



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

**LONDON N. BREED  
MAYOR**

**Sent via Electronic Mail**

December 5, 2024

**NOTICE OF CIVIL SERVICE COMMISSION MEETING**

**SUBJECT:     PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULES: 402  
DEFINITIONS; 411 EXAMINATIONS; 412 ELIGIBLE LISTS; AND 413 CERTIFICATION  
OF ELIGIBLES TO IMPLEMENT THE PILOT PROGRAM TO ENHANCE  
EMPLOYMENT OPPORTUNITIES FOR CITY EMPLOYEES.**

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **December 16, 2024, at 2:00 p.m.**

This item will appear on the Regular Agenda. Please refer to the attached notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is recommended. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

CIVIL SERVICE COMMISSION

SANDRA ENG  
Executive Officer

**Attachments**

Cc: All Unions  
All Department Personnel Officers  
Commission File  
Commissioners' Binder  
Chron

## **NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES**

### **A. Commission Office**

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

### **B. Policy Requiring Written Reports**

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

### **C. Policy on Written Submissions by Appellants**

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

### **D. Policy on Materials being Considered by the Commission**

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

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

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

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

### **F. Policy and Procedure on Hearing Items Out of Order**

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

### **G. Procedure for Commission Hearings**

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

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

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

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

Each presentation shall conform to the following:

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

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

#### **H. Policy on Audio Recording of Commission Meetings**

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

#### **I. Speaking before the Civil Service Commission**

Speaker cards are not required. The Commission will take in-person public comment on all items appearing on the agenda at the time the item is heard. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Requests to Speak" portion of the regular meeting. Maximum time will be three (3) minutes. A subsequent comment after the three (3) minute period is limited to one (1) minute. The timer shall be in operation during public comment. Upon any specific request by a Commissioner, time may be extended. People who have received an accommodation due to a disability (as described below) may provide their public comments remotely. The Commission will also allow public comment from members of the public who choose to participate remotely. It is possible that the Commission may experience technical challenges that interfere with the ability of members of the public to participate in the meeting remotely. If that happens, the Commission will attempt to correct the problem, but may continue the hearing so long as people attending in-person are able to observe and offer public comment.

#### **J. Public Comment and Due Process**

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

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

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

#### **Information on Disability Access**

**\* Temporary Wheelchair-accessible entrances are located on Van Ness Avenue and Grove Street. Please note the wheelchair lift at the Goodlett Place/Polk Street is temporarily not available. After multiple repairs that were followed by additional breakdowns, the wheelchair lift at the Goodlett/Polk entrance is being replaced for improved operation and reliability.**

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

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

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

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

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

#### **San Francisco Lobbyist Ordinance**

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




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

**LONDON N. BREED  
MAYOR**

Date: December 16, 2024

To: Civil Service Commission

From: Sandra Eng   
Executive Of Officer

Subject: **Proposed Amendments to Civil Service Commission Rule Series in Volumes I and IV: 002 Definitions; 011 Examinations; 012 Eligible Lists; and 013 Certification of Eligibles to Implement the Pilot Program to Enhance Employment Opportunities for City Employees**

### **Background**

The Department of Human Resources recently informed Civil Service Commission staff that during the 2024 labor negotiations, various unions presented proposals on how the City may expedite the hiring process and establish opportunities for career growth for current City employees. (please see the attached reports from the Department of Human Resources (DHR) and the San Francisco Municipal Transportation Agency (MTA)).

### **Authority**

San Francisco Charter Section 10.101 General Powers and Duties states in part,

“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... certification of eligibles...appointments; promotions; ... the designation and filling of positions, as exempt, temporary, provisional, part-time, seasonal or permanent; ...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....”

### **Overview**

The following opinion provided by the Executive Officer of the Civil Service Commission is in response to the proposed Rule amendments submitted by DHR and MTA. The proposed rules amendments will expand career opportunities for City employees and create an expedited pathway to permanent civil service positions. With the use of the 48<sup>th</sup> Supplement to the Mayoral Emergency Declaration, we quickly learned that this was an expedited pathway for Temporary Exempt Category 18 employees to move into permanent civil service positions. With the proposed rule amendments, this will be expanded to also include Provisional and Temporary Exempt Categories 16 and 17 employees. This will be a great opportunity for City employees who have taken the opportunity to expand their experience and skills in temporary positions to be able to compete in the Provisional and Exempt to Permanent Status Program. Increasing the use of the Flexible Staffing Program and Promotive Only Program will expand opportunities for career growth for our City employees. Creating the pathway for per diem nurses seeking permanent civil service

positions will increase the probability of per diem nurses to apply for permanent positions with the City. The City will continue to conduct the current entrance and combined entrance and promotive examinations. DHR and MTA will continuously review the hiring processes to ensure examinations, selection processes, and appointments are conducted fairly. The Rules will still clarify which matters are appealable to the Civil Service Commission and complainants may still request inspection service requests on matters under the jurisdiction of the Civil Service Commission.

**Recommendation:** Accept the Executive Officer's staff report; incorporate any changes made by the Civil Service Commission and direct the Executive Officer to post the proposed revisions to Civil Service Commission Rule Series in Volumes I and IV: 002 Definitions, 011 Examinations, 012 Eligible Lists, and 013 Certification of Eligibles in accordance with the Charter and Civil Service Rules for adoption following the Department of Human Resources Employee Relations Division and Commission staff meet and discuss with the affected labor unions.



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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

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

1. Civil Service Commission Register Number: \_\_\_\_\_ - \_\_\_\_\_ -
2. For Civil Service Commission Meeting of: December 16, 2024
3. Check One:                      Ratification Agenda  
   Consent Agenda  
   Regular Agenda                      X
4. Subject: Proposed Amendments to Civil Service Commission Rules: 402 Definitions; 411 Examinations; 412 Eligible Lists; and 413 Certification of Eligibles to Implement the Pilot Program to Enhance Employment Opportunities for City Employees
5. Recommendation: MTA respectfully requests the Commission accept the report and post the proposed amended rules. MTA and DHR will then meet and confer with Labor on potential impacts of the proposed rule amendments.
6. Report prepared by: William Miles II Telephone number: 415-646-2863
7. Notifications: **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A**
8. Reviewed and approved for Civil Service Commission Agenda:  
  
Municipal Transportation Agency Director: Ackerman, Kimberly  
Date: December 5, 2024
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

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

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

Attachment

CSC RECEIPT STAMP

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## MEMORANDUM

**DATE:** December 5, 2024

**TO:** Honorable Civil Service Commission

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

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

**SUBJECT:** **Proposed Amendments to Civil Service Commission Rules: 402 Definitions; 411 Examinations; 412 Eligible Lists; and 413 Certification of Eligibles to Implement the Pilot Program to Enhance Employment Opportunities for City Employees**

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### Executive Summary

The San Francisco Municipal Transportation Agency (MTA) is hereby submitting a report, simultaneously with one from the Department of Human Resources (DHR), seeking amendments to Civil Service Rules to enhance employment opportunities for current City and County of San Francisco (City) employees, including providing expedited pathways to permanent civil service and promotive only opportunities.

It is MTA's understanding that these proposed amendments came out of collective bargaining agreement negotiations with various labor unions, seeking expedited hiring processes for current employees to have a pathway to Permanent Civil Service (PCS) status.

