



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

**DANIEL LURIE
MAYOR**

Date: February 3, 2025

To: Civil Service Commission

Through: Sandra Eng
Executive Officer

From: Lavena Holmes *Lavena Holmes*
Deputy Director

Subject: **Fiscal Years 2025-26 and 2026-27 Mayor's Budget Instructions and Department Budget Preparation**

On January 9, 2025, all Department Heads, Chief Financial Officers and Department Personnel Officers received implementation details regarding Mayor Lurie's two directives: 1) to pause new programs and contracts and 2) a citywide hiring freeze. These directives were immediately put in place when Mayor Lurie assumed office to address the City's structural deficit while ensuring the City provides excellent services to our residents. In the Financial Briefing meeting, following the issuance of the new directives CFOs were reminded that **target reductions** noted in the Budget Instructions **must be met**, per direct communication from the Mayor to Department Heads.

The Mayor's Budget instructions to departments include the hiring freeze, eliminating vacancies and not adding any new FTEs, re-examining non-personnel expenditures and reducing General Fund spending by 15% beginning in FY 2025/26 and on-going. For the Civil Service Commission that equates to \$172,580 in FY 2025/26 and that amount will increase as costs increase in ensuing years. Departments were further instructed to reorganize to eliminate redundancy in year two of the budget.

Civil Service Commission Current Budget – as reflected in the budget system

Fiscal Years Budgets 2025 - 2027	Original Budget 24/25	Original Budget 25/26	Base Budget 25/26	Department Budget 25/26	Base Budget 26/27	Department Budget 26/27
Salaries	912,736	943,733	943,677	943,677	977,961	977,961
Fringes	336,210	348,078	347,418	347,418	363,233	363,233
Non-personnel Services	25,000	25,000	25,000	25,000	25,000	25,000
Materials/ Supplies	3,055	3,055	3,055	3,055	3,055	3,055
Services of Depts	242,144	256,493	256,493	256,493	256,493	256,493
Total Budget	1,519,145	1,576,359	1,575,643	1,575,643	1,625,742	1,675,742
Expenditure Recovery	430,839	430,839	430,839	430,839	430,839	430,839
General Fund Support	1,088,306	1,145,520	1,144,804	1,144,804	1,194,903	1,194,903

Civil Service Commission Proposed Budget – with proposed position (salary/fringe) reduction

Fiscal Years Budgets 2025 - 2027	Original Budget 24/25	Original Budget 25/26	Base Budget 25/26	Proposed Budget 25/26	Base Budget 26/27	Proposed Budget 26/27
Salaries	912,736	943,733	943,677	801,456	977,961	830,353
Fringes	336,210	348,078	347,418	241,736	363,233	307,970
Non-personnel Services	25,000	25,000	25,000	25,000	25,000	25,000
Materials/ Supplies	3,055	3,055	3,055	3,055	3,055	3,055
Services of Depts	242,144	256,493	256,493	256,493	256,493	256,493
Total Budget	1,519,145	1,576,359	1,575,643	1,327,740	1,625,742	1,422,871
Expenditure Recovery	430,839	430,839	430,839	430,839	430,839	430,839
General Fund Support	1,088,306	1,145,520	1,144,804	896,901	1,194,903	992,032

In a recent review of the department’s six-month budget spend for the current FY 24/25, we are trending on target to save approximately \$135K in the current year primarily due to salary savings and low expenditure on non-personnel services. While our current savings do not reflect ongoing cost savings, nor do they fully meet the reduction criteria for FY 25/26 savings; they do, however, reflect savings that are very close to the required reduction in year 1 and will be returned to the General Fund.

A review of our minimal current base budget report does provide flexible annual costs to achieve the requested savings without eliminating a position. Our costs are fixed, except for Non-personnel Services and Materials/Supplies. The highest expenditures in Services of other Departments are budget allocation to Real Estate and City Attorney totaling approximately \$187K. These are not costs that cannot be removed or reduced. In fact, last year the Commission overspent our City Attorney budget and funds were reallocated to cover those additional costs. Additionally, the Civil Service Commission is required to have a brick-and-mortar office open and available to employees and the general public on weekdays, during normal business hours. Each budget cycle we have offered to be moved to a smaller less costly space that meets the Commission’s requirements for appellants and complainants to visit in confidentiality.

Adjustments have been made to the proposed budget reflecting the elimination of a single position that meets the Mayor’s directive. For your review, I have attached a document ***Jurisdictional Responsibilities of the Civil Service Commission by San Francisco Charter, Administrative Code and Labor Code (not an exhaustive list)*** that demonstrates the body of work that six FTEs and the Commission are responsible for administering on behalf of the City and County of San Francisco. This list also does not include the responsibilities related to agendizing, preparing and approving the personal service contracts for each commission meeting. In the past this process was managed by the Department of Human Resources, however, they no longer wanted this responsibility and requested CSC staff take over. In an effort to be a team player, we decided to assume responsibility for this additional set of duties even though our small department has less bandwidth than DHR to assume additional tasks. As you well know, each employee in our small department wears several hats. There is no redundancy of duties among Commission

staff, if a staff person is absent from the office for a period of time that is a body of work that will likely not be addressed or only minimally addressed until the staff member returns. The Commission has an enormous responsibility to the City workforce and the residents of San Francisco. Quite frankly, it is disappointing that more resources are not provided to the department. Our budget is so streamlined and bare bones that staff cannot attend training to upskill, cannot acquire technology to improve accuracy and efficiencies in our office and most recently have relied on the City's Virtual Warehouse for furniture and equipment that is enterprise department "trash" to furnish our office. The furniture we were required to move ourselves, because we do not have access to General Laborers for support.

Any position we eliminate will greatly impact Commission staff's ability to respond to appeals, conduct investigations, propose and implement rule changes, manage Civil Service Commission meetings, conduct salary surveys, conduct audits, lead meet and discuss sessions with labor partners, conduct training on merit system principles, conduct inspection services, conduct training on expedited hiring practices to expand racial equity ensuring that the rules do not delay the hiring process, educate managers, racial equity leaders, and human resources analyst on the merit system and Civil Service Commission's role and rules, approve personal service contracts, etc. all activities that are Charter mandated for our office. The degree to which these services are impacted depends on the position we are required to eliminate. But understand there are no insignificant positions at the Civil Service Commission that can be eliminated without serious implications to our ability to meet our Charter mandates. Additionally, services provided to the SFPUC and SFMTA through work orders that fund our expenditure recovery may also be impacted and that may have a ripple effect.

While we understand the concerns of our new Mayor and support the need to address the City's structural deficit, a 15% cut across the board is debilitating for our department. We would like to discuss with the Mayor's Chief of Staff alternative ways the Commission can support the new administration to achieve its goals, and I am certain we can share helpful suggestions. For instance, when the City is more fiscally solvent the Commission would like to discuss with the Mayor's Chief of Staff and the City Controller citywide workorder funding for access to the services we provide all City departments. We have been advised and understand this is not a discussion point for this budget season because all departments are required to submit funding cuts. However, we are requesting a placeholder for future discussions. For this budget season, if we are required to eliminate a position, although it is not the best option for our very small department, we will follow the Mayor's direction.

In light of the City's deficit, we are not requesting any new FTEs added to Commission staff; however, if approved we seek to substitute a single permanent position.

RECOMMENDATION: Direct Executive Officer to prepare Fiscal Years 2025-27 Budget Request to meet the Mayor's budget instructions to permanently reduce General Fund spending by 15% potentially eliminating FTE(s); while continuing to negotiate a budget that maintains appropriate staffing levels amounts necessary to achieve the increasing operational needs of the Civil Service Commission as well as continues to serve the employees, applicants and labor partners of the City and County of San Francisco; incorporate changes made by the Commission prior to the Budget Request submission deadline; and approve to submit the Fiscal Years 2025-27 Budget Request to the Controller and the Office of the Mayor by February 21, 2025.

Attachment: *Jurisdictional Responsibilities of the Civil Service Commission by San Francisco Charter, Administrative Code and Labor Code (not an exhaustive list).*

Jurisdictional Responsibilities of the Civil Service Commission by San Francisco Charter, Administrative Code and Labor Code (not an exhaustive list)

San Francisco Charter

SEC. 2.100. COMPOSITION AND SALARY.

The Board of Supervisors shall consist of eleven members elected by district.

The office of Board of Supervisors member is a full time position. The **Civil Service Commission** shall set the Supervisors' salary once every five years. Before the Commission determines the Supervisors' salary, it shall conduct and consider a salary survey of other full time California City Councils and County Boards of Supervisors and it may consider the Consumer Price Index (CPI).

The **Civil Service Commission** shall timely transmit its determination of the Supervisors' salary to the Controller, so that funds can be set aside for that purpose. The Controller shall include the **Civil Service Commission's** determination in appropriate budget documents to insure implementation. This determination may not be changed except by the **Civil Service Commission**.

The **Civil Service Commission** shall establish dates for an appropriate five-year cycle for making the determinations required by this Section, in order to efficiently coordinate with City budget processes and related procedures. In order to institute this five-year cycle the initial determination may be for less than a five-year period, as determined by the **Civil Service Commission**.

