



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

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

June 20, 2024

NOTICE OF CIVIL SERVICE COMMISSION MEETING

**SUBJECT: ADOPT PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULES
 SERIES 013 CERTIFICATION OF ELIGIBLES VOLUMES II-III**

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 **July 1, 2024, at 2:00 p.m.**

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

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

CIVIL SERVICE COMMISSION

LAVENA HOLMES
Deputy Director

Attachments

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

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is civilservice@sfgov.org 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

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: soft@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

LONDON N. BREED
MAYOR

Date: July 1, 2024

To: Civil Service Commission

From: Sandra Eng, Executive Officer

Subject: Proposed Amendments to Civil Service Commission Rules: Series 013 Certification of Eligibles in Volumes II-III

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 Special Meeting of January 30, 2024, the Civil Service Commission approved the posting of the proposed amendments to Rules 213 and 313 Certification of Eligibles – General Policy to codify the secondary criteria that has been utilized by the Police Department and the Fire Department for many years. The Human Resources Director proposed these Rule amendments to reduce the time-to-hire for classifications with high vacancies and turnover rates.

Summary

The proposed Rule amendments were emailed to stakeholders and posted on the Civil Service Commission website on February 27, 2024, informing departments and unions that the Department of Human Resources will schedule informational meetings with the City's labor partners.

The Department of Human Resources (DHR) sent the Notice of Proposed Rule Amendments to the Police Officers' Association (POA), San Francisco Fire Fighters Union IAFF, Local 798 and the San Francisco Municipal Executives' Association (SFMEA) on March 18, 2024. In response to POA's written request for clarification on “special qualifications”, DHR's written response clarified that “special qualifications” are limited to criteria that are based on merit and fitness to perform the job in question and reminded the union that “special qualifications” has been part of the secondary criteria listed on the examination announcements as far back as 2011. SFMEA requested to meet but later cancelled.

Recommendation:

Accept the Executive Officer's staff report; incorporate any changes made by the Civil Service Commission; and adopt the proposed amendments to Civil Service Rules 213 and 313 Certification of Eligibles in Volumes II and III.

CSC RECEIPT STAMP

Notifications

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MEMORANDUM

DATE: May 29, 2024
TO: Civil Service Commission
THROUGH: Carol Isen, Human Resources Director
FROM: Ardis Graham, Employee Relations Director
SUBJECT: Meetings with Labor on the Proposed Amendments to Civil Service Commission Rule Series 013 Certification of Eligibles Volumes II-III

Summary of Meetings with Labor

The Employee Relations Division (ERD) concluded discussions with Labor on the proposed amendments to Civil Service Commission (Commission) Rule Series 013 Certification of Eligibles Volumes II-III posted by the Commission on January 30, 2024.

DHR noticed affected Labor Unions of the proposed amendments on March 18, 2024. The San Francisco Police Officers' Association submitted questions in writing seeking clarification on the proposed rule change which the City responded to on April 30, 2024.

Labor did not raise any adverse impacts on their members. Therefore, ERD considers these discussions closed.

Conclusion

The City and County of San Francisco has met its obligations under the Meyers-Milias-Brown Act.

Attachments

04.30.24 POA Memo Proposed CSC Rule Changes Secondary Criteria



Via Email

DATE: April 30, 2024

TO: Tracy McCray, President, San Francisco Police Officers' Association
Rockne Lucia, Union Counsel, Rains Lucia Sterns

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Anna Biasbas, Director of Employment Services, DHR
Dave Johnson, Assistant Director of Employment Services, DHR
Sandra Eng, Executive Director, CSC
Ardis Graham, Employee Relations Director
Jonathan T. Wright, Employee Relations Manager
Caitlin Kirke, Employee Relations Representative

RE: Civil Service Commission Rule Changes Secondary Criteria

On January 30, 2024, the Civil Service Commission (CSC) posted proposed rule amendments to Volume II presented by the CSC and the Department of Human Resources (DHR) to create efficiencies and reduce time-to-hire. Currently, DHR must obtain CSC approval of secondary criteria prior to posting any job ad which is very inefficient given that the criteria has not changed in many years. The proposed rule change imbeds existing secondary criteria in the rules and requires obtaining CSC approval only if the criteria will be changed.

The Union reached out seeking clarification on the amendment under Section 213.2.1 which provides for various criteria to be considered when making appointments, and the meaning of the phrase "special qualifications".

The category "special qualifications" is intentionally broad as it is intended to encompass any criteria that do not fall within the other listed categories. The guiding principle is spelled out earlier in Rule 213.2.1 wherein it states that "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." Consequently, any "special qualifications" are limited to criteria that are based on merit and fitness to perform the job in question. It is also important to note that "special qualifications" has been part of the secondary criteria listed on job ads and approved by the Civil Service Commission going back to at least 2011.

