

PSC Factfinder Pilot Program

Presented to the Civil Service Commission



CITY & COUNTY OF SAN FRANCISCO

Employee Relations Division, Department of Human Resources
GovOps Team, Office of the City Administrator

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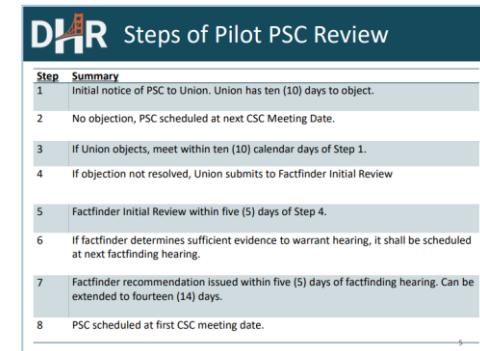
Established in MOUs in 2024

2

The 2024-2027 IFPTE Local 21 and SEIU 1021 MOUs establish a **new pilot program for a factfinder review process**:

- Allows for a more in-depth PSC review process with a factfinder for up to 5 PSCs per year per union.
- All other PSCs will have a shorter union notification window (10 days instead of 30/60 days).
- Factfinder process results in a recommendation to the Civil Service Commission to approve, deny, or modify the PSC. The CSC (or DHR for \$200k or less) still makes the final determination on each PSC.
- Pilot process goes into effect no later than July 1, 2025, and expires on June 30, 2027.

DHR presented at the Civil Service Commission in July 2024 about these MOU changes.



Establishing detailed procedure with Unions

3

Since last summer, the Employee Relations Division (ERD) at DHR and CAO have been working with these two unions to **agree on a procedure to implement this MOU language leading up to the July 1st implementation deadline**. The Unions and City have reached agreement on the procedure.

In the coming slides, we will review:

- 1) An overview of the new factfinder process
- 2) How Union requests for factfinder review will work
- 3) Factfinding hearing process



AGREEMENT REGARDING PERSONAL SERVICES CONTRACT PILOT PROGRAM PROCEDURE

This Pilot Program Procedures document the procedures for Fact-Finding Review as set forth in the Memorandum of Understanding (MOU) between the City and County of San Francisco (City) and the International Federation of Professional and Technical Engineers, Local 21 (IFPTE Local 21) and the Collective Bargaining Agreement (CBA) between the City and the Service Employees International Union, Local 1021 (SEIU Local 1021). These procedures apply during the Personal Services Contract (PSC) process, which is initiated when a City department submits a PSC request to the Department of Human Resources and/or Civil Service Commission (CSC).