SFMTA Human Resources (HR) has reviewed the proposed rule amendments, intended to increase promotive opportunities through flexible staffing, promotive only, Provisional-to-Permanent and Exempt-to-Permanent programs and is in agreement with adding the same language to Volume IV of the Civil Service Rules. We feel it is important that these rule exist in both Volume I and Volume IV so that there is a consistent understanding of eligible list types and procedures citywide.

Furthermore, in recent years, we have performed a lot of analysis of hiring at SFMTA and found that although we make 1000+ appointments annually, most are internal movement (the vast majority of which are promotional opportunities). This results in a vacancy rate that only minimally decreases despite numerous recruitments and appointments, where often when one

vacancy is filled another is immediately created. As such, we feel that these rule proposals will be very helpful in speeding up the process of being able to close the vacancy gap that exists.

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

SFMTA has proposed amending the same rules that can be found in DHR's report, with the following differences:

- Where the Director of Human Resources is stated in Volume I, the MTA Director of Transportation/Designee is stated in Volume IV
- In Rule 112, there is a carve-out section specific for Service-Critical classes of the MTA represented by Transport Workers Union (TWU) Local 200 and 250A. This section does not exist in Volume I and thus language has been added to ensure a consistent process across all unions and classes.

Detailed revisions to Volume IV of the Rules are provided in Attachment A.

#### **Authority**

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

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

#### **Conclusion**

The rule amendments proposed by DHR and in this staff report for MTA service-critical classes will reduce the time-to-hire and will provide employees with multiple expedited career advancement pathways to permanent civil service. MTA concurs with DHR on these proposed amendments.

### **Recommendation**

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

### **Attachment:**

**A:** Volume IV Rule Revisions

## Rule Revisions

**Deletions in ~~strikethrough~~ – Additions in underline**

### Rule 402 Definitions

Applicability: Rule 402 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

<u>Sec. 402.1</u>	<u>Appointment</u>
<u>Sec. 402.2</u>	<u>Appointing Officer</u>
<u>Sec. 402.3</u>	<u>Appointment Date</u>
<u>Sec. 402.4</u>	<u>Bulletin Board/Employment Opportunity Website</u>
<u>Sec. 402.5</u>	<u>Certification Date</u>
<u>Sec. 402.6</u>	<u>Charter</u>
<u>Sec. 402.7</u>	<u>City</u>
<u>Sec. 402.8</u>	<u>Civil Service Department</u>
<u>Sec. 402.9</u>	<u>Class</u>
<u>Sec. 402.10</u>	<u>Classification Plan</u>
<u>Sec. 402.11</u>	<u>Classified Service</u>
<u>Sec. 402.12</u>	<u>Commission</u>
<u>Sec. 402.13</u>	<u>Commissioner</u>
<u>Sec. 402.14</u>	<u>Department</u>
<u>Sec. 402.15</u>	<u>Department of Human Resources</u>
<u>Sec. 402.16</u>	<u>Eligible</u>
<u>Sec. 402.17</u>	<u>Eligible List</u>
<u>Sec. 402.18</u>	<u>Employee</u>
<u>Sec. 402.198</u>	<u>Executive Session</u>
<u>Sec. 402.2019</u>	<u>Human Resources Director</u>
<u>Sec. 402.210</u>	<u>Layoff</u>
<u>Sec. 402.221</u>	<u>Near List</u>
<u>Sec. 402.232</u>	<u>Part-Time Employment</u>
<u>Sec. 402.243</u>	<u>Position</u>
<u>Sec. 402.254</u>	<u>Post</u>
<u>Sec. 402.265</u>	<u>School Districts</u>
<u>Sec. 402.276</u>	<u>Seniority</u>
<u>Sec. 402.287</u>	<u>Service</u>
<u>Sec. 402.298</u>	<u>Start Work Date</u>
<u>Sec. 402.3029</u>	<u>Time Periods</u>
<u>Sec. 402.310</u>	<u>Validation Date</u>

## Rule 402

### Definitions

Applicability: Unless otherwise noted, Rule 402 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

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

#### **Sec. 402.1**     **Appointment**

##### **402.1.1**     **Permanent Civil Service**

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

##### **402.1.2**     **Probationary**

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

##### **402.1.3**     **Temporary Civil Service**

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

##### **402.1.4**     **Provisional**

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

##### **1)     Non-Civil Service**

**Section 402.1.4 1) shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.**

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

**Sec. 402.1      Appointment (cont.)****402.1.4      Provisional (cont.)****2)      Limited Tenure**

Section 402.1.4 2) shall apply only to Service-Critical classes of the Municipal Transportation Agency ( MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

An appointment to a permanent or temporary position in the absence of an available eligible. Use of limited tenure appointment is restricted as provided in these Rules.

**402.1.5      Exempt**

An appointment to a permanent or temporary position exempt from being filled from an eligible list in accordance with the provisions of Sections 10.104 and 8A.104 of the Charter.

**Sec. 402.2      Appointing Officer**

**402.2.1**      The head of an organizational unit having appointive authority within the organizational unit and the powers of a department head as defined by former Charter Section 3.501 as enacted into ordinance under Charter Section 18.103 and existing Administrative Code Section 2A.30.

**402.2.2      Appointing Officer - MTA**

The MTA Director of Transportation.

**Sec. 402.3      Appointment Date**

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

**402.3.2      Appointment Date - MTA**

The date on which the MTA Director of Transportation issues official notice of the selection from a list of eligibles.

**Sec. 402.4      Bulletin Board**

The official bulletin boards, so designated, at the Civil Service Department, Municipal Transportation Agency (MTA) and the City's Department of Human Resources, used for posting of examinations and public announcements of the Commission, MTA and the City's Department of Human Resources.

**Sec. 402.4**     **Bulletin Board (cont.)****402.4.1**     **Employment Opportunity Website**

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

**Sec. 402.5**     **Certification Date**

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

**402.5.2**     **Certification Date - MTA**

The date the MTA Director of Transportation/ Designee issues a notice to eligibles from which appointments may be made to fill a Service-Critical position at the MTA.

**Sec. 402.6**     **Charter**

The Charter of the City and County of San Francisco.

**Sec. 402.7**     **City**

The City and County of San Francisco.

**Sec. 402.8**     **Civil Service Department**

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

**Sec. 402.9**     **Class**

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

**402.9.1**     **Job Code**

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

**Sec. 402.10**     **Classification Plan**

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

**Sec. 402.11**     **Classified Service**

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

**Sec. 402.12**   **Commission**

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

**Sec. 402.13**   **Commissioner**

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

**Sec. 402.14**   **Department**

Organizational unit or units under one appointing officer.

**Sec. 402.15**   **Department of Human Resources**

The City-wide Department charged with performing such duties and functions as set forth in the Charter.

**Sec. 402.16**   **Eligible**

A person who has standing on an eligible list.

**Sec. 402.17**   **Eligible List**

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

**Sec. 402.18**   **Employee**

A person currently employed by the City and County of San Francisco including the classified positions in the School Districts.

**Sec. 402.198**   **Executive Session**

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

**Sec. 402.2019**   **Human Resources Director**

Director of the City's Department of Human Resources.

**Sec. 402.210**   **Layoff**

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

**Sec. 402.221**   **Near List**

An eligible list or a holdover roster in a class similarly related to a class for which there is no eligible list from which the City's Human Resources

Director or the MTA Director of Transportation may authorize the certification of eligibles for temporary civil service appointment.