Thank you for your continued partnership as we work to improve the hiring process.

Rule Revisions Amended

Deletions in ~~strikethrough~~ – Additions in underline

Rule 213

Certification of Eligibles - Police Department

Article II: Certification of Eligibles

Applicability: Rule 213 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 213.2 Certification of Eligibles - General Policy

213.2.1 The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from the 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. 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, asking job-related questions. Appointing officer/designee shall also be responsible for maintaining documentation of selection criteria and reviewing the proposed selection with the department's Equal Employment Opportunity Officer or with the Department of Human Resources Equal Employment Opportunity Unit. When making appointments, the Appointing Officer or designee will consider the following job-related criteria: assignment, training, education, community involvement, special qualifications, commendations/awards, bilingual certification, and discipline history. In the event of a recommendation to change the criteria specified above, prior to the issuance of any job announcement, that change shall be presented to the Civil Service Commission for its approval in advance and will be discussed in open session with all interested parties. Unless otherwise instructed by the Civil Service Commission, the ~~Police~~ Department of Human Resources shall annually report to the Civil Service Commission on the selection processes es administered for the Police Department uniformed ranks. In addition to the annual report, the Department of Human Resources shall make regular reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures. ~~For further clarification, prior to the issuance of any job announcement, secondary criteria shall be presented to the Civil Service Commission for its approval in advance to ensure compliance with Civil Service Commission Rules and policy and will be discussed in open session with all parties interested.~~

213.2.2 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 & County of San Francisco, and
- 2) ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all decentralized units 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.

213.2.3 The appointing authority/designee shall be responsible for establishing non-discriminatory selection procedures.

213.2.4 Selection of an eligible within the certification shall be made under the authority and direction of the appointing authority/designee.

Sec. 213.3 Certification Rules**213.3.1 Rule of Three Scores**

- 1) 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.
- 2) Except as otherwise may be 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 less than three (3) scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

213.3.2 Rule of Three or More Scores

- 1) The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with the three (3) highest scores shall be certified to each available position.
- 2) Except as otherwise may be 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 the number of scores in the certification rule applicable to the eligible list being certified minus one.

213.3.3 Rule of Ten Scores

- 1) The Department of Human Resources shall certify to the appointing officer the names of eligibles with the ten (10) highest scores on the list of eligibles for the position who are available for appointment.
- 2) Except as otherwise may be 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 nine (9) scores. An eligible list adopted under the Rule of Ten Scores shall in all cases be exhausted when eligibles standing at less than three (3) scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

213.3.4 Rule of the List

- 1) The names of all eligibles on the eligible list shall be certified to each available position.
- 2) An eligible list adopted under the Rule of the List shall be exhausted when there are less 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. 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 less than the minimum certification available shall be at the discretion of the appointing officer.

~~Sec. 213.4 Requirement for Secondary Criteria Applicable to All Certification Rules~~

~~**213.4.1** The Police Chief/Designee shall be responsible for establishing non-discriminatory selection procedures. Prior to the issuance of any job announcement, secondary criteria shall be presented to the Civil Service Commission for its approval in advance to ensure compliance with Civil Service Commission Rules and policy; and will be discussed in open session with all parties interested.~~

~~**213.4.2** Selection of an eligible within the certification shall be made under the authority and direction of the Police Chief/Designee.~~

~~**213.4.3** The Police Chief/Designee shall develop secondary criteria to guide the selection process following the certification of eligibles on the list of eligibles for the position who are available for appointment.~~

~~**213.4.4** Secondary criteria may include but need not be limited to experience(s), training and employment history.~~

~~**213.4.5** Secondary criteria shall be job related.~~

~~**213.4.6** Secondary criteria shall not be based on 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.~~

Sec. 213.~~45~~ Certification Rules – General Provisions Applicable to All Certification Rules

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. 213.~~56~~ Certification of Entry Eligible List

The entry level Certification Rule to be utilized shall be established and announced on the examination announcement. For entry level eligible lists, the Department of Human Resources shall certify to the Police Chief/Designee the names of eligibles available for appointment under the Rule of the List.

Sec. 213.~~67~~ Certification of Promotive Eligible List – Rule of Ten Scores

For each referral from promotive eligible lists, the Certification Rule shall be the Rule of Ten Scores.

Rule 213

Certification of Eligibles - Police Department

Article III: Administration of Certification

Applicability: Rule 213 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 213.~~78~~ Response Period**213.~~78~~.1 Notice of Inquiry**

1) Eligibles are required to respond in writing to the Department of Human Resources within a minimum period from the date of such notice not to be less than three (3) business days as established 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, the 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.

