



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

**DANIEL LURIE
MAYOR**

Sent via Electronic Mail

May 23, 2025

NOTICE OF CIVIL SERVICE COMMISSION MEETING

SUBJECT: PROPOSED AMENDMENTS TO REMOVE DE-IDENTIFICATION IN VOLUMES I (MISCELLANEOUS CLASSIFICATIONS) RULES 102 DEFINITIONS, 111 EXAMINATIONS, 111A POSITION-BASED TESTING, 112 ELIGIBLE LISTS, 113 CERTIFICATION OF ELIGIBLES; AND VOLUME IV (SERVICE-CRITICAL CLASSIFICATIONS) RULES 402 DEFINITIONS, 410 EXAMINATION ANNOUNCEMENTS AND APPLICANTS, 411 EXAMINATIONS, 411A POSITION-BASED TESTING, 412 ELIGIBLE LISTS, AND 413 CERTIFICATION ELIGIBLES.

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 **June 2, 2025, 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

Attachment

Cc: All Departments
All Unions
Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

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

B. Policy Requiring Written Reports

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

C. Policy on Written Submissions by Appellants

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

D. Policy on Materials being Considered by the Commission

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

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

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

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

F. Policy and Procedure on Hearing Items Out of Order

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

G. Procedure for Commission Hearings

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

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

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

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

Each presentation shall conform to the following:

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

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

H. Policy on Audio Recording of Commission Meetings

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

I. Speaking before the Civil Service Commission

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

J. Public Comment and Due Process

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

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

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

Information on Disability Access

*** 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 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, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance

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




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

**DANIEL LURIE
MAYOR**

Date: June 2, 2025

To: Civil Service Commission

From: Sandra Eng, Executive Officer 

Subject: Proposed Amendments to Remove De-Identification in Volumes I (Miscellaneous Classifications) Rules 102 Definitions, 111 Examinations, 111A Position-Based Testing, 112 Eligible Lists, 113 Certification of Eligibles; and Volume IV (Service-Critical Classifications) Rules 402 Definitions, 410 Examination Announcements and Applicants, 411 Examinations, 411A Position-Based Testing, 412 Eligible Lists, and 413 Certification of Eligibles

Authority

Charter Section 10.101 General Powers and Duties states in part,

“...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...”

Civil Service Commission Rule Series 001.5 Amendment of Rules states,

“The Commission may at any time amend these Rules. Any such proposed amendment shall be posted for a minimum of ten (10) consecutive calendar days prior to adoption. Upon adoption, changes in the Rules shall be in effect and shall be printed. No change in the Rules shall affect a case pending before the Civil Service Commission.”

Background

At the Civil Service Commission (Commission) meeting of January 22, 2018, the Department of Human Resources (DHR) in its effort to improve the City's workforce and the community ensuring that qualified, capable, and competent individuals are not denied opportunities to work for the City, proposed the concept of de-identification to reduce implicit bias in the hiring process. After several discussions/meetings, the Commission approved the posting of the proposed rule amendments for de-identification at the Commission meeting of May 7, 2018. At the meeting of September 17, 2018, the Commission adopted the DHR proposed rule amendments to use the de-identification process to reduce the effect of implicit bias in the City's hiring process by redacting names and addresses from the view of hiring managers when determining who to interview and no longer publicly posting eligible lists with names. DHR stated, “*The intended outcome was to eliminate information that can result in conscious or unconscious bias and instead ensure hiring managers base interview selections on job-relevant criteria, such as experience, training, and educational achievement.*” At the Commission meeting of December 2, 2024, DHR reported that after the implementation of the de-identification process, the annual reports to the Commission indicate the following:

- No significant increase in diversity in hiring
- Resulted in extra manual work for Human Resources staff citywide
- Precipitated delays in the hiring process

As a result, DHR removed the de-identification process by eliminating the following procedures:

- Redaction of information from applications
- Requirement to include a notice and a minimum qualification supplemental questionnaire

At the Commission meeting of March 3, 2025, the Executive Director presented the initial proposed amendments to remove de-identification. The Commission directed the Executive Officer to consult with the City Attorney's Office and others to re-word rule proposal to be aligned with public records laws and the Commission's values – consistent and fair, open to public inspection, and transparent.

Analysis

Although DHR has removed de-identification in the hiring process, the Commission expressed the importance of making the eligible list available to the public upon request. DHR expressed concerns about posting eligible lists with names on the internet because there are applicants who have removed their application for a City position because they did not want their current employer or manager to know they were applying for job with the City or in another department. Whether an eligible list is subject to public inspection is a legal question under the public records laws, including San Francisco's Sunshine Ordinance (San Francisco Administrative Code Chapter 67) and the Brown Act ("Ralph M Brown Act" California Government Code Chapter 9 Sec. 54950-54963). Because the Commission's Rules cannot override these laws, references to confidentiality have been removed from the Rules. However, because of the concerns shared by DHR and Municipal Transportation Agency, the addition of "the eligible list shall not be posted online" is included in the proposal. The proposed rule amendments will remove de-identification but do not specify whether the lists will otherwise remain confidential. Whether a particular eligible list is or is not confidential is outside the scope of the Commission's Rules. The proposed rule amendments will continue to require the examination score report showing ranks and scores and another report showing appointees to be posted on the DHR website.

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 remove de-identification in Volumes I (Miscellaneous Classifications) Rules 102 Definitions, 111 Examinations, 111A Position-Based Testing, 112 Eligible Lists, 113 Certification of Eligibles; and Volume IV (Service-Critical Classifications) Rules 402 Definitions, 410 Examination Announcements and Applicants, 411 Examinations, 411A Position-Based Testing, 412 Eligible Lists, and 413 Certification of Eligibles in accordance with the Charter and Civil Service Rules for adoption following meet and discuss with the affected labor unions and interested stakeholders.

Attachments

- A. Volume I Proposed Rule Amendments
- B. Volume IV Proposed Rule Amendments
- C. DHR Report on the Status of De-Identification from the Civil Service Commission meeting of December 2, 2024

ATTACHMENT A

Rule 102

Definitions

Applicability: Rule 102 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

<u>Sec. 102.1</u>	<u>Appointment</u>
<u>Sec. 102.2</u>	<u>Appointing Officer</u>
<u>Sec. 102.3</u>	<u>Appointment Date</u>
<u>Sec. 102.4</u>	<u>Bulletin Board/Employment Opportunity Website</u>
<u>Sec. 102.5</u>	<u>Certification Date</u>
<u>Sec. 102.6</u>	<u>Charter</u>
<u>Sec. 102.7</u>	<u>City</u>
<u>Sec. 102.8</u>	<u>Civil Service Department</u>
<u>Sec. 102.9</u>	<u>Class</u>
<u>Sec. 102.10</u>	<u>Classification Plan</u>
<u>Sec. 102.11</u>	<u>Classified Service</u>
<u>Sec. 102.12</u>	<u>Commission</u>
<u>Sec. 102.13</u>	<u>Commissioner</u>
<u>Sec. 102.14</u>	<u>Department</u>
<u>Sec. 102.15</u>	<u>Department of Human Resources</u>
<u>Sec. 102.16</u>	<u>Eligible</u>
<u>Sec. 102.17</u>	<u>Eligible List</u>
Sec. 102.18	<u>De-Identification</u>
Sec. 102.189	<u>Executive Session</u>
Sec. 102.1920	<u>Human Resources Director</u>
Sec. 102.201	<u>Layoff</u>
Sec. 102.212	<u>Near List</u>
Sec. 102.223	<u>Part-Time Employment</u>
Sec. 102.234	<u>Position</u>
Sec. 102.245	<u>Post</u>
Sec. 102.256	<u>School Districts</u>
Sec. 102.267	<u>Seniority</u>
Sec. 102.278	<u>Service</u>
Sec. 102.289	<u>Start Work Date</u>
Sec. 102.2930	<u>Time Periods</u>
Sec. 102.301	<u>Validation Date</u>

Rule 102

Definitions

Applicability: Rule 102 shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

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

Sec. 102.1 **Appointment**

102.1.1 **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.

102.1.2 **Probationary**

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

102.1.3 **Temporary Civil Service**

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

102.1.4 **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.

102.1.5 **Exempt**

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

Sec. 102.2 **Appointing Officer**

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.

Sec. 102.3 **Appointment Date**

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.

Sec. 102.4 **Bulletin Board**

The official bulletin boards, so designated, at the Civil Service Department and Department of Human Resources, used for posting of examinations and public announcements of the Commission and Department of Human Resources.

102.4.1 **Employment Opportunity Website**

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

Sec. 102.5 **Certification Date**

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

Sec. 102.6 **Charter**

The Charter of the City and County of San Francisco.

Sec. 102.7 **City**

The City and County of San Francisco.

Sec. 102.8 **Civil Service Department**

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

Sec. 102.9 **Class**

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

102.9.1 **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. 102.10 **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. 102.11 **Classified Service**

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

Sec. 102.12 **Commission**

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

Sec. 102.13 **Commissioner**

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

Sec. 102.14 **Department**

Organizational unit or units under one appointing officer.

Sec. 102.15 **Department of Human Resources**

The Department charged with administering the policies, Rules, and procedures of the Civil Service Commission and performing such other duties and functions as set forth in the Charter.

Sec. 102.16 **Eligible**

A person who has standing on an eligible list.

Sec. 102.17 **Eligible List**

A ~~confidential~~ list of names of applicants who have passed a civil service examination ~~used for certification purposes only. Applicant information, including names of applicants 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.~~

102.17.1 Eligible List Examination Score Report

A list of scores by rank of successful applicants, without names.

Sec. 102.18 De-Identification

~~De-Identification is the process of redacting candidates' information, including names, addresses, schools attended, and other personal identifying information to reduce the potential of biases (implicit or explicit) in the examination or selection process.~~

Sec. 102.189 Executive Session

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

Sec. 102.1920 Human Resources Director

Director of the Department of Human Resources.

Sec. 102.201 Layoff

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

Sec. 102.212 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 Human Resources Director may authorize the certification of eligibles for temporary civil service appointment.

Sec. 102.223 Part-Time Employment

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

Sec. 102.234 Position

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

102.234.1 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:

Sec. 102.234 Position (cont'd)**102.234.1 Permanent (cont'd)**

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

102.234.2 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.

102.234.3 Part-Time

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

102.234.4 Exempt

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

102.234.5 School-Term Only

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

102.234.6 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. 102.245 Post

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

Sec. 102.256 School Districts

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

Sec. 102.267 Seniority**102.267.1 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.

102.267.2 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.

102.267.3 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 or the Department of Human Resources.

102.267.4 Citywide**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 provided in the Rules on Layoff.

Sec. 102.278 **Service**

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

Sec. 102.289 **Start Work Date**

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

Sec. 102.2930 **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. 102.301 **Validation Date**

The date on which the Department of Human Resources notifies an appointing officer that it has approved an appointment.

Rule 110

Examination Announcements and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: Article I, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Article II: Examination Announcements

Applicability: Article II, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and, MTA Service-Critical classes.

Article III: Applicants

Applicability: Article III, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes.

Rule 110

Examination Announcements and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: Article I, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

Sec. 110.1 **Civil Service Commission Equal Employment Opportunity Policy Related to Examination Announcements and Application Procedures**

It is the goal and policy of the Civil Service Commission to achieve a work force that is fully reflective of the multicultural, ethnic, and gender diversity of the City and County of San Francisco. The Human Resources Director shall conduct outreach for the purpose of announcing upcoming examinations. Outreach shall include such procedures among others as periodic mailings, job fairs, and presentations to inform the public of the employment opportunities and the examination process within the civil service merit system.

Rule 110

Examination Announcements and Applicants

Article II: Examination Announcements

Applicability: Article II, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical classes.

Sec. 110.2 **Examination Announcements**

The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates, and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

Sec. 110.3 **Minimum Posting Periods for Examination Announcements**

Examination announcements shall be posted on the City's official employment opportunities website for a minimum period as determined by the Human Resources Director not to be less than three (3) business days. In establishing the minimum period, the Human Resources Director shall consider, among other factors, number of vacancies, turnover in the classification, labor market availability, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by the labor market to the means for receiving timely notification, and equal employment opportunity and racial equity goals. Appointing officers shall make reasonable efforts to properly notify employees. DHR will, on a regular basis, report to the CSC on the progress of advance notification of upcoming employment opportunities for postings of five (5) days or less on the employment opportunity website.

Sec. 110.4 **Appeals of Examination Announcements**

Appeals concerning the provisions of an examination announcement must be received by the Human Resources Director within five (5) business days from the issuance date. The Human Resources Director shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

Sec. 110.5 **Reissuance of Examination Announcements**

After considering appeals submitted under these Rules, the Human Resources Director may reissue an examination announcement. When reissued, an examination announcement is not open to appeal.

Sec. 110.6 **Correction of Examination Announcements**

Examination announcements may be corrected by the Human Resources Director with respect to clerical errors, misprints, and incorrect wording by posting notice of such corrections next to the original examination announcement. When examination announcements are corrected under the provisions of this section, additional time shall not be allowed for the protest or appeal of the substantive provisions contained in the original examination announcement.

Rule 110

Examination Announcements and Applicants

Article III: Applicants

Applicability: Article III, Rule 110, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical classes.

Sec. 110.7 Recruitment of Applicants

Recruitment shall be conducted to attract qualified applicants and to maximize the multicultural, ethnic, and gender diversity of the workforce in the City and County of San Francisco. Where appropriate or needed, the Human Resources Director shall conduct targeted outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified members of underrepresented groups.

Sec. 110.8 Definition of an Applicant

An applicant is a person who has filed an application for examination within the time limits or under the conditions specified on the examination announcement.

Sec. 110.9 Qualifications of Applicants

110.9.1 Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement for the examination. Experience gained in violation of Commission Rules shall not be recognized. City and County employees shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees may receive credit for duties not usually performed by incumbents in a class if their employee file contains contemporaneous documentation that the duties were assigned and performed. By way of example but not limitation, records that describe and verify the out-of-class assignment that may be accepted as documentation include a valid performance appraisal completed during the normal evaluation period, payroll records filed at the time of the assignment and Notice of Assignment. Credit for duties not usually performed by incumbents in a class based on non-contemporaneous documentation shall require the certification of the Appointing Officer and the approval of the Human Resources Director.

Sec. 110.9 **Qualifications of Applicants**

110.9.2 Except with permission of the Human Resources Director, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class nor for a class in which the employee has current permanent appointment.

Sec. 110.10 **Review of Applicant Pool Demographics**

When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Human Resources Director shall review the ethnic and gender demographics of the pool of qualified applicants.

Where the pool of applicants does not reflect the demographics of the relevant labor market, and upon consideration of factors such as the number of anticipated vacancies and the level of underrepresentation, the Human Resources Director may take such action as appropriate including extending the filing period, reopening the examination for filing, or canceling the examination.

Sec. 110.11 **Promotional Applicants**

Applicants for promotive only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

Sec. 110.12 **Change of Address**

In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or an employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Sec. 110.13 **Custody of Examination Applications**

Examination applications and supporting documents become the property of the Department of Human Resources when received. Return of such documents shall require the approval of the Human Resources Director.

Rule 111

Examinations

Article I: Examination Provisions

Applicability: Article I, Rule 111, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

Article II: Examination Process

Applicability: Article II, Rule 111, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

Article III: Veterans Preference in Examinations

Applicability: Article III, Rule 111, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

Rule 111

Examinations

Article I: Examination Provisions

Applicability: Article I, Rule 111, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

Sec. 111.1 Civil Service Commission Equal Employment Opportunity Policy Related to the Conduct of Examinations

111.1.1 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.

111.1.2 The Human Resources Director shall make every effort to ensure the representation of women and minorities on examination boards, panels and screening committees.

Sec. 111.2 Human Resources Director Empowered to Act

The Human Resources Director shall rule on all matters concerning the examination program in accordance with these Rules.

Sec. 111.3 Requirement to Conduct Examinations

111.3.1 Except for reasons beyond the Human Resources Director's control, the Human Resources Director shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.

111.3.2 Except for reasons beyond the Human Resources Director's control, the Human Resources Director 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. 111.3 Requirement to Conduct Examinations (cont.)

111.3.3 Where possible, the Human Resources Director, or designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

Sec. 111.4 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 Human Resources Director after a finding that reasonable publicity of the proposed examination has been given. Notice of such determination by the Human Resources Director will be provided to the employee organization(s) representing employees within the classification.

Sec. 111.5 Examinations Without Charge

Examinations shall be without charge to the applicants.

Sec. 111.6 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. 111.7 Adequacy of Examinations

Subject to the approval of the Commission, the Human Resources Director, 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. 111.8 Establishing Cutoff Scores and Number on Eligible Lists

For each selection procedure, the Human Resources Director 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, equal employment opportunity principles and goals. Once established, the cutoff score shall not be changed.

Sec. 111.9 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 Human Resources Director.

111.9.1 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. 111.10 Copying of Examination-Related Materials

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

Sec. 111.11 Rating Keys - Written Examinations Other Than Essay Questions

111.11.1 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. 111.11 Rating Keys - Written Examinations Other Than Essay Questions (cont.)

- 111.11.2** 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.
- 111.11.3** 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 the Department of Human Resources. 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 Human Resources Director shall act on all appeals. The decision of the Human Resources Director shall be final.
- 111.11.4** Inspection privileges shall not apply to questions and answers in a continuous or standardized examination. The Human Resources Director 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. 111.12 Inspection of Rating Keys by Review Committee

- 111.12.1** 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.
- 111.12.2** 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 Human Resources Director for approval. The rating key, when approved by the Human Resources Director, shall be made available for review by participants in the examination for a minimum period of two days. The time allowed for such review may be extended if in the judgment of the Human Resources Director, the number of applicants warrants. The participants may appeal to the Human Resources Director concerning only those questions or answers where documented claim of significant error is made. The decision of the Human Resources Director 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. 111.13 Review of Ratings by Unsuccessful Candidates

Where there are remaining parts of an examination, unsuccessful candidates may review their rating during a minimum period as determined by the Human Resources Director 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 Human Resources Director 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. 111.14 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.

111.14.1 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.
- 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.

Sec. 111.14 Oral Interview and Other Selection Tests - Definition and Appeals (cont.)

111.14.1 Procedures and Practices (cont.)

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 Human Resources Director finds the omitted or unintelligible material critically relevant to the examination, in which event the Human Resources Director 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. 111.14 Oral Interview and Other Selection Tests - Definition and Appeals (cont.)