If the City and employee organizations agree to amend the compensation provisions of existing memoranda of understanding to reduce costs, the **Civil Service Commission** shall review and amend the Supervisors' salary as necessary to achieve comparable cost savings in the affected fiscal year or years.

The provisions of this Section shall apply, notwithstanding any other provision of this Charter.

(Amended November 1996; June 1998; November 2002)

SEC. 4.102. BOARDS AND COMMISSIONS – POWERS AND DUTIES.

Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

Jurisdictional Responsibilities of the Civil Service Commission by San Francisco Charter, Administrative Code and Labor Code (not an exhaustive list)

1. Formulate, evaluate and approve goals, objectives, plans and programs and set policies consistent with the overall objectives of the City and County, as established by the Mayor and the Board of Supervisors through the adoption of City legislation;
2. Develop and keep current an Annual Statement of Purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors;
3. After public hearing, approve applicable departmental budgets or any budget modifications or fund transfers requiring the approval of the Board of Supervisors, subject to the Mayor's final authority to initiate, prepare and submit the annual proposed budget on behalf of the executive branch and the Board of Supervisors' authority under Section [9.103](#);
4. Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges with respect to appropriate items coming within their respective jurisdictions;
5. Unless otherwise specifically provided, submit to the Mayor at least three qualified applicants, and if rejected, to make additional nominations in the same manner, for the position of department head, subject to appointment by the Mayor;
6. Remove a department head; the Mayor may recommend removal of a department head to the commission, and it shall be the commission's duty to act on the Mayor's recommendation by removing or retaining the department head within 30 days; failure to act on the Mayor's recommendation shall constitute official misconduct;
7. Conduct investigations into any aspect of governmental operations within its jurisdiction through the power of inquiry, and make recommendations to the Mayor or the Board of Supervisors;
8. Exercise such other powers and duties as shall be prescribed by the Board of Supervisors; and
9. Appoint an executive secretary to manage the affairs and operations of the board or commission.

In furtherance of the discharge of its responsibilities, an appointive board, commission or other unit of government may:

10. Hold hearings and take testimony; and

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11. Retain temporary counsel for specific purposes, subject to the consent of the Mayor and the City Attorney.

SEC. 4.103. BOARDS AND COMMISSIONS – ANNUAL REPORT.

As of the operative date of this Charter and until this requirement is changed by the Board of Supervisors, each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activities, and shall file such report with the Mayor and the Clerk of the Board of Supervisors. The Annual Report can be included in the Annual Statement of Purpose as provided for in Section [4.102\(2\)](#).

SEC. 4.104. BOARDS AND COMMISSIONS – RULES AND REGULATIONS.

(a) Unless otherwise provided in this Charter, each appointive board, commission or other unit of government of the executive branch of the City and County shall:

1. Adopt rules and regulations consistent with this Charter and ordinances of the City and County. No rule or regulation shall be adopted, amended or repealed, without a public hearing. At least ten days' public notice shall be given for such public hearing. All such rules and regulations shall be filed with the Clerk of the Board of Supervisors.

2. Hold meetings open to the public and encourage the participation of interested persons. Except for the actions taken at closed sessions, any action taken at other than a public meeting shall be void. Closed sessions may be held in accordance with applicable state statutes and ordinances of the Board of Supervisors.

3. Keep a record of the proceedings of each regular or special meeting. Such record shall indicate how each member voted on each question. These records, except as may be limited by state law or ordinance, shall be available for public inspection.

(b) The presence of a majority of the members of an appointive board, commission or other unit of government shall constitute a quorum for the transaction of business by such body. The term "presence" shall include participation by teleconferencing or other electronic means as authorized by Government Code Section 54953(b) or any successor legislation after the Board of Supervisors has adopted an ordinance pursuant to subsection (c) allowing such participation when the member is physically unable to attend in person, as certified by a health care provider, due to the member's pregnancy, childbirth, or related condition. The Board of Supervisors may also, as part of a parental leave policy adopted pursuant to subsection (c), authorize a member of a board or commission to participate in

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meetings by teleconferencing or other electronic means when the member is absent to care for his or her child after birth of the child, or after placement of the child with the member or the member's immediate family for adoption or foster care. Unless otherwise required by this Charter, the affirmative vote of a majority of the members shall be required for the approval of any matter, except that the rules and regulations of the body may provide that, with respect to matters of procedure the body may act by the affirmative vote of a majority of the members present, so long as the members present constitute a quorum. All appointive boards, commissions or other units of government shall act by a majority, two-thirds, three-fourths or other vote of all members. Each member present at a regular or special meeting shall vote "yes" or "no" when a question is put, unless excused from voting by a motion adopted by a majority of the members present.

(c) Notwithstanding the provisions of Charter Section [10.101](#), the Board of Supervisors shall provide by ordinance for parental leave policies for members of appointive boards, commissions or other units of government, including, but not limited to, authorization to participate in meetings by teleconferencing or other electronic means pursuant to subsection (b) and subject to the restrictions listed in that subsection.

SEC. 10.100. [CIVIL SERVICE COMMISSION](#).

There is hereby established a [Civil Service Commission](#) which is charged with the duty of providing qualified persons for appointment to the service of the City and County.

[The Commission shall consist of five members appointed by the Mayor, pursuant to Section \[3.100\]\(#\), for six-year terms. Not less than two members of the Commission shall be women.](#)

The persons so appointed shall, before taking office, make under oath and file in the office of the County Clerk the following declaration: "I am opposed to appointments to the public service as a reward for political activity and will execute the office of [Civil Service Commissioner](#) in the spirit of this declaration."

A commissioner may be removed only upon charges preferred in the same manner as in this Charter provided for elective officers.

The regular meetings of the [Commission](#) shall be open to the public and held at such a time as will give the general public and employees of the City and County adequate time within which to appear before the [Commission](#) after the regular daily working hours of 8:00

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a.m. to 5:00 p.m. Such person or persons shall be given an opportunity to be heard by the **Commission** before final action is taken in any case involving such person or persons.

SEC. 10.101. GENERAL POWERS AND DUTIES.

The **Civil Service Commission** shall adopt rules, policies and procedures to carry out the civil service merit system provisions of this charter and, except as otherwise provided in this Charter, such rules shall govern applications; examinations; eligibility; duration of eligible lists; certification of eligibles; leaves of absence for employees and officers; appointments; promotions; transfers; resignations; lay-offs or reduction in force, both permanent and temporary, due to lack of work or funds, retrenchment or completion of work; the designation and filling of positions, as exempt, temporary, provisional, part-time, seasonal or permanent; status and status rights; probationary status and the administration of probationary periods, except duration; pre-employment and fitness for duty medical examinations, except for the conditions under which referrals for fitness for duty examinations will be made, and the imposition of new requirements; classification; conflict of interest; and such other matters as are not in conflict with this Charter; provided, however, that the minimum rule for the certification of eligibles shall be the Rule of Three Scores, and provided further that rules for leave due to illness or disability shall be approved by the Board of Supervisors. Changes to the rules may be proposed by members of the **Commission**, the Executive Assistant or the Human Resources Director and approved or rejected by the **Commission**. The **Commission** may, upon ten days' notice, make changes in the rules, which changes shall thereupon be printed and be in force; provided that no such changes in rules shall affect a case pending before the Commission.

The **Commission** shall have power to institute and prosecute legal proceedings for violations of any civil service merit system or Department of Human Resources provisions of this Charter.

The **Commission** shall establish an inspection service for the purpose of investigating the conduct or an action of appointees in all positions and of securing records of service for promotion and other purposes. All departments shall cooperate with the **Commission** in making its investigations and any person hindering the **Commission** or its agents shall be subject to suspension.

The **Commission** shall by rule establish procedures to review and resolve allegations of discrimination as defined in [Article XVII](#) of this Charter or otherwise prohibited nepotism or

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favoritism appealed to it pursuant to this section. The determination reached under **Commission** procedures shall be final and shall forthwith be enforced by every employee and officer.

The **Commission** shall have the power to inquire into the operation of the civil service merit system to ensure compliance with merit principles and rules established by the **Commission**. After such inquiry, the **Commission** may direct the Human Resources Director to take such action as the **Commission** believes necessary to carry out the civil service provisions of this Charter. In any hearing conducted by the **Commission** or by any hearing officer it appoints pursuant to this section, the **Commission** or the hearing officer shall have the power to subpoena and require the attendance of witnesses and the production of records.

The **Commission** may require periodic reports from the Human Resources Director in a manner and form which it shall prescribe.

The **Commission** may hear appeals from an action of the Human Resources Director in accordance with its rules, including but not limited to:

1. Allegations of discrimination as defined in [Article XVII](#) of this Charter. Notwithstanding any other provisions of this Charter except the fiscal provisions hereof, the decision of the Commission regarding allegations of discrimination shall forthwith be enforced by every officer and employee;
2. Allegations of fraud; and
3. Allegations of conflict of interest.