**Sec. 402.232 Part-Time Employment**

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

**Sec. 402.243 Position**

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

**402.243.1 Permanent**

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

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

**402.243.2 Temporary**

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

**402.243.3 Part-Time**

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

**402.243.4 Exempt**

Temporary or permanent positions excluded from civil service hiring and removal procedures in accordance with the provisions of Section 8A.104 or 10.104 of the Charter.

**402.243.5 School-Term Only**

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

**Sec. 402.243 Position (cont.)****402.243.6 As-Needed**

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

**Sec. 402.254 Post**

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

**Sec. 402.265 School Districts**

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

**Sec. 402.276 Seniority****402.276.1 Civil Service - Permanent**

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

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

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

**402.276.3 Civil Service - Limited Tenure**

Section 402.26.3 shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Seniority shall be determined by the date an appointee starts to work in a position in a class in a department on a limited tenure basis. Seniority in the event of ties shall be determined by the appointing officer.

**Sec. 402.276 Seniority (cont.)****402.276.4 Departmental**

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

**402.276.5 Citywide Seniority****1) Citywide Seniority Prior to July 1, 2024**

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

**2) Citywide Seniority Effective July 1, 2024**

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

**3) Ties in Seniority**

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

**Sec. 402.287 Service**

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

**Sec. 402.298 Start Work Date**

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

**Sec. 402.3029 Time Periods**

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

**Sec. 402.310 Validation Date**

The date on which the City's Department of Human Resources notifies an appointing officer that it has approved an appointment or the MTA Director of Transportation/Designee issues a notice of having approved an appointment.

## Rule Revisions

**Deletions in ~~striketrough~~ – Additions in underline**

### Rule 411 Examinations

#### **Article I: Examination Provisions**

Applicability: Article I, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Article II: Examination Process**

Applicability: Article II, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Article III: Veterans Preference in Examinations**

Applicability: Article III, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

# Rule 411

## Examinations

### Article I: Examination Provisions

Applicability: Article I, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Sec. 411.1 Civil Service Commission Equal Employment Opportunity Policy Related to the Conduct of Examinations**

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

**411.1.2** The MTA Director of Transportation/Designee shall make every effort to ensure the representation of women and minorities on examination boards, panels and screening committees.

#### **Sec. 411.2 MTA Director of Transportation/Designee Empowered to Act**

The MTA Director of Transportation/Designee shall rule on all matters concerning the examination program in accordance with these Rules.

#### **Sec. 411.3 Requirement to Conduct Examinations**

**411.3.1** Except for reasons beyond the MTA Director of Transportation/Designee's control, the MTA Director of Transportation/Designee shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.

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

**Sec. 411.3 Requirement to Conduct Examinations (cont.)**

**411.3.3** Where possible, the MTA Director of Transportation/Designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

**Sec. 411.4 Requirement for Competitive Examinations**

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

**Sec. 411.5 Examinations Without Charge**

Examinations shall be without charge to the applicants.

**Sec. 411.6 Apprenticeship Positions**

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

**Sec. 411.7 Adequacy of Examinations**

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

**Sec. 411.8 Establishing Cutoff Scores and Number on Eligible Lists**

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

**Sec. 411.9    Cheating or Fraud in Examinations**

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

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

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

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

**Sec. 411.10    Copying of Examination-Related Materials**

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

**Sec. 411.11    Rating Keys - Written Examinations Other Than Essay Questions**

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

**Sec. 411.11**      **Rating Keys - Written Examinations Other Than Essay Questions (cont.)**

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

**Sec. 411.12**      **Inspection of Rating Keys by Review Committee**

- 411.12.1**      The examination announcement may provide for review of questions and answers by a review committee in those examinations where large numbers of appeals might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three (3) or more persons expert in the field of subject matter covered by the examination.

**Sec. 411.12**      **Inspection of Rating Keys by Review Committee**

- 411.12.2**      The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the MTA Director of Transportation/Designee for approval. The rating key, when approved by the MTA Director of Transportation/Designee, shall be made available for review by participants in the examination for a minimum period of two (2) days. The time allowed for such review may be extended if in the judgment of the MTA Director of Transportation/Designee, the number of applicants warrants. The participants may appeal to the MTA Director of Transportation/Designee concerning only those questions or answers where documented claim of significant error is made. The decision of the MTA Director of Transportation/Designee shall be final. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

**Sec. 411.13      Review of Ratings by Unsuccessful Candidates**

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

**Sec. 411.14      Oral Interview and Other Selection Tests - Definition and Appeals**

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

**411.14.1      Procedures and Practices**

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

**Sec. 411.14      Oral Interview and Other Selection Tests - Definition and Appeals (cont.)****411.14.1      Procedures and Practices (cont.)**

5) Uniform standards shall be applied to every candidate in each examination. The minimum passing rating must be related to a class, not to a single position within a multiple-position class, unless specified by the examination announcement.

6) Except as otherwise permitted by law, applicants shall not be questioned regarding their race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, medical condition (cancer-related), ethnicity, or the conditions Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions or other non-merit factors; nor shall such factors be utilized in establishing minimum qualification requirements and developing examination procedures.

7) Recordings of an examination shall be retained until the eligible list is adopted. A defective recording shall not invalidate the examination unless the MTA Director of Transportation/Designee finds the omitted or unintelligible material critically relevant to the examination, in which event the MTA Director of Transportation/Designee may order a new examination.

8) In the event of an appeal that could invalidate the examination, all other candidates whose standing in the examination may be affected shall be notified of the appeal prior to final action being taken.

9) Any violation of the following procedures and practices by candidates may be cause for disqualification:

- no fraternal rings, organization pins or insignia of any kind shall be displayed by any candidate;
- no candidate shall discuss her or his candidacy or any relationship thereto with any rater prior to the completion of all parts of the examination and the final adoption of the eligible list; and
- unless expressly directed by the notice to candidates to report for examination, no letters of reference or recommendation, performance evaluations, work samples, work products, awards, certificates, or other materials shall be presented to the raters.

**Sec. 411.14**      **Oral Interview and Other Selection Tests - Definition and Appeals**  
**(cont.)**

**411.14.2 Appeals**

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

**Sec. 411.15**      **Review of Ratings by Participants**

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

**Sec. 411.16**      **Program to Enhance Employment Opportunities for City Employees**

**411.16.1**   **Authorization for Flexible Staffing Program**

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

The MTA Director of Transportation/Designee shall administer and rule on all matters concerning the Flexible Staffing Program. Decisions by the MTA Director of Transportation/Designee shall be subject to appeal to the Civil Service Commission, as provided elsewhere in the rules, whose decision shall be final.

**411.16.2**   **Authorization for Promotion Only Program**

The MTA Director of Transportation/Designee is authorized to establish promotive only programs by classification to promote permanent civil service employees past the probationary period to the next higher classification within an occupational series. In establishing a promotive only program, the MTA Director of Transportation/Designee shall consider, among other factors, length of permanent service, performance appraisal ratings, availability of positions, budgetary restrictions, and equal employment opportunity. The specific procedures and qualifications established shall be listed in the promotive only examination announcement for the classification(s) involved.

The examination announcement shall be distributed to all current permanent civil service employees past the probationary period in the immediate lower classification within an occupational series. The examination announcement will be publicly posted on the employment opportunities web page specifically for City employees. Employees who take and pass the examination will be placed on an eligible list. The certification rule for all eligible lists established under this program shall be Rule of the List.