111.14.2 Appeals (cont.)

- 1) An appeal based on personal bias or competence of a rater shall be made by a candidate to the designated representative of the Department of Human Resources 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 Human Resources Director not later than the second (2nd) 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 Human Resources Director not later than the (5th) 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. 111.15 Review of Ratings by Participants

- 111.15.1** Composite ratings for examinations administered under this section shall be available for a minimum period not to be less than three (3) business days as determined by the Human Resources Director of two (2) working days during which period each participant may inspect review their own ratings. In establishing the minimum period, the Human Resources Director 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.
- 111.15.2** Any appeal shall be filed in writing within the review 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.
- 111.15.3** 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 Human Resources Director 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.
- 111.15.4** No evidence or documents shall be presented, which were not presented to the raters, unless the candidate was denied the opportunity to do so.
- 111.15.5** In the absence of an appeal under this section, later appeals shall be precluded.

Sec. 111.16 Program to Enhance Employment Opportunities for City Employees**111.16.1 Authorization for Flexible Staffing Program**

The Human Resources Director 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 Human Resources Director shall consider, among other factors, length of permanent service, performance appraisal ratings, availability of positions, budgetary restrictions, and equal employment opportunity. The specific procedures

Sec. 111.16 **Program to Enhance Employment Opportunity for City Employees (cont.)**

111.16.1 **Authorization for Flexible Staffing Program (cont.)**

and qualifications established shall be listed in the flexible staffing examination announcement for the classification(es) involved.

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

111.16.2 **Authorization for Promotive Only Program**

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

Sec. 111.16 Program to Enhance Employment Opportunity for City Employees (cont.)

111.16.3 Authorization for Provisional and Exempt to Permanent Status Program

The Human Resources Director is authorized to establish programs giving provisional and exempt employees expedited pathways to transition to permanent status. The provisional or exempt employee must have served continuously in the job classification in a provisional or exempt status the equivalent of at least one (1) year (2,080 hours). In establishing the program, the Human Resources Director shall consider, among other factors, active holdover rosters where qualified eligibles exist, availability of positions, budgetary restrictions, and equal employment opportunity.

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, or 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 who take and pass the examination will be placed on an eligible list. 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.

The Human Resources Director shall administer and rule on all matters concerning the Provisional and Exempt to Permanent Status Program. Decisions by the Human Resources Director shall be subject to appeal to the Civil Service Commission, as provided elsewhere in the rules, whose decision shall be final.

111.16.4 Authorization for Exempt P103 Per Diem Nurse to Permanent Civil Service Status 2320 Registered Nurse Program

The Human Resources Director is authorized to establish programs giving exempt P103 Per Diem Nurses an expedited pathway to transition to permanent status in class 2320 Registered Nurse. The exempt Per Diem Nurse must have served continuously in the job classification in an exempt status for an equivalent of at least six months (1,040 hours). In establishing the program, the Human Resources Director shall consider, among other factors, active holdover rosters where qualified eligibles exist, availability of positions, budgetary restrictions, and equal employment opportunity.

Sec. 111.16 Program to Enhance Employment Opportunity for City Employees (cont.)

111.16.4 Authorization for Exempt P103 Per Diem Nurse to Permanent Civil Service Status 2320 Registered Nurse Program (cont.)

The specific procedures and qualifications established shall be listed in the Exempt P103 Per Diem Nurse to Permanent 2320 Registered Nurse examination announcements. The examination announcements shall 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 Human Resources Director shall administer and rule on all matters concerning the Exempt P103 Per Diem Nurse to Permanent Civil Service Status 2320 Registered Nurse Program. Decisions by the Human Resources Director shall be subject to appeal to the Civil Service Commission, as provided elsewhere in the rules, whose decision shall be final.

Sec. 111.17 Application of Program to Enhance Employment Opportunities for City Employees

Upon request by the Human Resources Director, 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. 111.18 Sunset and Termination of Rule 111.16 Enhancing Employment Opportunities for City Employees Pilot Program

Rule 111.16 and the Pilot Program to Enhance Employment Opportunities for Current 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 111

Examinations

Article II: Examination Process

Applicability: Article II, Rule 111, shall apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; excluding MTA Service-Critical classes.

Sec.111.19 Charter Authority

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

Sec. 111.20 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.111.21 Protests of Examination Announcements

Appeals concerning the provisions of an announcement must be received by the Department of Human Resources within seven (7) business days from the issuance date. The Human Resources Director 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.111.22 Reissuance of Examination Announcements

After considering appeals submitted in accordance with this Rule, the Human Resources Director may reissue the announcement. When reissued, an examination announcement is not subject to the appeal procedure.

Sec.111.23 Official Time Periods

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

Sec.111.24 Means of Identification

- 111.24.1** The Human Resources Director shall determine the method of candidate identification to be used in written and performance examinations.
- 111.24.2** 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.
- 111.24.3** 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 the Department of Human Resources prior to the posting of the tentative eligible list.

Sec.111.25 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 Human Resources Director.

111.25.1 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.

Sec.111.25 Cheating or Fraud in Examinations (cont.)**111.25.1 Aid, Hindrance, Fraud and Collusion in Examinations (cont.)**

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.111.26 Copying of Examination Questions

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

Sec.111.27 Rating Keys

111.27.1 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 Human Resources Director. No changes in the rating key shall be made after the identification sheets of any participants have been opened.

111.27.2 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 the Department of Human Resources. Petitions must include substantiating data or authoritative references. If any protest has been filed, an additional period for review of protests and submission of counter-protests will be provided.

Sec. 111.28 Rating Keys - Continuous Examination

111.28.1 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.

111.28.2 The Human Resources Director may order obsolete or erroneous questions deleted from any examination exempted by this Rule from inspection privileges.

Sec. 111.29 Inspection of Rating Keys by Review Committee

111.29.1 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.

111.29.2 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 Human Resources Director for approval. Such rating key when approved by the Human Resources Director 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 Human Resources Director, 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.111.30 Examination Passing Mark

111.30.1 For each examination, the Human Resources Director 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.

111.30.2 No changes in the passing mark shall be made after the identification sheets have been opened.

Sec.111.31 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 Human Resources Director 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 Human Resources Director 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.111.32 Veterans Preference in Examinations

111.32.1 Veterans preference in examinations completed on or after July 7, 1976, shall be administered in accordance with these Rules.

111.32.2 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.111.33 Qualifications Appraisal Interview - Procedures and Appeals**111.33.1 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.

Sec.111.33 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**111.33.1 Procedures and Practices (cont.)**

- 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.
- 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 Human Resources Director finds the omitted or unintelligible material critically relevant to the case, in which event the Human Resources Director 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.

111.33.2 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.

Sec.111.33 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**111.33.2 Challenge of Board Members (cont.)**

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 the Department of Human Resources 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 Human Resources Director, 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 Human Resources Director 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.

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 (2nd) 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.

Sec.111.33 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**111.33.3 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 Human Resources Director, provided that the candidates are advised of the dates, during which period each participant may inspect their own ratings. 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, the Department of Human Resources, 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 Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The Human Resources Director 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 Human Resources Director which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.
- 5) The decision of the Human Resources Director on this subject shall be final.
- 6) In the absence of a challenge under this section or upon a decision by the Human Resources Director under this section, later challenges shall be precluded.

Sec.111.34 Requirement to Conduct Examinations

- 111.34.1** Except for reasons beyond the Human Resources Director's control, the Department of Human Resources shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.
- 111.34.2** Except for reasons beyond the Human Resources Director's control, the Department of Human Resources 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.
- 111.34.3** Where possible, the Human Resources Director or designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

Sec.111.35 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)

111.35.1 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 Human Resources Director, after a finding that reasonable publicity of the proposed examination has been given.

111.35.2 Examination without Charge

Such examinations shall be without charge to the applicants.

111.35.3 Examination Control and Employment of Examiners

The Human Resources Director shall control all examinations and may employ suitable persons in or out of the public service to act as examiners.

Sec.111.35 Examination of Applicants (cont.)**111.35.4 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.

111.35.5 Rules Governing Qualification Appraisal Boards

The Human Resources Director shall establish rules governing the size and composition of qualification appraisal board. Qualification appraisal boards may consider, in the case of employees of the City and County of San Francisco, all prior performance evaluations completed on Department of Human Resources 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.

111.35.6 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.

111.35.7 Adequacy of Examinations

Subject to the approval of the Commission, the Human Resources Director shall judge the adequacy of the tests to rate the capacity of the applicants to perform service for the City and County.

111.35.8 Establishment of Passing Mark and Number of List

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

Sec.111.35 Examination of Applicants (cont.)**111.35.9 Preparation and Order of Eligible List**

The Human Resources Director shall prepare the eligible list from the returns of the examiners, arranged in order of relative performance.

~~**111.35.10 Confidentiality of Applicant Information**~~~~Applicant information, including names of applicants on eligible lists shall not be made public unless required by law.~~**111.35.10¹ Prohibition of Political, Religious or Fraternal Questions**

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

Sec. 111.36 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)

111.36.1 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.

111.36.2 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.

111.36.3 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.

111.36.4 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 111.37 Program to Enhance Employment Opportunities for City Employees**111.37.1 Authorization for Flexible Staffing Program**

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

111.37.2 Authorization for Promotive Only Program

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

Sec 111.37 **Program to Enhance Employment Opportunities for City Employees (cont.)**

111.37.3 **Authorization for Provisional and Exempt to Permanent Status Program**

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

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, or 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 who take and pass the examination will be placed on an eligible list. 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.

The Human Resources Director shall administer and rule on all matters concerning the Provisional and Exempt to Permanent Status Program. Decisions by the Human Resources Director shall be subject to appeal to the Civil Service Commission, as provided elsewhere in the rules, whose decision shall be final.

Sec. 111.38 **Application of Program to Enhance Employment Opportunities for City Employees**

Upon request by the Human Resources Director, 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. 111.39 **Sunset and Termination of Rule 111.37 Enhancing Employment Opportunities for City Employees Pilot Program**

Rule 111.37 and the Pilot Program to Enhance Employment Opportunities for Current 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 111

Examinations

Article III: Veterans Preference in Examinations

Applicability: Article III, Rule 111, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, MTA Service-Critical classes, and those represented by the Transport Workers Union, Locals 200 and 250A.

Sec. 111.40 **Definition of Veteran for Purposes of Entitlement Under This Rule**

111.40.1 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. 111.41 **Definition of Disabled Veteran for Purposes of Entitlement Under This Rule**

111.41.1 For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 111.36, who has suffered a permanent service-connected disability that is of record in the United States Veterans Administration.

111.41.2 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. 111.42 **Veterans Entitlement**

111.42.1 **Veteran, Widow or Widower, or Domestic Partner**

A veteran as defined above in Sec. 111.36, 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.

Sec. 111.42 Veterans Entitlement (cont.)**111.42.2 Disabled Veteran, Widow or Widower, or Domestic Partner**

A disabled veteran as defined in Sec. 111.37.1, 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.

111.42.3 Spouse or Domestic Partner of Disabled Veteran

Spouse or registered domestic partner of a one hundred percent (100%) disabled veteran as defined above in Sec. 111.37, 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.

111.42.4 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. 111.43 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. 111.44 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 111A

Position-Based Testing

Applicability: Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Article I: Civil Service Commission Policy Related to Position-Based Testing

Sec. 111A.1 **Purpose**

Sec. 111A.2 **Merit Based Examinations**

Sec. 111A.3 **Diversity of Workforce**

Article II: Examination Provisions

Sec. 111A.4 **Application of Position-Based Testing**

Sec. 111A.5 **Civil Service Commission Rules for Position-Based Testing**

Sec. 111A.6 **Responsibilities of the Human Resources Director**

Article III: Examination Announcements

Sec. 111A.7 **Examination Announcements**

Sec. 111A.8 **Reissuing of Examination Announcements**

Sec. 111A.9 **Correction of Examination Announcements**

Article IV: Examination Applicants and Applications

Sec. 111A.10 **Definition of Applicant**

Sec. 111A.11 **Qualifications of Applicants**

Sec. 111A.12 **False Statements by Applicants**

Sec. 111A.13 **Promotional Applicants**

Sec. 111A.14 **Veterans Preference in Examinations**

Sec. 111A.15 **Change of Address**

Sec. 111A.16 **Custody of Examination Applications**

Sec. 111A.17 **Confidentiality of Applicant Information**

Article V: Examinations

Sec. 111A.178 **Adequacy of Examinations**

Sec. 111A.189 **Examination Rating Panels**

Sec. 111A.1920 **Establishing Cutoff Scores and Number of Eligibles**

Sec. 111A.201 **Cheating in Examinations Prohibited**

Sec. 111A.212 **Review of Ratings by Examination Participants**

Article VI: Administration of Eligible Lists

Sec. 111A.223 **Eligible Lists for Certification Purposes Only**

Sec. 111A.234 **Posting of Tentative Eligible List Examination Score Report**

Sec. 111A.245 **Maintenance of Eligibility**

Sec. 111A.256 **Management of Eligible Lists**

Sec. 111A.267 **Rosters of Eligibles Established by Other Authorities**

Article VII: Certification of Eligibles

Sec. 111A.278 **Certification**

Sec. 111A.289 **Certification of Eligibles – Minimum Allowable Certification Rule**

Sec. 111A.2930 **Establishment of the Certification Rule for Position-Based Testing**

Article VIII: Appeals of Examination Processes

Sec. 111A.301 **Substance of Appeals**

Sec. 111A.312 **Timeliness of Appeals**

Sec. 111A.323 **Continuance of Examinations with Appeals Pending**

Sec. 111A.334 **Authority to Rule on Appeals**

Sec. 111A.345 **Appeals to the Civil Service Commission**

Sec. 111A.356 **Appeals to the Human Resources Director**

Rule 111A

Position-Based Testing

Article I: Civil Service Commission Policy Related to Position-Based Testing

Applicability: Article I, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.1 Purpose

111A.1.1 The Civil Service Commission recognizes the importance of reducing the time it takes to make permanent civil service appointments and reducing reliance on provisional and other forms of temporary hiring. Therefore, the Position-Based Testing Program is being established with the goal of adopting eligible lists resulting from merit-based examination processes within sixty (60) days from the posting of the examination announcement.

111A.1.2 It is the policy of the Civil Service Commission that examination processes in the City and County of San Francisco under the Position-Based Testing Program are conducted in an efficient and fair manner to ensure that the best-qualified individuals are selected to perform service for the City.

Sec. 111A.2 Merit Based Examinations

111A.2.1 It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment as expressed in Rule 103 Equal Employment Opportunity.

111A.2.2 All applicants for positions in the classified service shall submit to verifiable competitive examinations based on merit and fitness as shown by appropriate tests. Job-related criteria shall be utilized in all phases of the examination and employee selection process without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, ethnicity, medical condition (cancer-related), Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions, other non-merit factors or any other category provided by ordinance.

111A.2.3 All forms of cheating, improper aid or hindrance are prohibited.

Sec. 111A.3 Diversity of Workforce

- 111A.3.1** Subject to existing law, it is the policy of the Civil Service Commission to achieve a work force that is fully reflective of the diversity of the City and County of San Francisco.
- 111A.3.2** When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Human Resources Director may take appropriate legal actions to correct or mitigate the underrepresentation.
- 111A.3.3** The Civil Service Commission endorses and supports the broadening of the Rules governing the 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 diversity of the work force.

Rule 111A

Position-Based Testing

Article II: Examination Provisions

Applicability: Article II, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.4 Application of Position-Based Testing

The term Position-Based Testing as used in this Rule shall apply to any examination that has been designated by the Human Resources Director to be included in the Position-Based Testing Program. Inclusion of classes in the program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Human Resources Director.

Sec. 111A.5 Civil Service Commission Rules for Position-Based Testing

111A.5.1 All examination provisions for Position-Based Testing are specified in Rule 111A. Provisions specified in Civil Service Commission Rule 105.12.1, 105.12.4 and 105.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 110, 111 Articles I and II, 112 Articles I – IV, and 113 Articles II and VI, do not apply to the Position-Based Testing Program.

111A.5.2 Pursuant to its Charter authority, the Civil Service Commission may independently inquire into the operation of the Position-Based Testing Program to determine compliance to its Rules, regulations, policies, and procedures and respond to Inspection Service requests.

Sec. 111A.6 Responsibilities of the Human Resources Director

111A.6.1 The Human Resources Director shall establish procedures, requirements and standards to implement the Rules and policies of the Civil Service Commission concerning the Position-Based Testing Program and to improve the City's ability to make prompt hires of best-qualified applicants. Nothing in this Rule is intended to extend to the Human Resources Director the authority to change Civil Service Commission policy or to cause or permit the Human Resources Director to take any action not in compliance with the law.

Sec.111A.6 Responsibilities of the Human Resources Director (cont.)

111A.6.2 The Human Resources Director shall administer and rule on all matters concerning the Position-Based Testing Program. The decision of the Human Resources Director related to Position-Based Testing Program matters under this Rule is final, unless this Rule expressly provides for appeal to the Civil Service Commission.

111A.6.3 The Human Resources Director may initiate audits or investigations of the Position-Based Testing Program for compliance with Civil Service Commission policies and Rules, compliance with Department of Human Resources policies and procedures, or for other business reasons.

Rule 111A

Position-Based Testing

Article III: Examination Announcements

Applicability: Article III, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.7 Examination Announcements

111A.7.1 The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

111A.7.2 City and County of San Francisco examination announcements shall be officially posted at the Department of Human Resources.

Sec. 111A.8 Reissuing of Examination Announcements

The Human Resources Director may reissue an examination announcement to extend the application-filing period or in response to an appeal. When reissued for these reasons, an examination announcement is not open to an appeal.

Sec. 111A.9 Correction of Examination Announcements

Examination announcements may be corrected by the Human Resources Director with respect to clerical errors, misprints and incorrect wording by posting notice of such corrections. Additional time shall not be allowed for appeal of the substantive provisions contained in the original examination announcement.

Rule 111A

Position-Based Testing

Article IV: Examination Applicants and Applications

Applicability: Article IV, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.10 Definition of Applicant

An applicant is a person who has filed an application for examination within the time limits and under the conditions specified on the examination announcement.

Sec. 111A.11 Qualifications of Applicants

111A.11.1 Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement.

111A.11.2 City and County employees shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees may receive credit for duties not usually performed by incumbents in a class if their employee file contains contemporaneous documentation that the duties were assigned and performed. Credit for duties not usually performed by incumbents in a class based on non-contemporaneous documentation shall require the approval of the Human Resources Director.

Sec. 111A.12 False Statements by Applicants

Relevant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in any phase of the examination or hiring process shall be good cause for the exclusion of such person from any examination, or the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

Sec. 111A.13 Promotional Applicants

Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

Sec.111A.14 Veterans Preference in Examinations

111A.14.1 The Human Resources Director shall establish the procedures for veterans preference in examinations in accordance with applicable law. The Human Resources Director shall establish the definitions of veterans preference and applicants entitled to veterans preference in examinations in accordance with applicable law and Civil Service Commission Rules.

111A.14.2 Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive veterans preference credit as provided in Civil Service Commission Rules must notify the Department of Human Resources of his/her veteran status at the time he/she submits the initial job application or as specified on the examination announcement.