No action by the Human Resources Director which is the subject of any appeal shall be stayed during the appeal process except by a majority vote of the **Civil Service Commission**.

The **Commission** shall have the power and it shall be its duty to appoint an executive assistant to be the administrative head of the affairs under its control who shall serve at its pleasure; provided, however, that any person who has Civil Service status in the position of executive assistant to the **Commission** on the effective date of this section as amended shall continue to have Civil Service status in the position of executive assistant under the Civil Service provisions of this Charter. The executive assistant shall periodically report to the Commission on operation of the civil service merit system and may make

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recommendations to the Civil Service Commission regarding its rules, policies and procedures.

SEC. 10.102. DEPARTMENT OF HUMAN RESOURCES.

The Department of Human Resources shall consist of a Human Resources Director and such employees as may be necessary to carry out its functions and duties.

Pursuant to and in accordance with policies, rules and procedures of the **Civil Services Commission governing the merit system**, the Department of Human Resources shall be the personnel department for the City and County and shall determine appointments on the basis of merit and fitness as shown by appropriate test and, except as specifically set forth in this Charter, shall perform all tests, duties and functions previously performed by the **Civil Service Commission**, including but not limited to authority to recruit, select, certify, appoint, train, evaluate, promote career development, classify positions, administer salaries, administer employee discipline, discharge and other related personnel activities in order to maintain an effective and responsive work force....

SEC. 10.103. HUMAN RESOURCES DIRECTOR.

A Human Resources Director shall be selected by the Mayor from candidates nominated by the **Civil Service Commission** and confirmed by vote of the Board of Supervisors....

SEC. 10.104. EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT.

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

1. – 10.

11. Persons employed in positions outside the City and County upon construction work being performed by the City and County when such positions are exempted from the classified civil service by an order of the **civil service commission**;

12. Persons employed in positions in any department for expert professional temporary services, when such positions are exempted from said classified civil service for a specified period of said temporary service by order of the **civil service commission**.

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The proportion of full-time employees in the above exempt categories to the total number of civil service employees of the City and County shall not be greater than such proportion as existed on July 1, 1994, unless modified by **Civil Service Commission** rule, approved by the Board of Supervisors.

13. – 15.

In addition, with the approval of the **Civil Service Commission**, exempt employees shall include:

16. Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures;

17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular Civil Service procedures;

18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular civil service procedures; and

19. Entry level positions designated by an appointing officer with approval of the **Civil Service Commission** for persons who met minimum qualifications and are certified as blind or severely disabled; persons so appointed whose job performance is rated satisfactory by their appointing officer shall after one year of continuous service acquire Civil Service status.

Appendix A – Employment Provisions

A8.329 CERTIFICATION OF ELIGIBLES

Whenever a position controlled by the civil service provisions of this Charter is to be filled, the appointing officer shall make a requisition to the department of human resources for a person to fill it. Thereupon, the department shall certify to the appointing officer the names and addresses of all those persons meeting the certification rule established for that classification. The **Civil Service Commission** shall establish certification rules. Certification rules shall not be more restrictive than the certification of all candidates receiving the three highest scores on the list of eligibles for such positions. The appointing officer shall fill the position by the appointment of one of the persons certified. In making

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such certification, sex shall be disregarded except when a statute, rule of the commission or the appointing officer specifies sex; provided however, the appointing officer shall give due consideration to applicable civil service equal employment opportunity (EEO) goals so as to maximize diversity at all levels of City employment. The Mayor and the Board of Supervisors shall annually review each department's performance in meeting its civil service EEO obligations.

From the requisition of the appointing officer or otherwise, the department shall determine whether the position is, in character, temporary, seasonal or permanent, and shall notify the candidate in accordance therewith to the end that the candidate may have knowledge of the probable duration of employment. The department shall provide for such waiver of temporary or seasonal employment as it may deem just to candidates.

Notwithstanding anything to the contrary in this or any other provision of the Charter, an employee who has been certified from a regularly adopted eligible list to a non-permanent position in a civil service classification shall be entitled to appointment to a permanent position within that same classification before the department certifies to the appointing officer the names and addresses of persons standing higher on the list of eligibles who are not then current employees, subject to a demonstration of satisfactory job performance in the non-permanent position for a period and in the manner provided by rule of the **commission**. The provisions of this section as herein amended shall only be applicable to requisitions for permanent positions filled from and after January 1, 1980.

A8.341 REMOVAL OR DISCHARGE OF PERMANENT, NON-PROBATIONARY EMPLOYEES

A. Any person employed under the civil service provisions of this Charter, exclusive of members of the uniformed ranks of the police and fire departments as provided under Section 8.343 hereof, in a position defined by the **commission** as "permanent" may be removed or discharged by the appointing officer for just cause, after being provided with written notice of the charges, copies of all documentation upon which the charges are based and after an opportunity to respond to the charges before the appointing officer or his or her designee. Pending investigation of conduct involving misappropriation of public funds or property, misuse or destruction of public property, drug addiction or habitual intemperance, mistreatment of persons, immorality, acts which would constitute a felony or misdemeanor involving moral turpitude, or acts which present an immediate danger to the public health and safety the appointing officer may place the accused person on unpaid administrative leave for no more than 30 days unless the investigation shall be

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delayed beyond such time by the act of the accused person. When the appointing officer imposes discharge or removal he or she shall, in writing, notify the person removed or discharged of the right to appeal the discharge or removal by mailing such statement to his last known address. The employee shall have thirty days from the date of mailing of the notice to file an appeal of the matter in writing with the appointing officer. Upon receipt of a timely appeal, the appeal shall be conducted forthwith by a qualified and unbiased hearing officer who shall be employed under contract by the City and County and selected by procedures set forth in the rules of the **civil service commission**. The hearing officer shall publicly hear and determine the appeal, and may approve the discharge or removal, or exonerate, or suspend the accused.

If the employee is exonerated the hearing officer may, at his or her discretion, order payment of salary to the employee for the period of the discharge or removal or unpaid administrative leave, and the report of such period of discharge or removal or unpaid administrative leave shall thereupon be expunged from the record of service of such employee.

The **civil service commission** shall immediately be notified of the charges when made, of the action of the appointing officer to remove or discharge, of the appeal, and of the finding thereon. The finding of the hearing officer shall be final.

The **civil service commission** may remove or discharge an employee for any charge filed by a citizen or by any member of or authorized agent of the **commission** when the appointing officer neglects or refuses to take such action against the employee within 30 days of notification to the department head of the occurrence or event giving rise to the charge. Removal or discharge may be made for any cause after the employee is provided with written notice of the charges, copies of all documentation upon which the charges are based and after the employee has had the opportunity to respond to the charges before the civil service commission or its designee. The decision of the **civil service commission** shall be final.

Nothing in this section shall limit or restrict rules adopted by the commission governing dismissal of probationary employees, lay-offs or reduction in force or providing for the removal of any appointee who has abandoned his or her position as defined by **civil service commission** rule.

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B. Notwithstanding the provisions of Subsection A above, a recognized employee organization and any affected City department may agree to alternative procedures, including final and binding arbitration by a neutral arbitrator jointly selected by the employee organization and the City, to deal with charges brought against individual employees, the resolution of such charges and the appropriate discipline, if any, to be imposed on the employee. Said alternative procedures shall be included in a Memorandum of Understanding between the City and the employee organization which shall be effective when ratified by the Board of Supervisors.

A8.364 AUTHORIZATION TO TRANSFER UNUSED SICK LEAVE

(a) Employees of the City and County of San Francisco may transfer their unused accumulated sick leave to other employees of the City and County of San Francisco who have been determined to be catastrophically ill, and who have exhausted their vacation allowance, sick leave and compensatory time off, provided that such determination and such transfer may be made only in compliance with the terms and conditions established by ordinance adopted by the Board of Supervisors.

(b) Notwithstanding Sections 8.360 and 8.363 of this Charter, within sixty (60) days of the effective date of this section, the Health Commission, **Civil Service Commission**, and Retirement Board shall conduct a joint hearing to consider and develop recommendations for submission to the Board of Supervisors. The Board of Supervisors shall adopt an ordinance, as provided in subsection (a), and establish any rules necessary to administer, interpret, and regulate the provisions of this section, provided that all such rules shall be approved, amended, or rejected by resolution by the Board of Supervisors.

(Amended November 1999)

A8.365 COMPENSATION DURING PARENTAL LEAVE

Under federal, state and local law, employees are entitled to take an unpaid leave of absence in the event of pregnancy disability or to care for a child after birth or placement for adoption or foster care. But employees may not have the financial resources to take advantage of this leave. This section provides compensation to supplement state disability insurance payments, paid sick leave, compensatory time, and other forms of paid leave, to ensure that an employee will receive the equivalent of the employee's salary for 12 weeks, or, if the employee is temporarily disabled by pregnancy, up to 16 weeks, while on approved leave.

