain and enhance existing applications used in various functional areas within the Department. Functional areas shall include both clinical and non-clinical areas, such as services supporting an integrated communicable disease data system, SharePoint development services, archiving and data management, data warehouse(s), laboratory information, connected diagnostic, financial analysis and eligibility, access to proprietary online databases, clinical and financial bench marking tools, and pharmaceutical systems. The value of this request covers estimated costs for licensing, maintenance, and related professional services such as training and consultation.	Modification	12/31/2035

Speakers: Mark Farley and Don Jones, City Administrator’s Office and Donte Vickers, Local 1414 spoke on PSC #41248-23/24
 Todd Robinson, Public Utilities Commission spoke on PSC #40334-23/24
 Nicholas Crawford, Department of Public Works spoke on PSC #48767-23/24
 Jim Genevro, Department of Public Health spoke on PSC #41698-19/20

Public Comment: Steve Zeltzer
 Melody Fountila
 Sara Meneffe
 William Miles II, Municipal Transportation Agency
 Gilbert Fragoso

0211-23-8 Continued (Item No. 7)

- Action:**
- 1) Approved PSC #41248-23/24 from the City Administrator. (Vote of 4 to 0)
 - 2) Approved PSC #42903-23/24 from the Emergency Management with the condition to remove the vendor's name. (Vote of 4 to 0)
 - 3) Approved PSC #40334-23/24 from the Public Utilities Commission. (Vote of 4 to 0)
 - 4) Approved PSC #48767-23/24 from the Department of Public Works with the condition to report back in five (5) years. (Vote of 4 to 0)
 - 5) Approved PSC #41698-19/20 from the Department of Public Health with the condition to report back in six (6) years. (Vote of 4 to 0)
 - 6) Adopted the report. Approved the remaining requests for proposed Personal Services Contract; Notify the Office of the Controller and the Office of Contract Administration. (Vote of 4 to 0)

0208-23-5 Secondary Criteria for H050 Assistant Chief of Department, (Fire Department). (Item No. 8)

Speakers: Dave Johnson, Department of Human Resources

Action: Adopted the Secondary Criteria. (Vote of 4 to 0)

0200-23-5 Proposed Changes to Civil Service Commission Rules: 102, 202, and 302 Definitions; 109, 209, and 309 Position Classification; 114, 214, and 314 Appointments; 120, 220, and 320 Leaves of Absence; 121, 221, and 321 Layoffs to Modernize and Expedite Hiring. (Item No. 9)

Note: Continue to the meeting of October 16, 2023, directed DHR to incorporate the changes Vice President Favetti proposed and for the Municipal Transportation Agency to present Volume IV proposed rule changes and incorporate the changes Vice President Favetti. Append Vice President Favetti's changes to the minutes.

Speakers: Anna Biasbas, Department of Human Resources
William Miles II, Municipal Transportation Agency
Carol Isen, Department of Human Resources
Sandra Eng, Executive Officer

Action: Accepted the report and post proposed amended Rules. (Vote of 4 to 0)

0200-23-5 Continued (Item No. 9)

Public Comment: Doug Bias, San Francisco City Workers United
Naj Daniels, SEIU 1021
Jesse Stanton, SEIU 1021
Chris Dickinson
Selina Keene
Donte Vickers, Local 1414
Melody Fountila
Kimberly Cox
Gilbert Fragoso
Gilbert Fragoso Jr.
Bradley Weidmaier
Cheryl Thornton

0201-23-5 Proposed Amendments to Civil Service Commission Rules: 113, 213, and 313 Certification of Eligibles to Modernize and Expedite Hiring. (Item No. 10)

Note: Continue to the meeting of October 16, 2023, directed DHR to incorporate the changes Vice President Favetti proposed and for the Municipal Transportation Agency to present Volume IV proposed rule changes and incorporate the changes Vice President Favetti. Append Vice President Favetti's changes to the minutes.

Action: Accepted the report and post proposed amended Rules. (Vote of 4 to 0)

Public Comment: Doug Bias, San Francisco City Workers United
Chris Dickinson
Gilberto Fragoso
Selina Keene
Bradley Weidmaier
Donte Vickers, Local 1414
Cheryl Thornton

0209-23-5 Proposed Changes to Civil Service Commission Rules: 402 Definitions; 409 Position Classification; 414 Appointments; 420 Leaves of Absence; 421 Layoffs to Modernize and Expedite Hiring. (Item No. 11)

Speakers: Anna Biasbas, Department of Human Resources
William Miles II, Municipal Transportation Agency

Action: Accepted the report and post proposed amended Rules. (Vote of 4 to 0)

0210-23-5 Proposed Amendments to Civil Service Commission Rules: 413 Certification of Eligibles to Modernize and Expedite Hiring. (Item No. 12)

Speakers: Anna Biasbas, Department of Human Resources
William Miles II, Municipal Transportation Agency

Action: Accepted the report and post proposed amended Rules.
(Vote of 4 to 0)

Public Comment: Bradley Weidmaier
Chris Dickinson

0046-21-7 Request for a Hearing by Tyree Robinson, former Senior Clerk Typist (1426) on their Future Employment Restriction with the City and County of San Francisco. (Item No. 13)

September 18, 2023: The Civil Service Commission approved the request to postpone this item to a future meeting at the request of the appellant.