Sec. 111A.15 Change of Address

The Department of Human Resources must be notified in writing (including e-mail) by the applicant of any change of address, e-mail address or telephone number. Notice of change to the Post Office and/or an employee's current department only does not meet the notification requirement.

Sec. 111A.16 Custody of Examination Applications

Examination applications and supporting documents become the property of the Department of Human Resources when received. Return of such documents shall require the approval of the Human Resources Director.

~~Sec. 111A.17 Confidentiality of Applicant Information~~

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

Rule 111A

Position-Based Testing

Article V: Examinations

Applicability: Article V, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.178 Adequacy of Examinations

The Human Resources Director shall approve the adequacy of the examination to rate the capacity of the applicants to perform the job. Examinations may include, but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, assessment centers, successful completion of requirements imposed by other authorities for the award of certification, licensure, academic recognition (e.g. degree, course completion), placement on a roster as provided in Sec. 111A.27, or any other devices or methods to determine merit and fitness for tested positions.

Sec. 111A.189 Examination Rating Panels

The Human Resources Director shall make every reasonable effort to ensure diversity of the qualified raters.

Sec. 111A.1920 Establishing Cutoff Scores and Number of Eligibles

The Human Resources Director shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list.

Sec. 111A.201 Cheating in Examinations Prohibited

111A.201.1 Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing 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.

Sec. 111A.201 Cheating in Examinations Prohibited (cont.)

111A.201.2 Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons 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 and such other appropriate action as may be recommended by the Human Resources Director.

Sec. 111A.212 Review of Ratings by Examination Participants

111A.212.1 Examination participants shall have a minimum period as determined by the Human Resources Director 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 Human Resources Director 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.

111A.212.2 The Human Resources Director shall establish the procedures for Review of Ratings.

Rule 111A

Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.223 Eligible Lists ~~for Certification Purposes Only~~

111A.223.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list. ~~Eligible information, including 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.~~

111A.223.2 The Human Resources Director shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 111A.234 Posting of Tentative Eligible List Examination Score Report

111A.234.1 At the beginning of the inspection period the Tentative Eligible List Score Report shall be posted and made available for public inspection.

111A.234.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

111A.234.3 The Human Resources Director 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. Resolutions of appeals shall not affect earlier hires from the eligible list.

111A.23.4 The City shall not post the eligible list online.

Sec. 111A.245 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Human Resources Director is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based

on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

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Sec. 111A.256 Management of Eligible Lists

- 111A.256.1** The Human Resources Director shall have the right to correct errors on an eligible list or amend an eligible list as a result of the outcome of an appeal or if required by Civil Service Commission Rules or other legal requirements. Corrections and/or amendments of the eligible list shall not affect earlier hires from the eligible list.
- 111A.256.2** The Human Resources Director may extend the duration of an eligible list or eligibility periods for individuals on the eligible list based on the needs of the City 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 will be notified of the extension of the eligible list or eligibility period.
- 111A.256.3** The Human Resources Director may authorize the merging of eligible lists in the same class or different classes. Affected eligibles will be notified of the merging of eligible lists.
- 111A.256.4** The Human Resources Director may cancel an eligible list, or make optional the use of an eligible list based on the needs of the City or merit factors such as inability of eligibles to meet job specific qualifications or requirements. Affected eligibles will be notified of the cancellation of eligible lists.
- 111A.256.5** The Human Resources Director may approve the use of an eligible list for permanent civil service appointments to other positions in the same or similar classes.

Sec. 111A.267 Rosters of Eligibles Established by Other Authorities

- 111A.267.1** By mutual agreement with the affected employee organization, appropriate rosters of eligibles established by other recognized authorities, such as the State of California, may be utilized to fill positions, or as the basis for establishing eligible lists.
- 111A.267.2** The Human Resources Director shall determine the criteria and standards for approving the use of rosters established by other authorities. In assessing appropriateness, the Human Resources Director shall ensure that placement on a roster does not require membership in an organization.
- 111A.267.3** The use of such rosters shall be specified on the examination announcement and shall not be subject to appeal to the Civil Service Commission.

Rule 111A

Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.278 Certification

The Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule. Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of Certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

Sec. 111A.289 Certification of Eligibles – Minimum Allowable Certification Rule

111A.289.1 The minimum (i.e. most restrictive) certification rule shall be the Rule of Three Scores.

111A.289.2 The most restrictive formula for application of the Rule of Three Scores shall be:

1) When there is one (1) approved personnel requisition on file for a class, the Department of Human Resources shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.

2) 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 the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

Sec. 111A.2930 Establishment of the Certification Rule for Position-Based Testing

111A.2930.1 The Human Resources Director and/or representative is authorized to discuss and pursue agreement with employee organizations as to the certification rule applicable to an eligible list resulting from an examination in the Position-Based Testing Program, provided however, that the minimum rule cannot be fewer than the Rule of Three Scores. Nothing in this Section is intended to change the scope of bargaining specified by Charter or applicable law.

111A.2930.2 Unless agreed between the employee organization representing the class and the Human Resources Director, the Rule of Three Scores shall be used exclusively, except as set forth in Rule 113, Article III.

111A.2930.3 The Certification Rule shall be specified as a term of the examination announcement. Appeals of the Certification Rule shall not be permitted.

Rule 111A

Position-Based Testing

Article VIII: Appeals of Examination Processes

Applicability: Article VIII, Rule 111A shall apply to examinations designated to the Position-Based Testing Program and shall apply to employees in all classes except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical positions or classes.

Sec. 111A.301 Substance of Appeals

111A.301.1 An action by the Department of Human Resources under Rule 111A may be appealed by a party alleging injury by that action as provided in this Article VIII. For each appeal the appellant must state the specific grounds upon which the appeal is based, cite the specific Civil Service Commission Rule or Department of Human Resources Policy that the appellant contends was violated by the action which is the subject of the appeal, provide facts including available documents to support the appeal, and demonstrate a rational relationship between the alleged injury suffered by the appellant as a result of the action being appealed and the alleged violation of Rule or Policy. Failure to meet all of the above requirements to support the appeal may be sufficient grounds for denial of the appeal by the Civil Service Commission.

111A.301.2 An appeal that objects to ratings or rankings based solely on the candidate's belief that he or she is entitled to a higher or passing score shall not be considered. Neither the Human Resources Director nor the Civil Service Commission shall substitute his, her or its judgment for the judgment of qualified raters.

Sec. 111A.312 Timeliness of Appeals

Protests and appeals that are not submitted within the prescribed time limits shall not be considered.

Sec. 111A.323 Continuance of Examinations with Appeals Pending

The Human Resources Director may proceed with any and all phases of the Position-Based Testing process pending an appeal.

Sec. 111A.334 Authority to Rule on Appeals**111A.334.1 Civil Service Commission**

Appeals to the Civil Service Commission may occur at three (3) points in the examination process: (1) after the examination announcement has been issued, (2) after the examination has been administered and prior to the posting of the Tentative Eligible List Score Report and (3) after the merging of eligible lists in different classes. Appeals of the examination announcement may be based only on challenges to the position description and/or the minimum qualifications. Appeals after the examination administration may be based only on claims of inconsistency in examination administration, bias of raters and/or failure of raters to apply uniform standards. Appeals of merging of eligible lists in different classes may be based only on claims of substantial differences in the knowledge, skills and abilities required to perform the essential functions of the positions. Decisions of the Civil Service Commission on these examination matters will be final.

111A.334.2 Human Resources Director

All other appeals may be made to the Human Resources Director whose decision will be final.

Sec. 111A.345 Appeals to the Civil Service Commission**111A.345.1 Appeals of the Examination Announcement**

- 1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Human Resources Director made decisions beyond his/her authority or had no rational basis for his/her decision.
- 2) Appeals under this Section must be submitted directly to the Executive Officer of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.
- 3) Appeals must be in writing and shall include a statement of the specific component(s) or item(s) of the examination announcement being contested and specific reason(s) why adoption of the cited portions of the examination announcement constitutes abuse of discretion by the Human Resources Director. To the extent possible, all supporting documentation must be submitted with the written appeal.

Sec. 111A.345 Appeals to the Civil Service Commission (cont.)**111A.345.1 Appeals of the Examination Announcement (cont.)**

4) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Department of Human Resources. The Executive Officer of the Civil Service Commission shall place the appeal on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified of the particulars of the hearing in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

5) The Human Resources Director or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

6) The Civil Service Commission shall consider an unresolved appeal 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. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

111A.345.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards

1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Department of Human Resources Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.

Sec. 111A.345 Appeals to the Civil Service Commission (cont.)**111A.345.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards (cont.)**

2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.

3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Department of Human Resources. The Executive Officer of the Civil Service Commission shall place the appeal on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

4) The Human Resources Director or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and Department of Human Resources. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed. In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

Sec. 111A.345 Appeals to the Civil Service Commission (cont.)**111A.345.3 Appeals of Merging of Eligible Lists of Different Classes**

- 1) The standard of review for appeals under this Section shall be abuse of discretion in merging eligible lists of different classes. Appeals shall include a statement of the specific facts that demonstrate that the merging of eligible lists in different classes is not supported by job analyses that demonstrate that the same or similar knowledge, skills and abilities are required to perform the essential functions of the positions.
- 2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of the merging of eligible lists.
- 3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Department of Human Resources. The Executive Officer of the Civil Service Commission shall place the appeal on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.
- 4) The Human Resources Director or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.
- 5) The Civil Service Commission shall consider an unresolved appeal 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. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

Sec. 111A.356 Appeals to the Human Resources Director**111A.356.1 Protests at the Examination Site**

1) An examination participant may protest the assignment of a rater to his/her board or panel based on a claim of the rater's inability to rate the examination participant competently or without bias. The protest of the rater must be made to the designated representative of the Human Resources Director present at the examination prior to participation in this phase of the examination. If no protest is made, then no appeal of the assignment of the rater will be permitted.

2) An examination participant may submit a protest of a problem occurring at an examination site, such as, but not limited to equipment malfunction or disturbance of the examination process, that interfered with the examination participant's performance in the examination. Such protest must be made to the designated representative of the Human Resources Director present at the examination site immediately upon encountering or experiencing the problem and before leaving the examination site. If no protest is submitted, then the Human Resources Director may refuse an appeal of a problem occurring at the examination site.

3) The decision or action in response to a protest at the examination site may be appealed to the Human Resources Director. The appeal must be submitted in writing and must be received at the Department of Human Resources not later than the fifth (5th) business day after the candidate's examination date.

111A.356.2 Appeal of Accuracy of the Calculation of Examination Scores and/or Ranking

An appeal of the accuracy of the calculation of examination scores and/or rank must be submitted directly to the Human Resources Director or representative within the period designated for review of ratings (see Section 111A.22). The decision of the Human Resources Director related to calculation of examination scores and rank is final.

111A.356.3 Appeals of Other Examination Matters

An appeal of any other examination matter must be made in writing and received by the Human Resources Director not later than the fifth (5th) business day after the occurrence or notice of the issue of appeal. The decision of the Human Resources Director on all these matters is final.

Rule 112

Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical classes.

Article II: Holdover Rosters and Return to Duty

Applicability: Article V, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes, and classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.

Article III: Holdover Rosters and Return to Duty for Classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” Classes Covered in the Unrepresented Ordinance.

Applicability: Article VI, Rule 112, shall apply to employees in classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.

Article IV: Redevelopment-Only Priority Eligible List

Applicability: Article VII, Rule 112, implements Assembly Bill 26 (2011) and shall apply to employees transitioned from the former San Francisco Redevelopment Agency (SFRA) to the City & County of San Francisco (CCSF) and who were laid off from their positions effective March 30, 2012.

Article V: Office of Community Investment and Infrastructure-Only Eligible List

Applicability: Article VIII, Rule 112, shall apply only to employees from the former San Francisco Redevelopment Agency who were appointed and separated from the City and County of San Francisco effective July 8, 2013 and are currently employed by the Office of Community Investment and Infrastructure as of February 2, 2015, without a break in service.

Rule 112

Eligible Lists

Article I: Administration of Eligible Lists

Applicability: Article I, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments, and MTA Service-Critical classes.

Sec.112.1 **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.~~

112.1.1 **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.

112.1.2 **Continuous Eligible Lists**

A continuous eligible list may be used for a class after the Human Resources Director 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.

112.1.3 **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.112.2 Duration of Eligible Lists and of Eligibility**112.2.1 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.

112.2.2 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.

112.2.3 Establishment of Duration of Eligible Lists

In establishing duration of an eligible list or duration of eligibility, the Human Resources Director 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.

112.2.4 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.112.3 Extension of Eligibility

The Human Resources Director may extend the duration of an eligible list or eligibility periods for individuals on the eligible list based on the needs of the City 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.

Sec.112.4 Cancellation of Eligibility

The Human Resources Director may cancel an eligible list after the minimum duration of six (6) months. In canceling an eligible list, the Human Resources Director 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.112.5 Merging of Eligible Lists

- 112.5.1** The Human Resources Director may authorize the merging of an earlier list in a class with a later eligible list in the same class.
- 112.5.2** 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.
- 112.5.3** 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.112.6 Priority of Eligible Lists

The categories of eligible lists including those resulting under rules 111 Examination and 111A Position-Based Testing are as follows:

- Promotive only;
- Flexible staffing;
- Provisional-to-permanent;
- Exempt-to-permanent;
- Exempt P103 Per Diem Nurse-to-permanent 2320 Registered Nurse;
- Combined promotive and entrance; and
- Entrance.

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

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

Sec.112.7 Posting Period for the Tentative Eligible List Examination Score Report and Review of Ratings by Examination Participants

- 112.7.1** Examination participants shall have a minimum period as determined by the Human Resources Director 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 Human Resources Director 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,

Sec.112.7 Posting Period for the Tentative Eligible List Examination Score Report and Review of Ratings by Examination Participants (cont.)**112.7.1 (cont.)**

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.

112.7.2 The Human Resources Director shall establish the procedures for Review of Ratings.

112.7.3 The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

Sec.112.8 Documents Included in Review of Ratings 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 applicants' application materials, ratings or rating forms.

Sec.112.9 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 Department of Human Resources during the inspection period of the eligible list. The Human Resources Director shall rule on all appeals filed during this period. The decision of the Human Resources Director on the appeal shall be final and shall not be reconsidered by the Commission.

Sec.112.10 Adoption of Eligible List ~~for Certification Purposes Only~~**~~112.10.1 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.~~

112.10.12 The Human Resources Director 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 Human Resources Director shall be final and shall not be reconsidered by the Commission.

112.10.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

112.10.3 The City shall not post the eligible list online.

Sec.112.11 **Maintenance of Eligibility**

112.11.1 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.

112.11.2 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 Human Resources Director, such promotive credit points and the previous rank shall be restored.

112.11.3 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 Human Resources Director, the person may be returned to the eligible list with promotive credit points and previous rank restored.

112.11.4 The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec.112.12 **The Use of Eligible Lists**

Except for circumstances beyond the control of the Department of Human Resources, the initial Notice of Certification to eligibles as provided in Civil Service Rule 113 shall be issued within thirty (30) days from the date of adoption of an eligible list.

Rule 112

Eligible Lists

Article II: Holdover Rosters and Return to Duty

Applicability: Article V, Rule 112, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes, and classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.

Sec.112.13 Holdover Status and Return to Duty

112.13.1 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 Human Resources Director, 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.112.13 Holdover Status and Return to Duty (cont.)**112.13.1 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 Human Resources Director 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 Human Resources Director 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 the Department of Human Resources within five (5) business days of the date of notification. The Human Resources Director 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, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the 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.

Sec.112.13 Holdover Status and Return to Duty (cont.)**112.13.1 Holdover Roster - General Requirements (cont.)**

12) Except as otherwise directed by the Human Resources Director, holdovers being returned to duty shall not be required to pass a new medical examination.

13) A properly completed copy of the designated report of layoff or involuntary leave of absence form shall be forwarded to the Department of Human Resources as soon as possible (in advance of the action if possible) so that the Department of Human Resources 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 Human Resources Director 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.

112.13.2 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.

Sec.112.13 **Holdover Status and Return to Duty (cont.)****112.13.3** **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.

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 Human Resources Director.

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 Human Resources Director.

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.

Sec.112.13 **Holdover Status and Return to Duty (cont.)****112.13.3** **Holdover - Permanent and Probationary Appointees (cont.)**

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 112

Eligible Lists

Article III: Holdover Rosters and Return to Duty for Classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” Classes Covered in the Unrepresented Ordinance.

Applicability: Article VI, Rule 112, shall apply to employees in classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.

Sec. 112.14 Holdover Status and Return to Duty

112.14.1 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 vacant positions, 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 Human Resources Director, 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. 112.14 Holdover Status and Return to Duty (cont.)**112.14.1 Holdover Roster – General Requirements (cont.)**

7) Permanent holdovers in classes with citywide seniority for layoff purposes shall not be entitled to displace permanent or probationary employees in that class in City service with the following exception:

a) Any active employee in classes in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance with a minimum of twenty (20) years of continuous service on January 1, 2007.

i. Continuous service for the purpose of this section is defined as continuous service in a permanent civil service appointment to any class(es) in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.

ii. Provisional and exempt service in a class(es) in the Management (“M”) and Executive Management (“EM”) Bargaining Units including “Management Unrepresented” classes covered in the Unrepresented Ordinance will not constitute a break in continuous service.

8) Exceptions to Return to Duty in Rank Order

If two (2) or more approved requisitions are on file, the Human Resources Director 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 Human Resources Director 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 the Department of Human Resources within five (5) business days of the date of notification. The Human Resources Director 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.

Sec. 112.14 Holdover Status and Return to Duty (cont.)**112.14.1 Holdover Roster – General Requirements (cont.)**

11) In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the 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 Human Resources Director, holdovers being returned to duty shall not be required to pass a new medical examination.

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

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

15) If there is no holdover roster for a class or if the holdover roster is exhausted, the Human Resources Director may authorize that a holdover be returned to duty to a vacant position 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 in vacant positions shall be reinstated with accrued administrative leave, if any, and with their original anniversary date for the purposes of computing sick leave and vacation benefits.

112.14.2 Holdover Roster – 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.

Sec. 112.14 Holdover Status and Return to Duty (cont.)**112.14.3 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 vacant position in the class from which laid off from a holdover roster as provided in this Rule.

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 vacant 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 Human Resources Director.

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 Human Resources Director.

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 112

Eligible Lists

Article IV: Redevelopment-Only Priority Eligible List

Applicability: Article VII, Rule 112, implements Assembly Bill 26 (2011) and shall apply to employees transitioned from the former San Francisco Redevelopment Agency (SFRA) to the City and County of San Francisco (CCSF) and who were laid off from their positions effective March 30, 2012.