Jurisdictional Responsibilities of the Civil Service Commission by San Francisco Charter, Administrative Code and Labor Code (not an exhaustive list)

In accordance with this section, eligible employees on approved Parental Leave shall receive Supplemental Compensation as set forth herein.

Nothing in this section shall be construed to expand, reduce or otherwise affect the total amount of leave time available to employees under federal, state, or local law, **Civil Service Commission rules**, or applicable memoranda of understanding between the City and County of San Francisco and employee organizations. This section is intended to supplement other available sources of income during specified periods of leave to which the employee is otherwise eligible. Except for leave mandated by law, requests for leave continue to be subject to the approval of the appointing officer.

(Added November 2002; amended November 2015)

A8.365-1 DEFINITIONS

The following words and phrases as used in this section, unless a different meaning is plainly required by the context, shall have the following meaning:

"Domestic Partner" shall have the same meaning as set forth in Administrative Code Section [62.1](#) et.seq.

"Employee" shall mean any person who is appointed to a position created by or which is under the jurisdiction of the City and County, whose compensation is paid by the City and County, and who is under the control of the City and County as to employment, direction and discharge and does not include persons who occupy classified or certificated positions with the San Francisco Unified School District or the Community College District or who work for the City as independent contractors.

"Paid Leave" shall mean all paid time-off provided by the Charter, the Administrative Code, the **Civil Service Rules** or through a collective bargaining agreement and shall include but not be limited to vacation, sick leave, compensatory time, administrative or executive leave and floating holidays. For purposes of this section, "Paid Leave" shall not include statutory holidays.

"Parental Leave" shall mean (a) Family Medical Leave as defined below; (b) Temporary Pregnancy Disability Leave as defined below:

(a) "Family Medical Leave" shall mean leave taken pursuant to the Family and Medical Leave Act, the California Family Rights Act, or **Civil Service Commission Rules**, where such leave is taken after the birth of a child to the Employee, the Employee's spouse or the

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Employee's Domestic Partner or for placement of a child with the Employee's family for adoption or foster care, and has been requested and approved in accordance with the procedures set forth in those respective statutes or rules, except to the extent that those statutes, rules, or any associated regulations allow an employer to limit leave to a combined total maximum duration if more than one employee qualifies to take leave for the birth or placement of the same child. Charter Sections [A8.365](#) through [A8.365-4](#) are intended to provide each Employee the maximum duration of Parental Leave to which he or she would otherwise be entitled under its provisions, regardless of the amount of leave taken by another Employee for the birth or placement of the same child.

(b) "Temporary Pregnancy Disability Leave" shall mean disability leave taken in accordance with State law or the [Civil Service Commission Rules](#) because of an Employee's inability to work, as certified by a health care provider, for reasons of pregnancy, childbirth, or related conditions, as defined by the California Fair Employment and Housing Act, Govt. Code Section 12945.

"Supplemental Compensation" shall mean compensation paid by the City to eligible Employees on Parental Leave. The amount of Supplemental Compensation shall be the Employee's regular base wage less (1) all accrued Paid Leave from the City with the exception of 40 hours of sick leave and (2) any payments received by the Employee from a federal, state or other local government agency in lieu of compensation.

(Added November 2002; amended November 2015)

A8.405 SALARIES OF UNIFORMED FORCES IN THE POLICE AND FIRE DEPARTMENTS

(a) Not later than the first day of August of each year, the [civil service commission](#) shall survey and certify to the Board of Supervisors rates of compensation paid police officers or patrol officers employed in the respective police departments in all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the [civil service commission's](#) survey and certification the rates contained in said certification shall be the average of the maximum rates paid to each police officer or patrol officer classification performing the same or essentially the same duties as police officers or patrol officers in the City and County of San Francisco.

Thereupon the Board of Supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the police department whose annual compensations are set forth in Section 3.531 of this Charter and said rates shall be

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in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

(1) for the fourth year of service and thereafter for police officers, police patrol drivers and women protective officers the compensation shall be fixed at a rate which is the average maximum wage paid to police officer or patrol officer classifications in regular service in the cities included in the certified report of the civil service commission. "Average wage" as used in this paragraph shall mean the sum of the maximum averages certified by the **civil service commission** divided by the number of police officer classifications in cities in said certification;

(2) for the first, second and third year of service for police officers, police patrol drivers and women protective officers shall be established in accordance with the general percentage differential between seniority steps found in the salary ranges included in the cities certified by the civil service commission for the same class;

(3) for said members of the police department other than police officers, police patrol drivers and women protective officers shall include the same percent of adjustment as that established by said ordinance for police officers in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The rates of compensation set forth in the budget estimates, the budget and the annual salary ordinance shall be those fixed by the Board of Supervisors as in this section provided and appropriations therefor shall be based thereon.

The expression "rates of compensation," as used in this section in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other City by way of holidays, vacations, other permitted absences of any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

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Working benefits and premium pay differential of any type shall be allowed or paid to members of the police department referred to herein only as is otherwise provided in this Charter.

For all purposes of the Retirement System, the expression "rates of compensation" as used in this section, shall mean "salary attached to the rank" as used in Section 166 of the Charter of 1932, as amended, and with the addition of fifteen dollars (\$15) per month now provided in Subsection (b) with respect to members assigned to two-wheel motorcycle duty, shall also mean "compensation earnable" as used in Section 8.549.

The term "police officers or patrol officers" as used in this section shall mean the persons employed in the police departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by police officers, police patrol drivers and women protective officers in the San Francisco Police Department.

In determining years of service necessary for a police officer, woman protective officer and police patrol driver to receive the annual compensation as provided for herein, service rendered prior to the effective date of this amendment shall be given full credit and allowed.

The absence of any police officer, woman protective officer or police patrol driver on military leave, as defined by Section 8.361 of this Charter, shall be reckoned a part of his service under the City and County, for the purpose of computing years of service in gaining added compensation as provided for herein.

On the recommendation of the chief of police, the **commission** may reward any member of the department for heroic or meritorious conduct. The form or amount of said reward to be discretionary with the commission, but not to exceed one month's salary in any one instance.

If any member of the department appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, such member shall receive the rate of compensation attached to the rank of sergeant.

(b) Not later than first day of August of each year the civil service commission shall survey, and certify to the Board of Supervisors, additional rates of pay paid to members assigned to all two-wheel motorcycle duty in the respective police departments of all cities

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of 350,000 population or over in the State of California, based upon the latest decennial census. For the purpose of the **civil service commission's** survey and certification the additional rates for two-wheel motorcycle duty shall include the average additional amount paid to members assigned to two-wheel motorcycle duty in the cities surveyed.

Thereupon the Board of Supervisors shall have the power, and it shall be its duty, by ordinance, to fix the additional rate of pay for the members of the police department who are assigned two-wheel motorcycle duty. The additional rate of pay will be determined by the average additional wage paid to members in regular service in the cities included in the certified report of the civil service commission who are assigned to two-wheel motorcycle duty. "Average wage" as used in this paragraph shall mean the sum of the additional rates of pay certified by the **civil service commission** divided by the number of cities in said certification. Said additional rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

Said rate of pay shall be in addition to the rate of compensation provided for in Subsection (a).

In no event shall the additional rate so fixed be less than fifteen dollars (\$15) per month.

(c) Not later than the first day of August of each year, the **civil service commission** shall survey and certify to the Board of Supervisors rates of compensation paid firefighters employed in the respective fire departments of all cities of 350,000 population or over in the State of California, based upon the latest federal decennial census. For the purpose of the **civil service commission's** survey and certification the rates contained in said certification shall be the average of the maximum rates paid to each firefighter classification performing the same or essentially the same duties as firefighters in the City and County of San Francisco.

Thereupon, the Board of Supervisors shall have the power, and it shall be its duty, by ordinance, to fix rates of compensation for the members of the fire department whose annual compensations are set forth or otherwise provided in Section 3.542 of this Charter, and said rates shall be in lieu of said annual compensations and shall be effective from the first day of July of the current fiscal year.

The rates of compensation, fixed in said ordinance,

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(1) for the fourth year of service and thereafter the rate of compensation shall be fixed at a rate which is the average of the maximum compensation paid firefighter classifications in regular service in the cities included in the certified report of the **civil service commission**. "Average wage" as used in this paragraph shall mean the sum of the maximum averages certified by the civil service commission divided by the number of firefighter classifications in cities in said certification;

(2) for the first, second and third year of service for firefighters shall be established in accordance with the general percentage differential between seniority steps found in the salary ranges included in the cities certified by the **civil service commission** for the same class;

(3) for said members of the fire department other than firefighters shall include the same percent of adjustment as that established by said ordinance for firefighters in the fourth year of service; and

(4) shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this section, half dollars being taken to the next higher dollar amount.

The expression "rates of compensation" as used in this section, in relation to said survey, is hereby declared to apply only to a basic amount of wages, with included range scales, and does not include such working benefits as might be set up by any other City by way of holidays, vacations, other permitted absences for any type whatsoever, overtime, night or split shift, or pay for specialized services within a classification or rank, or other premium pay differentials of any type whatsoever. The foregoing enumeration is not exclusive, but it is the intent of this section that nothing other than a basic amount of wages, with included range scales, is to be included within the meaning of "rates of compensation."