Speakers: Ashleey Worsham, SF Police Department
Naj Daniels, SEIU Local 1021
Tyree Robinson, Appellant
Ben Houston, SF Police Department
Carol Isen, Human Resources Director

Action: Granted the appeal by Tyree Robinson and modified the future employment restrictions as follow: 1) Future employment subject to review and approval of the Human Resources Director after five (5) years of satisfactory employment outside City and County of San Francisco Service; and 2) Not to be employed by the San Francisco Police Department. (Vote of 3 to 1; Commissioner Leung dissented.)

Public Comment: Naj Daniels, SEIU Local 1021

Public Comment on all matters pertaining to Items 16, 17, 18, and 19 below, Closed Session, including public comment on whether to hold Items 16, 17, 18, and 19 in closed session. (Item No. 14)

None.

Vote on whether to hold Items 16, 17, 18, and 19 in closed session. The Commission may vote on each item separately and may vote to hold any or all of Items 16, 17, 18, or 19 in closed session. (Item No. 15)

The Commission did not go into Closed Session and took a break at 5:37 p.m. and reconvened at 5:50 p.m.

0161-22-6 Appeal by Shanita Anderson of the Director of Transportation’s Determination to Administratively Close Their Complaint of Discrimination Due to Race and Age. PERSONNEL EXCEPTION – San Francisco Administrative Code Section 67.10(b) and California Government Code Section 54957 (b)(1). (Item No. 16)

Speakers: Brian Capurro, Department of Human Resources
Shanita Anderson, Appellant
M.J. Johnson, Municipal Transportation Agency
Jennifer Burke, Department of Human Resources

Action: Adopted the report. Sustained the decision of Transportation Director; denied the appeal by Shanita Anderson. (Vote of 4 to 0)

0149-23-6 Appeal by Michael Lane of the Director of Transportation’s Determination to Administratively Close Their Complaint of Harassment. PERSONNEL EXCEPTION – San Francisco Administrative Code Section 67.10(b) and California Government Code Section 54957 (b)(1). (Item No. 17)

Speakers: Estevan Villarreal, Department of Human Resources
Michael Lane, Appellant
Leda Rozier, Municipal Transportation Agency
Kate Kimberlin, Deputy City Attorney
Carol Isen, Human Resources Director

Action: Granted the appeal by Michael Lane. Directed the department of Human Resources – EEO Division to conduct an investigation on his complaint. (Vote of 4 to 0)

0139 -23-6 Appeal by Whitney Barca of the Human Resources Director’s Determination That Investigative Findings Did Not Establish Appellant’s Complaint of Harassment and Retaliation. PERSONNEL EXCEPTION – San Francisco Administrative Code Section 67.10(b) and California Government Code Section 54957 (b)(1). (Item No. 18)

September 18, 2023: Postponed to the meeting of October 16, 2023, at the request of the appellant.

Speakers: Whitney Barca, Appellant
Deborah Dulay, Department of Human Resources
Jesusa Bushong, SF Fire Department
Kate Kimberlin, Deputy City Attorney

Action: Adopted the report, upheld the decision of the Human Resources Director, and denied the appeal by Whitney Barca. (Vote of 4 to 0)

0004-23-6 **Appeal by Velma Gay of the Human Resources Director’s Determination That Investigative Findings Did Not Establish Appellant’s Complaint of Harassment and Discrimination. PERSONNEL EXCEPTION – San Francisco Administrative Code Section 67.10(b) and California Government Code Section 54957 (b)(1) – (Item No. 19)**

July 17, 2023: *The Civil Service Commission postponed this item to a future meeting in October at the request of the appellant.*

Speakers: None

Action: Adopted the report, upheld the decision of the Human Resources Director, and deny the appeal by Velma Gay. Appellant failed to appear. (Vote of 4 to 0)

COMMISSIONERS’ ANNOUNCEMENTS/REQUESTS (Item No. 21)

1) Hiring Process for mechanics in central shops; 2) 9139 Exam Schedule; 3) Follow-up on the Municipal Transportation Agency’s request for a review of the Civil Service Commission Rule requirements on non-contemporaneous documentation on the out-of-class work.

ADJOURNMENT (Item No. 22)

8:21 p.m.