



**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 RULE SERIES  
002 DEFINITIONS; 009 POSITION CLASSIFICATION; 014 APPOINTMENTS; 020  
LEAVES OF ABSENCES; 021 LAYOFFS; 013 CERTIFICATIONS OF ELIGIBLES TO  
MODERNIZE AND EXPEDITE HIRING.**

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](mailto:civilservice@sfgov.org) and the web address is [www.sfgov.org/civilservice/](http://www.sfgov.org/civilservice/). Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Each presentation shall conform to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED  
MAYOR

**Date:** July 1, 2024

**To:** Civil Service Commission

**From:** Sandra Eng, Executive Officer

**Subject:** Proposed Amendments to Civil Service Commission Rules: Series 002 Definitions, 9 Classification, 013 Certification of Eligibles, 041 Appointments, 020 Leaves of Absence, 021 Layoffs in Volumes I-IV

### 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 Regular Meetings of October 2, and 16, 2023, the Human Resources Director and the Director of Transportation proposed amendments to Rule Series 002 Definitions, 009 Position Classification, 13 Certification of Eligibles, 014 Appointments, 020 Leaves of Absence, and 021 Layoffs to modernize processes so the City's practices align with advances in technology and to reduce time-to-hire for classifications with high vacancy and turnover lists. At the Regular Meeting of October 16, 2023, the Civil Service Commission (Commission) approved the proposed amendments with recommendations from the Commission for posting.

### Summary

The proposed Rule amendments were emailed to stakeholders and posted on the Civil Service Commission (CSC) website on October 20, 2023, informing departments and unions that the Department of Human Resources (DHR) and the Municipal Transportation Agency (MTA) will schedule informational meetings with the City's labor partners.

DHR and the MTA sent the Notice of Proposed Rule Amendments for discussion to all recognized unions on October 30, 2023. The City met with the following unions: SEIU Local 1021, IFPTE Local 21, IBEW Local 6, UA Local 38, Machinists Union Local 1414, Carpenters Local 22, Stationary Engineers Local 39, TWU Local 200, Police Officer's Association, Deputy Sheriffs' Association, and the Deputy Probation Officers' Association and provided clarification on civil service seniority dates, department seniority dates, types of appointments where the seniority date may be affected, and the certification rule of Rule of the List for entry level classifications.

### 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 Rule Series 002 Definitions, 9 Classification, 013 Certification of Eligibles, 041 Appointments, 020 Leaves of Absence, 021 Layoffs in Volumes I-IV

**CSC RECEIPT STAMP**

## Notifications

Carol Isen  
Human Resources Director  
Department of Human Resources  
carol.isen@sfgov.org

Kate Howard  
Managing Deputy Director  
Department of Human Resources  
kate.howard@sfgov.org

Anna Biasbas  
Director of Employment Services  
Department of Human Resources  
anna.biasbas@sfgov.org

Shawn Sherburne  
Assistant Director, Employment  
Services  
Department of Human Resources  
shawn.sherburne@sfgov.org

John Kraus  
Exams Manager  
Department of Human Resources  
john.c.kraus@sfgov.org

Mawuli Tugbenyoh  
Director of Policy and External  
Affairs  
Department of Human Resources  
mawuli.tugbenyoh@sfgov.org

Jeanne Buick  
Appeals Coordinator  
Department of Human Resources  
jeanne.buick@sfgov.org

Giano Bito  
Department of Human Resources  
giano.bito@sfgov.org

Anne Marie Monroe  
Manager, HR Modernization  
Program  
Department of Human Resources  
annemariemonroe@sfgov.org

Nate Frank  
Manager, Digital HR  
Department of Human Resources  
nate.frank@sfgov.org

Dylan Johnke  
Lead Engineer, HR Modernization Program  
Department of Human Resources  
Dylan.johnke@sfgov.org

Urszula Kakar  
Manager, Assessment and People Analytics  
Department of Human Resources  
urszula.m.kakar@sfgov.org

Daniel Kaplan  
Hiring Process Reform Project Manager  
Department of Human Resources  
dan.kaplan@sfgov.org

Ardis Graham  
Director of Employee Relations  
Department of Human Resources  
ardis.graham@sfgov.org

Claire McCaleb  
Senior Employee Relations Representative  
Department of Human Resources  
claire.mccaleb@sfgov.org

Mike Cotter  
Director of Finance & Administration  
Department of Human Resources  
mike.cotter@sfgov.org

Kimberly Ackerman  
SF Municipal Transportation Agency  
kimberly.ackerman@sfmta.com

William (Bill) Miles  
SF Municipal Transportation Agency  
william.milesII@sfmta.com

Shana Dines  
SF Municipal Transportation Agency  
shana.dines@sfmta.com

David Garcia  
SF Municipal Transportation Agency  
david.garcia@sfmta.com



## **MEMORANDUM**

**DATE:** June 17, 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 002 Definitions; 009 Position Classification; 014 Appointments; 020 Leaves of Absences; 021 Layoffs; 013 Certification of Eligibles to Modernize and Expedite Hiring

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### **Summary of Meetings with Labor**

The Department of Human Resources (DHR) concluded discussions with Labor on the proposed amendments to Civil Service Commission (CSC or Commission) Rule Series: 002 Definitions, 009 Position Classification, 014 Appointments, 020 Leaves of Absences, 021 Layoffs, and 013 Certification of Eligibles to Modernize and Expedite Hiring Volumes I-IV posted by the Commission on October 20, 2023.

DHR noticed Labor of the proposed amendments on October 23, 2023, and DHR sent follow-up notices on October 30, 2023. Fourteen (14) Unions expressed interest in meeting. DHR and CSC hosted eight (8) informational meetings with Labor attended by Police Officers' Association, SEIU Local 1021, IFPTE Local 21, Deputy Sheriffs' Association, IBEW Local 6, UA Local 38, Machinists Union Local 1414, Carpenters Local 22, TWU Local 200, Stationary Engineers Local 39, and Deputy Probation Officers' Association. The San Francisco Municipal Transportation Agency (MTA) co-hosted five (5) of the meetings. During the meetings DHR, CSC, and MTA presented each of the proposed rule amendments and answered Labor's questions. Labor did not raise any adverse impacts on their members or submit any proposals. Therefore, DHR considers these discussions closed.

### **Conclusion**

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

### **Attachments**

- A) 2023.11.20 Post Meeting Memo Proposed CSC Rule Changes POA
- B) 2023.12.12 Post Meeting Memo Proposed CSC Rule Changes
- C) 2023.12.18 Post Meeting Memo Proposed CSC Rule Changes IAM Local 1414
- D) 2024.01.11 Post Meeting Memo Proposed CSC Rule Changes IAM Local 1414

- E) 2024.02.05 Post Meeting Memo Proposed CSC Rule Changes Local 21
- F) 2024.02.20 Post Meeting Memo Proposed CSC Rule Changes SEIU Local 1021
- G) 2024.02.23 Post Meeting Memo Proposed CSC Rule Changes TWU Local 200
- H) 2024.02.28 Post Meeting Memo Proposed CSC Rule Changes DPOA
- I) 2024.05.31 Post Meeting Memo Proposed CSC Rule Changes TWU Local 200





**Via Email**

DATE: November 20, 2023

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  
Shawn Sherburne, Assistant Director of Employment Services, DHR  
Dave Johnson, Assistant Director of Employment Services, DHR  
David Huebner, Director, HR Modernization Program, DHR  
Sandra Eng, Executive Director, CSC  
Ardis Graham, Employee Relations Director  
Jonathan T. Wright, Employee Relations Manager  
Caitlin Kirke, Employee Relations Representative

**RE: Post Meeting Memo Proposed Civil Service Rule Changes, Volume II  
Seniority and Rule of List**

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On Wednesday, November 8, 2023, the City and County of San Francisco (City) met with the San Francisco Police Officers' Association (POA or Union) via Zoom to discuss the proposed amendments to Civil Service Rules Volume II which were posted by the Civil Services Commission (CSC) on October 20, 2023.

The Department of Human Resources provided a presentation and explained the proposed rule amendments which are intended to modernize hiring and recruitment processes and reduce the time to hire. The proposed rule changes cover seniority and certification of eligibles for entry-level and continuous class-based civil service examinations.

The Union did not express any concerns with the proposed changes and did not identify impacts on working conditions, pay, or benefits. If we do not hear from you by close of business on Monday, November 27, 2023, we will consider this matter closed. Please feel free to contact the Employee Relations Division with any questions or concerns.

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



**Via Email**

DATE: December 12, 2023

TO: Oumar Fall, Field Director, SEIU Local 1021  
Audrey Garza, Business Representative, IFPTE Local 21  
Ken Lomba, President, Deputy Sheriff's Association  
Dan Koontz, Union Counsel, Deputy Sheriff's Association  
John Chiarenza, Business Agent, UA Local 38  
Osha Ashworth, Assistant Business Manager, IBEW Local 6  
Pedro Mendez, Field Representative, Carpenters Local 22  
Devon Anderson, Vice President, TWU Local 200

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Anna Biasbas, Director of Employment Services, DHR  
Shawn Sherburne, Assistant Director of Employment Services, DHR  
Dave Johnson, Assistant Director of Employment Services, DHR  
David Huebner, Director, HR Modernization Program, DHR  
Sandra Eng, Executive Director, CSC  
Shana Dines, Sr. Employee & Labor Relations Manager, MTA  
William Miles II, Talent Acquisition Manager, MTA  
Ardis Graham, Employee Relations Director  
Jonathan T. Wright, Employee Relations Manager  
Caitlin Kirke, Employee Relations Representative

RE: **Post Meeting Memo Proposed Civil Service Rule Changes,  
Seniority and Rule of List Volumes I & IV**

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On Monday, November 13, 2023, the City and County of San Francisco (City) and the Municipal Transit Agency (MTA) met with IFPTE Local 21 (Local 21), SEIU Local 1021 (SEIU), IBEW Local 6 (Local 6), Deputy Sheriff's Association (DSA), TWU Local 200 (Local 200), Plumbers, Local 38 (Local 38) and Carpenters, Local 22 (Local 22) via Zoom to discuss the Civil Services Commission (CSC) proposed amendments to Civil Service Rules Volumes I and IV which were posted by the Commission on October 20, 2023.

The Department of Human Resources (DHR) and MTA presented and explained the proposed rule amendments which are intended to modernize hiring and recruitment processes and reduce the time to hire. The proposed rule changes cover seniority and certification of eligibles for entry-level and continuous class-based civil service examinations.

The Unions raised several questions and concerns regarding the proposed rule changes. Below are the City's responses to the Union's questions. The specific rules are cited from Volume I, but the same rules are listed in Volume IV and the rule numbers are also referenced.

**Seniority**

**Question:** **Where is Departmental Seniority defined?**

**Answer:** Departmental Seniority is defined in Section 102.27.3 of Volume I of the Civil Service Rules (Sec. 402.26.4 of Volume IV).

**Sec. 102.27.3 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.*

**Question:** **What is the definition of Certification Date?**

**Answer:** Certification Date is defined in Section 113.3 of Volume I of the Civil Service Rules (Sec. 302.5 of Volume IV).

**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.*

**Question:** **Does Reinstatement result in a new Citywide Seniority Date?**

**Answer:** Employees who are reinstated to a previously held position do not have a break in city service. Reinstatement typically occurs when an employee takes a promotive opportunity and then requests Reinstatement in their previous class. In this instance, the employee would reinstate with the seniority date associated with their prior appointment.

This differs from Reappointment, which allows employees who have resigned with satisfactory City service to request to return to a previous appointment within four years. In this instance, the resignee would receive a new citywide seniority date upon appointment.

**Question:** **Is the Reappointment language referenced in the rules a change or existing language?**

**Answer:** The Reappointment language (Sec. 114.11 of Volume I) is existing and there are no proposed changes to the reappointment process.

**Question:** **Rule 414.29.2 [Volume IV] states the resignee may be appointed ahead of eligibles. Is it possible to be reappointed when there is no active eligible list?**

**Answer:** There does not need to be an active list for a resignee to request reappointment. Please note, there is one scenario in which reappointments are not appointed ahead of eligible which is when there is an active holdover list.

**Question:** **Are there any measures being taken to accommodate the different lengths it takes departments to complete the Post Referral Selection Process (PRSP), which would affect employee's citywide seniority date?**

**Answer:** The City anticipates the main source of differences in seniority dates for prospective employees to be their availability to start work with the City.

The Commission and DHR have been working on expediting the PRSP process. Recent rule changes advise departments to reduce the PRSP timeline from 60 calendar days to 20 business days, and to provide an explanation if the timeline cannot be met.

**Question:** Section. 121.4 references Seniority Roster. This term is then struck out. Is the term seniority roster still applicable if it's been stricken out?

**Answer:** There are no changes being sought to Seniority Rosters. The proposed Rule amendments address outdated process language that instructs individual departments to produce Seniority Rosters when implementing layoffs. To ensure consistency and accuracy, Seniority Rosters are produced by the DHR. Accordingly, this section of the Rule amendments simply brings the Rules into alignment with the City's process.

#### **Rule of List**

**Question:** What does an entry level classification mean? Will this apply to all initial classifications in a series?

**Answer:** An entry-level classification is defined as either: The first job classification in a series or a stand-alone job classification. Rule of List will apply to all initial classifications in a job series. Please see attached a list of all Entry level classifications citywide.

**Question:** Can you explain Rule of Three?

**Answer:** Rule of Three Scores is defined in Section 113.2.1 of Volume I of the Civil Service Rules (Sec. 313.3.1 of Volume IV).

#### **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.*

To fill more than one vacancy, the Referral Unit considers the number of vacancies plus two (2) ranks, so if there are two (2) vacancies, the hiring manager would receive the top four (4) ranks.

**Question:** Please define Promotive.

**Answer:** Promotive eligible lists are used for positions that may only be filled by a promotion from a classification in the City. These lists are not used for entry-level recruitments. These lists are not commonly used. There are also combined promotive and entry eligible lists for recruitments which can be filled by promotive candidates from within the City and external candidates. Promotive refers to classifications where permanent City employees are given additional points for service time.

**Question:** For all journey level positions that are considered entry into the City, would they default to Rule of List unless we object?

**Answer:** Yes, all entry level classifications will default to Rule of List unless otherwise directed by the Human Resources Director. The rule change does not include the option for the representative union to object.

**Question:** With continuous class-based testing (CCT) and Rule of List, how is it beneficial to allow candidates that take the test later to potentially get hired before candidates who have been on the list longer? How is that more advantageous than having a list with an expiration date?

**Answer:** Being on an eligible list does not guarantee hire. Rather, the eligible list provides a list of qualified candidates to hiring managers for consideration to fill vacant positions. The purpose of CCT is to always have a list of available candidates. Instead of waiting for the list to be exhausted to conduct a new recruitment, the job posting is always open and candidates are added as they pass the examination. Under CCT, the eligible expires after a year, not the list. The benefit to applicants is that they can apply at any time and the benefit to hiring managers is that there is always a current pool of candidates available.

**Question:** How will the City handle challenges based on favoritism, nepotism with the rule of the list?

**Answer:** DHR provides departments with guidance on conducting the post referral selection process (PRSP). Further, departments are required to document the PRSP process, including the criteria used for narrowing the list and making a selection. If there are concerns regarding a selection process, individuals may file a complaint with the Civil Service Commission.

If you wish to schedule a subsequent meeting to further discuss the proposed rule changes please reach out to Caitlin Kirke at [caitlin.kirke@sfgov.org](mailto:caitlin.kirke@sfgov.org). If we do not hear from you by close of business on Friday, December 22, 2023, we will consider this matter closed. Please feel free to contact the Employee Relations Division with any questions or concerns.

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

Attachments: DHR Presentation CSC Proposed Rules Change Seniority  
DHR Presentation CSC Proposed Rules Change Rule of List  
Citywide list of Entry Level Classifications



**Via Email**

DATE: December 18, 2023

TO: Donte Vickers, Business Representative, IAM Local 1414

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Anna Biasbas, Director of Employment Services, DHR  
Shawn Sherburne, Assistant Director of Employment Services, DHR  
Dave Johnson, Assistant Director of Employment Services, DHR  
David Huebner, Director, HR Modernization Program, DHR  
Dan Kaplan, Manager, Strategy, Project Management & Analysis, DHR  
Shana Dines, Sr. Employee & Labor Relations Manager, MTA  
William Miles II, Talent Acquisition Senior Manager, MTA  
Sandra Eng, Executive Director, CSC  
Lavena Holmes, Deputy Director, CSC  
Ardis Graham, Employee Relations Director  
Jonathan T. Wright, Employee Relations Manager  
Caitlin Kirke, Employee Relations Representative

**RE: Post Meeting Memo Proposed Civil Service Rule Changes, Volume I & IV  
Seniority**

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On Monday, December 12, 2023, the City and County of San Francisco (City) and the Municipal Transit Agency (MTA) met with Automotive Machinists, Local 1414 (Local 1414 or Union) via Zoom to discuss the proposed amendments to Civil Service Rules Volume I and IV which were posted by the Civil Services Commission (CSC) on October 20, 2023.

The Department of Human Resources (DHR) and MTA presented and explained the proposed rule amendments to seniority. The Union raised several questions regarding the proposed changes and the current process for Citywide Seniority which the City and MTA addressed. The Union did not express any concerns with the proposed changes, nor did it pass any proposals.

The parties agreed to schedule a separate meeting to discuss the proposed rule changes to certification of eligibles for entry-level and continuous class-based civil service examinations. Please let the Employee Relations Division know if the Union is available to meet on Wednesday, January 10, 2024 at 2:00 PM.

If the Union has any further questions, concerns, or proposals regarding the proposed changes to seniority, please feel free to contact the Employee Relations Division.

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



**Via Email**

DATE: January 11, 2024

TO: Donte Vickers, Business Representative, IAM Local 1414  
Pedro Mendez, Area Director, IAM Local 1414

FROM: Claire McCaleb, Senior Employee Relations Representative, DHR

CC: Anna Biasbas, Director of Employment Services, DHR  
Shawn Sherburne, Assistant Director of Employment Services, DHR  
Dave Johnson, Assistant Director of Employment Services, DHR  
David Huebner, Director, HR Modernization Program, DHR  
Dan Kaplan, Manager, Strategy, Project Management & Analysis, DHR  
Shana Dines, Sr. Employee & Labor Relations Manager, MTA  
William Miles II, Talent Acquisition Senior Manager, MTA  
Sandra Eng, Executive Director, CSC  
Lavena Holmes, Deputy Director, CSC  
Ardis Graham, Employee Relations Director, DHR  
Jonathan T. Wright, Employee Relations Manager, DHR  
Caitlin Kirke, Employee Relations Representative, DHR

**RE: Post Meeting Memo Proposed Civil Service Rule Changes, Volume I & IV  
Rule of List**

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On Wednesday, January 10, 2024, the City and County of San Francisco (City) and the Municipal Transit Agency (MTA) met with Automotive Machinists, Local 1414 (Local 1414 or Union) via Zoom to discuss the proposed amendments to Civil Service Rules Volumes I and IV which were posted by the Civil Services Commission (CSC) on October 20, 2023.

The Department of Human Resources (DHR) and MTA presented and explained the proposed rule amendments to the certification eligibles for entry-level and continuous class-based examinations. The Union raised concerns regarding rule of the list in terms of the quality of candidates. The City clarified that all candidates on the eligible list must meet the minimum qualifications for the position. The Union also raised concerns regarding fairness in hiring and potential for favoritism or nepotism with rule of the list. The City explained that DHR provides departments with guidance on conducting the post referral selection process (PRSP). Further, departments are required to document the PRSP process, including the job-related criteria used for narrowing the list and making a selection. If there are concerns regarding a selection process, individuals may request an inspection service with the Civil Service Commission.

The parties also discussed the benefits of rule of the list. During the presentation, the City explained that the change will allow for system efficiencies that will decrease the time to hire. The City also explained that for continuous class-based recruitments, which use rule of the list, the job posting is always open and applicants can apply for positions at any time. This will ensure a fresh pool of candidates is always available.

Rule of List Post Meeting Memo

January 11, 2024

Page **2** of **2**

The Union confirmed that it will provide all further questions, concerns, or proposals regarding the proposed changes to rule of the list and seniority to the Employee Relations Division. If we do not hear from you by close of business Friday, January 19th, we will consider this matter closed. Thank you for your continued partnership as we work to improve the hiring process.





**Via Email**

DATE: February 5, 2024

TO: Audrey Garza, Field Representative, IFPTE Local 21  
Mark Weirick, Regional Director, IFPTE Local 21

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Anna Biasbas, Director of Employment Services, DHR  
Shawn Sherburne, Assistant Director of Employment Services, DHR  
Dave Johnson, Assistant Director of Employment Services, DHR  
David Huebner, Director, HR Modernization Program, DHR  
Dan Kaplan, Manager, Strategy, Project Management & Analysis, DHR  
Sandra Eng, Executive Director, CSC  
Lavena Holmes, Deputy Director, CSC  
Ardis Graham, Employee Relations Director  
Jonathan T. Wright, Employee Relations Manager  
Caitlin Kirke, Employee Relations Representative

**RE: Post Meeting Memo Proposed Civil Service Rule Changes, Volume I & IV  
Seniority & Rule of List**

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On Thursday, January 26, 2024, the City and County of San Francisco (City) met with IFPTE, Local 21 (Local 21 or Union) via MS Teams to discuss the proposed amendments to Civil Service Rules Volume I and IV which were posted by the Civil Services Commission (CSC) on October 20, 2023.

The Department of Human Resources (DHR) presented and explained the proposed rule amendments to seniority and rule of list. The Union raised several questions regarding continuous class-based testing and implementing rule of list for all entry level positions which the City addressed. The Union stated that it did not have concerns with the proposed changes to citywide seniority, nor did it pass any proposals.

At the request of Local 21, DHR presented data on the implementation of continuous class-based testing for classifications 1241 Human Resources Analyst and 1244 Senior Human Resources Analyst, as agreed to in March 2023. The Department of Public Health will provide implementation data for classifications 2548 Occupational Therapist and 2556 Physical Therapist. The data presented is attached.

The Union provided the following questions in advance of the meeting, please see the responses below;

**Question 1:** How often will the exams be updated or reviewed to ensure the test is relevant?

**City's Response:** The industry standard for reviewing and updating a test is five (5) years. When reviewing an exam, DHR conducts a job analysis which is the foundation of how the City develops the test and identifies the competencies needed for a job class or series. While five (5) years is the standard, the City works with

Attachment: 2024.01.26 1241 and 1244 CCT Update  
Certification Rule Summary  
Seniority Rule Summary



**Via Email**

DATE: February 20, 2024

TO: Oumar Fall, SF Field Director, SEIU Local 1021  
Dennis Wong, Field Representative, SEIU Local 1021

FROM: Claire McCaleb, Senior Employee Relations Representative

CC: Anna Biasbas, Director of Employment Services, DHR  
Shawn Sherburne, Assistant Director of Employment Services, DHR  
Dave Johnson, Assistant Director of Employment Services, DHR  
David Huebner, Director, HR Modernization Program, DHR  
Dan Kaplan, Manager, Strategy, Project Management & Analysis, DHR  
Shana Dines, Sr. Employee & Labor Relations Manager, MTA  
William Miles II, Talent Acquisition Senior Manager, MTA  
Sandra Eng, Executive Director, CSC  
Lavena Holmes, Deputy Director, CSC  
Ardis Graham, Employee Relations Director  
Jonathan T. Wright, Employee Relations Manager  
Caitlin Kirke, Employee Relations Representative

**RE: Post Meeting Memo Proposed Civil Service Rule Changes, Volume I & IV  
Rule of List**

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On Monday, February 12, 2024, the City and County of San Francisco (City) and the Municipal Transit Agency (MTA) met with SEIU, Local 1021 (Local 1021 or Union) via MS Teams to discuss the proposed amendments to Civil Service Rules Volumes I and IV posted by the Civil Services Commission (CSC) on October 20, 2023.

The Department of Human Resources (DHR) and MTA presented and explained the proposed rule amendments to the certification of eligibles for entry-level and continuous class-based examinations. The City explained that for continuous class-based recruitments, which use rule of the list, the job posting is always open and applicants can apply for positions at any time. This will ensure a fresh pool of candidates is always available. The Union expressed the importance of filling vacancies. The Union did not identify adverse impacts nor did it submit any proposals regarding these changes.

The Union also raised questions regarding the proposed change to citywide seniority. The proposed change would change the calculation of citywide seniority from certification date to appointment date. The City explained that the change is only prospective and the change would not affect the seniority of existing employees. The Union stated that it agreed to the change.

Since the Union agreed with the proposed change to seniority and did not identify any impacts or submit any proposals regarding the changes to the certification rule, the City considers this matter closed.

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



**Via Email**

DATE: February 23, 2024

TO: Devon Anderson, TWU Local 200

FROM: Claire McCaleb, Senior Employee Relations Representative, DHR  
Shana Dines, Senior Employee & Labor Relations Manager, MTA

CC: Anna Biasbas, Director of Employment Services, DHR  
Shawn Sherburne, Assistant Director of Employment Services, DHR  
Dave Johnson, Assistant Director of Employment Services, DHR  
David Huebner, Director, HR Modernization Program, DHR  
Dan Kaplan, Manager, Strategy, Project Management & Analysis, DHR  
William Miles II, Talent Acquisition Senior Manager, MTA  
Sandra Eng, Executive Director, CSC  
Lavena Holmes, Deputy Director, CSC  
Ardis Graham, Employee Relations Director, DHR  
Jonathan T. Wright, Employee Relations Manager, DHR  
Caitlin Kirke, Employee Relations Representative, DHR

**RE: Post Meeting Memo Proposed Civil Service Rule Changes, Volume I & IV  
Rule of List & Seniority**

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On Monday, February 12, 2024, the City and County of San Francisco (City) and the San Francisco Municipal Transit Agency (MTA) met with Transit Workers Union, Local 200 (Local 200 or Union) via MS Teams to discuss the proposed amendments to Civil Service Rules Volumes I and IV posted by the Civil Services Commission (CSC) on October 20, 2023.

The Department of Human Resources (DHR) and MTA explained the proposed rule amendments to the certification of eligibles for entry-level and continuous class-based examinations. The City explained that for continuous class-based recruitments, which use the certification rule of Rule of the List, the job posting is always open and applicants can apply for positions at any time. This will ensure a fresh pool of candidates is always available and candidates can apply when they are looking for a position. The Union raised concerns regarding the applicability of Rule of List to the Union's classifications, which generally are not hard to recruit for. The City and MTA confirmed that, at this time, neither the City nor MTA plan to move any TWU Local 200 represented classifications to continuous class-based testing.

The City clarified that Rule of the List would only apply to entry-level positions. The entry-level positions represented by Local 200 are listed below.

<b><u>TWU Local 200 Entry Level Positions</u></b>
1773 Media Training Specialist

9135 Passenger Service Specialist
9136 Transit Training Specialist
9144 Investigator, Taxi and Accessible Services
9152 Transportation Controller Trainee
9155 Claims Investigator
9520 Transportation Safety Specialist

MTA and the Union are currently in discussions to combine 9152 Transportation Controller Trainee and 9153 Transportation Controller into one classification. The City and MTA clarified that any entry-level classification would be Rule of the List, and should 9152 be abolished, 9153 would move to Rule of the List.

The Union also raised concerns regarding fairness in hiring and potential for favoritism or nepotism with Rule of the List. The City explained that if there are concerns regarding a selection process, individuals may request an inspection service with the Civil Service Commission.

The Union also asked questions regarding the proposed change to citywide seniority. The proposed rule change would change the calculation of citywide seniority from certification date to appointment date. The City explained that the change is only prospective and the change would not affect the seniority of existing employees. Paragraph 106 of the Memorandum of Understanding (MOU) between TWU Local 200 and the City and paragraph 135 of the MOU between TWU Local 200 and MTA references the current calculation for citywide seniority. The parties will be able to resolve any inconsistent references to seniority in the MOUs through the current ongoing contract negotiations.

In response to the Union's questions, the City provided clarification of the process for any rule proposals and adoptions, notification process, and the ability for the Union to make public comment at the Civil Service Commission meetings.

The City and MTA have answered all the Union's questions. The Union has not identified any impacts or submitted any proposals to mitigate impacts regarding Rule of the List. The Union also has not responded or submitted any proposals regarding the change to citywide seniority. If we do not hear from you by close of business Wednesday, March 6, 2024, we will consider this matter closed.

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



**Via Email**

DATE: February 28, 2024

TO: Nixon Lazaro, President, Deputy Probation Officers' Association  
Matthew Taylor, Union Counsel, Messing Adam & Jasmine

FROM: Claire McCaleb, Senior Employee Relations Representative, DHR

CC: Anna Biasbas, Director of Employment Services, DHR  
Shawn Sherburne, Assistant Director of Employment Services, DHR  
Dave Johnson, Assistant Director of Employment Services, DHR  
David Huebner, Director, HR Modernization Program, DHR  
Dan Kaplan, Manager, Strategy, Project Management & Analysis, DHR  
Sandra Eng, Executive Director, CSC  
Lavena Holmes, Deputy Director, CSC  
Ardis Graham, Employee Relations Director, DHR  
Jonathan T. Wright, Employee Relations Manager, DHR  
Caitlin Kirke, Employee Relations Representative, DHR

**RE: Post Meeting Memo Proposed Civil Service Rule Changes, Volume I & IV  
Seniority & Rule of List**

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On Monday, February 26, 2024, the City and County of San Francisco (City) met with the Deputy Probation Officers' Association (DPOA or Union) via MS Teams to discuss the proposed amendments to Civil Service Rules Volumes I and IV posted by the Civil Services Commission (CSC) on October 20, 2023.

The Department of Human Resources (DHR) provided a presentation on the proposed rule change to seniority, which would change the calculation of citywide seniority from certification date to appointment date. The City explained that the change is only prospective and the change would not affect the seniority of existing employees.

DHR also provided a presentation on the proposed rule amendments to the certification of eligibles for entry-level and continuous class-based examinations. The City explained that for continuous class-based recruitments, which use the certification rule of Rule of the List, the job posting is always open and applicants can apply for positions at any time. This will ensure a fresh pool of candidates is always available and candidates can apply when they are looking for a position. Classifications 8444/8530 Deputy Probation Officers are deemed entry-level for examination purposes, and per the rule changes, would be Rule of the List upon adoption of the rule changes. The City clarified that this change would not be retroactive, any existing eligible lists would remain in place until they expire.

If the Union has any further questions regarding the proposed changes to seniority or Rule of List, please contact the Employee Relations Division. If we do not hear from you by close of business Wednesday, March 6, 2024, we will consider this matter closed.

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



**Via Email**

DATE: May 31, 2024

TO: Devon Anderson, TWU Local 200

FROM: Claire McCaleb, Senior Employee Relations Representative, DHR  
Shana Dines, Senior Employee & Labor Relations Manager, MTA

CC: Anna Biasbas, Director of Employment Services, DHR  
Shawn Sherburne, Assistant Director of Employment Services, DHR  
Dave Johnson, Assistant Director of Employment Services, DHR  
David Huebner, Director, HR Modernization Program, DHR  
Dan Kaplan, Manager, Strategy, Project Management & Analysis, DHR  
William Miles II, Talent Acquisition Senior Manager, MTA  
Sandra Eng, Executive Director, CSC  
Lavena Holmes, Deputy Director, CSC  
Ardis Graham, Employee Relations Director  
Jonathan T. Wright, Employee Relations Manager  
Caitlin Kirke, Employee Relations Representative

**RE: Post Meeting Memo Proposed Civil Service Rule Changes, Volume I & IV  
Rule of List**

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On March 2, 2024, TWU Local 200 (Local 200 or Union) provided a response with questions to the February 12, 2024, post meeting memo on proposed Civil Service Rule changes to Civil Service Rules Volumes I and IV on seniority and certification of eligibles for entry-level and continuous class-based examinations. Below are responses to the Union's additional questions and statements.

**Rule Changes to Certification of Eligibles for Entry-Level and Continuous Class-Based Examinations**

The Union identified feeder classifications for classifications 9155 Claims Investigator and 9152 Transportation Controller Trainee, advocating that these classifications are not entry-level to the series. The Department of Human Resources (DHR) and San Francisco Municipal Transportation Agency (SFMTA) reviewed the classifications and agree that the 9152 Transportation Controller Trainee and the 9155 Claims Investigator should not be included as entry-level and removed the classifications from the list.

The Union stated that it understands that none of the classifications represented by Local 200 will be continuous class-based testing. With this statement and no effects identified by the Union on the proposed rule changes, the City considers this matter to be closed.

**Rule Changes to Seniority**

The Union also stated that it understands that the proposed rule changes to seniority do not affect the definition of seniority described in its Memoranda of Understanding with the City and County of San Francisco

and SFMTA. The Union submitted questions regarding the incorporation of Uniformed Services Employment and Reemployment Rights Act (USERRA) with Civil Service Rules 420.25.10 Military Leave – Participants in Written Examinations and 420.25.11 Military Leave – Employees or Officers Not Subject to Civil Service Examination. The Union asked for clarification regarding the phrases “not including reserve service in the time of war” and “the time of war”. The Union also asked “why is this period of time [time of war] is the only opportunity for a returning service member to continue with the examination process when USERRA defines which types of duties would qualify under this rule?” The City is working on gathering responses to your questions.

In the Union’s response, it stated:

“Lastly, Local 200 has concerns over the effects of the change in language for 420.25.10 and 420.25.11. The proposed language changes to these rules does not go far enough to ensure that the rights granted under USERRA are incorporated in these rules. We have members who are service members and 1 is currently deployed. These rules have an effect on wages and conditions/benefits of employment.”

The Union further describes inconsistencies regarding the documentation service members need to present and USERRA (CSC Rule 420.25.11) and returning service members eligibility to take a civil service examination (CSC Rule 420.25.11). The impacts identified by the Union are not impacts due to the proposed Civil Service Rule changes but are issues with the existing rules. These concerns should be raised with the Civil Service Commission separately for consideration with future rule changes.

Since Local 200 did not identify effects or impacts regarding the proposed rule changes to seniority, the City considers this matter closed.



## Rule Revisions Amended

Deletions in ~~strikethrough~~ – Additions in underline

### 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</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>
<u>Sec. 102.18</u>	<u>De-Identification</u>
<u>Sec. 102.19</u>	<u>Executive Session</u>
<u>Sec. 102.20</u>	<u>Human Resources Director</u>
<u>Sec. 102.21</u>	<u>Layoff</u>
<u>Sec. 102.22</u>	<u>Near List</u>
<u>Sec. 102.23</u>	<u>Part-Time Employment</u>
<u>Sec. 102.24</u>	<u>Position</u>
<u>Sec. 102.25</u>	<u>Post</u>
<u>Sec. 102.26</u>	<u>School Districts</u>
<u>Sec. 102.27</u>	<u>Seniority</u>
<u>Sec. 102.28</u>	<u>Service</u>
<u>Sec. 102.29</u>	<u>Start Work Date</u>
<u>Sec. 102.30</u>	<u>Time Periods</u>
<u>Sec. 102.31</u>	<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.

**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. 102.19**    **Executive Session**

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

**Sec. 102.20**    **Human Resources Director**

Director of the Department of Human Resources.

**Sec. 102.21**    **Layoff**

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

**Sec. 102.22**    **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. 102.23**    **Part-Time Employment**

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

**Sec. 102.24**    **Position**

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

**102.24.1 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 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.

**Sec. 102.24** **Position (cont.)****102.24.2 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.

**102.24.3 Part-Time**

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

**102.24.4 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.

**102.24.5 School-Term Only**

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

**102.24.6 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. 102.25** **Post**

To **publish** on the **employment opportunity website**.

**Sec. 102.26** **School Districts**

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

**Sec. 102.27**    **Seniority****102.27.1**    **Civil Service - Permanent**

Permanent seniority shall be determined by the appointment date of the employee following certification from an eligible list to certification which resulted in a permanent ~~appointment to~~ 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 ~~certification—appointment~~ date following reappointment certification to a position in a class following separation.

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

Seniority shall be determined by the appointment date of the employee following certification from an eligible list to certification which resulted in a temporary appointment 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.

**102.27.3**    **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.

**102.27.4**    **Citywide**102.27.4 (a) Citywide Seniority Prior to [date]

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

102.27.4 (b) Citywide Seniority Effective [date]

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

102.27.4 (c) Ties in Seniority

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

**Sec. 102.28**    **Service**

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

**Sec. 102.29**    **Start Work Date**

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

**Sec. 102.30**    **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. 102.31**    **Validation Date**

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



## **Rule 109**

### **Position Classification and Related Rules**

Applicability: The provisions of Rule 109 apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical Classes.

#### **Article I: Authority**

**Sec. 109.1**     **Authority**

**Sec. 109.2**     **Notice and Appeals**

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

**Sec. 109.3**     **Definitions**

#### **Article III: Classification**

<b><u>Sec. 109.4</u></b>	<b><u>Classification of Positions</u></b>
<b><u>Sec. 109.5</u></b>	<b><u>Class Series</u></b>
<b><u>Sec. 109.6</u></b>	<b><u>Class Specification</u></b>
<b><u>Sec. 109.7</u></b>	<b><u>Official Copy</u></b>
<b><u>Sec. 109.8</u></b>	<b><u>Administration of the Classification Plan</u></b>

## **Article IV: Status**

<b><u>Sec. 109.9</u></b>	<b><u>General Principles</u></b>
<b><u>Sec. 109.10</u></b>	<b><u>Effects of Classification Changes on the Status of Incumbents</u></b>
<b><u>Sec. 109.11</u></b>	<b><u>Limitations Under this Rule</u></b>
<b><u>Sec. 109.12</u></b>	<b><u>Situations Not Specifically Addressed</u></b>
<b><u>Sec. 109.13</u></b>	<b><u>Probationary Period</u></b>
<b><u>Sec. 109.14</u></b>	<b><u>Release From a Probationary Period</u></b>
<b><u>Sec. 109.15</u></b>	<b><u>Civil Service Seniority</u></b>

## **Article V: Temporary Out-of-Class Assignments**

<b><u>Sec. 109.16</u></b>	<b><u>Temporary Out-of-Class Assignments - Policy and Definitions</u></b>
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## **Rule 109**

### **Position Classification and Related Rules**

#### **Article I: Authority**

Applicability: The provisions of Rule 109 apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical Classes.

##### **Sec. 109.1**     **Authority**

- 109.1.1** 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.
- 109.1.2** 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.
- 109.1.3** The Human Resources Director, when notified of a significant change in duties, shall analyze positions. If it is determined by the Human Resources Director, through a job analysis, that the level and/or function of the assigned responsibilities have changed significantly and are no longer consistent with the existing class, the position will be reclassified.
- 109.1.4** When appropriate to the Classification Plan, the Human Resources Director has the authority to change the title and/or number of a class without affecting the classification of the position or the status of incumbents.
- 109.1.5** The Human Resources Director has the authority to amend class specifications as necessary to reflect the major duties of positions within the class and the job-related knowledge, skills and abilities necessary to perform the functions of the class.
- 109.1.6** 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.
- 109.1.7** 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 109.2**      **Notice and Appeals**

- 109.2.1** Any employee, employee representative or appointing officer affected by a classification action or status grant under this Rule may appeal the action to the Civil Service Commission. The appeal shall be in writing, stating the basis on which the appeal is based and shall be in accordance with the procedures established by the Executive Officer of the Civil Service Commission.
- 109.2.2** Proposed changes in classification and/or status of permanent civil service incumbents with existing status rights shall be posted for seven (7) calendar days. A day the Department of Human Resources is closed shall not be counted as the seventh (7<sup>th</sup>) calendar day. Proposed changes will become effective on the eighth (8<sup>th</sup>) calendar day following the posting date, with the following exception:
- 109.2.3** Protests shall be submitted to the Human Resources Director prior to the end of the posting period.
- 109.2.4** The decision of the Human Resources Director is appealable to the Civil Service Commission. The decision of the Civil Service Commission shall be final and not subject to reconsideration.

# **Rule 109**

## **Position Classification and Related Rules**

### **Article II: Definitions**

**Applicability:** The provisions of Rule 109 apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical Classes.

#### **Sec. 109.3      Definitions**

##### **109.3.1      Job Code**

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

##### **109.3.2      Position**

The duties and responsibilities assigned by an appointing officer to be performed by an employee.

##### **109.3.3      Classification System**

A method of organizing positions into classes and groups of classes based on an analysis of types and levels of work performed.

##### **109.3.4      Classification Plan**

The overall system or plan that encompasses all classes.

##### **109.3.5      Class**

A group of positions having common functions and levels of responsibility requiring related knowledge, abilities and skills.

##### **109.3.6      Class Series**

Directly related classes within a job group which vary in level and scope of responsibility.

##### **109.3.7      Position Description**

A position description generally describes the functions of a position but may not be all-inclusive or specific to a particular position.

**Sec. 109.3**     **Definitions (cont.)****109.3.8**     **Class Specification**

A written delineation of the levels of duties and essential functions of a class.

**109.3.9**     **Allocation**

Designating new positions to an appropriate class.

**109.3.10**    **Reallocation/Reclassification**

Designating existing positions to a different class.

**109.3.11**    **Consolidation**

The combining of the duties of two or more classes into one class.

**109.3.12**    **Division**

The separation of a class into two or more classes.

**109.3.13**    **Amendment**

The formal revision of the class specifications for an existing class.

**109.3.14**    **Retitling**

Changing the name (title) of an existing class.

**109.3.15**    **Renumbering**

Changing the designated number of an existing class.

**109.3.16**    **Abolishment**

The elimination of a class from the Classification Plan.

**Sec. 109.3**    **Definitions (cont.)****109.3.17**    **Status**

Status in the City and County service is the right an employee has to perform certain duties in a specific class. Status is granted to a class, and not to a specific position in a class.

**109.3.18**    **Temporary Out-of-Class Assignment**

The assignment of an employee who has permanent civil service status in a class to perform the normal day-to-day responsibilities and duties of another class on a temporary basis without a change in class.

**109.3.19**    **Protest**

A request to the Human Resources Director for the reconsideration of a classification decision.

**109.3.20**    **Appeal**

A request to the Civil Service Commission to reconsider the decision of the Human Resources Director.

# **Rule 109**

## **Position Classification and Related Rules**

### **Article III: Classification**

**Applicability:** The provisions of Rule 109 apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical Classes.

#### **Sec. 109.4**      **Classification of Positions**

Each position in the classified service shall be classified by the Human Resources Director and allocated to the appropriate class in accordance with the level, scope, and occupational concept of the assigned duties.

#### **Sec. 109.5**      **Class Series**

All classes directly related within a job family involving the same kind of work, but differing as to scope of responsibility, shall be assembled into the same series.

#### **Sec. 109.6**      **Class Specification**

**109.6.1**      The class specification shall be the official description of the class.

**109.6.2**      The class specification shall be descriptive of the class but shall not be considered as a restriction on the assignment of duties not specifically listed. The class specifications are intended to indicate the kind of positions that should be allocated to a class but shall not be construed as describing the exact duties and responsibilities of each individual position allocated to the class. In addition to defining the duties and characteristics of the class, the specifications shall give examples of the more significant and typical duties assigned to the positions in the class, the minimum requirements for applicants for the positions in the class, and any other special requirements. The appointing officer has the authority to assign an employee to perform work if it is consistent with the type of duties and level of responsibility of the employee's class, although not specifically described in the class specification.



**Sec. 109.7**      **Official Copy**

The Human Resources Director shall maintain an accurate and complete copy of the Classification Plan to be designated as the "Official Copy." All changes in allocation or reallocation of positions to classes or amendment of classifications shall be recorded in the "Official Copy" of the Classification Plan. The "Official Copy" of the Classification Plan shall be open for public inspection.

**Sec. 109.8**      **Administration of the Classification Plan**

- 109.8.1**      The Human Resources Director shall analyze positions and/or classifications whenever the Human Resources Director deems it necessary.
- 109.8.2**      Upon request of the Human Resources Director, the appointing officer shall furnish detailed information relative to the duties and responsibilities or work assignments of positions under the appointing officer's jurisdiction. The appointing authority shall notify the Department of Human Resources promptly of significant changes in duties, responsibilities, or work assignments of positions.

## **Rule 109**

### **Position Classification and Related Rules**

#### **Article IV:**

#### **Status**

Applicability: The provisions of Rule 109 apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical Classes.

##### **Sec. 109.9**      **General Principles**

Status in the City and County service is the right of an employee to perform certain duties in a specific class. This right stems from the examination in which the employee qualified and/or the appointment received, and the duties performed as indicated on official records. The class specification or duties statement in existence at the time for the examination and/or appointment is a basic reference document in determining status in a class. An employee has status in a class, but not to a particular position within such class. The appointing officer has very broad discretion in reassigning an employee from one position to another position in the same class.

In cases where status is involved, the Human Resources Director shall be responsible for the determination of “status” of an employee and/or an eligible, subject to appeal to the Civil Service Commission.

##### **Sec. 109.10**      **Effects of Classification Changes on the Status of Incumbents**

###### **109.10.1**      **Class Consolidation**

When the duties of two or more classes are combined into one new, existing or amended class, and if any of the classes involved are abolished, an employee who has permanent civil service status within the abolished class is granted status to the new, existing or amended class, subject to the limitations of this Rule.

###### **109.10.2**      **Division of One Class into Two or More Classes**

When a class is divided into two or more classes, an employee who has permanent civil service status within the class which is divided is granted status to the new class or classes which reflect(s) the primary responsibility of the employee. The determination of which class or classes reflect(s) an employee’s primary responsibilities is made by the Human Resources Director.

**Sec. 109.10 Effects of Classification Changes on the Status of Incumbents (cont.)****109.10.3 Upward Reclassification**

When a position occupied by an employee with permanent civil service status is upwardly reclassified, the employee is given status in the new, existing, or amended class subject to the limitations provided in this Rule.

**109.10.4 Lateral Reclassification**

When a position occupied by an employee with permanent civil service status is laterally reclassified, the employee is given status in the new, existing, or amended class.

**109.10.5 Downward Reclassification**

1) Subject to the limitations under Sec. 109.11 of this Rule, when a position occupied by an employee with permanent civil service status is downwardly reclassified, the employee may:

- a) accept the downward reclassification; or
- b) reassign to a vacancy within the same class and department; or
- c) request transfer to a vacant position to a class in another department; or
- d) reinstate to a vacant position previously held by the employee as provided under the Reinstatement Rule; or
- e) accept the downwardly reclassified position with reinstatement rights to the next available citywide vacancy in the class held by the employee at the time of the downward reclassification; or
- f) exercise civil service layoff rights.

2) If under a downward reclassification of a position, the employee elects to accept the downward reclassification with reinstatement rights, the employee must accept the first available position. If no position becomes available within one (1) year from the effective date of the action, all status to the previous classification is forfeited, unless an extension is granted by the Human Resources Director.

**Sec. 109.10 Effects of Classification Changes on the Status of Incumbents (cont.)****109.10.6 Renumbered or Retitled Classes**

When classes are renumbered or retitled, or when the class description has been changed to more accurately describe the duties being performed, all employees with permanent status in the former class shall have continued permanent status in the renumbered or retitled class. Eligibles on a list in the former class shall continue as eligibles on the renumbered or retitled class.

**109.10.7 Implementation of Status**

- 1) All permanent employees in positions in the former class who have been reallocated to a new class are granted status in positions in the new class as of the effective date as determined by the Human Resources Director.
- 2) The remaining employees in the same former class and in the same department are granted rights to assignment to positions in the new classes as vacancies occur according to seniority standing in the department.
- 3) Permanent employees occupying positions in the same former class in other departments are granted the right to transfer to positions in the new class or classes as vacancies occur. Such requests for transfer shall be governed by the provisions of the Rules governing appointment by transfer.
- 4) When status has been granted, all permanent employees in positions in the former class that have been reclassified to another class, are granted status in positions.
- 5) An employee who is granted status must exercise those rights to the second class as soon as a position becomes available, within one (1) year from the effective date of the amendment to the Annual Salary Ordinance unless an extension is granted by the Human Resources Director. If status is not exercised within the time limit or if the employee refuses an offer of a status appointment, then, status is forfeited.
- 6) An employee who does not exercise status as provided above may continue in the original position until such time as the reclassified position is filled and the original incumbent is replaced by another employee who has status in the class or by an eligible from a civil service list.

**Sec. 109.10    Effects of Classification Changes on the Status of Incumbents (cont.)****109.10.7    (cont.)**

7) When all permanent incumbents in the class and department have exercised or forfeited status, eligibles on lists for the original class as well as employees in the same original class in another department may be offered status appointments in the second class either by certification from the eligible list or under transfer provisions of the Transfer Rule.

**Sec. 109.11    Limitations Under this Rule**

**109.11.1** The allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant legally holding such a position under permanent appointment. If there is an adverse effect on the civil service rights of an occupant legally holding such a position under permanent appointment, such allocation or reallocation shall be affected when the position becomes vacant by reassignment or for other reason(s), except when earlier implementation is approved by mutual agreement with the appropriate recognized employee organization. Pending such reallocation, the incumbent shall continue in the position.

**109.11.2** In administering this Rule, if the difference between the salary ranges of the former class and the new class is more than seven and one half (7½) percent, a significant difference in the scope of responsibility shall be deemed to exist, and status shall not be granted unless approved by the Civil Service Commission.

**109.11.3** An employee must meet the minimum qualifications for the position to be eligible for status.

**109.11.4** The Human Resources Director may assess the employee's ability to perform the level of duties and the essential functions of the class.

**Sec. 109.12    Situations Not Specifically Addressed**

Situations not specifically addressed in this Article will be resolved by the Human Resources Director subject to the prior approval of the Civil Service Commission.

**Sec. 109.13**    **Probationary Period**

- 109.13.1** Employees who are appointed by status in the same department shall not be required to complete a new probationary period.
- 109.13.2** Employees who exercise status to transfer to a new department shall be required to complete a probationary period.
- 109.13.3** Employees who have not yet completed the probationary period in the class subject to reclassification shall be required to complete the remainder of the probationary period in the new class.

**Sec. 109.14**    **Release from a Probationary Period**

Employees required to serve a probationary period because of being granted status under this Rule are subject to the Civil Service Commission Rules on release from the probationary period.

**Sec. 109.15**    **Civil Service Seniority**

Civil service seniority for employees granted status under Civil Service Commission Rule 109 shall be carried forward and is calculated from the date of ~~the original citywide seniority certification in the former class prior to reclassification~~ as defined in these Rules in the former class prior to reclassification.

## **Rule 109**

### **Position Classification and Related Rules**

#### **Article V: Temporary Out-of-Class Assignments**

**Applicability:** The provisions of Rule 109 apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical Classes.

#### **Sec. 109.16 Temporary Out-of-Class Assignments - Policy and Definitions**

- 109.16.1** In accordance with this Rule, an appointing officer may exercise Charter authority to assign an employee to perform any of the duties of the department to which appointed and to make any temporary out-of-class assignment to maintain the provision of any public service.
- 109.16.2** Temporary out-of-class assignment means the assignment of an employee without change in class to perform the normal day-to-day duties and responsibilities of another classification. Records of such temporary out-of-class assignment shall be placed in the employee's personnel file. An employee assigned to temporary out-of-class assignment may also request that the appointing officer/designee place the record in the employee's personnel file contemporaneous with the assignment. The record of temporary out-of-class assignments must be verified and approved by the appointing officer/designee prior to placement in the personnel file. The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary. The decision of the Human Resources Director shall be subject to appeal to the Civil Service Commission.
- 1) Temporary out-of-class assignment is distinguished from "temporary appointment" in that the latter refers to an appointment to a differently classified position in accordance with civil service appointment provisions and in accordance with budgetary requirements.
  - 2) Temporary out-of-class assignment is distinguished from a short term or regular assignment of a minor portion of work duties which are allocated to a different class, but which are generally related to the regular duties or level of responsibility of the employee's current class.
  - 3) The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule and establishing such administrative controls and procedures as may be necessary.

**Sec. 109.16**    **Temporary Out-of-Class Assignments - Policy and Definitions (cont.)****109.16.2**    **(cont.)**

4) Temporary out-of-class assignments shall not be made when an appointment based on the regularly established Rules and procedures of the Civil Service Commission may be made. Temporary out-of-class assignments may be approved while an appointment through the established procedures is pending.