The MTA Director of Transportation/Designee shall administer and rule on all matters concerning the Promotive Only Program. Decisions by the MTA Director of Transportation/Designee shall be subject to appeal to

the Civil Service Commission, as provided elsewhere in the rules, whose decision shall be final.

**See- 411.167.3 Authorization for Provisional and Exempt to Permanent Status Program**

~~Pursuant to the Forty-Eighth Supplement to the Mayoral Emergency Declaration, the Human Resources Director~~ MTA Director of Transportation/Designee is authorized to establish programs giving provisional and exempt employees the opportunity to transition to permanent status. The provisional or exempt employee must have ~~successfully served continuously in the job classification in an provisional or~~ exempt status for ~~a minimum the equivalent of at least~~ one (1) year (2,080 hours). In establishing the program, the ~~Human Resources-MTA Director of Transportation/Designee~~ shall consider, among other factors, active holdover rosters where qualified eligibles exist, availability of positions, budgetary restrictions, and equal employment opportunity ~~and Office of Racial Equity goals.~~

This rule shall only apply to employees with provisional status or exempt status in Charter Category 16: Temporary and Seasonal Appointments, Charter Category 17: Substitutes for Civil Service Employees on Leave and Charter Category 18: Special Projects and Professional Services. The specific procedures and qualifications established shall be listed in the examination announcements for the classifications involved. The examination announcements shall be publicly posted on the employment opportunities web page specifically for City employees. Employees Eligibles processed in this manner who take and pass the examination will be placed on an eligible list. This rule shall only apply to Exempt Category 18: Special Projects and Professional Services. Separate eligible lists will be established for provisional-to-permanent and exempt-to-permanent programs. The certification rule for all eligible lists established under this program shall be Rule of the List. ~~Determination of the appropriate eligible list from which to make appointments if there is an active eligible list in the job classification is at the discretion of the Human Resources Director subject to criteria submitted to and approved by the Civil Service Commission.~~

The MTA Director of Transportation/Designee shall administer and rule on all matters concerning the Provisional and Exempt to Permanent Status Program. Decisions by the MTA Human Resources Director of Transportation/Designee shall be subject to appeal to the Civil Service Commission whose decision shall be final. In view of the urgency and time limitations, an expedited report and hearing process utilizing special meetings of the Commission where a quorum is present may be considered.

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

~~Inquiries and complaints on this program submitted to the Civil Service Commission office under its Charter authorizes Inspection Services and shall continue to be investigated and resolved. Consistent with the provisions of the Forty Eighth Supplement to the Mayoral Emergency Declaration, this Rule shall expire December 15, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.~~

**Sec. 411.17**      **Application of Program to Enhance Employment Opportunities for City Employees**

Upon request by the MTA Director of Human Resources/Designee, the Civil Service Commission in its sole discretion may make changes to the criteria of these pilot programs. Changes to the pilot programs may be based on: program effectiveness, program efficiencies and other relevant criteria as determined by the Civil Service Commission.

**Sec. 411.18**      **Sunset and Termination of Rule 411.16 Enhancing Employment Opportunities for City Employees Pilot Program**

Rule 411.16 and the Pilot Program to Enhance Employment Opportunities for City Employees shall sunset upon the expiration of the collective bargaining agreements ending on June 30, 2027, absent action by the Civil Service Commission to extend it. Further, the pilot program may be terminated at any time before that date at the discretion of the Civil Service Commission.

# Rule 411

## Examinations

### Article II: Examination Process

Applicability Article II, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Sec. 411.198** **Charter Authority**

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

#### **Sec. 411.2019** **Announcement**

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

#### **Sec. 411.210** **Protests of Examination Announcements**

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

#### **Sec. 411.221** **Reissuance of Examination Announcements**

After considering appeals submitted in accordance with this Rule, the MTA Director of Transportation/Designee may reissue the announcement. When reissued, an examination announcement is not subject to the appeal procedure.

#### **Sec. 411.232** **Official Time Periods**

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

**Sec. 411.243**     **Promotional Applicants**

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

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

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

**411.243.3** All employees entitled to participate in promotive examinations as outlined above shall meet the following requirements:

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

**Sec. 411.2~~54~~      Means of Identification**

- 411.2~~54~~.1**      The MTA Director of Transportation/Designee shall determine the method of candidate identification to be used in written and performance examinations.
- 411.2~~54~~.2**      When the sealed identification method is used, candidates are prohibited from making identifying marks on their examination papers. The examination papers of a candidate who makes identifying marks may be canceled. Sealed identification sheets of successful candidates may not be opened until all ratings and the passing mark are final.
- 411.2~~54~~.3**      Where a number of candidates have competed in two (2) or more examinations in a series and at least one candidate has passed one and failed one of the examinations, the identification sheets of the candidates who have failed one examination may be opened prior to the qualifications appraisal interview but only for the purpose of determining which candidates should participate in the qualifications appraisal interview. Under no circumstance may the score on the examination passed be divulged by MTA prior to the posting of the tentative eligible list.

**Sec. 411.2~~65~~      Cheating or Fraud in Examinations**

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

**Sec. 411.265**      **Cheating or Fraud in Examinations (cont.)****411.265.1**      **Aid, Hindrance, Fraud and Collusion in Examinations**

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

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

**Sec. 411.276**      **Copying of Examination Questions**

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

**Sec. 411.287**      **Rating Keys**

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

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

**Sec. 411.2~~98~~      Rating Keys - Continuous Examination**

**411.2~~98~~.1**      Inspection privileges shall not apply to questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written examination. This includes examinations under the continuous testing program.

**411.2~~98~~.2**      The MTA Director of Transportation/Designee may order obsolete or erroneous questions deleted from any examination exempted by this Rule from inspection privileges.

**Sec. 411.3~~029~~      Inspection of Rating Keys by Review Committee**

**411.3~~029~~.1**      Notwithstanding any other provision of these Rules, the examination announcement may provide for review of questions and answers thereto by a review committee in those examinations wherein large numbers of protests on key answers might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three (3) or more persons expert in the field of subject matter covered by the examination.

**411.3~~029~~.2**      The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the MTA Director of Transportation/Designee for approval. Such rating key when approved by the MTA Director of Transportation/Designee shall be made available for review by participants in the examination for a period of two (2) days. The time allowed for such review may be extended if, in the judgment of the MTA Director of Transportation/Designee, the number of applicants warrants. The participants may appeal to the Commission concerning only those questions or answers wherein documented claim of significant error is made. If any appeals have been filed, an additional period for submission of counter-arguments will be provided. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

**Sec. 411.3~~10~~      Examination Passing Mark**

**411.3~~10~~.1**      For each examination, the MTA Director of Transportation/Designee shall establish a passing mark or shall determine the total number of persons to be included on the list of eligibles based on the needs of the service.

**411.3~~10~~.2**      No changes in the passing mark shall be made after the identification sheets have been opened.

**Sec. 411.3~~21~~      Review of Ratings by Unsuccessful Candidates**

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

**Sec. 411.3~~32~~      Veterans Preference in Examinations**

**411.3~~32~~.1**      Veterans' preference in examinations completed on or after July 7, 1976, shall be administered in accordance with these Rules.