Sec. 112.15 Redevelopment-Only Priority Eligible List

112.15.1 Redevelopment-Only Priority Eligible List – General Requirements

- 1) Former San Francisco Redevelopment Agency (SFRA) employees transitioned to the City and County of San Francisco (CCSF) and who were laid off from their positions effective March 30, 2012 will be placed on a Redevelopment-Only Priority Eligible List in rank order according to recognized seniority established at the former SFRA.
- 2) Redevelopment-Only Priority Eligible List will not include any employee who is employed by the City.
- 3) In the event an employee on the Redevelopment-Only Priority Eligible List obtains other City employment, s/he will be removed from the List.
- 4) The duration of eligibility on the Redevelopment-Only Priority Eligible List shall be two (2) years and may be extended only by action of the Commission.
- 5) Eligibles on the Redevelopment-Only Priority Eligible List shall possess and maintain minimum qualifications for the class.

112.15.2 Redevelopment-Only Priority Eligible List - Placement

- 1) The Human Resources Director shall identify classifications similarly related to Redevelopment-Only classifications affected by layoffs effective March 30, 2012.
- 2) Former SFRA employees affected by the March 30, 2012 layoff will be placed in the identified similarly related classifications on the Redevelopment-Only Priority Eligible List in rank order of their SFRA seniority.
- 3) The Human Resources Director's decision on classification matters is subject to appeal to the Commission.

Sec. 112.15 Redevelopment-Only Priority Eligible List (cont.)**112.15.3 Redevelopment-Only Priority Eligible List – Promotive Points**

- 1) Former SFRA employees laid off from their Redevelopment Agency Classifications effective March 30, 2012 and are active on Redevelopment-Only Priority Eligible List shall be considered promotive applicants.
- 2) Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, City employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

112.15.4 Redevelopment-Only Priority Eligible List - Certification

- 1) Redevelopment-Only Priority Eligible List will have priority of certification before regularly adopted eligible lists, with no right of refusal.
- 2) The Human Resources Director shall certify for Temporary Civil Service (TCS) appointment, in rank order, an eligible from the Redevelopment-Only Priority Eligible List to available permanent requisition(s) for position(s).
- 3) An eligible appointed from the Redevelopment-Only Priority Eligible List who completes six (6) months of documented satisfactory job performance subject to approval of the Civil Service Commission shall be granted permanent civil service status in the appointed classification. Paid or unpaid time off shall not count towards the completion of the six (6) month service requirement.
- 4) Seniority shall be established based on the date of certification to permanent civil service status.
- 5) The Human Resources Director is authorized to take such administrative action not in conflict with these Rules as is required to make this section operative.

112.15.5 Redevelopment-Only Priority Eligible List – Reports to the Civil Service Commission

- 1) The Department of Human Resources shall provide to the Civil Service Commission status reports on the Redevelopment-Only Priority Eligible List for all citywide classifications, including the names and rank order and appointment of former SFRA employees.

Sec. 112.15 Redevelopment-Only Priority Eligible List (cont.)**112.15.5 Redevelopment-Only Priority Eligible List – Reports to the Civil Service Commission (cont.)**

2) Status Reports shall be submitted to the Civil Service Commission at the second meeting in August, commencing in 2012 and annually thereafter. The Civil Service Commission may request additional reports as it deems necessary.

112.15.6 Redevelopment-Only Priority Eligible List - Inoperability

This Rule shall become inoperable and removed on January 31, 2014 unless otherwise authorized by action of the Commission. The Rule shall be recorded and retained as part of the permanent Civil Service Commission records.

Rule 112

Eligible Lists

Article V: Office of Community Investment and Infrastructure-Only Eligible List

Applicability: Article VIII, Rule 112, shall apply only to employees from the former San Francisco Redevelopment Agency who were appointed and separated from the City and County of San Francisco effective July 8, 2013 and are currently employed by the Office of Community Investment and Infrastructure as of February 2, 2015, without a break in service.

Sec. 112.16 Office of Community Investment and Infrastructure-Only Eligible List

112.16.1 Authority and Purpose

- 1) This Rule provides authority to establish and adopt Office of Community Investment and Infrastructure-Only Eligible Lists based on open and competitive recruitment and selection processes conducted by the former San Francisco Redevelopment Agency for merit based permanent appointments.
- 2) As provided under the Charter Section 10.103 of the City and County of San Francisco, the Human Resources Director shall have the duty and authority to establish a system of job classification and to allocate each position to a job class.
- 3) The Human Resources Director shall have the responsibility and authority to allocate new positions to a class based on the level and type of assigned duties as applicable under this Rule. Groups of positions form a class when it is determined by the Human Resources Director that the duties are at the same level of responsibility and authority.
- 4) The Human Resources Director has the authority to make changes to the Classification Plan including creating new classes, abolishing, consolidating or amending classes consistent with the Classification Plan.
- 5) The decision of the Human Resources Director regarding classification matters, including the authority to determine the status of an employee, shall be final unless appealed to the Civil Service Commission.

Sec. 112.16 Office of Community Investment and Infrastructure-Only Eligible List (cont.)

112.16.2 General Principles

- 1) Only classifications determined by the Human Resources Director to be similarly related to the former “R” classifications will be established based on the open and competitive selection processes administered by the former San Francisco Redevelopment Agency to select and appoint former San Francisco Redevelopment Agency employees subject to appeal to the Civil Service Commission.
- 2) Office of Community Investment and Infrastructure-Only Eligible Lists shall only be comprised of former San Francisco Redevelopment Agency employees who meet the criteria established by this Rule, and shall be placed in rank order determined by the San Francisco Redevelopment Agency seniority date effective immediately prior to the date of San Francisco Redevelopment Agency dissolution.

112.16.3 Definitions

1) San Francisco Redevelopment Agency

A governmental agency independent of the City and County of San Francisco. The San Francisco Redevelopment Agency was dissolved by California State law (ABX1-26, Community Redevelopment), effective June 27, 2012.

2) Successor Agency

Pursuant to ABX1-26, the City and County of San Francisco was identified as the successor agency to the former San Francisco Redevelopment Agency. Subsequently, California State law (AB 1484 Community Redevelopment) amended the definition of the Successor Agency, with explicit requirements that the Successor Agency be a separate public entity from the public entity that provides for its governance, and that the two entities shall not merge. On October 4, 2012, Ordinance No. 215-12 Successor Agency to the Former Redevelopment Agency was signed into law by the Mayor, acknowledging and confirming that the Successor Agency is a separate legal entity from the City, including confirmation that all employees in “R” classification are employees of the separate legal entity, now known as the Office of Community Investment and Infrastructure.

Sec. 112.16 Office of Community Investment and Infrastructure-Only Eligible List (cont.)**3) Office of Community Investment and Infrastructure**

The current successor agency to the former San Francisco Redevelopment Agency.

4) “R” Classifications

Abolished classification created by the City and County of San Francisco to reflect the classification structure and titles in the former San Francisco Redevelopment Agency.

112.16.4 Classification

The Human Resources Director shall establish Office of Community Investment and Infrastructure Only classifications similarly related to the former San Francisco Redevelopment Agency classifications (“R” classifications) in which affected employees were appointed immediately prior to the dissolution of the San Francisco Redevelopment Agency. The Human Resources Director’s decision on classification matters is subject to appeal to the Civil Service Commission.

112.16.5 Eligibility Requirements

Only those former San Francisco Redevelopment Agency employees transitioned to the City and County of San Francisco and subsequently separated effective July 8, 2013 and currently employed by the Office of Community Investment and Infrastructure as of February 2, 2015 without a break in service will be placed on the Office of Community Investment and Infrastructure-Only Eligible List in the Office of Community Investment and Infrastructure-Only classification determined by the Human Resources Director to be similarly related to their appointment in the respective “R” classification at the time of the San Francisco Redevelopment Agency dissolution.

112.16.6 Eligible Lists

1) Former San Francisco Redevelopment Agency employees will be placed on the Office of Community Investment and Infrastructure-Only Eligible List in rank order determined by the San Francisco Redevelopment Agency seniority date effective immediately prior to the date of San Francisco Redevelopment Agency dissolution.

Sec. 112.16 Office of Community Investment and Infrastructure-Only Eligible List (cont.)

112.16.6 Eligible Lists (cont.)

- 2) Office of Community Investment and Infrastructure-Only Eligible Lists shall be ninety (90) days and may be extended only by action of the Commission.

112.16.7 Certification Rule of the List

- 1) The names of all eligibles on the Office of Community Investment and Infrastructure-Only Eligible Lists shall be certified to each available position.
- 2) An Office of Community Investment and Infrastructure-Only Eligible List adopted under the Rule of the List shall not be deemed exhausted without advance approval of the Commission.

112.16.8 Permanent Appointments

Permanent Appointment(s) will be made as a result of certification(s) from the Office of Community Investment and Infrastructure-Only Eligible Lists.

112.16.9 Probationary Period

Permanent appointments made from the Office of Community Investment and Infrastructure-Only Eligible Lists will be subject to the probationary period.

112.16.10 Reports to the Civil Service Commission

- 1) The Department of Human Resources shall provide to the Civil Service Commission status reports on the permanent civil service appointments offered to eligibles from all Office of Community Investment and Infrastructure-Only Eligible Lists, including the names and rank order and appointment of former San Francisco Redevelopment Agency employees.
- 2) The status report shall be submitted to the Civil Service Commission no later than thirty (30) days prior to the expiration date of the Office of Community Investment and Infrastructure-Only Eligible Lists. The Civil Service Commission may request additional reports as it deems necessary.

Sec. 112.16 **Office of Community Investment and Infrastructure-Only Eligible List**
(cont.)

112.16.11 Inoperability

This Rule shall become inoperable and removed on June 1, 2015 unless otherwise authorized by action of the Civil Service Commission. The Rule shall be recorded and retained as part of the permanent Civil Service Commission records.

Rule 113

Certification of Eligibles

Article I: General Principles

Applicability: Article I, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Article II: Definitions

Applicability: Article II, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Article III: Application of Certification Rules

Applicability: Article III, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Article IV: Personnel Requisitions

Applicability: Article IV, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Article V: Administration of Certifications

Applicability: Article V, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Article VI: Selective Certification of Certified Temporary Employees

Applicability: Article VI, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Rule 113

Certification of Eligibles

Article I: General Principles

Applicability: Article I, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.1 **General Policy**

113.1.1 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.

113.1.2 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. Appointing officers and their designees 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.~~ Appointing officers/designees shall also be responsible for maintaining documentation of selection criteria, ~~including efforts to de-identify eligibles' information.~~ Departments shall make reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures. The Human Resources Director shall report to the Civil Service Commission on the progress ~~of-of-the-implementation-of-de-identification-as-well-as~~ continuous testing and entry-level certification expansion and the use of flexible staffing, promotive only, provisional-to-permanent, exempt-to-permanent, and exempt P103 Per Diem Nurse-to-permanent 2320 Registered Nurse eligible lists on an annual basis for two (2) years and thereafter on a schedule to be determined by the Civil Service Commission.

Sec. 113.1 **General Policy****113.1.3** **Implementation of the Rule by the Human Resources Director**

Implementing this Rule, the Human Resources Director 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) ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all departments as delegated by the Human Resources Director, and
- 3) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

Rule 113

Certification of Eligibles

Article II: Definitions

Applicability: Article II, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.2 **Certification Rules**

113.2.1 **Rule of Three Scores**

The Department of Human Resources 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.

113.2.2 **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.

113.2.3 **Rule of the List**

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

Sec. 113.3 **Certification Date**

The Certification Date is the date on which the Department of Human Resources certifies to the appointing officer the names of eligibles available for appointment in accordance with the established certification rule as provided under this Article II.

Sec. 113.4 **Notice of Certification**

Eligibles on the eligible list shall be simultaneously notified each time that the Department of Human Resources certifies their names to an appointing officer for a position as provided under this Article II.

Sec. 113.5 **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. 113.5 **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. 113.6 **Exhaustion of the List****113.6.1** **Rule of Three 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.

113.6.2 **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.

113.6.3 **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.

113.6.4 **Human Resources Director Authority**

The Human Resources Director 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 113

Certification of Eligibles

Article III: Application of Certification Rules

Applicability: Article III, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.7 Certification Rules Applicable to Employees in all

113.7.1 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 Human Resources Director to use a broader Certification Rule, the Rule of Three Scores shall be used exclusively except for Entry (E) only and “continuous list classes”.

2) The Department of Human Resources 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).

113.7.2 Expansion of Certification Rules

1) Unless otherwise directed by the Human Resources Director, the certification rule for Entry (E) and continuous testing eligible lists shall be Rule of the List.

2) Notwithstanding any other provisions of these Rules, the Human Resources Director 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 unless

Sec. 113.7 Certification Rules Applicable to Employees in all classes (cont.)**113.7.2 Expansion of Certification Rules (cont.)****2) Cont.**

otherwise directed by the Department of Human Resources those eligible lists in classes designated Entry (E) and continuous testing by the Human Resources Director. If the parties fail to reach mutual agreement, the Rule of Three Scores shall be used.

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.

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

~~The A confidential list of~~ 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. ~~Eligibles' information, including names on eligible lists shall not be made public, unless required by law.~~

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).

Sec. 113.7 Certification Rules Applicable to Employees in all classes (cont.)**113.7.4 Rule of the List**

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

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.

113.7.5 Establishment of Certification Rule

1) The Human Resources Director 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 Human Resources Director.

3) In establishing the Certification Rule, the Human Resources Director may consult with appointing officers, representatives of employee organizations and other pertinent parties.

Rule 113

Certification of Eligibles

Article IV: Personnel Requisitions

Applicability: Article IV, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.8 Personnel Requisitions

113.8.1 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 Department of Human Resources.

113.8.2 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.

113.8.3 Cancellation of Personnel Requisitions

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the Human Resources Director.

113.8.4 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 Department of Human Resources or the date to report to duty, whichever is later.

113.8.5 Tenure of Temporary Appointments

1) Temporary employments may be requisitioned for periods 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. 113.8 **Personnel Requisitions (cont.)****113.8.5** **Tenure of Temporary Appointments (cont.)**

3) Beginning on the effective date of this Rule, the Department of Human Resources 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.

113.8.6 **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 113

Certification of Eligibles

Article V: Administration of Certifications

Applicability: Article V, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.9 **Notice of Certification**

For each available position, the Department of Human Resources 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 Department of Human Resources 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. 113.10 **Notice of Inquiry**

113.10.1 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.

113.10.2 Eligibles are required to respond to a Notice of Inquiry within a minimum period as determined by the Human Resources Director not to be less than three (3) business days. The response period may be extended by the Human Resources Director. In establishing the minimum period, the Human Resources Director 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.

113.10.3 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. 113.11 **Certification Results**

Departments are required to notify the Department of Human Resources 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 Human Resources Director. Upon notification of the selection of a reachable eligible, the Human Resources Director shall post the appointee's name, department, classification and rank on the eligible list. DHR 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. 113.12 **Waivers****113.12.1** **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 Human Resources Director.
- 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 Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

113.12.2 **Waiver of Part-Time Employment**

Any part-time position may be declared by the Human Resources Director 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. 113.12 Waivers (cont.)**113.12.3 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 Human Resources Director.

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

113.12.4 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 (3rd) offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class.

113.12.5 Withdrawal of Waivers

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.
- 2) Such requests must be received in the Department of Human Resources offices before the close of business on the third (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

Sec. 113.12 **Waivers (cont.)****113.12.5** **Withdrawal of Waivers (cont)**

- 3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first (1st) 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 Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 113.13 **Change of Address**

Eligibles are responsible for notifying the Department of Human Resources of any change of address.

Rule 113

Certification of Eligibles

Article VI: Selective Certification of Certified Temporary Employees

Applicability: Article VI, Rule 113, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and Service-Critical classes at the Municipal Transportation Agency (MTA).

Sec. 113.14 Selective Certification of Certified Temporary Employees

- 113.14.1** 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 Human Resources Director.
- 113.14.2** The Human Resources Director 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.

ATTACHMENT B

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>
Sec. 402.18	<u>De-Identification</u>
Sec. 402.189	<u>Executive Session</u>
Sec. 402.1920	<u>Human Resources Director</u>
Sec. 402.201	<u>Layoff</u>
Sec. 402.212	<u>Near List</u>
Sec. 402.223	<u>Part-Time Employment</u>
Sec. 402.234	<u>Position</u>
Sec. 402.245	<u>Post</u>
Sec. 402.256	<u>School Districts</u>
Sec. 402.267	<u>Seniority</u>
Sec. 402.278	<u>Service</u>
Sec. 402.289	<u>Start Work Date</u>
Sec. 402.2930	<u>Time Periods</u>
Sec. 402.301	<u>Validation Date</u>

8-7-2023

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.

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.

12-18-2017

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.

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 ~~confidential~~ list of names of applicants who have passed a civil service examination ~~used for certification purposes only. Applicants information, including names of applicants 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.~~

402.17.1 Eligible List Examination Score Report

A list of scores by rank of successful applicants, without names.

Sec. 402.18 De-Identification

~~De Identification is the process of redacting candidates' information including names, addresses, schools attended, and other personal identifying information to reduce the potential of biases (implicit or explicit) in the examination or selection process.~~

Sec. 402.189 Executive Session

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

Sec. 402.1920 Human Resources Director

Director of the City's Department of Human Resources.

Sec. 402.201 Layoff

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

Sec. 402.212 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. 402.223 Part-Time Employment

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

Sec. 402.234 Position

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

402.234.1 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 .

402.234.2 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.

Sec. 402.234 Position (cont.)**402.234.3 Part-Time**

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

402.234.4 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.

402.234.5 School-Term Only

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

402.234.6 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. 402.245 Post

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

Sec. 402.256 School Districts

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

Sec. 402.267 Seniority**402.267.1 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.

Sec. 402.267 Seniority (cont.)

402.267.2 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.

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.

402.267.4 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.

402.267.5 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. 402.278 Service

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

Sec. 402.289 Start Work Date

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

Sec. 402.2930 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. 402.301 **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 410

Examination Announcements and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: Article I, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Article II: Examination Announcements

Applicability: Article II, Rule 410, 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 III: Applicants

Applicability: Article III, Rule 410, 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 IV: Applications and Notice of Examinations

Applicability: Article IV, Rule 410, 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: Qualifications of Applicants

Applicability: Article V, Rule 410, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Rule 410

Examination Announcements and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: Article I, Rule 410 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Sec. 410.1 Civil Service Commission Equal Employment Opportunity Policy Related to Examination Announcements and Application Procedures

It is the goal and policy of the Civil Service Commission to achieve a work force that is fully reflective of the multicultural, ethnic, and gender diversity of the City and County of San Francisco. The MTA Director of Transportation/Designee shall conduct outreach for the purpose of announcing upcoming examinations. Outreach shall include such procedures among others as periodic mailings, job fairs, and presentations to inform the public of the employment opportunities and the examination process within the civil service merit system.