5) When a temporary out-of-class assignment is in order, selection and retention shall be at the discretion of the appointing officer or designee.



## **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 the implementation of de-identification as well as continuous testing and entry-level certification expansion on an annual ~~a quarterly~~ basis for two (2) years and thereafter on a schedule to be determined.

**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.

~~1)~~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 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.

~~2)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.

**Sec. 113.7      Certification Rules Applicable to Employees in all classes (cont.)****113.7.3    Rule of Three or More Scores****1)    For a Single (1) Position**

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).

**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.



**Sec. 113.7 Certification Rules Applicable to Employees in all classes (cont.)****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.

**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.

**Sec. 113.12**    **Waivers (cont.)****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 (3<sup>rd</sup>) offer of employment shall result in the removal of the eligible's name from that eligible list and all other lists in that class.

**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 (3<sup>rd</sup>) Friday of the month to be effective the first (1<sup>st</sup>) business day of the following month. In the event the third (3<sup>rd</sup>) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 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 (1<sup>st</sup>) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer.
- 5) Immediate withdrawal of waiver may be authorized by the 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.



## **Rule 114**

### **Appointments**

#### **Article I: General Provisions**

Applicability: Article I, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

#### **Article II: Appointment by Reinstatement**

Applicability: Article IV, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

#### **Article III: Reappointment**

Applicability: Article V, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

#### **Article IV: Appointment by Transfer**

Applicability: Article VI, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

#### **Article V: Employment in Class 8304 Deputy Sheriff and Class 8302 Deputy Sheriff I**

Applicability: Article VII, Rule 114, shall apply only to employees in Class 8304 Deputy Sheriff and Class 8302 Deputy Sheriff I.

#### **Article VI: Exempt Appointment**

Applicability: Article VIII, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

#### **Article VII: Director of Elections**

Applicability: Article IX, Rule 114, shall apply to the Director of Elections as provided for in Charter Section 13.104.

# **Rule 114**

## **Appointments**

### **Article I: General Provisions**

Applicability: Article I, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

#### **Sec. 114.1 Appointment - General Provisions**

##### **114.1.1 Report of Appointment**

Except with the permission of the Human Resources Director, all appointments shall be reported by the appointing officer to the Department of Human Resources on the prescribed form prior to the appointee's starting date of employment.

##### **114.1.2 Validation of Appointment**

No appointee may begin working except with permission of the Human Resources Director until the appointing officer has received official notice of validation of appointment from the Department of Human Resources.

##### **114.1.3 Finality of Appointing Officer's Decision**

Except as otherwise provided in these Rules, ordinances, or the Charter, the decision of the appointing officer in all matters regarding appointment shall be final.

#### **Sec. 114.2 Permanent Appointment - Definition**

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

#### **Sec. 114.3 Method of Appointment - Permanent Appointment**

Permanent appointments shall be made in the following order of priority:

**114.3.1** by the return to duty of a permanent holdover;

**114.3.2** by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees;

**Sec. 114.3      Method of Appointment - Permanent Appointment (cont.)**

**114.3.3**      by the appointing officer through use of any one of the following options:

- 1) advancement of a part-time or school-term employee to full-time status consistent with the requirements found elsewhere in this Rule; or
- 2) transfer; or
- 3) from requests for reinstatement other than by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees; or
- 4) by reappointment following resignation; or
- 5) by certification by the Department of Human Resources of eligibles from a regular list or reemployment register.

**114.3.4**      Exercise of one option will preclude the use of any other method of appointment except because of any settlement arising following an appeal or other litigation. Departments may also fill permanent vacancies through internal reassignment of permanent employees consistent with departmental procedures. Such reassignments are not within the jurisdiction of the Civil Service Commission or the Department of Human Resources except as specifically provided elsewhere in these Rules.

**Sec. 114.4      Temporary Appointment**

**114.4.1**      Temporary appointment shall be one of the following:

- 1) An appointment from an eligible list to a temporary position. Such appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 1040 hours; or
- 2) An appointment from an eligible list to a temporary position established to perform a special project or investigation. The establishment of such position shall require the express approval of the Human Resources Director. It must be readily foreseeable that the duties and responsibilities and products must be completed by the time limit of a maximum of the hourly equivalent of 260 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 2080 hours.

**Sec 114.4**      **Temporary Appointment (cont.)****114.4.1**      **(cont.)**

3) When no eligible list exists or no eligible is available on an existing eligible list for a position in the class requisitioned by an appointing officer, and immediate service in the position is required by the appointing officer and another eligible list exists which is deemed by the Human Resources Director to be suitable to provide temporarily the service desired, the Human Resources Director shall certify for civil service temporary appointment an eligible from such eligible list.

**114.4.2**      **Expiration of Temporary Appointment**

1) Upon expiration of the maximum allowable period or upon expiration of the appointee's temporary position, temporary appointees shall be separated as provided below.

2) Temporary appointees so separated shall be returned to the eligible list from which appointed if such list has not expired.

3) Temporary appointees returned to the eligible list or to the holdover roster shall be immediately available for certification to temporary positions:

- under another appointing officer; or
- to the same appointing officer to another position with the express approval of the Human Resources Director.

In the case of represented classes, the Human Resources Director shall provide prior notification to the appropriate bargaining representative of intention to authorize such immediate certification and shall, upon request, meet and confer concerning the proposed certification.

4) For employees represented by the Transport Workers Union, Locals 200 and 250A temporary appointees, except those appointed from a "near list", whose list has expired shall be ranked on the holdover roster for the class.

**114.4.3**      Layoff due to lack of work or lack of funds or termination shall be as provided elsewhere in these Rules.

**Sec. 114.5**     **Provisional Appointment**

- 114.5.1**     Provisional appointment shall be an appointment to a permanent or temporary position when there is no available eligible.
- 1) Except with the express approval of the Human Resources Director, when an eligible list is adopted, all provisional appointments in the affected class shall expire.
- 2) Except with the express approval of the Human Resources Director, when an eligible list is adopted, all provisional appointments in the affected class shall expire.
- 114.5.2**     Provisional appointments may be extended with the approval of the Human Resources Director for additional periods of time not to exceed, for each extension, the time limitations specified above.
- 114.5.3**     Provisional appointees serve at the discretion of the appointing officer.
- 114.5.4**     Provisional appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.
- 114.5.5**     The Human Resources Director shall promulgate policies and procedures for making provisional appointments which shall include provisions that appointments shall be made based on a combination of merit factors, equal employment opportunity and, if promotive, consideration of performance appraisal ratings and seniority.
- 114.5.6**     Layoff of provisional appointees due to lack of work, lack of funds or termination shall be as provided elsewhere in these Rules.
- 114.5.7**     A civil service appointee who is laid off, terminated or who resigns from a provisional appointment shall return to the appointee's permanent position.
- 114.5.8**     A provisional appointee resigning from employment shall complete the prescribed resignation form.
- 114.5.9**     Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

**Sec. 114.5**      **Provisional Appointment (cont.)****114.5.10**      **Restrictions on Provisional Appointment**

As provided in Charter Sections 10.105 and 18.110:

- 1) Provisional appointments for civil service positions for which no eligible list exists shall not exceed three (3) years.
- 2) Provisional appointments may only be renewed beyond three (3) years with the approval of the Board of Supervisors and upon certification by the Human Resources Director that for reasons beyond his or her control the Department of Human Resources has been unable to conduct examinations for these positions.
- 3) Unless provisional appointments are renewed as provided in this section or are transitioned to regular civil service appointment through either the competitive examination process or as provided in Charter Section 18.110, provisional employees appointed before July 1, 1996 shall be laid off by June 30, 1999.

**114.5.11**      **Provisional Appointees**

Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

**Sec. 114.6**      **Advancement from Part-Time or School-Term Position to Full-Time**

After one (1) year of continuous permanent satisfactory service in a part-time or school-term only position, the senior appointee in a class in the department may be advanced by the appointing officer to a full-time position. Such advancement from a school-term only position shall not require that a new probationary period be served. Advancement from a part-time position shall require a new probationary period.

**Sec. 114.7**      **Separation of Temporary and Provisional Appointees Upon Expiration of Term of Employment**

**114.7.1**      No temporary or provisional appointment shall exceed the maximum allowable duration provided in these Rules, and upon expiration of that period of time, the appointee shall be separated from the position.

**114.7.2**      The appointee's separation shall be based upon the expiration of the maximum allowable duration or upon expiration of the appointee's temporary position. Such separation shall be without reference to the layoff or termination provisions of these Rules. The appointee shall be notified in writing:

- 1) at the time of appointment as to the duration of such appointment; and
- 2) at least ten (10) working days in advance of the final date.

## **Rule 114**

### **Appointments**

#### **Article II: Appointment by Reinstatement**

Applicability: Article IV, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

#### **Sec. 114.8**      **Reinstatement**

- 114.8.1**      A permanent employee who accepts permanent appointment to a position in another class shall be permanently separated from any former position, with the following exception: the employee may be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the appointing officers in both the present department and the former department or the department(s) to which reinstatement is requested. A copy of the approved form(s) must be filed with the Department of Human Resources.
- 114.8.2**      An employee serving a promotive probationary period shall be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the Human Resources Director.
- 1) A request for reinstatement under this section shall not extend the probationary period or infringe upon an appointing officer's authority to terminate an employee.
  - 2) An approved request for reinstatement shall remain in effect until the employee is either reinstated, separated, refuses an offer of reinstatement, or such a request is canceled by the Human Resources Director.
  - 3) Separation of the employee shall nullify all requests for reinstatement approved under this section.
  - 4) The employee shall receive one (1) offer of reinstatement. Failure to accept a reinstatement offer shall forfeit all rights to reinstatement under this section.
  - 5) A reinstatement under this section shall be under the Rule of One procedures as adopted by the Civil Service Commission.
  - 6) If more than one (1) request for reinstatement under this section is on file, the person with the greater seniority in the class to which reinstatement is requested shall be reinstated first.

**Sec. 114.8**      **Reinstatement (cont.)**

**114.8.3**      Reinstatement to a position in a former class and department shall be with former civil service seniority standing in that department and no probationary period shall be required.

**114.8.4**      Reinstatement to a position in a former class in another department shall require a new civil service seniority date in that department from the date of such reinstatement and shall require a new probationary period.

**Sec. 114.9**      **Reinstatement Following Transfer**

An appointment by transfer shall cancel all rights to the position from which transferred except that, prior to the completion of the probationary period, a transferee may request reinstatement to a vacancy in a position in the same class and department from which transferred in accordance with the procedures established in this Rule.

**Sec. 114.10**      **Restrictions on Reinstatement**

Appointments by reinstatement are subject to the appointment provisions found elsewhere in this Rule.



## **Rule 114**

### **Appointments**

#### **Article III: Reappointment**

Applicability: Article V, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

##### **Sec. 114.11 Reappointment after Resignation**

- 114.11.1** A permanent appointee who has completed the probationary period who resigns and whose services have been certified as satisfactory by the appointing officer, or except as otherwise ordered by the Commission in the case of services certified as unsatisfactory, shall be permanently separated from such appointment except as follows:
- 114.11.2** Upon request on the prescribed form within a four (4) year period after the effective date of the resignation, the resignee with the approval of an appointing officer may be appointed ahead of eligibles to a vacancy in a permanent position in the class from which resigned in any department.
- 114.11.3** A separate request must be filed with each department to which reappointment is desired. An approved copy of the reappointment form(s) must be filed with the Department of Human Resources.
- 114.11.4** If a vacancy does not exist in the class from which resigned from City and County service, or, if otherwise approved by the Human Resources Director, subject to appeal to the Civil Service Commission, a resignee may re-enter the service to a vacancy in any former class in which the probationary period had been completed in any department with the approval of the appointing officer.
- 114.11.5** When reappointed, the resignee shall enter the service as a new appointee with no rights based on prior service except such as may be specifically provided elsewhere in these Rules, in the Vacation, Sick Leave and any other Ordinances as appropriate, and in the examination procedures with respect to credit for prior City and County service.

##### **Sec. 114.12 Restrictions on Reappointment**

Reappointments are subject to the appointment provisions found elsewhere in this Rule.

## **Rule 114**

### **Appointments**

#### **Article IV: Appointment by Transfer**

Applicability: Article VI, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

##### **Sec. 114.13**    **Transfer - General**

- 114.13.1** A transfer of a permanent appointee who has completed the probationary period to a position in the same class under another appointing officer shall be requested on the form prescribed by the Human Resources Director.
- 114.13.2** A properly completed transfer form approved by the appointing officer or designee of the department to which transfer is requested shall be filed in the requested department. A copy of the approved form shall be filed with the Department of Human Resources and in the employee's current department within two (2) business days of approval.
- 114.13.3** Appointees accepting a new appointment by transfer shall give a minimum period of notice prior to separation from their current department of fifteen (15) working days, unless the current department approves a shorter period of notice.
- 114.13.4** Appointments by transfer are subject to the appointment and probationary provisions of these Rules.
- 114.13.5** Appointment by transfer will cancel all other transfer requests which have been filed.

##### **Sec. 114.14**    **Transfer from Position Not Full-Time**

A permanent appointee to a part-time position or a position not full time on an annual basis and who serves under such appointment continuously for one (1) year, may request transfer to a regular full-time position in accordance with the provisions of this Rule.

**Sec. 114.15 Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment**

Permanent civil service employees who have completed their probationary period and who are subject to layoff because of technological advances, automation, the installation of new equipment, or the transfer of functions to another jurisdiction may submit a request to the Human Resources Director for transfer to a position within their capacities to perform, whether or not within the class for which they qualified for appointment. Such request for transfer shall be subject to the following:

- 114.15.1** Request for transfer shall be submitted on the form prescribed by the Human Resources Director and shall be approved by the appointing officer or designee of the department to which transfer is requested.
- 114.15.2** The position to which transfer is requested shall not be to a class with more than a five percent (5%) increase in compensation.
- 114.15.3** The Human Resources Director may administer any examinations which, in the judgment of the Human Resources Director, are deemed advisable to test the capacity of the employee to perform the duties in the position to which transfer is requested, unless the transfer is to a position in the same class or a closely related class.
- 114.15.4** Employees so transferred, who are not suited to the position, may be given an opportunity for further transfer to other positions within their capacities to perform.
- 114.15.5** In the event of layoff of an appointee who occupies a position through transfer under the provisions of this section, such layoff shall be in accordance with the applicable provisions of the Layoff Rule. Seniority shall be calculated from the date of ~~the original citywide seniority as defined in these Rules~~certification in the class from which transferred.
- 114.15.6** Employees transferred under the provisions of this section may request reinstatement to the former class in accordance with the Reinstatement Rule.
- 114.15.7** If more than one (1) approved transfer to the same class is on file in the Department of Human Resources, preference shall be given to the appointee who has the longest service under civil service permanent appointment in the class from which layoff is to be made.
- 114.15.8** An appointee transferred under the provisions of this section shall serve a probationary period in the new class.

**Sec. 114.16 Transfers Occasioned by the Transfer of Functions from One Department to Another**

- 114.16.1** When, in accordance with Charter provisions, part of the functions and duties of any department are transferred to another department, the employees performing such functions and duties shall be transferred therewith.
- 114.16.2** Such employees shall retain in their new department the same salary and civil service seniority status as they had in the department from which transferred.
- 114.16.3** Employees transferred in accordance with this Rule shall not be required to serve a new probationary period.

**Sec. 114.17 Limited-Term Transfer****114.17.1 Definition**

The transfer of a permanent appointee to a vacant position in the same class under another appointing officer for a specified duration of time may be approved by the appointing officers of both departments and the Human Resources Director and shall be known as a “limited-term transfer.”

**114.17.2 Purpose**

The purpose of a limited-term transfer is to more efficiently utilize and exchange human resources among the departments of the City and County; to allow employees exposure and training in other departments; and to provide a mechanism for reducing staffing levels during slow periods or periods of fiscal emergency and to temporarily increase staffing during peak work periods.

**114.17.3 Types of Limited-Term Transfers**

**1) Voluntary:** A limited-term transfer may be initiated upon the written request of an employee on the form prescribed by the Human Resources Director. Upon receipt of a written request from an employee and no less than fifteen (15) working days prior to implementation, the designated union of the employee shall be provided written notice. The union shall have five (5) working days from the date of the notice to request a meeting with the appointing officer/designee. Within five (5) working days from the date of the union request, a meeting shall be held. If the union is unavailable to meet within the five (5) working days following the request to meet, the unavailability of the union shall constitute a waiver of the right to meet. Unavailability of the appointing officer/designee shall constitute an extension of the timelines. The timelines may also be extended through mutual written agreement.

**Sec. 114.17 Limited-Term Transfer (cont.)**

2) **Mandatory:** A permanent or probationary employee may be transferred by the employee's appointing officer for a specified period up to a maximum of six (6) months in any calendar year to a position in the same class under another appointing officer. Such transfers shall be made by class in reverse order of seniority in the class in the department after all permanent and probationary employees in the class have been canvassed and all more senior employees have been notified and have waived the right to request a voluntary limited-term transfer. The employee shall receive at least five (5) working days written notice in advance of the effective date of the transfer and shall be given an opportunity, if requested, to meet and confer with the appointing officer/designee and the designated union representative. No permanent employee shall be placed on mandatory limited-term transfer if there are temporary or provisional employees in the same class in the department from which the transfer originates.

**114.17.4 Expiration and Extension**

- 1) Limited-term transfers will remain in force for the period specified unless abridgment is approved by both appointing officers.
- 2) Voluntary limited-term transfers may be extended for additional periods of time with the approval of the employee, the appointing officer and the Human Resources Director.
- 3) Upon expiration of the period of the transfer, the transferee shall be automatically reinstated to a permanent position in the class and department from which transferred.

**114.17.5 Probationary Period**

- 1) A limited-term transferee shall not serve a new probationary period; however, notwithstanding any other provision of these Rules, with the approval of the appointing officer in the department to which transferred, the time served during a limited-term transfer, or a portion thereof, may be counted toward the completion of the probationary period if the transferee requests and is granted a permanent transfer and commences a probationary period in the new department.
- 2) An appointee who is transferred under the provisions of this Rule while serving a probationary period in the department from which transferred shall complete the probationary period upon reinstatement to the original department; however, an appointing officer may, notwithstanding any other provision of these Rules, credit the time served during a limited-term transfer or a portion thereof toward the completion of the probationary period in the original department.

**Sec. 114.17 Limited-Term Transfer (cont.)****114.17.6 Disciplinary Action**

A limited-term transferee is an appointee in the department to which transferred during the period of the transfer for the purpose of disciplinary action.

**114.17.7 Temporary Positions**

Limited-term transfers which are not made to permanent positions may be made to positions which are funded on a temporary basis with the certification of the Controller that funds for the payment of mandatory fringe benefits are available in the department to which transferred. Appointees so transferred retain all the rights and benefits of permanent appointees.

**114.17.8 Seniority**

Appointees returning to their original departments following a limited-term transfer are reinstated with full seniority. No deduction from seniority in the original department shall be made for any period of limited-term transfer.

**114.17.9 Layoff**

An appointee who is laid off while on a limited-term transfer shall be automatically reinstated to a permanent position in the class in the department from which transferred.

## **Rule 114**

### **Appointments**

#### **Article V: Employment in Class 8304/8504 Deputy Sheriff and Class 8302 Deputy Sheriff I**

Applicability: Article VII, Rule 114, shall apply only to employees in Class 8304/8504 Deputy Sheriff and Class 8302 Deputy Sheriff I.

##### **Sec. 114.18 Preemption of Certain Civil Service Commission Rules**

Notwithstanding any other provisions of these Rules, employment in Class 8302 Deputy Sheriff I and Class 8304/8504 Deputy Sheriff shall be administered as provided in this Rule.

##### **Sec. 114.19 Probationary Period for Deputy Sheriff I (Job Code 8302)**

**114.19.1** Appointees in Deputy Sheriff I (Job Code 8302) shall serve a probationary period, consistent with any valid Memorandum of Understanding and as provided elsewhere in these Rules.

**114.19.2** Consistent with any valid Memorandum of Understanding covering this class, appointees in Class 8302 Deputy Sheriff I may be released by the Sheriff at any time during the probationary period. The decision of the Sheriff shall be final.

**114.19.3** The probationary period for an appointee in Class 8302 Deputy Sheriff I shall be extended only for unpaid authorized or unauthorized absences from work, absences due to disciplinary reasons, sick leave, or disability leaves.

##### **Sec. 114.20 Advancement from Class 8302 Deputy Sheriff I to Class 8304/8504 Deputy Sheriff**

**114.20.1** Subject to the successful completion of the probationary period and such other terms and conditions as required by the Sheriff and approved by the Human Resources Director, the Sheriff shall have the authority to advance appointees in Class 8302 Deputy Sheriff I to a permanent entrance appointment in Class 8304/8504 Deputy Sheriff.

**114.20.2** Advancement as provided in this Rule shall not require a new probationary period.

**Sec. 114.20 Advancement from Class 8302 Deputy Sheriff I to Class 8304/8504 Deputy Sheriff (cont.)**

- 114.20.3** With the approval of the Human Resources Director, an appointee in class 8302 Deputy Sheriff I who has, in the sole discretion of the Sheriff, successfully performed each and every requirement necessary for successful completion of the probationary period, but through no fault of the appointee, completes the probationary period prior to successful completion of all state certification requirements prescribed by the Commission on Peace Officer Standards and Training (POST), may be advanced to 8304/8504 Deputy Sheriff subject to a probationary period which shall extend from the date of appointment to the 8304/8504 Deputy Sheriff class to the date upon which POST certifies that the appointee has successfully completed all state-mandated requirements.
- 114.20.4** For purposes of the Human Resources Director's approval of advancement under this section, a finding of "no fault of the appointee" shall include but not be limited to administrative delay by the Sheriff's department, lack of available training funds, or such other circumstances beyond the control of the appointee, but not related in any way to the appointee's performance.
- 114.20.5** Except as set forth above, appointees in class 8302 Deputy Sheriff I who fail to successfully complete each POST certification requirement and such other terms and conditions as required by the Sheriff and approved by the Human Resources Director during the probationary period, shall be deemed to have failed to have and maintain all necessary qualifications for the position and shall be subject to immediate removal.

**Sec. 114.21 Seniority of Appointees in Class 8304/8504 Deputy Sheriff Upon Advancement**

Seniority in Class 8304/8504 Deputy Sheriff shall be determined by the date of ~~permanent~~ appointment following certification from an 8304/8504 eligible list to a permanent position in the respective class. Ties shall be broken based on rank on the eligible list for Class 8302 Deputy Sheriff I and as otherwise specified in these rules.

**Sec. 114.22 Layoff in Class 8302 Deputy Sheriff I and Class 8304/8504 Deputy Sheriff**

Layoffs in Class 8302 Deputy Sheriff I and Class 8304/8504 Deputy Sheriff shall be as provided elsewhere in these Rules, except that, all appointees in Class 8302 Deputy Sheriff I shall be laid off before the layoff of any appointees in Class 8304/8504 Deputy Sheriff shall occur.

**Sec. 114.23 No Reversion Rights**

Except through new examination or except as provided elsewhere in this Article, appointees separated or advanced from Class 8302 Deputy Sheriff I shall not be eligible to reinstate to or reoccupy positions in Class 8302 Deputy Sheriff I, for any reason.



**Sec. 114.24 Reappointment of Separated Employee**

- 114.24.1** Subject to the approval of the Sheriff, a former employee under permanent civil service appointment in Class 8302 Deputy Sheriff I who separated during the probationary period because of failure to successfully complete the required peace officer training and who subsequently completes this training at their own expense may, upon written request and within 18 months from the separation date, be reappointed to a vacant position in Class 8302 Deputy Sheriff I.
- 114.24.2** When reappointed, the employee shall enter the service as a new appointee with no rights based on prior service except that which may specifically be provided in these Rules or by ordinance.
- 114.24.3** When reappointed, the employee shall complete a new probationary period unless the Sheriff allows full or partial credit for prior service.
- 114.24.4** The decision of the Sheriff in all matters delegated under this section shall be final and shall not be subject to appeal to the Civil Service Commission or review through any other dispute resolution procedure.
- 114.24.5** The Human Resources Director shall provide procedures for implementing this section.

## **Rule 114**

### **Appointments**

#### **Article VI: Exempt Appointment**

Applicability: Article VIII, Rule 114, shall apply to employees in all classes; except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes.

#### **Sec. 114.25 Exclusions from Civil Service Appointment**

All permanent employees of the City and County shall be appointed through the civil service process by competitive examination unless exempted from the civil service examination and selection process in accordance with Charter provisions. Appointments excluded by Charter from the competitive civil service examination and selection process shall be known as exempt appointments. Any person occupying a position under exempt appointment shall not be subject to civil service selection, appointment, and removal procedures and shall serve at the pleasure of the appointing officer.

#### **Sec. 114.26 Charter Limit on Certain Categories of Exempt Appointments**

**114.26.1** The proportion of full-time employees in the exempt categories included under Charter Sections 10.104-1 through 10.104-12 to the total number of civil service employees of the City and County shall not be greater than the proportion existing on July 1, 1994, except as authorized in this Article. As certified by the Civil Service Commission at its meeting of November 18, 1996, the ratio on July 1, 1994 of full-time exempt employees to the total full-time City and County work force was two percent (2%).

**114.26.2** In accordance with Charter Section 10.104, the Civil Service Commission may, by express approval, authorize that full-time positions conforming to the criteria established in this Section in the categories defined in Charter Sections 10.104-1 through 10.104-12 more than the Charter limitation be excluded from civil service selection and removal procedures and be filled through exempt appointment.

**Sec. 114.26 Charter Limit on Certain Categories of Exempt Appointments (cont.)**

**114.26.3** Requests for exemption under this section must conform to the following:

- 1) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.
- 2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.
- 3) The Human Resources Director recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.
- 4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.
- 5) The official making the request provides written justification as to the reasons the position should be exempted.

**114.26.4** An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.

**114.26.5** The decision of the Human Resources Director is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.

**114.26.6** This section, as adopted by the Civil Service Commission at its meeting of November 18, 1996, was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).

**Sec. 114.26 Charter Limit on Certain Categories of Exempt Appointments (cont.)****114.26.7 Charter Limit on Categories 16, 17 and 18**

## 1) Temporary and Seasonal Exemptions under Charter Section 10.104-16

- a. Temporary and seasonal appointments shall be TEX, with full-time, part-time, or as-needed schedules.
- b. No person, regardless of work schedule, shall exceed 1040 hours of work in any fiscal year.

## 2) Temporary Substitute/Backfill Exemption under Charter Section 10.104-17

- a. An appointment proposed for exemption under Charter Section 10.104-17 shall be for a temporary substitute or back-fill for a civil service employee on an authorized leave of absence (\*e.g., an employee on pregnancy or other medical leave, etc.)
- b. The Human Resources Director may approve an appointment in increments of up to 1040 hours (six months); however, the appointment shall not exceed a maximum duration of 4160 hours (not to exceed two years by Charter requirement, or a total of four six-month increments).

## 3) Special Project Exemption under Charter Section 10.104-18

- a. An appointment authorized for exemption under Charter Section 10.104-18 must be to a position created for or dedicated to a special project, or for professional services, not to exceed three years by Charter requirement.
- b. Funding for appointments to perform professional services as authorized under Charter Section 10.104-18 shall be for a limited term (e.g., a grant or a “one-time only” appropriation for a specific or special purpose). Departmental requests for such appointments must certify that the funding is limited, identify the funding source, and anticipate duration of such funding source, and adequately describe the professional services to be performed.
- c. Departmental requests for appointments to a special project as authorized under Charter Section 10.104-18 must adequately define the special project or professional service to be provided (including but not limited to a description of the project objective, scope of work, and the specific anticipated duration of the project).

## **Rule 114**

### **Appointments**

#### **Article VII: Director of Elections**

Applicability: Article IX, Rule 114, shall apply to the Director of Elections as provided for in Charter Section 13.104.

##### **Sec. 114.27 Purpose**

The purpose of Article IX, Rule 114, shall be to reflect the authority of the Civil Service Commission and the Elections Commission as well as the employment rights of the Director of Elections as set forth in Section 13.104 and Article X of the Charter of the City and County of San Francisco. A Rule on the position of Director of Elections is in order because of the unique nature of the position under the Charter.

##### **Sec. 114.28 Requirement for a Personnel Requisition and Job Announcement**

**114.28.1** Whenever the position of Director of Elections is to be filled, the Elections Commission shall issue a personnel requisition in the prescribed format noting that appointment to the position shall be in accordance with Charter Section 13.104 and Civil Service Commission Rule 114, Article IX.

**114.28.2** The Department of Human Resources shall issue a job announcement which shall be posted for a minimum of ten (10) days and shall include a position description, qualifications, dates applications will be accepted, relevant provisions in Charter Section 13.104 and other relevant job- related information.

##### **Sec. 114.29 List of Qualified Applicants**

**114.29.1** The names of the candidates who meet the requirements of the job announcement shall be placed on the list of qualified applicants in the order of their scores. There must be a minimum of three (3) qualified applicants available for selection. Approval of the Civil Service Commission shall be required to proceed should there be fewer than three (3) qualified applicants.

**114.29.2** Should the Director of Elections position become vacant within twenty-four (24) months of appointment, the Elections Commission may elect to appoint a successor from the current list of qualified applicants provided a minimum of three (3) persons remain available on the list, except that approval to appoint from this list may be obtained from the Civil Service Commission should there be fewer than three (3) persons available.

**Sec. 114.30     Selection of the Director of Elections**

- 114.30.1** In accordance with Charter Section 13.104, no less than thirty (30) days before the expiration of the Director's term, the Elections Commission shall select a Director for the next term. The appointment shall be effective in accordance with Rule 114.51- Appointment Date.
- 114.30.2** Selection of the Director of Elections from the list of qualified applicants 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.
- 114.30.3** The Elections Commission shall establish a non-discriminatory selection process which may include scheduling each interested person from the list of qualified applicants for interview, conducting interviews by a diverse panel, asking job-related questions, and maintaining documentation of selection criteria.
- 114.30.4** The Elections Commission shall utilize appropriate job-related, non-discriminatory screening devices which may include but not be limited to resumes, updated applications, skills checklists, writing exercises, work samples, and performance reviews.
- 114.30.5** The Elections Commission shall notify the people on the list of qualified applicants of the available position and selection process. The Notice shall include a minimum response period of five (5) business days and ten (10) business days in the event supplemental information is required.

**Sec. 114.31     Appointment of the Director of Elections**

- 114.31.1** Appointment to the position of Director of Elections shall be made pursuant exclusively to the provisions of Charter Section 13.104 and Civil Service Commission Rule 114, Article IX. Civil Service Commission Rules covering a civil service employee in another position in the same or different class, including but not limited to those Rules on Status and Layoff, shall not apply to appointment to the position of Director of Elections. Thus, by way of example but not limitation, a permanent civil service employee with greater seniority shall not have the right or preference for appointment to a vacant Director of Elections position nor the right to displace the incumbent Director of Elections with less seniority.

**Sec. 114.31 Appointment of the Director of Elections (cont.)**

- 114.31.2** The Director of Elections shall be appointed permanent civil service by the Elections Commission from a list of qualified applicants for a term of five (5) years. The term shall commence upon the appointment date of the person selected.
- 114.31.3** The record of appointment shall be on the prescribed form noting that the appointment has been made in accordance with Charter Section 13.104 and Civil Service Commission Rule 114, Article IX.
- 114.31.4** Pending the appointment of the Director of Elections, the Elections Commission may make a temporary out-of-class assignment or a provisional appointment. Temporary out-of-class assignment or provisional appointment shall not be made to bypass the established selection procedures provided in this Rule. Temporary out-of-class assignment or provisional appointment may be approved while an appointment through the regularly established procedures is pending and shall be limited to ninety (90) days. Any extension beyond the ninety (90) days must be approved by the Civil Service Commission in increments of no more than sixty (60) days apiece. The selection procedures provided in this Rule shall be effectuated expeditiously.

**Sec. 114.32 Appointment Date**

- 114.32.1** In accordance with Charter Section 13.104, no less than thirty (30) days before the expiration of the Director of Election's five (5)-year term, the Elections Commission shall appoint a Director of Elections for the next term. In this circumstance, the appointment date shall be the date on which the person starts work in a permanent civil service capacity as Director of Elections, which date may be no sooner than the first day following the last day of the term that is coming to an end.
- 114.32.2** Except as stated in Rule 114.51.4, if an appointment of the Director of Elections is made in some circumstance other than the impending completion of a Director of Election's five (5)-year term, the appointment date shall be the date on which the person starts work in a permanent civil service capacity as Director of Elections.
- 114.32.3** The Elections Commission and the Department of Human Resources shall expedite the appointment processing necessary to effectuate the appointment of the Director of Elections.
- 114.32.4** For the Director of Elections who is in office as of November 3, 2003, the appointment date shall be the date on which the Elections Commission.

**Sec. 114.32 Appointment Date (cont.)****114.32.4 (cont.)**

acted to select the person to be Director of Elections in a permanent civil service capacity.

**Sec. 114.33 Probationary Period**

**114.33.1** The final phase of the selection process shall include a probationary period that conforms to the requirements of Rule 117 – Probationary Period, except that Rules on the Voluntary Resumption of the Probationary Period (Rule 117.8) shall not apply. The Elections Commission may release the Director of Elections at any time during the probationary period. The decision of the Elections Commission to release the Director of Elections during the probationary period shall be final.

**114.33.2** In accordance with Rule 114.53.4, appointment of the incumbent to a new term shall not require a new probationary period.

**Sec. 114.34 Renewal of Term**

**114.34.1** In accordance with Charter Section 13.104, no less than thirty (30) days before the expiration of the Director's term, the Elections Commission shall select a Director for the next term. The Elections Commission may appoint the incumbent Director of Elections for an additional five (5)-year term.

**114.34.2** The Elections Commission may in its discretion renew the incumbent's term, without engaging in the competitive selection process specified in this Rule.

**114.34.3** In the alternative, the Elections Commission may in its discretion again engage in the competitive selection process specified in this Rule and renew the incumbent's term in the event the incumbent successfully competes in the process.

**114.34.4** In accordance with Rule 114.52.2, renewal of the incumbent's term shall not require a new probationary period.

**Sec. 114.35 Employment Rights**

**114.35.1** Notwithstanding the designation of the Director of Elections as a permanent civil service appointment, and notwithstanding the rights that normally accompany such a designation, upon the end of the Director's term as defined in Rule 114.58.1, there shall be no accrued right to return.



**Sec. 114.35    Employment Rights (cont.)****114.35.1    (cont.)**

to the position or receive special consideration for or claim to the position. Thus, a former Director has no special claim to return to the position or right to receive special consideration for the position. This provision shall not preclude a former Director from applying for the position or preclude consideration of experience as Director in evaluating candidates for the position.

**114.35.2** Except as stated herein, this Rule 114, Article IX is not intended to interfere with the ongoing relationship between the Elections Commission and the Director of Elections or undermine the independence of the Elections Commission as established by the City Charter. Except as stated herein, if the application of a Civil Service Commission Rule to the Director would seriously undermine the authority of the Elections Commission over the Director, that Rule shall not apply. By way of example but not limitation, notwithstanding the designation of the Director of Elections as a permanent civil service appointment, for purposes of Rule 120 (Leaves of Absence), the Director shall have only those leave rights customarily afforded department heads.

**114.35.3** The Director of Elections is both an officer and employee and shall be subject to those provisions in Rule 118 (Conflict of Interest) governing officers or employees. Further, the Director shall be subject to the provisions of Rule 118.2 governing part-time employment. However, in the case of the Director, the powers vested in the Human Resources Director under Rule 118.2 shall be vested exclusively in the Elections Commission, with no power of appeal to the Human Resources Director or the Civil Service Commission.

**114.35.4** This Rule 114, Article IX shall not abrogate those employment rights customarily afforded by federal, state, and local law to department heads.

**Sec. 114.36    Release from Term Appointment**

Should the Elections Commission decide not to renew the incumbent's term, the Director of Elections shall be released. The decision of the Elections Commission to renew or not renew the term appointment shall be final.

**Sec. 114.37 Removal for Cause**

- 114.37.1** In accordance with Charter Section 13.104, following the successful completion of the probationary period and during the term appointment, the Elections Commission may remove the Director of Elections for cause upon written charges and following a hearing. The Elections Commission shall present the written charges to the Director of Elections no less than thirty (30) days before the scheduled hearing. The hearing shall be held not less than thirty (30) days after notice of charges, unless the Director of Elections requests an earlier hearing date and the Elections Commission agrees to the request.
- 114.37.2** The hearing shall be held no later than forty-five (45) days after notice of charges unless the Director of Elections and the Elections Commission agree to an extension, or in the absence of mutual agreement, either party seeks and obtains the approval of the Civil Service Commission for an extension. The Elections Commission shall render its decision no later than ten (10) days following the conclusion of the hearing.
- 114.37.3** Pending a hearing and decision of the Elections Commission to remove the Director of Elections for conduct involving misappropriation of public funds or property, misuse or destruction of public property, drug addiction or habitual intemperance, mistreatment of persons, immorality, acts which would constitute a felony or misdemeanor involving moral turpitude, or acts which present an immediate danger to the public health and safety, the Elections Commission may place the Director of Elections on unpaid administrative leave. Pending the hearing and decision of the Elections Commission on the removal of the Director of Elections, the Elections Commission may make a temporary out-of-class assignment or provisional appointment.
- 114.37.4** For removal on charges other than those listed in Section 114.56.3, the incumbent shall continue to occupy the position of Director of Elections until the completion of the hearing and decision by the Elections Commission.

**Sec. 114.38 Appeal to the Civil Service Commission following Removal for Cause**

- 114.38.1** In the event of removal for cause as set forth in this Rule and Charter Section 13.104, the Director of Elections shall have the right of appeal to the Civil Service Commission.
- 114.38.2** A notice of termination from the Elections Commission to the Director of Elections detailing the specific reason(s) for the termination, shall serve as official notice of such termination.

**Sec. 114.38**    **Appeal to the Civil Service Commission following Removal for Cause (cont.)**

**114.38.3**    The notice of termination must include the following information:

1) The Director of Elections has the right to a hearing before the Civil Service Commission provided that a request for hearing is made in writing and is received by the Executive Officer within twenty (20) calendar days from the date of removal from the term appointment or from the date of mailing of the Notice of Termination whichever is later. If the 20<sup>th</sup> day falls on a non-business day, the deadline shall be extended to the close of business on the first (1<sup>st</sup>) business day following the 20<sup>th</sup> day.

2) The stated reason(s) for the termination must be enumerated. Records of warnings, reprimands, and previous suspensions, if applicable, must be attached.

3) Recommendation by the Elections Commission on future employment restrictions.

**114.38.4**    Upon receipt of an appeal in the Civil Service Commission office, the Executive Officer shall place the matter on the next Regular or Special meeting agenda consistent with applicable public meeting laws to determine time frames for hearing the appeal.

**114.38.5**    The hearing of the appeal must be scheduled no later than sixty (60) days from the date of receipt of the appeal. Extension beyond sixty (60) days shall be at the discretion of the Civil Service Commission, based on such factors as whether the appellant and the Elections Commission have agreed to the extension; whether an extension is consistent with the purposes underlying Charter Section 13.104 and related Charter provisions; and whether an extension would serve the interests of justice.

**114.38.6**    Unless the appeal clearly and expressly states otherwise, it shall be treated by the Civil Service Commission as an appeal of both the decision of the Elections Commission to remove the Director of Elections and the recommendation of the Elections Commission on future employment restrictions.

If the appeal is clearly and expressly limited to only the recommendation of the Elections Commission as to future employment restrictions, the Civil Service Commission shall take one or more of the following actions:

1) Cancel any current examination and eligibility status;

**Sec. 114.39    Appeal to the Civil Service Commission following Removal for Cause (cont.)**

**114.38.6    (cont.)**

- 2) Restrict future employment as it deems appropriate;
- 3) Return the person to the permanent civil service classification immediately held prior to acceptance of the position of Director of Elections. If necessary, layoff in the affected classes shall follow.

**114.38.7** In accordance with Charter Section 13.104, on appeal of the decision of the Elections Commission to remove the Director of Elections, the Civil Service Commission shall be limited to consideration of the record before the Elections Commission; however, the Civil Service Commission may independently evaluate and weigh evidence and may in its discretion consider evidence proffered to the Elections Commission that the Elections Commission excluded and may in its discretion exclude evidence that the Elections Commission considered. In its discretion, and depending on the facts of a particular case, the Civil Service Commission may consider the presence or absence of contemporaneous documentation by the Elections Commission of facts supporting the removal for cause, and/or the presence or absence of documentation of such facts in a regular performance appraisal of the Director, as probative of the validity of the removal for cause.

**114.38.8** With respect to the decision of the Elections Commission to remove the Director of Elections, the Civil Service Commission shall either:

- 1) Grant the appeal, vacate the decision of the Elections Commission, and order immediate reinstatement of the person to the position of Director of Elections. In reinstating the person, the Civil Service Commission may order payment of salary to the person for the period of the removal; or.
- 2) Deny the appeal, uphold the decision of the Elections Commission, and declare the person dismissed from the position of Director of Elections. In denying the appeal, the Civil Service Commission may return the person to the permanent civil service classification immediately held prior to acceptance of the position of Director of Elections. If necessary, layoff in the affected classes shall follow.
  - a) If the Civil Service Commission upholds the decision of the Elections Commission to remove the Director of Elections, the appellant may elect to withdraw the appeal on future employment restrictions.

**Sec. 114.38**   **Appeal to the Civil Service Commission following Removal for Cause (cont.)**

**114.38.8**   (cont.)

b) Should the appellant not withdraw the appeal on future employment restrictions the Civil Service Commission may adopt the recommendations of the Elections Commission on future employment restrictions, cancel any current examination and eligibility status, or restrict future employment as it deems appropriate.

**114.38.9**   The decision of the Civil Service Commission on the appeal shall be final

**Sec. 114.39**   **End of Term**

**114.39.1**   The term of the Director of Elections shall end upon release during the probationary period, removal for cause, death, appointment to another position in the City service, including a position in the classified service at the San Francisco Community College District or the San Francisco Unified School District, resignation, or completion of the five (5)-year term without renewal of the appointment for another term. In the case of removal for cause, the term shall end:

1)   If no appeal on the decision of the Elections Commission to remove the Director of Elections is filed, upon completion of the period for filing an appeal with the Civil Service Commission as specified in this Rule; or,

2)   If an appeal on the decision of the Elections Commission to remove the Director of Elections is filed within the period for filing an appeal, upon the hearing and decision of the appeal by the Civil Service Commission, if the Civil Service Commission upholds the removal for cause.

**114.39.2**   In the interim, between removal for cause by the Elections Commission and the conclusion of the appeal process on the decision to remove the Director of Elections, the Elections Commission may make a temporary out-of-class assignment or provisional appointment while the appeal process is underway.

## **Rule 120**

### **Leaves of Absence**

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

**Article I: Leaves of Absence - General Requirements**

**Article II: Sick Leave - General Provisions**

**Article III: Sick Leave With Pay**

**Article IV: Sick Leave Without Pay**

**Article V: Compulsory Sick Leave**

**Article VI: Disability Leave**

**Article VII: Military, War Effort and Sea Duty Leaves**

**Article VIII: Unpaid Administrative Leave or Furlough**

**Article IX: Other Leaves of Absence**

**Article X: Appeal Procedures**

## **Rule 120**

### **Leaves of Absence**

#### **Article I: Leaves of Absence - General Requirements**

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

#### **Sec. 120.1      Leaves of Absence - General Requirements**

- 120.1.1** Leaves of absence, hereinafter referred to in this Rule as "leave," shall be governed by the provisions of this Rule. For the purpose of this Rule, "appointing officer" shall mean all elected officials; all department heads designated by the Charter as appointing officers; and all Boards and Commissions when officiating as appointing officers.
- 120.1.2** Requests for leave shall be subject to the approval of the appointing officer or designee. The decision of the appointing officer or designee is final unless provision for appeal is specifically granted in this Rule. Such requests for appeal shall be processed in accordance with the appeal procedure provided in this Rule. Requests for military, maternity, or witness or jury duty leave shall be granted as provided herein.
- 120.1.3** Beginning January 1, 2016, amendments to California Labor Code Section 233 (Kin Care Law) authorize employees to use available accrued sick leave each calendar year to care for a "family member", or themselves, in an amount equal to one-half of their annual accrual. Under the Kin Care Law, available accrued sick leave must be granted upon the employee's oral or written request and the employer shall not deny the right to take such leave, or impose conditions for granting such leave, including the requirement of medical certification.
- 120.1.4** Except for vacation leave, witness or jury duty leave, compulsory sick leave, disability leave or unpaid administrative leave, an employee requesting a leave for more than five (5) working days shall submit such request to the appointing officer or designee on the form prescribed by the Human Resources Director. Requests for sick leave in excess of five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave with pay for less than five (5)

**Sec. 120.1**    **Leaves of Absence - General Requirements (cont.)****120.1.4**    **cont.**

working days (seven (7) calendar days in the case of part-time employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of an employee's leave use. For employees taking sick leave pursuant to Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233.

**120.1.5**    The Human Resources Director may direct that leave requests be retained in the department and maintained in a manner to be readily available for audit, review or analysis by Department of Human Resources and Office of Labor Standards Enforcement staff.

**120.1.6**    Except as otherwise provided in these Rules, leave granted for the period stated on the prescribed form may be extended or abridged only with the approval of the appointing officer or designee. An employee who does not return to work on the approved date shall be deemed away without official leave and shall be subject to automatic resignation as provided elsewhere in these Rules.

**120.1.7**    Except when an employee requesting sick leave has accumulated unused sick leave with pay credits and except for employees eligible for military leave with pay, organ or bone marrow donor leave with pay, witness or jury duty leave, disability leave or leave due to battery as provided elsewhere in this Rule, or for authorized holiday or vacation, leaves shall be without pay.

**120.1.8**    Refer to the Probationary Period Rule on leave during the probationary period.

**120.1.9**    Exempt employees shall be granted paid sick leave on the ninetieth (90<sup>th</sup>) day of service. The decision of the appointing officer shall be final and not subject to appeal.

**120.1.10**    An appointee shall not be required to sign a resignation form as a condition of approval of a leave.

**120.1.11**    Leaves granted under this Rule shall be indicated on time rolls as designated by the Controller.

**120.1.12**    An authorized leave granted under this Rule shall not be considered as a break in the continuous service of an employee.



## **Rule 120**

### **Leaves of Absence**

#### **Article II: Sick Leave - General Provisions**

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

##### **Sec. 120.2**      **Eligibility for Sick Leave**

Subject to the provisions of this Rule, employees, and officers (hereinafter called "employees") who are absent from their duties due to their own illness or disability, or that of a qualifying family member, including preventive care, such as medical or dental appointments, and employees who are victims of domestic violence, sexual assault or stalking, are eligible for sick leave.

##### **Sec. 120.3**      **Sick Leave - Exclusions from Eligibility**

This Rule shall not apply to certificated employees of the School Districts, employees under personal services contracts, elective officers, and members of Boards and Commissions.

##### **Sec. 120.4**      **Verification of Sick Leave**

**120.4.1**      The appointing officer or designee to whom application for sick leave is made may make such independent investigation as to the necessity for sick leave as is deemed proper under these rules and federal, state, and local law and may require certification for any period of sick leave, provided that the employee has been previously notified in writing that such certification for absence of less than five (5) working days shall be required. For employees taking sick leave pursuant to Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233.

**120.4.2**      The Human Resources Director may at any time make such independent investigation as may be deemed proper regarding the illness of any person on sick leave.

**Sec. 120.5 Retirement Automatically Terminates Sick Leave**

Sick leave shall automatically terminate on the effective date of an employee's retirement.

**Sec. 120.6 Abridgment of Sick Leave**

Sick leaves granted in excess of five (5) working days may be abridged if the employee presents to the appointing officer or designee medical evidence of capability to resume all the duties of the position.

**Sec. 120.7 Definition of Sick Leave**

A leave granted under this Rule for one of the following reasons shall be known as "sick leave":

**120.7.1 Sick Leave - Medical Reasons**

Absence for diagnosis, care or treatment of a health condition, including alcoholism, or preventive care, and for employees who are victims of domestic violence, sexual assault or stalking, but excluding illness or injury arising out of and in the course of City and County employment; Absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery).

**120.7.2 Sick Leave - Quarantine**

Absence during a period of quarantine established and declared by the Department of Public Health or other authority.

**120.7.3 Sick Leave - Bereavement**

Absence because of the death of the employee's spouse or domestic partner, parents, stepparents, grandparents, parents-in-law or parents of a domestic partner, sibling, child, stepchild, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian, or any person who is permanently residing in the household of the employee. Such leave shall not exceed three (3) working days and shall be taken within thirty (30) calendar days after the date of death; however, two (2) additional working days shall be granted in conjunction

**Sec. 120.7**     **Definition of Sick Leave (cont.)****120.7.3**     **Sick Leave – Bereavement (cont.)**

with the bereavement leave if travel outside the State of California is required because of the death.

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one (1) working day; however, two (2) additional working days shall be granted if travel outside the State of California is required because of the person's death.

**120.7.4**     **Sick Leave - Maternity**

Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six (6) months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay.

**120.7.5**     **Sick Leave - Parental Leave**

Absence due to the birth of a child to the employee, the employee's spouse, or the employee's domestic partner or assumption by the employee of parenting or child rearing responsibilities either by adoption or foster care.

**120.7.6**     **Sick Leave - Illness or Medical Appointment of a Family Member**

Absence for diagnosis, care or treatment of a health condition or injury, or for preventive care for an employee's family member, defined as follows:

1. A child, which for the purposes of this section means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
2. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
3. A spouse.
4. A registered domestic partner.
5. A grandparent.
6. A grandchild.
7. A sibling.

**120.7.7 Sick Leave Pursuant to Administrative Code Chapter 12W**

- 1) Absence due to the illness, injury, medical care, treatment, diagnosis, or medical appointment of the employee; employee's child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state law, or "designated person." The aforementioned child, parent, sibling, grandparent, and grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships. "Child" includes a child of a domestic partner and a child of a person standing in loco parentis.
- 2) For this section, the definition of "designated person" is: one person designated by an employee who has no spouse or registered domestic partner, as the person for whom the employee may use paid sick leave to aid or care for under this section. The opportunity to make such a designation shall be extended to the employee no later than the date on which the employee has worked thirty (30) hours after paid sick leave begins to accrue. There shall be a window of ten (10) business days for the employee to make this designation. Thereafter, the opportunity to make such a designation, including the opportunity to change such a designation previously made, shall be extended to the employee on an annual basis, with a window of ten (10) business days for the employee to make the designation.

**120.7.8 Sick Leave Pursuant to Labor Code Sections 245-249**

Absence for the following purposes: (1) diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking, described in Labor Code Section 230, subdivision (c) and Labor Code Section 230.1, subdivision (a).

**120.7.9 Sick Leave - Compulsory**

Leave imposed by an appointing officer due to an employee's medical inability or incapacity to perform all the duties of the position as provided elsewhere in this Rule.

## **Rule 120**

### **Leaves of Absence**

#### **Article III: Sick Leave with Pay**

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

#### **Sec. 120.8 Sick Leave with Pay Eligibility**

**120.8.1** Sick leave with pay may be granted to employees who have accrued paid sick leave on the ninetieth (90<sup>th</sup>) day of service, except that supplemental disability credits may be used to supplement disability indemnity payments as provided elsewhere in this Rule regardless of length of service and except that an authorized leave of absence with or without pay granted under this Rule shall not be considered as a break in the continuous service of an employee.

**120.8.2** A break in service of more than twelve (12) continuous months by any employee other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

**120.8.3** Sick leave with pay credits will continue to accrue at the normal rate while an employee is on either furlough or voluntary unpaid time off in accordance with this Rule, for a maximum of up to ten (10) days per fiscal year for imposed furlough or twenty (20) days per fiscal year for voluntary unpaid time off.