**411.3~~32~~.2**      The following definitions apply to the administration of this section:

- 1) Completion date of an examination: The date the eligible list is adopted or on which all competitive parts of the examination have been administered and the passing mark set.
- 2) Time for filing claim: Applicants must claim preference on the original application form or pre-application form, whichever is filed first. All such claims or withdrawals of claims must be made prior to participation in the first part of the test to be administered.
- 3) First entitlement to claim preference: The date upon which the applicant was first separated from active duty service, including separations for re-enlistment purposes, and such service would have qualified the applicant to claim preference under the then-current requirements.

**Sec. 411.3~~43~~      Qualifications Appraisal Interview - Procedures and Appeals****411.3~~43~~.1      Procedures and Practices**

- 1) The orientation of the qualifications appraisal board may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal characteristics needed by employees in this class, and related information. The department head or representative shall not discuss any candidate with any member or members of the qualifications appraisal board at this time or any other time prior to the completion of the examination.
- 2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by the board members in any qualifications appraisal interview nor shall such rings, pins, or insignia be worn by any candidate who appears before such a board.
- 3) No board member shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the board member so that it would be difficult to make an impartial rating.
- 4) No candidate shall discuss her/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.
- 5) No letters of reference or recommendation shall be presented to the qualifications appraisal board.
- 6) The board may consider relevant documents such as specified in examination announcements.
- 7) In all qualifications appraisal interviews, the same standards shall apply to all candidates who appear for the same class.
- 8) The minimum passing or qualifying rating must be related to a class, not to a single position within a multiple position class.
- 9) No applicant for public employment shall be questioned as to political views, religious beliefs, labor affiliations, or racial extraction.

**Sec. 411.33      Qualifications Appraisal Interview - Procedures and Appeals (cont.)****411.33.1      Procedures and Practices (cont.)**

**10)** Recordings of qualifications appraisal interviews shall be retained only until all ratings become final and any timely litigation based thereon has been resolved. A defective recording shall not invalidate the interview unless the MTA Director of Transportation/Designee finds the omitted or unintelligible material critically relevant to the case, in which event the MTA Director of Transportation/Designee may authorize a second interview or order a new examination.

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

**411.33.2      Challenge of Board Members**

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

**2)** Any challenge as to personal bias or competence of a person serving as an examiner in a qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of MTA or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Commission following denial by the MTA Director of Transportation/Designee, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board. If more than one-half of the board members are successfully challenged, then the MTA Director of Transportation/Designee shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.

**Sec. 411.3~~43~~      Qualifications Appraisal Interview - Procedures and Appeals (cont.)****411.3~~43~~.2      Challenge of Board Members (cont.)**

3) Any appeal or challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and presented to the representative of the Examination Unit not later than the second (2<sup>nd</sup>) business day on which the qualifications appraisal interview was held. Challenges based on bias, malfeasance, or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules before the identification sheets of those admitted to the oral examination are opened and scores of the participants are known.

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

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

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

**411.3~~43~~.3      Inspection of Ratings in Qualifications Appraisal Interviews by Participants**

1) After the qualifications appraisal interviews for an examination are computed, such composite ratings shall be available for a minimum period of two (2) working days following the completion of the computations for all participants or for some other two (2) day period set by the MTA Director of Transportation/Designee, provided that the candidates are advised of the dates, during which period each participant may inspect their own ratings.

**Sec. 411.3~~43~~      Qualifications Appraisal Interview - Procedures and Appeals (cont.)****411.3~~43~~.3      Inspection of Ratings in Qualifications Appraisal Interviews by Participants (cont.)**

The identity of the examiner giving any mark or grade in a qualification appraisal interview shall not be disclosed.

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

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

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

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

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

5) The decision of the MTA Director of Transportation/Designee on this subject shall be final.

6) In the absence of a challenge under this section or upon a decision by the MTA Director of Transportation/Designee under this section, later challenges shall be precluded.

**Sec. 411.354**     **Requirement to Conduct Examinations**

**411.354.1**     Except for reasons beyond the MTA Director of Transportation/Designee's control, MTA shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.

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

**411.354.3**     Where possible, the MTA Director of Transportation/Designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

**Sec. 411.365**     **Examination of Applicants**

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

**411.365.1**     **Requirement for Competitive Examinations**

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

**411.365.2**     **Examination without Charge**

Such examinations shall be without charge to the applicants.

**411.365.3**     **Examination Control and Employment of Examiners**

The MTA Director of Transportation/Designee shall control all examinations and may employ suitable persons in or out of the public service to act as examiners.

**Sec. 411.365 Examination of Applicants (cont.)****411.365.4 Type of Examinations**

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

**411.365.5 Rules Governing Qualification Appraisal Boards**

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

**411.365.6 Apprenticeship Positions**

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

**411.365.7 Adequacy of Examinations**

Subject to the approval of the Commission, the MTA Director of Transportation/Designee shall judge the adequacy of the tests to rate the capacity of the applicants to perform service for the City and County.

**411.365.8 Establishment of Passing Mark and Number of List**

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

**411.365.9 Preparation and Order of Eligible List**

The MTA Director of Transportation/Designee shall prepare the eligible list from the returns of the examiners, arranged in order of relative performance.

**Sec. 411.365 Examination of Applicants (cont.)****411.365.10 Confidentiality of Applicant Information**

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

**411.365.11 Prohibition of Political, Religious or Fraternal Questions**

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

**Sec. 411.376 Protest of Written Questions and Answers**

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

**411.376.1 Review Period by Participants in Written Examinations**

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

**411.376.2 Exclusion from Review of Continuous or Standardized Tests**

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

**411.376.3 Opportunity to Protest Questions and Answers**

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

**411.376.4 Changes in Rating Key**

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

**Sec. 411.387 Program to Enhance Employment Opportunities for City Employees****411.38.1 Authorization for Flexible Staffing Program**

The MTA Director of Transportation/Designee is authorized to establish flexible staffing programs to promote permanent civil service employees past the probationary period to higher classifications within an occupational series or to another series by methods other than traditional

selection procedures. In establishing a flexible staffing program, the MTA Director of Transportation/Designee shall consider, among other factors, length of permanent service, performance appraisal ratings, availability of positions, budgetary restrictions, and equal employment opportunity. The specific procedures and qualifications established shall be listed in the flexible staffing examination announcement for the classification(s) involved.

The MTA Director of Transportation/Designee shall administer and rule on all matters concerning the Flexible Staffing Program. Decisions by the MTA Director of Transportation/Designee shall be subject to appeal to the Civil Service Commission, as provided elsewhere in the rules, whose decision shall be final.

#### **411.38.2 Authorization for Promotive Only Program**

The MTA Director of Transportation/Designee is authorized to establish promotive only programs by classification to promote permanent civil service employees past the probationary period to the next higher classification within an occupational series. In establishing a promotive only program, the MTA Director of Transportation/Designee shall consider, among other factors, length of permanent service, performance appraisal ratings, availability of positions, budgetary restrictions, and equal employment opportunity. The specific procedures and qualifications established shall be listed in the promotive only examination announcement for the classification(s) involved.

The examination announcement shall be distributed to all current permanent civil service employees past the probationary period in the immediate lower classification within an occupational series. The examination announcement will be publicly posted on the employment opportunities web page specifically for City employees. Employees who take and pass the examination will be placed on an eligible list. The certification rule for all eligible lists established under this program shall be Rule of the List.