Rule 410

Examination Announcements and Applicants

Article II: Examination Announcements

Applicability: Article II, Rule 410, 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. 410.2 Examination Announcements

The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates, and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

Sec. 410.3 Minimum Posting Periods for Examination Announcements

Examination announcements shall be posted on the MTA's official employment opportunities website for a minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider among other factors, number of vacancies, turnover in the classification, labor market availability, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by the labor market to the means for receiving timely notification, and equal employment opportunity and racial equity goals. Appointing officers shall make reasonable efforts to properly notify employees. MTA will, on a regular basis, report to the CSC on the progress of advance notification of upcoming employment opportunities for postings of five (5) days or less on the employment opportunity website.

Sec. 410.4 Appeals of Examination Announcements

Appeals concerning the provisions of an examination announcement must be received by the MTA Director of Transportation/Designee within five (5) business days from the issuance date. The MTA Director of Transportation/Designee shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

Sec. 410.5 Reissuance of Examination Announcements

After considering appeals submitted under these Rules, the MTA Director of Transportation/Designee may reissue an examination announcement. When reissued, an examination announcement is not open to appeal.

Sec. 410.6 **Correction of Examination Announcements**

Examination announcements may be corrected by the MTA Director of Transportation/Designee with respect to clerical errors, misprints, and incorrect wording by posting notice of such corrections next to the original examination announcement. When examination announcements are corrected under the provisions of this section, additional time shall not be allowed for the protest or appeal of the substantive provisions contained in the original examination announcement.

Rule 410

Examination Announcements and Applicants

Article III: Applicants

Applicability: Article III, Rule 410, 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. 410.7 Recruitment of Applicants

Recruitment shall be conducted to attract qualified applicants and to maximize the multicultural, ethnic, and gender diversity of the workforce in the City and County of San Francisco. Where appropriate or needed, the MTA Director of Transportation/Designee shall conduct targeted outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified members of underrepresented groups.

Sec. 410.8 Definition of an Applicant

An applicant is a person who has filed an application for examination within the time limits or under the conditions specified on the examination announcement.

Sec. 410.9 Qualifications of Applicants

410.9.1 Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement for the examination. Experience gained in violation of Commission Rules shall not be recognized. City and County employees in Service-Critical classes at the Municipal Transportation Agency shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees in Service-Critical classes at the Municipal Transportation Agency may receive credit for duties not usually performed by incumbents in a Service-Critical class if their employee file contains contemporaneous documentation that the duties were assigned and performed. By way of example but not limitation, records that describe and verify the out-of-class assignment that may be accepted as documentation include a valid performance appraisal completed during the normal evaluation period, payroll records filed at the time of the assignment and Notice of Assignment. Credit for duties in Service-Critical classes at the Municipal Transportation Agency not usually performed by incumbents in a Service-

Sec. 410.9 Qualifications of Applicants (cont.)**410.9.1 (cont.)**

Critical class based on non-contemporaneous documentation shall require the certification of the Municipal Transportation Agency Deputy Director, Labor Relations and Human Resources, and the approval of the Director of Transportation.

- 410.9.2** Except with permission of the MTA Director of Transportation/Designee, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class nor for a class in which the employee has current permanent appointment.

Sec. 410.10 Review of Applicant Pool Demographics

When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the MTA Director of Transportation/Designee shall review the ethnic and gender demographics of the pool of qualified applicants. Where the pool of applicants does not reflect the demographics of the relevant labor market, and upon consideration of factors such as the number of anticipated vacancies and the level of underrepresentation, the MTA Director of Transportation/Designee may take such action as appropriate including extending the filing period, reopening the examination for filing, or canceling the examination.

Sec. 410.11 Promotional Applicants

Applicants for promotive only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

Sec. 410.12 Change of Address

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 Post Office and/or an employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Sec. 410.13 Custody of Examination Applications

Examination applications and supporting documents become the property of MTA when received. Return of such documents shall require the approval of the MTA Director of Transportation/Designee.

Sec. 410.14 Confidentiality of Applicant Information

~~Applicant information, including names of applicants 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.~~

Rule 410

Examination Announcements and Applicants

Article IV: Applications and Notice of Examinations

Applicability: Article IV, Rule 410, 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. 410.15 Qualifications of Applicants

410.15.1 Every applicant for entrance or promotional examination must possess and maintain the qualifications required by law and by the announcement of the examination for which applied. Experience gained in violation of Commission Rule will not be recognized. It is the responsibility of the appointing officer and of the employee to have out-of-class experience recorded as provided elsewhere in these Rules.

410.15.2 Except with permission of the MTA Director of Transportation/Designee, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class. No employee may participate in an examination for a class in which the employee has current permanent appointment status except with the approval of the MTA Director of Transportation/Designee.

Sec. 410.16 Application Time Periods

An applicant is a person who has filed an application for examination within the time limits specified in the announcement of the examination for which the applicant applied. Verification shall be the official time receipt of the MTA or postmark. Examination announcements shall not be distributed after the end of the filing period.

Sec. 410.17 Minimum Posting Periods for Examination Announcements

Examination announcements shall be posted on MTA's official employment opportunities website for a minimum period as determined by the MTA Director of Transportation/Designee not to be less than three (3) business days. In establishing the minimum period, the MTA Director of Transportation/Designee shall consider among other factors, number of vacancies, turnover in the classification, labor market availability, stability and reliability of the messaging platform in sending and receiving notifications, extent of access by the labor market to the means for receiving timely notification, and equal employment opportunity and racial equity goals. Appointing officers shall make reasonable efforts to properly notify employees. MTA will, on a regular basis, report to the CSC on the

Sec. 410.17 Minimum Posting Periods for Examination Announcements (cont.)

progress of advance notification of upcoming employment opportunities for postings of five (5) days or less on the employment opportunity website.

Sec. 410.18 Additional Notice of Promotional Examinations

Notices of promotional examinations shall be distributed to the appropriate departments. Appointing officers shall employ any method of distribution to insure that employees are properly notified.

Sec. 410.19 Application Custody

Applications and supporting documents become the property of MTA when received. Return of such documents shall require the approval of the MTA Director of Transportation/Designee.

Sec. 410.20 False Statements by Applicants

Significant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in the qualifications appraisal interview shall be good cause for the exclusion by the MTA Director of Transportation/Designee of such person from any examination, the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

Sec. 410.21 Promotional Applicants

Applicants for promotive only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

Sec. 410.22 Confidentiality of Applicant Information

~~Applicant information including names of applicants 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. 410.223 Change of Address

In all cases of change of address, the MTA designated department must be notified in writing separately for each class involved. Notice of change of address to the Post Office and/or the employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Sec. 410.234 **Correction of Examination Announcements**

Examination announcements may be corrected with respect to clerical errors, misprints and incorrect wording by the MTA Director of Transportation/Designee, by posting notice of such corrections next to the original examination announcement. The issuance of examination announcements corrected under the provisions of this section shall not allow additional time for protest or appeal of the substantive provisions contained in the original examination announcement.

Rule 410

Examination Announcements and Applicants

Article V: Qualifications of Applicants

Applicability: Article V, Rule 410, 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. 410.245 Application for Examination

Any person having the qualifications prescribed by these Rules and the terms of the examination announcement may submit himself or herself for any examination under conditions established by MTA.

Sec. 410.256 Recruitment of Candidates

MTA shall advertise and may take further appropriate means to interest suitable applicants.

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.

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.

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

- 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.
- 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 (2nd) 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 (5th) 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 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.

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

411.16.1 **Authorization for Flexible Staffing Program (cont.)**

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.

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

411.16.3 **Authorization for Provisional and Exempt to Permanent Status Program**

The 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 served continuously in the job classification in a provisional or exempt status for the equivalent of at least one (1) year (2,080 hours). In establishing the program, the 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.

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, Charter Category 18: Special Projects and Professional Services, and MTA managerial positions authorized through Charter Section 8A.104. 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 who take and pass the examination will be placed on an eligible list. 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.

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 Director of Transportation/Designee shall be subject to appeal to the Civil Service Commission whose decision shall be final.

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

Upon request by the MTA Director of Transportation/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. 411.19 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. 411.20 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. 411.21 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. 411.22 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. 411.23 Official Time Periods

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

Sec. 411.24 **Promotional Applicants**

411.24.1 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.

411.24.2 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.

411.24.3 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. 411.25 **Means of Identification**

- 411.25.1** The MTA Director of Transportation/Designee shall determine the method of candidate identification to be used in written and performance examinations.
- 411.25.2** 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.
- 411.25.3** 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. 411.26 **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. 411.26 **Cheating or Fraud in Examinations (cont.)****411.26.1** **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. 411.27 **Copying of Examination Questions**

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

Sec. 411.28 **Rating Keys**

411.28.1 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.

411.28.2 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. 411.29 **Rating Keys - Continuous Examination**

- 411.29.1** 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.
- 411.29.2** The MTA Director of Transportation/Designee may order obsolete or erroneous questions deleted from any examination exempted by this Rule from inspection privileges.

Sec. 411.30 **Inspection of Rating Keys by Review Committee**

- 411.30.1** 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.
- 411.30.2** 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. 411.31 **Examination Passing Mark**

- 411.31.1** 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.
- 411.31.2** No changes in the passing mark shall be made after the identification sheets have been opened.

Sec. 411.32 **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. 411.33 **Veterans Preference in Examinations**

411.33.1 Veterans' preference in examinations completed on or after July 7, 1976, shall be administered in accordance with these Rules.

411.33.2 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. 411.34 Qualifications Appraisal Interview - Procedures and Appeals**411.34.1 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. 411.34 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**411.34.1 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.

411.34.2 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. 411.34 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**411.34.2 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 (2nd) 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.

411.34.3 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. 411.34 Qualifications Appraisal Interview - Procedures and Appeals (cont.)**411.34.3 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. 411.35 **Requirement to Conduct Examinations**

- 411.35.1** 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.
- 411.35.2** 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.
- 411.35.3** 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. 411.36 **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)

411.36.1 **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.

411.36.2 **Examination without Charge**

Such examinations shall be without charge to the applicants.

411.36.3 **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. 411.36 **Examination of Applicants (cont.)****411.36.4** **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.

411.36.5 **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.

411.36.6 **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.

411.36.7 **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.

411.36.8 **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.

411.36.9 **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. 411.36 **Examination of Applicants (cont.)****~~411.36.10—Confidentiality of Applicant Information~~**

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

~~411.36.10~~ 411.36.10 Prohibition of Political, Religious or Fraternal Questions

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

Sec. 411.37 **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)

411.37.1 **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.

411.37.2 **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.

411.37.3 **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.

411.37.4 **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. 411.38 **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.

Sec. 411.38 Program to Enhance Employment Opportunities for City Employees (cont.)**411.38.2 Authorization for Promotive Only Program (cont.)**

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

The 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 served continuously in the job classification in a provisional or exempt status for the equivalent of at least one (1) year (2,080 hours). In establishing the program, the 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.

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 who take and pass the examination will be placed on an eligible list. 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.

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 Director of Transportation/Designee shall be subject to appeal to the Civil Service Commission whose decision shall be final.

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. 411.41 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. 411.42 Definition of Disabled Veteran for Purposes of Entitlement Under This Rule

411.42.1 For purposes of this Rule, the term “disabled veteran” shall mean any veteran as defined in Sec. 411.41, who has suffered a permanent service-connected disability that is of record in the United States Administration.

411.42.2 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. 411.43 Veterans Entitlement

411.43.1 Veteran, Widow or Widower, or Domestic Partner

A veteran as defined above in Sec. 411.41, 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.

411.43.2 Disabled Veteran, Widow or Widower, or Domestic Partner

A disabled veteran as defined in Sec. 411.39.1, 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. 411.43 Veterans Entitlement (cont.)**411.43.3 Spouse or Domestic Partner of Disabled Veteran**

Spouse or registered domestic partner of a one hundred percent (100%) disabled veteran as defined in Sec. 411.39, 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.

411.43.4 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. 411.44 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. 411.45 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 411A

Position-Based Testing Program for MTA Service-Critical Positions or Classes

Applicability: Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Article I: Civil Service Commission Policy Related to Position-Based Testing

- Sec. 411A.1 Purpose
- Sec. 411A.2 Merit Based Examinations
- Sec. 411A.3 Diversity of Workforce

Article II: Examination Provisions

- Sec. 411A.4 Application of Position-Based Testing
- Sec. 411A.5 Reporting Requirement
- Sec. 411A.6 Civil Service Commission Rules for Position-Based Testing
- Sec. 411A.7 Responsibilities of the Director of Transportation

Article III: Examination Announcements

- Sec. 411A.8 Examination Announcements
- Sec. 411A.9 Reissuing of Examination Announcements
- Sec. 411A.10 Correction of Examination Announcements

Article IV: Examination Applicants and Applications

- Sec. 411A.11 Definition of Applicant
- Sec. 411A.12 Qualifications of Applicants
- Sec. 411A.13 False Statements by Applicants
- Sec. 411A.14 Promotional Applicants
- Sec. 411A.15 Veterans Preference in Examinations
- Sec. 411A.16 Change of Address
- Sec. 411A.17 Custody of Examination Applications
- ~~Sec. 411A.18 Confidentiality of Applicant Information~~

Article V: Examinations

Sec. 411A.189 Adequacy of Examinations

Sec. 411A.1920 Examination Rating Panels

Sec. 411A.201 Establishing Cutoff Scores and Number of Eligibles

Sec. 411A.212 Cheating in Examinations Prohibited

Sec. 411A.223 Review of Ratings by Examination Participants

Article VI: Administration of Eligible Lists

Sec. 411A.234 Eligible Lists

Sec. 411A.245 Posting of Tentative Eligible List Examination Score Report

Sec. 411A.256 Maintenance of Eligibility

Sec. 411A.267 Management of Eligible Lists

Sec. 411A.278 Rosters of Eligibles Established by Other Authorities

Article VII: Certification of Eligibles

Sec. 411A.289 Certification

Sec. 411A.2930 Certification of Eligibles – Minimum Allowable Certification Rule

Sec. 411A.301 Establishment of the Certification Rule for Position-Based Testing

Article VIII: Appeals of Examination Processes

Sec. 411A.312 Substance of Appeals

Sec. 411A.323 Timeliness of Appeals

Sec. 411A.334 Continuance of Examinations with Appeals Pending

Sec. 411A.345 Authority to Rule on Appeals

Sec. 411A.356 Appeals to the Civil Service Commission

Sec. 411A.367 Appeals to the Director of Transportation

Rule 411A

Position-Based Testing

Article I: Civil Service Commission Policy Related to Position-Based Testing

Applicability: Article I, Rule 411A shall apply to examinations designated to this Position-Based Testing Program, and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.1 Purpose

411A.1.1 The Civil Service Commission recognizes the importance of reducing the time it takes to make permanent civil service appointments and reducing reliance on provisional and other forms of temporary hiring. Therefore, this Position-Based Testing Program is being established with the goal of adopting eligible lists resulting from merit-based examination processes within sixty (60) days from the posting of the examination announcement.

411A.1.2 It is the policy of the Civil Service Commission that examination processes in the City and County of San Francisco under this Position-Based Testing Program are conducted in an efficient and fair manner to ensure that the best-qualified individuals are selected to perform service for the City.

Sec. 411A.2 Merit Based Examinations

411A.2.1 It is the policy of the Civil Service Commission of the City and County of San Francisco that all persons shall have equal opportunity in employment as expressed in Rule 403 Equal Employment Opportunity.

411A.2.2 All applicants for positions in the classified service shall submit to verifiable competitive examinations based on merit and fitness as shown by appropriate tests. Job-related criteria shall be utilized in all phases of the examination and employee selection process without regard to race, sex, sexual orientation, gender identity, political affiliation, age, religion, creed, national origin, disability, ancestry, marital status, parental status, domestic partner status, color, ethnicity, medical condition (cancer-related), Acquired Immune Deficiency Syndrome (AIDS), HIV, and AIDS-related conditions, other non-merit factors or any other category provided by ordinance.

411A.2.3 All forms of cheating, improper aid or hindrance are prohibited.

Sec. 411A.3 Diversity of Workforce

- 411A.3.1** Subject to existing law, it is the policy of the Civil Service Commission to achieve a workforce that is fully reflective of the diversity of the City and County of San Francisco.
- 411A.3.2** When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Director of Transportation may take appropriate legal actions to correct or mitigate the underrepresentation.
- 411A.3.3** The Civil Service Commission endorses and supports the broadening of the Rules governing the 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 diversity of the work force.

Rule 411A

Position-Based Testing

Article II: Examination Provisions

Applicability: Article II, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in MTA Service-Critical positions or classes.

Sec. 411A.4 Application of Position-Based Testing

The term “Position-Based Testing” as used in this Rule shall apply to any examination for a classification that has been designated by the Human Resources Director to be included in the Position-Based Testing Program under Civil Service Rule 111A. Inclusion of classes in the Program may be based on: the number of positions in the subject class, functions of position(s), hiring needs of departments, and other relevant criteria as may be determined by the Human Resources Director.

Sec. 411A.5 Reporting Requirement

The Director of Transportation shall provide semi-annual reports to the Civil Service Commission on any examinations administered under this Position-Based Testing Program. The Civil Service Commission shall consider whether to require such reports from the MTA to be consistent with the Department of Human Resources’ reporting requirement under Civil Service Rule 111A and will determine the frequency of such reports by Commission action. The frequency of such reports will be noted on the Annual Calendar of Required Reports.

These reports shall include, but not be limited to the following information for each examination: the applicable certification rule and duration of the eligible list; the number of applicants, and how many were deemed qualified under the terms of the examination announcement; the number of candidates who participated in the examination, and how many were placed on the eligible list; and the number and types of protests submitted to the Director of Transportation, and their disposition (i.e., the response of, or any action taken by the Director of Transportation in response; and whether they were appealed to the Civil Service Commission). The Director of Transportation shall also include in its reports a list of the known Service-Critical positions or classifications for which the MTA intends to administer a Position-Based Test under this Civil Service Rule 411A.

Sec. 411A.6 Civil Service Commission Rules for Position-Based Testing

411A.6.1 All examination provisions for Position-Based Testing are specified in Rule 411A. Provisions specified in Civil Service Commission Rule 405.12.1, 405.12.4 and 405.20 do not apply to the Position-Based Testing Program. Examination provisions specified in Civil Service Commission Rules 410, 411 Articles I and II, 412 Articles I – IV, and 413 Article III, do not apply to the Position-Based Testing Program.

Sec. 411A.6 Civil Service Commission Rules for Position-Based Testing (cont.)

- 411A.6.2** Pursuant to its Charter authority, the Civil Service Commission may independently inquire into the operation of the Position-Based Testing Program to determine compliance to its Rules, regulations, policies, and procedures and respond to Inspection Service requests.