#### **Sec. 120.9 Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave**

**120.9.1** Sick leave with pay may be granted to said employees on the ninetieth (90<sup>th</sup>) day of service.

**Sec. 120.9 Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave (cont.)**

- 120.9.2** Employees hired on or before February 5, 2007, shall immediately be eligible to accrue and use sick leave with pay credits under this section.
- 120.9.3** A complete separation in service for twelve (12) continuous months by an employee, other than an employee designated as a “holdover” will cause prior accumulated sick leave with pay credits to be cancelled and eligibility for sick leave with pay must be re-established.
- 120.9.4** Employees rehired within one (1) year following a separation will not be subject to the ninety (90) calendar day eligibility period and any previously accrued and unused sick leave hours will be reinstated.

**Sec. 120.10 Sick Leave with Pay - Maximum Accumulation of Credits**

**120.10.1 Sick Leave with Pay – Maximum Accumulation of Credits**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits for other employees, the hourly equivalent of 130 working days based on the regular daily work schedule as defined, provided that in no case may the total accumulated unused sick leave with pay credit balance exceed 1040 hours. Maximum accumulated sick leave with pay credits shall be reduced proportionately for employees entering a class or position where the regular work schedule is less than the class exiting if such employees have accumulated unused sick leave with pay credits more than the maximum allowable for the new class or position. Such employees shall have all such credits restored upon return to a class or position with an increased regular work schedule.

**120.10.2 Maximum Accumulation of Credits Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed seventy- two (72) hours under Administrative Code chapter 12W, and forty-eight (48) hours under Labor Code Sections 245-249.

**Sec. 120.11 Sick Leave with Pay - Restrictions**

- 120.11.1** Sick leave with pay, beyond that authorized by law, is a privilege recognized by Charter and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or as otherwise defined in this Rule.
- 120.11.2** Except for absences covered under Labor Code Section 233, an appointing officer or designee may require proof of incapacitation before granting sick leave with pay for any period and may withhold pay for failure to submit such proof provided that the employee had been previously notified in writing that such proof would be required for absences of less than five (5) working days.
- 120.11.3** The rate of earning and accumulating sick leave with pay credits and authorization for its use under this Rule shall in no way inhibit or restrict the right of an appointing officer to establish standards of attendance.

**Sec. 120.12 Prohibition Against Employment While on Sick Leave with Pay**

- 120.12.1** Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in a secondary employment subject to the provisions of these Rules governing such employment.
- 120.12.2** Violators of this section are subject to disciplinary action as provided in the Charter.

**Sec. 120.13 Calculation of Sick Leave with Pay Credits**

- 120.13.1** Unless otherwise provided in this Rule or by ordinance, sick leave with pay credits shall be earned at the rate of .05 hours for each hour of regularly scheduled paid service excluding, overtime exceeding forty (40) hours per week and holiday pay, except that an employee on disability leave shall earn sick leave with pay credits at the normal rate.
- 120.13.2** Exempt employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked, excluding holiday pay.
- 120.13.3** When provided in a Memorandum of Understanding, Class 2320 Registered Nurses who are regularly scheduled to work two (2) twelve (12) hour shifts every weekend in the pilot project shall earn sick leave

**Sec. 120.13 Calculation of Sick Leave with Pay Credits (cont.)****120.13.3 (cont.)**

with pay credits at the rate of .075 hours for each hour of regularly scheduled paid service worked during her/his regularly scheduled twelve-hour shifts. This Rule shall apply only to those 2320 Registered Nurses who are regularly scheduled to work two 12-hour shifts on weekends in the San Francisco General Hospital Pilot Project.

**Sec. 120.14 Disbursement of Sick Leave with Pay Credits**

**120.14.1** Sick leave with pay credits shall be used and deducted at the minimum rate in units of one hour for those employees whose credits are calculated in hours.

**120.14.2** When provided in a Memorandum of Understanding, Class 2320 Registered Nurses who are regularly scheduled to work two (2) twelve (12) hour shifts every weekend in the pilot project, and who use sick leave during any portion of such shifts, shall be entitled to use and deduct sick leave with pay credits at the rate of 1.5 hours for each hour of such sick leave, e.g., sick leave for four (4) hours of a shift = six (6) hours sick leave with pay. The benefits of this Rule shall be available only to a 2320 Registered Nurse who is regularly scheduled to work two (2) twelve (12) hour shifts on weekends in the San Francisco General Hospital Pilot Project, and who is required to use sick leave during some of all of her/his regularly scheduled twelve (12) hour shifts on weekends during the pilot project.

**Sec. 120.15 Conversion of Sick Leave with Pay Credits from Days to Hours**

Sick leave with pay credit balances shall be converted from days to hours based on the equivalent number of hours in such employee's sick leave with pay credit balances. The equivalent number of hours shall be based on the employee's authorized normal daily work schedule in effect on the effective date of this amended Rule, except if the Human Resources Director determines that such conversion is inequitable and allows another formula to be used.

**Sec. 120.16 Employees Injured by Battery**

**120.16.1** An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.

**120.16.2** Sick leave with pay under this section shall be known as "leave due to battery" and shall be subject to approval by the Human Resources



**Sec. 120.16 Employees Injured by Battery (cont.)****120.16.2 (cont.)**

Director. The Human Resources Director shall make such investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the Human Resources Director.

**120.16.3** The decision of the Human Resources Director may be appealed to the Commission whose decision is final.

**120.16.4** Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

**Sec. 120.17 Appeal of Denial of Sick Leave with Pay**

Denial of sick leave with pay to an appointee who is eligible and qualified for such leave is appealable as provided elsewhere in this Rule.

**Sec. 120.18 Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance**

**120.18.1** An employee who had accumulated unused sick leave with pay credits and who had completed the service requirement on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

<b>Schedule of Service Requirements and Allowances for Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance at the Time of Retirement, Separation Because of Accident or Death</b>	
<b>Service Requirement</b>	<b>Amount of Cash Reimbursement</b>
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%
Up to and including 5 continuous years of service	33.3%

**Sec. 120.18    Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

**120.18.2** Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

- 1) The Human Resources Director shall administer the provisions of this section.
- 2) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used being deducted.
- 3) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death, or at a later date when so selected by the employee, but within one (1) year of such retirement, separation or death.
- 4) Reimbursement is to be computed at the base rate of pay of an employee's permanent class, at the base rate of pay of the class of a temporary or provisional employee with no permanent status, or at the base rate of pay in a temporary or provisional appointment of an employee with permanent status in another class who has held such temporary or provisional appointment continuously for one (1) or more years at the time of separation.
- 5) No reimbursement shall be made for unused sick leave with pay credits earned on or after December 6, 1978.
- 6) The enactment of this section is not intended to constitute additional compensation, nor be a part of the rate of pay of the employee but is reimbursement for the vested and unused accumulated sick leave with pay credit balance to which an employee would have been entitled if the employee had not retired, separated due to industrial injury or died.

## **Rule 120**

### **Leaves of Absence**

#### **Article IV: Sick Leave without Pay**

**Applicability:** Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

##### **Sec. 120.19 Sick Leave without Pay - Eligibility**

Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

##### **Sec. 120.20 Sick Leave without Pay - Temporary and Provisional Employees**

Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave - maternity.

##### **Sec. 120.21 Sick Leave without Pay - Permanent Employees**

Sick leave without pay may be approved for permanent employees for the period of the illness provided that requests for prolonged leave shall be renewed every three (3) months and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless there is a reasonable probability that additional leave will enable the employee to return to employment within a reasonable time.

##### **Sec. 120.22 Prohibition Against Employment While on Sick Leave Without Pay**

**120.22.1** Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in outside employment.

**120.22.2** Violators of this section are subject to disciplinary action.

## **Rule 120**

### **Leaves of Absence**

#### **Article V: Compulsory Sick Leave**

**Applicability:** Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

#### **Sec. 120.23    Compulsory Sick Leave**

- 120.23.1** An appointing officer or designee who has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public and the employee, may require the employee to present a medical report from a physician designated by the Human Resources Director certifying the employee's medical or physical competency to perform the required duties.
- 120.23.2** If the employee refuses to obtain such physician's certificate or if because of a medical evaluation, the employee is found not to be medically or physically competent, the appointing officer or designee may place the employee on compulsory sick leave and shall immediately report such action to the Human Resources Director.
- 120.23.3** An employee shall remain on compulsory sick leave until such time as the employee is found to be competent to return to duty by a physician designated by the Human Resources Director, but such leave shall not exceed the maximum period of sick leave provided in this Rule.
- 120.23.4** The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Medical Examination Rule.
- 120.23.5** An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable.

## **Rule 120**

### **Leaves of Absence**

#### **Article VI: Disability Leave**

**Applicability:** The provisions of Rule 120 apply to all officers and employees except for the Uniformed Ranks of the Police and Fire Departments or MTA Service-Critical Classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in this Rule are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical Classes as covered in Volumes II, III and IV.

#### **Sec. 120.24    Disability Leave**

- 120.24.1** Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.
- 120.24.2** An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than ninety (90) days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's supplemental disability credits so as to equal the full salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave.
- 120.24.3** Supplemental disability credits shall be an account separate from, but equivalent to, the employee's accumulated unused sick leave with pay credit balance except that the supplemental disability credit account shall be adjusted as provided below.
- 120.24.4** Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.
- 120.24.5** Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.
- 120.24.6** The employee's department shall submit separate time rolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.

**Sec. 120.24    Disability Leave (cont.)**

- 120.24.7** Salary may be paid on regular time rolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.
- 120.24.8** When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for sick leave with pay credits charged and paid.
- 120.24.9** An employee who uses supplemental disability credits to supplement disability indemnity payments shall, while on disability leave, earn supplemental disability credits at the same rate as sick leave with pay credits.
- 120.24.10** Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.
- 120.24.11** Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.

**Sec. 120.25    Use of Sick Leave with Pay Credits to Supplement State Disability Insurance**

- 120.25.1** Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one (1) hour.
- 120.25.2** SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one (1) hour provides up to, but does not exceed, the regular gross salary the employee would have received for the normal work schedule excluding overtime.

**Sec. 120.25**    **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance (cont.)**

- 120.25.3**    An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on a form prescribed by the Human Resources Director to the appointing officer or designee within seven (7) calendar days following the first (1<sup>st</sup>) date of absence.
- 120.25.4**    Employees who are supplementing SDI earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.

## **Rule 120**

### **Leaves of Absence**

#### **Article VII: Military, War Effort and Sea Duty Leaves**

**Applicability:** Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

#### **Sec. 120.26    Military Leave**

**120.26.1**    Military leave is governed by the provisions of applicable Federal and State laws, by Charter provision and by this Rule.

#### **120.26.2    Time of War - Definition**

The phrase "time of war" is defined elsewhere in these Rules.

#### **120.26.3    Military Leave - Time of War**

Leaves of absence shall be granted to officers and employees for service in the armed forces of the United States or the State of California or for service on ships operated by or for the United States government in time of war and for a period not to exceed three (3) months after the conclusion of such service, but not later than one (1) year after the cessation of hostilities, except in case of disability incurred while in active service with the armed forces or the merchant marines when such disability shall extend beyond such period.

#### **120.26.4    Military Leave - Time of Peace**

Whenever any officer or employee shall, by order of the government of the United States or by lawful order of any of its departments or officers, or by lawful order of the State of California, or any of its departments or officers, be directed in time of peace to report and serve in the armed forces of the United States, or in the armed forces of the State of California, said officer or employee shall be entitled to a leave of absence from the employee's office or position during the time of such service and for a period not to exceed three (3) months after the expiration thereof.



**Sec. 120.26    Military Leave (cont.)****120.26.5    Military Leave - Permanent Appointees**

Any officer or employee on military leave, who prior to such leave has been appointed to a permanent position in the City and County service, shall be entitled to resume such position at the expiration of the leave, and in determining and fixing rights, seniority, salary and otherwise which have accrued and shall inure to the benefit of such officer or employee, the term of military leave shall be considered and accounted as part of the employee's service to the City and County.

**120.26.6    Military Leave - Proof of Duty**

Officers and employees requesting military leave shall file with the Human Resources Director a copy of the orders necessitating such service prior to the effective date of the leave of absence and upon return from such leave shall submit a copy of the discharge or release.

**120.26.7    Military Leave - Salary While on Temporary Leave**

Employees who have been employed by the City and County or any other public agency or have been on military duty for a period of not less than one (1) year continuously prior to the date upon which temporary military leave not exceeding 180 calendar days begins shall, as required by the State of California Military and Veterans' Code (Section 395), receive their regular salary or compensation for a period not to exceed thirty (30) calendar days of such military leave in any fiscal year or more than thirty (30) calendar days during any period of continuous military leave.

**120.26.8    Military Leave - Probationary Appointees**

Refer to the Probationary Period Rule on leave during the probationary period.

**120.26.9    Military Leave - Eligible Not Reached for Certification While in Service - Time of War**

An eligible on a regular civil service list, who served on active military duty not including reserve service during time of war who presents an honorable discharge or certificate of honorable active service within one (1) year from the date of release from military service, shall be preferred for certification for a period of four (4) years after the cessation of hostilities in the order of standing upon the eligible list at the time of entrance into military service and before candidates procuring standing through an examination held subsequent to the entrance of such eligibles into the military service.

**Sec. 120.26**    **Military Leave (cont.)****120.26.10 Military Leave - Eligibles Reached for Certification**

If while in the military service, the name of an eligible was reached for certification to a permanent position and the eligible presents an honorable discharge or certificate of honorable active service within 120 days from the date of release from active military duty not including reserve service during time of war, the eligible shall be certified to a position in the class for which so reached; and, for all purposes of seniority, the date of ~~appointment~~ following certification if appointed, shall be deemed to be the date when the eligible was reached for certification while in the military service. A person appointed in accordance with this section shall serve the required probationary period. An eligible who is offered appointment in accordance with the provisions of this section and who waives appointment and is subsequently ~~certify-appointed~~ following subsequent certification after withdrawal of waiver shall have seniority as of the date of such ~~appointment~~ certification.

**120.26.11 Military Leave - Participants in Written Examinations**

Persons who participate in a written examination and who present their orders or other proof of service within 120 days from the date of release from active military service in time of war shall be allowed to participate in the remaining parts of the examination. If they meet all the eligibility qualifications, they shall be ~~certify-appointed~~ following certification as of the date they would have been reached for certification in accordance with their rank based on the entire examination.

**120.26.12 Military Leave - Employees or Officers Not Subject to Civil Service Examination**

Military leave to an elected or appointed officer, appointed for a definite period, shall not be extended beyond the period for which elected or appointed, provided that if such officer is re-elected or reappointed, then military leave shall be automatically extended for such ensuing period of time.

Military leave to an employee occupying a position exempt from civil service examination shall not extend beyond the period for which the employee's appointing officer was elected or appointed.

**Sec. 120.27**    **War Effort Leave**

The Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees during time of war for service directly connected with the prosecution of the war or national defense or preparedness.

**Sec. 120.28    Leave for Sea Duty as Licensed Officers**

In time of war or while any act authorizing compulsory military service or training is in effect, the Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees for sea duty as licensed officers aboard ships operated by or for the United States government. The Commission shall amend this section to implement such ordinance.

**Sec. 120.29    Leave for Spouse or Registered Domestic Partner During Leave from Deployment of Qualified Member**

**120.29.1** In compliance with the State of California Military and Veterans Code, an eligible employee who is a spouse or registered domestic partner of a qualified member of the Armed Forces, National Guard, or Reserves shall be allowed to take up to ten (10) days of leave during a period of leave from deployment of the qualified member.

**120.29.2** An “eligible employee” is an employee who meets all the following conditions:

- 1)** is a spouse or registered domestic partner of a qualified member;
- 2)** works on average twenty (20) or more hours per week and is not an independent contractor;
- 3)** provides notice to the City, within two (2) business days of receiving official notice that the qualified member will be on leave from deployment, of his or her intention to take leave; and
- 4)** submits written documentation to the City, certifying that the qualified member will be on leave from deployment during the time of leave.

**120.29.3** A “qualified member” is any of the following:

- 1)** A member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or
- 2)** A member of the National Guard who has been deployed during a period of military conflict; or
- 3)** A member of the Reserves who has been deployed during a period of military conflict.

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- 1)** A member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or
- 2)** A member of the National Guard who has been deployed during a period of military conflict; or
- 3)** A member of the Reserves who has been deployed during a period of military conflict.

## **Rule 120**

### **Leaves of Absence**

#### **Article VIII: Unpaid Administrative Leave or Furlough**

Applicability: Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

#### **Sec. 120.30 Unpaid Administrative Leave or Furlough**

##### **120.30.1 General Provisions**

- 1) Notwithstanding the layoff and involuntary leave provisions or any other provisions of these Rules, an appointing officer is authorized to impose unpaid administrative leave (furlough) on any employee within that appointing officer's jurisdiction as provided in this section. The imposition of furloughs shall be subject to receipt of a Projected Deficit Notice (PDN) from the Controller stating that the department's budget will be insufficient to support the department's level of spending through the end of the fiscal year.
- 2) The authority of the appointing officer to impose furloughs shall be limited to those furloughs necessary to correct the projected deficit identified by the Controller.
- 3) This Rule shall apply to all employees of the City and County.
- 4) The Superintendent of the San Francisco Unified School District and the Chancellor of the San Francisco Community College District shall also be authorized to furlough any employee in the classified service upon their individual determinations that, based upon a review of projected revenues and expenditures, the budget will be insufficient to support the District's level of spending through the end of the fiscal year.
- 5) No provision of Layoff and Involuntary Leave, including but not limited to any provision regarding the order of layoff, displacement of less senior employees, or reinstatement, shall be applicable to any employees furloughed hereunder.

**Sec. 120.30**    **Unpaid Administrative Leave or Furlough (cont.)****120.30.2**    **Voluntary Unpaid Time Off**

- 1) Prior to imposing a furlough on any employee, an appointing officer shall attempt to determine, to the extent feasible and with due consideration for the time constraints which may exist for eliminating the projected deficit, the interest of employees within the appointing officer's jurisdiction in taking unpaid personal time off on a voluntary basis.
- 2) The appointing officer shall have full discretion to approve or deny requests for voluntary unpaid time off based on the operational needs of the department and any court decrees or orders pertinent thereto. The decision of the appointing officer shall be final except in cases where requests for voluntary unpaid time off more than ten (10) working days are denied. In such cases, an employee may appeal in accordance with the procedures provided below for appealing imposition of furlough.
- 3) An employee shall be entitled to take up to ten (10) unpaid days per fiscal year at the rate of no more than five (5) days in a three (3) month period, at the employee's discretion, upon at least fifteen (15) calendar days prior written notice to the employee's appointing officer. Such request shall not be denied except for the reason of a requirement that such position be filled on an overtime or premium pay basis, for essential operational needs or the requirements of a court decree or order.

**120.30.3**    **Furloughs**

- 1) Appointing officers are encouraged to furlough entire operational units within departments rather than individual employees, or stagger work hours within an operational unit on a reduced hours basis. The decision of the appointing officer to impose furloughs under this subsection, and the appointing officer's determination of what constitutes an operational unit, shall be final.
- 2) Where, in the discretion of the appointing officer, furlough of an operational unit as prescribed above is not feasible, individual employees within an operational unit may be furloughed.
- 3) To the extent practicable, furlough shall be equitably distributed among all of the employees in the affected department or operational unit to which the Projected Deficit Notice (PDN) has application; and all of the employees in the affected class(es).

**Sec. 120.30 Unpaid Administrative Leave or Furlough (cont.)****120.30.3 Furloughs (cont.)**

4) In determining which employees to furlough, an appointing officer shall consider citywide seniority within a class as well as considering the operational needs of the department.

5) In no event shall furlough be imposed upon an employee for more than four (4) days in any three (3) month period or ten (10) days in any fiscal year. Voluntary time off not to exceed a total of five (5) days per quarter or ten (10) days per year, approved pursuant to this section, shall be credited toward the maximum number of furlough days which may be imposed pursuant to this Rule.

6) Employees placed on furlough pursuant to this section shall be notified in writing at least fifteen (15) calendar days in advance of the effective date for the furlough.

7) The decision to furlough an individual employee within an operational unit shall be final except that an employee given notice of a furlough, which taken together with an employee's prior furloughs in the same fiscal year would exceed five (5) working days within any six (6) month period, may file an appeal. Such appeals must be in writing and filed within three (3) calendar days of the date of the notice of furlough with the Human Resources Director with a copy to the appointing officer. Within three (3) calendar days after receiving the appeal, the Department of Human Resources shall refer the written appeal and the appointing officer's written comments, if any, for determination to the Human Resources Director, the Mayor and the Controller, or their designees, who shall meet on no less than twenty-four (24) hours public notice. The determination regarding the appeal shall be rendered within seven (7) calendar days of the date of the appeal. This decision is final and shall not be reconsidered by the Commission. The Human Resources Director shall notify the employee and the appointing officer of the decision prior to the effective date of the furlough.

**120.30.4 Restrictions on Use of Paid Time Off While on Voluntary Unpaid Time Off or Furlough**

1) All voluntary unpaid time off or furlough imposed or granted pursuant to this section shall be without pay.

2) Employees granted voluntary unpaid time off or placed on furlough are precluded from using sick leave with pay credits, vacation credits, compensatory time off credits, floating holidays, training days or any other form of pay for the period involved.

**3)                      Sec. 120.30      Unpaid Administrative Leave or Furlough (cont.)****120.30.5    Imposition of Furlough - Fair Labor Standards Act (FLSA) Restrictions**

- 1) Furlough for employees who are non-exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one (1) hour.
- 2) Furlough for employees who are exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one (1) day.

**120.30.6    Vacation and Sick Leave with Pay Accruals While on Voluntary Unpaid Time Off or Furlough**

Subject to passage of necessary ordinances by the Board of Supervisors, vacation and sick leave with pay accruals shall continue during a maximum of ten (10) days of furlough in any fiscal year, or a maximum of twenty (20) days for approved voluntary unpaid time off taken pursuant to this Section in any fiscal year.

**120.30.7    Duration and Revocation of Voluntary Unpaid Time Off or Furlough**

Furlough imposed upon an employee shall remain in force for the period specified in the written notice unless sooner revoked by written notice from the appointing officer. Approved voluntary unpaid time off taken pursuant to this section may not be changed by the appointing officer without the employee's consent.

**120.30.8    Resolution of Disputes**

Except as provided elsewhere in this section, the Human Resources Director shall act on all disputes arising out of the application or implementation of the provisions of this section. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.



## **Rule 120 Leaves of Absence**

### **Article IX: Other Leaves of Absence**

**Applicability:** Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

#### **Sec. 120.31 Leave to Accept Other City and County Position**

**120.31.1** Leave by an employee who has completed the probationary period to accept exempt or temporary appointment in the City and County service may be approved for the duration of such appointment. Such leave by a probationary employee is subject to the provisions of the Rule governing the Probationary Period.

**120.31.2** Denial of such leave by the appointing officer is appealable as provided elsewhere in this Rule.

#### **Sec. 120.32 Educational Leave**

**120.32.1** Educational leave is defined as leave for the purpose of educational or vocational training in a field related to the employee's current position and as any training to which a veteran is entitled pursuant to the laws of the United States or the State of California.

**120.32.2** Educational leave may be approved for permanent appointees for a period of up to one (1) year. Requests for educational leave of longer than one (1) year must be renewed each year.

**120.32.3** Denial of educational leave is appealable as provided elsewhere in this Rule.

**120.32.4** An employee on educational leave shall not accept other employment without approval of the appointing officer and the Human Resources Director, except for employment in vacant positions with the City and County during school vacations.

**120.32.5   Sec. 120.32   Educational Leave (cont.)**

- 120.32.6** As soon as records are available, the employee shall periodically present to the appointing officer a record of completed educational work. These records shall be maintained in such a manner as to be readily available for audit by Department of Human Resources staff. Failure to submit an acceptable record of completed educational work shall subject the employee to disciplinary action as provided in the Charter.

**Sec. 120.33   Leave for Civilian Service in the National Interest**

- 120.33.1** Civilian service in the national interest is defined as leave to serve with a federal, state, or other public agency or non-profit organization in a program or in a capacity which the Human Resources Director deems to be in the national or general public interest.
- 120.33.2** Such leave may be approved for permanent appointees for a period of up to one (1) year. Requests for such leave of longer than one (1) year must be renewed each year.
- 120.33.3** Denial of such leave is appealable as provided elsewhere in this Rule.

**Sec. 120.34   Leave for Employment as an Employee Organization Officer or Representative**

- 120.34.1** Leave for employment as an employee organization officer or representative is defined as leave to serve full-time as an officer or representative of an employee organization whose membership includes City employees, or to attend a convention or other type of business meeting of an employee organization as an officer or delegate of the employee organization.
- 120.34.2** Leave for permanent appointees may be approved for the duration of such service.
- 120.34.3** Denial of such leave is appealable as provided elsewhere in this Rule.

**Sec. 120.35   Family Care Leave****120.35.1   Definition of Family**

A unit of interdependent and interacting persons, related together over time by strong social and emotional bonds and/or by ties of marriage, birth, and adoption, whose central purpose is to create, maintain, and promote the social, mental, physical, and emotional development and wellbeing of each of its members.

**Sec. 120.35 Family Care Leave (cont.)**

**120.35.2** Permanent employees who have one (1) or more years of continuous service in any status may be granted up to (1) year of unpaid family care leave for the following reasons:

- 1) The birth of a biological child of the employee;
- 2) The assumption by the employee of parenting or child rearing responsibilities. Family care leave does not apply to an employee who temporarily cares for a child for compensation, such as a paid childcare worker;
- 3) The serious illness or health condition of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities; or
- 4) The mental or physical impairment of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities, which impairment renders that person incapable of self-care.

**120.35.3** Family care leave is unpaid leave. Such leave may be granted in addition to accumulated compensatory time off, vacation time, floating holiday time or sick leave as specified under Sick Leave - Illness or Medical Appointment of Child, Parent, Spouse, or Registered Domestic Partner.

**120.35.4** Denial of family care leave is appealable as provided elsewhere in this Rule.

**Sec. 120.36 Witness or Jury Duty Leave**

**120.36.1** An employee who is summoned as a witness on behalf of the City and County or juror for a judicial proceeding shall be entitled to leave with pay less the amount of juror or witness fee paid for the period required for such service (Charter Section A8.400G). An employee who is summoned to serve as a witness in cases which involve outside employment or personal business affairs shall be placed on leave without pay unless vacation leave or compensatory time is requested and granted.

**120.36.2    Sec. 120.36    Witness or Jury Duty Leave (cont.)**

- 120.36.3** Paid witness or jury duty leave shall be only from an employee's scheduled duty time and shall not include hours outside of scheduled hours of work or on days off.
- 120.36.4** Such employees shall notify the appointing officer immediately upon receiving notice of jury duty.
- 120.36.5** An employee who takes vacation leave while on witness or jury duty leave shall receive regular salary.
- 120.36.6** Refer to the Probationary Period Rule on leave during the probationary period.

**Sec. 120.37    Holiday Leave**

Holiday leave shall be as provided by ordinance of the Board of Supervisors.

**Sec. 120.38    Vacation Leave**

Vacation leave shall be as provided in the Charter and by ordinance of the Board of Supervisors.

**Sec. 120.39    Involuntary Leave of Absence**

- 120.39.1** Whenever it becomes necessary to affect a reduction in force due to lack of work or lack of funds which shall result in the displacement of a permanent or probationary appointee from the City and County service, an appointing officer, notwithstanding other provisions of these Rules governing leaves of absence, shall place such employees on a leave of absence of an involuntary nature unless the employee elects to be laid off.
- 120.39.2** Such reductions in force shall be affected by the provisions of this Rule governing seniority and order of layoff.
- 120.39.3** Employees placed on an involuntary leave of absence shall be ranked on the holdover roster for the class from which laid off and shall be returned to duty as provided in this Rule.
- 120.39.4** Leaves of absence imposed under the provisions of this Rule shall expire upon the return to duty of the holdover, upon the expiration of holdover status, or upon written request of the employee to elect to be laid off while on involuntary leave.

**Sec. 120.40**    **Religious Leave**

- 120.40.1** Employees may be granted leave when personal religious beliefs require that the employee abstain from work during certain periods of the workday or work week. Such leave shall be known as "Religious Leave."
- 120.40.2** Religious leave shall be without pay unless the employee elects to use accumulated compensatory time off, vacation time, or floating holiday time.
- 120.40.3** Denial of religious leave is appealable as provided elsewhere in this Rule.

**Sec. 120.41**    **Personal Leave**

- 120.41.1** Personal leave is defined as leave for reasons other than those covered in other sections of this Rule.
- 120.41.2** Personal leave for permanent employees may be approved for a period of up to twelve (12) months within any two (2)-year period. Personal leave for temporary or provisional employees may be approved only if replacement of the employee is not required and for a maximum of one (1) month.
- 120.41.3** On the request of an appointing officer, the Human Resources Director, may for reasons deemed to be in the best interest of the service approve extension of personal leave for permanent employees beyond a twelve (12)-month period.

## **120.41.4 Rule 120 Leaves of Absence**

### **Article X: Appeal Procedures**

**Applicability:** Rule 120 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section A8.409. However, all definitions in Rule 120 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service-Critical classes as covered in Volumes II, III and IV.

#### **Sec. 120.42 Appeal Procedures**

**120.42.1** Appeals concerning furloughs or voluntary unpaid time off are excluded from appeal under this section and are appealable as provided elsewhere in this Rule.

**120.42.2** In cases where appeal is specifically granted in this Rule, a dispute concerning the application or implementation of the provisions of this Rule shall be processed EITHER, at the option of the employee:

- 1)** in accordance with the grievance procedure provided by the Human Resources Director for unrepresented employees or in a collective bargaining agreement.
- 2)** by appeal in writing to the Human Resources Director, whose decision shall be final and shall not be reconsidered by the Commission. A decision under one option shall preclude the use of the other option.

## **Rule 121**

### **Layoff**

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

**Article I**      **Rules Prescribed - Authority**

**Article II**      **Seniority**

**Article III**      **Order of Layoff**

**Article IV**      **Layoff - Provisional and Temporary Employees**

**Article V**      **Layoff - Probationary Employees**

**Article VI**      **Layoff - Permanent Employees**

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## Rule 121 Layoff

**Article I: Rules Prescribed - Authority**

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

**Sec. 121.1 Rules Prescribed - Authority**

- 121.1.1** Under the authority of Section 10.101 of the Charter of the City and County of San Francisco, the Civil Service Commission of the City and County of San Francisco does prescribe and adopt the following Rule which shall have the force and effect of law.
- 121.1.2** The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls as may be necessary.
- 121.1.3** In all matters pertaining to interpretation of this Rule, the decision of the Commission shall be final.



**121.1.4** Rule 121 Layoff**Article II: Seniority**

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

**Sec. 121.2** **Determination of Seniority**

**121.2.1** Except as may otherwise be provided in this Rule, seniority shall be determined as follows:

**1) Permanent**

Seniority for permanent appointees shall be determined by the date of ~~certification which resulted in a~~ permanent appointment following certification to a position in a class in a department. Seniority for appointees granted status or permanent tenure to a class shall be determined by the date of citywide seniority date as defined in these Rules ~~certification~~ in the class from which status or permanent tenure was granted.

**2) Temporary from Eligible List**

Seniority for temporary employees appointed from an eligible list shall be determined by the date of citywide seniority as defined in these Rules from certification which resulted in a temporary appointment to a position in a class in a department.

**121.2.2** Excluding involuntary leave as provided elsewhere in this Rule, seniority shall not be affected or reduced by current or previous periods of authorized leave of absence or authorized reduction in work schedules.

**121.2.3** In calculating permanent seniority in a class, temporary seniority in the same class shall not be added to permanent seniority in a class.

**121.2.4** In calculating temporary seniority in a class, permanent seniority in the same class shall be added to temporary seniority in a class.

**121.2.5** Seniority acquired in a recognized craft apprenticeship program with the City and County shall be added to seniority in the journey-level class.

**121.2.6**    Sec. 121.3    Tie Scores in Seniority

**121.3.1**    In the event of ties, seniority of civil service appointees shall be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive lists have absolute priority over entrance lists.

**121.3.2**    In the event of a tie in rank among appointees from lists of eligibles adopted on or after December 6, 1991, the methods listed below shall be used to determine seniority in the following order of priority until the tie is broken. First, the appointee with the longest continuous service in the class under permanent civil service appointment regardless of department shall be ranked above appointees with lesser service in the class; then, the appointee with the longest continuous citywide service under permanent civil service appointment regardless of class shall be ranked above appointees with lesser citywide service; finally, if the tie has not been broken by the preceding methods, it shall be broken by lot in the manner prescribed by the Human Resources Director and conducted under the supervision of the Human Resources Director or a designee. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission. In no case shall service before resignation and reappointment or discharge and reemployment be included in determining length of service for the purposes of this section.

**Sec. 121.4    Establishment and Verification of Seniority Roster**

**121.4.1**    When a layoff is imminent, an appointing officer shall notify the Department of Human Resources as to the class or classes affected.

**121.4.2**    If requested by the Human Resources Director, the appointing officer shall provide ~~a seniority roster including but not limited to~~ the name, status, ~~certification~~ citywide seniority date, and rank on eligible list of all employees in the affected classes and the number of such employees to be laid off.

**121.4.3**    The Human Resources Director, ~~upon verification of the seniority roster,~~ shall ~~notify~~ validate ~~the appointing officer of~~ the names provided by the appointing officer of those employees to be laid off.

**121.4.4**    Whenever possible the appointing officer must notify affected employees sufficiently in advance of a layoff.

**121.4.5** Rule 121 Layoff**Article III: Order of Layoff**

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

**Sec. 121.5** **Order of Layoff**

Except as may otherwise be provided in this Rule, layoff of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

- 121.5.1** Provisional
- 121.5.2** Temporary From Eligible List
- 121.5.3** Probationary
- 121.5.4** Permanent

**Sec. 121.6** **Exceptions to Order of Layoff**

- 121.6.1** Provisional employees, who qualified for their positions because of meeting specific hiring criteria and who are appointed under specific funding guidelines which limit the duration of employment shall be laid off at the end of their designated tenure without effect on any other employees.
- 121.6.2** Persons appointed to positions requiring special qualifications or skills shall be laid off when the work requiring such special qualifications or skills is completed, providing such appointees shall have rights to continue employment within their class in positions where the special qualifications or skills are not required if their name has been reached for certification to a regular position.
- 121.6.3** In the event of a layoff, a person appointed to a position requiring special qualifications or skills as approved by the Human Resources Director shall continue in the position unless a more senior employee or holdover in the class in which the layoff occurs possesses the same qualifications and skills. The Human Resources Director may administer such tests as deemed necessary to determine possession of special qualifications and skills.
- 121.6.4** All exceptions to the order of layoff shall require the express approval of the Human Resources Director.

**121.6.5** Rule 121 Layoff**Article IV: Layoff - Provisional and Temporary Appointees**

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

**Sec. 121.7** **Layoff - Provisional Appointees**

Except as provided, provisional appointees shall be laid off at the discretion of the appointing officer; except that entrance provisional employees shall be laid off prior to the layoff of any promotive provisional appointees in the same class. Provisional appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

**Sec. 121.8** **Temporary Appointees from Eligible List**

**121.8.1** Order of layoff for temporary appointees shall be by class within a department, by inverse order of seniority except if a more senior temporary appointee elects to be laid off. In the event of a conflict, the temporary appointee with the greater seniority shall have preference.

**121.8.2** The names of temporary appointees who are laid off shall be returned to the eligible lists from which appointed for further certification if such lists are still in existence.

## Rule 121

### Layoff

#### Article V: Layoff - Probationary Appointees

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

#### **Sec. 121.9**      **Layoff - Probationary Appointees**

**121.9.1** Probationary appointees shall be laid off in inverse order of the date of ~~permanent citywide seniority as defined in these Rules~~~~certification~~, except if a more senior probationary or permanent appointee elects to be laid off. In the event of a conflict, the probationary or permanent appointee with greater seniority shall have preference.

**121.9.2** As provided elsewhere in these Rules, a probationary appointee, regardless of length of service, may displace any temporary appointee including part-time exempt, in the same class in any department.

**121.9.3** Rule 121 Layoff**Article VI: Layoff - Permanent Appointees**

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superseded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

**Sec. 121.10** **Layoff - Permanent Appointees**

**121.10.1** Layoff of permanent appointees shall be by class in a department in inverse order of seniority except if a more senior permanent appointee elects to be laid off. In the event of a conflict, the permanent appointee with the greater seniority shall have preference.

**121.10.2** Layoff shall be treated separately under each appointing officer except that permanent and probationary employees may displace other permanent or probationary employees in the same class with less seniority in any department.

**Sec. 121.11** **Reinstatement from Entrance Appointment**

An employee laid off from an entrance appointment shall be either:

**121.11.1** Restored to a position in a class and department which the employee held on a permanent basis immediately prior to appointment in the class from which laid off. If necessary, layoffs in the classes affected shall follow;

**121.11.2** or, as directed by the Human Resources Director, appointed in rank order of seniority to a position not filled by a permanent employee in any other City department in the class held on a permanent basis immediately prior to appointment in the class from which laid off;

**121.11.3** or, if options 1 and 2 are exhausted or if the employee had no permanent status prior to appointment in the class from which laid off; the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred provided such action shall not adversely affect an incumbent certified from an eligible list. The Human Resources Director shall designate and recommend such classes to the Commission.

**Sec. 121.12 Requirement for Probationary Period**

Reinstatement to a position other than the position in the class and department in which permanently employed immediately prior to appointment in the class from which laid off shall require the appointee to serve a new probationary period.

**Sec. 121.13 Seniority Date Upon Reinstatement**

**121.13.1** Employees who are reinstated to a position held on a permanent basis immediately prior to appointment in the class from which laid off shall return with their ~~original~~ citywide seniority as defined in these rules ~~date~~ in the class.

**121.13.2** Employees who are reinstated to a position in which they have had no prior permanent service shall have seniority calculated from the date of citywide seniority in certification to the class from which laid off ~~as defined in these Rules.~~

**Sec. 121.14 Layoff - Promotive Appointees**

An employee laid off from a promotive appointment shall be either:

**121.14.1** Restored to a position in the class and department from which promoted. If necessary, layoffs in the classes affected shall follow;

**121.14.2** Or, as directed by the Human Resources Director, appointed in rank order of citywide seniority as defined in these Rules in the class to a position not filled by a permanent appointee in the class from which promoted in any other City department;

**121.14.3** Or, if options 1 and 2 are exhausted, the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred or to an appropriate lower rank class provided such action shall not adversely affect the permanent incumbents. The Human Resources Director shall designate and recommend such classes to the Commission.

**121.14.4** An employee who has completed the probationary period in a promotive appointment that is two or more steps higher in an occupational series than the permanent position from which promoted may be returned to a position in the City and County service in the next lower ranks. If necessary, layoffs in the classes affected shall follow.

**121.14.5** For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of citywide seniority as defined in these Rules ~~certification~~ in the higher class or in a class designated by the Human Resources Director as similarly related to the intermediate class.

**121.14.6** If the employee laid off is the least senior employee in the intermediate rank(s), the employee shall be placed on holdover list(s) for such

intermediate rank(s) and shall be restored to the class from which promoted.

**Sec. 121.14 Layoff - Promotive Appointees (cont.)**

- 121.14.7** Promotive employees who do not wish to be reinstated to a former class, a similarly-related class, or an intermediate class may waive such reinstatement and elect to be laid off or placed on involuntary leave. Such waiver shall not affect the employee's status on a holdover roster for the class from which laid off.

**Sec. 121.15 Higher Class Not Filled by Promotional Examination**

- 121.15.1** The Commission may order that the provisions of this Rule shall apply to appointees in higher classes in a class series even though the examination for such higher class was not held as a promotive examination or where appointees were blanketed into such higher classes. If necessary, layoffs in the classes affected shall follow.

- 121.15.2** For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of citywide seniority as defined in these Rules~~certification~~ in the higher class or in a class designated by the Human Resources Director, as similarly related to the intermediate class.

**Sec. 121.16 Requirement for Probationary Period**

Reinstatement to a position other than the position in the class and department from which promoted shall require the appointee to serve a new probationary period.

**Sec. 121.17 Reinstatement with Employee's Original Seniority in the Class**

Employees who are reinstated from a promotive appointment are restored with their ~~original~~ citywide seniority as defined in these Rules in the class, if any.



## **Rule Revisions Amended**

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

### **Rule 202**

#### **Definitions**

Applicability: Rule 202 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

**Sec. 202.1 Appointments**

**Sec. 202.2 Appointing Officer**

**Sec. 202.3 Appointment Date**

**Sec. 202.4 Bulletin Board / Employment Opportunity Website**

**Sec. 202.5 Certification - Banding**

**Sec. 202.6 Certification - Rule of Three Scores**

**Sec. 202.7 Certification Date**

**Sec. 202.8 Charter**

**Sec. 202.9 City**

**Sec. 202.10 Civil Service Department**

**Sec. 202.11 Class**

**Sec. 202.12 Classification Plan**

**Sec. 202.13 Classified Service**

**Sec. 202.14 Civil Service Commission**

**Sec. 202.15 Commissioner**

**Sec. 202.16 Department**

**Sec. 202.17 Department of Human Resources**

**Sec. 202.18 Eligible**

**Sec. 202.19 Eligible List**

**Sec. 202.20 Executive Session**

**Sec. 202.21 Human Resources Director**

**Sec. 202.22 Impact**

**Sec. 202.23 Layoff**

**Sec. 202.24 Near List**

**Sec. 202.25 Part-Time Employment**

**Sec. 202.26 Position**

**Sec. 202.27 Post**

**Sec. 202.28 Seniority**

**Sec. 202.29 Service**

**Sec. 202.30 Start Work Date**

**Sec. 202.31 Time Periods**

**Sec. 202.32 Validation Date**

## **Rule 202**

### **Definitions**

Applicability: Rule 202 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

**Sec. 202.1 Appointments**

**202.1.1 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.

**202.1.2 Probationary**

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

**202.1.3 Temporary Civil Service**

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

**202.1.4 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.

**202.1.5 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. 202.2 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. 202.3 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. 202.4 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 Civil Service Commission and Department of Human Resources.

**Sec 202.4.1 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. 202.5 Certification - Banding**

Banding is a certification process which provides a reasonable way in which to interpret a range of scores for the purpose of making employment decisions. This is done by creating "bands"

within which the lowest score within the "band" is considered as equally qualified as the highest score in the "band" based upon valid psychometric data and, therefore, eligible for consideration for employment or promotion.

**Sec. 202.6 Certification - Rule of Three Scores**

The names of eligibles with the three highest scores on the list of eligibles for a position, who are available for appointment, are certified to the appointing officer. 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 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 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.

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.

**Sec. 202.7 Certification Date**

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

**Sec. 202.8 Charter**

The Charter of the City and County of San Francisco.

**Sec. 202.9 City**

The City and County of San Francisco.

**Sec. 202.10 Civil Service Department**

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

**Sec. 202.11 Class**

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

**Sec. 202.12 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. 202.13 Classified Service**

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

**Sec. 202.14 Civil Service Commission**

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

**Sec. 202.15 Commissioner**

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

**Sec. 202.16 Department**

Organizational unit or units under one appointing officer.

**Sec. 202.17 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. 202.18 Eligible**

A person who has standing on an eligible list.

**Sec. 202.19 Eligible List**

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

**Sec. 202.20 Executive Session**

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

**Sec. 202.21 Human Resources Director**

Director of the Department of Human Resources.

**Sec. 202.22 Impact****Adverse Impact**

An adverse impact is a substantially different rate of selection in hiring, promotion or other employment decision disadvantaging members of a legally protected racial, gender or ethnic group not justified by a legitimate business necessity. When the selection rate for a particular legally protected group is less than four-fifths or eighty percent of the selection rate for the group with the highest selection rate, this may be regarded as evidence of an adverse impact. A selection rate larger than four-fifths or eighty percent will not be so regarded.

**Sec. 202.23 Layoff**

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

**Sec. 202.24 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. 202.25 Part-Time Employment**

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

**Sec. 202.26 Position**

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

**202.26.1 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 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.

**202.26.2 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.

**202.26.3 Part-Time**

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

**202.26.4 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.

**202.26.5 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. 202.27 Post**

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

## **Sec. 202.28 Seniority**

### **202.28.1 Civil Service - Permanent**

Permanent seniority shall be determined by ~~the date of~~ appointment date of the employee following certification from an eligible list to ~~certification which resulted in~~ a permanent ~~appointment to a~~ 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, or as provided elsewhere in these Rules.

### **202.28.2 Civil Service - Temporary (from eligible list)**

Seniority shall be determined by ~~the date of~~ appointment date of the employee following certification from an eligible list to ~~certification which resulted in~~ a temporary ~~appointment 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.

### **202.28.3 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.

### **202.28.4 Citywide**

#### 202.28.4 (a) Citywide Seniority Prior to [date]

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

#### 202.28.4 (b) Citywide Seniority Effective [date]

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

#### 202.28.4 (c) Ties in Seniority

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

## **Sec. 202.29 Service**

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

**Sec. 202.30 Start Work Date**

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

**Sec. 202.31 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. 202.32 Validation Date**

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



## **Rule 209**

### **Position Classification and Related Rules**

Applicability: Rule 209 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

#### **Article I: Authority**

- Sec. 209.1     Authority**
- Sec. 209.2     Notice and Appeals**

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

- Sec. 209.3     Definitions**

#### **Article III: Classification**

- Sec. 209.4     Classification of Positions**
- Sec. 209.5     Class Series**
- Sec. 209.6     Class Specification**
- Sec. 209.7     Official Copy**
- Sec. 209.8     Administration of the Classification Plan**

#### **Article IV: Status**

- Sec. 209.9     General Principles**
- Sec. 209.10    Effects of Classification Changes on the Status of Incumbents**
- Sec. 209.11    Limitations Under this Rule**
- Sec. 209.12    Situations Not Specifically Addressed**
- Sec. 209.13    Probationary Period**
- Sec. 209.14    Release From a Probationary Period**
- Sec. 209.15    Civil Service Seniority**

#### **Article V: Temporary Out-of-Class Assignments**

- Sec. 209.16    Temporary Out-of-Class Assignments – Policy and Definitions**

## **Rule 209**

## **Position Classification and Related Rules**

### **Article I: Authority**

Applicability: Rule 209 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

#### **Sec. 209.1 Authority**

209.1.1 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.

209.1.2 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.

209.1.3 The Human Resources Director, when notified of a significant change in duties, shall analyze positions. If it is determined through a job analysis that the level and/or function of the assigned responsibilities have changed significantly and are no longer consistent with the existing class, the position may be reclassified.

209.1.4 When appropriate to the Classification Plan, the Human Resources Director may change the title and/or number of a class without affecting the classification of the position or the status of incumbents.

209.1.5 The Human Resources Director may amend class specifications as necessary to reflect the major duties of positions within the class and the job-related knowledge, skills and abilities necessary to perform the functions of the class.

209.1.6 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.

209.1.7 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.

209.1.8 The provisions of Article I, Rule 209 shall only be superseded by an amendment to the Charter of the City and County of San Francisco, and then only to the extent required by the amendment with the remaining provisions continuing in full force and effect.

#### **Sec 209.2 Notice and Appeals**

209.2.1 Any employee, employee representative or appointing officer affected by a classification action or status grant under this Rule may appeal the action to the Civil Service Commission. The appeal shall be in writing, stating the basis on which the appeal is based and shall be in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

209.2.2 Proposed changes in classification and/or status of permanent civil service incumbents with existing status rights shall be posted for seven (7) calendar days. A day the Department of Human Resources is closed shall not be counted as the seventh (7th) calendar day. Proposed changes will become effective on the eighth (8th) calendar day following the posting date, with the following exception:

209.2.3 Protests shall be submitted to the Human Resources Director prior to the end of the posting period.

209.2.4 The decision of the Human Resources Director is appealable to the Civil Service Commission. The decision of the Civil Service Commission shall be final and not subject to reconsideration.

## **Article II: Definitions**

Applicability: Rule 209 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

### **Sec. 209.3 Definitions**

#### 209.3.1 Job Code

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

#### 209.3.2 Position

The duties and responsibilities assigned by an appointing officer to be performed by an employee.

#### 209.3.3 Classification System

A method of organizing positions into classes and groups of classes based on an analysis of types and levels of work performed.

#### 209.3.4 Classification Plan

The overall system or plan that encompasses all classes.

#### 209.3.5 Class

A group of positions having common functions and levels of responsibility requiring related knowledge, abilities, and skills.

209.3.6 Class Series

Directly related classes within a job group that vary in level and scope of responsibility.

209.3.7 Position Description

A position description generally describes the functions of a position but may not be all inclusive or specific to a particular position.

209.3.8 Class Specification

A written delineation of the levels of duties and essential functions of a class.

209.3.9 Allocation

Designating new positions to an appropriate class.

209.3.10 Reallocation/Reclassification

Designating existing positions to a different class.

209.3.11 Consolidation

The combining of the duties of two or more classes into one class.

209.3.12 Division

The separation of a class into two or more classes.

209.3.13 Amendment

The formal revision of the class specifications for an existing class.

209.3.14 Retitling

Changing the name (title) of an existing class.

209.3.15 Renumbering

Changing the designated number of an existing class.

209.3.16 Abolishment

The elimination of a class from the Classification Plan.

209.3.17 Status

Status is the granting to an employee permanent civil service standing to a specific class. Status is granted to a class, and not to a specific position in a class.

#### 209.3.18 Temporary Out-of-Class Assignment

The assignment of an employee who has permanent civil service status in a class to perform the normal day-to-day responsibilities and duties of another class on a temporary basis without a change in class.

#### 209.3.19 Protest

A request to the Human Resources Director for the reconsideration of a classification decision.

#### 209.3.20 Appeal

A request to the Civil Service Commission to reconsider the decision of the Human Resources Director.

### **Article III: Classification**

Applicability: Rule 209 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

#### **Sec. 209.4 Classification of Positions**

Each position in the classified service shall be classified by the Human Resources Director and allocated to the appropriate class in accordance with the level, scope and occupational concept of the assigned duties.

#### **Sec. 209.5 Class Series**

All classes directly related within a job family involving the same kind of work, but differing as to scope of responsibility, shall be assembled into the same series.

#### **Sec. 209.6 Class Specification**

209.6.1 The class specification shall be the official description of the class.

209.6.2 The class specification shall be descriptive of the class but shall not be considered as a restriction on the assignment of duties not specifically listed. The class specifications are intended to indicate the kind of positions that should be allocated to a class but shall not be construed as describing the exact duties and responsibilities of each individual position allocated to the class. The appointing officer has the authority to assign an employee to perform work if it is consistent with the type of duties and level of responsibility of the employee's class, although not specifically described in the class specification.

#### **Sec. 209.7 Official Copy**

The Human Resources Director shall maintain an accurate and complete copy of the Classification Plan to be designated as the "Official Copy." All changes in allocation or reallocation of positions to classes or amendment of classifications shall be recorded in the "Official Copy" of the Classification Plan. The "Official Copy" of the Classification Plan shall be open for public inspection.

#### **Sec. 209.8 Administration of the Classification Plan**

209.8.1 The Human Resources Director shall analyze positions and/or classifications whenever the Human Resources Director deems it necessary.

209.8.2 Upon request of the Human Resources Director, the appointing officer shall furnish detailed information relative to the duties and responsibilities or work assignments of positions under the appointing officer's jurisdiction. The appointing authority shall notify the Department of Human Resources promptly of significant changes in duties, responsibilities, or work assignments of positions.

### **Article IV: Status**

Applicability: Rule 209 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

#### **Sec. 209.9 General Principles**

Status in the City and County service is the granting of permanent civil service standing within a specific class to an employee. This right stems from the examination in which the employee qualified and/or the appointment received, and the duties performed as indicated on official records. The class specification or duties statement in existence at the time for the examination and/or appointment is a basic reference document in determining status in a class. An employee has status in a class, but not to a particular position within such class. The appointing officer has very broad discretion in reassigning an employee from one position to another position in the same class.

In cases where status is involved, the Human Resources Director shall be responsible for the determination of "status" of an employee and/or an eligible, subject to appeal to the Civil Service Commission.