The MTA Director of Transportation/Designee shall administer and rule on all matters concerning the Promotive Only Program. Decisions by the MTA Director of Transportation/Designee shall be subject to appeal to the Civil Service Commission, as provided elsewhere in the rules, whose decision shall be final.

#### **411.38.3 Authorization for Provisional and Exempt to Permanent Status Program**

~~Authorization for Exempt to Permanent Status Program Pursuant to the Forty-Eighth Supplement to the Mayoral Emergency Declaration, The~~

~~Human Resources~~MTA Director of Transportation/Designee is authorized to establish programs giving provisional or exempt employees the opportunity to transition to permanent status. The provisional or exempt employee must have ~~successfully~~ served continuously in the job classification in an provisional or exempt status for the equivalent a minimum of at least one (1) year (2,080 hours). In establishing the program, the ~~Human Resources~~MTA Director of Transportation/Designee shall consider, among other factors, active holdover rosters where qualified eligibles exist, availability of positions,

**Sec. 411.37 — Authorization for Exempt to Permanent Status Program (cont.)**

budgetary restrictions, and equal employment opportunity, ~~and Office of Racial Equity goals.~~

This rule shall only apply to employees with provisional status or exempt status in Charter Category 16: Temporary and Seasonal Appointments, Charter Category 17: Substitutes for Civil Service Employees on Leave and Charter Category 18: Special Projects and Professional Services. The specific procedures and qualifications established shall be listed in the examination announcements for the classifications involved. The examination announcements must be publicly posted on the employment opportunities web page specifically for City employees. Employees Eligibles processed in this manner who take and pass the examination will be placed on an eligible list. This rule shall only apply to Exempt Category 18: Special Projects and Professional Services. Separate eligible lists will be established for provisional-to-permanent and exempt-to-permanent programs. The certification rule for all eligible lists established under this program shall be Rule of the List. ~~Determination of the appropriate eligible list from which to make appointments if there is an active eligible list in the job classification is at the discretion of the Human Resources Director subject to criteria submitted to and approved by the Civil Service Commission.~~

The MTA Director of Transportation/Designee shall administer and rule on all matters concerning the Provisional and Exempt to Permanent Status Program. Decisions by the ~~Human Resources~~MTA Director of Transportation/Designee shall be subject to appeal to the Civil Service Commission whose decision shall be final. ~~In view of the urgency and time limitations, an expedited report and hearing process utilizing special meetings of the Commission where a quorum is present may be considered.~~

~~The Human Resources Director shall submit monthly reports to the Civil Service Commission on the progress of the temporary program. Inquiries and complaints on this program submitted to the Civil Service Commission office under its Charter authorizes Inspection Services and~~

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

**Sec. 411.39**      **Application of Program to Enhance Employment Opportunities for City Employees**

Upon request by the MTA Director of Human Resources/Designee, the Civil Service Commission in its sole discretion may make changes to the criteria of these pilot programs. Changes to the pilot programs may be based on: program effectiveness, program efficiencies and other relevant criteria as determined by the Civil Service Commission.

**Sec. 411.40**      **Sunset and Termination of Rule 411.38 Enhancing Employment Opportunities for City Employees Pilot Program**

Rule 411.38 and the Pilot Program to Enhance Employment Opportunities for City Employees shall sunset upon the expiration of the collective bargaining agreements ending on June 30, 2027, absent action by the Civil Service Commission to extend it. Further, the pilot program may be terminated at any time before that date at the discretion of the Civil Service Commission.

## Rule 411

### Examinations

#### Article III: Veterans Preference in Examinations

Applicability: Article III, Rule 411, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 411.~~4138~~ Definition of Veteran for Purposes of Entitlement Under This Rule**

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

#### **Sec. 411.~~4239~~ Definition of Disabled Veteran for Purposes of Entitlement Under This Rule**

**411.~~4239~~.1** For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 411.~~4136~~, who has suffered a permanent service-connected disability that is of record in the United States Administration.

**411.~~4239~~.2** Notwithstanding any preference allowed under this Rule, disabled veterans as defined above shall be afforded all rights under the Americans with Disabilities Act, including any reasonable accommodation if appropriate.

#### **Sec. 411.~~430~~ Veterans Entitlement**

##### **411.~~430~~.1 Veteran, Widow or Widower, or Domestic Partner**

A veteran as defined above in Sec. 411.~~4136~~, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an additional credit of five percent (5%) toward his/her entrance qualifying score.

##### **411.~~430~~.2 Disabled Veteran, Widow or Widower, or Domestic Partner**

A disabled veteran as defined in Sec. 411.~~397~~.1, or a widow or widower of such veteran, or, to the extent allowed by law, a person who was a domestic partner of such veteran at the time of death of the veteran, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination or process, shall be entitled to an

additional credit of ten percent (10%) toward his/her entrance qualifying score.

**Sec. 411.430 Veterans Entitlement (cont.)**

**411.430.3 Spouse or Domestic Partner of Disabled Veteran**

Spouse or registered domestic partner of a one hundred percent (100%) disabled veteran as defined in Sec. 411.397, who becomes eligible for certification from an eligible list by attaining a passing score on an entrance qualifying examination process, shall be entitled to an additional credit of ten percent (10%) toward his/her entrance qualifying score.

**411.430.4 Notice of Veteran Status**

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

**Sec. 411.441 Entitlement at Time of Separation from Active Duty**

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

**Sec. 411.452 Entitlement Exhausted Upon Acquiring Permanent Appointment**

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

# **Rule Revisions Amended**

**Deletions in ~~strikethrough~~ – Additions in underline**

## **Rule 412 Eligible Lists**

### **Article I: Administration of Eligible Lists**

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

### **Article II: Eligible Lists and Eligibility**

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

### **Article III: Protest of Tentative Eligible List**

Applicability Article III, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

### **Article IV: Duration of Eligible Lists**

Applicability Article III, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

### **Article V: Holdover Rosters and Return to Duty**

Applicability: Article IV, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

# **Rule 412**

## **Eligible Lists**

### **Article I: Administration of Eligible Lists**

Applicability: Article I, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) except those represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Sec. 412.1**     **Types of Eligible Lists**

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

##### **412.1.1**     **Discrete Eligible Lists**

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

##### **412.1.2**     **Continuous Eligible Lists**

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

##### **412.1.3**     **Duration of Eligibility on Continuous Lists**

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

#### **Sec. 412.2**     **Duration of Eligible Lists and of Eligibility**

##### **412.2.1**     **Duration of Discrete Eligible List**

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

**Sec. 412.2**      **Duration of Eligible Lists and of Eligibility (cont.)**

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

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

**412.2.3**      **Establishment of Duration of Eligible Lists**

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

**412.2.4**      **Expiration of Eligible Lists and Eligibility**

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

**Sec. 412.3**      **Extension of Eligibility**

The MTA Director of Transportation/Designee may extend the duration of an eligible list or eligibility periods for individuals on the eligible list or eligibility periods for individuals based on the needs of the Municipal Transportation Agency or merit factors. Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. The maximum duration of the eligible list shall not exceed forty-eight (48) months. Affected eligibles shall be of the extension.

**Sec. 412.4**      **Cancellation of Eligibility**

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

**Sec. 412.5**      **Merging of Eligible Lists**

**412.5.1**      The MTA Director of Transportation/Designee may authorize the merging of an earlier list in a class with a later eligible list in the same class.