Working benefits and premium pay differentials of any type shall be allowed or paid to members of the fire department referred to herein only as is otherwise provided in this Charter.

For all purposes of the Retirement System, the expression "rates of compensation," as used in Subsections (c) and (d) of this section shall mean "salary attached to the rank" as used in Section 169 of the Charter of 1932, as amended and "compensation earnable" as used in Section 8.549.

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The term "firefighters" as used in this section shall mean the persons employed, in the fire departments of said cities of 350,000 population or over or of the City and County of San Francisco, to perform substantially the duties being performed on the effective date of this section by drivers, stokers, tillermen, truckmen, or hosemen, in the San Francisco Fire Department.

The expression "members of the fire department" does not include members of the fire commission.

The absence of any officer or member of the fire department on military leave of absence, as defined by Section 8.361 of this Charter shall be reckoned a part of such member's service under the City and County, for the purpose of computing years of service in gaining added compensation as provided in this Charter.

On the recommendation of the chief of department, the commission may reward any officer or member of the department for heroic or meritorious conduct, the form or amount of said award to be discretionary with the fire commission, but not to exceed one month's salary in any one instance.

The rates of compensation for the ranks of captain, bureau of fire prevention and public safety, and lieutenant, bureau of fire investigation, shall be thirteen percent (13%) above the compensation established for the ranks of captain and lieutenant as provided for in this section. The rates of compensation for the ranks of inspector, bureau of fire prevention and public safety, and investigator, bureau of fire investigation, shall be ten percent (10%) above the compensation established for the rank of chief's operator as provided for in this section. The rate of compensation shall be set at the dollar amount nearest the fractional amount which may result from percentage adjustment specified in this subsection, half dollars being taken to the next higher dollar amount.

(d) The rates of compensation fixed pursuant to the provisions of Subsection (a)(1), (2) and (3) and the rates of compensation fixed pursuant to the provisions of Subsection (c)(1), (2) and (3) shall be the same. Such rates shall not exceed the highest average rate of compensation fixed pursuant to Subsections (a)(1), (2) and (3) and (c)(1), (2) and (3) above, whether it be paid to police officers, patrol officers or firefighters; provided, further, that the minimum rate of compensation attached to the rank of sergeant in the police department shall be equal to the rate of compensation attached to the rank of lieutenant in the fire department.

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(e) Not later than the 25th day of August the Board of Supervisors shall have the power and it shall be its duty, subject to the fiscal provisions of the Charter but without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance as necessary to include the provisions of paying the rates of compensation fixed by the Board of Supervisors as in this section provided for uniformed members of the police and fire departments for the then current fiscal year.

Notwithstanding any other Charter provision, the rates of compensation for police officers and firefighters shall be annually further increased as follows:

(1) In the event that any City of 350,000 population or over in the State of California as defined in subsections (a) and (c) of this section has not finalized, fixed, or reached agreement as to the rates of compensation prior to the 25th day of August, the date for further and additional fixing of the rates of compensation and for further and additional amending of the annual appropriation ordinance and annual salary ordinance to provide for the paying of additional rates of compensation to police officers and firefighters shall extend to the 30th day of June of the following year.

(2) Should any City as defined in subsections (a) and (c) of this section finalize, fix or reach agreement as to the rates of compensation after the 25th day of August but prior to the 30th day of June of the following year, the Board of Supervisors shall have the power, and it shall be its duty, subject to the fiscal provisions of the Charter, by ordinance, within 30 calendar days of said finalizing, fixing, or reaching agreement, further to fix the rates of compensation for the uniformed members of the police and fire departments and to further amend the annual appropriation ordinance and the annual salary ordinance to include provisions for paying the rates of compensation as so further fixed pursuant to subsections (a), (b) and (c) of this section, and said rate of compensation shall be effective retroactive to the effective date of the agreement or legislation designated in subsections (a) and (c), but in no event prior to July 1 of the current fiscal year.

(f) Not later than the first day of August of each year, the **civil service commission** shall determine and certify to the Board of Supervisors the percentage of increase or decrease in the cost of living during the 12-month period ending March 31st of that same year as shown by the Consumer Price Index, All Items San Francisco, and the percentage of increase or decrease in the cost of living during the same period as shown by the Consumer Price Index, All Items, in the cities included in the certified report of said commission. The Consumer Price Index referred to herein is defined as that certain index issued by the U. S.

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Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. In the event the U. S. Bureau of Labor Statistics discontinues the compilation and publication of said indexes, the Board of Supervisors shall have the power, and it shall be its duty, to appoint a statistical fact finding committee to determine the same data pursuant to the methods theretofore used by the U. S. Bureau of Labor Statistics. The cost of living adjustments as hereinafter provided shall be based upon the percentage of such increases or decreases. The Board of Supervisors may, in addition to the rates of compensation as established herein, and at the same time said rates of compensation are established, increase said rates of compensation by an amount equal to the difference between the average cost of living increase of the cities included in the certified report of the civil service commission and the actual cost of living increase for San Francisco. In the event the Board of Supervisors elects not to grant such cost of living increase in any year in which any such increase might be granted, the Board of Supervisors shall, upon a written request filed with the clerk of the Board of Supervisors not later than the 10th day of September of said year by representatives of the uniformed members of the police and fire departments, as designated by the police and fire commissions, respectively, submit the question of said cost of living increase to the qualified electors of the City and County at the next succeeding Citywide election. In the event said cost of living increase is approved by a majority of the qualified electors voting thereon, said cost of living increase shall be effective as of the first day of the then current fiscal year.

(g) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department employed before July 1, 1976, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of any new compensation schedules, and the rates for fiscal year 1975-76 shall continue until such time as the new schedules equal or exceed the current salary increment schedules, provided, however, that such time shall not be extended beyond June 30, 1982, and provided further that this prohibition against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of Section 8.406 of this Charter.

(h) Notwithstanding any of the provisions contained in this section, no uniformed member of the police or fire department, whose compensation is fixed pursuant to the formula contained herein, shall suffer a salary reduction by the application of the compensation schedules provided for herein. Provided, however, that this prohibition

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against reduction of compensation for the designated employees shall not be deemed to supersede the provisions of Section 8.406 of this Charter.

(i) This amendment shall become effective immediately upon certification of election results and its provisions shall pertain to fixing rates of pay for police officers and firefighters during fiscal year 1986-87.

A8.409-1 EMPLOYEES COVERED

These Sections [A8.409](#) through [A8.409-6](#), inclusive, shall apply to all miscellaneous officers and employees except as set forth in Section [A8.590-1](#) et seq. and including employees of San Francisco Unified School District and San Francisco Community College District to the extent authorized by state law. The provisions of Charter sections [A8.400\(h\)](#), [A8.401-1](#), and A8.407 are hereby repealed and shall be of no further force and effect. Employee organizations representing employees in classifications covered by section [A8.403](#) and [A8.404](#) of this Charter may elect to include those classifications within the coverage of this part as a separate bargaining unit, provided however, that the election shall not become effective without the written approval of the Mayor and Board of Supervisors. The election shall be irrevocable and such employees shall not thereafter be subject to the provisions of section [A8.403](#) and [A8.404](#).

Employees in classifications not represented by a recognized employee organization shall be entitled to represent themselves with the City and County over wages, hours and other terms and conditions of employment to the extent required by state law and shall not be subject to the arbitration provisions of Section [A8.409-4](#) of this Charter. The Mayor annually shall propose all forms of compensation for unrepresented employees including salaries, hours, benefits, and other terms and conditions of employment subject to approval or disapproval of the Board of Supervisors. Consistent with other provisions of this Charter, the **civil service commission** may adopt rules and procedures relating to said unrepresented employees.

Except as otherwise provided by this Charter the **Civil Service Commission** shall set the wages and benefits of all elected officials of the City and County of San Francisco as follows: The Commission shall conduct a salary survey of the offices of chief executive officer, county counsel, district attorney, public defender, assessor-recorder, treasurer, and sheriff, in the counties of Alameda, Contra Costa, Marin, San Mateo, and Santa Clara. The Commission shall then average the salaries for each of those offices to determine

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respectively the base five-year salaries for the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff.

If any of the aforementioned counties do not have an office of public defender, that county shall be omitted from the salary survey for purposes of determining the base five-year salary of the Public Defender. Among the aforementioned counties, any freestanding county assessor's office or any county office in which the assessor's function is combined with other county functions, shall be deemed comparable to the office of Assessor-Recorder for purposes of determining the base five-year salary of the Assessor-Recorder. If any of the aforementioned counties do not have a comparable county office of treasurer, the county office whose functions most closely resemble the Treasurer's functions in San Francisco shall be deemed comparable to the office of Treasurer for purposes of determining the base five-year salary of the Treasurer.

The initial base five-year salary determination for the respective salaries of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff shall apply to the period from July 1, 2007 through June 30, 2012. Subsequent base five-year salary determinations for those offices shall apply to subsequent five-year periods, for example, July 1, 2012 through June 30, 2017.