#### **Sec. 209.10 Effects of Classification Changes on the Status of Incumbents**

##### **209.10.1 Class Consolidation**

When the duties of two or more classes are combined into one new, existing or amended class, and any of the classes involved are abolished, an employee who has permanent civil service status within the abolished class is granted status to the new, existing or amended class, subject to the limitations of this Rule.

##### **209.10.2 Division of One Class into Two or More Classes**

When a class is divided into two or more classes, an employee who has permanent civil service status within the class which is divided is granted status to the new class or classes which reflect(s) the primary responsibility of the employee. The determination of which class or classes reflect(s) an employee's primary responsibilities is made by the Human Resources Director.

#### 209.10.3 Upward Reclassification

When a position occupied by an employee with permanent civil service status is upwardly reclassified, the employee is given status in the new, existing or amended class subject to the limitations provided in this Rule.

#### 209.10.4 Lateral Reclassification

When a position occupied by an employee with permanent civil service status is laterally reclassified, the employee is given status in the new, existing, or amended class.

#### 209.10.5 Downward Reclassification

1) Subject to the limitations under Sec. 209.11 of this Rule, when a position occupied by an employee with permanent civil service status is downwardly reclassified, the employee may:

- a) accept the downward reclassification; or
- b) reassign to a vacancy within the same class and department; or
- c) request transfer to a vacant position to a class in another department; or
- d) reinstate to a vacant position previously held by the employee as provided under the Reinstatement Rule; or
- e) accept the downwardly reclassified position with reinstatement rights to the next available citywide vacancy in the class held by the employee at the time of the downward reclassification; or
- f) exercise civil service layoff rights.

2) If under a downward reclassification of a position, the employee elects to accept the downward reclassification with reinstatement rights, the employee must accept the first available position. If no position becomes available within one (1) year from the effective date of the action, all status to the previous classification is forfeited, unless an extension is granted by the Human Resources Director.

#### 209.10.6 Renumbered or Retitled Classes

When classes are renumbered or retitled, or when the class description has been changed to more accurately describe the duties being performed, all employees with permanent

status in the former class shall have continued permanent status in the renumbered or retitled class. Eligibles on a list in the former class shall continue as eligibles on the renumbered or retitled class.

#### 209.10.7 Implementation of Status

1) All permanent employees in positions in the former class who have been reallocated to a new class are granted status in positions in the new class as of the effective date as determined by the Human Resources Director.

2) The remaining employees in the same former class and in the same department are granted rights to assignment to positions in the new classes as vacancies occur according to seniority standing in the department.

3) Permanent employees occupying positions in the same former class in other departments are granted the right to transfer to positions in the new class or classes as vacancies occur. Such requests for transfer shall be governed by the provisions of the Rules governing appointment by transfer.

4) When status has been granted, all permanent employees in positions in the former class which has been reclassified to another class, are granted status in positions.

5) An employee who is granted status must exercise those rights to the second class as soon as a position becomes available, within one (1) year from the effective date of the amendment to the Annual Salary Ordinance unless an extension is granted by the Human Resources Director. If status is not exercised within the time limit or if the employee refuses an offer of a status appointment, then, status is forfeited.

6) An employee who does not exercise status as provided above may continue in the original position until such time as the reclassified position is filled and the original incumbent is replaced by another employee who has status in the class or by an eligible from a civil service list.

7) When all permanent incumbents in the class and department have exercised or forfeited status, eligibles on lists for the original class as well as employees in the same original class in another department may be offered status appointments in the second class either by certification from the eligible list or under transfer provisions of the Transfer Rule.

### **Sec. 209.11 Limitations Under this Rule**

209.11.1 The allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant legally holding such a position under permanent appointment. If there is an adverse effect on the civil service rights of an occupant legally holding such a position under permanent appointment, such allocation or reallocation shall be affected when the position becomes vacant by reassignment or for other reason(s), except when earlier implementation is approved by mutual agreement with the appropriate recognized employee organization. Pending such reallocation, the incumbent shall continue in the position.



209.11.2 In administering this Rule, if the difference between the salary ranges of the former class and the new class is more than seven and one half (7½) percent, a significant difference in scope of responsibility shall be deemed to exist, and status shall not be granted unless approved by the Civil Service Commission.

209.11.3 An employee must meet the minimum qualifications for the position in order to be eligible for status.

209.11.4 The Human Resources Director has the authority to assess the employee's ability to perform the level of duties and the essential functions of the class.

#### **Sec. 209.12 Situations Not Specifically Addressed**

Situations not specifically addressed in this Article will be resolved by the Human Resources Director subject to the prior approval of the Civil Service Commission.

#### **Sec. 209.13 Probationary Period**

209.13.1 Employees who are appointed by status in the same department shall not be required to complete a new probationary period.

209.13.2 Employees who exercise status to transfer to a new department shall be required to complete a probationary period.

209.13.3 Employees who have not yet completed the probationary period in the class subject to reclassification shall be required to complete the remainder of the probationary period in the new class.

#### **Sec. 209.14 Release from a Probationary Period**

Employees required to serve a probationary period as a result of being granted status under this Rule are subject to the Civil Service Commission Rules on release from the probationary period.

#### **Sec. 209.15 Civil Service Seniority**

Civil service seniority for employees granted status under Civil Service Commission Rule 209 shall be carried forward and is calculated from the date of citywide seniority as defined in these Rules ~~certification~~ in the former class prior to reclassification.

### **Article V: Temporary Out-of-Class Assignments**

Applicability: Rule 209 shall apply to all classes of the uniformed Ranks of the San Francisco Police Department.

#### **Sec. 209.16 Temporary Out-of-Class Assignments – Policy and Definitions**

209.16.1 In accordance with this Rule, an appointing officer may exercise Charter authority to assign an employee to perform any of the duties of the department to which appointed and to make any temporary out-of-class assignment to maintain the provision of any public service.

209.16.2 Temporary out-of-class assignment means the assignment of an employee without change in class to perform the normal day-to-day duties and responsibilities of another classification. Records of such temporary out-of-class assignment shall be placed in the employee's personnel file. The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary.

1) Temporary out-of-class assignment is distinguished from "temporary appointment" in that the latter refers to an appointment to a differently classified position in accordance with civil service appointment provisions and in accordance with budgetary requirements.

2) Temporary out-of-class assignment is distinguished from a short term or regular assignment of a minor portion of work duties which are allocated to a different class, but which are generally related to the regular duties or level of responsibility of the employee's current class.

3) The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary.

4) Temporary out-of-class assignments shall not be made when an appointment based on the regularly established Rules and procedures of the Civil Service Commission may be made. Temporary out-of-class assignments may be approved while an appointment through the established procedures is pending.

5) When a temporary out-of-class assignment is in order, selection and retention shall be at the discretion of the appointing officer or designee.

## **Rule 213 Certification Of Eligibles - Police Department**

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### **Rule 213**

#### **Certification of Eligibles - Police Department**

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

#### **Article I: Personnel Requisitions**

##### **Sec. 213.1 Personnel Requisitions**

#### **Article II: Certification Of Eligibles**

##### **Sec. 213.2 Certification of Eligibles - General Policy**

##### **Sec. 213.3 Certification Rules**

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

##### **Sec. 213.5 Certification Rules – General Provisions Applicable to All Certification Rules**

##### **Sec. 213.6 Certification of Entry Eligible List**

##### **Sec. 213.7 Certification of Promotive Eligible List – Rule of Ten Scores**

#### **Article III: Administration of Certification**

##### **Sec. 213.8 Response Period**

##### **Sec. 213.9 Effect of Failure to Respond**

##### **Sec. 213.10 Waivers**

##### **Sec. 213.11 Change of Address**

### **Rule 213**

#### **Certification of Eligibles - Police Department**

#### **Article I: Personnel Requisitions**

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

##### **Sec. 213.1 Personnel Requisitions**

**213.1.1 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.

**213.1.2 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.

**213.1.3 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.

**213.1.4 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.

**213.1.5 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 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, ~~and~~ 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. Unless otherwise instructed by the Civil Service Commission, the Police Department shall annually report to the Civil Service Commission on the selection process. In addition to the annual reports, the Department 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. The Human Resources Director shall report to the Civil Service Commission on the progress of continuous testing and the entry-level certification expansion on an annual basis for two (2) years and thereafter on a schedule to be determined.

**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.

## **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~~ 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. 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. 213.5 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. 213.6 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. 213.7 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.

### **Sec. 213.8 Certification of Eligible List – Continuous List Class**

The certification rule for all eligible lists that the Human Resources Director designates as “continuous list class” shall be Rule of the List.

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.~~89~~ Response Period****213.~~89~~.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.~~89~~.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.~~89~~.3 Extensions**

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

**Sec. 213.~~910~~ Effect of Failure to Respond**



**213.910.1** 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.

**213.910.2** 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. 213.4011 Waivers**

### **213.4011.1 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.

### **213.4011.2 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.

### **213.4011.3 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.~~1011~~.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.~~1011~~.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.~~11~~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 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 214**

## **Appointments**

Applicability: Rule 214 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

### **Article I: General Provisions**

- Sec. 214.1**     **Personnel Requisitions**
- Sec. 214.2**     **Permanent Appointment – Definition**
- Sec. 214.3**     **Method of Appointment – Permanent Appointment**
- Sec. 214.4**     **Temporary Appointment**
- Sec. 214.5**     **Provisional Appointment**
- Sec. 214.6**     **Restrictions on Provisional Appointment**
- Sec. 214.7**     **Advancement from Part-Time Position to Full-Time**
- Sec. 214.8**     **Separation of Temporary and Provisional Appointees Upon Expiration of Term of Employment**

### **Article II: Emergency And Temporary “Near List” Appointments**

- Sec. 214.9**     **Temporary “Near List” Appointment Authorized**
- Sec. 214.10**   **Emergency Provisional Appointment Pending Canvassing of Eligible List**
- Sec. 214.11**   **Restriction on Compensation of Emergency Provisional Appointees**
- Sec. 214.12**   **Mandate for Funding Department of Human Resources to Conduct Examinations**

### **Article III: Appointment by Reinstatement**

- Sec. 214.13**   **Reinstatement**
- Sec. 214.14**   **Reinstatement Following Transfer**
- Sec. 214.15**   **Restrictions on Reinstatement**

**Article IV: Reappointment****Sec. 214.16    Reappointment after Resignation****Sec. 214.17    Restrictions on Reappointment****Article IV: Appointment By Transfer****Sec. 214.18    Transfer - General****Sec. 214.19    Transfer from Position Not Full-Time****Sec. 214.20    Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment****Sec. 214.21    Transfers Occasioned by the Transfer of Functions from One Department to Another****Sec. 214.22    Limited-Term Transfer****Article VI: Exempt Appointment****Sec. 214.23    Exclusions from Civil Service Appointment****Sec. 214.24    Charter Limit on Certain Categories of Exempt Appointments****Rule 214****Appointments****Article I: General Provisions**

Applicability: Rule 214 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

**Sec. 214.1    Appointment - General Provisions****214.1.1    Report of Appointment**

Except with the permission of the Human Resources Director, all appointments shall be reported by the appointing officer to the Department of Human Resources on the prescribed form prior to the appointee's starting date of employment.

**214.1.2    Validation of Appointment**

No appointee may begin working except with permission of the Human Resources Director until the appointing officer has received official notice of validation of appointment from the Department of Human Resources.

**214.1.3 Finality of Appointing Officer's Decision**

Except as otherwise provided in these Rules, ordinances, or the Charter, the decision of the appointing officer in all matters regarding appointment shall be final.

**Sec. 214.2 Permanent Appointment - Definition**

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

**Sec. 214.3 Method of Appointment - Permanent Appointment**

Permanent appointments shall be made in the following order of priority:

**214.3.1** by the return to duty of a permanent holdover;

**214.3.2** by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees.

**Sec. 214.3 Method of Appointment - Permanent Appointment (cont.)**

**214.3.3** by the appointing officer through use of any one of the following options:

1) advancement of a part-time employee to full-time status consistent with the requirements found elsewhere in this Rule; or

2) transfer; or

3) from requests for reinstatement other than by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees; or

4) by reappointment following resignation; or

5) by certification by the Police Department Personnel Division of eligibles from a regular list or reemployment register.

**214.3.4** Exercise of one option will preclude the use of any other method of appointment except because of any settlement arising following an appeal or other litigation. Departments may also fill permanent vacancies through internal reassignment of permanent employees consistent with departmental procedures. Such reassignments are not within the jurisdiction of the Civil Service Commission or the Department of Human Resources except as specifically provided elsewhere in these Rules.

**Sec. 214.4 Temporary Appointment**

**214.4.1** Temporary appointment shall be one of the following:

1) An appointment from an eligible list to a temporary position. Such appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 1040 hours; or

2) An appointment from an eligible list to a temporary position established to perform a special project or investigation. The establishment of such position shall require the express approval of the Human Resources Director. It must be readily foreseeable that the duties and responsibilities and products must be completed by the time limit of a maximum of the hourly equivalent of 260 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 2080 hours.

**Sec. 214.4**     **Temporary Appointment (cont.)**

3) When no eligible list exists or no eligible is available on an existing eligible list for a position in the class requisitioned by an appointing officer, and immediate service in the position is required by the appointing officer and another eligible list exists which is deemed by the Human Resources Director to be suitable to provide temporarily the service desired, the Human Resources Director shall certify for civil service temporary appointment an eligible from such eligible list.

**214.4.2**     **Expiration of Temporary Appointment**

1) Upon expiration of the maximum allowable period or upon expiration of the appointee's temporary position, temporary appointees shall be separated as provided below.

2) Temporary appointees so separated shall be returned to the eligible list from which appointed if such list has not expired.

3) Temporary appointees returned to the eligible list or to the holdover roster shall be immediately available for certification to temporary positions:

- under another appointing officer; or
- to the same appointing officer to another position with the express approval of the Human Resources Director.

In the case of represented classes, the Human Resources Director shall provide prior notification to the appropriate bargaining representative of intention to authorize such immediate certification and shall, upon request, meet and confer concerning the proposed certification.

4) Uniformed Ranks of the Police Department and temporary appointees, except those appointed from a "near list", whose list has expired shall be ranked on the holdover roster for the class.

**214.4.3**     Layoff due to lack of work or lack of funds or termination shall be as provided elsewhere in these Rules.

**Sec. 214.5**     **Provisional Appointment**

**214.5.1**     Provisional appointment shall be an appointment to a permanent or temporary position when there is no available eligible.

**Sec. 214.5**     **Provisional Appointment (cont.)****214.5.1 (cont.)**

1)     A provisional appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular work schedule of the employee; however, in no case may the maximum duration exceed 1040 hours in any class or in any department in a calendar year.

2)     Except with the express approval of the Human Resources Director, when an eligible list is adopted, all provisional appointments in the affected class shall expire.

**214.5.2**     Provisional appointments may be extended with the approval of the Human Resources Director for additional periods of time not to exceed, for each extension, the time limitations specified above.

**214.5.3**     Provisional appointees serve at the discretion of the appointing officer.

**214.5.4**     Provisional appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.

**214.5.5**     The Human Resources Director shall promulgate policies and procedures for making provisional appointments which shall include provisions that appointments shall be made based on a combination of merit factors, affirmative action and, if promotive, consideration of performance appraisal ratings and seniority.

**214.5.6**     Layoff of provisional appointees due to lack of work, lack of funds or termination shall be as provided elsewhere in these Rules.

**214.5.7**     A civil service appointee who is laid off, terminated or who resigns from a provisional appointment shall return to the appointee's permanent position.

**214.5.8**     A provisional appointee resigning from employment shall complete the prescribed resignation form.

**214.5.9**     Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

**Sec. 214.6**     **Restrictions on Provisional Appointment**

As provided in Charter Sections 10.105 and 18.110:

1) Provisional appointments for civil service positions for which no eligible list exists shall not exceed three years.



2) Provisional appointments may only be renewed beyond three years with the approval of the Board of Supervisors and upon certification by the Human Resources Director that for reasons beyond his or her control the Department of Human Resources has been unable to conduct examinations for these positions.

3) Unless provisional appointments are renewed as provided in this section or are transitioned to regular civil service appointment through either the competitive examination process or as provided in Charter Section 18.110, provisional employees appointed before July 1, 1996 shall be laid off by June 30, 1999.

**Sec. 214.7      Advancement from Part-Time Position to Full-Time**

After one year of continuous permanent satisfactory service in a part-time position, the senior appointee in a class in the department may be advanced by the appointing officer to a full-time position. Advancement from a part-time position shall require a new probationary period.

**Sec. 214.8      Separation of Temporary and Provisional Appointees Upon Expiration of Term of Employment**

**214.8.1** No temporary or provisional appointment shall exceed the maximum allowable duration provided in these Rules, and upon expiration of that period of time, the appointee shall be separated from the position.

**214.8.2** The appointee's separation shall be based upon the expiration of the maximum allowable duration or upon expiration of the appointee's temporary position. Such separation shall be without reference to the layoff or termination provisions of these Rules. The appointee shall be notified in writing:

- 1) at the time of appointment as to the duration of such appointment; and
- 2) at least ten (10) working days in advance of the final date.

## **Rule 214**

### **Appointments**

#### **Article II: Emergency And Temporary “Near List” Appointments**

Applicability: Rule 214 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

**Sec. 214.9      Temporary "Near List" Appointments Authorized**

When no list of eligibles exists or no eligible is available on an existing list for a position in the class requisitioned by the appointing officer, and immediate service in the

position is required by the appointing officer and another list exists which is deemed by the Human Resources Director to be suitable to provide temporarily the service desired, the Commission shall certify for civil service temporary appointment an eligible from such list.

**Sec. 214.10    Emergency Provisional Appointment Pending Canvassing of Eligible List**

**214.10.1** If a list of eligibles exists for the position requisitioned, but immediate service is deemed necessary by the appointing officer pending the time an eligible from such list is certified and reports for duty as provided in Section A8.329 of the Charter, the Human Resources Director may authorize the appointing officer to make a provisional or emergency appointment thereto for a period not exceeding thirty (30) working days.

**214.10.2** Such provisional or emergency appointment, however, shall cease prior to the expiration of such thirty (30) working days at the time a civil service eligible reports for duty as provided in Section A8.329 of the Charter.

**Sec. 214.11    Restriction on Compensation of Emergency Provisional Appointees**

No person shall be compensated under any provisional or emergency appointment or appointments as authorized under the provisions of the foregoing paragraphs of this Rule for a period exceeding 130 working days in any fiscal or calendar year, and no claim or warrant therefore shall be approved, allowed, or paid for any compensation in excess of such 130 working days in any fiscal or calendar year.

**Sec. 214.12    Mandate for Funding Department of Human Resources to Conduct Examinations**

If no eligibles are available for appointment to a permanent position in the class requested by the appointing officer, the Department of Human Resources or its designee shall immediately hold an examination and establish an eligible list for such position. If its annual appropriation is insufficient to meet the cost of said examination, the Department of Human Resources or its designee shall report to the Mayor the estimated cost thereof, the Mayor shall request and the Board of Supervisors shall make supplemental appropriation therefore in the manner provided herein for supplemental appropriations.

## **Rule 214**

### **Appointments**

#### **Article III: Appointment By Reinstatement**

Applicability: Rule 214 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

**Sec. 214.13    Reinstatement**

**214.13.1** A permanent employee who accepts permanent appointment to a position in another class shall be permanently separated from any former position, with the following exception: the employee may be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the appointing officers in both the present department and the former department or the department(s) to which reinstatement is requested. A copy of the approved form(s) must be filed with the Department of Human Resources.

**214.13.2** An employee serving a promotive probationary period shall be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the Human Resources Director.

1) A request for reinstatement under this section shall not extend the probationary period or infringe upon an appointing officer's authority to terminate an employee.

2) An approved request for reinstatement shall remain in effect until the employee is either reinstated, separated, refuses an offer of reinstatement, or such a request is canceled by the Human Resources Director.

3) Separation of the employee shall nullify all requests for reinstatement approved under this section.

4) The employee shall receive one offer of reinstatement. Failure to accept a reinstatement offer shall forfeit all rights to reinstatement under this section.

5) A reinstatement under this section shall be under the Rule of One.

6) If more than one request for reinstatement under this section is on file, the person with the greater seniority in the class to which reinstatement is requested shall be reinstated first.

**Sec. 214.13    Reinstatement (cont.)**

**214.13.3** Reinstatement to a position in a former class and department shall be with former civil service seniority standing in that department and no probationary period shall be required.

**214.13.4** Reinstatement to a position in a former class in another department shall require a new civil service seniority date in that department from the date of such reinstatement and shall require a new probationary period.

**Sec. 214.14    Reinstatement Following Transfer**

An appointment by transfer shall cancel all rights to the position from which transferred except that, prior to the completion of the probationary period, a transferee may request reinstatement to a vacancy in a position in the same class and department from which transferred in accordance with the procedures established in this Rule.

**Sec. 214.15    Restrictions on Reinstatement**

Appointments by reinstatement are subject to the appointment provisions found elsewhere in this Rule.

**Rule 214****Appointments****Article IV: Reappointment**

Applicability: Rule 214 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

**Sec. 214.16    Reappointment after Resignation**

**214.16.1** A permanent appointee who has completed the probationary period who resigns and whose services have been certified as satisfactory by the appointing officer, or except as otherwise ordered by the Commission in the case of services certified as unsatisfactory, shall be permanently separated from such appointment except as follows:

**214.16.2** A separate request must be filed with each department to which reappointment is desired. An approved copy of the reappointment form(s) must be filed with the Department of Human Resources.

**214.16.3** Consistent with the above procedure, members of the Uniformed Ranks of the Police Department shall have two (2) years from the effective date of the resignation to request and to be reappointed.

**214.16.4** If a vacancy does not exist in the class from which resigned from City and County Service, or, if otherwise approved by the Human Resources Director, subject to appeal to the Civil Service Commission, a resignee may re-enter the service to a vacancy in any former class in which the probationary period had been completed in any department with the approval of the appointing officer.

**214.16.5** When reappointed, the resignee shall enter the service as a new appointee with no rights based on prior service except such as may be specifically provided elsewhere in these Rules, in the Vacation, Sick Leave and any other Ordinances as appropriate, and in the examination procedures with respect to credit for prior City and County Service.

**Sec. 214.17    Restrictions on Reappointment**

Reappointments are subject to the appointment provisions found elsewhere in this Rule.

**Rule 214**

## Appointments

### Article V: Appointment By Transfer

Applicability: Rule 214 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

#### **Sec. 214.18 Transfer - General**

**214.18.1** A transfer of a permanent appointee who has completed the probationary period to a position in the same class under another appointing officer shall be requested on the form prescribed by the Human Resources Director.

**214.18.2** A properly completed transfer form approved by the appointing officer or designee of the department to which transfer is requested shall be filed in the requested department. A copy of the approved form shall be filed with the Department of Human Resources and in the employee's current department within two (2) business days of approval.

**214.18.3** Appointees accepting a new appointment by transfer shall give a minimum period of notice prior to separation from their current department of fifteen (15) working days unless the current department approves a shorter period of notice.

**214.18.4** Appointments by transfer are subject to the appointment and probationary provisions of these Rules.

**214.18.5** Appointment by transfer will cancel all other transfer requests which have been filed.

#### **Sec. 214.19 Transfer from Position Not Full-Time**

A permanent appointee to a part-time position or a position not full-time on an annual basis and who serves under such appointment continuously for one (1) year, may request transfer to a regular full-time position in accordance with the provisions of this Rule.

#### **Sec. 214.20 Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment**

Permanent civil service employees who have completed their probationary period and who are subject to layoff because of technological advances, automation, the installation of new equipment, or the transfer of functions to another jurisdiction may submit a request to the Human Resources Director for transfer to a position within their capacities to perform, whether or not within the class for which they qualified for appointment. Such request for transfer shall be subject to the following:

**214.20.1** Request for transfer shall be submitted on the form prescribed by the Human Resources Director and shall be approved by the appointing officer or designee of the department to which transfer is requested.

**214.20.2** The position to which transfer is requested shall not be to a class with more than a five percent (5%) increase in compensation.

**214.20.3** The Human Resources Director may administer any examinations which, in the judgment of the Human Resources Director, are deemed advisable to test the capacity of the employee to perform the duties in the position to which transfer is requested, unless the transfer is to a position in the same class or a closely related class.

**214.20.4** Employees so transferred, who are not suited to the position, may be given an opportunity for further transfer to other positions within their capacities to perform.

**214.20.5** In the event of layoff of an appointee who occupies a position through transfer under the provisions of this section, such layoff shall be in accordance with the applicable provisions of the Layoff Rule. Seniority shall be calculated from the date of citywide seniority as defined in these Rules ~~certification~~ in the class from which transferred.

**214.20.6** Employees transferred under the provisions of this section may request reinstatement to the former class in accordance with the Reinstatement Rule.

**214.20.7** In the event that more than one approved transfer to the same class is on file in the Department of Human Resources, preference shall be given to the appointee who has the longest service under civil service permanent appointment in the class from which layoff is to be made.

**214.20.8** An appointee transferred under the provisions of this section shall serve a probationary period in the new class.

**Sec. 214.21 Transfers Occasioned by the Transfer of Functions from One Department to Another**

**214.21.1** When, in accordance with Charter provisions, part of the functions and duties of any department are transferred to another department, the employees performing such functions and duties shall be transferred therewith.

**214.21.2** Such employees shall retain in their new department the same salary and civil service seniority status as they had in the department from which transferred.

**214.21.3** Employees transferred in accordance with this Rule shall not be required to serve a new probationary period.

**Sec. 214.22 Limited-Term Transfer**

**214.22.1 Definition**

The transfer of a permanent appointee to a vacant position in the same class under another appointing officer for a specified duration of time may be approved by the appointing officers of both departments and the Human Resources Director and shall be known as a “limited-term transfer.”

### **214.22.2 Purpose**

The purpose of a limited-term transfer is to more efficiently utilize and exchange human resources among the departments of the City and County; to allow employees exposure and training in other departments; and to provide a mechanism for reducing staffing levels during slow periods or periods of fiscal emergency and to temporarily increase staffing during peak work periods.

### **214.22.3 Types of Limited-Term Transfers**

1. **Voluntary:** A limited-term transfer may be initiated upon the written request of an employee on the form prescribed by the Human Resources Director. Upon receipt of a written request from an employee and no less than fifteen (15) working days prior to implementation, the designated union of the employee shall be provided written notice. The union shall have five (5) working days from the date of the notice to request a meeting with the appointing officer/designee. Within five (5) working days from the date of the union request, a meeting shall be held. If the union is unavailable to meet within the five (5) working days following the request

### **214.22.3 Types of Limited-Term Transfers (cont.)**

#### **d) Voluntary: (cont.)**

to meet, the unavailability of the union shall constitute a waiver of the right to meet. Unavailability of the appointing officer/designee shall constitute an extension of the timelines. The timelines may also be extended through mutual written agreement.

**2) Mandatory:** A permanent or probationary employee may be transferred by the employee’s appointing officer for a specified period up to a maximum of six (6) months in any calendar year to a position in the same class under another appointing officer. Such transfers shall be made by class in reverse order of seniority in the class in the department after all permanent and probationary employees in the class have been canvassed and all more senior employees have been notified and have waived the right to request a voluntary limited-term transfer. The employee shall receive at least five (5) working days written notice in advance of the effective date of the transfer and shall be given an opportunity, if requested, to meet and confer with the appointing officer/ designee and the designated union representative. No permanent employee shall be placed on mandatory limited-term transfer if there are temporary or provisional employees in the same class in the department from which the transfer originates.

### **214.22.4 Expiration and Extension**

- d) Limited-term transfers will remain in force for the period specified unless abridgment is approved by both appointing officers.

2) Voluntary limited-term transfers may be extended for additional periods of time with the approval of the employee, the appointing officer, and the Human Resources Director.

3) Upon expiration of the period of the transfer, the transferee shall be automatically reinstated to a permanent position in the class and department from which transferred.

#### **214.22.5 Probationary Period**

- d) A limited-term transferee shall not serve a new probationary period; however, notwithstanding any other provision of these Rules, with the approval of the appointing officer in the department to which transferred, the time served during a limited-term transfer, or a portion thereof, may be counted toward the completion of the probationary period if the transferee requests and is granted a permanent transfer and commences a probationary period in the new department.

### **Sec. 214.22 Limited-Term Transfer (cont.)**

#### **214.22.5 Probationary Period (cont.)**

2) An appointee who is transferred under the provisions of this Rule while serving a probationary period in the department from which transferred shall complete the probationary period upon reinstatement to the original department; however, an appointing officer may, notwithstanding any other provision of these Rules, credit the time served during a limited-term transfer or a portion thereof toward the completion of the probationary period in the original department.

#### **214.22.6 Disciplinary Action**

A limited-term transferee is an appointee in the department to which transferred during the period of the transfer for the purpose of disciplinary action.

#### **214.22.7 Temporary Positions**

Limited-term transfers which are not made to permanent positions may be made to positions which are funded on a temporary basis with the certification of the Controller that funds for the payment of mandatory fringe benefits are available in the department to which transferred. Appointees so transferred retain all the rights and benefits of permanent appointees.

#### **214.22.8 Seniority**

Appointees returning to their original departments following a limited-term transfer are reinstated with full seniority. No deduction from seniority in the original department shall be made for any period of limited-term transfer.

#### **214.22.9 Layoff**



An appointee who is laid off while on a limited-term transfer shall be automatically reinstated to a permanent position in the class in the department from which transferred.

## **Rule 214**

### **Appointments**

#### **Article VI: Exempt Appointment**

Applicability: Rule 214 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

##### **Sec. 214.23 Exclusions from Civil Service Appointment**

All permanent employees of the City and County shall be appointed through the civil service process by competitive examination unless exempted from the civil service examination and selection process in accordance with Charter provisions. Appointments excluded by Charter from the competitive civil service examination and selection process shall be known as exempt appointments. Any person occupying a position under exempt appointment shall not be subject to civil service selection, appointment, and removal procedures and shall serve at the pleasure of the appointing officer.

##### **Sec. 214.24 Charter Limit on Certain Categories of Exempt Appointments**

**214.24.1** The proportion of full-time employees in the exempt categories included under Charter Sections 10.104-1 through 10.104-12 to the total number of civil service employees of the City and County shall not be greater than the proportion existing on July 1, 1994, except as authorized in this Article. As certified by the Civil Service Commission at its meeting of November 18, 1996, the ratio on July 1, 1994 of full-time exempt employees to the total full-time City and County work force was two percent (2%).

**214.24.2** In accordance with Charter Section 10.104, the Civil Service Commission may, by express approval, authorize that full-time positions conforming to the criteria established in this Section in the categories defined in Charter Sections 10.104-1 through 10.104-12 more than the Charter limitation be excluded from civil service selection and removal procedures and be filled through exempt appointment.

##### **Sec. 214.24 Charter Limit on Certain Categories of Exempt Appointments (cont.)**

**214.24.3** Requests for exemption under this section must conform to the following:

- d) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.

2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.

3) The Human Resources Director recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.

4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.

5) The official making the request provides written justification as to the reasons the position should be exempted.

**214.24.4** An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.

**214.24.5** The decision of the Human Resources Director is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.

**214.24.6** This section as adopted by the Civil Service Commission at its meeting of November 18, 1996 was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).

**Sec. 214.24 Charter Limit on Certain Categories of Exempt Appointments (cont.)**

**214.24.7 Charter Limit on Categories 16, 17 and 18**

d) Temporary and Seasonal Exemptions under Charter Section 10.104-16

a. Temporary and seasonal appointments shall be TEX, with full-time, part-time, or as-needed schedules.

b. No person, regardless of work schedule, shall exceed 1040 hours of work in any fiscal year.

2) Temporary Substitute/Backfill Exemption under Charter Section 10.104-17

a. An appointment proposed for exemption under Charter Section 10.104-17 shall be for a temporary substitute or back-fill for a civil service employee on an authorized leave of absence (\*e.g., an employee on pregnancy or other medical leave, etc.)

b. The Human Resources Director may approve an appointment in increments of up to 1040 hours (six months); however, the appointment shall not exceed a maximum duration of 4160 hours (not to exceed two years by Charter requirement, or a total of four six-month increments).

3) Special Project Exemption under Charter Section 10.104-18

a. An appointment authorized for exemption under Charter Section 10.104-18 must be to a position created for or dedicated to a special project, or for professional services, not to exceed three years by Charter requirement.

b. Funding for appointments to perform professional services as authorized under Charter Section 10.104-18 shall be for a limited term (e.g., a grant or a “one-time only” appropriation for a specific or special purpose). Departmental requests for such appointments must certify that the funding is limited, identify the funding source, and anticipate duration of such funding source, and adequately describe the professional services to be performed.

c. Departmental requests for appointments to a special project as authorized under Charter Section 10.104-18 must adequately define the special project or professional service to be provided (including but not limited to a description of the project objective, scope of work, and the specific anticipated duration of the project).

## Rule 214

### Appointments

#### Article VII: POST Certification Advancement In Class

Applicability: Rule 214 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

##### **Sec. 214.25 Advancement In Class Based on POST Certification**

**214.25.1** Notwithstanding any other provision of these Civil Service Commission Rules, advancement in class based on POST Certification shall be administered as provided in this Rule 214, Article VII.

**214.25.2** The Chief of the Police Department, subject to the authority of the Human Resources Director, shall have the authority to advance employees in those classes referenced in Section 214.25.3 below.

**214.25.3** Persons receiving a permanent appointment to a class in accordance with Civil Service Commission Rules, may advance in class based upon obtaining POST Certification. This Rule shall apply to the following Classes.

<b>Civil Service Class Title</b>	<b>Permanent Civil Service Class</b>	<b>Advancement POST Intermediate Certification</b>	<b>Advancement POST Advanced Certification</b>
<b>Police Officer</b>	Q2	Q3	Q4
<b>Assistant Inspector</b>	Q35	Q36	Q37
<b>Sergeant</b>	Q50	Q51	Q52
<b>Lieutenant</b>	Q60	Q61	Q62
<b>Captain</b>	Q80	Q81	Q82

#### **214.25.4 Conditions of Advancement**

a) Eligibility for advancement in class based on POST Certification shall be upon obtaining the certification. Corresponding compensation therein shall be subject to the terms and conditions of the Negotiated MOU and the procedures of the Department.

b) Such advancement shall not be deemed promotive under the Rules of the Civil Service Commission and shall not require an eligibility examination or the existence of an eligible list.

#### Sec. 214.25 Advancement In Class Based on POST Certification (cont.)

##### 214.25.4 Conditions of Advancement (cont.)

c) Such advancement shall not alter an existing probationary period nor shall it require a new probationary period. Once a POST Certification has been obtained, the advance placement shall be carried forward when appointed from an eligible list to a permanent position in one of the above referenced Classes.

d) Civil Service Status Seniority shall be determined by the date of ~~the appointment following~~ certification ~~that resulted in the appointment to the a~~ Permanent Civil Service ~~position in~~ Class Q2, Q35, Q50, Q60 and Q80; and shall not be altered by advancement in Class as referenced in Section 214.25.3 above.

## **Rule 220**

### **Leaves of Absence**

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

**Article I: Leaves of Absence – General Requirements**

**Article II: Sick Leave - General Provisions**

**Article III: Sick Leave with Pay**

**Article IV: Sick Leave without Pay**

**Article V: Compulsory Sick Leave**

**Article VI: Disability Leave**

**Article VII: Military, War Effort and Sea Duty Leaves**

**Article VIII: Unpaid Administrative Leave or Furlough**

**Article IX: Other Leaves of Absence**

**Article X: Appeal Procedures**

## **Rule 220**

### **Leaves of Absence**

#### **Article I: Leaves of Absence - General Requirements**

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

#### **Sec. 220.1 Leaves of Absence - General Requirements**

**220.1.1** Leaves of absence, hereinafter referred to in this Rule as "leave," shall be governed by the provisions of this Rule. For this Rule, "appointing officer" shall mean all elected officials; all department heads designated by the Charter as appointing officers; and all Boards and Commissions when officiating as appointing officers.

**220.1.2** Requests for leave shall be subject to the approval of the appointing officer or designee. The decision of the appointing officer or designee is final unless provision for appeal is specifically granted in this Rule. Such requests for appeal shall be processed in accordance with the appeal procedure provided in this Rule. Requests for military, maternity, or witness or jury duty leave shall be granted as provided herein.

**220.1.3** Beginning January 1, 2016, amendments to California Labor Code Section 233, (Kin Care Law) authorize employees to use available accrued sick leave each calendar year to care for a “family member” or themselves, in an amount equal to one-half of their annual accrual. Under Kin Care Law, available accrued sick leave must be granted upon the employee’s oral or written request and the employer shall not deny the right to take such leave, or impose conditions for granting such leave, including the requirement of medical certification.

**220.1.4** Except for vacation leave, witness or jury duty leave, compulsory sick leave, disability leave or unpaid administrative leave, or absences covered under Labor Code Section 233, an employee requesting a leave of absence for more than five (5) working days shall submit such request to the appointing officer or designee on the form prescribed by the Human Resources Director. With the exceptions noted herein, requests for sick leave more than five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave

**Sec. 220.1**      **Leaves of Absence - General Requirements (cont.)**

**220.1.4**      **cont.**

with pay for less than five (5) working days (seven (7) calendar days in the case of part-time employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of an employee’s leave use. For employees taking sick leave pursuant to Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code 233, the City may take reasonable measures to verify or document that an employee’s use of sick leave is taken in accordance with Administrative Code Chapter 12W or Labor Code Sections 245-249.

**Sec. 220.1**      **Leaves of Absence - General Requirements (cont.)**

**220.1.5** The Human Resources Director may direct that leave requests be retained in the department and maintained in a manner to be readily available for audit, review or analysis by Department of Human Resources and Office of Labor Standards Enforcement staff.

**220.1.6** Except as otherwise provided in these Rules, leave granted for the period stated on the prescribed form may be extended or abridged only with the approval of the appointing officer or designee. An employee who does not return to work on

the approved date shall be deemed away without official leave and shall be subject to automatic resignation as provided elsewhere in these Rules.

- 220.1.7** Except when an employee requesting sick leave has accumulated unused sick leave with pay credits and except for employees eligible for military leave with pay, organ or bone marrow donor leave with pay witness or jury duty leave, disability leave or leave due to battery as provided elsewhere in this Rule, or for authorized holiday or vacation, leaves shall be without pay.
- 220.1.8** Refer to the Probationary Period Rule on leave during the probationary period.
- 220.1.9** Exempt employees shall be granted paid sick leave on the ninetieth (90) day of service. The decision of the appointing officer shall be final and not subject to appeal.
- 220.1.10** An appointee shall not be required to sign a resignation form as a condition of approval of a leave.
- 220.1.11** Leaves granted under this Rule shall be indicated on time rolls as designated by the Controller.
- 220.1.12** An authorized leave granted under this Rule shall not be considered as a break in the continuous service of an employee.

## **Rule 220**

### **Leaves of Absence**

#### **Article II: Sick Leave - General Provisions**

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

#### **Sec. 220.2**      **Eligibility for Sick Leave**

Subject to the provisions of this Rule, employees, and officers (hereinafter called "employees") who are absent from their duties due to their own illness or disability, or that of a qualifying family member, including preventive care, such as medical or dental appointments, and employees who are victims of domestic violence, sexual assault or stalking, are eligible for sick leave.

#### **Sec. 220.3**      **Sick Leave - Exclusions from Eligibility**

- 220.3.1** Sick leaves granted to members of the Uniformed Ranks of the Police Department shall be regulated by Rules adopted by the Police Commission. These Rules and

any amendments thereto shall be subject to the approval of the Civil Service Commission and when so approved by the Civil Service Commission shall be deemed as included in this Rule. Calculation of sick leave with pay credits, reimbursement for vested and unused accumulated sick leave with pay credits and any provision not covered in the Rules of the Police Department shall be as provided in this Rule.

- 220.3.2** This Rule shall not apply to patrol special officers appointed by the Police Commission, employees under personal services contracts, elective officers, and members of Boards and Commissions.

**Sec. 220.4**      **Verification of Sick Leave**

- 220.4.1** The appointing officer or designee to whom application for sick leave is made may make such independent investigation as to the necessity for sick leave as is deemed proper under these rules and federal, state and local law, and may require certification for any period of sick leave, provided that the employee has been previously notified in writing that such certification for absence of less than five (5) working days shall be required. For employees taking sick leave pursuant to Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233.

**Sec. 220.4**      **Verification of Sick Leave (cont.)**

- 220.4.2** The Human Resources Director may at any time make such independent investigation as may be deemed proper regarding the illness of any person on sick leave.

**Sec. 220.5**      **Retirement Automatically Terminates Sick Leave**

Sick leave shall automatically terminate on the effective date of an employee's retirement.

**Sec. 220.6**      **Abridgment of Sick Leave**

Sick leaves granted more than five (5) working days may be abridged if the employee presents to the appointing officer or designee medical evidence of capability to resume all the duties of the position.

**Sec. 220.7**      **Definition of Sick Leave**

A leave granted under this Rule for One of the following reasons shall be known as "sick leave":

**220.7.1**      **Sick Leave - Medical Reasons**



Absence for diagnosis, care, or treatment of a health condition, including alcoholism, or preventive care, and for employees who are victims of domestic violence, sexual assault, or stalking, but excluding illness or injury arising out of and during City and County employment. Absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery").

#### **220.7.2 Sick Leave - Quarantine**

Absence during a period of quarantine established and declared by the Department of Public Health or other authority.

#### **220.7.3 Sick Leave - Bereavement**

Absence because of the death of the employee's spouse or domestic partner, parents, stepparents, grandparents, parents-in-law or parents of a domestic partner, sibling, child, stepchild, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian, or any person who is permanently residing in the household of the employee. Such leave shall not exceed three (3) working days and

### **Sec. 220.7 Definition of Sick Leave (cont.)**

#### **220.7.3 Sick Leave – Bereavement (cont.)**

shall be taken within thirty (30) calendar days after the date of death; however, two (2) additional working days shall be granted in conjunction with the bereavement leave if travel outside the State of California is required because of the death.

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one (1) working day; however, two (2) additional working days shall be granted if travel outside the State of California is required because of the person's death.

#### **220.7.4 Sick Leave - Maternity**

Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six (6) months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay.

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#### **5. Sick Leave - Parental Leave**

Absence due to the birth of a child to the employee, the employee's spouse, or the employee's domestic partner or assumption by the employee of parenting or child rearing responsibilities either by adoption or foster care.

#### **220.7.6 Sick Leave - Illness or Medical Appointment of a Family Member**

Absence for diagnosis, care or treatment of a health condition or injury, or for preventive care for an employee's family member, defined as follows:

1. A child, which for the purposes of this section means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
2. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
3. A spouse.
4. A registered domestic partner.
5. A grandparent.
6. A grandchild.
7. A sibling.

#### **Sec. 220.7 Definition of Sick Leave (cont.)**

#### **220.7.7 Sick Leave Pursuant to Administrative Code Chapter 12W**

1) Absence due to the illness, injury, medical care, treatment, diagnosis or medical appointment of the employee; employee's child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state law, or "designated person."

The aforementioned child, parent, sibling, grandparent, and grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships. "Child" includes a child of a domestic partner and a child of a person standing in loco parentis.

2) For the purpose of this section, the definition of “designated person” is: one person designated by an employee who has no spouse or registered domestic partner, as the person for whom the employee may use paid sick leave to aid or care for under this section. The opportunity to make such a designation shall be extended to the employee no later than the date on which the employee has worked thirty (30) hours after paid sick leave begins to accrue. There shall be a window of ten (10) business days for the employee to make this designation. Thereafter, the opportunity to make such a designation, including the opportunity to change such a designation previously made, shall be extended to the employee on an annual basis, with a window of ten (10) business days for the employee to make the designation.

**220.7.8 Sick Leave Pursuant to Labor Code Sections 245-249**

Absence for the following purposes: (1) diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee’s family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking, described in Labor Code Section 230, subdivision (c) and Labor Code Section 230.1, subdivision (a).

**220.7.9 Sick Leave - Compulsory**

Leave imposed by an appointing officer due to an employee's medical inability or incapacity to perform all the duties of the position as provided elsewhere in this Rule.

## **Rule 220**

### **Leaves of Absence**

#### **Article III: Sick Leave with Pay**

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

**Sec. 220.8 Sick Leave with Pay Eligibility**

**220.8.1** Sick leave with pay may be granted to employees who have accrued paid on the ninetieth (90<sup>th</sup>) day of service except that supplemental disability credits may be used to supplement disability indemnity payments as provided elsewhere in this Rule regardless of length of service and except that an authorized leave of absence with or without pay granted under this Rule shall not be considered as a break in the continuous service of an employee.

**220.8.2** A break in service of more than twelve (12) continuous months by any employee other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

**220.8.3** Sick leave with pay credits will continue to accrue at the normal rate while an employee is on either furlough or voluntary unpaid time off in accordance with this Rule, for a maximum of up to ten (10) days per fiscal year for imposed furlough or twenty (20) days per fiscal year for voluntary unpaid time off.

**Sec. 220.9** **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave**

**220.9.1** Sick leave with pay may be granted to said employees on the ninetieth (90<sup>th</sup>) day of service.

**220.9.2** Employees hired on or before February 5, 2007, shall immediately be eligible to accrue and use sick leave with pay credits under this section.

**220.9.3** A complete separation in service for twelve (12) continuous months by an employee, other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

**Sec. 220.9** **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave (cont.)**

**220.9.4** Employees rehired within one (1) year following a separation will not be subject to the ninety (90) calendar day eligibility period and any previously accrued and unused sick leave hours will be reinstated.

**Sec. 220.10** **Sick Leave with Pay - Maximum Accumulation of Credits**

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**1. Sick Leave with Pay – Maximum Accumulation of Credits**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed the equivalent of six (6) months which is the hourly equivalent of 130 working days based on the regular daily work schedule as defined, provided that in no case may the total accumulated unused sick leave with pay credit balance exceed 1040

hours. Maximum accumulated sick leave with pay credits shall be reduced proportionately for employees entering a class or position where the regular work schedule is less than the class exiting if such employees have accumulated unused sick leave with pay credits more than the maximum allowable for the new class or position. Such employees shall have all such credits restored upon return to a class or position with an increased regular work schedule.

**220.10.2 Maximum Accumulation of Credits Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015 Applicable to Employees Not Otherwise Qualified for Sick Leave**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed seventy-two (72) hours under Administrative Code Chapter 12W, and forty-eight (48) hours under Labor Code Sections 245-249.

**Sec. 220.11 Sick Leave with Pay - Restrictions**

**220.11.1** Sick leave with pay, beyond that authorized by law, is a privilege recognized by Charter and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or as otherwise defined in this Rule.

**Sec. 220.11 Sick Leave with Pay – Restrictions (cont.)**

**220.11.2** Except for absences covered under Labor Code Section 233, an appointing officer or designee may require proof of incapacitation before granting sick leave with pay for any period and may withhold pay for failure to submit such proof provided that the employee had been previously notified in writing that such proof would be required for absences of less than five (5) working days.

**220.11.3** The rate of earning and accumulating sick leave with pay credits and authorization for its use under this Rule shall in no way inhibit or restrict the right of an appointing officer to establish standards of attendance.

**Sec. 220.12 Prohibition Against Employment While on Sick Leave with Pay**

**220.12.1** Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in a secondary employment subject to the provisions of these Rules governing such employment.

**220.12.2** Violators of this section are subject to disciplinary action as provided in the Charter.

**Sec. 220.13 Calculation of Sick Leave with Pay Credits**

**220.13.1** Unless otherwise provided in this Rule or by ordinance, sick leave with pay credits shall be earned at the rate of .05 hours for each hour of regularly scheduled paid service excluding, overtime exceeding forty (40) hours per week and holiday pay, except that an employee on disability leave shall earn sick leave with pay credits at the normal rate.

**220.13.2** Exempt employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked, excluding holiday pay.

**Sec. 220.14**      **Disbursement of Sick Leave with Pay Credits**

Sick leave with pay credits shall be used and deducted at the minimum rate in units of one hour for those employees whose credits are calculated in hours.

**Sec. 220.15**      **Conversion of Sick Leave with Pay Credits from Days to Hours**

Sick leave with pay credit balances shall be converted from days to hours based on the equivalent number of hours in such employee's sick leave with pay credit balances. The equivalent number of hours shall be based on the employee's authorized normal daily work schedule in effect on the effective date of this amended Rule, except if the Human Resources Director determines that such conversion is inequitable and allows another formula to be used.

**Sec. 220.16**      **Employees Injured by Battery**

**220.16.1** An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.

**220.16.2** Sick leave with pay under this section shall be known as "leave due to battery" and shall be subject to approval by the Human Resources Director. The Human Resources Director shall make such investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the Human Resources Director.

**220.16.3** The decision of the Human Resources Director may be appealed to the Commission whose decision is final.

**220.16.4** Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

**Sec. 220.17**      **Appeal of Denial of Sick Leave with Pay**

Denial of sick leave with pay to an appointee who is eligible and qualified for such leave is appealable as provided elsewhere in this Rule.

**Sec. 220.18**      **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance**

**220.18.1** An employee who had accumulated unused sick leave with pay credits and who had completed the service requirement on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

**Sec. 220.18**      **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

**220.18.1 (cont.)**

<b>Schedule of Service Requirements and Allowances for Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance at the Time of Retirement, Separation Because of Accident or Death</b>	
<b>Service Requirement</b>	<b>Amount of Cash Reimbursement</b>
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%
Up to and including 5 continuous years of service	33.3%

**220.18.2** Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

- 1) The Human Resources Director shall administer the provisions of this section.
- 2) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used to be deducted.
- 3) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death, or later when so selected by the employee, but within one year of such retirement, separation, or death.
- 4) Reimbursement is to be computed at the base rate of pay of an employee's permanent class, at the base rate of pay of the class of a temporary or provisional employee with no permanent status, or at the base rate of pay in a temporary or provisional appointment of an employee with permanent status in another class who has held such temporary or provisional appointment continuously for one or more years at the time of separation.



**Sec. 220.18**      **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

**220.18.2 (cont.)**

5) No reimbursement shall be made for unused sick leave with pay credits earned on or after December 6, 1978.

6) The enactment of this section is not intended to constitute additional compensation, nor be a part of the rate of pay of the employee but is reimbursement for the vested and unused accumulated sick leave with pay credit balance to which an employee would have been entitled if the employee had not retired, separated due to industrial injury, or died.

## **Rule 220**

### **Leaves of Absence**

#### **Article IV: Sick Leave without Pay**

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

**Sec. 220.19**      **Sick Leave without Pay - Eligibility**

Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

**Sec. 220.20**      **Sick Leave without Pay - Temporary and Provisional Employees**

Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave - maternity.

**Sec. 220.21**      **Sick Leave without Pay - Permanent Employees**

Sick leave without pay may be approved for permanent employees for the period of the illness provided, however, that requests for prolonged leave shall be renewed every three (3) months and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless there is a reasonable probability that additional leave will enable the employee to return to employment within a reasonable time.



**Sec. 220.22**      **Prohibition Against Employment While on Sick Leave Without Pay**

- 220.22.1** Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in outside employment.
- 220.22.2** Violators of this section are subject to disciplinary action.

**Rule 220****Leaves of Absence****Article V: Compulsory Sick Leave**

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

**Sec. 220.23**      **Compulsory Sick Leave**

- 220.23.1** An appointing officer or designee who has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public and the employee, may require the employee to present a medical report from a physician designated by the Human Resources Director certifying the employee's medical or physical competency to perform the required duties.
- 220.23.2** If the employee refuses to obtain such physician's certificate or if because of a medical evaluation, the employee is found not to be medically or physically competent, the appointing officer or designee may place the employee on compulsory sick leave and shall immediately report such action to the Human Resources Director.
- 220.23.3** An employee shall remain on compulsory sick leave until such time as the employee is found to be competent to return to duty by a physician designated by the Human Resources Director, but such leave shall not exceed the maximum period of sick leave provided in this Rule.
- 220.23.4** The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Medical Examination Rule.
- 220.23.5** An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable.