2) The Human Resources Director may authorize that eligibles be polled by telephone, provided however, that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.

213.~~78~~.2 Notice of Certification

1) Eligibles are required to notify the Department of Human Resources/appointing officer or designated representative within a minimum period not to be less than three (3) business days after the date of such notice as determined 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, the 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.

2) Eligibles are required to notify the Department of Human Resources as to their certification status within a minimum period not to be less than three (3) business days after the Notice of Certification as determined 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, the 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.

3) The Police Department is 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.

213.78.3 Extensions

Response period time limits may be extended by the Human Resources Director or his or her designee.

Sec. 213.89 Effect of Failure to Respond

213.89.1 An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

213.89.2 Except if the Human Resources Director determines that unusual circumstances exist which would create an undue hardship, the Police Department may be required to present the reasons for a delay in providing the results of the certification to the Civil Service Commission.

Sec. 213.910 Waivers

213.910.1 General Waivers

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

- 1) At the eligible's request. Such waivers shall be effective on the next business day.
- 2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.

- 3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.
- 4) 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 or his or her designee.
- 5) For reasons prescribed elsewhere in these Rules.
- 6) 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 in writing to withdraw such waiver as prescribed in these Rules. General waivers imposed by the Human Resources Director or his or her designee may not be removed unless ordered by the Civil Service Commission, the Human Resources Director or his or her designee.

213.910.2 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.

213.910.3 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 or his or her designee.

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

213.910.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one 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 consideration for temporary or permanent appointment from two (2) Notices of Certification.

Refusal of consideration from the third (3rd) Notice of Certification shall result in removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.

4) Unless otherwise ordered by the Human Resources Director, if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.

213.910.5 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. If the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Civil Service Commission or the Human Resources Director or his or her designee may be authorized at any time and become effective the first business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles next in line for certification to whom the Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.
- 5) Immediate withdrawal of waiver may be authorized by the Human Resources Director or his or her designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 213.101 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 changes of address to the Post Office and/or the employee's current department only shall not be a reasonable excuse for special consideration in cases of failure to respond to any notice within the time limits.

Rule Revisions Amended

Deletions in ~~strike through~~ – Additions in underline

Rule 313 Certification of Eligibles - Fire Department

Article I: Personnel Requisitions

Applicability: Article I, Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 313.1 Personnel Requisitions

313.1.1 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.

313.1.2 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.

313.1.3 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.

313.1.4 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.

313.1.5 Tenure of Temporary Appointments

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

Sec. 313.1 Personnel Requisitions (cont.)

313.1.5 Tenure of Temporary Appointments (cont.)

2) Original personnel requisitions for less 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.

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.

313.1.6 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 313

Certification of Eligibles - Fire Department

Article II: Certification Rules - Entry and Promotive

Applicability: Article II, Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 313.2 Certification of Eligibles – General Policy

313.2.1 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 ensure equal employment opportunity to all persons. Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, sex, 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 scheduling each interested eligible for interview, conducting interviews by a diverse panel, asking job-related questions, maintaining documentation of selection criteria, and reviewing the proposed selection with the department's Equal Employment Opportunity Officer or with the Department of Human Resources Equal Employment Opportunity Unit. When making appointments, the appointing officer or designee will consider the following job-related criteria: length and variety of Fire Department experience, training and education, completion of State Fire Marshal courses or equivalent, and disciplinary record. In the event of a recommendation to change the criteria specified above, prior to the issuance of any job announcement, that change shall be presented to the Civil Service Commission for its approval in advance and will be discussed in open session with all interested parties. Unless otherwise instructed by the Civil Service Commission, the ~~Fire~~ Department of Human Resources shall annually report to the Civil Service Commission on the selection processes administered for the Fire Department uniformed ranks. In addition to the annual reports, the Department of Human Resources shall make regular reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures. ~~For further clarification, prior to the issuance of any job announcement, secondary criteria shall be presented to the Civil Service Commission for its approval in advance and will be discussed in open session with all parties interested.~~

313.2.2 In implementing this Rule, the Human Resources Director shall:

- adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City & County of San Francisco, and
- ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all decentralized units as delegated by the Human Resources Director, and

- take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

Sec. 313.3 Certification Rules

313.3.1 Rule of Three Scores

1) The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three highest scores on the list of eligibles for the position who are available for appointment.

2) Except as otherwise may be 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 scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at less than three (3) scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

313.3.2 Rule of Three or More Scores

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

2) Except as otherwise may be 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 the number of scores in the certification rule applicable to the eligible list being certified minus one.