Sec. 411A.7 Responsibilities of the Director of Transportation

- 411A.7.1** The Director of Transportation shall adhere to the procedures, requirements and standards established by the Human Resources Director for the Position-Based Testing Program under Rule 111A to implement this Rule 411A, and the policies of the Civil Service Commission concerning this Position-Based Testing Program, and to improve the City's ability to make prompt hires of best-qualified applicants. Nothing in this Rule is intended to extend to the Human Resources Director or the Director of Transportation the authority to change Civil Service Commission policy or to cause or permit the Human Resources Director or the Director of Transportation to take any action not in compliance with the law.
- 411A.7.2** The Director of Transportation shall administer and rule on all matters concerning this Position-Based Testing Program. The decision of the Director of Transportation related to Position-Based Testing Program matters under this Rule is final, unless this Rule expressly provides for appeal to the Civil Service Commission.
- 411A.7.3** The Executive Officer of the Civil Service Commission may initiate audits or investigations of the MTA's administration or implementation of this Position-Based Testing Program for compliance with Civil Service Commission policies and Rules; or for compliance with Department of Human Resources' policies, procedures and standards for Position-Based Testing.
- 411A.7.4** Additionally, the Department of Human Resources shall conduct periodic independent reviews of the MTA's administration and implementation of this Position-Based Testing Program during the first three years following the adoption of this Civil Service Rule 411A on April 21, 2014 to ensure compliance with the Department of Human Resources' policies, procedures and standards for Position-Based Testing. The Department of Human Resources shall report any deficiencies to the Executive Officer of the Civil Service Commission to ensure that they are appropriately addressed. At the conclusion of the three-year period, the Department of Human Resources shall report to the Civil Service Commission on its findings regarding the operation of the MTA's Position-Based Testing Program under this Rule 411A.

Rule 411A

Position-Based Testing

Article III: Examination Announcements

Applicability: Article III, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.8 Examination Announcements

411A.8.1 The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

411A.8.2 Municipal Transportation Agency examination announcements shall be officially posted at the Department of Human Resources and the Municipal Transportation Agency.

Sec. 411A.9 Reissuing of Examination Announcements

The Director of Transportation may reissue an examination announcement to extend the application-filing period or in response to an appeal. When reissued for these reasons, an examination announcement is not open to an appeal.

Sec. 411A.10 Correction of Examination Announcements

Examination announcements may be corrected by the Director of Transportation with respect to clerical errors, misprints and incorrect wording by posting notice of such corrections. Additional time shall not be allowed for appeal of the substantive provisions contained in the original examination announcement.

Rule 411A

Position-Based Testing

Article IV: Examination Applicants and Applications

Applicability: Article IV, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.11 Definition of Applicant

An applicant is a person who has filed an application for examination within the time limits and under the conditions specified on the examination announcement.

Sec. 411A.12 Qualifications of Applicants

411A.12.1 Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement.

411A.12.2 City and County employees in Service-Critical classes at the Municipal Transportation Agency shall receive credit only for the duties of the class to which appointed or assigned unless sufficient and credible documentation is provided to verify performance of other duties. Employees in Service-Critical classes at the Municipal Transportation Agency may receive credit for duties not usually performed by incumbents in a Service-Critical class if their employee file contains contemporaneous documentation that the duties were assigned and performed. Credit for duties in Service-Critical classes at the Municipal Transportation Agency not usually performed by incumbents in a Service-Critical class based on non-contemporaneous documentation shall require the Certification of the Municipal Transportation Agency Deputy Director, Labor Relations and Human Resources, and the approval of the Director of Transportation.

Sec. 411A.13 False Statements by Applicants

Relevant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in any phase of the examination or hiring process shall be good cause for the exclusion of such person from any examination, or the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

Sec. 411A.14 Promotional Applicants

Applicants for promotive-only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, employees with six (6) consecutive months (1040 hours) of verifiable experience in any job classification in any appointment type qualify as promotive applicants.

Sec. 411A.15 Veterans Preference in Examinations

411A.15.1 The Director of Transportation shall adhere to the procedures for veterans preference in examinations established by the Human Resources Director in accordance with applicable law and Civil Service Commission Rules.

411A.15.2 Any individual applicant for entrance employment with the City and County of San Francisco wishing to receive veterans preference credit as provided in Civil Service Commission Rules must notify the Department of Human Resources of his/her veteran status at the time he/she submits the initial job application or as specified on the examination announcement.

Sec. 411A.16 Change of Address

The Municipal Transportation Agency must be notified in writing (including e-mail) by the applicant of any change of address, e-mail address or telephone number. Notice of change to the Post Office and/or an employee's current department only, does not meet the notification requirement.

Sec. 411A.17 Custody of Examination Applications

Examination applications and supporting documents become the property of the Municipal Transportation Agency when received. Return of such documents shall require the approval of the Director of Transportation.

~~Sec. 411A.18 Confidentiality of Applicant Information~~

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

Rule 411A

Position-Based Testing

Article V: Examinations

Applicability: Article V, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.189 Adequacy of Examinations

The Director of Transportation shall approve the adequacy of the examination to rate the capacity of the applicants to perform the job. Examinations may include, but are not limited to one or more testing devices such as written examinations, oral interviews, performance exercises, assessment centers, successful completion of requirements imposed by other authorities for the award of certification, licensure, academic recognition (e.g. degree, course completion), placement on a roster as provided in Sec. 411A.28, or any other devices or methods to determine merit and fitness for tested positions.

Sec. 411A.1920 Examination Rating Panels

The Director of Transportation shall make every reasonable effort to ensure diversity of the qualified raters.

Sec. 411A.201 Establishing Cutoff Scores and Number of Eligibles

The Director of Transportation shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list.

Sec. 411A.212 Cheating in Examinations Prohibited

411A.212.1 Any action that constitutes cheating, improper aid, hindrance, fraud, or collusion in any part of the examination process is prohibited. The following are some specific actions that are expressly prohibited: relevant false statements by applicants on the application or during the selection process; the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination; defeating, deceiving or obstructing any person in respect to his or her right of examination; falsely marking, grading, estimating, or reporting upon the examination or proper standing of any person examined hereunder, or aid in so doing; making any false representations concerning the examination or the person examined; or furnishing 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.

Sec. 411A.22 Cheating in Examinations Prohibited (cont.)

411A.212.2 Any person cheating, attempting to cheat, or assisting in cheating or hindering other persons 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 and such other appropriate action as may be recommended by the Director of Transportation.

Sec. 411A.223 Review of Ratings by Examination Participants

411A.223.1 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.

411A.223.2 The Director of Transportation shall establish the procedures for Review of Ratings.

Rule 411A

Position-Based Testing

Article VI: Administration of Eligible Lists

Applicability: Article VI, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.234 Eligible Lists for Certification Purposes Only

411A.234.1 The names of examination participants passing all phases of an examination described by the terms and conditions of the examination announcement shall be placed on an eligible list. ~~Eligible information, including names on eligible list shall not be made public unless required by law; however, any eligible list shall be made available for public inspection upon request once the eligible list is exhausted or expired and referrals resolved.~~

411A.234.2 The Director of Transportation shall establish the duration of an eligible list and/or durations of eligibility of individuals on the eligible list. Eligibles will be notified of the duration of the eligible list and/or durations of eligibility of individuals.

Sec. 411A.245 Posting of Tentative Eligible List Examination Score Report

411A.245.1 At the beginning of the inspection period the Tentative Eligible List Score Report shall be posted and made available for public inspection.

411A.245.2 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.

411A.245.3 The Director of Transportation may adopt an eligible list pending the resolution of any appeal. Eligibles reachable within the applicable certification rule may be referred to departments (certified) for potential hire. Resolutions of appeals shall not affect earlier hires from the eligible list.

~~**411A.24.4** The City shall not post the eligible list online.~~

Sec. 411A.256 Maintenance of Eligibility

Eligibles who fail to possess or maintain the qualifications required by law and/or by the terms of the examination announcement under which they participated shall forfeit their eligibility. The Director of Transportation is authorized to remove eligibles from an eligible list who have failed to maintain qualifications and/or may restore eligibles to an eligible list based on qualifications or to comply with Civil Service Commission Rules, policy and/or action.

Sec. 411A.267 Management of Eligible Lists

411A.267.1 The Director of Transportation shall have the right to correct errors on an eligible list or amend an eligible list as a result of the outcome of an appeal or if required by

Civil Service Commission Rules or other legal requirements. Corrections and/or amendments of the eligible list shall not affect earlier hires from the eligible list.

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Sec. 411A.267 Management of Eligible Lists (cont.)

411A.267.2 The Director of Transportation may extend the duration of an eligible list or eligibility periods 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 will be notified of the extension of the eligible list or eligibility period.

411A.267.3 The Director of Transportation may authorize the merging of eligible lists in the same Service-Critical class or different Service-Critical classes. Affected eligibles will be notified of the merging of eligible lists.

411A.267.4 The Director of Transportation may cancel an eligible list, or make optional the use of an eligible list based on the needs of the Municipal Transportation Agency or merit factors such as inability of eligibles to meet job specific qualifications or requirements. Affected eligibles will be notified of the cancellation of eligible lists.

411A.267.5 The Director of Transportation may approve the use of an eligible list established under this Rule 411A Position-Based Testing Program for permanent civil service appointments to other positions in the same or similar classes in the MTA or other City departments.

411A.267.6 The Human Resources Director may approve the use of an eligible list established pursuant the Position-Based Testing Program under Rule 111A for permanent civil service appointments to MTA Service-Critical positions or classes.

Sec. 411A.278 Rosters of Eligibles Established by Other Authorities

411A.278.1 By mutual agreement with the affected employee organization, appropriate rosters of eligibles established by other recognized authorities, such as the State of California, may be utilized to fill Service-Critical positions, or as the basis for establishing eligible lists for Service-Critical classifications.

411A.278.2 The Director of Transportation shall determine the criteria and standards for approving the use of rosters established by other authorities. In assessing appropriateness, the Director of Transportation shall ensure that placement on a roster does not require membership in an organization.

411A.278.3 The use of such rosters shall be specified on the examination announcement and shall not be subject to appeal to the Civil Service Commission.

Rule 411A Position-Based Testing

Article VII: Certification of Eligibles

Applicability: Article VII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.289 Certification

411A.289.1 The Municipal Transportation Agency shall certify to the appointing officer the names of eligibles that are reachable within the applicable certification rule. Except for circumstances beyond the control of the Municipal Transportation Agency, the initial notice of certification to eligibles shall be issued within fifteen (15) business days from the date of adoption of an eligible list.

411A.289.2 If all eligibles at a score waive appointment or fail to respond within specified time limits, the appointing officer may request supplementary certification(s) from the next highest score(s).

Sec. 411A.2930 Certification of Eligibles – Minimum Allowable Certification Rule

411A.2930.1 The minimum (i.e., most restrictive) certification rule shall be the Rule of Three Scores.

411A.2930.2 The most restrictive formula for application of the Rule of Three Scores shall be:

- 1) When there is one (1) approved personnel requisition on file for a class, the Municipal Transportation Agency shall certify to the appointing officer the number of scores equal to the number of the certification rule. For example, three (3) scores will be certified for a position with a certification Rule of Three Scores.
- 2) 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 the number of scores in the certification rule minus one. For example, if twelve (12) requisitions are to be filled under a Rule of Three Scores, the number of scores certified is $12 + 3 - 1 = 14$.

Sec. 411A.301 Establishment of the Certification Rule for Position-Based Testing

411A.301.1 The Director of Transportation and/or representative is authorized to discuss and pursue agreement with employee organizations as to the certification rule applicable to an eligible list resulting from an examination in the Position-Based Testing Program, provided however, that the minimum rule cannot be fewer than the Rule of Three Scores. Nothing in this Section is intended to change the scope of bargaining specified by Charter or applicable law.

Sec. 411A.301 Establishment of the Certification Rule for Position-Based Testing (cont.)

411A.301.2 Unless agreed between the employee organization representing the class and the Director of Transportation, the Rule of Three Scores shall be used exclusively, except as set forth in Rule 413, Article III.

411A.301.3 The Certification Rule shall be specified as a term of the examination announcement. Appeals of the Certification Rule shall not be permitted.

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Rule 411A

Position-Based Testing

Article VIII: Appeals of Examination Processes

Applicability: Article VIII, Rule 411A shall apply to examinations designated to this Position-Based Testing Program and shall apply to employees in all MTA Service-Critical positions or classes.

Sec. 411A.312 Substance of Appeals

411A.312.1 An action by the Municipal Transportation Agency under Rule 411A may be appealed by a party alleging injury by that action as provided in this Article VIII. For each appeal the appellant must state the specific grounds upon which the appeal is based, cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that the appellant contends was violated by the action which is the subject of the appeal, provide facts including available documents to support the appeal, and demonstrate a rational relationship between the alleged injury suffered by the appellant as a result of the action being appealed and the alleged violation of Rule or Policy. Failure to meet all of the above requirements to support the appeal may be sufficient grounds for denial of the appeal by the Civil Service Commission.

411A.312.2 An appeal that objects to ratings or rankings based solely on the candidate's belief that he or she is entitled to a higher or passing score shall not be considered. Neither the Director of Transportation nor the Civil Service Commission shall substitute his, her or its judgment for the judgment of qualified raters.

Sec. 411A.323 Timeliness of Appeals

Protests and appeals that are not submitted within the prescribed time limits shall not be considered.

Sec. 411A.334 Continuance of Examinations with Appeals Pending

The Director of Transportation may proceed with any and all phases of the Position-Based Testing process pending an appeal.

Sec. 411A.345 Authority to Rule on Appeals

411A.345.1 Civil Service Commission

Appeals to the Civil Service Commission may occur at three (3) points in the examination process: (1) after the examination announcement has been issued, (2) after the examination has been administered and prior to the posting of the Tentative Eligible List Score Report and (3) after the merging of eligible lists in different classes.

Appeals of the examination announcement may be based only on challenges to the position description and/or the minimum qualifications. Appeals after the examination

Sec. 411A.345 Authority to Rule on Appeals (cont.)**411A.345.1 Civil Service Commission (cont.)**

administration may be based only on claims of inconsistency in examination administration, bias of raters and/or failure of raters to apply uniform standards. Appeals of merging of eligible lists in different classes may be based only on claims of substantial differences in the knowledge, skills and abilities required to perform the essential functions of the positions. Decisions of the Civil Service Commission on these examination matters will be final.

411A.345.2 Director of Transportation

All other appeals may be made to the Director of Transportation whose decision will be final.

Sec. 411A.356 Appeals to the Civil Service Commission**411A.356.1 Appeals of the Examination Announcement**

- 1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Director of Transportation made decisions beyond his/her authority or had no rational basis for his/her decision.
- 2) Appeals under this Section must be submitted directly to the Executive Officer of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.
- 3) Appeals must be in writing and shall include a statement of the specific component(s) or item(s) of the examination announcement being contested and specific reason(s) why adoption of the cited portions of the examination announcement constitutes abuse of discretion by the Director of Transportation. To the extent possible, all supporting documentation must be submitted with the written appeal.
- 4) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified of the particulars of the hearing in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

Sec. 411A.356 Appeals to the Civil Service Commission (cont.)**411A.356.1 Appeals of the Examination Announcement (cont.)**

- 5) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.
- 6) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

411A.356.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards

- 1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Municipal Transportation Agency Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.
- 2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.
- 3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appealable under this Article VIII, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

411A.356.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards (cont.)

4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed. In order to prevail on an appeal under this Section, the appellant must establish by a preponderance of the evidence, i.e. more likely than not, that the Rule or Policy at issue was violated and that the violation caused a compromise of the validity or reliability of the examination. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

411A.356.3 Appeals of Merging of Eligible Lists of Different Classes

1) The standard of review for appeals under this Section shall be abuse of discretion in merging eligible lists of different classes. Appeals shall include a statement of the specific facts that demonstrate that the merging of eligible lists in different classes is not supported by job analyses that demonstrate that the same or similar knowledge, skills and abilities are required to perform the essential functions of the positions.

2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of the merging of eligible lists.

3) Upon receipt of an appeal, the Executive Officer of the Civil Service Commission shall immediately forward a copy of the appeal to the Municipal Transportation Agency. The Executive Officer of the Civil Service Commission shall place the appeal, if timely and appropriate, on the Civil Service Commission agenda for the next Regular Commission Meeting consistent with the Brown Act, Sunshine Ordinance and other applicable law. The Executive Officer of the Civil Service Commission in consultation with the President may calendar the appeal at a Special Meeting prior to the Regular Meeting of the Civil Service Commission. The appellant and other parties shall be notified in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

411A.3~~56~~.3 Appeals of Merging of Eligible Lists of Different Classes (cont.)

4) The Director of Transportation or representative may take actions to resolve the appeal with the appellant before the scheduled Commission hearing date and forward to the Executive Officer of the Civil Service Commission the documented resolution prior to the scheduled Commission hearing date. The Executive Officer of the Civil Service Commission shall report the resolution to the Civil Service Commission at the scheduled hearing.

5) The Civil Service Commission shall consider an unresolved appeal on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Municipal Transportation Agency. The Civil Service Commission shall rule on the appeal at the hearing. The Commission's action on the appeal shall be final and no reconsideration requests shall be allowed.

Sec. 411A.3~~67~~ Appeals to the Director of Transportation**411A.3~~67~~.1 Protests at the Examination Site**

1) An examination participant may protest the assignment of a rater to his/her board or panel based on a claim of the rater's inability to rate the examination participant competently or without bias. The protest of the rater must be made to the designated representative of the Director of Transportation present at the examination prior to participation in this phase of the examination. If no protest is made, then no appeal of the assignment of the rater will be permitted.

2) An examination participant may submit a protest of a problem occurring at an examination site, such as, but not limited to equipment malfunction or disturbance of the examination process, that interfered with the examination participant's performance in the examination. Such protest must be made to the designated representative of the Director of Transportation present at the examination site immediately upon encountering or experiencing the problem and before leaving the examination site. If no protest is submitted, then the Director of Transportation may refuse an appeal of a problem occurring at the examination site.

3) The decision or action in response to a protest at the examination site may be appealed to the Director of Transportation. The appeal must be submitted in writing and must be received at the Municipal Transportation Agency not later than the fifth (5th) business day after the candidate's examination date.

411A.3~~67~~.2 Appeal of Accuracy of the Calculation of Examination Scores and/or Ranking

An appeal of the accuracy of the calculation of examination scores and/or rank must be submitted directly to the Director of Transportation or representative within the period designated for review of ratings (see Section 411A.23). The decision of the Director of Transportation related to calculation of examination scores and rank is final.

411A.367.3 Appeals of Other Examination Matters

An appeal of any other examination matter must be made in writing and received by the Director of Transportation not later than the fifth (5th) business day after the occurrence or notice of the issue of appeal. The decision of the Director of Transportation on all these matters is final.