General Rules for Fact-Finder Review Process

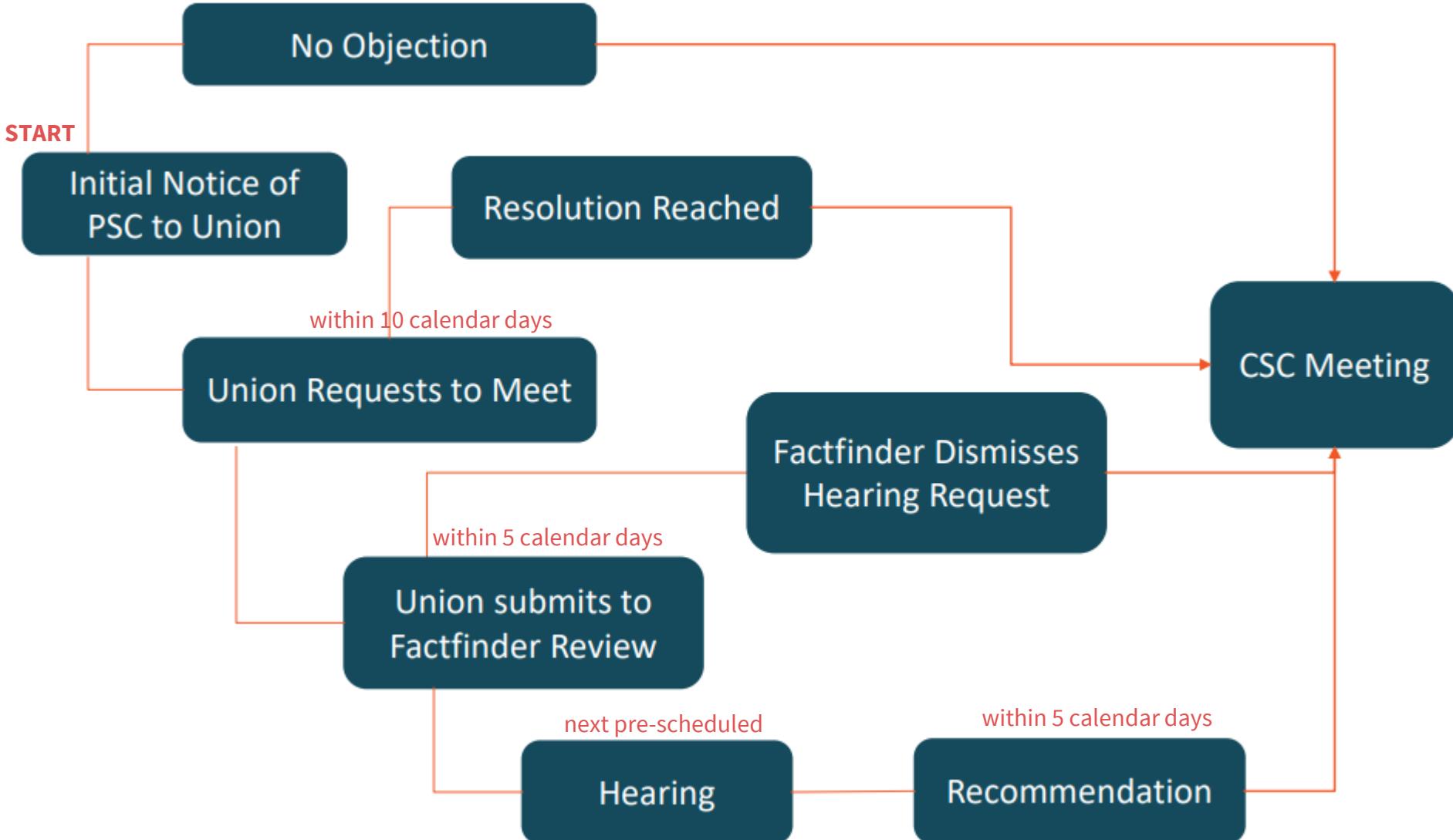
- 1) Each Union may use the fact-finder review process up to 5 times in a 12-month period; more times may be added by mutual agreement.
- 2) The Unions may not trade fact-finder review process opportunities. For example, SEIU Local 1021 may not give one of their opportunities to IFPTE Local 21.
- 3) Should both Unions want to participate in the fact-finder review process for the same PSC, they must each submit their own request. In these cases, both Unions must use one of their 5 fact-finder review opportunities.
- 4) Fact-finder review opportunities do not roll over to the following 12-month period if they remain unused at the end of the year.
- 5) Once the fact-finder review request is submitted by the Union under Step 3 below, one of the 5 fact-finder review opportunities is deemed to be used.

PSC Fact-Finder Review Process

- 1) PSC submittal. The City department notifies the Union of a PSC request using the tracking system. When the Union is notified, the 7-day public posting period also begins and information on the PSC becomes open to public inspection. As part of this request, the City department includes all information required in the application, including, but not limited to:
 - a) The anticipated duration of the contract(s).
 - b) The scope of work under the contract(s).
 - c) The final solicitation, if published. If no solicitation is yet published or will be used, the City shall provide the special skills or expertise being sought from a contractor. However, detailed information such as minimum qualifications, selection criteria,

Process overview

4



PSC submittal & initial meeting between City and Union

5

There is no change to the PSC submittal process by City departments nor the process for the Union to initially request to meet with the City department over the proposed PSC.