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

**Sec. 412.5**      **Merging of Eligible Lists (cont.)**

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

**Sec. 412.6**      **Priority of Eligible Lists**

~~Except as otherwise provided in these Rules, the order of priority. The categories of discrete-eligible lists including those resulting under rules 411 Examinations and 411A Position-Based Testing regardless of adoption dates is are~~ as follows:

- ~~1)~~promotive only-lists;
- flexible staffing;
- provisional-to-permanent;
- exempt-to-permanent;
- ~~2)~~combined promotive and entrance-~~lists~~; and
- ~~3)~~entrance-~~lists~~.

Subject to criteria submitted to and approved by the Civil Service Commission, where there is more than one category of eligible lists available, the MTA Director of Transportation/Designee has discretion, to determine the appropriate category of eligible list from which to make appointments.

Except as otherwise provided in these Rules, the order of priority of eligible lists ~~W~~within each category is that the earlier adopted ~~discrete~~-eligible lists have priority over later adopted ~~discrete~~-eligible lists.

**Sec. 412.7**      **Posting Period for the Tentative Eligible List Examination Score Report and Review of Ratings by Examination Participants**

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

- 412.7.3** The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

**Sec. 412.8 Documents Included in Inspection and Maintenance of Anonymity of Examiners**

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

**Sec. 412.9 Appeal of Accuracy of Scores**

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

**Sec. 412.10 Adoption of Eligible List for Certification Purposes Only**

**412.10.1 Confidentiality of Applicant Information**

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

- 412.10.2** The MTA Director of Transportation/Designee may adopt an eligible list pending the resolution of any appeal, and may certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

**Sec. 412.11 Maintenance of Eligibility**

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

- 412.11.2** Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, such promotive credit points and the previous rank shall be restored.
- 412.11.3** Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the MTA Director of Transportation/Designee, the person may be returned to the eligible list with promotive credit points and previous rank restored.

**Sec. 412.11**    **Maintenance of Eligibility (cont.)**

- 412.11.4**    The MTA Director of Transportation/Designee is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

**Sec. 412.12**    **The Use of Eligible Lists**

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligibles as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of an eligible list.

# Rule 412

## Eligible Lists

### Article II: Eligible Lists and Eligibility

Applicability: Article II, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Sec. 412.13**      **Establishment of Eligible Lists**

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

#### **Sec. 412.14**      **Priority of Eligible Lists**

The ~~categories order of priority~~ of eligible lists including those resulting under rules 411 Examinations and 411A Position-Based Testing regardless of adoption dates is are as follows:

- ~~1)~~ — Promotive only lists;
- Flexible staffing;
- Provisional-to-permanent;
- Exempt-to-permanent;
- ~~2)~~ — Combined promotive and entrance ~~lists~~;
- ~~3)~~ — Entrance ~~lists~~;

Subject to criteria submitted to and approved by the Civil Service Commission, where there is more than one category of eligible lists available, the MTA Director of Transportation/Designee has discretion, to determine the appropriate category of eligible list from which to make appointments.

Except as otherwise provided in these Rules, the order of priority of eligible lists ~~W~~within each category, is that the earlier adopted eligible lists have priority over later adopted eligible lists.

#### **Sec. 412.15**      **Maintenance of Eligibility**

- 412.15.1**      Except as otherwise provided in these Rules, eligibles who fail to possess and maintain the qualifications required by law and by the terms of the

examination announcement under which they participated will forfeit their eligibility.

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

**Sec. 412.15**      **Maintenance of Eligibility (cont.)**

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

**Sec. 412.16**      **Official Adoption Date**

- 412.16.1**      At the beginning of the inspection period the tentative eligible list examination score report shall be posted and made available for public inspection. Any protests must be filed in the office of the MTA Director of Transportation/Designee during the posting period. After the posting period and in the absence of protests on ratings, the eligible lists shall automatically become officially adopted.
- 412.16.2**      If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.
- 412.16.3**      Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 412.16.4**      Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

**Sec. 412.17**      **Duration of Eligibles**

- 412.17.1**      As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 412.17.2**      Prior to abolishing any list, pursuant to the provisions of this Rule, one (1) month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

**Sec. 412.18**      **Use of Eligible Lists**

Except for circumstances beyond the control of the MTA, the initial Notice of Certification to eligible as provided in Civil Service Rule 413 shall be issued within thirty (30) days from the date of adoption of the eligible list.

# **Rule 412**

## **Eligible Lists**

### **Article III: Protest of Tentative Eligible List**

Applicability Article III, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Sec. 412.19**      **Posting of Tentative Eligible List Examination Score Report**

Following the completion of any examination, a tentative eligible list examination score report shall be posted for the inspection of the public and of participants.

#### **Sec. 412.20**      **Posting Period for the Tentative Eligible List Examination Score Report and Review of Ratings by Examination Participants**

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

**412.20.2** The MTA Director of Transportation/Designee shall establish the procedures for Review of Ratings.

**412.20.3** The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

#### **Sec. 412.21**      **Documents Included in Inspection and Maintenance of Anonymity of Examiners**

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

**Sec. 412.22**

**Inspection Restricted to Examination Participants**

Only participants in the examination may review the questions used in the examination.

**Sec. 412.23**

**Automatic Adoption of Tentative List**

If no protests are received during the posting period the eligible list is automatically adopted.

**Sec. 412.24**

**Disposition of Protests**

If protests are received during the posting period, the investigation and action of the MTA Director of Transportation/Designee shall be expedited so that final adoption of the eligible list is not delayed beyond sixty (60) days after the date of posting.

**Sec. 412.25**

**Effect on Eligibles Pending Resolution of Protest**

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

# **Rule 412**

## **Eligible Lists**

### **Article IV: Duration of Eligible Lists**

Applicability      Article IV, Section 412.26 and 412.27, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

#### **Sec. 412.26**      **Tenure of Eligible Lists**

The eligible list shall state the duration of the list with the minimum duration being six (6) months and the maximum being twenty-four (24) months.

#### **Sec. 412.27**      **Extension of Eligibility**

The MTA Director of Transportation/Designee may extend the duration of an eligible list or eligibility period for individuals on the eligible list based on the needs of the Municipal Transportation Agency or merit factors. Any extension of the eligible list or eligibility period shall occur prior to the expiration date with the exception of correcting errors. The maximum duration of the eligible list shall not exceed forty-eight (48) months. Affected eligibles shall be notified of the extension.

# **Rule 412**

## **Eligible Lists**

### **Article V: Holdover Rosters and Return to Duty**

Applicability: Article V, Rule 412, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 412.28**      **Holdover Status and Return to Duty**

##### **412.28.1**      **Holdover Roster - General Requirements**

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

**Sec. 412.28**

**Holdover Status and Return to Duty (cont.)**

**412.28.1**

**Holdover Roster - General Requirements (cont.)**

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

**8) Exceptions to Return to Duty in Rank Order**

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

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

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

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

12) Except as otherwise directed by the MTA Director of Transportation/Designee, holdovers being returned to duty shall not be required to pass a new medical examination.