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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

The categories of eligible lists including those resulting under rules 411 Examinations and 411A Position-Based Testing are as follows:

- promotive only;
- flexible staffing;
- provisional-to-permanent;
- exempt-to-permanent;
- combined promotive and entrance; and
- entrance.

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 within each category is that the earlier adopted eligible lists have priority over later adopted 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-List for Certification Purposes Only~~

412.10.1 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. **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 Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
~~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.~~

412.10.3 The City shall not post the eligible list online.

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

Sec. 412.11 Maintenance of Eligibility (cont.)

412.11.2 cont.

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.

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 of eligible lists including those resulting under rules 411 Examinations and 411A Position-Based Testing are as follows:

- Promotive only;
- Flexible staffing;
- Provisional-to-permanent;
- Exempt-to-permanent;
- Combined promotive and entrance;
- Entrance;

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 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.

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

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.

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 review of the ratingsposting period. After the review of the ratingsposting 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 review of the ratingsposting 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 The City shall not post the eligible list online.

412.16.43 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.

412.16.54 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.

Sec. 412.17 **Duration of Eligibles (cont.)**

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.

Sec. 412.28 **Holdover Status and Return to Duty (cont.)****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 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 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 (3rd) 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 (3rd) Friday of the month to be effective the first (1st) business day of the following month. In the event the third (3rd) 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 (1st) 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.

ATTACHMENT C



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

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of
Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: _____ - _____ -
2. For Civil Service Commission Meeting of: December 2, 2024
3. Check One:
Ratification Agenda
Consent Agenda
Regular Agenda
☒ Human Resources Director's Report
4. Subject: Report on the Status of De-Identification
5. Recommendation: Adopt the Report.
6. Report prepared by: Dave Johnson Telephone number: 415-557-4871
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:

Human Resources Director:

Date: 11.21.24

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 ☐ CSC RECEIPT STAMP ☐
box to the right using the time-stamp in the CSC Office.

Attachment: Notification List

CSC-22 (11/97)

CSC RECEIPT STAMP

Notifications

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DATE: November 21, 2024

TO: Honorable Civil Service Commission

THROUGH: Carol Isen, Human Resources Director
Anna Biasbas, Employment Services Director

FROM: Dave Johnson, Assistant Director of Employment Services, Retired
Shawn Sherburne, Assistant Director of Employment Services
Lisa Pigula, Assistant Director of Employment Services

SUBJECT: Report on the Status of De-Identification

Executive Summary

This report discusses the Department of Human Resources' (DHR) decision to rescind its 2019 policy on the implementation of de-identification (de-ID); and provides rationale for the Civil Service Commission (CSC) to retain authorization for posting score reports as specified in the rules in Volumes I and IV. The report concludes that:

- a comparison of the demographics (race/ethnicity and sex) of the City workforce to the demographics of the 11 Bay Area counties provided a clear assessment, classification by classification, of where the City workforce is under- and over-represented relative to the Bay Area labor market;
- the evidence demonstrates that the City workforce closely reflects the diversity found in its applicant pools;
- only a small subset of recruitments provide data to enable a comparison of pre- and post-de-ID efforts since the 2018 implementation of the de-ID program, and that data did not show any significant effect of de-ID on increasing diversity;
- in alignment with the CSC record retention policy, data is no longer available to enable a comparison of pre-de-ID recruitments against post-de-ID recruitments.

As discussed in this report the implementation of de-ID has:

- not produced any significant increase in diversity in hiring;
- resulted in extra manual work for Human Resources staff citywide;
- precipitated delays in the hiring process.

Rescission of the DHR policy on the implementation of de-ID will result in eliminating:

- The requirement to include a minimum qualification supplemental questionnaire (MQSQ);
- The notice to eligibles regarding the MQSQ;
- Redaction of information from application materials including those for hiring manager review.

Finally, this report notes that several major metropolitan public sector jurisdictions cited in a previous report continue to not publicly post the names of eligibles. The practice aligns with restrictions in the public education system governing publicly posting students grades and wishes of candidates to remain anonymous.

Background

The Board of Supervisors issued Resolution No. 145-16 in April 2016 requesting that DHR analyze strategies and create a plan to reduce the effect of implicit bias in the hiring process for City employment. DHR and City departments agreed that the Post-Referral Selection Process (PRSP) was the optimal point in the hiring process for targeted intervention, as a review of relevant research conducted at the time indicated that implicit bias comes into play most often when hiring managers are deciding whom to interview.

On September 17, 2018, the CSC adopted amendments to Volume I – Miscellaneous Classifications of its rules to provide for de-ID in the hiring process.

The City implemented the de-ID process on October 15, 2018, to remove demographic information and indicators from candidate profiles, including no longer publicly posting eligible lists with names. Instead, examination score reports are posted with aggregated counts of candidates at each score and rank. Information such as names, addresses, names of schools attended, and other identifying information is redacted from the view of hiring managers when screening down to determine whom to interview or to advance to the selection phase. These identifiers can suggest information about an applicant's race, ethnicity, gender, age, nationality, and other demographics, which are not necessarily job-related and can trigger unconscious bias in the selection and hiring processes. The intended outcome was to eliminate information that can result in conscious or unconscious bias, and instead ensure hiring managers base interview selections on job-relevant criteria, such as experience, training, and educational achievement.

This report is the sixth since the 2018 implementation of de-ID. Previous reports provided information regarding the effect of de-ID on Classification-Based Testing (CBT) recruitments. As discussed in those reports, very few recruitments met the criteria initially established for the first analysis of data in 2019 (50 or more eligibles on the list and at least five hires made from the list), and data from those recruitments showed no significant changes to the demographics of the City workforce in the five years since the implementation of de-ID. Recent reports concluded that de-ID was not accomplishing the intended goal of increasing diversity in the workforce but was presenting a barrier to expeditious hiring.

The focus of DHR's reporting has been the comparison of demographic outcomes across recruitments within the same classification which occurred pre- and post-de-ID. To assess the intended outcomes of de-ID, DHR tracked post-de-ID CBT recruitments with 50 or more eligibles on the list and at least five hires made from the list. These criteria were applied because assessment of larger candidate pools with more hires provides more meaningful information on any changes in the diversity as candidates move through the selection process.

DHR identified in the report to the CSC on February 3, 2020, seven CBT eligible lists posted after the launch of de-ID and projected to expire by December 31, 2019. City departments were asked to indicate the method used to select candidates to interview for these seven recruitments along with the “comparison” recruitments that were conducted prior to the launch of de-ID.

DHR focused on the initial referrals for these recruitments because there are more positions citywide tied to an initial referral. This results in more reachable eligibles and could prompt a “screen down” as it may not be feasible to interview a high number of reachable eligibles. Analysis of data pre- and post-de-ID showed an increase in diversity in the pool of candidates invited to interview in only two of the seven CBT recruitments.

DHR identified in its report to the CSC on November 15, 2021, 12 CBT eligible lists posted after the launch of de-ID. DHR again applied a threshold of including only the post-de-ID CBT recruitments with 50 or more eligibles on the list and five or more hires made from the list. City departments were instructed to provide DHR with data on these 12 recruitments along with comparison recruitments that were conducted prior to the launch of de-ID. Although this 2021 report concluded that since the implementation of de-ID, the City has seen an increase in diverse representation in the interview process, and that overall de-ID has contributed in a positive way in regards to diversity, the small sample of recruitments available for comparison render that conclusion insignificant and raised the question as to whether the additional staff time to implement de-ID is of value to the City.

DHR identified in the report to the CSC on December 5, 2022, 37 eligible lists posted after the launch of de-ID and which were expired. DHR again applied a threshold of including only the post-de-ID CBT recruitments with 50 or more eligibles on the list and five or more hires made from the list. City departments were asked to provide DHR with data on these 37 recruitments along with comparison recruitments that were conducted prior to the launch of de-ID. DHR determined based on responses from City departments that a de-ID process was used in only three of the 37 recruitments. This 2022 report concluded that while there were incremental positive changes in representation of classes across the three recruitments, the impact on each class was insignificant. Analysis of the gender and race/ethnicity composition of the three classes across the five fiscal years suggested that the implementation of de-ID has had minimal to no effect on diversifying the composition of the City workforce. Analysis of the “city-wide” demographic data across a five-year period similarly provided only minimal support for a positive effect due to de-ID.

DHR identified in its November 20, 2023 report to the CSC, ten CBT eligible lists across five classifications. These lists met the criteria of 50 or more eligibles and five or more hires made from the list. City departments were instructed to provide DHR with data on these ten recruitments along with comparison recruitments that were conducted prior to the launch of de-ID. This time there was no de-IDed screen down used for any of the “qualified” recruitments and consequently no comparative data for measuring the effect of de-ID on diversity.

Analysis across the six-year span of these reports provides no evidence of de-ID having any significant effect on diversity. In accordance with the CSC’s Record Retention Policy specifying that requisite data is retained for five years, there is no comparative data of pre-de-ID recruitments to analyze in this report.

Instead, DHR explored the demographic composition of the City’s workforce (38,262 employees) versus the demographics of the available labor force in the 11 Bay Area counties (hereinafter referred to as “County Data”), and in San Francisco. The source of the County data is the Census Bureau labor pool data from the 2022 American Community Survey estimates. The study is founded on available data and caution must be taken as any conclusions are only as good as the responses received to the survey. Relying on data aggregated across the 11 counties somewhat addresses this issue. At the direction of Human Resources Director Isen, DHR also looked at the demographics of the City’s workforce versus the applicant pool.

Analysis

The comparison of the City workforce demographic data versus the 11 Bay Area counties was a multistep process. It was necessary to first align each of the 939 classifications involved in the study¹ with one or more of the 525 job categories cited in the County data. Some City classifications aligned with multiple County data categories because the County data categories are more specific. For example, the 182X Administrative Analyst series was aligned with categories under both the “Business” and “Finance” categories. And the wide variety of work scopes in the City’s 09XX management classification series aligned with 15 categories under “Manager”. In these instances, the County data was aggregated for comparison to specific City classifications. There was no corollary County data for 29 of the 939 City classifications.

The study compared the relative percentages of demographic categories in the City classifications against the County data to ascertain whether the City workforce was under- or over-represented in relation to that County data. While underrepresentation is the primary target of de-ID, overrepresentation is also important to fully understand the comparative demographics of the workforce. Table 1 below shows the number of classifications in which a category is under- versus over-represented, the relative percentage of under- and over-representation, the number of classifications in which the under-representation is less than 5% (minimally significant), and the number of classifications in which adding one incumbent would flip the under representation to parity or over-representation (“Insignificant”):

¹ The 939 classifications resulted from a query of Class, race, and sex in PeopleSoft.

Table 1

Category	Representation vs Greater Bay Area Labor Force					
	Under	% Under	Over	% Over	Less than 5%	Insignificant
Native American/Alaskan Native	4	4.08%	94	95.92%	4	4
Asian	126	18.86%	542	81.14%	53	53
Black	83	15.43%	455	84.57%	43	29
Filipino	97	20.95%	366	79.05%	52	35
Hispanic	376	62.05%	230	37.95%	88	80
Multiracial	115	42.28%	157	57.72%	83	29
Pacific Islander/Native Hawaiian	9	20.45%	35	79.55%	9	6
White	414	55.13%	337	44.87%	62	99
Female	155	47.84%	169	52.16%	48	12

It is evident based on the analysis, that Hispanics and Whites are the most under-represented in City classifications relative to the County data. All other groups are more often over-represented than under-represented.

DHR recognizes the limited utility of comparing the demographics of the available labor force in the 11 Bay Area counties. Although the comparison is informative, the fact is that the job markets and the populations attracted by those job markets vary widely across the 11 counties, and the expectation that San Francisco could attract and hire a labor force that reflects those demographics is perhaps not realistic.

As mentioned previously, the study endeavored to examine the demographics of the City workforce against the available labor force in San Francisco. This effort was abandoned upon noticing significant issues with the data again likely based on who responded to the survey. For example, data for “firefighters” showed 260 white males, 79 Hispanic females, and 61 multiracial males. All other race groups were zero. Data for “human resources assistants” showed 102 White females with all other race groups again at zero. Anomalies such as these negated comparison to the SF labor force and limit the significance of any conclusions reached, but the aggregation of the data across the 11 counties does tend to minimize the effect of the sampling discrepancies.

Finally, the study compared the demographics of the City workforce against the demographics of over 1.25 million “City” job applicants who self-identified with regard to race and/or gender. The representation in the pool of applicants for specific classifications was compared to the workforce representation in the classification. Table 2 below reflects the results of this comparison.

Table 2

Category	Correlation
American Indian / Alaskan Native	0.112
Asian	0.822
Black	0.772
Filipino	0.773
Hispanic	0.572
Multiracial	0.166
Pacific Islander / Native Hawaiian	0.106
White	0.833
Race/Ethnicity Aggregated	0.885
Female	0.909
Male	0.912
Sex Aggregated	0.907

An examination of 2,702 instances of representation of a race category in both pools yielded a correlation of 0.885. A similar examination of 676 instances of representation of females and males in both pools (applicants and workforce) yielded a correlation of 0.907. Although there is no evidence to indicate that de-ID has had any effect on increasing diversity, both of the above statistics are strong evidence (correlation statistics range from -1.0 to +1.0) that the City hires in a way that closely reflects the demographic composition of its pool of applicants without use of de-ID tools. The correlation statistics for American Indian/Alaskan Native, Multiracial, and

Pacific Islander/Native Hawaiian are positive but minimal as expected given the extremely low numbers across the board (the percentage representation is often less than 0.1). Also, American Indian/Alaskan Natives have representation in both pools in only 25% of the classifications in the study. That statistic for Multiracial is 65%, and for Pacific Islander/Native Hawaiian is 38%. Those three categories are most often represented in the applicant pool (a count of one or two), but not in the workforce. The probability of being hired at that representation is extremely low.

Discussion

As stated above, only a few recruitments provided comparative data for measuring the effect of de-ID on diversity since program implementation in 2018. Analysis across the span of these reports provides no evidence of de-ID having any significant effect on diversity. In accordance with the CSC Record Retention Policy, there is now no available comparative data for recruitments conducted prior to the implementation de-ID.

Additionally, while the applicant tracking system can remove identifying information from the standard application, City Departments and the DHR Employment Services team report that supplemental information provided by candidates in the post referral selection process must be manually redacted. For lists with large pools of eligibles, this is labor intensive and provides a barrier to expeditious hiring further contributing to the challenges the City faces in staffing its workforce.

Another barrier to expeditious hiring is the minimum qualification supplemental questionnaire (MQSQ). This questionnaire was introduced to provide a means for responding to a candidate challenging standing on a list even though candidates on the list were not publicly identified. Upon request, a candidate could review answers to the MQSQ wherein candidates self-certified how they met the minimum qualifications. Since the inception of the de-ID program, DHR is aware of exceedingly few instances of such requests. The MQSQ requires staff time and creates an unnecessary barrier for candidates to advance in the selection process as candidates that do not

respond to the questionnaire are not placed on eligible lists. For these reasons, the MQSQ runs counter to City efforts to expedite hiring and to be an employer of choice.

DHR is also aware that departments will sometimes simply interview all reachable eligibles to avoid de-ID even though this extends the hiring process.

There is utility in continuing to post score reports that do not contain names of eligibles. In particular, some candidates request to remain anonymous so that current employers do not become aware they are pursuing other job opportunities and so that others cannot see their exam score. DHR has received inquiries from candidates that found their names publicly posted and expressed concern that their employer could also see their candidacy, which could result in tension in the workplace. Even though they already lost their anonymity, these candidates requested to be completely removed from the respective eligible list(s) and to forfeit future job referral opportunities. Posting score reports without names mitigates this issue.

Another example where posting score reports mitigates issues relates to the practice of aligning the lowest score in the pool with 700 points and the highest score with 1,000 points (1,060 with promotive points). The perception is that there is a significant difference between the candidates at the bottom and at the top. The reality can be much different as very close raw scores are adjusted to the new scale. Although the practice is psychometrically sound, the public perception is a huge difference in ability which can be devastating to candidates at the bottom of the list. Also, current City employees in the position as exempt who test for the permanent position may be embarrassed or worry about the impact on their working relationships if their colleagues see they scored “low”. In summary, the posting of names on eligible lists can have a chilling effect on application rates which is counter to the City’s efforts to increase hiring.

DHR, in its March 19, 2018 CSC report, cited five major metropolitan agencies (Los Angeles County, Orange County, Alameda County, Sacramento County, and the City of San Jose) that do not publicly post eligible lists. An online review of these agencies did not show that any of those agencies have changed that practice. Also, in that 2018 report, DHR discussed the similarity of educational institutions not publicly posting student grades. Under the Family Educational Rights and Privacy Act (FERPA), educational institutions are prohibited from publicly posting grades by the student's name, student identification number, or social security number without first obtaining each student's written permission. The comparative agency review and the similar nature of FERPA further support continuing to post score reports rather than eligible lists.

Conclusion

To summarize:

- a comparison of the demographics (race/ethnicity and sex) of the SF workforce to the demographics of the 11 Bay Area counties provided a clear picture classification by classification of where SF is under- and over-represented relative to that wider demographic
- there is strong evidence that the City workforce closely reflects the diversity found in its applicant pools
- only a few recruitments provided data to enable a comparison of pre- and post-de-ID efforts since the 2018 implementation of the de-ID program

- the available data did not show any significant effect of de-ID on increasing diversity
- in alignment with the CSC record retention policy there is no longer data available to enable a comparison of pre-de-ID recruitments against post-de-ID recruitments
- the implementation of de-ID has necessitated extra manual work for Human Resources staff citywide
- the implementation of de-ID process has resulted in delays in hiring

Based on these findings, DHR is rescinding the de-ID policies specified in its July 24, 2019 CSC staff report (Attachment A). Specifically, DHR will rescind the:

- requirement to include a minimum qualification supplemental questionnaire (MQSQ)
- notice to eligibles regarding the MQSQ
- redaction of information from application materials

Research supports that major metropolitan public sector jurisdictions in California do not publicly post the names of eligibles, and this protection of confidentiality aligns with educational statutes regulating public posting of student grades. DHR recommends that the CSC retain the rules in volumes I and IV that authorize posting score reports without the names of eligibles.

In the interest of maintaining transparency to both City employees and the general public, DHR will continue to publicly post the names and ranks of individuals who are hired to permanent positions. This posting is found at: [Permanent Civil Service Appointments | Department of Human Resources](#).

The expectation continues to be that the City and County of San Francisco attract (through its applicant pools) and hire (through an unbiased, merit-based process) a workforce reflective of the community's demographics. DHR is still fully committed to diversifying the City workforce and is continuing to reach out to diverse candidates through the Career Center at City Hall. This includes offering free one-on-one career counseling services and workshops to help jobseekers understand the City's Civil Service hiring process and learn how to apply for City jobs. DHR's Diversity Recruitment Team keeps diverse job seekers informed about the City's in-demand job opportunities through collaboration with community organizations and through active participation in career fairs at local colleges and in diverse San Francisco communities.