For the second, third, fourth, and fifth years of the period for which any base five-year salary has been set, the Commission shall annually adjust the respective salaries of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff, to account for upward annual movement in the Consumer Price Index during the prior calendar year; provided, that whenever the upward movement in the Consumer Price Index during the prior calendar year exceeds 5%, the cost-of-living adjustment shall not be the actual increase in the Consumer Price Index for the prior calendar year but instead shall be 5%. The annual cost-of-living adjustment shall take effect July 1 of the second, third, fourth, and fifth years of the period for which the base five-year salary has been set.

Except as noted below, in setting the initial and subsequent base five-year salary determinations for the offices of Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff, the **Commission** may not reduce the respective salaries of any of those offices. If implementation of the process for setting the base five-year salary would otherwise result in a salary reduction for any of those offices, the base five-year salary for the affected office or offices shall be the existing salary for the office.

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If the City and County of San Francisco and employee organizations agree to amend the compensation provisions of existing memoranda of understanding to reduce costs, the **Commission** shall review and amend the respective salaries of the Mayor, City Attorney, District Attorney, Public Defender, Assessor-Recorder, Treasurer, and Sheriff as necessary to achieve comparable cost savings in the affected fiscal year or years.

The **Commission** shall annually set the benefits of elected officials, to take effect July 1 of each year. Benefits of elected officials may equal but may not exceed those benefits provided to any classification of miscellaneous officers and employees as of July 1 of each year, except, after January 7, 2012, the City and County shall not pay the required employee contributions of said officials into the San Francisco Employees' Retirement System trust fund or into the Retiree Health Care Trust Fund..

In addition, subject to the approval or disapproval of the Board of Supervisors, the Mayor may create, for employees designated as management, a management compensation package that recognizes and provides incentives for outstanding managerial performance contributing to increased productivity and efficiency in the work force. In formulating such a package, the Mayor shall take into account data developed in conjunction with the **civil service commission** regarding the terms of executive compensation in other public and private jurisdictions.

(Amended March 2004; Proposition C, Approved 11/7/2006; Proposition C, Approved 11/8/2011)

A8.409-3 OBLIGATION TO BARGAIN IN GOOD FAITH

Notwithstanding any other ordinances, rules or regulations of the City and County of San Francisco and its departments, boards and commissions, the City and County of San Francisco, through its duly authorized representatives, and recognized employee organizations representing classifications of employees covered by this part shall have the mutual obligation to bargain in good faith on all matters within the scope of representation as defined by Government code section 3504, relating to the wages, hours, benefits and other terms and conditions of City and County employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of any agreement, and including agreements to provide binding arbitration of discipline and discharge; provided, however that, except insofar as they affect compensation, those matters within the jurisdiction of the **civil service commission** which establish, implement

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and regulate the **civil service merit system** shall not be subject to bargaining under this part: the authority, purpose, definitions, administration and organization of the merit system and the **civil service commission**; policies, procedures and funding of the operations of the **civil service commission** and its staff; the establishment and maintenance of a classification plan including the classification and reclassification of positions and the allocation and reallocation of positions to the various classifications; status rights; the establishment of standards, procedures and qualifications for employment, recruitment, application, examination, selection, certification and appointment; the establishment, administration and duration of eligible lists; probationary status and the administration of probationary periods, except duration; pre-employment and fitness for duty medical examinations except for the conditions under which referrals for fitness for duty examinations will be made, and the imposition of new requirements; the designation of positions as exempt, temporary, limited tenure, part-time, seasonal or permanent; resignation with satisfactory service and reappointment; exempt entry level appointment of the handicapped; approval of payrolls; and conflict of interest. As to these matters, the **Civil Service Commission** shall continue to be required to meet and confer pursuant to state law.

Unless and until agreement is reached through bargaining between authorized representatives of the City and County of San Francisco and authorized representatives of recognized employee organizations for the employee classifications covered by this part, or a determination is made through the procedure set forth in section [A8.409-4](#) hereinafter provided, no existing wages, written terms or conditions of employment, fringe benefits, or long-standing past practices for said employees shall be altered, eliminated or changed except in cases of emergency. This paragraph shall be effective only until the approval of the first memorandum of understanding with a covered employee organization or six months from the effective date of this part whichever occurs sooner.

During the term of an MOU, disputes regarding changes in wages, hours, benefits and other terms and conditions of employment shall not be subject to the impasse procedures provided in this part, but may be subject to grievance arbitration.

No bargaining unit may be included in more than one memorandum of understanding with the City and County of San Francisco. Consistent with Charter sections 3.100-2 and 3.103 and subject to the prior written approval of the Human Resources Director which shall not be unreasonably withheld, appointing officers shall have the authority to

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negotiate agreements with recognized employee representatives. Appointing officers shall consult and coordinate such negotiations with the Human Resources Director. Such memoranda of understanding shall be restricted to non-economic items within the jurisdiction of the department appointing officer which do not conflict with a City-wide memorandum of understanding. Such memoranda of understanding shall come into full force and effect only upon approval by the Mayor and thereafter by a majority vote of the Board of Supervisors or other appropriate governing body. Upon such approval, departmental memoranda of understanding shall be attached as appendices to the employee organization's City-wide memorandum of understanding as negotiated under this part. No memorandum of understanding negotiated pursuant to this paragraph during the term of a City-wide memorandum of understanding shall be subject to the arbitration provisions of this part until re-negotiation of the employee organization's City-wide memorandum of understanding.

Agreements reached pursuant to this part by the authorized representatives for the City and County of San Francisco, on behalf of its departments, boards and commissions, and the authorized representatives of recognized employee organizations, once adopted by ordinance of the Board of Supervisors, shall be binding on the City and County of San Francisco, and on its departments, boards, commissions, officers and employees and on the recognized employee organizations and their successors, and all employees in classifications they represent. Except as specifically set forth in this part, said agreements shall supersede any and all other conflicting procedures, provisions and formulae contained in this Charter, in the ordinances of the Board of Supervisors, or in the rules or regulations of the City and County of San Francisco, relating to wages, hours, or other terms and conditions of employment.

(Amended March 2004)

San Francisco Administrative Code

SEC. 16.1. MILITARY LEAVES – PAYMENT OF SALARIES FOR THIRTY-DAY PERIOD.

Any officer or employee of the City and County or any non-certificated officer or employee of the Unified School District of the City and County who, in accordance with the rules of the **Civil Service Commission**, is granted military leave for service in the Armed Forces of the United States or the State and who has been in the employ of the City and County or the Unified School District for a period of not less than one year continuously prior to the

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date upon which such military leave begins, shall be granted his regular salary or compensation while on such leave for a period not to exceed 30 calendar days in any fiscal year nor for more than 30 calendar days in any period of continuous military leave.

The **Civil Service Commission** is authorized to adopt and enforce rules and regulations to carry out the meaning and intent of this Section.

(Ord. No. 6285(1939), Secs. 1, 2)

SEC. 16.2. MILITARY LEAVES – AUTHORIZED FOR SEA DUTY ABOARD GOVERNMENT OPERATED SHIPS.

Subject to rules of the **Civil Service Commission**, leaves of absence shall be granted to officers and employees of the City and County and to noncertificated officers and employees of the Unified School District for sea duty as licensed officers aboard ships operated by or for the United States government. The duration of such leaves of absence, under such **Civil Service Commission** rules, shall be limited to the period of any emergency declared by the president of the United States or by the Congress, or to the life of any act authorizing compulsory military service or training.

(Ord. No. 6644(1939), Sec. 1; amended by Ord. 149-00, File No. 000696, App. 6/30/2000)

SEC. 16.9-24. EQUAL EMPLOYMENT OPPORTUNITY PLANS.

Each board or commission, each elective officer in charge of an administrative office, the Controller, the Mayor, and each department head appointed by the Mayor shall be responsible for the preparation and implementation of a plan to provide equal employment opportunities to all persons. Each such plan shall address all employment-related subjects the control of which is vested by the Charter in the board, commission, officer, or department. Such subjects shall include, but not be limited to, the following:

- (a) Policy statements;
- (b) Designation of equal employment opportunity responsibilities within the office, board or department, and establishment of a mechanism to evaluate the specific plan adopted;
- (c) Analysis of workforce utilization in each job category by race or national origin, sex, age and salary, as compared to qualified representatives in the relevant market;
- (d) Specific steps to be undertaken within stated timetables to ensure that all persons, regardless of race, national origin, or sex, have equal opportunities for employment; and

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(e) The method of dissemination of the equal employment opportunity plan.

All such plans shall be prepared in consultation with the Civil Service Commission in order to provide technical assistance and recommendations on effective steps to achieve equal employment opportunity. Prior to adoption, the Civil Service Commission shall also approve each equal employment opportunity plan in cooperation with the City Attorney to ensure that compliance is made with all relevant federal, State and local equal opportunity laws or regulations. Should the Civil Service Commission find any such plan not in compliance with the above, it shall immediately so report to the Mayor's Office and Board of Supervisors. All such plans shall, upon adoption, be filed with the Civil Service Commission for public or other inspection.