**Sec. 412.28**

**Holdover Status and Return to Duty (cont.)**

**412.28.1 Holdover Roster - General Requirements (cont.)**

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

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

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

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

**412.28.2 Holdover - Temporary Appointees**

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

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

**412.28.3 Holdover - Permanent and Probationary Appointees**

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

**412.28.3**

**Holdover - Permanent and Probationary Appointees**

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

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

**4) Return to Duty - Department From Which Laid Off**

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

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

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

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

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

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

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

## **Rule Revisions Amended**

**Deletions in ~~striketrough~~ – Additions in underline**

### **Rule 413 Certification of Eligibles**

#### **Article I: General Principles**

Applicability: Unless otherwise noted, Article I, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

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

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Article III: Application of Certification Rules**

Applicability: Unless otherwise noted, Article III, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Article IV: Personnel Requisitions**

Applicability: Unless otherwise noted, Article IV, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Article V: Administration of Certifications**

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Article VI: Selective Certification of Certified Temporary Employees**

Applicability: Unless otherwise noted, Article VI, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

## Rule 413

### Certification of Eligibles

#### Article I: General Principles

Applicability: Unless otherwise noted, Article I, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

##### **Sec. 413.1**      **General Policy**

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

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

**Sec. 413.1**     **General Policy (cont.)**

**413.1.3**     **Implementation of the Rule by the MTA Director of Transportation/Designee**

Implementing this Rule, the MTA Director of Transportation/Designee shall:

- 1)**     adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City and County of San Francisco, and
- 2)**     take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

## **Rule 413**

### **Certification of Eligibles**

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

Applicability: Unless otherwise noted, Article II, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Sec. 413.2**     **Certification Rules**

##### **413.2.1**     **Rule of Three Scores**

The MTA Director of Transportation/Designee shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

##### **413.2.2**     **Rule of Three or More Scores**

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

##### **413.2.3**     **Rule of the List**

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

#### **Sec. 413.3**     **Notice of Certification**

Eligibles on the eligible list shall be simultaneously notified each time that the MTA Director of Transportation/Designee certifies their names to an appointing officer for a position as provided under this Article II.

#### **Sec. 413.4**     **Certification Date**

The Certification Date is the date on which the MTA Director of Transportation/Designee issues the Notice of Certification to eligibles as provided under this Article II.

#### **Sec. 413.5**     **Notice of Inquiry**

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

**Sec. 413.5**     **Notice of Inquiry (cont.)**

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

**Sec. 413.6**     **Exhaustion of the List****413.6.1**     **Rule of Three Scores**

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

**413.6.2**     **Rule of Three or More Scores**

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

**413.6.3**     **Rule of the List**

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

**413.6.4**     **MTA Director of Transportation/Designee Authority**

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

## **Rule 413**

### **Certification of Eligibles**

#### **Article III: Application of Certification Rules**

Applicability: Article III, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Sec. 413.7 Certification Rules Applicable to Employees in all classes**

##### **413.7.1 Rule of Three Scores**

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

##### **413.7.2 Expansion of Certification Rules**

- 1) Unless otherwise directed by the Director of Transportation/Designee the certification rule for Entry (E) only and continuous testing eligible lists shall be Rule of the List.
- 2) Notwithstanding any other provisions of these Rules, the MTA Director of Transportation/Designee is authorized to meet and confer with representatives of employee organizations to reach mutual agreement over the Certification Rule applicable to each of the classes covered by this section except for, unless otherwise directed by the Director of Transportation/Designee, Entry (E) only and those eligible lists in classes designated continuous testing by Director of Transportation/Designee. If the parties fail to reach mutual agreement, the Rule of Three Scores shall be used.

**Sec. 413.7      Certification Rules Applicable to Employees in all classes (cont.)****413.7.2      Expansion of Certification Rules (cont.)**

3) The agreed-upon Certification Rule shall be promulgated as a term of the examination announcement and the agreed-upon Certification Rule shall not be appealable to the Civil Service Commission.

**413.7.3      Rule of Three or More Scores****1) For a Single (1) Position**

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

**2) When More Than One Position Available**

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

**3) When Eligible List Exhausted**

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

**4) Supplementary Certification**

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

**413.7.4      Rule of the List**

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

**Sec. 413.7      Certification Rules Applicable to Employees in all classes (cont.)****413.7.4      Rule of the List (cont.)****2)    When Eligible List is Exhausted**

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

**413.7.5      Establishment of Certification Rule**

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

## **Rule 413**

### **Certification of Eligibles**

#### **Article IV: Personnel Requisitions**

Applicability: Unless otherwise noted, Article IV, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Sec. 413.8      Personnel Requisitions**

##### **413.8.1      Requirement for Personnel Requisitions**

Whenever a position is to be filled, the appointing officer shall issue a personnel requisition on the prescribed form. Fully approved personnel requisitions shall immediately be time stamped in the order of receipt in the Office of the MTA Director of Transportation/Designee.

##### **413.8.2      Separate or Group Personnel Requisitions**

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

##### **413.8.3      Cancellation of Personnel Requisitions**

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the MTA Director of Transportation/Designee.

##### **413.8.4      Priority of Personnel Requisitions**

Except as otherwise provided in these Rules, certification shall be made in accordance with priority of approval of the personnel requisition in the Office of the MTA Director of Transportation/Designee or the date to report to duty, whichever is later.

##### **413.8.5      Tenure of Temporary Appointments**

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

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

#### **Sec. 413.8      Personnel Requisitions (cont.)**

**413.8.5 Tenure of Temporary Appointments (cont.)**

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

**413.8.6 Flexible Staffing Personnel Requisitions**

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

## **Rule 413**

### **Certification of Eligibles**

#### **Article V: Administration of Certifications**

Applicability: Unless otherwise noted, Article V, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

##### **Sec. 413.9**      **Notice of Certification**

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

The MTA Director of Transportation/Designee shall simultaneously notify each eligible of such certification to the hiring department(s). This Notice of Certification shall be informational only and shall not require a response from the eligibles.

##### **Sec. 413.10**      **Notice of Inquiry**

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

**413.10.2** Eligibles are required to respond to a Notice of Inquiry within a minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days. The response period may be extended by the MTA Director of Transportation/Designee. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider among other factors, availability of technology to respond, number of eligibles, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by eligibles to the means for receiving timely notification, and complexity of the selection procedures.

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

**Sec. 413.11**    **Certification Results**

MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within twenty (20) business days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee. MTA will, on a regular basis, report to the CSC on the departmental response time and the reason(s) for delay in responding to a referral.

**Sec. 413.12**    **Waivers****413.12.1**    **General Waivers**

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

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

**413.12.2**    **Waiver of Part-Time Employment**

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

**Sec. 413.12   Waivers (cont.)****413.12.3   Conditional Waivers**

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

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the MTA Director of Transportation/Designee.

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

**413.12.4   Effects of Waivers**

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

**413.12.5   Withdrawal of Waivers**

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.
- 2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3<sup>rd</sup>) Friday of the month to be effective the first (1<sup>st</sup>) business day of the following month. In the event the third (3<sup>rd</sup>) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

**Sec. 413.12**    **Waivers (cont.)****413.12.5**        **Withdrawal of Waivers (cont.)**

3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1<sup>st</sup>) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer.

5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

**Sec. 413.13**    **Change of Address**

Eligibles are responsible for notifying the Office of the MTA Director of Transportation/Designee of any change of address.

## **Rule 413**

### **Certification of Eligibles**

#### **Article VI: Selective Certification of Certified Temporary Employees**

Applicability: Unless otherwise noted, Article VI, Rule 413, shall apply to all Service-Critical classes at the Municipal Transportation Agency (MTA).

#### **Sec. 413.14 Selective Certification of Certified Temporary Employees**

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