DHR's Workforce Development Team operates career pipeline programs including the San Francisco Fellows program and numerous apprenticeship programs. These programs provide diverse and underrepresented populations the opportunity to gain paid, on-the-job training and work experience that qualifies them for entry-level classifications in the City's skilled crafts and trades, IT, and administrative analyst jobs. DHR will also continue to require annual training in recognizing and mitigating implicit bias in the hiring process.

Recommendation

DHR respectfully recommends that the Commission adopt this report on de-ID and remove it from the list of annual reports submitted by DHR.

Attachment A: July 24, 2019 CSC Staff Report on De-ID



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: 0182 - 19 - 1
2. For Civil Service Commission Meeting of: August 5, 2019
3. Check One:
 - Ratification Agenda
 - Consent Agenda
 - Regular Agenda
 - Human Resources Director's Report X
4. Subject: Report on the Status of De-Identification in the Selection & Hiring Process
5. Recommendation: Adopt the Report.
6. Report prepared by: Anna Biasbas Telephone number: 415-557-4806
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:

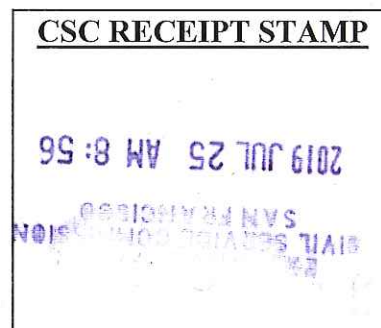
Human Resources Director: [Signature]

Date: 7/24/19
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



Notifications

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San Francisco, CA 94103

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Anna Biasbas
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Stephanie Mayorga-Tipton
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Shawn Sherburne
Department of Human Resources
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San Francisco, CA 94103

William Miles II
Department of Human Resources
1 S Van Ness Ave., 4th Floor
San Francisco, CA 94103



DATE: July 24, 2019

TO: Honorable Civil Service Commission

THROUGH: Micki Callahan *we*
Human Resources Director

FROM: Anna Biasbas
Employment Services Director

SUBJECT: Report on the Status of De-Identification in Selection and Hiring Processes

Executive Summary

This report provides a summary of DHR's implementation of de-identification rule changes adopted by the Commission effective October 15, 2018, as well as an update on the results of that implementation.

The report recommends adjusting timelines to start Quarter 3 of Fiscal Year 2019-20 and require semi-annual reporting thereafter.

Background

The City and County of San Francisco (City) is an equal opportunity employer, deeply committed to ensuring employees are hired based on merit, and without discrimination. The City shares a commitment to a diverse, inclusive and equitable community. To further this commitment and to move the City's diversity and inclusion efforts forward, the Board of Supervisors issued a Resolution in April of 2016 (Res. No. 145-16) requesting the Department of Human Resources (DHR) to analyze strategies and create a plan to reduce implicit bias in the hiring process for City employment. The Resolution specifically directed DHR to include modifying resume-review systems so that they do not reveal candidates' names, addresses, or graduation years, which can provide signals about race, ethnicity, gender, age, and nationality.

Following the passage of the Resolution, DHR began discussions with our applicant tracking system vendor to determine what would be required in order to have the system provide automated redaction of identifying information. DHR also met with departments to determine when de-identification would make the most sense from a processing perspective. Through these discussions, we determined Human Resources analysts still need to know the identities of candidates so they can review employment information and verify and apply promotional and veteran's preference points. Departments agreed that the Post-Referral Selection Process (PRSP) was the best place for de-identification, as research has shown that implicit bias comes into play most often when hiring managers decide whom to interview.

These efforts led to the City's focus on de-identifying applicant information such as names, addresses, names of schools attended, and other identifying information during list adoption and through PRSP. These identifiers can provide information about an applicant's race, ethnicity, gender, age, nationality and other demographics which can trigger unconscious biases in selection and hiring processes. By de-identifying this information, job-related

criteria such as experience, training and education are the main factors considered in determining the most qualified candidates to move forward in the hiring process.

As part of the City's overall hiring modernization project, beginning in July of 2017, DHR began reviewing Civil Service Commission (Commission) rules for Volume I Miscellaneous Classes with a focus on providing rule clarity, consistency and modernization. We identified rules that conflicted with the intended purpose of de-identifying application information in the PRSP. DHR's findings and recommendations were presented and discussed thoroughly at numerous Committee on Policy Procedures and Rules (COPAR) meetings and working group sessions and forums between December 2017 and February 2018. Also, all unions were invited to informational meetings regarding hiring modernization. For the unions that accepted, DHR held meetings on the following dates:

- ☐ October 11, 2017: SEIU Registered Nurses, SEIU 1021 Misc., Local 39, and MEA
- ☐ November 14, 2017: SEIU Registered Nurses, SEIU 1021 Misc., Local 21 and Local 39
- ☐ December 13, 2017: SEIU Registered Nurses, SEIU 1021 Misc., Local 6, Local 21, and MEA
- ☐ January 18, 2018: SEIU Registered Nurses, Local 6, Local 1414, Local 21, Local 22, Local 38, and MEA

On January 22, 2018, de-identification was introduced at the Commission meeting as a discussion item. DHR presented a proposal to de-identify application information when hiring managers filter the number of candidates to be interviewed. We also introduced the concept of confidential eligible lists whereby eligible lists would no longer be publicly posted. This would ensure hiring managers didn't see the names of candidates through a publicly posted eligible list.

DHR continued to hold meetings with departments and unions. For transparency in the hiring process, DHR also developed a webpage which would report the names of individuals hired from eligible lists for public information. Additionally, DHR held four focus group meetings in February 2018 with HR staff from a number of departments to better understand the business needs for a successful launch. DHR also met with Local 21 leadership on April 18, 2018 and presented at SEIU Town Halls on March 1, 2018 and April 19, 2018 to discuss the proposed de-identification process. These discussions resulted in a May 2018 staff report to the Commission on de-identification in the PRSP.

The Commission's Executive Officer and staff, along with DHR representatives, held six meet and discuss sessions regarding the proposed rule amendments between May 17 and June 26, 2018. The sessions allowed unions, individual employees, and other stakeholders the opportunity to engage in discussion about the proposed changes. With feedback from stakeholders, the Commission posted additional amendments to the Civil Service rules in August 2018. On September 17, 2018, the Commission adopted Civil Service rule amendments in support of de-identification in the hiring process, to be effective October 15, 2018.

With these rule changes, DHR began implementing the de-identification process including no longer publicly posting eligible lists with names. Instead, an examination score report is posted with an aggregate count of candidates at each score and rank. Additionally, DHR launched system de-identification functionality and an online Permanent Civil Service (PCS) hiring database on the DHR webpage. Lastly, DHR trained human resource staff throughout the City on the process and system changes necessary to implement de-identification for miscellaneous employees. The trainings focused on de-identification of application information in the examination process and PRSP. Over 230 citywide HR staff, from 39 different departments, attended the training sessions.

On October 15, 2018, the City officially implemented the rule changes and launched de-identification.

Process Implementation

On October 15, 2018, the updated Civil Service rules took effect. As a result, all permanent examination announcements posted on or after October 15, represented under Volume I of the rules, included new language regarding the posting of examination score reports:

A confidential eligible list of applicant names that have passed the civil service examination process will be created, and used for certification purposes only. An examination score report will be established so applicants can view the ranks, final scores and number of eligible candidates. Applicant information, including names of applicants on the eligible list, 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. The eligible list/score report resulting from this civil service examination process is subject to change after adoption (e.g., as a result of appeals), as directed by the Human Resources Director or the Civil Service Commission.

Examination score reports replaced publicly-available eligible lists. After each examination is complete, a score report is posted publicly during the Review of Ratings period. Score reports display only the final scores and ranks, and the number of individuals at each rank; no names are displayed. However, in accordance with the amended rules, as indicated in the language above, an eligible list will be made available for public inspection, upon request, after the list is exhausted or expired and all referrals resolved.

DHR's Examination Results webpage, found at <https://sfdhr.org/examination-results>, now splits into two sections: one for examination score reports and one for eligible list postings with names (for previously posted eligible lists in Volume I prior to October 15, 2018 and classes in Volumes II Uniformed Ranks of the Police Department and III Uniformed Ranks at the Fire Department of the Civil Service rules).

Note: Although not a part of this report, the website was also updated to reflect similar changes to Volume IV Municipal Transportation Agency Service-Critical of the Civil Service rules, which were adopted and effective February 4, 2019.

Examination Results



Score Reports

Score reports are posted for applicable examinations for miscellaneous classes in accordance with Civil Service Rules 111A, 112, 411A and 412. The scores and ranks achieved and number of individuals at each rank are listed in order of total scores. No names appear on examination score reports.

[View Past Score Reports >>](#)

POST DATE	LIST ID	CLASS & JOB TITLE
July 2, 2019	088223	0923 - Manager II 
July 2, 2019	094769	1244 - Senior Human Resources Analyst 
July 2, 2019	094303	1822 - Administrative Analyst 

Eligible Lists

Eligible Lists are posted in accordance with Civil Service Rules 212 and 312 for Uniformed Ranks of the Police and Fire Departments. The names of candidates passing all phases of an examination are placed on the eligible list in the order of total scores; candidates who have tied scores are listed in alphabetical order.

[View Past Eligible lists >>](#)

Some concerns that arose out of the meet and discuss sessions are that without an eligible list with names posted, one may not be able to challenge the qualifications of individuals on the list. If a person who was not qualified was mistakenly placed on an eligible list, that individual could potentially impact other candidates on the list who might not be considered due to being outside the reachable ranks. In order to address these concerns, all permanent examination announcements posted on or after October 15, 2018 now include a Minimum Qualification Supplemental Questionnaire (MQSQ).

MQSQs contain a series of questions related to the recruitment's qualification requirements and are utilized for candidates to self-certify the amount and level of training, experience and/or education that they possess. MQSQs do not collect any identifying information. HR analysts review both the MQSQs and the application submitted by candidates to determine who meets the posted minimum qualifications. At the conclusion of the examination process, during the Review of Ratings period, qualified candidates can now review the MQSQ responses of other candidates that made it onto the eligible list. The MQSQ review was added to maintain and enhance transparency in the examination process. Language has been added into the notices sent to candidates advising them of this opportunity:

If you wish, you may also review the minimum qualifications supplemental questionnaires of other candidates who passed the exam. The names and identities of other candidates are not included in these documents. This optional in-person appointment is intended only to give you the opportunity to confirm that all candidates meet the minimum qualifications.

For all certifications issued on or after October 15, 2018, de-identification processes are implemented up until the point that a hiring manager has decided which reachable candidates to interview. The hiring department's HR works closely with the hiring manager to determine if they wish to interview all reachable candidates, or narrow the pool of candidates by defining desirable job-related criteria. If the hiring manager chooses to interview all reachable candidates, there is no need for de-identification. However, if the hiring manager wishes to limit the number of candidates to interview, features in the applicant tracking system allow the hiring department's HR to share a redacted form of the application with the hiring manager. The hiring manager can then review the applications for those with the desired job-related criteria and inform the department's HR staff which applications should proceed to the next step using a system-generated number in lieu of a name.

The system also has a feature that allows HR staff to create a Referral Questionnaire (RQ) that can be sent to candidates to determine the amount or level of desirable job-related criteria or special conditions the candidates possess. No identifying information is asked and the responses to the RQ can be used to determine which candidates will proceed to the next step. Once a hiring manager has selected the pool of candidates for interview, there is no more need for de-identification and the department's HR staff can share the complete applications with the hiring manager.

Additionally, during the informational meetings with unions, concerns regarding transparency in hiring were raised. As a result, a new page was created and launched on DHR's website where any member of the public can view the name and rank of the individuals hired to Permanent Civil Service (PCS) positions on and after October 15, 2018. Since eligible lists are no longer posted publicly with names, this page was created to alleviate concerns that individuals will not be aware of who was hired. This page is updated with new hires every two weeks and allows for searching by department, class, job title, name, list ID or appointment date and is located at <https://sfdhr.org/permanent-civil-service-appointments>.

Permanent Civil Service Appointments

Department	Class	Job Title	Full Name
- Any -			
List	Appointment Date From	Appointment Date To	Search
	E.g., 2019-07-02	E.g., 2019-07-02	

Appointment Date: 29 June 2019	+
Appointment Date: 24 June 2019	+
Appointment Date: 19 June 2019	+

Within the City's current applicant tracking system, most major functionality was delivered to users on the launch date of October 15, 2018. This included the ability for HR staff to automatically redact items or sections of the application that could reveal identifiable information. Examination score reports were initially created by DHR. While the ability to create these reports wasn't originally accessible for departments to create themselves at launch, they are now available within the applicant tracking system for the departments to generate themselves.

Training

Between September and October of 2018, DHR provided five training sessions on "Exams and De-Identification." This training was targeted for City HR staff responsible for administering exams and covered the de-identification process prior to list adoption. More than 170 City HR staff were trained on how to create a minimum qualification supplemental questionnaire, as well as creating and posting an examination score report, sending result notices to candidates and viewing/printing redacted applications.

Additionally, DHR provided eight training sessions on "PRSP and De-Identification." This training was targeted for Human Resources staff responsible for administering PRSP. This training outlined the impact of de-identification on PRSP highlighting rules, policies, requirements, and best practices. Over 230 City HR staff were trained on how to properly use de-identification during the Post-Referral Selection Process.

Department Feedback

At the beginning of December 2018, DHR met with departmental HR staff citywide to obtain feedback on how the process has been working so far.

Overall, the feedback received from departments was primarily positive. Staff reported the following successes:

- ☐ Smooth transition;
- ☐ Process supports fairness, equity and diversity;
- ☐ MQSQs were easy to create, screen and re-use for other recruitments;
- ☐ MQSQs sped up application review;
- ☐ Hiring managers are open and receptive to the new process, understanding the intention to support fairness, equity and diversity;
- ☐ Process helps hiring managers keep an open mind;

- ☐ Process provides clear boundaries and expectations that they can communicate easily to hiring managers;
- ☐ Hiring managers are more open to interviewing a larger number of candidates;
- ☐ Communication improvement: To reduce the number of candidates invited to interview, the department's HR staff work closely with hiring managers to base decisions on job-related criteria;
- ☐ Redaction tools to de-identify application work well/easy; and
- ☐ Candidates appreciated their individual results no longer being posted publicly.

Regarding challenges experienced, staff reported the following:

- ☐ Takes too long to redact resumes;
- ☐ Internal candidates could be easily identified based on descriptions on cover letters and resumes;
- ☐ Language for certain features in the applicant tracking system varies (some features are labeled differently depending on where a user is in the system);
- ☐ When creating a custom report, the system-created number for candidates is not an option. Takes too much time for staff to determine whom the hiring manager has selected to interview;
- ☐ Additional help needed on RQ creation (Question crafting – what to ask);
- ☐ Unsure how to use MQSQ filter for easy review of candidate responses; and
- ☐ Some departments have not yet utilized a confidential list for making hiring decisions.

One common challenge indicated was in reference to redacting cover letters or resumes. These are all formatted differently and there is not a function in the current applicant tracking system to automatically remove names, addresses, schools and other identifiable information from resumes. Since the application specifically states that an applicant must put all relevant information on it, resumes are not required to be provided to hiring managers. At this time, DHR recommends that departments do not provide hiring managers with cover letters or resumes unless they are willing to take on the extra work of manual redaction, until a system is built that is smart enough to detect and redact this information. However, DHR will continue to review this matter with departments to determine if there are technological solutions available to make redaction of resumes and cover letters easier.

DHR plans to address the other challenges indicated above by providing additional training on de-identification. The new specialized training will focus on the applicant tracking system and all the tools related to de-identification, including developing MQSQs and RQs, procedures for the review of ratings period, redaction tools, system codes related to PRSP, and how to maneuver the newly created PCS appointment website.

Follow-up meetings with departmental HR staff citywide were also held in March and June 2019. No additional successes or challenges have been reported because most departments have not experienced the full cycle of de-identification since eligible lists for classification-based examinations are typically a two-year duration. DHR plans to continue to obtain feedback at future meetings, on a quarterly basis.

Analysis

In Fiscal Year 2017-2018, the median time from posting to adoption was 56 days and 74 days for Position-Based (PBT) and Class-Based (CBT) recruitments respectively. Eligible lists have a minimum duration of six months and many active lists were adopted prior to de-identification for a period of two years, meaning those lists are publicly posted with names until the next examination is conducted. Although there have been 374 examination announcements (235 PBT, 138 CBT, 1 CCT) opened between October 15, 2018 and June 30, 2019, there has not yet been sufficient data of interviewees from post de-identification to compare with those prior to launch to report to the Commission.

DHR reviewed all eligible lists adopted after October 15, 2018 that expired by July 1, 2019. There were only 99 hires made from a total of 61 eligible lists. The majority of the eligible lists during this timeframe were generated from position-based examinations which typically result in the hire of a single employee unless the list is shared to make additional hires. At this point, there is not significant data available to determine if de-identification has resulted in demographics that demonstrate a more inclusive and diverse hiring process.

DHR plans to evaluate citywide class-based examination demographic data from the launch of de-identification in order to get a more meaningful assessment of its progress. Class-based examinations typically have high volume applicant pools and multiple hires are made from these eligible lists. The eligible list duration ranges from one to two years, which means data may not be available to evaluate until after January 2020.

Also, the current applicant tracking system is limited in its capabilities to easily and efficiently extract applicant demographic hiring data. With the complexity of the City's certification process having a different set of reachable eligibles per certification based on the number of positions available and/or special conditions, the process of obtaining this data is quite cumbersome and time consuming. The system does not have a straightforward report that allows us to have an at-a-glance view of the path of each candidate as they evolve from eligible list to interview to hire or not selected. As a result, the reporting of hiring demographics is a manual process at this time.

The City is currently in the process of acquiring a new applicant tracking system and/or upgrading the current one, which we hope results in efficiencies in reporting this type of data in the future. The procurement and implementation processes are projected to be completed by summer of 2020.

Based on this information and given the above time frames, there will not be significant demographic data to report on the effectiveness of de-identification until a period of at least 18 months from implementation has passed. As a result, DHR recommends that the next report be due in the third quarter of Fiscal Year 2019/2020 (January – April 2020) when we expect more hiring data to be available and provide more meaningful results. Due to the time it currently takes to pull and analyze this data, we also request the report to be required semi-annually (rather than on a quarterly basis).

Recommendation

Adopt the report and amend reporting requirements to begin during the third quarter of Fiscal Year 2019-2020 on a semi-annual basis.

c: Kate Howard, Managing Deputy Director, DHR