After the initial meeting, **three outcomes are possible:**

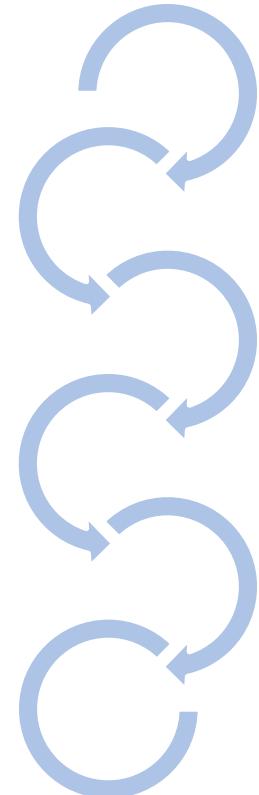
- 1 The City and Union **agree**, and the PSC proceeds forward in the normal process.
- 2 The City and Union are **not in agreement**, and the Union does not exercise the factfinder review process. The PSC proceeds forward in the normal process.
- 3 The City and Union are **not in agreement**, and the Union exercises one of their five **factfinder review process** requests.

Our focus today

Requesting factfinder review

6

- **Union submits online form requesting a factfinder review** within 5 calendar days of meeting
- PSC Factfinder Review Process Coordinator **reviews for timeliness.**
 - If not timely, the request will be administratively rejected.
- City department, Union, and assigned Factfinder are **notified that a request has been received**. At this stage, the City may submit a rebuttal to the Union's submission.
- Within 5 calendar days of receipt of the Union's submission, the **Factfinder reviews the evidence** submitted by the Union and determines if it is sufficient to warrant a factfinding hearing.
- If so, the **hearing will be scheduled** for the next pre-scheduled hearing date (which will be every two weeks).



Factfinder hearing

7

- The Factfinder may hear **opening statements and ask questions**. Both the Union and the City department must attend the hearing, and the hearing must be completed on the scheduled hearing date.
- Following the hearing, the Factfinder **prepares a recommendation** to the CSC within 5 calendar days that may include:
 - Whether the factfinder agrees that the circumstances described by the City as the basis for contracting out exist and comply with the provisions of the relevant MOU or CBA.
 - Whether the factfinder recommends the contracting out proposal should be approved, denied, or modified by the CSC.
 - Whether any proposals the Union presents as an alternative to contracting out are recommended to be adopted.
 - Any recommended timelines or intermediate steps.



These Factfinder recommendation reports will be sent to CSC Commissioners for review in advance of the CSC hearing on the PSC in question.

Impact on Civil Service Commission & Commissioners

8

- Starting July 1st, you may start to see reports from the Factfinder on up to 10 PSCs (5 per union).
- DHR will staff the PSC Factfinder Process Coordinator role, who will be responsible for ensuring that deadlines listed in the MOU for process steps are met.
- We have established general rules with the Union for how the factfinder requests are used.
- This is a pilot program that is set to expire on June 30, 2027.

Implementation & change management activities

9

DHR, CAO, and others are now working to administratively implement what was agreed to. **In the coming weeks, we will be rolling out several documents and changes to City departments:**

- Detailed procedure document on how to follow the new factfinder process
- Online form for union factfinder submission and optional internal departmental tracking template
- Changes to PSC application (e.g., ServiceNow)
- Training sessions on the new factfinder process with ERD and CAO
- And more!

Process Oversight

10

The PSC Pilot Process in each MOU requires the establishment of a Joint Labor Management Committee on Personal Services Contracts to implement and review the process. Each JLMC shall:

- Review & make recommendations on how to engage with Labor prior to the City entering into a contract.
- Review data on PSC approvals, City contract spending, benchmarking best practices, and effectiveness of the PSC Pilot Process.
- Make recommendations to improve the process, reporting requirements, and policies governing the PSC process.
- Resolve any disputes regarding the PSC process rather than utilizing the grievance procedure of each MOU.
- Include no more than 8 members, equally represented by Union and City
- Meet every other month for a period of 1 year, and once per year after the initial 12-months.

Q&A