## **Rule 220**

### **Leaves of Absence**

#### **Article VI: Disability Leave**

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

#### **Sec. 220.24      Disability Leave**

- 220.24.1**      Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.
- 220.24.2**      An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than ninety (90) days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's supplemental disability credits so as to equal the full salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave.
- 220.24.3**      Supplemental disability credits shall be an account separate from, but equivalent to, the employee's accumulated unused sick leave with pay credit balance except that the supplemental disability credit account shall be adjusted as provided below.
- 220.24.4**      Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.
- 220.24.5**      Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.
- 220.24.6**      The employee's department shall submit separate time rolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.
- 220.24.7**      Salary may be paid on regular time rolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.

**Sec. 220.24      Disability Leave (cont.)****220.24.7      (cont.)**

**220.24.8** When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for sick leave with pay credits charged and paid.

**220.24.9** An employee who uses supplemental disability credits to supplement disability indemnity payments shall, while on disability leave, earn supplemental disability credits at the same rate as sick leave with pay credits.

**220.24.10** Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.

**220.24.11** Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.

**Sec. 220.25      Use of Sick Leave with Pay Credits to Supplement State Disability Insurance**

**220.25.1** Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one (1) hour.

**220.25.2** SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one-hour provides up to, but does not exceed, the regular gross salary the employee would have received for the normal work schedule excluding overtime.

**Sec. 220.25      Use of Sick Leave with Pay Credits to Supplement State Disability Insurance (cont.)**

**220.25.3** An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on a form prescribed by the Human Resources Director to the appointing officer or designee within seven (7) calendar days following the first date of absence.

**220.25.4** Employees, who are supplementing SDI, earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.

## Rule 220

### Leaves of Absence

#### Article VII: Military, War Effort and Sea Duty Leaves

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

##### **Sec. 220.26**      **Military Leave**

**220.26.1**      Military leave is governed by the provisions of applicable Federal and State laws, by Charter provision and by this Rule.

##### **220.26.2**      **Time of War - Definition**

The phrase "time of war" is defined elsewhere in these Rules.

##### **220.26.3**      **Military Leave - Time of War**

Leaves of absence shall be granted to officers and employees for service in the armed forces of the United States or the State of California or for service on ships operated by or for the United States government in time of war and for a period not to exceed three (3) months after the conclusion of such service, but not later than one year after the cessation of hostilities, except in case of disability incurred while in active service with the armed forces or the merchant marines when such disability shall extend beyond such period.

##### **220.26.4**      **Military Leave - Time of Peace**

Whenever any officer or employee shall, by order of the government of the United States or by lawful order of any of its departments or officers, or by lawful order of the State of California, or any of its departments or officers, be directed in time of peace to report and serve in the armed forces of the United States, or in the armed forces of the State of California, said officer or employee shall be entitled to a leave of absence from the employee's office or position during the time of such service and for a period not to exceed three (3) months after the expiration thereof.

##### **Sec. 220.26**      **Military Leave (cont.)**

##### **220.26.5**      **Military Leave - Permanent Appointees**

Any officer or employee on military leave, who prior to such leave has been appointed to a permanent position in the City and County service, shall be entitled

to resume such position at the expiration of the leave, and in determining and fixing rights, seniority, salary and otherwise which have accrued and shall inure to the benefit of such officer or employee, the term of military leave shall be considered and accounted as part of the employee's service to the City and County.

**220.26.6 Military Leave - Proof of Duty**

Officers and employees requesting military leave shall file with the Human Resources Director a copy of the orders necessitating such service prior to the effective date of the leave of absence and upon return from such leave shall submit a copy of the discharge or release.

**220.26.7 Military Leave - Salary While on Temporary Leave**

Employees who have been employed by the City and County or any other public agency or have been on military duty for a period of not less than one year continuously prior to the date upon which temporary military leave not exceeding 180 calendar days begins shall, as required by the State of California Military and Veterans' Code (Section 395), receive their regular salary or compensation for a period not to exceed thirty (30) calendar days of such military leave in any fiscal year or more than thirty (30) calendar days during any period of continuous military leave.

**220.26.8 Military Leave - Probationary Appointees**

Refer to the Probationary Period Rule on leave during the probationary period.

**220.26.9 Military Leave - Eligible Not Reached for Certification While in Service - Time of War**

An eligible on a regular civil service list, who served on active military duty not including reserve service during time of war who presents an honorable discharge or certificate of honorable active service within one (1) year from the date of release from military service, shall be preferred for certification for a period of four (4) years after the cessation of hostilities in the order of standing upon the eligible list at the time of entrance into military service and before candidates procuring standing through an examination held subsequent to the entrance of such eligibles into the military service.

**Sec. 220.26 Military Leave (cont.)**

**220.26.10 Military Leave - Eligibles Reached for Certification**

If while in the military service, the name of an eligible was reached for certification to a permanent position and the eligible presents an honorable discharge or certificate of honorable active service within one hundred and 120 days from the date of release from active military duty not including reserve

service during time of war, the eligible shall be certified to a position in the class for which so reached; and, for all purposes of seniority, the date of appointment following certification ~~if appointed~~ shall be deemed to be the date when the eligible was reached for certification while in the military service. A person appointed in accordance with this section shall serve the required probationary period. An eligible who is offered appointment in accordance with the provisions of this section and who waives appointment and is subsequently appointed following certification ~~certified~~ after withdrawal of waiver shall have seniority as of the date of such appointment ~~certification~~.

#### **220.26.11 Military Leave - Participants in Written Examinations**

Persons who participate in a written examination and who present their orders or other proof of service within 120 days from the date of release from active military service in time of war shall be allowed to participate in the remaining parts of the examination. If they meet all the eligibility qualifications, they shall be appointed following certification ~~certified~~ as of the date they would have been reached for certification in accordance with their rank based on the entire examination.

#### **220.26.12 Military Leave - Employees or Officers Not Subject to Civil Service Examination**

Military leave to an elected or appointed officer, appointed for a definite period, shall not be extended beyond the period for which elected or appointed, provided that if such officer is re-elected or reappointed, then military leave shall be automatically extended for such ensuing period.

Military leave to an employee occupying a position exempt from civil service examination shall not extend beyond the period for which the employee's appointing officer was elected or appointed.

#### **Sec. 220.27 War Effort Leave**

The Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees during time of war for service directly connected with the prosecution of the war or national defense or preparedness.

#### **Sec. 220.28 Leave for Sea Duty as Licensed Officers**

In time of war or while any act authorizing compulsory military service or training is in effect, the Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees for sea duty as licensed officers aboard ships operated by or for the United States government. The Civil Service Commission shall amend this section to implement such ordinance.

#### **Sec. 220.29 Leave for Spouse or Registered Domestic Partner During Leave from Deployment of Qualified Member**

**220.29.1** In compliance with the State of California Military and Veterans Code, an eligible employee who is a spouse or registered domestic partner of a qualified member of the Armed Forces, National Guard, or Reserves shall be allowed to take up to ten (10) days of leave during a period of leave from deployment of the qualified member.

**220.29.2** An “eligible employee” is an employee who meets all the following conditions:

- 1) is a spouse or registered domestic partner of a qualified member;
- 2) works on average twenty (20) or more hours per week and is not an independent contractor;
- 3) provides notice to the City, within two (2) business days of receiving official notice that the qualified member will be on leave from deployment, of his or her intention to take leave; and
- 4) submits written documentation to the City, certifying that the qualified member will be on leave from deployment during the time of leave.

**220.29.3** A “qualified member” is any of the following:

- 1) A member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or
- 2) A member of the National Guard who has been deployed during a period of military conflict; or
- 3) A member of the Reserves who has been deployed during a period of military conflict.

## **Rule 220**

### **Leaves of Absence**

#### **Article VIII: Unpaid Administrative Leave or Furlough**

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

#### **Sec. 220.30      Unpaid Administrative Leave or Furlough**



**220.30.1 General Provisions**

1) Notwithstanding the layoff and involuntary leave provisions or any other provisions of these Rules, an appointing officer is authorized to impose unpaid administrative leave (furlough) on any employee within that appointing officer's jurisdiction as provided in this section. The imposition of furloughs shall be subject to receipt of a Projected Deficit Notice (PDN) from the Controller stating that the department's budget will be insufficient to support the department's level of spending through the end of the fiscal year.

2) The authority of the appointing officer to impose furloughs shall be limited to those furloughs necessary to correct the projected deficit identified by the Controller.

3) This Rule shall apply to all employees of the City and County.

4) The Superintendent of the San Francisco Unified School District and the Chancellor of the San Francisco Community College District shall also be authorized to furlough any employee in the classified service upon their individual determinations that, based upon a review of projected revenues and expenditures, the budget will be insufficient to support the District's level of spending through the end of the fiscal year.

5) No provision of Layoff and Involuntary Leave, including but not limited to any provision regarding the order of layoff, displacement of less senior employees, or reinstatement, shall be applicable to any employees furloughed hereunder.

**Sec. 220.30 Unpaid Administrative Leave or Furlough (cont.)****220.30.2 Voluntary Unpaid Time Off**

1) Prior to imposing a furlough on any employee, an appointing officer shall attempt to determine, to the extent feasible and with due consideration for the time constraints which may exist for eliminating the projected deficit, the interest of employees within the appointing officer's jurisdiction in taking unpaid personal time off on a voluntary basis.

2) The appointing officer shall have full discretion to approve or deny requests for voluntary unpaid time off based on the operational needs of the department and any court decrees or orders pertinent thereto. The decision of the appointing officer shall be final except in cases where requests for voluntary unpaid time off more than ten (10) working days are denied. In such cases, an employee may appeal the imposition of a furlough in accordance with the procedures provided below.

3) An employee shall be entitled to take up to ten (10) unpaid days per fiscal year at the rate of no more than five days in a three-month period, at the



employee's discretion, upon at least fifteen (15) calendar days prior written notice to the employee's appointing officer. Such request shall not be denied except for the reason of a requirement that such position be filled on an overtime or premium pay basis, for essential operational needs or the requirements of a court decree or order.

### **220.30.3 Furloughs**

1) Appointing officers are encouraged to furlough entire operational units within departments rather than individual employees, or stagger work hours within an operational unit on a reduced hours basis. The decision of the appointing officer to impose furloughs under this subsection, and the appointing officer's determination of what constitutes an operational unit, shall be final.

2) Where, in the discretion of the appointing officer, furlough of an operational unit as prescribed above is not feasible, individual employees within an operational unit may be furloughed.

3) To the extent practicable, furlough shall be equitably distributed among all the employees in the affected department or operational unit to which the Projected Deficit Notice (PDN) has application; and all of the employees in the affected class(es).

## **Sec. 220.30 Unpaid Administrative Leave or Furlough (cont.)**

### **220.30.3 Furloughs (cont.)**

4) In determining which employees to furlough, an appointing officer shall consider citywide seniority within a class as well as considering the operational needs of the department.

5) In no event shall furlough be imposed upon an employee for more than four (4) days in any three (3) month period or ten (10) days in any fiscal year. Voluntary time off not to exceed a total of five (5) days per quarter or ten (10) days per year, approved pursuant to this section, shall be credited toward the maximum number of furlough days which may be imposed pursuant to this Rule.

6) Employees placed on furlough pursuant to this section shall be notified in writing at least fifteen (15) calendar days in advance of the effective date for the furlough.

7) The decision to furlough an individual employee within an operational unit shall be final except that an employee given notice of a furlough, which taken together with an employee's prior furloughs in the same fiscal year would exceed five (5) working days within any six (6) month period, may file an appeal. Such appeals must be in writing and filed within three (3) calendar days of the date of the notice of furlough with the Human Resources Director with a copy to the

appointing officer. Within three (3) calendar days after receiving the appeal, the Department of Human Resources shall refer the written appeal and the appointing officer's written comments, if any, for determination to the Human Resources Director, the Mayor and the Controller, or their designees, who shall meet on no less than 24 hours public notice. The determination regarding the appeal shall be rendered within seven (7) calendar days of the date of the appeal. This decision is final and shall not be reconsidered by the Commission. The Human Resources Director shall notify the employee and the appointing officer of the decision prior to the effective date of the furlough.

**Sec. 220.30**      **Unpaid Administrative Leave or Furlough (cont.)**

**220.30.4**      **Restrictions on Use of Paid Time Off While on Voluntary Unpaid Time Off or Furlough**

1) All voluntary unpaid time off or furlough imposed or granted pursuant to this section shall be without pay.

2) Employees granted voluntary unpaid time off or placed on furlough are precluded from using sick leave with pay credits, vacation credits, compensatory time off credits, floating holidays, training days or any other form of pay for the period involved.

**220.30.5**      **Imposition of Furlough - Fair Labor Standards Act (FLSA) Restrictions**

1) Furlough for employees who are non-exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one (1) hour.

2) Furlough for employees who are exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one (1) day.

**220.30.6**      **Vacation and Sick Leave with Pay Accruals While on Voluntary Unpaid Time Off or Furlough**

Subject to passage of necessary ordinances by the Board of Supervisors, vacation and sick leave with pay accruals shall continue during a maximum of ten (10) days of furlough in any fiscal year, or a maximum of twenty (20) days for approved voluntary unpaid time off taken pursuant to this Section in any fiscal year.

**220.30.7**      **Duration and Revocation of Voluntary Unpaid Time Off or Furlough**

Furlough imposed upon an employee shall remain in force for the period specified in the written notice unless sooner revoked by written notice from the appointing officer. Approved voluntary unpaid time off taken pursuant to this section may not be changed by the appointing officer without the employee's consent.

**Sec. 220.30**      **Unpaid Administrative Leave or Furlough (cont.)****220.30.8**      **Resolution of Disputes**

Except as provided elsewhere in this section, the Human Resources Director shall act on all disputes arising out of the application or implementation of the provisions of this section. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

**Rule 220****Leaves of Absence****Article IX: Other Leaves of Absence**

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

**Sec. 220.31**      **Leave to Accept Other City and County Position**

**220.31.1**      Leave by an employee who has completed the probationary period to accept exempt or temporary appointment in the City and County service may be approved for the duration of such appointment. Such leave by a probationary employee is subject to the provisions of the Rule governing the Probationary Period.

**220.31.2**      Denial of such leave by the appointing officer is appealable as provided elsewhere in this Rule.

**Sec. 220.32**      **Educational Leave**

**220.32.1**      Educational leave is defined as leave for the purpose of educational or vocational training in a field related to the employee's current position and as any training to which a veteran is entitled pursuant to the laws of the United States or the State of California.

**220.32.2**      Educational leave may be approved for permanent appointees for a period of up to one (1) year. Requests for educational leave of longer than one year must be renewed each year.

**220.32.3**      Denial of educational leave is appealable as provided elsewhere in this Rule.

**220.32.4**      An employee on educational leave shall not accept other employment without approval of the appointing officer and the Human Resources Director, except for

employment in vacant positions with the City and County during school vacations.

**Sec. 220.32**      **Educational Leave (cont.)**

- 220.32.5**      As soon as records are available, the employee shall periodically present to the appointing officer a record of completed educational work. These records shall be maintained in such a manner as to be readily available for audit by Department of Human Resources staff. Failure to submit an acceptable record of completed educational work shall subject the employee to disciplinary action as provided in the Charter.

**Sec. 220.33**      **Leave for Civilian Service in the National Interest**

- 220.33.1**      Civilian service in the national interest is defined as leave to serve with a federal, state, or other public agency or non-profit organization in a program or in a capacity which the Human Resources Director deems to be in the national or public interest.
- 220.33.2**      Such leave may be approved for permanent appointees for a period of up to one (1) year. Requests for such leave of longer than one (1) year must be renewed each year.
- 220.33.3**      Denial of such leave is appealable as provided elsewhere in this Rule.

**Sec. 220.34**      **Leave for Employment as an Employee Organization Officer or Representative**

- 220.34.1**      Leave for employment as an employee organization officer or representative is defined as leave to serve full-time as an officer or representative of an employee organization whose membership includes City employees, or to attend a convention or other type of business meeting of an employee organization as an officer or delegate of the employee organization.
- 220.34.2**      Leave for permanent appointees may be approved for the duration of such service.
- 220.34.3**      Denial of such leave is appealable as provided elsewhere in this Rule.

**Sec. 220.35**      **Family Care Leave**

**220.35.1**      **Definition of Family**

A unit of interdependent and interacting persons, related together over time by strong social and emotional bonds and/or by ties of marriage, birth, and adoption, whose central purpose is to create, maintain, and promote the social, mental, physical, and emotional development and wellbeing of each of its members.

**220.35.2** Permanent employees who have one (1) or more years of continuous service in any status may be granted up to one year of unpaid family care leave for the following reasons:

- 1) The birth of a biological child of the employee;
- 2) The assumption by the employee of parenting or child rearing responsibilities. Family care leave does not apply to an employee who temporarily cares for a child for compensation, such as a paid childcare worker;
- 3) The serious illness or health condition of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities; or
- 4) The mental or physical impairment of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities, which impairment renders that person incapable of self-care.

**220.35.3** Family care leave is unpaid leave. Such leave may be granted in addition to accumulated compensatory time off, vacation time, floating holiday time or sick leave as specified under Sick Leave - Illness or Medical Appointment of Child, Parent, Spouse or Domestic Partner.

**220.35.4** Denial of family care leave is appealable as provided elsewhere in this Rule.

**Sec. 220.36**     **Witness or Jury Duty Leave**

**220.36.1** An employee who is summoned as a witness on behalf of the City and County or juror for a judicial proceeding shall be entitled to leave with pay less the amount of juror or witness fee paid for the period required for such service (Charter Section A8.400G). An employee who is summoned to serve as a witness in cases which involve outside employment or personal business affairs shall be placed on leave without pay unless vacation leave or compensatory time is requested and granted.

**220.36.2** Paid witness or jury duty leave shall be only from an employee's scheduled duty time and shall not include hours outside of scheduled hours of work or on days off.

**220.36.3** Such employees shall notify the appointing officer immediately upon receiving notice of jury duty.

**220.36.4** An employee who takes vacation leave while on witness or jury duty leave shall receive regular salary.

**220.36.5** Refer to the Probationary Period Rule on leave during the probationary period.

**Sec. 220.37**      **Holiday Leave**

Holiday leave shall be as provided by ordinance of the Board of Supervisors.

**Sec. 220.38**      **Vacation Leave**

Vacation leave shall be as provided in the Charter and by ordinance of the Board of Supervisors.

**Sec. 220.39**      **Involuntary Leave of Absence**

**220.39.1** Whenever it becomes necessary to affect a reduction in force due to lack of work or lack of funds which shall result in the displacement of a permanent or probationary appointee from the City and County service, an appointing officer, notwithstanding other provisions of these Rules governing leaves of absence, shall place such employees on a leave of absence of an involuntary nature unless the employee elects to be laid off.

**Sec. 220.39**      **Involuntary Leave of Absence (cont.)**

**220.39.2** Such reductions in force shall be affected by the provisions of this Rule governing seniority and order of layoff.

**220.39.3** Employees placed on an involuntary leave of absence shall be ranked on the holdover roster for the class from which laid off and shall be returned to duty as provided in this Rule.

**220.39.4** Leaves of absence imposed under the provisions of this Rule shall expire upon the return to duty of the holdover, upon the expiration of holdover status, or upon written request of the employee to elect to be laid off while on involuntary leave.

**Sec. 220.40**      **Religious Leave**

**220.40.1** Employees may be granted leave when personal religious beliefs require that the employee abstain from work during certain periods of the workday or work week. Such leave shall be known as "Religious Leave."

**220.40.2** Religious leave shall be without pay unless the employee elects to use accumulated compensatory time off, vacation time, or floating holiday time.

**220.40.3** Denial of religious leave is appealable as provided elsewhere in this Rule.

**Sec. 220.41**      **Personal Leave**

**220.41.1** Personal leave is defined as leave for reasons other than those covered in other sections of this Rule.

- 220.41.2** Personal leave for permanent employees may be approved for a period of up to 12 months within any two-year period. Personal leave for temporary or provisional employees may be approved only if replacement of the employee is not required and for a maximum of one month.
- 220.41.3** On the request of an appointing officer, the Human Resources Director may for reasons deemed to be in the best interest of the service approve extension of personal leave for permanent employees beyond a 12 month period.

## **Rule 220**

### **Leaves of Absence**

#### **Article X: Appeal Procedures**

Applicability: Rule 220 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department, except that the provisions of Rule 220 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

#### **Sec. 220.42      Appeal Procedures**

- 220.42.1** Appeals concerning furloughs or voluntary unpaid time off are excluded from appeal under this section and are appealable as provided elsewhere in this Rule.
- 220.42.2** In cases where appeal is specifically granted in this Rule, a dispute concerning the application or implementation of the provisions of this Rule shall be processed EITHER, at the option of the employee:
- 1) in accordance with the grievance procedure provided by the Human Resources Director for unrepresented employees or in a collective bargaining agreement.
  - 2) by appeal in writing to the Human Resources Director, whose decision shall be final and shall not be reconsidered by the Commission. A decision under one option shall preclude the use of the other option.

## **Rule 221**

### **Layoff**

Applicability: Rule 221 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

<b><u>Article I</u></b>	<b><u>Rules Prescribed - Authority</u></b>
<b><u>Article II</u></b>	<b><u>Seniority</u></b>
<b><u>Article III</u></b>	<b><u>Order of Layoff</u></b>
<b><u>Article IV</u></b>	<b><u>Layoff - Provisional and Temporary Employees</u></b>
<b><u>Article V</u></b>	<b><u>Layoff - Probationary Employees</u></b>
<b><u>Article VI</u></b>	<b><u>Layoff - Permanent Employees</u></b>

## **Rule 221**

### **Layoff**

#### **Article I: Rules Prescribed – Authority**

Applicability: Rule 221 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

##### **Sec. 221.1**     **Rules Prescribed - Authority**

- 221.1.1**     Under the authority of Section 10.101 of the Charter of the City and County of San Francisco, the Civil Service Commission of the City and County of San Francisco does prescribe and adopt the following Rule which shall have the force and effect of law.
- 221.1.2**     The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls as may be necessary.
- 221.1.3**     In all matters pertaining to interpretation of this Rule, the decision of the Civil Service Commission shall be final.



## Rule 221

### Layoff

#### Article II: Seniority

Applicability: Rule 221 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

#### **Sec. 221.2**     **Determination of Seniority**

**221.2.1**     Except as may otherwise be provided in this Rule, seniority shall be determined as follows:

##### **1) Permanent**

Seniority for permanent appointees shall be determined by the date of ~~certification which resulted in a~~ permanent appointment following certification to a position in a class in a department. Seniority for appointees granted status or permanent tenure to a class shall be determined by the date of citywide seniority as defined in these Rules ~~certification~~ in the class from which status or permanent tenure was granted.

##### **2) Temporary from Eligible List**

Seniority for temporary employees appointed from an eligible list shall be determined by the date of citywide seniority as defined in these Rules from a certification which resulted in a temporary appointment to a position in a class in a department.

**221.2.2**     Excluding involuntary leave as provided elsewhere in this Rule, seniority shall not be affected or reduced by current or previous periods of authorized leave of absence or authorized reduction in work schedules.

**221.2.3**     In calculating permanent seniority in a class, temporary seniority in the same class shall not be added to permanent seniority in a class.

**221.2.4**     In calculating temporary seniority in a class, permanent seniority in the same class shall be added to temporary seniority in a class.

**221.2.5**     Seniority acquired in a recognized craft apprenticeship program with the City and County shall be added to seniority in the journey-level class.

#### **Sec. 221.3**     **Tie Scores in Seniority**

**221.3.1**     In the event of ties, seniority of civil service appointees shall be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive lists have absolute priority over entrance lists.

- 221.3.2** In the event of a tie in rank among appointees from lists of eligibles adopted on or after December 6, 1991, the methods listed below shall be used to determine seniority in the following order of priority until the tie is broken. First, the appointee with the longest continuous service in the class under permanent civil service appointment regardless of department shall be ranked above appointees with lesser service in the class; then, the appointee with the longest continuous citywide service under permanent civil service appointment regardless of class shall be ranked above appointees with lesser citywide service; finally, if the tie has not been broken by the preceding methods, it shall be broken by lot in the manner prescribed by the Human Resources Director and conducted under the supervision of the Human Resources Director or a designee. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Civil Service Commission. In no case shall service before resignation and reappointment or discharge and reemployment be included in determining length of service for the purposes of this section.

**Sec. 221.4**     **Establishment and Verification of Seniority Roster**

- 221.4.1** When a layoff is imminent, an appointing officer shall notify the Department of Human Resources as to the class or classes affected.
- 221.4.2** If requested by the Human Resources Director, the appointing officer shall provide ~~a seniority roster including, but not limited to,~~ the name, status, ~~certification~~ citywide seniority date, and rank on eligible list of all employees in the affected classes and the number of such employees to be laid off.
- 221.4.3** The Human Resources Director, ~~upon verification of the seniority roster,~~ shall validate ~~notify the appointing officer of~~ the names provided by the appointing officer of those employees to be laid off.
- 221.4.4** Whenever possible the appointing officer must notify affected employees sufficiently in advance of a layoff.

## **Rule 221**

### **Layoff**

#### **Article III: Order Of Layoff**

Applicability: Rule 221 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

**Sec. 221.5**     **Order of Layoff**

Except as may otherwise be provided in this Rule, layoff of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

- 1) Provisional
- 2) Temporary From Eligible List
- 3) Probationary
- 4) Permanent

**Sec. 221.6**     **Exceptions to Order of Layoff**

- 221.6.1**     Provisional employees, who qualified for their positions because of meeting specific hiring criteria and who are appointed under specific funding guidelines which limit the duration of employment shall be laid off at the end of their designated tenure without effect on any other employees.
- 221.6.2**     Persons appointed to positions requiring special qualifications or skills shall be laid off when the work requiring such special qualifications or skills is completed, providing such appointees shall have rights to continue employment within their class in positions where the special qualifications or skills are not required if their name has been reached for certification to a regular position.
- 221.6.3**     In the event of a layoff, a person appointed to a position requiring special qualifications or skills as approved by the Human Resources Director shall continue in the position unless a more senior employee or holdover in the class in which the layoff occurs possesses the same qualifications and skills. The Human Resources Director may administer such tests as deemed necessary to determine possession of special qualifications and skills.

## **Rule 221**

### **Layoff**

#### **Article IV: Layoff - Provisional And Temporary Employees**

Applicability: Rule 221 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

**Sec. 221.7**     **Layoff - Provisional Appointees**

Except as provided, provisional appointees shall be laid off at the discretion of the appointing officer; except that entrance provisional employees shall be laid off prior to the layoff of any promotive provisional appointees in the same class. Provisional appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

**Sec. 221.8**     **Temporary Appointees from Eligible List**

**221.8.1** Order of layoff for temporary appointees shall be by class within a department, by inverse order of seniority except if a more senior temporary appointee elects to be laid off. In the event of a conflict, the temporary appointee with the greater seniority shall have preference.

**221.8.2** The names of temporary appointees who are laid off shall be returned to the eligible lists from which appointed for further certification if such lists are still in existence.

## **Rule 221**

### **Layoff**

#### **Article V: Layoff - Probationary Employees**

Applicability: Rule 221 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

##### **Sec. 221.9      Layoff - Probationary Appointees**

**221.9.1** Probationary appointees shall be laid off in inverse order of the date of ~~permanent certification~~ citywide seniority as defined in these Rules, except if a more senior probationary or permanent appointee elects to be laid off. In the event of a conflict, the probationary or permanent appointee with greater seniority shall have preference.

**221.9.2** As provided elsewhere in these Rules, a probationary appointee, regardless of length of service, may displace any temporary appointee including part-time exempt, in the same class in any department.

## **Rule 221**

### **Layoff**

#### **Article VI: Layoff - Permanent Employees**

Applicability: Rule 221 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department.

##### **Sec. 221.10      Layoff - Permanent Appointees**

**221.10.1** Layoff of permanent appointees shall be by class in a department in inverse order of seniority except if a more senior permanent appointee elects to be laid off. In the event of a conflict, the permanent appointee with greater seniority shall have preference.

- 221.10.2** Layoff shall be treated separately under each appointing officer except that permanent and probationary employees may displace other permanent or probationary employees in the same class with less seniority in any department.

**Sec. 221.11 Reinstatement from Entrance Appointment**

An employee laid off from an entrance appointment shall be either:

- 221.11.1** Restored to a position in a class and department which the employee held on a permanent basis immediately prior to appointment in the class from which laid off. If necessary, layoffs in the classes affected shall follow;
- 221.11.2** or, as directed by the Human Resources Director, appointed in rank order of seniority to a position not filled by a permanent employee in any other city department in the class held on a permanent basis immediately prior to appointment in the class from which laid off;
- 221.11.3** or, if options 1 and 2 are exhausted or if the employee had no permanent status prior to appointment in the class from which laid off; the employee, subject to the approval of the Civil Service Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred provided such action shall not adversely affect an incumbent certified from an eligible list. The Human Resources Director shall designate and recommend such classes to the Civil Service Commission.

**Sec. 221.12 Requirement for Probationary Period**

Reinstatement to a position other than the position in the class and department in which permanently employed immediately prior to appointment in the class from which laid off shall require the appointee to serve a new probationary period.

**Sec. 221.13 Seniority Date Upon Reinstatement**

- 221.13.1** Employees who are reinstated to a position held on a permanent basis immediately prior to appointment in the class from which laid off shall return with their ~~original~~ seniority ~~date~~ in the class as defined in these rules.
- 221.13.2** Employees who are reinstated to a position in which they have had no prior permanent service shall have seniority calculated from the date of citywide seniority as defined in these Rules ~~certification to the class from which laid off~~.

**Sec. 221.14 Layoff - Promotive Appointees**

An employee laid off from a promotive appointment shall be either:

- 221.14.1** Restored to a position in the class and department from which promoted. If necessary, layoffs in the classes affected shall follow;

- 221.14.2** Or, as directed by the Human Resources Director, appointed in rank order of citywide seniority as defined in these Rules in the class to a position not filled by a permanent appointee in the class from which promoted in any other city department;
- 221.14.3** Or, if options 1 and 2 are exhausted, the employee, subject to the approval of the Civil Service Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred or to an appropriate lower rank class provided such action shall not adversely affect the permanent incumbents. The Human Resources Director shall designate and recommend such classes to the Civil Service Commission.
- 221.14.4** An employee who has completed the probationary period in a promotive appointment that is two (2) or more steps higher in an occupational series than the permanent position from which promoted may be returned to a position in the City and County service in the next lower ranks. If necessary, layoffs in the classes affected shall follow.
- 221.14.5** For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of citywide seniority as defined in these Rules ~~certification~~ in the higher class or in a class designated by the Human Resources Director as similarly related to the intermediate class.

**Sec. 221.14 Layoff - Promotive Appointees (cont.)**

- 221.14.6** If the employee laid off is the least senior employee in the intermediate rank(s), the employee shall be placed on holdover list(s) for such intermediate rank(s) and shall be restored to the class from which promoted.
- 221.14.7** Promotive employees who do not wish to be reinstated to a former class, a similarly-related class, or an intermediate class may waive such reinstatement and elect to be laid off or placed on involuntary leave. Such waiver shall not affect the employee's status on a holdover roster for the class from which laid off.

**Sec. 221.15 Higher Class Not Filled by Promotional Examination**

- 221.15.1** The Civil Service Commission may order that the provisions of this Rule shall apply to appointees in higher classes in a class series even though the examination for such higher class was not held as a promotive examination or where appointees were blanketed into such higher classes. If necessary, layoffs in the classes affected shall follow.
- 221.15.2** For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of citywide seniority as defined in these Rules ~~certification~~ in the higher class or in a class designated by the Human Resources Director, as similarly related to the intermediate class.

**Sec. 221.16 Requirement for Probationary Period**

Reinstatement to a position other than the position in the class and department from which promoted shall require the appointee to serve a new probationary period.

**Sec. 221.17**    **Reinstatement with Employee's Original Seniority in the Class**

Employees who are reinstated from a promotive appointment are restored with their citywide seniority as defined in these Rules in the class, if any.

## Rule Revisions Amended

Deletions in ~~strikethrough~~ – Additions in underline

### Rule 302 Definitions

Applicability: Rule 302 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

**Sec. 302.1 Appointment**

**Sec. 302.2 Appointing Officer**

**Sec. 302.3 Appointment Date**

**Sec. 302.4 Bulletin Board / Employment Opportunity Website**

**Sec. 302.5 Certification Date**

**Sec. 302.6 Charter**

**Sec. 302.7 City**

**Sec. 302.8 Civil Service Department**

**Sec. 302.9 Class**

**Sec. 302.10 Classification Plan**

**Sec. 302.11 Classified Service**

**Sec. 302.12 Commission**

**Sec. 302.13 Commissioner**

**Sec. 302.14 Department**

**Sec. 302.15 Department of Human Resources**

**Sec. 302.16 Eligible**

**Sec. 302.17 Eligible List**

**Sec. 302.18 Executive Session**

**Sec. 302.19 Human Resources Director**

**Sec. 302.20 Layoff**

**Sec. 302.21 Near List**

**Sec. 302.22 Part-Time Employment**

**Sec. 302.23 Position**

**Sec. 302.24 Post**

**Sec. 302.25 Seniority**

**Sec. 302.26 Service**

**Sec. 302.27 Start Work Date**

**Sec. 302.28 Time Periods**

**Sec. 302.29 Validation Date**



## **Rule 302**

### **Definitions**

Applicability: Rule 302 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

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

#### **Sec. 302.1 Appointment**

##### **302.1.1 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.

##### **302.1.2 Probationary**

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

##### **302.1.3 Temporary Civil Service**

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

##### **302.1.4 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.

#### **302.1. 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. 302.2 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. 302.3 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. 302.4 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.

**Sec 302.4.1 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. 302.5 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. 302.6 Charter**

The Charter of the City and County of San Francisco.

**Sec. 302.7 City**

The City and County of San Francisco.

**Sec. 302.8 Civil Service Department**

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

**Sec. 302.9 Class**

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

**Sec. 302.10 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. 302.11 Classified Service**

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

**Sec. 302.12 Commission**

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

**Sec. 302.13 Commissioner**

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

**Sec. 302.14 Department**

Organizational unit or units under one appointing officer.

**Sec. 302.15 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. 302.16 Eligible**

A person who has standing on an eligible list.

**Sec. 302.17 Eligible List**

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

**Sec. 302.18 Executive Session**

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

**Sec. 302.19 Human Resources Director**

Director of the Department of Human Resources.

**Sec. 302.20 Layoff**

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

**Sec. 302.21 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. 302.22 Part-Time Employment**

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

**Sec. 302.23 Position**

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

**302.23.1 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 Human Resources Director.

**302.23.2 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.

**302.23.3 Part-Time**

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

**302.23.4 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.

**302.23.5 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. 302.24 Post**

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

### **Sec. 302.25 Seniority**

#### **302.25.1 Civil Service - Permanent**

Permanent seniority shall be determined by the ~~date of appointment date of the employee following certification from an eligible list to which resulted in~~ a permanent ~~appointment to a~~ 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 certification date following separation.

#### **302.25.2 Civil Service - Temporary (from eligible list)**

Seniority shall be determined by the ~~date of appointment date of the employee following certification from an eligible list to which resulted in~~ a temporary ~~appointment 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.

#### **302.25.3 Citywide**

##### 302.25.3 (a) Citywide Seniority Prior to [date]

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

##### 302.25.3 (b) Citywide Seniority Effective [date]

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

##### 302.25.3 (c) Ties in Seniority

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

#### **302.25.4 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 or the Department of Human Resources.

**Sec. 302.26 Service**

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

**Sec. 302.27 Start Work Date**

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

**Sec. 302.28 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. 302.29 Validation Date**

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

## Rule 309

### Position Classification and Related Rules

Applicability: Rule 309 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### *Article I: Authority*

Sec. 309.1 Authority

Sec. 309.2 Notice and Appeals

#### *Article II: Definitions*

Sec. 309.3 Definitions

#### *Article III: Classification*

Sec. 309.4 Classification of Positions

Sec. 309.5 Class Series

Sec. 309.6 Class Specification

Sec. 309.7 Official Copy

Sec. 309.8 Administration of the Classification Plan

#### *Article IV: Status*

Sec. 309.9 General Principles

Sec. 309.10 Effects of Classification Changes on the Status of Incumbents

Sec. 309.11 Limitations Under this Rule

Sec. 309.12 Situations Not Specifically Addressed

Sec. 309.13 Probationary Period

Sec. 309.14 Release from a Probationary Period

Sec. 309.15 Civil Service Seniority

#### *Article V: Temporary Out-of-Class Assignments*

Sec. 309.16 Temporary Out-of-Class Assignments - Policy and Definitions

## Rule 309 Position Classification and Related Rules

### Article I: Authority

Applicability: Rule 309 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

### **Sec. 309.1 Authority**

309.1.1

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.

309.1.2

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.

309.1.3

The Human Resources Director, when notified of a significant change in duties, shall analyze positions. If it is determined through a job analysis that the level and/or function of the assigned responsibilities have changed significantly and are no longer consistent with the existing class, the position may be reclassified.

309.1.4

When appropriate to the Classification Plan, the Human Resources Director may change the title and/or number of a class without affecting the classification of the position or the status of incumbents.

309.1.5

The Human Resources Director may amend class specifications as necessary to reflect the major duties of positions within the class and the job-related knowledge, skills and abilities necessary to perform the functions of the class.

309.1.6

The Human Resources Director may make changes to the Classification Plan including creating new classes, abolishing, consolidating, or amending classes consistent with the Classification Plan.

309.1.7

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.

309.1.8



The provisions of Article I, Rule 309 shall only be superseded by an amendment to the Charter of the City and County of San Francisco, and then only to the extent required by the amendment with the remaining provisions continuing in full force and effect.

## **Sec 309.2 Notice and Appeals**

### **309.2.1**

Any employee, employee representative or appointing officer affected by a classification action or status grant under this Rule may appeal the action to the Civil Service Commission. The appeal shall be in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

### **309.2.2**

Proposed changes in classification and/or status of permanent civil service incumbents with existing status rights shall be posted for seven (7) calendar days. A day the Department of Human Resources is closed shall not be counted as the seventh (7th) calendar day. Proposed changes will become effective on the eighth (8th) calendar day following the posting date, with the following exception:

### **309.2.3**

Protests shall be submitted to the Human Resources Director prior to the end of the posting period.

### **309.2.4**

The decision of the Human Resources Director is appealable to the Civil Service Commission. The decision of the Civil Service Commission shall be final and not subject to reconsideration.

## **Rule 309 Position Classification and Related Rules**

### **Article II: Definitions**

Applicability: Rule 309 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

## **Sec. 309.3 Definitions**

### **309.3.1 Job Code**

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

#### 309.3.2 Position

The duties and responsibilities assigned by an appointing officer to be performed by an employee.

#### 309.3.3 Classification System

A method of organizing positions into classes and groups of classes based on an analysis of types and levels of work performed.

#### 309.3.4 Classification Plan

The overall system or plan that encompasses all classes.

#### 309.3.5 Class

A group of positions having common functions and levels of responsibility requiring related knowledge, abilities and skills.

#### 309.3.6 Class Series

Directly related classes within a job group which vary in level and scope of responsibility.

#### 309.3.7 Position Description

A position description generally describes the functions of a position but may not be all inclusive or specific to a particular position.

#### 309.3.8 Class Specification

A written delineation of the levels of duties and essential functions of a class.

#### 309.3.9 Allocation/Classification

Designating new positions to an appropriate class.

#### 309.3.10 Reallocation/Reclassification

Designating existing positions to a different class.

#### 309.3.11 Consolidation

The combining of the duties of two or more classes into one class.

309.3.12 Division

The separation of a class into two or more classes.

309.3.13 Amendment

The formal revision of the class specifications for an existing class.

309.3.14 Retitling

Changing the name (title) of an existing class.

309.3.15 Renumbering

Changing the designated number of an existing class.

309.3.16 Abolishment

The elimination of a class from the Classification Plan.

309.3.17 Status

Status is the granting to an employee permanent civil service standing to a specific class. Status is granted to a class, and not to a specific position in a class.

309.3.18 Temporary Out-of-Class Assignment

The assignment of an employee who has permanent civil service status in a class to perform normal day-to-day responsibility and duties of another class on a temporary basis without a change in class.

309.3.19 Protest

A request to the Human Resources Director for the reconsideration of a classification decision.

309.3.20 Appeal

A request to the Civil Service Commission to reconsider the decision of the Human Resources Director.

## **Rule 309 Position Classification and Related Rules**

## **Article III: Classification**

Applicability: Rule 309 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

### **Sec. 309.4 Classification of Positions**

Each position in the classified service shall be classified by the Human Resources Director and allocated to the appropriate class in accordance with the level, scope and occupational concept of the assigned duties.

### **Sec. 309.5 Class Series**

All classes directly related within a job family involving the same kind of work, but differing as to scope of responsibility, shall be assembled into the same series.

### **Sec. 309.6 Class Specification**

#### **309.6.1**

The class specification shall be the official description of the class.

#### **309.6.2**

The class specification shall be descriptive of the class but shall not be considered as a restriction on the assignment of duties not specifically listed. The class specifications are intended to indicate the kind of positions that should be allocated to a class but shall not be construed as describing the exact duties and responsibilities of each individual position allocated to the class. The appointing officer has the authority to assign an employee to perform work provided that it is consistent with the type of duties and level of responsibility of the employee's class, although not specifically described in the class specification.

### **Sec. 309.7 Official Copy**

The Human Resources Director shall maintain an accurate and complete copy of the Classification Plan to be designated as the "Official Copy." All changes in allocation or reallocation of positions to classes or amendment of classifications shall be recorded in the "Official Copy" of the Classification Plan. The "Official Copy" of the Classification Plan shall be open for public inspection.

### **Sec. 309.8 Administration of the Classification Plan**

#### **309.8.1**

The Human Resources Director shall analyze positions and/or classifications whenever the Human Resources Director deems it necessary.

### 309.8.2

Upon request of the Human Resources Director, the appointing officer shall furnish detailed information relative to the duties and responsibilities or work assignments of positions under the appointing officer's jurisdiction. The appointing authority shall notify the Department of Human Resources promptly of significant changes in duties, responsibilities, or work assignments of positions.

## Rule 309 Position Classification and Related Rules

### Article IV: Status

Applicability: Rule 309 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

### Sec. 309.9 General Principles

Status in the City and County service is the granting of permanent civil service standing within a specific class to an employee. This right stems from the examination in which the employee qualified and/or the appointment received, and the duties performed as indicated on official records. The class specification or duties statement in existence at the time for the examination and/or appointment is a basic reference document in determining status in a class. An employee has status in a class, but not to a particular position within such class. The appointing officer has very broad discretion in reassigning an employee from one position to another position in the same class.

In cases where status is involved, the Human Resources Director shall be responsible for the determination of "status" of an employee and/or an eligible, subject to appeal to the Civil Service Commission.

### Sec. 309.10 Effects of Classification Changes on the Status of Incumbents

#### 309.10.1 Class Consolidation

When the duties of two or more classes are combined into one new, existing or amended class, and if any of the classes involved are abolished; an employee who has permanent civil service status within the abolished class is granted status to the new, existing or amended class, subject to the limitations of this Rule.

#### 309.10.2 Division of One Class into Two or More Classes

When a class is divided into two or more classes, an employee who has permanent civil service status within the class which is divided is granted status to the new class which

reflects the primary responsibility of the employee. The determination of which class reflects an employee's primary responsibilities is made by the Human Resources Director.

## **Sec. 309.10 Effects of Classification Changes on the Status of Incumbents (cont.)**

### **309.10.3 Upward Reclassification**

When a position occupied by an employee with permanent civil service status is upwardly reclassified, the employee is given status in the new, existing or amended class subject to the limitations provided in this Rule.

### **309.10.4 Lateral Reclassification**

When a position occupied by an employee with permanent civil service status is laterally reclassified, the employee is given status in the new, existing or amended class.

1) Subject to the limitations under Sec. 309.11 of this Rule, when a position occupied by an employee with permanent civil service status is downwardly reclassified, the employee may:

- a) accept the downward reclassification; or
- b) reassign to a vacancy within the same class and department; or
- c) request transfer to a vacant position to a class in another department; or
- d) reinstate to a vacant position previously held by the employee as provided under the Reinstatement Rule; or
- e) accept the downwardly reclassified position with reinstatement rights to the next available citywide vacancy in the class held by the employee at the time of the downward reclassification; or
- f) exercise civil service layoff rights.

2) If under a downward reclassification of a position, the employee elects to accept the downward reclassification with reinstatement rights, the employee must accept the first available position. If no position becomes available within one (1) year from the effective date of the action, all status to the previous classification is forfeited, unless an extension is granted by the Human Resources Director.

### **309.10.6 Renumbered or Retitled Classes**

When classes are renumbered or retitled, or when the class description has been changed to more accurately describe the duties being performed, all employees with permanent status in the former class shall have continued permanent status in the renumbered or retitled class. Eligibles on a list in the former class shall continue as eligibles on the renumbered or retitled class.

### **309.10.7 Implementation of Status**

- 1) All permanent employees in positions in the former class who have been reallocated to a new class are granted status in positions in the new class as of the effective date as determined by the Human Resources Director.
- 2) The remaining employees in the same former class and in the same department are granted rights to assignment to positions in the new classes as vacancies occur according to seniority standing in the department.
- 3) Permanent employees occupying positions in the same former class in other departments are granted the right to transfer to positions in the new class or classes as vacancies occur. Such requests for transfer shall be governed by the provisions of the Rules governing appointment by transfer.
- 4) When status has been granted, all permanent employees in positions in the former class which has been reclassified to another class, are granted status in positions.
- 5) An employee who is granted status must exercise those rights to the second class as soon as a position becomes available, within one (1) year from the effective date of the amendment to the Annual Salary Ordinance unless an extension is granted by the Human Resources Director. If status is not exercised within the time limit or if the employee refuses an offer of a status appointment, then, status is forfeited.
- 6) An employee who does not exercise status as provided above may continue in the original position until such time as the reclassified position is filled and the original incumbent is replaced by another employee who has status in the class or by an eligible from a civil service list.

### **309.10.7 Implementation of Status (cont.)**

- 7) When all permanent incumbents in the class and department have exercised or forfeited status, eligibles on lists for the original class as well as employees in the same original class in another department may be offered status appointments in the second class either by certification from the eligible list or under transfer provisions of the Transfer Rule.

### **Sec. 309.11 Limitations Under this Rule**

#### **309.11.1**

The allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant legally holding such a position under permanent appointment. If there is an adverse effect on the civil service rights of an occupant legally holding such a position under permanent appointment, such allocation or reallocation shall be affected when the position becomes vacant by reassignment or for other reason(s), except when earlier implementation is approved by mutual agreement with the appropriate recognized employee organization. Pending such reallocation, the incumbent shall continue in the position.

#### **309.11.2**

In administering this Rule, if the difference between the salary ranges of the former class and the new class is more than seven and one half (7½) percent, a significant difference in the scope of responsibility shall be deemed to exist, and status shall not be granted unless approved by the Civil Service Commission.

309.11.3

An employee must meet the minimum qualifications for the position in order to be eligible for status.

309.11.4

The Human Resources Director may assess the employee's ability to perform the level of duties and the essential functions of the class.

**Sec. 309.12 Situations Not Specifically Addressed**

Situations not specifically addressed in this Article will be resolved by the Human Resources Director subject to the prior approval of the Civil Service Commission.

**Sec. 309.13 Probationary Period**

309.13.1

Employees who are appointed by status in the same department shall not be required to complete a new probationary period.

309.13.2

Employees who exercise status to transfer to a new department shall be required to complete a probationary period.

309.13.3

Employees who have not yet completed the probationary period in the class subject to reclassification shall be required to complete the remainder of the probationary period in the new class.

**Sec. 309.14 Release from a Probationary Period**

Employees required to serve a probationary period because of being granted status under this Rule are subject to the Civil Service Commission Rules on the probationary period.

**Sec. 309.15 Civil Service Seniority**



Civil service seniority for employees granted status under Civil Service Commission Rule 309 shall be carried forward and is calculated from the date of the citywide seniority as defined in these Rules ~~certification~~ in the former class prior to reclassification.

## **Rule 309 Position Classification and Related Rules**

### **Article V: Temporary Out-of-Class Assignments**

Applicability: Rule 309 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 309.16 Temporary Out-of-Class Assignments - Policy and Definitions**

##### **309.16.1**

In accordance with this Rule, an appointing officer may exercise Charter authority to assign an employee to perform any of the duties of the department to which appointed and to make any temporary out-of-class assignment to maintain the provision of any public service.

##### **309.16.2**

Temporary out-of-class assignment means the assignment of an employee without change in class to perform the normal day-to-day duties and responsibilities of another classification. Records of such temporary out-of-class assignment shall be placed in the employee's personnel file. The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary.

1) Temporary out-of-class assignment is distinguished from "temporary appointment" in that the latter refers to an appointment to a differently classified position in accordance with civil service appointment provisions and in accordance with budgetary requirements.

2) Temporary out-of-class assignment is distinguished from a short term or regular assignment of a minor portion of work duties which are allocated to a different class, but which are generally related to the regular duties or level of responsibility of the employee's current class.

3) The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary.

4) Temporary out-of-class assignments shall not be made when an appointment based on the regularly established Rules and procedures of the Civil Service Commission may be

made. Temporary out-of-class assignments may be approved while an appointment through the established procedures is pending.

5) When a temporary out-of-class assignment is in order, selection and retention shall be at the discretion of the appointing officer or designee.

## **Rule 313**

### **Certification of Eligibles - Fire Department**

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

#### **Article I: Personnel Requisitions**

##### **Sec. 313.1 Personnel Requisitions**

#### **Article II: Certification Rules - Entry and Promotive**

##### **Sec. 313.2 Certification of Eligibles – General Policy**

##### **Sec. 313.3 Certification Rules**

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

##### **Sec. 313.5 Certification of Entry Eligible List**

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

#### **Article III: Administration of Certifications**

##### **Sec. 313.7 Response Period**

##### **Sec. 313.8 Effect of Failure to Respond**

##### **Sec. 313.9 Waivers**

##### **Sec. 313.10 Change of Address**

## **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. Unless otherwise instructed by the Civil Service Commission, the Fire Department shall annually report to the Civil Service Commission on the selection process. In addition to the annual reports, the Department 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. The Human Resources Director shall report to the Civil Service Commission on the progress of continuous testing and the entry-level certification expansion on an annual basis for two (2) years and thereafter on a schedule to be determined.

#### **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 (5<sup>th</sup>) 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.

**Sec. 313.7 Certification of Eligible List – Continuous List Class**

The certification rule for all eligible lists that the Human Resources Director designates as “continuous list class” shall be Rule of the List.

## **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.~~78~~ Response Period**

##### **313.~~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.

##### **313.~~78~~.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.~~78~~.3 Extensions**

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

**Sec. 313.~~89~~ Effect of Failure to Respond**

**313.~~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.

**313.~~89~~.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.~~910~~ Waivers****313.~~910~~.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.~~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.

**313.~~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.

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

**313.~~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 (3<sup>rd</sup>) 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.~~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 (3<sup>rd</sup>) Friday of the month to be effective the first (1<sup>st</sup>) business day of the following month. If the third (3<sup>rd</sup>) Friday is a legal holiday, such requests must be received by the close of business on the next business day.

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 (1<sup>st</sup>) business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles 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. 313.1011 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.

## **Rule 314**

### **Appointments**

Applicability: Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Article I: General Provisions**

Applicability: Article I, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Article II: Limited Tenure Appointments**

Applicability: Article II, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department. The provisions of Article II, Rule 314 shall be limited to time of war as defined in Sec 314.10.

#### **Article III: Temporary and Emergency Appointments**

Applicability: Article III, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Article IV: Appointment by Reinstatement**

Applicability: Article IV, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Article V: Reappointment**

Applicability: Article V, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Article VI: Appointment by Transfer**

Applicability: Article VI, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Article VII: Exempt Appointment**

Applicability: Article VII, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

## **Rule 314**

### **Appointments**

#### **Article I: General Provisions**

Applicability: Article I, Rule 314 shall apply all classes of the Uniformed Ranks of the San Francisco Fire Department.