In order to facilitate the development of information necessary to the formulation of such plans, the Controller is directed to make appropriate data processing facilities available and to process annual workforce utilization plans as required by this Section, the California Fair Employment Practices Commission, the Equal Employment Opportunity Commission, the Human Rights Commission, the Commission on the Status of Women or any other regulatory agency charged with reviews of nondiscrimination provisions of local, State or federal law.

All such plans shall be periodically reviewed, amended and updated as appropriate on at least an annual basis. An annual report on the performance and progress of such plans shall be prepared and submitted to the Mayor and Board of Supervisors by the Civil Service Commission by the first day of March of each year during the annual budget process.

(Added by Ord. 455-79, App. 9/12/79; amended by Ord. 251-92, App. 8/7/92; Ord. 287-96, App. 7/12/96; Ord. 149-00, File No. 000696, App. 6/30/2000)

SEC. 16.9-25. SEXUAL HARASSMENT POLICY.

(a) Sexual Harassment Policy.

(1) It is the policy of the City and County of San Francisco that, in accord with State and federal laws, each city employee has the right to work in an environment free of discrimination, including sexual harassment, and that sexual harassment is unacceptable and will not be tolerated in the workplace. The City and County of San Francisco will take all reasonable steps within its control to provide a workplace in which all individuals are treated with respect and dignity. The City and County of San Francisco recognizes that the

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elimination of sexual harassment in the workplace will create a better working environment, increase productivity, and improve relationships for all employees.

(2) Sexual harassment of a City official or employee is, in accord with State and federal laws, strictly prohibited by another City official or employee. This policy applies to all officials and employees and to all phases of employment, including, but not limited to, recruitment, testing, hiring, promotion or demotion, transfer, layoff, termination and selection for training.

(3) It is further the policy of the City and County of San Francisco to take reasonable steps, in accord with State and federal laws, to provide its employees with a workplace free of sexual harassment by non-employees, including, but not limited to: contractors and subcontractors of the City and County of San Francisco, clients, volunteers, interns, and members of the general public. It is also the policy of the City and County of San Francisco to take reasonable steps to prohibit its City officials and employees, acting within the scope of their official duties and employment, from sexually harassing non-employees, including, but not limited to: contractors and subcontractors of the City and County of San Francisco, clients, volunteers, interns, and members of the general public.

(4) In order to create and maintain a workplace free from sexual harassment of employees, the City and County of San Francisco will, in accord with State and federal laws, take all reasonable steps to:

(A) Set an example through its leadership and management that sexual harassment will not be tolerated;

(B) Train and educate management and public officials as to their responsibility to carry out the policy of the City and County; and

(C) Train and educate employees regarding sexual harassment issues and policy.

(5) It shall be a violation of this policy to engage in harassing conduct that does not meet the definition of sexual harassment under state and federal law, but that, if repeated or allowed to continue, might meet that definition.

(6) Pursuant to the Charter, the sexual harassment discrimination complaint procedure established by the **Civil Service Commission** and Human Resources Director is available to review and resolve all allegations of sexual harassment. Persons wishing to file a complaint

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are urged to contact the Human Resources Department Equal Employment Opportunity Unit for copies of the forms and procedures....

SEC. 16.17. PAID ADMINISTRATIVE LEAVE.

(a) Appointing Officers, as defined in Administrative Code Section [2A.30](#), in the City and County of San Francisco are authorized, but not required, to place any City employee in their department on paid administrative leave under the following circumstances:

(1) When the City has initiated an investigation relating to an employee's conduct, and the Appointing Officer determines that the employee should be placed on leave during some or all of the investigation in order to protect the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the investigation, or potential harm to employees, to the public interest or to the operation of the City, for a period of time beginning not earlier than the start of the investigation and ending not later than the date the investigation is completed, subject to a maximum of thirty (30) calendar days;

(2) When the City requires an employee to submit to drug and/or alcohol testing pursuant to the terms of a City or departmental policy, a Memorandum of Understanding between the City and a recognized employee organization, or local, state or federal law, for the period of time between the date the City directs the employee to submit to such testing until the employee refuses such testing or the testing is completed and the City is advised of the results of the testing, subject to a maximum of thirty (30) calendar days;

(3) When the City medically removes an employee pursuant to standards set forth by the California Occupational Safety and Health Administration in Title 8 of the California Code of Regulations;

(4) When the City requires an employee to undergo a fitness for duty examination pursuant to Civil Service Rules 116, 216, 316, 416, or any similar successor rules, for up to the period of time from the date the City directs the employee to undergo a fitness for duty examination until: (i) the date the examination is completed and the City is notified by the examining physician whether the employee is fit for duty; or (ii) the date the employee refuses examination. Paid administrative leave under this subsection is subject to a maximum of thirty (30) calendar days. In the event that the examining physician does not notify the City that the employee is fit for duty on the day of the examination, the Appointing Officer shall place the employee on compulsory sick leave pursuant to [the Civil Service](#)

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Rules starting on the business day following the examination. Should the examining physician thereafter declare the employee fit for duty, the City shall restore any sick leave deducted between the date of the examination and the date the City is so notified or, in the event the employee has no accrued sick leave, any lost compensation for the same period....

SEC. 16.204. POWERS AND DUTIES OF THE **CIVIL SERVICE COMMISSION**.

In addition to such other powers and duties as it has under the Charter and this ordinance and as may be conferred upon it from time to time by law, the **Civil Service Commission** shall have the power and duty:

- (1) To certify as the exclusive representative of a bargaining unit that employee organization which has been selected by the employees in such bargaining unit pursuant to Section [16.211](#) of this Ordinance;
- (2) To conduct elections to ascertain which employee organization represents a majority of the employees in a particular bargaining unit, or to arrange for the election to be conducted by a mutually agreed upon third party;
- (3) To decertify as the exclusive representative an employee organization which has been found by election no longer to be the majority representative in a particular bargaining unit;
- (4) To adopt rules and regulations for the conduct of its business and the carrying out of its powers and duties;
- (5) To administratively process all matters which require or permit a hearing before an administrative law judge and to the extent necessary make all arrangements for said hearings. The **Commission**, after review of the facts in any particular dispute, may attempt to obtain the agreement of the parties involved on the disputed issue(s) before the matter is submitted to an administrative law judge.

(Amended by Ord. 313-76, App. 7/30/76; Ord. 296-10, File No. 101157, App. 12/3/2010; Ord. [17-12](#), File No. 111067, App. 2/7/2012, Eff. 3/8/2012)

SEC. 16.205. UTILIZATION OF ADMINISTRATIVE LAW JUDGES.

The City and County is hereby authorized to enter into an agreement or contract with the Office of Administrative Hearings, California State Personnel Board, for the purpose of obtaining the services of an administrative law judge. Such agreement or contract shall

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provide that said administrative law judge shall be responsible for the duties as hereinafter set forth in this Ordinance.

The costs involved in obtaining the services of an administrative law judge as necessitated by this Ordinance shall be borne by the City and County of San Francisco, provided, however, that all expenses incurred by the City and County in utilizing the administrative law judge in processing unfair labor practice complaints shall be divided equally among the parties involved.

The authority of the administrative law judge shall be to the extent as set forth in this Ordinance and in no event shall any decision of the administrative law judge conflict with, alter or attempt to alter the provisions of the Charter or rules and regulations of the **Civil Service Commission**.

Any costs incurred in transcribing and reporting the proceedings shall be borne by the party requesting such transcribing or reporting, unless a contrary agreement is reached by mutual consent.

(Amended by Ord. 313-76, App. 7/30/76; Ord. 296-10, File No. 101157, App. 12/3/2010; Ord. [17-12](#), File No. 111067, App. 2/7/2012, Eff. 3/8/2012)

SEC. 16.206. MANAGEMENT RIGHTS.

The City and County of San Francisco retains all rights as set forth in the provisions in the Charter of the City and County of San Francisco, existing ordinances and **civil service rules** establishing and regulating the **Civil Service System**; provided, however, that amendments to said existing ordinances, and civil service rules may be proposed through the meeting and conferring process. The exercise of City and County rights does not preclude employees or exclusive representatives from consulting or raising grievances on decisions which affect wages, hours and other terms and conditions of employment. The City and County reserves the right to take whatever action may be necessary in an emergency situation; however, an exclusive representative affected by the action shall be promptly notified.

(Amended by Ord. 313-76, App. 7/30/76; Ord. 109-94, App. 3/11/94; Ord. 296-10, File No. 101157, App. 12/3/2010; Ord. [17-12](#), File No. 111067, App. 2/7/2012, Eff. 3/8/2012)

SEC. 16.209. PROCEDURE FOR REGISTRATION OF EMPLOYEE ORGANIZATIONS.