Sec. 313.3.3 Rule of the List

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

2) An eligible list adopted under the Rule of the List shall be exhausted when there are less 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. If 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 less than the minimum certification available shall be at the discretion of the appointing officer.

Sec. 313.3.4 Statistically Valid Grouping (Sliding Band)

1) The Department of Human Resources shall certify to the appointing officer the names of eligibles that are within a statistically valid grouping/sliding band of scores ("grouping").

- 2) The grouping shall be determined through the standard error of the difference (SED) of the examination multiplied by a confidence factor of 1.96. Eligibles within the grouping are considered to be of comparable knowledge, skills, and abilities with respect to the areas tested on the examination.
- 3) If at any time, the highest score in the grouping is exhausted, the grouping will slide so that its upper limit rests on the highest score remaining on the list. Any additional eligibles whose scores fall within the new grouping shall be certified to available positions. The grouping shall also slide if all eligibles at the highest score waive or fail to respond within the time limits provided in this Rule.
- 4) Charter Section 10.101 provides that the minimum rule for the certification of eligibles shall be the Rule of Three Scores. Therefore, if at any time the grouping includes fewer than three scores, then the Department of Human Resource shall certify to the appointing officer the names of eligibles with the three highest scores as described in Section 313.3.1 of this Rule.
- 5) Selection of an eligible within the grouping shall be made under the authority and direction of the appointing officer.
- 6) The appointing officer shall develop secondary criteria to guide the selection process.
- 7) Secondary criteria may include but need not be limited to experience(s), training and employment history.
- 8) Secondary criteria shall be job related.
- 9) Secondary criteria shall not be based on 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.

Sec. 313.4 Certification Rules – General Provisions Applicable to All Certification Rules

313.4.1 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).

313.4.2 The Certification Rule established at the time of the announcement may be appealed to the Civil Service Commission provided such appeal is received by the Executive Officer by close of business on the fifth (5th) working day (excluding Saturdays, Sundays, and holidays) following the postmarked mailing date of notification to the appellant. Such appeals shall be limited to an expansion of the Certification Rule beyond the Rule of Three Scores. The decision of the Civil Service Commission shall be final, and no reconsideration shall be allowed. Use of the Statistically Valid Grouping under Section 313.3.4 of this Rule applied to a promotive eligible list shall not be subject to appeal.

Sec. 313.5 Certification of Entry Eligible List

The entry level Certification Rule to be utilized shall be established and announced on the examination announcement. For entry level eligible lists, the Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment under the Rule of Three Scores, Rule of Three or More Scores, Statistically Valid Grouping, or Rule of the List.

Sec. 313.6 Certification of Promotive Eligible List – Statistically Valid Grouping

For a promotive eligible list, the Department of Human Resources shall certify to the appointing officer the names of eligibles available for appointment in the Statistically Valid Grouping under Section 313.3.4 of this Rule.

Rule 313

Certification of Eligibles - Fire Department

Article III: Administration of Certifications

Applicability: Article III, Rule 313 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

Sec. 313.7 Response Period**313.7.1 Notice of Inquiry**

1) Eligibles are required to respond in writing to the Department of Human Resources within a minimum period from the date of such notice not to be less than three (3) business days as established 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, the 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.

313.7.2 Notice of Certification

1) Eligibles are required to respond to the appointing officer or designated representative within a minimum period after the date of such Notice not to be less than three (3) business days as established 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, the 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.

2) Eligibles are required to notify the Department of Human Resources as to their certification status within a minimum period not to be less than three (3) business days after the date of the Notice of Certification as established 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, the 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.

3) 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.

313.7.3 Extensions

Response period time limits may be extended by the Human Resources Director.

Sec. 313.8 Effect of Failure to Respond

313.8.1 An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.

313.8.2 Except if the Human Resources Director determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.

Sec. 313.9 Waivers

313.9.1 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) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.
- 3) For failure to notify the Department of Human Resources as to the eligible's status within seven (7) days following certification.
- 4) 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.

5) For reasons prescribed elsewhere in these Rules.

6) 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.

313.9.2 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.

313.9.3 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.

313.9.4 Effects of Waivers

- 1) A general or conditional waiver of certification by an eligible having standing on more than one 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 consideration for temporary or permanent appointment from two (2) Notices of Certification. Refusal of consideration from the third (3rd) Notice of Certification shall result in the removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.
- 4) Unless otherwise ordered by the Human Resources Director if one (1) Notice of Certification is issued for more than one (1) department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.

313.9.5 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. If the third (3rd) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 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 on 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 next in line for certification to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.
- 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. 313.10 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 the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.