**Sec. 314.1 Appointment - General Provisions****314.1.1 Report of Appointment**

Except with the permission of the Human Resources Director, all appointments shall be reported by the appointing officer to the Department of Human Resources on the prescribed form prior to the appointee's starting date of employment.

**314.1.2 Validation of Appointment**

No appointee may begin working except with permission of the Human Resources Director until the appointing officer has received official notice of validation of appointment from the Department of Human Resources.

**314.1.3 Finality of Appointing Officer's Decision**

Except as otherwise provided in these Rules, ordinances, or the Charter, the decision of the appointing officer in all matters regarding appointment shall be final.

**Sec. 314.2 Permanent Appointment - Definition**

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

**Sec. 314.3 Method of Appointment - Permanent Appointment**

Permanent appointments shall be made in the following order of priority:

**314.3.1**

by the return to duty of a permanent holdover;

**Sec. 314.3 Method of Appointment - Permanent Appointment (cont.)****314.3.2**

by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees.

**314.3.3**

by the appointing officer through use of any one of the following options:

- 1) advancement of a part-time or school-term employee to full-time status consistent with the requirements found elsewhere in this Rule; or
- 2) transfer; or
- 3) from requests for reinstatement other than by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees; or
- 4) by reappointment following resignation; or
- 5) by certification by the Department of Human Resources of eligibles from a regular list or reemployment register.

#### **314.3.4**

Exercise of one option will preclude the use of any other method of appointment except because of any settlement arising following an appeal or other litigation. Departments may also fill permanent vacancies through internal reassignment of permanent employees consistent with departmental procedures. Such reassignments are not within the jurisdiction of the Civil Service Commission or the Department of Human Resources except as specifically provided elsewhere in these Rules.

#### **Sec. 314.4 Temporary Appointment**

##### **314.4.1**

Temporary appointment shall be one of the following:

- 1) An appointment from an eligible list to a temporary position. Such appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 1040 hours; or

#### **Sec 314.4 Temporary Appointment (cont.)**

##### **314.4.1 (cont.)**

- 2) An appointment from an eligible list to a temporary position established to perform a special project or investigation. The establishment of such position shall require the express approval of the Human Resources Director. It must be readily foreseeable that the duties and responsibilities and products must be completed by the time limit of a maximum of the hourly equivalent of 260 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 2080 hours.



3) When no eligible list exists or no eligible is available on an existing eligible list for a position in the class requisitioned by an appointing officer, and immediate service in the position is required by the appointing officer and another eligible list exists which is deemed by the Human Resources Director to be suitable to provide temporarily the service desired, the Human Resources Director shall certify for civil service temporary appointment an eligible from such eligible list.

#### **314.4.2 Expiration of Temporary Appointment**

1) Upon expiration of the maximum allowable time period or upon expiration of the appointee's temporary position, temporary appointees shall be separated as provided below.

2) Temporary appointees so separated shall be returned to the eligible list from which appointed if such list has not expired.

3) Temporary appointees returned to the eligible list or to the holdover roster shall be immediately available for certification to temporary positions:

- under another appointing officer; or
- to the same appointing officer to another position with the express approval of the Human Resources Director.

In the case of represented classes, the Human Resources Director shall provide prior notification to the appropriate bargaining representative of intention to authorize such immediate certification and shall, upon request, meet and confer concerning the proposed certification.

#### **Sec. 314.4 Temporary Appointment (cont.)**

#### **314.4.2 Expiration of Temporary Appointment (cont.)**

4) Temporary appointees, except those appointed from a "near list", whose list has expired shall be ranked on the holdover roster for the class.

#### **314.4.3**

Layoff due to lack of work or lack of funds or termination shall be as provided elsewhere in these Rules.

#### **Sec. 314.5 Provisional Appointment**

#### **314.5.1**

Provisional appointment shall be an appointment to a permanent or temporary position when there is no available eligible.

1) A provisional appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular work schedule of the employee; however, in no case may the maximum duration exceed 1040 hours in any class or in any department in a calendar year.

2) Except with the express approval of the Human Resources Director, when an eligible list is adopted, all provisional appointments in the affected class shall expire.

### **314.5.2**

Provisional appointments may be extended with the approval of the Human Resources Director for additional periods of time not to exceed, for each extension, the time limitations specified above.

### **314.5.3**

Provisional appointees serve at the discretion of the appointing officer.

### **314.5.4**

Provisional appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.

### **314.5.5**

The Human Resources Director shall promulgate policies and procedures for making provisional appointments which shall include provisions that appointments shall be made based on a combination of merit factors, equal employment opportunity and, if promotive, consideration of performance appraisal ratings and seniority.

### **314.5.6**

Layoff of provisional appointees due to lack of work, lack of funds or termination shall be as provided elsewhere in these Rules.

## **Sec. 314.5 Provisional Appointment (cont.)**

### **314.5.7**

A civil service appointee who is laid off, terminated or who resigns from a provisional appointment shall return to the appointee's permanent position.

### **314.5.8**

A provisional appointee resigning from employment shall complete the prescribed resignation form.

**314.5.9**

Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

**314.5.10 Restrictions on Provisional Appointment**

As provided in Charter Sections 10.105 and 18.110:

- 1) Provisional appointments for civil service positions for which no eligible list exists shall not exceed three (3) years.
- 2) Provisional appointments may only be renewed beyond three (3) years with the approval of the Board of Supervisors and upon certification by the Human Resources Director that for reasons beyond his or her control the Department of Human Resources has been unable to conduct examinations for these positions.
- 3) Unless provisional appointments are renewed as provided in this section or are transitioned to regular civil service appointment through either the competitive examination process or as provided in Charter Section 18.110, provisional employees appointed before July 1, 1996 shall be laid off by June 30, 1999.

**Sec. 314.6 Provisional Appointment - Non-Civil Service Appointment****314.6.1**

Non-Civil Service appointment made under the authority of these Rules shall be an appointment to a permanent or temporary position when either

- 1) There is no available eligible. It is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular work schedule of the employee; however, in no case may the maximum duration exceed 1040 hours in any class or in any department in a calendar or fiscal year or except with the express approval of the Human Resources Director, thirty (30) days from eligible list adoption, whichever is less; or

**Sec. 314.6 Provisional Appointment - Non-Civil Service Appointment (cont.)****314.6.1 (cont.)**

- 2) there is an emergency.

Such appointment is time limited to a maximum of 240 hours.

**314.6.2**

Non-civil service appointees serve at the discretion of the appointing officer.

**314.6.3**

Non-civil service appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.

**314.6.4**

The Human Resources Director shall promulgate policies and procedures for making non-civil service appointments which include provisions that appointments shall be made based on a combination of merit factors, affirmative action and, if promotive, seniority.

**314.6.5**

Notification to signatory unions shall be as follows:

Employee organizations signatory to the Letter of Agreement adopted April 4, 1983, shall be notified on a biweekly basis of all non-civil service appointments authorized in the preceding two-week period, together with the duration of such appointments and the reason(s) for such duration. Union representatives of organizations signatory to the aforementioned agreement shall have the right to meet and confer with the Human Resources Director or designee following notification cited hereinabove.

**Sec. 314.7 Provisional Appointment - Limited Tenure Appointment****314.7.1**

Limited tenure appointment is an appointment made to a permanent or temporary positions under authority of this Rule in a class for which there is no available eligible.

**314.7.2**

All limited tenure appointments shall require the express prior approval of the Commission and shall be made pursuant to the stated intent of the Letter of Agreement and Compliance Agreement adopted April 4, 1983, as it pertains to the classes represented by the unions signatory to these Agreements.

**Sec. 314.7 Provisional Appointment - Limited Tenure Appointment****314.7.3**

Layoff due to lack of work, lack of funds, or termination shall be as provided elsewhere in these Rules.

**314.7.4**

A civil service appointee who is laid off, terminated, or who resigns from a limited tenure appointment shall return to the appointee's permanent position.

**314.7.5**

A limited tenure appointee resigning from employment shall complete the prescribed resignation form.

**314.7.6 Provisional Appointees - No Preference for Permanent Appointment**

Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

**Sec. 314.8 Advancement from Part-Time Position to Full-Time**

After one (1) year of continuous permanent satisfactory service in a part-time only position, the senior appointee in a class in the department may be advanced by the appointing officer to a full-time position. Advancement from a part-time position shall require a new probationary period.

**Sec. 314.9 Separation of Temporary and Provisional Appointees Upon Expiration of Term of Employment****314.9.1**

No temporary or provisional appointment shall exceed the maximum allowable duration provided in these Rules, and upon expiration of that period of time, the appointee shall be separated from the position.

**314.9.2**

The appointee's separation shall be based upon the expiration of the maximum allowable duration or upon expiration of the appointee's temporary position. Such separation shall be without reference to the layoff or termination provisions of these Rules. The appointee shall be notified in writing:

- 1) at the time of appointment as to the duration of such appointment; and
- 2) at least ten (10) working days in advance of the final date.

## **Rule 314**

### **Appointments**

#### **Article II: Limited Tenure Appointments**

Incorporating former Charter Section 8.331 into the Civil Service Commission Rules pursuant to former Charter Section 8.320-1 Incorporating Former Charter Provisions (Proposition C - November 5, 1991 Election)

Applicability: Article II, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department. The provisions of Article II, Rule 314 shall be limited to time of war as defined in Sec 314.10

##### **Sec. 314.10 Limited Tenure Appointments - When Authorized**

When in time of war declared by the Congress of the United States eligibles are not available for appointment from registers established through the regular examination procedure as provided under these Rules, the Human Resources Director may qualify applicants for wartime appointments to positions through informal and non-competitive tests.

##### **Sec. 314.11 Selection of Limited Tenure Appointees**

Such tests and appointments resulting therefrom shall be governed solely by the provisions of these Rules and the tests shall be adequate in the judgment of the Human Resources Director to determine the capacity of applicants to perform the duties of the positions to be filled pending creation of lists of eligibles through the regular examination procedure as provided in these Rules.

##### **Sec. 314.12 Definition and Duration of Limited Tenure Appointments**

Appointments made under the provisions of this Rule shall be designated "limited tenure appointments" and may continue only until registers of eligibles are established through the regular examination procedure provided elsewhere in these Rules but in no event to exceed six (6) months beyond the cessation of hostilities.

##### **Sec. 314.13 Layoff of Limited Tenure Appointees**

Limited tenure appointments may be terminated by the appointing officer at any time for lack of work or funds.

##### **Sec. 314.14 Termination of Limited Tenure Appointees**

Limited tenure appointments may be terminated by the appointing officer for good cause at any time with the approval of the Human Resources Director without reference to the procedures governing removals set forth in Charter Section A8.341.

**Sec. 314.15 Restriction on Rights on Limited Tenure Appointees**

Persons serving under limited tenure appointments under this Rule shall by reason of such service acquire no right or preference to permanent civil service status as defined elsewhere in the Charter or by Rules of the Civil Service Commission, which is conferred on persons completing probationary appointments made from lists of eligibles established through the regular examination procedures as provided in these Rules.

**Sec. 314.16 Non-Civil Service Appointments When No Eligible List**

Non-civil service appointments in the absence of civil service eligibles, as provided in these Rules, shall not be authorized if applicants qualified for limited tenure appointments are available.

**Sec. 314.17 Department of Human Resources to Maintain Eligible Lists**

The Department of Human Resources shall make every effort, consistent with current conditions, to maintain adequate registers of eligibles established through the regular examination procedure as provided in these Rules.

**Sec. 314.18 Civil Service Commission to Adopt Rules to Govern Limited Tenure Appointments**

The Civil Service Commission shall adopt Rules to carry out the provisions of this Rule and to govern the administration of limited tenure appointments.

**Sec. 314.19 Additional Authority for Limited Tenure Appointments**

**314.19.1**

In time of national emergency declared by the President of the United States or by the Congress or while any act authorizing compulsory military service or training is in effect, the provisions of this Rule may also be made operative upon recommendation of the Civil Service Commission and approval of the Board of Supervisors by ordinance enacted by two thirds vote of the Board.

**Sec. 314.19 Additional Authority for Limited Tenure Appointments (cont.)**

**314.19.2**

Authority for limited tenure appointments, if established pursuant to the authority of this paragraph, shall cease six (6) months after repeal by the Board of Supervisors of the ordinance which authorized such appointments.

## **Rule 314**

### **Appointments**

#### **Article III: Temporary and Emergency Appointments**

Incorporating former Charter Section 8.331 into the Civil Service Commission Rules pursuant to former Charter Section 8.320-1 Incorporating Former Charter Provisions (Proposition C - November 5, 1991 Election)

Applicability: Article III, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

##### **Sec. 314.20 Temporary "Near List" Appointments Authorized**

When no list of eligibles exists or no eligible is available on an existing list for a position in the class requisitioned by the appointing officer, and immediate service in the position is required by the appointing officer and another list exists which is deemed by the Human Resources Director to be suitable to provide temporarily the service desired, the Commission shall certify for civil service temporary appointment an eligible from such list.

##### **Sec. 314.21 Non-Civil Service Appointment Defined**

If no such other list deemed by the Human Resources Director to be suitable exists, the Human Resources Director pursuant to Civil Service Commission Rules may authorize the appointing officer to make a non-civil service or emergency appointment for a period not exceeding 130 working days.

##### **Sec. 314.22 Duration of Non-Civil Service Appointment**

Non-civil service or emergency appointments extended beyond ninety (90) days must be approved by the Human Resources Director. Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such 130 working days at the time a civil service eligible reports for duty as provided in Section A8.329 of the Charter.

##### **Sec. 314.23 Emergency Appointment Pending Canvassing of Eligible List**

###### **314.23.1**



If a list of eligibles exists for the position requisitioned, but immediate service is deemed necessary by the appointing officer pending the time an eligible from such list is certified and reports for duty as provided in Section A8.329 of the Charter, the Human Resources Director may authorize the appointing officer to make a non-civil service or emergency appointment thereto for a period not exceeding thirty (30) working days.

**Sec. 314.23 Emergency Appointment Pending Canvassing of Eligible List (cont.)**

**314.23.2**

Such non-civil service or emergency appointment, however, shall cease prior to the expiration of thirty (30) working days at the time a civil service eligible reports for duty as provided in Section A8.329 of the Charter.

**Sec. 314.24 Restriction on Compensation of Non-Civil Service Appointees**

No person shall be compensated under any non-civil service or emergency appointment, or appointments as authorized under the provisions of the foregoing paragraphs of this Rule for a period exceeding 130 working days in any fiscal or calendar year, and no claim or warrant therefore shall be approved, allowed or paid for any compensation in excess of such 130 working days in any fiscal or calendar year.

**Sec. 314.25 Mandate for Funding Department of Human Resources to Conduct Examinations**

If no eligibles are available for appointment to a permanent position in the class requested by the appointing officer, the Department of Human Resources shall immediately hold an examination and establish an eligible list for such position. If its annual appropriation is insufficient to meet the cost of said examination, the Department of Human Resources shall report to the Mayor the estimated cost thereof, the Mayor shall request, and the Board of Supervisors shall make supplemental appropriation therefore in the manner provided herein for supplemental appropriations.

## **Rule 314**

### **Appointments**

#### **Article IV: Appointment by Reinstatement**

Applicability: Article IV, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

**Sec. 314.26 Reinstatement**

**314.26.1**

A permanent employee who accepts permanent appointment to a position in another class shall be permanently separated from any former position, with the following exception: the employee may be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the appointing officers in both the present department and the former department or the department(s) to which reinstatement is requested. A copy of the approved form(s) must be filed with the Department of Human Resources.

### **314.26.2**

An employee serving a promotive probationary period shall be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the Human Resources Director.

- 1) A request for reinstatement under this section shall not extend the probationary period or infringe upon an appointing officer's authority to terminate an employee.
- 2) An approved request for reinstatement shall remain in effect until the employee is either reinstated, separated, refuses an offer of reinstatement, or such a request is canceled by the Human Resources Director.
- 3) Separation of the employee shall nullify all requests for reinstatement approved under this section.
- 4) The employee shall receive one (1) offer of reinstatement. Failure to accept a reinstatement offer shall forfeit all rights to reinstatement under this section.
- 5) A reinstatement under this section shall be under the Rule of One.

### **Sec. 314.26 Reinstatement (cont.)**

#### **314.26.2 (cont.)**

- 6) If more than one (1) request for reinstatement under this section is on file, the person with the greater seniority in the class to which reinstatement is requested shall be reinstated first.

### **314.26.3**

Reinstatement to a position in a former class and department shall be with former civil service seniority standing in that department and no probationary period shall be required.

**314.26.4**

Reinstatement to a position in a former class in another department shall require a new civil service seniority date in that department from the date of such reinstatement and shall require a new probationary period.

**Sec. 314.27 Reinstatement Following Transfer**

An appointment by transfer shall cancel all rights to the position from which transferred except that, prior to the completion of the probationary period, a transferee may request reinstatement to a vacancy in a position in the same class and department from which transferred in accordance with the procedures established in this Rule.

**Sec. 314.28 Restrictions on Reinstatement**

Appointments by reinstatement are subject to the appointment provisions found elsewhere in this Rule.

## **Rule 314**

### **Appointments**

#### **Article V: Reappointment**

Applicability: Article V, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

**Sec. 314.29 Reappointment after Resignation****314.29.1**

A permanent appointee who has completed the probationary period who resigns and whose services have been certified as satisfactory by the appointing officer, or except as otherwise ordered by the Commission in the case of services certified as unsatisfactory, shall be permanently separated from such appointment except as follows:

**314.29.2**

A separate request must be filed with each department to which reappointment is desired. An approved copy of the reappointment form(s) must be filed with the Department of Human Resources.

**314.29.3**

Consistent with the above procedure, members of the Uniformed Ranks of the Fire Department shall have two (2) years from the effective date of the resignation to request and to be reappointed.

**314.29.4**

If a vacancy does not exist in the class from which resigned from City and County Service, or, if otherwise approved by the Human Resources Director, subject to appeal to the Civil Service Commission, a resignee may re-enter the service to a vacancy in any former class in which the probationary period had been completed in any department with the approval of the appointing officer.

**314.29.5**

When reappointed, the resignee shall enter the service as a new appointee with no rights based on prior service except such as may be specifically provided elsewhere in these Rules, in the Vacation, Sick Leave and any other Ordinances as appropriate, and in the examination procedures with respect to credit for prior City and County Service.

**Sec. 314.30 Restrictions on Reappointment**

Reappointments are subject to the appointment provisions found elsewhere in this Rule.

**Rule 314****Appointments****Article VI: Appointment by Transfer**

Applicability: Article VI, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

**Sec. 314.31 Transfer - General****314.31.1**

A transfer of a permanent appointee who has completed the probationary period to a position in the same class under another appointing officer shall be requested on the form prescribed by the Human Resources Director.

**314.31.2**

A properly completed transfer form approved by the appointing officer or designee of the department to which transfer is requested shall be filed in the requested department. A

copy of the approved form shall be filed with the Department of Human Resources and in the employee's current department within two (2) business days of approval.

**314.31.3**

Appointees accepting a new appointment by transfer shall give a minimum period of notice prior to separation from their current department of fifteen (15) working days unless the current department approves a shorter period of notice.

**314.31.4**

Appointments by transfer are subject to the appointment and probationary provisions of these Rules.

**314.31.5**

Appointment by transfer will cancel all other transfer requests which have been filed.

**Sec. 314.32 Transfer from Position Not Full-Time**

A permanent appointee to a part-time position or a position not full-time on an annual basis and who serves under such appointment continuously for one year, may request transfer to a regular full-time position in accordance with the provisions of this Rule.

**Sec. 314.33 Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment**

Permanent civil service employees who have completed their probationary period and who are subject to layoff because of technological advances, automation, the installation of new equipment, or the transfer of functions to another jurisdiction may submit a request to the Human Resources Director for transfer to a position within their capacities to perform, whether or not within the class for which they qualified for appointment. Such request for transfer shall be subject to the following:

**314.33.1**

Request for transfer shall be submitted on the form prescribed by the Human Resources Director and shall be approved by the appointing officer or designee of the department to which transfer is requested.

**314.33.2**

The position to which transfer is requested shall not be to a class with more than a five percent (5%) increase in compensation.

**314.33.3**

The Human Resources Director may administer any examinations which, in the judgment of the Human Resources Director, are deemed advisable to test the capacity of the employee to perform the duties in the position to which transfer is requested, unless the transfer is to a position in the same class or a closely related class.

**314.33.4**

Employees so transferred, who are not suited to the position, may be given an opportunity for further transfer to other positions within their capacities to perform.

**314.33.5**

In the event of layoff of an appointee who occupies a position through transfer under the provisions of this section, such layoff shall be in accordance with the applicable provisions of the Layoff Rule. Seniority shall be calculated from the date of citywide seniority as defined in these Rules ~~certification~~ in the class from which transferred.

**314.33.6**

Employees transferred under the provisions of this section may request reinstatement to the former class in accordance with the Reinstatement Rule.

**314.33.7**

If more than one (1) approved transfer to the same class is on file in the Department of Human Resources, preference shall be given to the appointee who has the longest service under civil service permanent appointment in the class from which layoff is to be made.

**Sec. 314.33 Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment (cont.)**

**314.33.8**

An appointee transferred under the provisions of this section shall serve a probationary period in the new class.

**Sec. 314.34 Transfers Occasioned by the Transfer of Functions from One Department to Another**

**314.34.1**

When, in accordance with Charter provisions, part of the functions and duties of any department are transferred to another department, the employees performing such functions and duties shall be transferred therewith.

### **314.34.2**

Such employees shall retain in their new department the same salary and civil service seniority status as they had in the department from which transferred.

### **314.34.3**

Employees transferred in accordance with this Rule shall not be required to serve a new probationary period.

## **Sec. 314.35 Limited-Term Transfer**

### **314.35.1 Definition**

The transfer of a permanent appointee to a vacant position in the same class under another appointing officer for a specified duration of time may be approved by the appointing officers of both departments and the Human Resources Director and shall be known as a "limited-term transfer."

### **314.35.2 Purpose**

The purpose of a limited-term transfer is to more efficiently utilize and exchange human resources among the departments of the City and County; to allow employees exposure and training in other departments; and to provide a mechanism for reducing staffing levels during slow periods or periods of fiscal emergency and to temporarily increase staffing during peak work periods.

## **Sec. 314.35 Limited-Term Transfer (cont.)**

### **314.35.3 Types of Limited-Term Transfers**

**1) Voluntary:** A limited-term transfer may be initiated on the written request of an employee on the form prescribed by the Human Resources Director. Upon receipt of a written request from an employee and no less than fifteen (15) working days prior to implementation, the designated union of the employee shall be provided written notice. The union shall have five (5) working days from the date of the notice to request a meeting with the appointing officer/designee. Within five (5) working days from the date of the union request, a meeting shall be held. If the union is unavailable to meet within the five (5) working days following the request to meet, the unavailability of the union shall constitute a waiver of the right to meet. Unavailability of the appointing officer/designee

shall constitute an extension of the timelines. The timelines may also be extended through mutual written agreement.

**2) Mandatory:** A permanent or probationary employee may be transferred by the employee's appointing officer for a specified period up to a maximum of six months in any calendar year to a position in the same class under another appointing officer. Such transfers shall be made by class in reverse order of seniority in the class in the department after all permanent and probationary employees in the class have been canvassed and all more senior employees have been notified and have waived the right to request a voluntary limited-term transfer. The employee shall receive at least five working days written notice in advance of the effective date of the transfer and shall be given an opportunity, if requested, to meet and confer with the appointing officer/designee and the designated union representative. No permanent employee shall be placed on mandatory limited-term transfer if there are temporary or provisional employees in the same class in the department from which the transfer originates.

#### **314.35.4 Expiration and Extension**

1) Limited-term transfers will remain in force for the period specified unless abridgment is approved by both appointing officers.

2) Voluntary limited-term transfers may be extended for additional periods of time with the approval of the employee, the appointing officer and the Human Resources Director.

#### **Sec. 314.35 Limited-Term Transfer (cont.)**

#### **314.35.4 Expiration and Extension (cont.)**

3) Upon expiration of the period of the transfer, the transferee shall be automatically reinstated to a permanent position in the class and department from which transferred.

#### **314.35.5 Probationary Period**

1) A limited-term transferee shall not serve a new probationary period; however, notwithstanding any other provision of these Rules, with the approval of the appointing officer in the department to which transferred, the time served during a limited-term transfer, or a portion thereof, may be counted toward the completion of the probationary period if the transferee requests and is granted a permanent transfer and commences a probationary period in the new department.

2) An appointee who is transferred under the provisions of this Rule while serving a probationary period in the department from which transferred shall complete the probationary period upon reinstatement to the original department; however, an appointing officer may, notwithstanding any other provision of these Rules, credit the time served



during a limited-term transfer or a portion thereof toward the completion of the probationary period in the original department.

### **314.35.6 Disciplinary Action**

A limited-term transferee is an appointee in the department to which transferred during the period of the transfer for the purpose of disciplinary action.

### **314.35.7 Temporary Positions**

Limited-term transfers which are not made to permanent positions may be made to positions which are funded on a temporary basis with the certification of the Controller that funds for the payment of mandatory fringe benefits are available in the department to which transferred. Appointees so transferred retain all the rights and benefits of permanent appointees.

### **Sec. 314.35 Limited-Term Transfer (cont.)**

### **314.35.8 Seniority**

Appointees returning to their original departments following a limited-term transfer are reinstated with full seniority. No deduction from seniority in the original department shall be made for any period of limited-term transfer.

### **314.35.9 Layoff**

An appointee who is laid off while on a limited-term transfer shall be automatically reinstated to a permanent position in the class in the department from which transferred.

## **Rule 314 Appointments**

### **Article VII: Exempt Appointment**

Applicability: Article VII, Rule 314 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

### **Sec. 314.36 Exclusions from Civil Service Appointment**

All permanent employees of the City and County shall be appointed through the civil service process by competitive examination unless exempted from the civil service examination and selection process in accordance with Charter provisions. Appointments excluded by Charter from the competitive civil service examination and selection process shall be known as exempt appointments. Any person occupying a position under exempt

appointment shall not be subject to civil service selection, appointment, and removal procedures and shall serve at the pleasure of the appointing officer.

### **Sec. 314.37 Charter Limit on Certain Categories of Exempt Appointments**

#### **314.37.1**

The proportion of full-time employees in the exempt categories included under Charter Sections 10.104-1 through 10.104-12 to the total number of civil service employees of the City and County shall not be greater than the proportion existing on July 1, 1994, except as authorized in this Article. As certified by the Civil Service Commission at its meeting of November 18, 1996, the ratio on July 1, 1994 of full-time exempt employees to the total full-time City and County work force was two percent (2%).

#### **314.37.2**

In accordance with Charter Section 10.104, the Civil Service Commission may, by express approval, authorize that full-time positions conforming to the criteria established in this Section in the categories defined in Charter Sections 10.104-1 through 10.104-12 in excess of the Charter limitation be excluded from civil service selection and removal procedures and be filled through exempt appointment.

#### **314.37.3**

Requests for exemption under this section must conform to the following:

1) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.

### **Sec. 314.37 Charter Limit on Certain Categories of Exempt Appointments (cont.)**

#### **314.37.3 (cont.)**

2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.

3) The Human Resources Director recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.

4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.

- 5) The official making the request provides written justification as to the reasons the position should be exempted.

**314.37.4**

An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.

**314.37.5**

The decision of the Human Resources Director is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.

**314.37.6**

This section as adopted by the Civil Service Commission at its meeting of November 18, 1996 was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).

## **Rule 320**

### **Leaves of Absence**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

#### **Article I: Leaves of Absence - General Requirements**

#### **Article II: Sick Leave - General Provisions**

#### **Article III: Sick Leave With Pay**

#### **Article IV: Sick Leave Without Pay**

#### **Article V: Compulsory Sick Leave**

#### **Article VI: Disability Leave**

#### **Article VII: Military, War Effort and Sea Duty Leaves**

#### **Article VIII: Unpaid Administrative Leave or Furlough**

#### **Article IX: Other Leaves of Absence**

#### **Article X: Appeal Procedures**

## **Rule 320**

### **Leaves of Absence**

#### **Article I Leaves of Absence - General Requirements**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

#### **Sec. 320.1 Leaves of Absence - General Requirements**

##### **320.1.1**

Leaves of absence, hereinafter referred to in this Rule as "leave," shall be governed by the provisions of this Rule. For the purpose of this Rule, "appointing officer" shall mean all elected officials; all department heads designated by the Charter as appointing officers; and all Boards and Commissions when officiating as appointing officers.

### **320.1.2**

Requests for leave shall be subject to the approval of the appointing officer or designee. The decision of the appointing officer or designee is final unless provision for appeal is specifically granted in this Rule. Such requests for appeal shall be processed in accordance with the appeal procedure provided in this Rule. Requests for military, maternity, or witness or jury duty leave shall be granted as provided herein.

### **320.1.3**

Beginning January 1, 2016, amendments to California Labor Code Section 233 (Kin Care Law) authorize employees to use available accrued sick leave each calendar year to care for a "family member" or themselves, in an amount equal to one-half of their annual accrual. Under the Kin Care Law, available accrued sick leave must be granted upon the employee's oral or written request and the employer shall not deny the right to take such leave, or impose conditions for granting such leave, including the requirement of medical certification.

### **320.1.4**

Except for vacation leave, witness or jury duty leave, compulsory sick leave, disability leave or unpaid administrative leave or absences covered under Labor Code Section 233, an employee requesting a leave for more than five (5) working days shall submit such request to the appointing officer or designee on the form prescribed by the Human Resources Director. With the exceptions noted herein, requests for sick leave in excess of five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave with pay

### **Sec. 320.1 Leaves of Absence - General Requirements (cont.)**

#### **320.1.4 cont.**

for less than five (5) working days (seven (7) calendar days in the case of part-time employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of an employee's leave use. For employees taking sick leave pursuant to Administrative Code Chapter 12W Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with

Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233.

**Sec. 320.1 Leaves of Absence - General Requirements (cont.)**

**320.1.5**

The Human Resources Director may direct that leave requests be retained in the department and maintained in a manner to be readily available for audit, review or analysis by Department of Human Resources and Office of Labor Standards Enforcement staff.

**320.1.6**

Except as otherwise provided in these Rules, leave granted for the period stated on the prescribed form may be extended or abridged only with the approval of the appointing officer or designee. An employee who does not return to work on the approved date shall be deemed away without official leave and shall be subject to automatic resignation as provided elsewhere in these Rules.

**320.1.7**

Except when an employee requesting sick leave has accumulated unused sick leave with pay credits and except for employees eligible for military leave with pay, organ or bone marrow donor leave with pay, witness or jury duty leave, disability leave or leave due to battery as provided elsewhere in this Rule, or for authorized holiday or vacation, leaves shall be without pay.

**320.1.8**

Refer to the Probationary Period Rule on leave during the probationary period.

**320.1.9**

Exempt employees shall be granted paid sick leave on the ninetieth (90<sup>th</sup>) day of service. The decision of the appointing officer shall be final and not subject to appeal.

**320.1.10**

An appointee shall not be required to sign a resignation form as a condition of approval of a leave.

**320.1.11**

Leaves granted under this Rule shall be indicated on time rolls as designated by the Controller.

**320.1.12**

An authorized leave granted under this Rule shall not be considered as a break in the continuous service of an employee.

**Rule 320**  
**Leaves of Absence**

**Article II: Sick Leave - General Provisions**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

**Sec. 320.2 Eligibility for Sick Leave**

Subject to the provisions of this Rule, employees, and officers (hereinafter called "employees") who are absent from their duties due to their own illness or disability, or that of a qualifying family member, including preventive care, such as medical or dental appointments, and employees who are victims of domestic violence, sexual assault, or stalking, are eligible for sick leave.

**Sec. 320.3 Sick Leave - Exclusions from Eligibility****320.3.1**

Sick leaves granted to members of the Uniformed Ranks of the Fire Department shall be regulated by Rules adopted by the Fire Commission. These Rules and any amendments thereto shall be subject to the approval of the Civil Service Commission and when so approved by the Civil Service Commission shall be deemed as included in this Rule. Calculation of sick leave with pay credits, reimbursement for vested and unused accumulated sick leave with pay credits and any provision not covered in the Rules of the Fire Department shall be as provided in this Rule.

**320.3.2**

This Rule shall not apply to certificated employees of the School Districts, patrol special officers appointed by the Police Commission, employees under personal services contracts, elective officers, and members of Boards and Commissions.

**Sec. 320.4 Verification of Sick Leave****320.4.1**

The appointing officer or designee to whom application for sick leave is made may make such independent investigation as to the necessity for sick leave as is deemed proper under these rules and federal, state, and local law and may require certification for any period of sick leave, provided that the employee has been previously notified in writing that such certification for absence of less than five (5) working days shall be required.

#### **Sec. 320.4 Verification of Sick Leave (cont.)**

##### **320.4.1 (cont.)**

For employees taking sick leave pursuant to Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233.

##### **320.4.2**

The Human Resources Director may at any time make such independent investigation as may be deemed proper regarding the illness of any person on sick leave.

#### **Sec. 320.5 Retirement Automatically Terminates Sick Leave**

Sick leave shall automatically terminate on the effective date of an employee's retirement.

#### **Sec. 320.6 Abridgment of Sick Leave**

Sick leaves granted more than five (5) working days may be abridged if the employee presents to the appointing officer or designee medical evidence of capability to resume all the duties of the position.

#### **Sec. 320.7 Definition of Sick Leave**

A leave granted under this Rule for one of the following reasons shall be known as "sick leave":

##### **320.7.1 Sick Leave - Medical Reasons**

Absence, for diagnosis, care, or treatment of a health condition, including alcoholism, or preventive care, and for employees who are victims of domestic violence, sexual assault or stalking, but excluding illness or injury arising out of and in the course of City and County employment. Absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this



Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery").

### **320.7.2 Sick Leave - Quarantine**

Absence during a period of quarantine established and declared by the Department of Public Health or other authority.

### **Sec. 320.7 Definition of Sick Leave (cont.)**

### **320.7.3 Sick Leave - Bereavement**

Absence because of the death of the employee's spouse or domestic partner, parents, stepparents, grandparents, parents-in-law or parents of a domestic partner, sibling, child, stepchild, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian, or any person who is permanently residing in the household of the employee. Such leave shall not exceed three (3) working days and shall be taken within thirty (30) calendar days after the date of death; however, two (2) additional working days shall be granted in conjunction with the bereavement leave if travel outside the State of California is required because of the death.

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one (1) working day; however, two (2) additional working days shall be granted if travel outside the State of California is required because of the person's death.

### **320.7.4 Sick Leave - Maternity**

Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six (6) months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay.

### **320.7.5 Sick Leave – Parental Leave**

Absence due to the birth of a child to the employee, the employee's spouse, or the employee's domestic partner or assumption by the employee of parenting or child rearing responsibilities either by adoption or foster care.

### **320.7.6 Sick Leave - Illness or Medical Appointment of a Family Member**

Absence for diagnosis, care or treatment of a health condition or injury, or for preventive care for an employee's family member, defined as follows:

1. A child, which for the purposes of this section means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.

### **Sec. 320.7 Definition of Sick Leave (cont.)**

#### **320.7.6 Sick Leave - Illness or Medical Appointment of a Family Member (cont.)**

2. biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.

3. spouse.

4. A registered domestic partner.

5. A grandparent.

6. A grandchild.

7. A sibling.

#### **320.7.7 Sick Leave Pursuant to Administrative Code Chapter 12W**

1) Absence due to the illness, injury, medical care, treatment, diagnosis, or medical appointment of the employee; employee's child; parent, legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state law, or "designated person."

The aforementioned child, parent, sibling, grandparent, and grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships. "Child" includes a child of a domestic partner and a child of a person standing in loco parentis.

2) For the purpose of this section, the definition of "designated person" is: one person designated by an employee who has no spouse or registered domestic partner, as the person for whom the employee may use paid sick leave to aid or care for under this section. The opportunity to make such a designation shall be extended to the employee no later than the date on which the employee has worked thirty (30) hours after paid sick leave begins to accrue. There shall be a window of ten (10) business days for the employee to make this designation. Thereafter, the opportunity to make such a designation, including the opportunity to change such a designation previously made, shall be extended to the employee on an annual basis, with a window of ten (10) business days for the employee to make the designation.

#### **320.7.8 Sick Leave Pursuant to Labor Code Sections 245-249**

Absence for the following purposes: (1) diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking,

described in Labor Code Section 230, subdivision (c) and Labor Code Section 230.1, subdivision (a).

### **Sec. 320.7 Definition of Sick Leave (cont.)**

#### **320.7.9 Sick Leave - Compulsory**

Leave imposed by an appointing officer due to an employee's medical inability or incapacity to perform all the duties of the position as provided elsewhere in this Rule.

## **Rule 320 Leaves of Absence**

### **Article III: Sick Leave with Pay**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

### **Sec. 320.8 Sick Leave with Pay Eligibility**

#### **320.8.1**

Sick leave with pay may be granted to employees who have accrued paid sick leave on the ninetieth (90<sup>th</sup>) day of service, except that supplemental disability credits may be used to supplement disability indemnity payments as provided elsewhere in this Rule regardless of length of service and except that an authorized leave of absence with or without pay granted under this Rule shall not be considered as a break in the continuous service of an employee.

#### **320.8.2**

A break in service of more than twelve (12) continuous months by any employee other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

#### **320.8.3**

Sick leave with pay credits will continue to accrue at the normal rate while an employee is on either furlough or voluntary unpaid time off in accordance with this Rule, for a maximum of up to ten (10) days per fiscal year for imposed furlough or twenty (20) days per fiscal year for voluntary unpaid time off.

**Sec. 320.9 Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015**  
**Applicable to Employees Not Otherwise Qualified for Sick Leave**

**320.9.1**

Sick leave with pay may be granted to said employees on the ninetieth (90<sup>th</sup>) day of service.

**320.9.2**

Employees hired on or before February 5, 2007, shall immediately be eligible to accrue and use sick leave with pay credits under this section.

**320.9.3**

A complete separation in service for twelve (12) continuous months by an employee, other than an employee designated as a “holdover” will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

**Sec. 320.9 Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015**  
**Applicable to Employees Not Otherwise Qualified for Sick Leave (cont.)**

**320.9.4**

Employees rehired within one (1) year following a separation will not be subject to the ninety (90) calendar day eligibility period And any of previously accrued and unused sick leave hours will be reinstated.

**Sec. 320.10 Sick Leave with Pay - Maximum Accumulation of Credits**

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**1. Sick Leave with Pay – Maximum Accumulation of Credits**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed the equivalent of six (6) months which is the hourly equivalent of 130 working days based on the regular daily work schedule as defined, provided that in no case may the total accumulated unused sick leave with pay credit balance exceed 1040 hours. Maximum accumulated sick leave with pay credits shall be reduced proportionately for employees entering a class or position where the regular work schedule is less than the class exiting if such employees have accumulated unused sick leave with pay credits more than the maximum allowable for the new class or

position. Such employees shall have all such credits restored upon return to a class or position with an increased regular work schedule.

**320.10.2 Maximum Accumulation of Credits Pursuant to Administrative Code Chapter 12W effective February 5, 2007, and Labor Code Sections 245-249 effective July 1, 2015  
Applicable to Employee Not Otherwise Qualified for Sick Leave**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed seventy-two (72) hours under Administrative Code Chapter 12W and forty-eight (48) hours under Labor Code Sections 245-249.

**Sec. 320.11 Sick Leave with Pay - Restrictions**

**320.11.1**

Sick leave with pay, beyond that authorized by law, is a privilege recognized by Charter and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or as otherwise defined in this Rule.

**Sec. 320.11 Sick Leave with Pay – Restrictions (cont.)**

**320.11.2**

Except for absences covered under Labor Code Section 233, an appointing officer or designee may require proof of incapacitation before granting sick leave with pay for any period and may withhold pay for failure to submit such proof provided that the employee had been previously notified in writing that such proof would be required for absences of less than five (5) working days.

**320.11.3**

The rate of earning and accumulating sick leave with pay credits and authorization for its use under this Rule shall in no way inhibit or restrict the right of an appointing officer to establish standards of attendance.

**Sec. 320.12 Prohibition Against Employment While on Sick Leave with Pay**

**320.12.1**

Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in a secondary employment subject to the provisions of these Rules governing such employment.

**320.12.2**

Violators of this section are subject to disciplinary action as provided in the Charter.

**Sec. 320.13 Calculation of Sick Leave with Pay Credits****320.13.1**

Unless otherwise provided in this Rule or by ordinance, sick leave with pay credits shall be earned at the rate of thirteen (13) working days per completed year of paid service; provided that an employee's balance shall be credited on a pro rata basis based upon the completion of regularly scheduled paid service for the employee's class, excluding overtime, but including holidays and other paid absences.

**320.13.2**

Exempt employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked, excluding holiday pay.

**Sec. 320.14 Disbursement of Sick Leave with Pay Credits**

Sick leave with pay credits shall be used and deducted at the minimum rate in units of one (1) hour for those employees whose credits are calculated in hours. The minimum deduction for members of the Uniformed Ranks of the Fire Department shall be determined by departmental Rule.

**Sec. 320.15 Employees Injured by Battery****320.15.1**

An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.

**320.15.2**

Sick leave with pay under this section shall be known as "leave due to battery" and shall be subject to approval by the Human Resources Director. The Human Resources Director shall make such investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the Human Resources Director.

**320.15.3**

The decision of the Human Resources Director may be appealed to the Commission whose decision is final.

**320.15.4**

Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

**Sec. 320.16 Appeal of Denial of Sick Leave with Pay**

Denial of sick leave with pay to an appointee who is eligible and qualified for such leave is appealable as provided elsewhere in this Rule.

**Sec. 320.17 Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance****320.17.1**

An employee who had accumulated unused sick leave with pay credits and who had completed the service requirement on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

**Sec. 320.17 Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)****320.17.1 (cont.)**

<b>Schedule of Service Requirements and Allowances for Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance at the Time of Retirement, Separation Because of Accident or Death</b>	
<b>Service Requirement</b>	<b>Amount of Cash Reimbursement</b>
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%

<b>Service Requirement</b>	<b>Amount of Cash Reimbursement</b>
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%

Up to and including 5 continuous years of service	33.3%
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**320.17.2**

Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

- 1) The Human Resources Director shall administer the provisions of this section.
- 2) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from December 5, 1978, balance subsequently used being deducted.
- 3) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death, or at a later date when so selected by the employee, but within one year of such retirement, separation or death.
- 4) Reimbursement is to be computed at the base rate of pay of an employee's permanent class, at the base rate of pay of the class of a temporary or provisional employee with no permanent status, or at the base rate of pay in a temporary or provisional appointment of an employee with

**Sec. 320.17 Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

**320.17.2 (cont.)**

permanent status in another class who has held such temporary or provisional appointment continuously for one or more years at the time of separation.

- 5) No reimbursement shall be made for unused sick leave with pay credits earned on or after December 6, 1978.
- 6) The enactment of this section is not intended to constitute additional compensation, nor be a part of the rate of pay of the employee but is reimbursement for the vested and unused accumulated sick leave with pay credit balance to which an employee would have been entitled if the employee had not retired, separated due to industrial injury or died.

**Rule 320  
Leaves of Absence**



## **Article IV: Sick Leave without Pay**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

### **Sec. 320.18 Sick Leave without Pay - Eligibility**

Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

### **Sec. 320.19 Sick Leave without Pay - Temporary and Provisional Employees**

Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave - maternity.

### **Sec. 320.20 Sick Leave without Pay - Permanent Employees**

Sick leave without pay may be approved for permanent employees for the period of the illness provided, however, that requests for prolonged leave shall be renewed every three (3) months and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless there is a reasonable probability that additional leave will enable the employee to return to employment within a reasonable time.

### **Sec. 320.21 Prohibition Against Employment While on Sick Leave Without Pay**

#### **320.21.1**

Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in outside employment.

#### **320.21.2**

Violators of this section are subject to disciplinary action.

## **Rule 320 Leaves of Absence**

## **Article V: Compulsory Sick Leave**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

### **Sec. 320.22 Compulsory Sick Leave**

#### **320.22.1**

An appointing officer or designee who has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public and the employee, may require the employee to present a medical report from a physician designated by the Human Resources Director certifying the employee's medical or physical competency to perform the required duties.

#### **320.22.2**

If the employee refuses to obtain such physician's certificate or if because of a medical evaluation, the employee is found not to be medically or physically competent, the appointing officer or designee may place the employee on compulsory sick leave and shall immediately report such action to the Human Resources Director.

#### **320.22.3**

An employee shall remain on compulsory sick leave until such time as the employee is found to be competent to return to duty by a physician designated by the Human Resources Director, but such leave shall not exceed the maximum period of sick leave provided in this Rule.

#### **320.22.4**

The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Medical Examination Rule.

#### **320.22.5**

An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable.

## **Rule 320 Leaves of Absence**

## **Article VI: Disability Leave**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

### **Sec. 320.23 Disability Leave**

#### **320.23.1**

Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.

#### **320.23.2**

An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than ninety (90) days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's supplemental disability credits so as to equal the full salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave.

#### **320.23.3**

Supplemental disability credits shall be an account separate from, but equivalent to, the employee's accumulated unused sick leave with pay credit balance except that the supplemental disability credit account shall be adjusted as provided below.

#### **320.23.4**

Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.

#### **320.23.5**

Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.

#### **320.23.6**

The employee's department shall submit separate time rolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.

**Sec. 320.23 Disability Leave (cont.)****320.23.7**

Salary may be paid on regular time rolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.

**320.23.8**

When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for sick leave with pay credits charged and paid.

**320.23.9**

An employee who uses supplemental disability credits to supplement disability indemnity payments shall, while on disability leave, earn supplemental disability credits at the same rate as sick leave with pay credits.

**320.23.10**

Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.

**320.23.11**

Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.

**Sec. 320.24 Use of Sick Leave with Pay Credits to Supplement State Disability Insurance****320.24.1**

Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one (1) hour.

**320.24.2**

SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one-hour provides up to, but does not exceed, the

**Sec. 320.24 Use of Sick Leave with Pay Credits to Supplement State Disability Insurance (cont.)****320.24.2 (cont.)**

regular gross salary the employee would have received for the normal work schedule excluding overtime.

**320.24.3**

An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on a form prescribed by the Human Resources Director to the appointing officer or designee within (7) calendar days following the first date of absence.

**320.24.4**

Employees who are supplementing SDI earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.

**Rule 320  
Leaves of Absence****Article VII: Military, War Effort and Sea Duty Leaves**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

**Sec. 320.25 Military Leave****320.25.1**

Military leave is governed by the provisions of applicable Federal and State laws, by Charter provision and by this Rule.

**320.25.2 Time of War - Definition**

The phrase "time of war" is defined elsewhere in these Rules.

### **320.25.3 Military Leave - Time of War**

Leaves of absence shall be granted to officers and employees for service in the armed forces of the United States or the State of California or for service on ships operated by or for the United States government in time of war and for a period not to exceed three (3) months after the conclusion of such service, but not later than one (1) year after the cessation of hostilities, except in case of disability incurred while in active service with the armed forces or the merchant marines when such disability shall extend beyond such period.

### **320.25.4 Military Leave - Time of Peace**

Whenever any officer or employee shall, by order of the government of the United States or by lawful order of any of its departments or officers, or by lawful order of the State of California, or any of its departments or officers, be directed in time of peace to report and serve in the armed forces of the United States, or in the armed forces of the State of California, said officer or employee shall be entitled to a leave of absence from the employee's office or position during the time of such service and for a period not to exceed three (3) months after the expiration thereof.

### **Sec. 320.25 Military Leave (cont.)**

### **320.25.5 Military Leave - Permanent Appointees**

Any officer or employee on military leave, who prior to such leave has been appointed to a permanent position in the City and County service, shall be entitled to resume such position at the expiration of the leave, and in determining and fixing rights, seniority, salary and otherwise which have accrued and shall inure to the benefit of such officer or employee, the term of military leave shall be considered and accounted as part of the employee's service to the City and County.

### **320.25.6 Military Leave - Proof of Duty**

Officers and employees requesting military leave shall file with the Human Resources Director a copy of the orders necessitating such service prior to the effective date of the leave of absence and upon return from such leave shall submit a copy of the discharge or release.

### **320.25.7 Military Leave - Salary While on Temporary Leave**

Employees who have been employed by the City and County or any other public agency or have been on military duty for a period of not less than one (1) year continuously prior to the date upon which temporary military leave not exceeding 180 calendar days begins

shall, as required by the State of California Military and Veterans' Code (Section 395), receive their regular salary or compensation for a period not to exceed thirty (30) calendar days of such military leave in any fiscal year or more than thirty (30) calendar days during any period of continuous military leave.

### **320.25.8 Military Leave - Probationary Appointees**

Refer to the Probationary Period Rule on leave during the probationary period.

### **320.25.9 Military Leave - Eligible Not Reached for Certification While in Service - Time of War**

An eligible on a regular civil service list, who served on active military duty not including reserve service during time of war who presents an honorable discharge or certificate of honorable active service within one (1) year from the date of release from military service, shall be preferred for certification for a period of four (4) years after the cessation of hostilities in the order of standing upon the eligible list at the time of entrance into military service and before candidates procuring standing through an examination held subsequent to the entrance of such eligibles into the military service.

### **Sec. 320.25 Military Leave (cont.)**

### **320.25.10 Military Leave - Eligibles Reached for Certification**

If while in the military service, the name of an eligible was reached for certification to a permanent position and the eligible presents an honorable discharge or certificate of honorable active service within one hundred and 120 days from the date of release from active military duty not including reserve service during time of war, the eligible shall be certified to a position in the class for which so reached; and, for all purposes of seniority, the date of appointment following certification shall be deemed to be the date when the eligible was reached for certification while in the military service. A person appointed in accordance with this section shall serve the required probationary period. An eligible who is offered appointment in accordance with the provisions of this section and who waives appointment and is subsequently appointed following certification ~~certified~~ after withdrawal of waiver shall have seniority as of the date of such appointment ~~certification~~.

### **320.25.11 Military Leave - Participants in Written Examinations**

Persons who participate in a written examination and who present their orders or other proof of service within 120 days from the date of release from active military service in time of war shall be allowed to participate in the remaining parts of the examination. If they meet all the eligibility qualifications, they shall be appointed following certification ~~certified~~ as of the date they would have been reached for certification in accordance with their rank based on the entire examination.

**320.25.12 Military Leave - Employees or Officers Not Subject to Civil Service Examination**

Military leave to an elected or appointed officer, appointed for a definite period, shall not be extended beyond the period of time for which elected or appointed, provided that if such officer is re-elected or reappointed, then military leave shall be automatically extended for such ensuing period of time.

Military leave to an employee occupying a position exempt from civil service examination shall not extend beyond the period for which the employee's appointing officer was elected or appointed.

**Sec. 320.26 War Effort Leave**

The Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees during time of war for service directly connected with the prosecution of the war or national defense or preparedness.

**Sec. 320.27 Leave for Sea Duty as Licensed Officers**

In time of war or while any act authorizing compulsory military service or training is in effect, the Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees for sea duty as licensed officers aboard ships operated by or for the United States government. The Civil Service Commission shall amend this section to implement such ordinance.

**Sec. 320.28 Leave for Spouse or Registered Domestic Partner During Leave from Deployment of Qualified Member****320.28.1**

In compliance with the State of California Military and Veterans Code, an eligible employee who is a spouse or registered domestic partner of a qualified member of the Armed Forces, National Guard, or Reserves shall be allowed to take up to ten (10) days of leave during a period of leave from deployment of the qualified member.

**320.28.2**

An "eligible employee" is an employee who meets all the following conditions:

- 1) is a spouse or registered domestic partner of a qualified member;
- 2) works on average twenty (20) or more hours per week and is not an independent contractor;
- 3) provides notice to the City, within two (2) business days of receiving official notice that the qualified member will be on leave from deployment, of his or her intention to take leave; and



- 4) submits written documentation to the City, certifying that the qualified member will be on leave from deployment during the time of leave.

**320.28.3**

A “qualified member” is any of the following:

- 1) A member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or
- 2) A member of the National Guard who has been deployed during a period of military conflict; or
- 3) A member of the Reserves who has been deployed during a period of military conflict.