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(a) An organization or joint council of organizations which wishes to be registered as an employee organization shall submit to the Human Resources Director or designee a request signed by a duly authorized officer of the organization containing the following information:

- (1) Name and address of the employee organization.
- (2) Names and titles of its officers, as well as designation of the officials authorized to act as representatives of the organization in employer-employee relations with the City and County.
- (3) A statement of whether or not the organization is a chapter or local of, or affiliated with, a regional or state, or national or international organization, and, if so, the name and address of each such regional, state, national or international organization.
- (4) A copy of its constitution or by-laws, and a statement signed by an officer of the employee organization to the effect that the organization has as one of its purposes representing employees of the City and County in employment relations.
- (5) Verification of employee membership in the employee organization which may be shown by employee organization payroll dues deductions or authorization cards signed and dated by employees not more than six months prior to submission.
- (6) A designation of those persons residing in California, not exceeding three in number, to whom notice sent by United States mail would be deemed sufficient by the organization for any purpose.
- (7) A statement that the organization recognizes and is aware of Government Code Section 3509.
- (8) A statement that the organization agrees to abide by all of the provisions of this Ordinance, except that this shall not preclude the right of the organization to challenge by court action any provision it deems to be invalid.

(b) Upon receipt of the petition, the Human Resources Director or designee shall verify that the petition complies with the requirements of this Section and, provided the requirements are met, notify the employee organization within 14 days that it is registered.

(c) The City and County is under no obligation to consult with any employee organizations that do not satisfactorily comply with the requirements of Paragraph (a) of

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this Section or that have not been certified by the **Civil Service Commission** as the exclusive representative of a bargaining unit.

(d) Employee organizations must re-register every three years, provided, however, that the exclusive representative of a bargaining unit need not do so.

(e) Should any of the information in subsections (a)(1)-(8) change, the employee organization must update said information with the **Civil Service Commission** within 30 days.

(Amended by Ord. 313-76, App. 7/30/76; Ord. 109-94, App. 3/11/94; Ord. 296-10, File No. 101157, App. 12/3/2010; Ord. [17-12](#), File No. 111067, App. 2/7/2012, Eff. 3/8/2012)

SEC. 16.210. ESTABLISHMENT OF BARGAINING UNITS.

(a) The Employee Relations Director shall make determinations as to appropriate bargaining units. In the event an employee or employee organization disagrees with the Employee Relations Director's determination, the aggrieved party may, within 60 days from the date of the Employee Relations Director's determination, submit a protest to the **Civil Service Commission**. The **Civil Service Commission** will select an administrative law judge who will schedule the matter for a hearing and final determination. In arriving at said determination, the administrative law judge shall consider the factors described in subsection (b) immediately below.

(b) The criteria for determining the appropriateness of bargaining units shall include: the community of interest among employees; the history of employee representation in the unit; the extent to which employees have common knowledge, skill and abilities, working conditions, job duties or similar educational requirements; the need to avoid undue fragmentation of bargaining units; the wishes of the affected employees; and any impact on the City and County's ability to effectively and efficiently deliver services.

(c) All employees throughout the City and County of San Francisco within any of the following categories shall constitute an appropriate representation unit:...

SEC. 16.211. PROCEDURE FOR RECOGNITION OF EMPLOYEE ORGANIZATION AS EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT.

(a) Any registered employee organization determined by Section [16.209](#) of this Ordinance may request recognition as the exclusive representative of a bargaining unit by filing with the **Civil Service Commission** a written statement indicating verification of

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employee approval in the form of a signed petition, authorization cards, or union membership cards signed and dated by employees not more than six months prior to submission of 30 percent of the employees in the particular bargaining unit.

(b) Unless the provisions of Government Code section 3507.1(c) have been satisfied, the **Civil Service Commission** shall give written notice to the other registered employee organizations having members in the bargaining unit for which recognition is sought. Within 30 calendar days from the date of such notice, an employee organization with membership in the particular bargaining unit may file a challenging petition seeking to become the exclusive representative of said unit. The challenging statement shall contain verification, in the form of a signed petition, authorization cards, or union membership cards signed and dated by employees not more than six months prior to submission of 30 percent of the employees in the bargaining unit. Upon submission of such verification the challenging employee organization shall be placed on the ballot.

(c) If a challenging petition has been filed, the **Civil Service Commission** Department shall, within 30 days after the period for filing a challenging petition expires or as soon thereafter as practicable, cause to be conducted a secret ballot election within the bargaining unit to determine which organization, if any, shall be recognized as the exclusive representative of the bargaining unit.

(d) If no challenging petition has been filed, and provided that the provisions of Government Code section 3507.1(c) are not applicable, the **Civil Service Commission** shall, within 30 days after the period for filing a challenging petition expires or as soon thereafter as is practicable, cause to be conducted a secret ballot election within the bargaining unit to determine which organization, if any, shall be recognized as the exclusive representative of the bargaining unit.

(e) The ballot in any such election shall contain the choice of "no organization." Where there are three or more choices and no one receives a majority of the valid ballots cast, a run-off election shall be conducted between the two choices receiving the largest number of ballots cast.

(f) Employees entitled to vote in a representation election shall be those employees within the bargaining unit with permanent status whose names appear on the last payroll bearing a date which is no less than 30 calendar days prior to the date on which the

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election is to be held or such other date within the discretion of the **Civil Service Commission** as may be practicable under the circumstances.

(g) There shall be no more than one valid representation election in a 12 month period within the same bargaining unit.

(h) As an alternative to the procedures outlined above, the provisions of MMBA, Government Code section 3507.1.(c) may be employed to the extent that the requirements of that section are met. The **Civil Service Commission** will certify an organization as the exclusive representative upon verification that all such requirements are met. A determination as to whether the requirements have been met shall be made in accordance with the provisions of Government Code section 3507.1(c).

(Amended by Ord. 313-76, App. 7/30/76; Ord. 296-10, File No. 101157, App. 12/3/2010; Ord. [17-12](#), File No. 111067, App. 2/7/2012, Eff. 3/8/2012)

SEC. 16.212. DECERTIFICATION.

A decertification petition may be filed with the **Civil Service Commission** by employees or by an employee organization to determine whether or not the exclusive representative continues to represent a majority of the employees in the bargaining unit. Such petition must be accompanied by proof of employee approval in the form of a signed petition, authorization cards, or union membership cards signed and dated by employees not more than six months prior to submission equal to at least 30 percent of the employees within the bargaining unit, and must be filed within the period between the 90th and 60th day immediately preceding the expiration date of the exclusive representative's existing memorandum of understanding, provided that the existing memorandum of understanding does not exceed a two year period. In the event the existing memorandum of understanding does exceed a two year period, the decertification petition may also be filed within the period between the 90th and 60th day immediately preceding the expiration of the second year of the memorandum of understanding. When such a petition has been filed, the **Civil Service Commission** shall cause to be conducted a secret ballot election to determine whether the incumbent exclusive representative shall be decertified and whether another organization shall be recognized. If the challenging employee organization receives a majority of the valid votes cast, the present exclusive representative will be decertified and the employee organization receiving a majority of the valid votes cast will become the exclusive representative. There shall be no more than one decertification election in a 12

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month period, and no more than one decertification election during the first three years of the term of a memorandum of understanding, within the same bargaining unit.

(Amended by Ord. 313-76, App. 7/30/76; Ord. 296-10, File No. 101157, App. 12/3/2010; Ord. [17-12](#), File No. 111067, App. 2/7/2012, Eff. 3/8/2012)

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(c) Prevailing Wage Rate Requirements.

(1) Determination of Prevailing Rate of Wages. It shall be the duty of the Board of Supervisors, from time to time and at least once during each calendar year, to fix and determine the Prevailing Rate of Wages paid in private employment in the City for Individuals engaged in services under Covered Contracts including such rate of wages paid for overtime and holiday work, which said Prevailing Rate of Wages shall be fixed and determined as follows:

The [Civil Service Commission](#) shall furnish to the Board of Supervisors on or before the first Monday in November of each year, data as to the Prevailing Rate of Wages for Individuals engaged in services under Covered Contracts including such rate of wages paid for overtime and holiday work, and the Board of Supervisors shall, upon receipt of such data, fix and determine the Prevailing Rate of overtime and holiday work, as paid for similar work in the City in private employment. Such Prevailing Rate of Wages as so fixed and determined by the Board of Supervisors shall remain in force and shall be deemed to be the Prevailing Rate of Wages paid in private employment for similar work, until the same is changed by the Board of Supervisors.

In determining the Prevailing Rate of Wages, as provided for in this Section, the Board of Supervisors shall not be limited to the consideration of data furnished by the [Civil Service Commission](#), but may consider such other evidence upon the subject as the Board of Supervisors shall deem proper and thereupon base its determination upon any or all of the data or evidence considered.

For purposes of this Section, the [Civil Service Commission](#) shall provide data on and the Board shall certify two components for each craft, classification, and type of work, which together shall be deemed the "Prevailing Rate of Wages": (1) the basic hourly wage rate and (2) the hourly rate of each fringe benefit, which together equal the hourly prevailing

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rate of wages. The **Civil Service Commission** shall provide this data to the Board of Supervisors within days of the effective date of this Section....