**Rule 320****Leaves of Absence****Article VIII: Unpaid Administrative Leave or Furlough**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

**Sec. 320.29 Unpaid Administrative Leave or Furlough****320.29.1 General Provisions**

- 1) Notwithstanding the layoff and involuntary leave provisions or any other provisions of these Rules, an appointing officer is authorized to impose unpaid administrative leave (furlough) on any employee within that appointing officer's jurisdiction as provided in this section. The imposition of furloughs shall be subject to receipt of a Projected Deficit Notice (PDN) from the Controller stating that the department's budget will be insufficient to support the department's level of spending through the end of the fiscal year.
- 2) The authority of the appointing officer to impose furloughs shall be limited to those furloughs necessary to correct the projected deficit identified by the Controller.
- 3) This Rule shall apply to all employees of the City and County.
- 4) No provision of Layoff and Involuntary Leave, including but not limited to any provision regarding the order of layoff, displacement of less senior employees, or reinstatement, shall be applicable to any employees furloughed hereunder.

**320.29.2 Voluntary Unpaid Time Off**

- 1) Prior to imposing a furlough on any employee, an appointing officer shall attempt to determine, to the extent feasible and with due consideration for the time constraints which may exist for eliminating the projected deficit, the interest of employees within the appointing officer's jurisdiction in taking unpaid personal time off on a voluntary basis.

#### **Sec. 320.29 Unpaid Administrative Leave or Furlough (cont.)**

##### **Voluntary Unpaid Time Off (cont.)**

- 2) The appointing officer shall have full discretion to approve or deny requests for voluntary unpaid time off based on the operational needs of the department and any court decrees or orders pertinent thereto. The decision of the appointing officer shall be final except in cases where requests for voluntary unpaid time off more than ten (10) working days are denied. In such cases, an employee may appeal in accordance with the procedures provided below for appealing imposition of furlough.
- 3) An employee shall be entitled to take up to ten (10) unpaid days per fiscal year at the rate of no more than five (5) days in a three (3) month period, at the employee's discretion, upon at least fifteen (15) calendar days prior written notice to the employee's appointing officer. Such request shall not be denied except for the reason of a requirement that such position be filled on an overtime or premium pay basis, for essential operational needs or the requirements of a court decree or order.

##### **320.29.3 Furloughs**

- 1) Appointing officers are encouraged to furlough entire operational units within departments rather than individual employees, or stagger work hours within an operational unit on a reduced hours basis. The decision of the appointing officer to impose furloughs under this subsection, and the appointing officer's determination of what constitutes an operational unit, shall be final.
- 2) Where, in the discretion of the appointing officer, furlough of an operational unit as prescribed above is not feasible, individual employees within an operational unit may be furloughed.
- 3) To the extent practicable, furlough shall be equitably distributed among all of the employees in the affected department or operational unit to which the Projected Deficit Notice (PDN) has application; and all of the employees in the affected class(es).
- 4) In determining which employees to furlough, an appointing officer shall consider citywide seniority within a class as well as considering the operational needs of the department.

#### **Sec. 320.29 Unpaid Administrative Leave or Furlough (cont.)**

**320.29.3 Furloughs (cont.)**

5) In no event shall furlough be imposed upon an employee for more than four (4) days in any three (3) month period or (10) days in any fiscal year. Voluntary time off not to exceed a total of five (5) days per quarter or ten (10) days per year, approved pursuant to this section, shall be credited toward the maximum number of furlough days which may be imposed pursuant to this Rule.

6) Employees placed on furlough pursuant to this section shall be notified in writing at least fifteen (15) calendar days in advance of the effective date for the furlough.

7) The decision to furlough an individual employee within an operational unit shall be final except that an employee given notice of a furlough, which taken together with an employee's prior furloughs in the same fiscal year would exceed five (5) working days within any six (6) month period, may file an appeal. Such appeals must be in writing and filed within three (3) calendar days of the date of the notice of furlough with the Human Resources Director with a copy to the appointing officer. Within three (3) calendar days after receiving the appeal, the Department of Human Resources shall refer the written appeal and the appointing officer's written comments, if any, for determination to the Human Resources Director, the Mayor and the Controller, or their designees, who shall meet on no less than twenty-four (24) hours public notice. The determination regarding the appeal shall be rendered within seven (7) calendar days of the date of the appeal. This decision is final and shall not be reconsidered by the Commission. The Human Resources Director shall notify the employee and the appointing officer of the decision prior to the effective date of the furlough.

**320.29.4 Restrictions on Use of Paid Time Off While on Voluntary Unpaid Time Off or Furlough**

1) All voluntary unpaid time off or furlough imposed or granted pursuant to this section shall be without pay.

2) Employees granted voluntary unpaid time off or placed on furlough are precluded from using sick leave with pay credits, vacation credits, compensatory time off credits, floating holidays, training days or any other form of pay for the time period involved.

**Sec. 320.29 Unpaid Administrative Leave or Furlough (cont.)****320.29.5 Imposition of Furlough - Fair Labor Standards Act (FLSA) Restrictions**

1) Furlough for employees who are non-exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one (1) hour.

2) Furlough for employees who are exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one (1) day.

**320.29.6 Vacation and Sick Leave with Pay Accruals While on Voluntary Unpaid Time Off or Furlough**

Subject to passage of necessary ordinances by the Board of Supervisors, vacation and sick leave with pay accruals shall continue during a maximum of ten (10) days of furlough in any fiscal year, or a maximum of twenty (20) days for approved voluntary unpaid time off taken pursuant to this Section in any fiscal year.

**320.29.7 Duration and Revocation of Voluntary Unpaid Time Off or Furlough**

Furlough imposed upon an employee shall remain in force for the period specified in the written notice unless sooner revoked by written notice from the appointing officer. Approved voluntary unpaid time off taken pursuant to this section may not be changed by the appointing officer without the employee's consent.

**320.29.8 Resolution of Disputes**

Except as provided elsewhere in this section, the Human Resources Director shall act on all disputes arising out of the application or implementation of the provisions of this section. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

**Rule 320****Leaves of Absence****Article IX: Other Leaves of Absence**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

**Sec. 320.30 Leave to Accept Other City and County Position****320.30.1**

Leave by an employee who has completed the probationary period to accept exempt or temporary appointment in the City and County service may be approved for the duration of such appointment. Such leave by a probationary employee is subject to the provisions of the Rule governing the Probationary Period.

**320.30.2**

Denial of such leave by the appointing officer is appealable as provided elsewhere in this Rule.

### **Sec. 320.31 Educational Leave**

#### **320.31.1**

Educational leave is defined as leave for the purpose of educational or vocational training in a field related to the employee's current position and as any training to which a veteran is entitled pursuant to the laws of the United States or the State of California.

#### **320.31.2**

Educational leave may be approved for permanent appointees for a period of up to one (1) year. Requests for educational leave of longer than one (1) year must be renewed each year.

#### **320.31.3**

Denial of educational leave is appealable as provided elsewhere in this Rule.

#### **320.31.4**

An employee on educational leave shall not accept other employment without approval of the appointing officer and the Human Resources Director, except for employment in vacant positions with the City and County during school vacations.

#### **320.31.5**

As soon as records are available, the employee shall periodically present to the appointing officer a record of completed educational work. These records shall be maintained in such a manner as to be readily available for audit by Department of Human Resources staff. Failure to submit an acceptable record of completed educational work shall subject the employee to disciplinary action as provided in the Charter.

### **Sec. 320.32 Leave for Civilian Service in the National Interest**

#### **320.32.1**

Civilian service in the national interest is defined as leave to serve with a federal, state or other public agency or non-profit organization in a program or in a capacity which the Human Resources Director deems to be in the national or general public interest.

#### **320.32.2**

Such leave may be approved for permanent appointees for a period of up to one (1) year. Requests for such leave of longer than one (1) year must be renewed each year.

**320.32.3**

Denial of such leave is appealable as provided elsewhere in this Rule.

**Sec. 320.33 Leave for Employment as an Employee Organization Officer or Representative****320.33.1**

Leave for employment as an employee organization officer or representative is defined as leave to serve full-time as an officer or representative of an employee organization whose membership includes City employees, or to attend a convention or other type of business meeting of an employee organization as an officer or delegate of the employee organization.

**320.33.2**

Leave for permanent appointees may be approved for the duration of such service.

**320.33.3**

Denial of such leave is appealable as provided elsewhere in this Rule.

**Sec. 320.34 Family Care Leave****320.34.1 Definition of Family**

A unit of interdependent and interacting persons, related together over time by strong social and emotional bonds and/or by ties of marriage, birth, and adoption, whose central purpose is to create, maintain, and promote the social, mental, physical, and emotional development and well-being of each of its members.

**320.34.2**

Permanent employees who have one (1) or more years of continuous service in any status may be granted up to one (1) year of unpaid family care leave for the following reasons:

- 1) The birth of a biological child of the employee;

**Sec. 320.34 Family Care Leave (cont.)****320.34.2 (cont.)**

2) The assumption by the employee of parenting or child rearing responsibilities. Family care leave does not apply to an employee who temporarily cares for a child for compensation, such as a paid childcare worker;

3) The serious illness or health condition of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities; or

4) The mental or physical impairment of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities, which impairment renders that person incapable of self-care.

### **320.34.3**

Family care leave is unpaid leave. Such leave may be granted in addition to accumulated compensatory time off, vacation time, floating holiday time or sick leave as specified under Sick Leave - Illness or Medical Appointment of Child, Parent, Spouse or Registered Domestic Partner.

### **320.34.4**

Denial of family care leave is appealable as provided elsewhere in this Rule.

## **Sec. 320.35 Witness or Jury Duty Leave**

### **320.35.1**

An employee who is summoned as a witness on behalf of the City and County or juror for a judicial proceeding shall be entitled to leave with pay less the amount of juror or witness fee paid for the period required for such service (Charter Section A8.400G). An employee who is summoned to serve as a witness in cases which involve outside employment or personal business affairs shall be placed on leave without pay unless vacation leave or compensatory time is requested and granted.

## **Sec. 320.35 Witness or Jury Duty Leave (cont.)**

### **320.35.2**

Paid witness or jury duty leave shall be only from an employee's scheduled duty time and shall not include hours outside of scheduled hours of work or on days off.

### **320.35.3**

Such employees shall notify the appointing officer immediately upon receiving notice of jury duty.

**320.35.4**

An employee who takes vacation leave while on witness or jury duty leave shall receive regular salary.

**320.35.5**

Refer to the Probationary Period Rule on leave during the probationary period.

**Sec. 320.36 Holiday Leave**

Holiday leave shall be as provided by ordinance of the Board of Supervisors.

**Sec. 320.37 Vacation Leave**

Vacation leave shall be as provided in the Charter and by ordinance of the Board of Supervisors.

**Sec. 320.38 Involuntary Leave of Absence****320.38.1**

Whenever it becomes necessary to affect a reduction in force due to lack of work or lack of funds which shall result in the displacement of a permanent or probationary appointee from the City and County service, an appointing officer, notwithstanding other provisions of these Rules governing leaves of absence, shall place such employees on a leave of absence of an involuntary nature unless the employee elects to be laid off.

**320.38.2**

Such reductions in force shall be affected by the provisions of this Rule governing seniority and order of layoff.

**320.38.3**

Employees placed on an involuntary leave of absence shall be ranked on the holdover roster for the class from which laid off and shall be returned to duty as provided in this Rule.

**Sec. 320.38****Involuntary Leave of Absence (cont.)**



**320.38.4**

Leaves of absence imposed under the provisions of this Rule shall expire upon the return to duty of the holdover, upon the expiration of holdover status, or upon written request of the employee to elect to be laid off while on involuntary leave.

**Sec. 320.39 Religious Leave****320.39.1**

Employees may be granted leave when personal religious beliefs require that the employee abstain from work during certain periods of the workday or work week. Such leave shall be known as "Religious Leave."

**320.39.2**

Religious leave shall be without pay unless the employee elects to use accumulated compensatory time off, vacation time, or floating holiday time.

**320.39.3**

Denial of religious leave is appealable as provided elsewhere in this Rule.

**Sec. 320.40 Personal Leave****320.40.1**

Personal leave is defined as leave for reasons other than those covered in other sections of this Rule.

**320.40.2**

Personal leave for permanent employees may be approved for a period of up to twelve (12) months within any two-year period. Personal leave for temporary or provisional employees may be approved only if replacement of the employee is not required and for a maximum of one (1) month.

**320.40.3**

On the request of an appointing officer, the Human Resources Director may for reasons deemed to be in the best interest of the service approve extension of personal leave for permanent employees beyond a twelve (12) month period.

**Rule 320****Leaves of Absence**

## **Article X: Appeal Procedures**

Applicability: Rule 320 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department, except that the provisions of Rule 320 may be superseded in whole or in part by the collective bargaining agreement, except for the definitions in this Rule which are applicable to employees in all classes.

### **Sec. 320.41 Appeal Procedures**

#### **320.41.1**

Appeals concerning furloughs or voluntary unpaid time off are excluded from appeal under this section and are appealable as provided elsewhere in this Rule.

#### **320.41.2**

In cases where appeal is specifically granted in this Rule, a dispute concerning the application or implementation of the provisions of this Rule shall be processed EITHER, at the option of the employee:

- 1) in accordance with the grievance procedure provided by the Human Resources Director for unrepresented employees or in a collective bargaining agreement.
- 2) by appeal in writing to the Human Resources Director, whose decision shall be final and shall not be reconsidered by the Commission. A decision under one option shall preclude the use of the other option.

## **Rule 321**

### **Layoff**

Applicability: Rule 321 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Article I Rules Prescribed - Authority**

#### **Article II Seniority**

#### **Article III Order of Layoff**

#### **Article IV Layoff - Provisional and Temporary Employees**

#### **Article V Layoff - Probationary Employees**

#### **Article VI Layoff - Permanent Employees**

## **Rule 321**

### **Layoff**

#### **Article I: Rules Prescribed - Authority**

Applicability: Rule 321 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 321.1 Rules Prescribed - Authority**

##### **321.1.1**

Under the authority of Section 10.101 of the Charter of the City and County of San Francisco, the Civil Service Commission of the City and County of San Francisco does prescribe and adopt the following Rule which shall have the force and effect of law.

##### **321.1.2**

The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls as may be necessary.

##### **321.1.3**

In all matters pertaining to interpretation of this Rule, the decision of the Commission shall be final.

## **Rule 321**

### **Layoff**

#### **Article II: Seniority**

Applicability: Rule 321 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 321.2 Determination of Seniority**

##### **321.2.1**

Except as may otherwise be provided in this Rule, seniority shall be determined as follows:

##### **1) Permanent**

Seniority for permanent appointees shall be determined by the date of ~~certification which resulted in a~~ permanent appointment following certification to a position in a class in a department. Seniority for appointees granted status or permanent tenure to a class shall be determined by the date of citywide seniority as defined in these Rules ~~certification~~ in the class from which status or permanent tenure was granted.

##### **2) Temporary from Eligible List**

Seniority for temporary employees appointed from an eligible list shall be determined by the date of citywide seniority as defined in these Rules from a certification which resulted in a temporary appointment to a position in a class in a department.

##### **3) Limited Tenure**

Seniority for limited tenure appointees shall be determined by the date an appointee starts to work in a current continuous limited tenure appointment in a department. Seniority in the event of ties shall be determined by the appointing officer whose decision shall be final. For purposes of calculating the seniority of non-civil service or limited tenure employees, all periods of time served in the most recent continuous temporary or limited tenure appointment shall be combined and the cumulative total derived thereby shall be used to determine seniority.

##### **321.2.2**

Excluding involuntary leave as provided elsewhere in this Rule, seniority shall not be affected or reduced by current or previous periods of authorized leave of absence or authorized reduction in work schedules.

**Sec. 321.2 Determination of Seniority (cont.)**

**321.2.3**

In calculating permanent seniority in a class, temporary seniority in the same class shall not be added to permanent seniority in a class.

**321.2.4**

In calculating temporary seniority in a class, permanent seniority in the same class shall be added to temporary seniority in a class.

**321.2.5**

Seniority acquired in a recognized craft apprenticeship program with the City and County shall be added to seniority in the journey-level class.

**Sec. 321.3**

**Tie Scores in Seniority**

**321.3.1**

In the event of ties, seniority of civil service appointees shall be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive lists have absolute priority over entrance lists.

**321.3.2**

Ties in seniority among members of the Uniformed Ranks of the San Francisco Fire Department appointed from lists adopted on or after December 6, 1991 shall be determined by a Rule adopted by the Fire Commission. This Rule and any amendments thereto shall be subject to the approval of the Civil Service Commission, and when so approved by the Commission, shall be deemed as included in this subsection.

**Sec. 321.4 Establishment and Verification of Seniority Roster**

**321.4.1**

When a layoff is imminent, an appointing officer shall notify the Department of Human Resources as to the class or classes affected.

**321.4.2**

If requested by the Human Resources Director, the appointing officer shall provide ~~a seniority roster including, but not limited to,~~ the name, status, ~~certification~~ citywide seniority date, and rank on eligible list of all employees in the affected classes and the number of such employees to be laid off.

**321.4.3**

The Human Resources Director, ~~upon verification of the seniority roster,~~ shall validate ~~notify the appointing officer of~~ the names provided by the appointing officer of those employees to be laid off.

**321.4.4**

Whenever possible the appointing officer must notify affected employees sufficiently in advance of a layoff.

## **Rule 321 Layoff**

### **Article III: Order of Layoff**

Applicability: Rule 321 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

#### **Sec. 321.5 Order of Layoff**

Except as may otherwise be provided in this Rule, layoff of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

**321.5.1** Provisional - Non-Civil Service

**321.5.2** Provisional - Limited Tenure

**321.5.3** Provisional

**321.5.4** Temporary From Eligible List

**321.5.5** Probationary

**321.5.6** Permanent

#### **Sec. 321.6 Exceptions to Order of Layoff**

**321.6.1**

Provisional or limited tenure employees, who qualified for their positions as a result of meeting specific hiring criteria and who are appointed under specific funding guidelines

which limit the duration of employment shall be laid off at the end of their designated tenure without effect on any other employees.

**321.6.2**

Persons appointed to positions requiring special qualifications or skills shall be laid off when the work requiring such special qualifications or skills is completed, providing such appointees shall have rights to continue employment within their class in positions where the special qualifications or skills are not required if their name has been reached for certification to a regular position.

**321.6.3**

In the event of a layoff, a person appointed to a position requiring special qualifications or skills as approved by the Human Resources Director shall continue in the position unless a more senior employee or holdover in the class in which the layoff occurs possesses the same qualifications and skills. The Human Resources Director may administer such tests as deemed necessary to determine possession of special qualifications and skills.

**Sec. 321.6 Exceptions to Order of Layoff (cont.)****321.6.4**

All exceptions to the order of layoff shall require the express approval of the Human Resources Director.

## **Rule 321 Layoff**

### **Article IV: Layoff - Provisional and Temporary Appointees**

Applicability: Rule 321 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

**Sec. 321.7 Layoff - Provisional Appointees**

Except for provisional limited tenure appointees, as provided in Sec. 321.9, provisional appointees shall be laid off at the discretion of the appointing officer; except that entrance provisional employees shall be laid off prior to the layoff of any promotive provisional appointees in the same class. Provisional appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

**Sec. 321.8 Layoff - Non-Civil Service Appointees**

Non-civil service appointees shall be laid off at the discretion of the appointing officer. Non-civil service employees who were previously limited tenure or temporary civil service in a current continuous appointment shall be treated as limited tenure for the purposes of layoff.

### **Sec. 321.9 Layoff - Limited Tenure Appointees**

The layoff of a limited tenure appointee shall be governed by the following provisions:

#### **321. 9.1**

The limited tenure appointee with the least seniority in the class in the department shall be laid off first except if a more senior limited tenure appointee elects to be laid off. In the event of a conflict, the limited tenure appointee with greater seniority shall have preference.

#### **321. 9.2**

Entrance limited tenure employees shall be laid off prior to the layoff of any promotional limited tenure appointees in the same class.

#### **321.9.3**

Limited tenure appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

### **Sec. 321.10 Temporary Appointees from Eligible List**

#### **321.10.1**

Order of layoff for temporary appointees shall be by class within a department, by inverse order of seniority except if a more senior temporary appointee elects to be laid off. In the event of a conflict, the temporary appointee with the greater seniority shall have preference.

#### **321.10.2**

The names of temporary appointees who are laid off shall be returned to the eligible lists from which appointed for further certification if such lists are still in existence.

## **Rule 321 Layoff**

### **Article V: Layoff - Probationary Appointees**



Applicability: Rule 321 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

### **Sec. 321.11 Layoff - Probationary Appointees**

#### **321.11.1**

Probationary appointees shall be laid off in inverse order of the date of ~~permanent certification~~citywide seniority as defined in these Rules, except if a more senior probationary or permanent appointee elects to be laid off. In the event of a conflict, the probationary or permanent appointee with greater seniority shall have preference.

#### **321.11.2**

As provided elsewhere in these Rules, a probationary appointee, regardless of length of service, may displace any temporary appointee including part-time exempt, in the same class in any department.

## **Rule 321 Layoff**

### **Article VI: Layoff - Permanent Appointees**

Applicability: Rule 321 shall apply to all classes of the Uniformed Ranks of the San Francisco Fire Department.

### **Sec. 321.12 Layoff - Permanent Appointees**

#### **321.12.1**

Layoff of permanent appointees shall be by class in a department in inverse order of seniority except if a more senior permanent appointee elects to be laid off. In the event of a conflict, the permanent appointee with greater seniority shall have preference.

#### **321.12.2**

Layoff shall be treated separately under each appointing officer except that permanent and probationary employees may displace other permanent or probationary employees in the same class with less seniority in any department.

### **Sec. 321.13 Reinstatement from Entrance Appointment**

An employee laid off from an entrance appointment shall be either:

**321.13.1**

Restored to a position in a class and department which the employee held on a permanent basis immediately prior to appointment in the class from which laid off. If necessary, layoffs in the classes affected shall follow;

**321.13.2**

or, as directed by the Human Resources Director, appointed in rank order of seniority to a position not filled by a permanent employee in any other city department in the class held on a permanent basis immediately prior to appointment in the class from which laid off;

**321.13.3**

or, if options 1 and 2 are exhausted or if the employee had no permanent status prior to appointment in the class from which laid off; the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred provided such action shall not adversely affect an incumbent certified from an eligible list. The Human Resources Director shall designate and recommend such classes to the Commission.

**Sec. 321.14 Requirement for Probationary Period**

Reinstatement to a position other than the position in the class and department in which permanently employed immediately prior to appointment in the class from which laid off shall require the appointee to serve a new probationary period.

**Sec. 321.15 Seniority Date Upon Reinstatement****321.15.1**

Employees who are reinstated to a position held on a permanent basis immediately prior to appointment in the class from which laid off shall return with their ~~original~~ citywide seniority as defined in these rules ~~date~~ in the class.

**321.15.2**

Employees who are reinstated to a position in which they have had no prior permanent service shall have seniority calculated from the date of citywide seniority as defined in these Rules in certification ~~to~~ the class from which laid off.

**Sec. 321.16 Layoff - Promotive Appointees**

An employee laid off from a promotive appointment shall be either:

**321.16.1**

Restored to a position in the class and department from which promoted. If necessary, layoffs in the classes affected shall follow;

**321.16.2**

Or, as directed by the Human Resources Director, appointed in rank order of citywide seniority as defined in these Rules in the class to a position not filled by a permanent appointee in the class from which promoted in any other city department;

**321.16.3**

Or, if options 1 and 2 are exhausted, the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred or to an appropriate lower rank class provided such action shall not adversely affect the permanent incumbents. The Human Resources Director shall designate and recommend such classes to the Commission.

**321.16.4**

An employee who has completed the probationary period in a promotive appointment that is two or more steps higher in an occupational series than the permanent position from which promoted may be returned to a position in the City and County service in the next lower ranks. If necessary, layoffs in the classes affected shall follow.

**Sec. 321.16 Layoff - Promotive Appointees (cont.)****321.16.5**

For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of citywide seniority as defined in these Rules ~~certification~~ in the higher class or in a class designated by the Human Resources Director as similarly related to the intermediate class.

**321.16.6**

If the employee laid off is the least senior employee in the intermediate rank(s), the employee shall be placed on holdover list(s) for such intermediate rank(s) and shall be restored to the class from which promoted.

**321.16.7**

Promotive employees who do not wish to be reinstated to a former class, a similarly-related class, or an intermediate class may waive such reinstatement and elect to be laid off or

placed on involuntary leave. Such waiver shall not affect the employee's status on a holdover roster for the class from which laid off.

### **Sec. 321.17 Higher Class Not Filled by Promotional Examination**

#### **321.17.1**

The Commission may order that the provisions of this Rule shall apply to appointees in higher classes in a class series even though the examination for such higher class was not held as a promotive examination or where appointees were blanketed into such higher classes. If necessary, layoffs in the classes affected shall follow.

#### **321.17.2**

For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of citywide seniority as defined in these Rules ~~certification~~ in the higher class or in a class designated by the Human Resources Director, as similarly related to the intermediate class.

### **Sec. 321.18 Requirement for Probationary Period**

Reinstatement to a position other than the position in the class and department from which promoted shall require the appointee to serve a new probationary period.

### **Sec. 321.19 Reinstatement with Employee's Original Seniority in the Class**

Employees who are reinstated from a promotive appointment are restored with their citywide seniority as defined in these Rules in the class, if any.

**ATTACHMENT A**Deletions in ~~strike through~~ — Additions in underline**Rule 402  
Definitions**

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

<u>Sec. 402.1</u>	<u>Appointment</u>
<u>Sec. 402.2</u>	<u>Appointing Officer</u>
<u>Sec. 402.3</u>	<u>Appointment Date</u>
<u>Sec. 402.4</u>	<u>Bulletin Board</u>
<u>Sec. 402.5</u>	<u>Certification Date</u>
<u>Sec. 402.6</u>	<u>Charter</u>
<u>Sec. 402.7</u>	<u>City</u>
<u>Sec. 402.8</u>	<u>Civil Service Department</u>
<u>Sec. 402.9</u>	<u>Class</u>
<u>Sec. 402.10</u>	<u>Classification Plan</u>
<u>Sec. 402.11</u>	<u>Classified Service</u>
<u>Sec. 402.12</u>	<u>Commission</u>
<u>Sec. 402.13</u>	<u>Commissioner</u>
<u>Sec. 402.14</u>	<u>Department</u>
<u>Sec. 402.15</u>	<u>Department of Human Resources</u>
<u>Sec. 402.16</u>	<u>Eligible</u>
<u>Sec. 402.17</u>	<u>Eligible List</u>
<u>Sec. 402.18</u>	<u>Executive Session</u>
<u>Sec. 402.19</u>	<u>Human Resources Director</u>
<u>Sec. 402.20</u>	<u>Layoff</u>
<u>Sec. 402.21</u>	<u>Near List</u>
<u>Sec. 402.22</u>	<u>Part-Time Employment</u>
<u>Sec. 402.23</u>	<u>Position</u>
<u>Sec. 402.24</u>	<u>Post</u>
<u>Sec. 402.25</u>	<u>School Districts</u>
<u>Sec. 402.26</u>	<u>Seniority</u>
<u>Sec. 402.27</u>	<u>Service</u>
<u>Sec. 402.28</u>	<u>Start Work Date</u>
<u>Sec. 402.29</u>	<u>Time Periods</u>
<u>Sec. 402.30</u>	<u>Validation Date</u>

## **Rule 402**

### **Definitions**

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

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

#### **Sec. 402.1     Appointment**

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

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

##### **402.1.2     Probationary**

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

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

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

##### **402.1.4     Provisional**

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

##### **1)     Non-Civil Service**

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

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

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

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

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

**402.1.5      Exempt**

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

**Sec. 402.2      Appointing Officer**

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

**402.2.2      Appointing Officer - MTA**

The MTA Director of Transportation.

**Sec. 402.3      Appointment Date**

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

**402.3.2      Appointment Date - MTA**

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

**Sec. 402.4**      **Bulletin Board**

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

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

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

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

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

**Sec. 402.6**      **Charter**

The Charter of the City and County of San Francisco.

**Sec. 402.7**      **City**

The City and County of San Francisco.

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

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

**Sec. 402.9**      **Class**

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

**402.9.1**      **Job Code**

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

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

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



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

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

**Sec. 402.12**    **Commission**

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

**Sec. 402.13**    **Commissioner**

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

**Sec. 402.14**    **Department**

Organizational unit or units under one appointing officer.

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

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

**Sec. 402.16**    **Eligible**

A person who has standing on an eligible list.

**Sec. 402.17**    **Eligible List**

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

**Sec. 402.18**    **Executive Session**

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

**Sec. 402.19**    **Human Resources Director**

Director of the City's Department of Human Resources.

**Sec. 402.20**    **Layoff**

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

**Sec. 402.21**    **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. 402.22**    **Part-Time Employment**

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

**Sec. 402.23**    **Position**

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

**402.23.1 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 .

**402.23.2 Temporary**

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

**402.23.3 Part-Time**

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

**Sec. 402.23** **Position (cont.)****402.23.4 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.

**402.23.5 School-Term Only**

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

**402.23.6 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. 402.24** **Post**

To place on the official Bulletin Board.

**Sec. 402.25** **School Districts**

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

**Sec. 402.26** **Seniority****402.26.1 Civil Service - Permanent**

Permanent Seniority shall be determined by the appointment date of the employee following certification from an eligible list to a ~~which resulted in a permanent appointment to a~~ 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 certification ~~date following reappointment certification to a position in a class~~ following separation.

**Sec. 402.26**   **Seniority (cont.)****402.26.2**   **Civil Service - Temporary (from eligible list)**

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

**402.26.3**   **Civil Service - Limited Tenure**

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

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

**402.26.4**   **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.

**402.26.5**   **Citywide Seniority****102.26.5(a) Citywide Seniority Prior to [date]**

[Citywide seniority is determined by the date of certification for appointees to a specific class.](#)

**102.26.5(b) Citywide Seniority Effective [date]**

[Citywide seniority is determined by the date of appointment for appointees to a specific class thereafter.](#)

**102.26.5(c) Ties in Seniority**

[In the event of ties in seniority, seniority shall be determined as elsewhere defined in the Rules on Layoff.](#)

**Sec. 402.27**   **Service**

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

**Sec. 402.28**   **Start Work Date**

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

**Sec. 402.29**    **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. 402.30**    **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 409**

### **Position Classification and Related Rules**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Article I: Authority**

**Sec. 409.1**      **Authority**

**Sec. 409.2**      **Notice and Appeals**

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

**Sec. 409.3**      **Definitions**

#### **Article III: Classification**

**Sec. 409.4**      **Classification of Positions**

**Sec. 409.5**      **Class Series**

**Sec. 409.6**      **Class Specification**

**Sec. 409.7**      **Official Copy**

**Sec. 409.8**      **Administration of the Classification Plan**

#### **Article IV: Status**

**Sec. 409.9**      **General Principles**

**Sec. 409.10**      **Effects of Classification Changes on the Status of Incumbents**

**Sec. 409.11**      **Limitations Under this Rule**

**Sec. 409.12**      **Situations Not Specifically Addressed**

**Sec. 409.13**      **Probationary Period**

**Sec. 409.14**      **Release From a Probationary Period**

**Sec. 409.15**      **Civil Service Seniority**

#### **Article V: Temporary Out-of-Class Assignments**

**Sec. 409.16**      **Temporary Out-of-Class Assignments - Policy and Definitions**

## **Rule 409**

### **Position Classification and Related Rules**

#### **Article I: Authority**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Sec. 409.1      Authority**

- 409.1.1** As provided under the Charter Section 8A.104 of the City and County of San Francisco, the MTA Director of Transportation/Designee shall have the duty and authority to establish a system of job classification and to allocate each position to a job class.
- 409.1.2** The MTA Director of Transportation/Designee 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 MTA Director of Transportation/Designee the duties are at the same level of responsibility and authority.
- 409.1.3** The MTA Director of Transportation/Designee, when notified of a significant change in duties, shall analyze positions. If it is determined, by the MTA Director of Transportation/Designee, through a job analysis that the level and/or function of the assigned responsibilities have changed significantly and are no longer consistent with the existing class, the position will be reclassified.
- 409.1.4** When appropriate to the Classification Plan, the MTA Director of Transportation/Designee has the authority to change the title and/or number of a class without affecting the classification of the position or the status of incumbents.
- 409.1.5** The MTA Director of Transportation/Designee has the authority to amend class specifications as necessary to reflect the major duties of positions within the class and the job related knowledge, skills and abilities necessary to perform the functions of the class.

**Sec. 409.1**      **Authority (cont.)**

- 409.1.6**      The MTA Director of Transportation/Designee has the authority to make changes to the Classification Plan including creating new classes, abolishing, consolidating or amending classes consistent with the Classification Plan.
- 409.1.7**      The decision of the MTA Director of Transportation/Designee regarding classification matters including the authority to determine the status of an employee, shall be final unless appealed to the Civil Service Commission.

**Sec 409.2**      **Notice and Appeals**

- 409.2.1**      Any employee and/or employee representative affected by a classification action or status grant under this Rule may appeal the action to the Civil Service Commission. The appeal shall be in writing, stating the basis on which the appeal is based and shall be in accordance with the procedures established by the Executive Officer of the Civil Service Commission.
- 409.2.2**      Proposed changes in classification and/or status of permanent civil service incumbents with existing status rights shall be posted for seven (7) calendar days. A day the MTA Human Resources office or Department of Human Resources is closed shall not be counted as the seventh (7<sup>th</sup>) calendar day. Proposed changes will become effective on the eighth (8<sup>th</sup>) calendar day following the posting date, with the following exception:
- 409.2.3**      Protests shall be submitted to the MTA Director of Transportation/Designee prior to the end of the posting period.
- 409.2.4**      The decision of the MTA Director of Transportation/Designee is appealable to the Civil Service Commission. The decision of the Civil Service Commission shall be final and not subject to reconsideration.



## **Rule 409**

### **Position Classification and Related Rules**

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

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Sec. 409.3      Definitions**

##### **409.3.1      Job Code**

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

##### **409.3.2      Position**

The duties and responsibilities assigned by an appointing officer to be performed by an employee.

##### **409.3.3      Classification System**

A method of organizing positions into classes and groups of classes based on an analysis of types and levels of work performed.

##### **409.3.4      Classification Plan**

The overall system or plan that encompasses all classes.

##### **409.3.5      Class**

A group of positions having common functions, levels of responsibility and requiring related knowledge, abilities and skills.

##### **409.3.6      Class Series**

Directly related classes within a job group that vary in level and scope of responsibility.

**Sec. 409.3     Definitions (cont.)****409.3.7     Position Description**

A position description generally describes the functions of a position but may not be all inclusive or specific to a particular position.

**409.3.8     Class Specifications**

A written delineation of the levels of duties and essential functions of a class.

**409.3.9     Allocation/Classification**

Designating new positions to an appropriate class.

**409.3.10    Reallocation/Reclassification**

Designating existing positions to a different class.

**409.3.11    Consolidation**

The combining of the duties of two or more classes into one class.

**409.3.12    Division**

The separation of a class into two or more classes.

**409.3.13    Amendment**

The formal revision of the class specifications for an existing class.

**409.3.14    Retitling**

Changing the name (title) of an existing class.

**409.3.15    Renumbering**

Changing the designated number of an existing class.

**409.3.16    Abolishment**

The elimination of a class from the Classification Plan.

**Sec. 409.3**    **Definitions (cont.)****409.3.17 Status**

Status in the City and County service is the right an employee has to perform certain duties in a specific class. Status is granted to a class and not to a specific position in a class.

**409.3.18 Temporary Out-of-Class Assignment**

The assignment of an employee who has permanent civil service status in a class to perform normal day-to-day responsibility and duties of another class on a temporary basis, and without a change in class.

**409.3.19 Protest**

A request to the MTA Director of Transportation/Designee for the reconsideration of a classification decision.

**409.3.20 Appeal**

A request to the Civil Service Commission to reconsider the decision of the MTA Director of Transportation/Designee.

## **Rule 409**

### **Position Classification and Related Rules**

#### **Article III: Classification**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Sec. 409.4**      **Classification of Positions**

Each position in the classified service shall be classified by the MTA Director of Transportation/Designee and allocated to the appropriate class in accordance with the level, scope and occupational concept of the assigned duties.

#### **Sec. 409.5**      **Class Series**

All classes directly related within a job family involving the same kind of work, but differing as to scope of responsibility, shall be assembled into the same series.

#### **Sec. 409.6**      **Class Specification**

**409.6.1**      The class specification shall be the official description of the class.

**409.6.2**      The class specification shall be descriptive of the class and shall not be considered as a restriction on the assignment of duties not specifically listed. The class specifications are intended to indicate the kind of positions that should be allocated to a class but shall not be construed as describing the exact duties and responsibilities of each individual position allocated to the class. The MTA Director of Transportation/Designee has the authority to assign an employee to perform work provided that it is consistent with the type of duties and level of responsibility of the employee's class, although not specifically described in the class specification.

#### **Sec. 409.7**      **Official Copy**

The MTA Director of Transportation/Designee shall maintain an accurate and completed copy of the Classification Plan to be designated as the "Official Copy." A copy of the report will be forwarded to the City's Human Resources Director. All changes in allocation or reallocation of positions to classes or amendment of classifications shall be recorded in the "Official Copy" of the Classification Plan. The "Official Copy" of the Classification Plan shall be open for public inspection.

**Sec. 409.8**     **Administration of the Classification Plan**

- 409.8.1**     The MTA Director of Transportation/Designee shall analyze positions and/or classifications whenever the MTA Director of Transportation/Designee deems it necessary.
- 409.8.2**     Upon request of the MTA Director of Transportation/Designee, the MTA departments, bureaus or operating divisions shall furnish detailed information relative to the duties and responsibilities or work assignments of positions under the appointing officer's jurisdiction. Each MTA department, bureau or operating division shall notify MTA Director of Transportation/Designee of significant changes in duties, responsibilities, or work assignments.
- 409.8.3**     The MTA Director of Transportation/Designee shall annually submit a classification report to the Civil Service Commission in compliance with Charter Section 8A.104.

## **Rule 409**

### **Position Classification and Related Rules**

#### **Article IV: Status**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Sec. 409.9**      **General Principles**

Status in the City and County service is the right of an employee to perform certain duties in a specific class. This right stems from the examination in which the employee qualified and/or the appointment received, and the duties performed as indicated on official records. The class specification or duties statement in existence at the time for the examination and/or appointment is a basic reference document in determining status in a class. An employee has status in a class, but not to a particular position within such class. The MTA Director of Transportation/Designee has very broad discretion in reassigning an employee from one position to another position in the same class.

In cases where status is involved, the MTA Director of Transportation/Designee shall be responsible for the determination of “status” of an employee and/or an eligible, subject to appeal to the Civil Service Commission.

#### **Sec. 409.10**      **Effects of Classification Changes on the Status of Incumbents**

##### **409.10.1**      **Class Consolidation**

When the duties of two or more classes are combined into one new, existing or amended class, and if any of the classes involved are abolished; an employee who has permanent civil service status within the abolished class is granted status to the new, existing or amended class, subject to the limitations of this Rule.

##### **409.10.2**      **Division of One Class into Two or More Classes**

When a class is divided into two or more classes, an employee who has permanent civil service status within the class which is divided is granted status to the new class or classes which reflect(s) the primary responsibility of the employee. The determination of which class or classes reflect(s) an employee’s primary responsibilities is made by the MTA Director of Transportation/Designee.

**Sec. 409.10    Effects of Classification Changes on the Status of Incumbents (cont.)****409.10.3    Upward Reclassification**

When a position occupied by an employee with permanent civil service status is upwardly reclassified, the employee is given status in the new, existing or amended class subject to the limitations provided in this Rule.

**409.10.4    Lateral Reclassification**

When a position occupied by an employee with permanent civil service status is laterally reclassified, the employee is given status in the new, existing or amended class.

**409.10.5    Downward Reclassification**

1) Subject to the limitations under Sec. 409.11 of this Rule, when a position occupied by an employee with permanent civil service status is downwardly reclassified, the employee may:

- a) accept the downward reclassification; or
- b) reassign to a vacant position in the same class and department; or
- c) request transfer to a vacant position within the same class citywide;  
or
- d) reinstate to a vacancy within the department or citywide class held by the employee prior to the downward reclassification; or
- e) accept the position as downwardly reclassified with reinstatement rights to the next available citywide vacancy in the class held by the employee prior to the downward reclassification; or
- f) exercise civil service layoff rights.

**Sec. 409.10    Effects of Classification Changes on the Status of Incumbents (cont.)****409.10.5    Downward Reclassification (cont.)**

2) If under a downward reclassification of a position, the employee elects to accept the downward reclassification with reinstatement rights, the employee must accept the first available position. If no position becomes available within one (1) year from the effective date of the action, all status to the previous classification is forfeited; however, an extension may be granted as follows:

a) The MTA Director of Transportation/Designee may grant an extension for classifications exclusive to the Municipal Transportation Agency; or

b) The City's Human Resources Director may grant an extension for citywide classifications.

**409.10.6    Renumbered or Retitled Classes**

When classes are renumbered or retitled, or when the class description has been changed to more accurately describe the duties actually being performed, all employees with permanent status in the former class shall have continued permanent status in the renumbered or retitled class. Eligibles on a list in the former class shall continue as eligibles on the renumbered or retitled class.

**409.10.7    Implementation of Status**

1) All permanent employees in positions in the former class who have been reallocated to a new class, are granted status in positions in the new class as of the effective date of the amendment to the Annual Salary Ordinance establishing such positions in the new class.

2) The remaining employees in the same former class and in the same department are granted rights to assignment to positions in the new classes as vacancies occur according to seniority standing in the department.

3) Permanent employees occupying positions in the same former class in other departments are granted the right to transfer to positions in the new class or classes as vacancies occur. Such requests for transfer shall be governed by the provisions of these Rules governing appointment by transfer.



**Sec. 409.10    Effects of Classification Changes on the Status of Incumbents (cont.)****409.10.7    Implementation of Status (cont.)**

- 4) When status has been granted, all permanent employees in positions in the former class that has been reclassified to another class are granted status in positions.
- 5) An employee who is granted status must exercise those rights to the second class as soon as a position becomes available, within one (1) year from the effective date of the amendment to the Annual Salary Ordinance unless an extension is granted by either the MTA Director of Transportation/Designee or City's Human Resources Director as applicable. If status is not exercised within the time limit or if the employee refuses an offer of a status appointment, then, status is forfeited.
- 6) An employee who does not exercise status as provided above may continue in the original position until such time as the reclassified position is filled and the original incumbent is replaced by another employee who has status in the class or by an eligible from a civil service list.
- 7) When all permanent incumbents in the class and department have exercised or forfeited status, eligibles on lists for the original class as well as employees in the same original class in another department may be offered status appointments in the second class either by certification from the eligible list or under transfer provisions of the Transfer Rule.

**Sec. 409.11    Limitations Under this Rule**

- 409.11.1 The allocation or reallocation of a position shall not adversely affect the civil service rights of an occupant legally holding such a position under permanent appointment. If there is an adverse affect on the civil service rights of an occupant legally holding such a position under permanent appointment, such allocation or reallocation shall be effective when the position becomes vacant by reassignment or for other reason(s), except when earlier implementation is approved by mutual agreement with the appropriate recognized employee organization. Pending such reallocation, the incumbent shall continue in the position.
- 409.11.2 In administering this Rule, if the difference between the salary ranges of the former class and the new class is more than seven and one half (7½) percent, a significant difference in the scope of responsibility shall be deemed to exist, and status shall not be granted unless approved by the Civil Service Commission.

**Sec. 409.11    Limitations Under this Rule (cont.)**

- 409.11.3** An employee must meet the minimum qualifications for the position in order to be eligible for status.
- 409.11.4** The MTA Director of Transportation/Designee may assess the employee's ability to perform level of duties and the essential functions of the class.

**Sec. 409.12    Situations Not Specifically Addressed**

Situations not specifically addressed in this Article will be resolved by the MTA Director of Transportation/Designee subject to the prior approval of the Civil Service Commission.

**Sec. 409.13    Probationary Period**

- 409.13.1** Employees who are appointed by status in the same department/agency shall not be required to complete a new probationary period.
- 409.13.2** Employees who exercise status to transfer to a new citywide department shall be required to complete a probationary period.
- 409.13.3** Employees who have not yet completed the probationary period in the class subject to reclassification shall be required to complete the remainder of the probationary period in the new class.

**Sec. 409.14    Release from a Probationary Period**

Employees appointed by status and serving a probationary period are subject to the Civil Service Commission Rules on release from the probationary period.

**Sec. 409.15    Civil Service Seniority**

Civil service seniority for employees granted status under Civil Service Commission Rule 409 shall be carried forward and is calculated from the date of [the citywide seniority as defined in these Rules](#) ~~certification~~ in the former class prior to reclassification.

## **Rule 409**

### **Position Classification and Related Rules**

#### **Article V: Temporary Out-of-Class Assignments**

Applicability: Rule 409 shall apply to all Service-Critical Classes of the Municipal Transportation Agency (MTA).

#### **Sec. 409.16 Temporary Out-of-Class Assignments - Policy and Definitions**

**409.16.1** In accordance with this Rule, an appointing officer may exercise Charter authority to assign an employee to perform any of the duties of the department/Agency to which appointed and to make any temporary out-of-class assignment to maintain the provision of any public service.

**409.16.2** Temporary out-of-class assignment means the assignment of an employee without change in class to perform the normal day-to-day duties and responsibilities of another classification. Records of such temporary out-of-class assignment shall be placed in the employee's personnel file. An employee assigned to temporary out-of-class assignment may also request that the appointing officer/designee place the record in the employee's personnel file contemporaneous with the assignment. The record of temporary out-of-class assignments must be verified and approved by the appointing officer/designee prior to placement in the personnel file. The MTA Director of Transportation/Designee shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary. The decisions of the MTA Director of Transportation/Designee shall be subject to appeal to the Civil Service Commission.

1) Temporary out-of-class assignment is distinguished from "temporary appointment" in that the latter refers to an appointment to a differently classified position in accordance with civil service appointment provisions and in accordance with budgetary requirements.

2) Temporary out-of-class assignment is distinguished from a short term or regular assignment of a minor portion of work duties which are allocated to a different class, but which are generally related to the regular duties or level of responsibility of the employee's current class.

3) The MTA Director of Transportation/Designee shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary.

#### **Sec. 409.16 Temporary Out-of-Class Assignments - Policy and Definitions (cont.)**

**409.16.2 (cont.)**

4) Temporary out-of-class assignments shall not be made when an appointment based on the regularly established Rules and procedures of the Civil Service Commission may be made. Temporary out-of-class assignments may be approved while an appointment through the established procedures is pending.

5) When a temporary out-of-class assignment is in order within MTA, selection and retention shall be at the discretion of the MTA Director of Transportation/Designee.

## ATTACHMENT A

Deletions in ~~strikethrough~~ – Additions in underline

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Rule 413**

### **Certification of Eligibles**

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

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

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

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

**413.1.2**      Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. The MTA Director of Transportation/Designee shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. The MTA Director of Transportation/Designee shall also be responsible for maintaining documentation of selection criteria. 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.

**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 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.



## Rule 413

### Certification of Eligibles

#### 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).

**Sec. 413.7 Certification Rules Applicable to Employees in all classes—~~except Unrepresented, Municipal Executives Association, San Francisco Association of Personnel Professionals (SFAPP) Local 21, Transport Workers Union—Locals 200 & 250A, and Service Employees International Union—Local 535~~**

#### 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 names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.

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.

~~1)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 ~~except Unrepresented, Municipal Executives Association, San Francisco Association of Personnel Professionals (SFAPP) Local 21, Transport Workers Union Locals 200 & 250A, and Service Employees International Union Local 535~~ (cont.)**

**413.7.2 Expansion of Certification Rules (cont.)**

~~2)~~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.

**Sec. 413.8 ~~Certification Rules Applicable to Service Employees International Union Local 535 and Transport Workers Union Locals 200 & 250A~~**

**~~413.8.1 Rule of Three Scores Exclusively~~**

~~1) The Rule of Three Scores shall be used exclusively.~~

~~2) 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.~~

~~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.~~

~~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. 413.9 Certification Rules Applicable to Employees in all classes ~~Unrepresented classes and classes represented by Municipal Executives Association and San Francisco Association of Personnel Professionals (SFAPP) Local 21~~**

**413.9.1 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.

**Sec. 413.9**      **Certification Rules Applicable to Employees in [all classes](#)**  
**~~Unrepresented classes and classes represented by Municipal~~**  
**~~Executives Association and San Francisco Association of Personnel~~**  
**~~Professionals (SFAPP) – Local 21 (cont.)~~**

**413.9.1**      **Rule of Three or More Scores (cont.)**

**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).

**413.9.2**      **Rule of the List**

**1)** The 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.

**Sec. 413.9**      **Certification Rules Applicable to Employees in [all classes](#)**  
**~~Unrepresented classes and classes represented by Municipal~~**  
**~~Executives Association and San Francisco Association of Personnel~~**  
**~~Professionals (SFAPP) – Local 21 (cont.)~~**

**413.9.3      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. 413.10   Personnel Requisitions**

###### **413.10.1 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.

###### **413.10.2 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.

###### **413.10.3 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.

###### **413.10.4 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.

###### **413.10.5 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. 413.10    Personnel Requisitions (cont.)**

**413.10.5    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.

**413.10.6    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. 413.11**    **Notice of Certification**

For each available position, the MTA Director of Transportation/Designee shall certify to the appointing officer 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. 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. 413.12**    **Notice of Inquiry**

**413.12.1** 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.

**413.12.2** Eligibles are required to respond to a Notice of Inquiry within five (5) business days, unless the response period time limit is extended by the MTA Director of Transportation/Designee.

**413.12.3** 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 request supplementary certification from the next highest score(s) in accordance with Article III of this Rule.

##### **Sec. 413.13**    **Certification Results**

MTA departments are required to notify the MTA Director of Transportation/Designee of the results of a certification within sixty (60) calendar days after the date of the Notice of Certification. This deadline may be extended by the MTA Director of Transportation/Designee.

**Sec. 413.14    Waivers****413.14.1    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.

**413.14.2    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.

**413.14.3    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.



**Sec. 413.14**    **Waivers (cont.)****413.14.4 Effects of Waivers**

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

**413.14.5 Withdrawal of Waivers**

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the MTA.
- 2) Such requests must be received in the Office of the MTA Director of Transportation/Designee before the close of business on the third (3<sup>rd</sup>) Friday of the month to be effective the first (1<sup>st</sup>) business day of the following month. In the event the third (3<sup>rd</sup>) Friday is a legal holiday, such requests must be received by the close of business on the next business day.
- 3) Withdrawal of waivers which have been imposed by the Commission or the MTA Director of Transportation/Designee may be authorized at any time and become effective the first (1<sup>st</sup>) business day of the following month unless specifically ordered otherwise.
- 4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles whose names have been certified to the appointing officer.
- 5) Immediate withdrawal of waiver may be authorized by the MTA Director of Transportation/Designee, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

**Sec. 413.15**    **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.

## **Rule 414**

### **Appointments**

#### **Article I: General Provisions**

Applicability: Article I, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Article II: Limited Tenure Appointments**

Applicability: Article II, Rule 414, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A. . The provisions of Article II, Rule 414 shall be limited to time of war as defined in Sec 414.10.

#### **Article III: Temporary and Emergency Appointments**

Applicability: Article III, Rule 414, 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: Appointment by Reinstatement**

Applicability: Article IV, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Article V: Reappointment**

Applicability: Article V, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Article VI: Appointment by Transfer**

Applicability: Article VI, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Article VII: Exempt Appointment**

Applicability: Article VII, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

## **Rule 414**

### **Appointments**

#### **Article I: General Provisions**

Applicability: Article I, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

#### **Sec. 414.1**      **Appointment - General Provisions**

##### **414.1.1**      **Report of Appointment**

All appointments shall be authorized by the MTA Director of Transportation/Designee on the prescribed form prior to the appointee's starting date of employment.

##### **414.1.2**      **Validation of Appointment**

No appointee may begin working until validation has been issued by the MTA Director of Transportation/Designee.

##### **414.1.3**      **Finality of Appointing Officer's Decision**

Except as otherwise provided in these Rules, ordinances, or the Charter, the decision of the MTA Director of Transportation/Designee in all matters regarding appointment within the MTA shall be final.

#### **Sec. 414.2**      **Permanent Appointment - Definition**

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

#### **Sec. 414.3**      **Method of Appointment - Permanent Appointment**

Permanent appointments shall be made in the following order of priority:

**414.3.1**      by the return to duty of a permanent holdover;

**414.3.2**      by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees;

**Sec. 414.3**      **Method of Appointment - Permanent Appointment (cont.)**

**414.3.3**      by the appointing officer through use of any one of the following options:

- 1) advancement of a part-time employee to full-time status consistent with the requirements found elsewhere in this Rule; or
- 2) transfer; or
- 3) from requests for reinstatement other than by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees; or
- 4) by reappointment following resignation; or
- 5) by certification by the MTA of eligibles from an eligible list or reemployment register.

**414.3.4**      Exercise of one option will preclude the use of any other method of appointment except as a result of any settlement arising following an appeal or other litigation. The MTA department may also fill permanent vacancies through internal reassignment within classifications of permanent employees consistent with MTA procedures. Such reassignments are not within the jurisdiction of the Civil Service Commission.

**Sec. 414.4**      **Temporary Appointment**

**414.4.1**      Temporary appointment shall be one of the following:

- 1) An appointment from an eligible list to a temporary position. Such appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 1040 hours; or

**Sec. 414.4**      **Temporary Appointment (cont.)**

2) An appointment from an eligible list to a temporary position established to perform a special project or investigation. The establishment of such position shall require the express approval of the MTA Director of Transportation/Designee. It must be readily foreseeable that the duties and responsibilities and products must be completed by the time limit of a maximum of the hourly equivalent of 260 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 2080 hours.

3) When no eligible list exists or no eligible is available on an existing eligible list for a position in the class requisitioned by MTA, and immediate service in the position is required and another eligible list exists which is deemed by the MTA Director of Transportation/Designee to be suitable to provide temporarily the service desired, the MTA Director of Transportation/Designee shall certify for civil service temporary appointment an eligible from such eligible list.

**414.4.2**      **Expiration of Temporary Appointment**

1) Upon expiration of the maximum allowable time period or upon expiration of the appointee's temporary position, temporary appointees shall be separated as provided below.

2) Temporary appointees so separated shall be returned to the eligible list from which appointed if such list has not expired.

3) Temporary appointees returned to the eligible list or to the holdover roster shall be immediately available for certification to temporary positions:

- under another appointing officer; or
- to the same appointing officer to another position with the express approval of the Human Resources Director.

In the case of represented classes, the MTA Director of Transportation/Designee shall provide prior notification to the appropriate bargaining representative of intention to authorize such immediate certification and shall, upon request, meet and confer concerning the proposed certification.

**Sec. 414.4**      **Temporary Appointment (cont.)****414.4.2**      **Expiration of Temporary Appointment (cont.)**

4) For employees represented by the Transport Workers Union, Locals 200 and 250A, temporary appointees, except those appointed from a "near list", whose list has expired shall be ranked on the holdover roster for the class.

**414.4.3**      Layoff due to lack of work or lack of funds or termination shall be as provided elsewhere in these Rules.

**Sec. 414.5**      **Provisional Appointment**

**414.5.1**      Provisional appointment shall be an appointment to a permanent or temporary position when there is no available eligible.

1) A provisional appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular work schedule of the employee; however, in no case may the maximum duration exceed 1040 hours in any class or in any department in a calendar year.

2) Except with the express approval of MTA Director of Transportation/Designee, when an eligible list is adopted, all provisional appointments in the affected class shall expire.

**414.5.2**      Provisional appointments may be extended with the approval of the MTA Director of Transportation/Designee for additional periods of time not to exceed, for each extension, the time limitations specified above.

**414.5.3**      Provisional appointees serve at the discretion of the MTA Director of Transportation.

**414.5.4**      Provisional appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.

**414.5.5**      The MTA Director of Transportation/Designee shall promulgate policies and procedures for making provisional appointments which shall include provisions that appointments shall be made on the basis of a combination of merit factors, equal employment opportunity and, if promotive, consideration of performance appraisal ratings and seniority.

**Sec. 414.5**      **Provisional Appointment (cont.)**

- 414.5.6**      Layoff of provisional appointees due to lack of work, lack of funds or termination shall be as provided elsewhere in these Rules.
- 414.5.7**      A civil service appointee who is laid off, terminated or who resigns from a provisional appointment shall return to the appointee's permanent position.
- 414.5.8**      A provisional appointee resigning from employment shall complete the prescribed resignation form.
- 414.5.9**      Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

**414.5.10      Restrictions on Provisional Appointment**

- 1)** Provisional appointments for civil service positions for which no eligible list exists shall not exceed three years.
- 2)** Provisional appointments may only be renewed beyond three years with the approval of the Board of Supervisors and upon certification by the MTA Director of Transportation/Designee that for reasons beyond its control MTA has been unable to conduct examinations for these positions.
- 3)** Unless provisional appointments are renewed as provided in this section or are transitioned to regular civil service appointment through either the competitive examination process or as provided in Charter Section 18.110, provisional employees appointed before July 1, 1996 shall be laid off by June 30, 1999.



**Sec. 414.6**      **Provisional Appointment - Non-Civil Service Appointment**

Section 414.6 and Section 414.7 of Article I, Rule 414, apply only to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

**414.6.1**      Non-Civil Service appointment made under the authority of these Rules shall be an appointment to a permanent or temporary position when either

1) there is no available eligible. It is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular work schedule of the employee; however, in no case may the maximum duration exceed 1040 hours in any class or in any department in a calendar or fiscal year or except with the express approval of the MTA Director of Transportation/Designee, thirty (30) days from eligible list adoption, whichever is less; or

2) there is an emergency.

Such appointment is time limited to a maximum of 240 hours.

**414.6.2**      Non-civil service appointees serve at the discretion of the MTA Director of Transportation.

**414.6.3**      Non-civil service appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.

**414.6.4**      The MTA Director of Transportation/Designee shall promulgate policies and procedures for making non-civil service appointments which include provisions that appointments shall be made on the basis of a combination of merit factors, affirmative action and, if promotive, seniority.

**414.6.5**      Notification to signatory unions shall be as follows:

Employee organizations signatory to the Letter of Agreement adopted April 4, 1983, shall be notified on a biweekly basis of all non-civil service appointments authorized in the preceding two-week period, together with the duration of such appointments and the reason(s) for such duration. Union representatives of organizations signatory to the aforementioned agreement shall have the right to meet and confer with the MTA Director of Transportation/Designee or designee following notification cited here in above.

**Sec. 414.7**      **Provisional Appointment - Limited Tenure Appointment**

Section 414.6 and Section 414.7 of Article I, Rule 414, apply only to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

- 414.7.1** Limited tenure appointment is an appointment made to a permanent or temporary position under authority of this Rule is a class for which there is no available eligible.
- 414.7.2** All limited tenure appointments shall require the express prior approval of the Commission and shall be made pursuant to the stated intent of the Letter of Agreement and Compliance Agreement adopted April 4, 1983, as it pertains to the classes represented by the unions signatory to these Agreements.
- 414.7.3** Layoff due to lack of work, lack of funds, or termination shall be as provided elsewhere in these Rules.
- 414.7.4** A civil service appointee who is laid off, terminated, or who resigns from a limited tenure appointment shall return to the appointee's permanent position.
- 414.7.5** A limited tenure appointee resigning from employment shall complete the prescribed resignation form.
- 414.7.6** **Provisional Appointees - No Preference for Permanent Appointment**
- Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

**Sec. 414.8**      **Advancement from Part-Time Position to Full-Time**

After verification of satisfactory performance in a permanent part-time position, the senior appointee in a class in the MTA may be advanced by the MTA Director of Transportation/Designee to a full-time position. Advancement from a part-time position shall require a new probationary period.

**Sec. 414.9**      **Separation of Temporary and Provisional Appointees Upon Expiration of Term of Employment**

**414.9.1**      No temporary or provisional appointment shall exceed the maximum allowable duration provided in these Rules, and upon expiration of that period of time, the appointee shall be separated from the position.

**414.9.2**      The appointee's separation shall be based upon the expiration of the maximum allowable duration or upon expiration of the appointee's temporary position. Such separation shall be without reference to the layoff or termination provisions of these Rules. The appointee shall be notified in writing:

1) at the time of appointment as to the duration of such appointment; and

2) at least ten (10) working days in advance of the final date.

## **Rule 414**

### **Appointments**

#### **Article II: Limited Tenure Appointments**

Applicability: Article II, Rule 414, shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A. . The provisions of Article II, Rule 414 shall be limited to time of war as defined in Sec 414.10.

##### **Sec. 414.10**      **Limited Tenure Appointments - When Authorized**

When in time of war declared by the Congress of the United States eligibles are not available for appointment from registers established through the regular examination procedure as provided under these Rules, the MTA Director of Transportation/Designee may qualify applicants for wartime appointments to positions through informal and non-competitive tests.

##### **Sec. 414.11**      **Selection of Limited Tenure Appointees**

Such tests and appointments resulting therefrom shall be governed solely by the provisions of these Rules and the tests shall be adequate in the judgment of the MTA Director of Transportation/Designee to determine the capacity of applicants to perform the duties of the positions to be filled pending creation of lists of eligibles through the regular examination procedure as provided in these Rules.

##### **Sec. 414.12**      **Definition and Duration of Limited Tenure Appointments**

Appointments made under the provisions of this Rule shall be designated "limited tenure appointments" and may continue only until registers of eligibles are established through the regular examination procedure provided elsewhere in these Rules but in no event to exceed six (6) months beyond the cessation of hostilities.

##### **Sec. 414.13**      **Layoff of Limited Tenure Appointees**

Limited tenure appointments may be terminated by the appointing officer at any time for lack of work or funds.

**Sec. 414.14**      **Termination of Limited Tenure Appointees**

Limited tenure appointments may be terminated by the MTA Director of Transportation for good cause at any time without reference to the procedures governing removals set forth in Charter Section A8.341.

**Sec. 414.15**      **Restriction on Rights on Limited Tenure Appointees**

Persons serving under limited tenure appointments under this Rule shall by reason of such service acquire no right or preference to permanent civil service status as defined elsewhere in the Charter or by Rules of the Civil Service Commission, which is conferred on persons completing probationary appointments made from lists of eligibles established through the regular examination procedures as provided in these Rules.

**Sec. 414.16**      **Non-Civil Service Appointments When No Eligible List**

Non-civil service appointments in the absence of civil service eligibles, as provided in these Rules, shall not be authorized if applicants qualified for limited tenure appointments are available.

**Sec. 414.17**      **MTA to Maintain Eligible Lists**

The MTA shall make every effort, consistent with current conditions, to maintain adequate registers of eligibles established through the regular examination procedure as provided in these Rules.

**Sec. 414.18**      **Civil Service Commission to Adopt Rules to Govern Limited Tenure Appointments**

The Civil Service Commission shall adopt Rules to carry out the provisions of this Rule and to govern the administration of limited tenure appointments.

**Sec. 414.19**      **Additional Authority for Limited Tenure Appointments**

- 414.19.1**      In time of national emergency declared by the President of the United States or by the Congress or while any act authorizing compulsory military service or training is in effect, the provisions of this Rule may also be made operative upon recommendation of the Civil Service Commission and approval of the Board of Supervisors by ordinance enacted by two thirds vote of the Board.
- 414.19.2**      Authority for limited tenure appointments, if established pursuant to the authority of this paragraph, shall cease six (6) months after repeal by the Board of Supervisors of the ordinance which authorized such appointments.

## **Rule 414**

### **Appointments**

#### **Article III: Temporary and Emergency Appointments**

Applicability: Article III, Rule 414, 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. 414.20**      **Temporary "Near List" Appointments Authorized**

When no list of eligibles exists or no eligible is available on an existing list for a position in the class requisitioned, and immediate service in the position is required and another list exists which is deemed by the MTA Director of Transportation/Designee to be suitable to provide temporarily the service desired, the Commission shall certify for civil service temporary appointment an eligible from such list;

##### **Sec. 414.21**      **Non-Civil Service Appointment Defined**

If no such other list deemed by the MTA Director of Transportation/Designee to be suitable exists, the MTA Director of Transportation/Designee pursuant to Civil Service Commission Rules may authorize a non-civil service or emergency appointment for a period not exceeding 130 working days.

##### **Sec. 414.22**      **Duration of Non-Civil Service Appointment**

Non-civil service or emergency appointments extended beyond ninety (90) days must be approved by the MTA Director of Transportation/Designee. Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such 130 working days at the time a civil service eligible reports for duty as provided in Section A8.329 of the Charter.

##### **Sec. 414.23**      **Emergency Appointment Pending Canvassing of Eligible List**

**414.23.1**      If a list of eligibles exists for the position requisitioned, but immediate service is deemed necessary by the appointing officer pending the time an eligible from such list is certified and reports for duty as provided in Section A8.329 of the Charter, the MTA Director of Transportation/Designee may authorize the appointing officer to make a non-civil service or emergency appointment thereto for a period not exceeding thirty (30) working days.

**Sec. 414.23**      **Emergency Appointment Pending Canvassing of Eligible List**

**414.23.2**      Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such thirty (30) working days at the time a civil service eligible reports for duty as provided in Section A8.329 of the Charter.

**Sec. 414.24**      **Restriction on Compensation of Non-Civil Service Appointees**

No person shall be compensated under any non-civil service or emergency appointment or appointments as authorized under the provisions of the foregoing paragraphs of this Rule for a period exceeding 130 working days in any fiscal or calendar year, and no claim or warrant therefore shall be approved, allowed or paid for any compensation in excess of such 130 working days in any fiscal or calendar year.

**Sec. 414.25**      **Mandate for Funding MTA to Conduct Examinations**

If no eligibles are available for appointment to a permanent position in the class requested, MTA shall immediately hold an examination and establish an eligible list for such position. If its annual appropriation is insufficient to meet the cost of said examination, MTA Director of Transportation/Designee shall report to the Mayor the estimated cost thereof, the Mayor shall request and the Supervisors shall make supplemental appropriation therefore in the manner provided herein for supplemental appropriations.



## **Rule 414**

### **Appointments**

#### **Article IV: Appointment by Reinstatement**

Applicability: Article IV, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

##### **Sec. 414.26**

##### **Reinstatement**

**414.26.1** A permanent employee who accepts permanent appointment to a position in another class shall be permanently separated from any former position, with the following exception: the employee may be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the appointing officers in both the present department and the former department or the department(s) to which reinstatement is requested. A copy of the approved form(s) must be maintained in the MTA Office of the Director of Transportation/Designee and the City's Department of Human Resources.

**414.26.2** An employee serving a promotive probationary period shall be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the MTA Director of Transportation/Designee.

1) A request for reinstatement under this section shall not extend the probationary period or infringe upon an appointing officer's authority to terminate an employee.

2) An approved request for reinstatement shall remain in effect until the employee is either reinstated, separated, refuses an offer of reinstatement, or such a request is canceled by the MTA Director of Transportation/Designee.

3) Separation of the employee shall nullify all requests for reinstatement approved under this section.

4) The employee shall receive one (1) offer of reinstatement. Failure to accept a reinstatement offer shall forfeit all rights to reinstatement under this section.

**Sec. 414.26**      **Reinstatement (cont.)****414.26.2 (cont.)**

5) A reinstatement under this section shall be under the applicable procedures of the Civil Service Commission.

6) If more than one (1) request for reinstatement under this section is on file, the person with the greater seniority in the class to which reinstatement is requested shall be reinstated first.

**414.26.3** Reinstatement to a position in a former class and department shall be with former civil service seniority standing in that department and no probationary period shall be required.

**414.26.4** Reinstatement to a position in a former class in another department shall require a new civil service seniority date in that department from the date of such reinstatement and shall require a new probationary period as provided elsewhere within these Rules.

**Sec. 414.27**      **Reinstatement Following Transfer**

An appointment by transfer shall cancel all rights to the position from which transferred except that, prior to the completion of the probationary period, a transferee may request reinstatement to a vacancy in a position in the same class and department from which transferred in accordance with the procedures established in this Rule.

**Sec. 414.28**      **Restrictions on Reinstatement**

Appointments by reinstatement are subject to the appointment provisions found elsewhere in this Rule.

## **Rule 414**

### **Appointments**

#### **Article V: Reappointment**

Applicability: Article V, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

##### **Sec. 414.29**      **Reappointment after Resignation**

- 414.29.1**      A permanent appointee who has completed the probationary period who resigns and whose services have been certified as satisfactory by the appointing officer, or except as otherwise ordered by the Commission in the case of services certified as unsatisfactory, shall be permanently separated from such appointment except as follows:
- 414.29.2**      Upon request on the prescribed form within a four (4) year period after the effective date of the resignation, the resignee, with the approval of the MTA Director of Transportation/Designee, may be appointed ahead of eligibles to a vacancy in a permanent position in the class from which resigned in any department.
- 414.29.3**      A separate request must be filed with each department to which reappointment is desired. An approved copy of the reappointment form(s) must be filed with the office of the MTA Director of Transportation/Designee.
- 414.29.4**      If a vacancy does not exist in the class from which resigned from City and County Service, or, if otherwise approved by the MTA Director of Transportation/Designee, subject to appeal to the Civil Service Commission, a resignee may re-enter the service to a vacancy in any former class in which the probationary period had been completed.
- 414.29.5**      When reappointed, the resignee shall enter the service as a new appointee with no rights based on prior service except such as may be specifically provided elsewhere in these Rules, in the Vacation, Sick Leave and any other Ordinances as appropriate, and in the examination procedures with respect to credit for prior City and County Service.

##### **Sec. 414.30**      **Restrictions on Reappointment**

Reappointments are subject to the appointment provisions found elsewhere in this Rule.

## **Rule 414**

### **Appointments**

#### **Article VI: Appointment by Transfer**

Applicability: Article VI, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

##### **Sec. 414.31**      **Transfer - General**

- 414.31.1**      A transfer of a permanent appointee who has completed the probationary period to a position in the same class under another appointing officer shall be requested on the form prescribed by the City's Human Resources Director.
- 414.31.2**      A properly completed transfer form approved by the appointing officer or designee of the department to which transfer is requested shall be filed in the requested department as well as the employee's current department. A copy of the approved form shall also be filed with the office of the MTA Director of Transportation/Designee and the City's Department of Human Resources within two (2) business days of approval.
- 414.31.3**      Appointees accepting a new appointment by transfer shall give a minimum period of notice prior to separation from their current department of fifteen (15) working days, unless the current department approves a shorter period of notice.
- 414.31.4**      Appointments by transfer are subject to the appointment and probationary provisions of these Rules.
- 414.31.5**      Appointment by transfer will cancel all other transfer requests which have been filed.

##### **Sec. 414.32**      **Transfer from Position Not Full-Time**

A permanent appointee to a part-time position or a position not full time on an annual basis and who serves under such appointment continuously for one (1) year, may request transfer to a regular full-time position in accordance with the provisions of this Rule.

**Sec. 414.33**      **Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment**

Permanent civil service employees who have completed their probationary period and who are subject to layoff because of technological advances, automation, the installation of new equipment, or the transfer of functions to another jurisdiction may submit a request to the MTA Director of Transportation/Designee for transfer to a position within their capacities to perform, whether or not within the class for which they qualified for appointment. Such request for transfer shall be subject to the following:

- 414.33.1** Request for transfer shall be submitted on the prescribed form and shall be approved by the appointing officer or designee of the department to which transfer is requested.
- 414.33.2** The position to which transfer is requested shall not be to a class with more than a five percent (5%) increase in compensation.
- 414.33.3** The City's Human Resources Director or the MTA Director of Transportation may administer any examinations which, in the judgment of the City's Human Resources Director or the MTA Director of Transportation are deemed advisable to test the capacity of the employee to perform the duties in the position to which transfer is requested, unless the transfer is to a position in the same class or a closely related class.
- 414.33.4** Employees so transferred, who are not suited to the position, may be given an opportunity for further transfer to other positions within their capacities to perform.
- 414.33.5** In the event of layoff of an appointee who occupies a position through transfer under the provisions of this section, such layoff shall be in accordance with the applicable provisions of the Layoff Rule. Seniority shall be calculated from the date of [citywide seniority as defined in these Rules](#) ~~certification~~ in the class from which transferred.
- 414.33.6** Employees transferred under the provisions of this section may request reinstatement to the former class in accordance with the Reinstatement Rule.

**Sec. 414.33**      **Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment (cont.)**

**414.33.7**      In the event that more than one approved transfer to the same class is on file, preference shall be given to the appointee who has the longest service under civil service permanent appointment in the class from which layoff is to be made.

**414.33.8**      An appointee transferred under the provisions of this section shall serve a probationary period in the new class.

**Sec. 414.34**      **Transfers Occasioned by the Transfer of Functions from One Department to Another**

**414.34.1**      When, in accordance with Charter provisions, part of the functions and duties of any department are transferred to another department, the employees performing such functions and duties shall be transferred therewith.

**414.34.2**      Such employees shall retain in their new department the same salary and civil service seniority status as they had in the department from which transferred.

**414.34.3**      Employees transferred in accordance with this Rule shall not be required to serve a new probationary period.

**Sec. 414.35**      **Limited-Term Transfer**

**414.35.1**      **Definition**

The transfer of a permanent appointee to a vacant position in the same class under another appointing officer for a specified duration of time may be approved by the appointing officers of both departments, the City's Human Resources Director and the MTA Director of Transportation/Designee and shall be known as a "limited-term transfer."

**414.35.2**      **Purpose**

The purpose of a limited-term transfer is to more efficiently utilize and exchange human resources among the departments of the City and County; to allow employees exposure and training in other departments; and to provide a mechanism for reducing staffing levels during slow periods or periods of fiscal emergency and to temporarily increase staffing during peak work periods.

**Sec. 414.35****Limited-Term Transfer (cont.)****414.35.3****Types of Limited-Term Transfers**

**1) Voluntary:** A limited-term transfer may be initiated on the written request of an employee on the prescribed form. Upon receipt of a written request from an employee and no less than fifteen (15) working days prior to implementation, the designated union of the employee shall be provided written notice. The union shall have five (5) working days from the date of the notice to request a meeting with the appointing officer/designee. Within five (5) working days from the date of the union request, a meeting shall be held. If the union is unavailable to meet within the five (5) working days following the request to meet, the unavailability of the union shall constitute a waiver of the right to meet. Unavailability of the appointing officer/designee shall constitute an extension of the timelines. The timelines may also be extended through mutual written agreement.

**2) Mandatory:** A permanent or probationary employee may be transferred by the employee's appointing officer for a specified period up to a maximum of six (6) months in any calendar year to a position in the same class under another appointing officer. Such transfers shall be made by class in reverse order of seniority in the class in the department after all permanent and probationary employees in the class have been canvassed and all more senior employees have been notified and have waived the right to request a voluntary limited-term transfer. The employee shall receive at least five (5) working days written notice in advance of the effective date of the transfer and shall be given an opportunity, if requested, to meet and confer with the appointing officer/designee and the designated union representative. No permanent employee shall be placed on mandatory limited-term transfer if there are temporary or provisional employees in the same class in the department from which the transfer originates.

**Sec. 414.35****Limited-Term Transfer (cont.)****414.35.4 Expiration and Extension**

- 1) Limited-term transfers will remain in force for the period specified unless abridgment is approved by both appointing officers.
- 2) Voluntary limited-term transfers may be extended for additional periods of time with the approval of the employee and the MTA Director of Transportation/Designee
- 3) Upon expiration of the period of the transfer, the transferee shall be automatically reinstated to a permanent position in the class and department from which transferred.

**414.35.5 Probationary Period**

- 1) A limited-term transferee shall not serve a new probationary period; however, notwithstanding any other provision of these Rules, with the approval of the appointing officer in the department to which transferred, the time served during a limited-term transfer, or a portion thereof, may be counted toward the completion of the probationary period if the transferee requests and is granted a permanent transfer and commences a probationary period in the new department.
- 2) An appointee who is transferred under the provisions of this Rule while serving a probationary period in the department from which transferred shall complete the probationary period upon reinstatement to the original department; however, an appointing officer may, notwithstanding any other provision of these Rules, credit the time served during a limited-term transfer or a portion thereof toward the completion of the probationary period in the original department.

**414.35.6 Disciplinary Action**

A limited-term transferee is an appointee in the department to which transferred during the period of the transfer for the purpose of disciplinary action.



**Sec. 414.35****Limited-Term Transfer (cont.)****414.35.7 Temporary Positions**

Limited-term transfers which are not made to permanent positions may be made to positions which are funded on a temporary basis with the certification of the Controller that funds for the payment of mandatory fringe benefits are available in the department to which transferred. Appointees so transferred retain all the rights and benefits of permanent appointees.

**414.35.8 Seniority**

Appointees returning to their original departments following a limited-term transfer are reinstated with full seniority. No deduction from seniority in the original department shall be made for any period of limited-term transfer.

**414.35.9 Layoff**

An appointee who is laid off while on a limited-term transfer shall be automatically reinstated to a permanent position in the class in the department from which transferred.

## **Rule 414**

### **Appointments**

#### **Article VII: Exempt Appointment**

Applicability: Article VII, Rule 414 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

##### **Sec. 414.36**      **Exclusions from Civil Service Appointment**

All permanent employees of the City and County shall be appointed through the civil service process by competitive examination unless exempted from the civil service examination and selection process in accordance with Charter provisions. Appointments excluded by Charter from the competitive civil service examination and selection process shall be known as exempt appointments. Any person occupying a position under exempt appointment shall not be subject to civil service selection, appointment, and removal procedures and shall serve at the pleasure of the appointing officer.

##### **Sec. 414.37**      **Charter Limit on Certain Categories of Exempt Appointments**

**414.37.1**      The proportion of full-time employees in the exempt categories included under Charter Sections 10.104-1 through 10.104-12 to the total number of civil service employees of the City and County shall not be greater than the proportion existing on July 1, 1994, except as authorized in this Article. As certified by the Civil Service Commission at its meeting of November 18, 1996, the ratio on July 1, 1994 of full-time exempt employees to the total full-time City and County work force was two percent (2%).

**414.37.2**      In accordance with Charter Section 10.104, the Civil Service Commission may, by express approval, authorize that full-time positions conforming to the criteria established in this Section in the categories defined in Charter Sections 10.104-1 through 10.104-12 in excess of the Charter limitation be excluded from civil service selection and removal procedures and be filled through exempt appointment.

**Sec. 414.37**      **Charter Limit on Certain Categories of Exempt Appointments (cont.)**

**414.37.3**      Requests for exemption under this section must conform to the following:

1) The position to be exempted must be in one of the categories defined in Charter Sections 10.104-1 through 10.104-12.

2) The action of exempting a particular position shall not directly affect the civil service rights of an incumbent regularly occupying such position on a permanent civil service basis.

3) The MTA Director of Transportation/Designee recommends the exemption and certifies that the exemption action shall not directly affect an incumbent civil service appointee to the position.

4) The request for exemption is made and approved by an appointing officer or an elected official; a request from a department under the City Administrator must be approved by the City Administrator.

5) The official making the request provides written justification as to the reasons the position should be exempted.

**414.37.4**      An appointing officer or an elected official may submit a request to exempt a position under this section to the Civil Service Commission through the Human Resources Director. If the Director recommends approval, the request shall be transmitted to the Civil Service Commission for review and action; if the Director denies a request, the appointing officer shall be notified in writing of the denial and the reasons for such action.

**414.37.5**      The decision of the MTA Director of Transportation/Designee is appealable to the Civil Service Commission within thirty (30) calendar days of the date of the notice of denial. The Commission decision on the appeal shall be final.

**414.37.6**      This section as adopted by the Civil Service Commission at its meeting of November 18, 1996 was approved by the Board of Supervisors on January 3, 1997 (Resolution Number 222-96-4).

**Sec. 414.37**      **Charter Limit on Certain Categories of Exempt Appointments (cont.)**

**414.37.7**      Pursuant to Charter Section 8A.104: The MTA Director of Transportation/Designee may create new classifications and positions exempt from the Civil Service System for managerial employees in MTA bargaining units M and EM in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt managerial positions within the MTA shall not exceed 2.75 percent of the MTA's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent Civil Service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the Director of Transportation.

The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance to Charter Section 8A.104.

## **Rule 420**

### **Leaves of Absence**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

**Article I: Leaves of Absence - General Requirements**

**Article II: Sick Leave - General Provisions**

**Article III: Sick Leave with Pay**

**Article IV: Sick Leave without Pay**

**Article V: Compulsory Sick Leave**

**Article VI: Disability Leave**

**Article VII: Military, War Effort and Sea Duty Leaves**

**Article VIII: Unpaid Administrative Leave or Furlough**

**Article IX: Other Leaves of Absence**

**Article X: Appeal Procedures**

## **Rule 420**

### **Leaves of Absence**

#### **Article I: Leaves of Absence - General Requirements**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.1      Leaves of Absence - General Requirements**

- 420.1.1**      Leaves of absence, hereinafter referred to in this Rule as "leave," shall be governed by the provisions of this Rule. For the purpose of this Rule, "appointing officer" shall mean all elected officials; all department heads designated by the Charter as appointing officers; and all Boards and Commissions when officiating as appointing officers.
- 420.1.2**      Requests for leave shall be subject to the approval of the Director of Transportation/Designee. The decision of the MTA Director of Transportation/Designee is final unless provision for appeal is specifically granted in this Rule. Such requests for appeal shall be processed in accordance with the appeal procedure provided in this Rule. Requests for military, maternity, or witness or jury duty leave shall be granted as provided herein.
- 420.1.3**      Beginning January 1, 2016, amendments to California Labor Code Section 233 (Kin Care Law) authorize employees to use available accrued sick leave, each calendar year to care for a "family member" or themselves, in an amount equal to one-half of their annual accrual. Under the Kin Care Law, available accrued sick leave must be granted upon the employee's oral or written request and the employer shall not deny the right to take such leave, or impose conditions for granting such leave, including the requirement of medical certification.
- 420.1.4**      Except for vacation leave, witness or jury duty leave, compulsory sick leave, disability leave, unpaid administrative leave or absences covered under Labor Code Section 233, an employee requesting a leave for more than five working days shall submit such request on the prescribed form to the MTA Director of Transportation/Designee. With the exceptions noted herein, requests for sick leave in excess of five (5) continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave with pay for less than five (5) working days (seven (7) calendar days in the case of part-time

**Sec. 420.1**      **Leaves of Absence - General Requirements**

- 420.1.4**      **cont.**  
employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of an employee's leave use. For employees taking sick leave pursuant to Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233.
- 420.1.5**      The leave requests shall be retained in the department and maintained in a manner so as to be readily available for audit, review, or analysis, by authorized City personnel, including the Office of Labor Standards Enforcement Staff.
- 420.1.6**      Except as otherwise provided in these Rules, leave granted for the period stated on the prescribed form may be extended or abridged only with the approval of the MTA Director of Transportation/Designee. An employee who does not return to work on the approved date shall be deemed as away without official leave and shall be subject to automatic resignation as provided elsewhere in these Rules.
- 420.1.7**      Except when an employee requesting sick leave has accumulated unused sick leave with pay credits and except for employees eligible for military leave with pay, organ or bone marrow donor leave with pay, witness or jury duty leave, disability leave or leave due to battery as provided elsewhere in this Rule, or for authorized holiday or vacation, leaves shall be without pay.
- 420.1.8**      Refer to the Probationary Period Rule on leave during the probationary period.
- 420.1.9**      Exempt employees shall be granted paid sick leave on the ninetieth (90<sup>th</sup>) day of service. The decision of the MTA Director of Transportation/Designee shall be final and not subject to appeal.
- 420.1.10**      An appointee shall not be required to sign a resignation form as a condition of approval of a leave.
- 420.1.11**      Leaves granted under this Rule shall be indicated on time rolls as designated by the Controller.
- 420.1.12**      An authorized leave granted under this Rule shall not be considered as a break in the continuous service of an employee.

## **Rule 420**

### **Leaves of Absence**

#### **Article II: Sick Leave - General Provisions**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.2**      **Eligibility for Sick Leave**

Subject to the provisions of this Rule, employees and officers (hereinafter called "employees") who are absent from their duties due to their own illness or disability, or that of a qualifying family member, including preventive care, such as medical or dental appointments, and employees who are victims of domestic violence, sexual assault or stalking, are eligible for sick leave.

#### **Sec. 420.3**      **Verification of Sick Leave**

**420.3.1**      The MTA Director of Transportation/Designee may make such independent investigation as to the necessity for sick leave as is deemed proper under these rules and federal, state and local law and may require certification for any period of sick leave, provided that the employee has been previously notified in writing that such certification for absence of less than five (5) working days shall be required. For employees taking sick leave pursuant to Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233, the City may take reasonable measures to verify or document that an employee's use of sick leave is taken in accordance with Administrative Code Chapter 12W, Labor Code Sections 245-249 or Labor Code Section 233.

**420.3.2**      The MTA Director of Transportation/Designee may at any time make such independent investigation as may be deemed proper regarding the illness of any person on sick leave.

#### **Sec. 420.4**      **Retirement Automatically Terminates Sick Leave**

Sick leave shall automatically terminate on the effective date of an employee's retirement.



**Sec. 420.5**      **Abridgment of Sick Leave**

Sick leaves granted in excess of five (5) working days may be abridged if the employee presents to the MTA Director of Transportation/Designee medical evidence of capability to resume all the duties of the position.

**Sec. 420.6**      **Definition of Sick Leave**

A leave granted under this Rule for one of the following reasons shall be known as "sick leave":

**420.6.1**      **Sick Leave - Medical Reasons**

Absence for diagnosis, care or treatment of a health condition, including alcoholism, or preventive care, and for employees who are victims of domestic violence, sexual assault or stalking, but excluding illness or injury arising out of and in the course of City and County employment. Absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery").

**420.6.2**      **Sick Leave – Quarantine**

Absence during a period of quarantine established and declared by the Department of Public Health or other authority.

**420.6.3**      **Sick Leave – Bereavement**

Absence because of the death of the employee's spouse or domestic partner, parents, step parents, grandparents, parents-in-law or parents of a domestic partner, sibling, child, step child, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian, or any person who is permanently residing in the household of the employee. Such leave shall not exceed three (3) working days and shall be taken within thirty (30) calendar days after the date of death; however, two (2) additional working days shall be granted in conjunction with the bereavement leave if travel outside the State of California is required as a result of the death.

**Sec. 420.6**      **Definition of Sick Leave (cont.)****420.6.3**      **Sick Leave – Bereavement (cont.)**

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one (1) working day; however, two (2) additional working days shall be granted if travel outside the State of California is required as a result of the person's death.

**420.6.4**      **Sick Leave - Maternity**

Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six (6) months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay.

**420.6.5**      **Sick Leave – Parental Leave**

Absence due to the birth of a child to the employee, the employee's spouse, or the employee's domestic partner or assumption by the employee of parenting or child rearing responsibilities either by adoption or foster care.

**420.6.6**      **Sick Leave - Illness or Medical Appointment of a Family Member**

Absence for diagnosis, care or treatment of a health condition or injury, or for preventive care for an employee's family member, defined as follows:

- 1) A child, which for the purposes of this section means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
- 2) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- 3) A spouse.
- 4) A registered domestic partner.
- 5) A grandparent.
- 6) A grandchild.
- 7) A sibling.

**Sec. 420.6**      **Definition of Sick Leave (cont.)****420.6.7**      **Sick Leave Pursuant to Administrative Code Chapter 12W**

1) Absence due to the illness, injury, medical care, treatment, diagnosis or medical appointment of the employee; employee's child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state law, or "designated person."

The aforementioned child, parent, sibling, grandparent, and grandchild relationships include not only biological relationships but also relationships resulting from adoption; step-relationships; and foster care relationships. "Child" includes a child of a domestic partner and a child of a person standing in loco parentis.

2) For the purpose of this section, the definition of "designated person" is: one person designated by an employee who has no spouse or registered domestic partner, as the person for whom the employee may use paid sick leave to aid or care for under this section. The opportunity to make such a designation shall be extended to the employee no later than the date on which the employee has worked thirty (30) hours after paid sick leave begins to accrue. There shall be a window of ten (10) business days for the employee to make this designation. Thereafter, the opportunity to make such a designation, including the opportunity to change such a designation previously made, shall be extended to the employee on an annual basis, with a window of ten (10) business days for the employee to make the designation.

**420.6.8**      **Sick Leave Pursuant to Labor Code Sections 245-249**

Absence for the following purposes: (1) diagnosis, care, or treatment of an existing health condition of, or preventive care for an employee or an employee's family member; or (2) for an employee who is a victim of domestic violence, sexual assault, or stalking, described in Labor Code Section 230, subdivision (c) and Labor Code Section 230.1, subdivision (a).

**420.6.9**      **Sick Leave – Compulsory**

Leave imposed by the MTA Director of Transportation/Designee due to an employee's medical inability or incapacity to perform all the duties of the position as provided elsewhere in this Rule.

## **Rule 420**

### **Leaves of Absence**

#### **Article III: Sick Leave with Pay**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

##### **Sec. 420.7 Sick Leave with Pay Eligibility**

- 420.7.1** Sick leave with pay may be granted to employees who have accrued paid sick leave on the ninetieth (90<sup>th</sup>) day of service except that supplemental disability credits may be used to supplement disability indemnity payments as provided elsewhere in this Rule regardless of length of service and except that an authorized leave of absence with or without pay granted under this Rule shall not be considered as a break in the continuous service of an employee.
- 420.7.2** A break in service of more than twelve (12) continuous months by any employee other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.
- 420.7.3** Sick leave with pay credits will continue to accrue at the normal rate while an employee is on either furlough or voluntary unpaid time off in accordance with this Rule, for a maximum of up to ten (10) days per fiscal year for imposed furlough or twenty (20) days per fiscal year for voluntary unpaid time off.

##### **Sec. 420.8 Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W Effective February 5, 2007, and Labor Code Sections 245-249 Applicable to Employees Not Otherwise Qualified for Sick Leave Effective July 1, 2015**

- 420.8.1** Sick leave with pay may be granted to said employees, on the ninetieth (90) day of service.
- 420.8.2** Employees hired on or before February 5, 2007, shall immediately be eligible to accrue and use sick leave with pay credits under this section.
- 420.8.3** A complete separation in service for twelve (12) continuous months by an employee, other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.

**Sec. 420.8**     **Sick Leave with Pay Eligibility Pursuant to Administrative Code Chapter 12W Effective February 5, 2007, and Labor Code Sections 245-249 Applicable to Employees Not Otherwise Qualified for Sick Leave Effective July 1, 2015 (cont.)**

- 420.8.4**     Employees rehired within one (1) year following a separation will not be subject to the ninety (90) calendar day eligibility period. And any of previously accrued and unused sick leave hours will be reinstated.

**Sec. 420.9**     **Sick Leave with Pay - Maximum Accumulation of Credits**

**420.9.1**     **Sick Leave with Pay – Maximum Accumulation of Credits**

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed the equivalent of six (6) months which is the hourly equivalent of 130 working days based on the regular daily work schedule as defined, provided that in no case may the total accumulated unused sick leave with pay credit balance exceed 1040 hours. Maximum accumulated sick leave with pay credits shall be reduced proportionately for employees entering a class or position where the regular work schedule is less than the class exiting if such employees have accumulated unused sick leave with pay credits in excess of the maximum allowable for the new class or position. Such employees shall have all such credits restored upon return to a class or position with an increased regular work schedule.

- 420.9.2**     Maximum Accumulation of Credits Pursuant to Administrative Code Chapter 12W Effective February 5, 2007, and Labor Code Sections 245-249 Effective July 1, 2015 Applicable to Employee Not Otherwise Qualified for Sick Leave.

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed seventy-two (72) hours under Administrative Code Chapter 12W and forty-eight (48) hours under Labor Code Section 245-249.

**Sec. 420.10**     **Sick Leave with Pay - Restrictions**

- 420.10.1**     Sick leave with pay, beyond that authorized by law, is a privilege recognized by Charter and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or as otherwise defined in this Rule.

**Sec. 420.10 Sick Leave with Pay – Restrictions (cont.)**

- 420.10.2** Except for absences covered under Labor Code Section 233, the MTA Director of Transportation/Designee may require proof of incapacitation before granting sick leave with pay for any period of time and may withhold pay for failure to submit such proof provided that the employee had been previously notified in writing that such proof would be required for absences of less than five (5) working days.
- 420.10.3** The rate of earning and accumulating sick leave with pay credits and authorization for its use under this Rule shall in no way inhibit or restrict the right of the MTA Director of Transportation/Designee to establish standards of attendance.

**Sec. 420.11 Prohibition Against Employment While on Sick Leave with Pay**

- 420.11.1** Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the MTA Director of Transportation/Designee, grants permission for the employee to engage in a secondary employment subject to the provisions of these Rules governing such employment.
- 420.11.2** Violators of this section are subject to disciplinary action as provided in the Charter.

**Sec. 420.12 Calculation of Sick Leave with Pay Credits**

- 420.12.1** Unless otherwise provided in this Rule or by ordinance, sick leave with pay credits shall be earned at the rate of .05 hours for each hour of regularly scheduled paid service excluding, overtime exceeding forty (40) hours per week and holiday pay, except that an employee on disability leave shall earn sick leave with pay credits at the normal rate.
- 420.12.2** Exempt employees shall accrue paid sick leave at a rate of one (1) hour per every thirty (30) hours worked, excluding holiday pay.

**Sec. 420.13 Disbursement of Sick Leave with Pay Credits**

Sick leave with pay credits shall be used and deducted at the minimum rate in units of one (1) hour for those employees whose credits are calculated in hours.

**Sec. 420.14 Conversion of Sick Leave with Pay Credits from Days to Hours**

Sick leave with pay credit balances shall be converted from days to hours based on the equivalent number of hours in such employee's sick leave with pay credit balances. The equivalent number of hours shall be based on the employee's authorized normal daily work schedule in effect

**Sec. 420.14**      **Conversion of Sick Leave with Pay Credits from Days to Hours (cont.)**

on the effective date of this amended Rule, except if the MTA Director of Transportation/Designee determines that such conversion is inequitable and allows another formula to be used.

**Sec. 420.15**      **Employees Injured by Battery**

**420.15.1**      An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.

**420.15.2**      Sick leave with pay under this section shall be known as "leave due to battery" and shall be subject to approval by the MTA Director of Transportation/Designee. The MTA Director of Transportation/Designee shall make such investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the MTA Director of Transportation/Designee.

**420.15.3**      The decision of the MTA Director of Transportation/Designee may be appealed to the Civil Service Commission whose decision is final.

**420.15.4**      Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

**Sec. 420.16**      **Appeal of Denial of Sick Leave with Pay**

Denial of sick leave with pay to an appointee who is eligible and qualified for such leave is appealable as provided elsewhere in this Rule.

**Sec. 420.17**      **Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance**

**420.17.1**      An employee who had accumulated unused sick leave with pay credits and who had completed the service requirement on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

**Sec. 420.17      Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)**

**420.17.1 (cont.)**

<b>Schedule of Service Requirements and Allowances for Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance at the Time of Retirement, Separation Because of Accident or Death</b>	
<b>Service Requirement</b>	<b>Amount of Cash Reimbursement</b>
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%
Up to and including 5 continuous years of service	33.3%

**420.17.2** Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

- 1) The MTA Director of Transportation/Designee shall administer the provisions of this section.
- 2) Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used being deducted.
- 3) Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death, or at a later date when so selected by the employee, but within one (1) year of such retirement, separation or death.
- 4) Reimbursement is to be computed at the base rate of pay of an employee's permanent class, at the base rate of pay of the class of a temporary or provisional employee with no permanent status, or at the base rate of pay in a temporary or provisional appointment of an employee with permanent status in another class who has held such temporary or provisional appointment continuously for one or more years at the time of separation.



**Sec. 420.17**      **Reimbursement of Vested and Unused Accumulated Sick Leave  
with Pay Credits Balance (cont.)**

**420.17.2 (cont.)**

- 5) No reimbursement shall be made for unused sick leave with pay credits earned on or after December 6, 1978.
- 6) The enactment of this section is not intended to constitute additional compensation, nor be a part of the rate of pay of the employee, but is reimbursement for the vested and unused accumulated sick leave with pay credit balance to which an employee would have been entitled if the employee had not retired, separated due to industrial injury or died.

## **Rule 420**

### **Leaves of Absence**

#### **Article IV: Sick Leave without Pay**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

##### **Sec. 420.18 Sick Leave without Pay – Eligibility**

Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

##### **Sec. 420.19 Sick Leave without Pay – Temporary and Provisional Employees**

Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three (3) calendar months except for sick leave - maternity.

##### **Sec. 420.20 Sick Leave without Pay – Permanent Employees**

Sick leave without pay may be approved for permanent employees for the period of the illness provided that requests for prolonged leave shall be renewed every three (3) months and provided further that such leave shall not be extended beyond a period of one (1) continuous year unless there is a reasonable probability that additional leave will enable the employee to return to employment within a reasonable time.

##### **Sec. 420.21 Prohibition Against Employment While on Sick Leave Without Pay**

**420.21.1** Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the MTA Director of Transportation/Designee, grants permission for the employee to engage in outside employment.

**420.21.2** Violators of this section are subject to disciplinary action.

## **Rule 420**

### **Leaves of Absence**

#### **Article V: Compulsory Sick Leave**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.22      Compulsory Sick Leave**

- 420.22.1**      If the MTA Director of Transportation/Designee has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public and the employee, may require the employee to present a medical report from a physician designated by the MTA Director of Transportation/Designee certifying the employee's medical or physical competency to perform the required duties.
- 420.22.1.2**    If the employee refuses to obtain such physician's certificate or if as a result of a medical evaluation, the employee is found not to be medically or physically competent, the MTA Director of Transportation/Designee may place the employee on compulsory sick leave.
- 420.22.3**      An employee shall remain on compulsory sick leave until such time as the employee is found to be competent to return to duty by a physician designated by the MTA Director of Transportation/Designee, but such leave shall not exceed the maximum period of sick leave provided in this Rule.
- 420.22.4**      The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Medical Examination Rule.
- 420.22.5**      An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable.

## **Rule 420**

### **Leaves of Absence**

#### **Article VI: Disability Leave**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.23**      **Disability Leave**

- 420.23.1**      Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.
- 420.23.2**      An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than ninety (90) days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's supplemental disability credits so as to equal the full salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave.
- 420.23.3**      Supplemental disability credits shall be an account separate from, but equivalent to, the employee's accumulated unused sick leave with pay credit balance except that the supplemental disability credit account shall be adjusted as provided below.
- 420.23.4**      Failure to exercise the option to supplement disability indemnity payments within ninety (90) calendar days following release from disability leave will preclude later requests.
- 420.23.5**      Supplemental disability credits shall be used at the minimum rate in units of one (1) hour.
- 420.23.6**      The employee's department shall submit separate timerolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.
- 420.23.7**      Salary may be paid on regular timerolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.

**Sec. 420.23**      **Disability Leave (cont.)**

- 420.23.8**      When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for the amount of sick leave with pay credits charged and paid.
- 420.23.9**      An employee who uses supplemental disability credits to supplement disability indemnity payments shall, while on disability leave, earn supplemental disability credits at the same rate as sick leave with pay credits.
- 420.23.10**      Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.
- 420.23.11**      Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for the amount of supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.

**Sec. 420.24**      **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance**

- 420.24.1**      Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one (1) hour.
- 420.24.2**      SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one-hour provides up to, but does not exceed, the regular gross salary the employee would have received for the normal work schedule excluding overtime.
- 420.24.3**      An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on the prescribed form to the MTA Director of Transportation/Designee within seven (7) calendar days following the first date of absence.

**Sec. 420.24**      **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance (cont.)**

- 420.24.4**      Employees who are supplementing SDI earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.

## **Rule 420**

### **Leaves of Absence**

#### **Article VII: Military, War Effort and Sea Duty Leaves**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.25      Military Leave**

**420.25.1**      Military leave is governed by the provisions of applicable Federal and State laws, by Charter provision and by this Rule.

#### **420.25.2      Time of War - Definition**

The phrase "time of war" is defined elsewhere in these Rules.

#### **420.25.3      Military Leave - Time of War**

Leaves of absence shall be granted to officers and employees for service in the armed forces of the United States or the State of California or for service on ships operated by or for the United States government in time of war and for a period not to exceed three (3) months after the conclusion of such service, but not later than one (1) year after the cessation of hostilities, except in case of disability incurred while in active service with the armed forces or the merchant marines when such disability shall extend beyond such period.

#### **420.25.4      Military Leave – Time of Peace**

Whenever any officer or employee shall, by order of the government of the United States or by lawful order of any of its departments or officers, or by lawful order of the State of California, or any of its departments or officers, be directed in time of peace to report and serve in the armed forces of the United States, or in the armed forces of the State of California, said officer or employee shall be entitled to a leave of absence from the employee's office or position during the time of such service and for a period not to exceed three (3) months after the expiration thereof.

**Sec. 420.25**      **Military Leave (cont.)****420.25.5      Military Leave – Permanent Appointees**

Any officer or employee on military leave, who prior to such leave has been appointed to a permanent position in the City and County service, shall be entitled to resume such position at the expiration of the leave, and in determining and fixing rights, seniority, salary and otherwise which have accrued and shall inure to the benefit of such officer or employee, the term of military leave shall be considered and accounted as part of the employee's service to the City and County.

**420.25.6      Military Leave – Proof of Duty**

Officers and employees requesting military leave shall file with the MTA Director of Transportation/Designee a copy of the orders necessitating such service prior to the effective date of the leave of absence and upon return from such leave shall submit a copy of the discharge or release.

**420.25.7      Military Leave – Salary While on Temporary Leave**

Employees who have been employed by the City and County or any other public agency or have been on military duty for a period of not less than one (1) year continuously prior to the date upon which temporary military leave not exceeding 180 calendar days begins shall, as required by the State of California Military and Veterans' Code (Section 395), receive their regular salary or compensation for a period not to exceed thirty (30) calendar days of such military leave in any fiscal year or more than thirty (30) calendar days during any period of continuous military leave.

**420.25.8      Military Leave – Eligible Not Reached for Certification While in Service - Time of War**

An eligible on a regular civil service list, who served on active military duty not including reserve service during time of war who presents an honorable discharge or certificate of honorable active service within one (1) year from the date of release from military service, shall be preferred for certification for a period of four (4) years after the cessation of hostilities in the order of standing upon the eligible list at the time of entrance into military service and before candidates procuring standing through an examination held subsequent to the entrance of such eligibles into the military service.



**Sec. 420.25      Military Leave (cont.)****420.25.9      Military Leave – Eligibles Reached for Certification**

If while in the military service, the name of an eligible was reached for certification to a permanent position and the eligible presents an honorable discharge or certificate of honorable active service within one hundred and 120 days from the date of release from active military duty not including reserve service during time of war, the eligible shall be certified to a position in the class for which so reached; and, for all purposes of seniority, the date of [appointment following](#) certification if appointed, shall be deemed to be the date when the eligible was reached for certification while in the military service. A person appointed in accordance with this section shall serve the required probationary period. An eligible who is offered appointment in accordance with the provisions of this section and who waives appointment and is subsequently ~~certifi~~[appointed following subsequent certification](#) after withdrawal of waiver shall have seniority as of the date of such ~~appointment~~[certification](#).

**420.25.10      Military Leave – Participants in Written Examinations**

Persons who participate in a written examination and who present their orders or other proof of service within 120 days from the date of release from active military service in time of war shall be allowed to participate in the remaining parts of the examination. If they meet all the eligibility qualifications, they shall be ~~certifi~~[appointed following certification](#) as of the date they would have been reached for certification in accordance with their rank based on the entire examination.

**420.25.11      Military Leave – Employees or Officers Not Subject to Civil Service Examination**

Military leave to an elected or appointed officer, appointed for a definite period of time, shall not be extended beyond the period of time for which elected or appointed, provided that if such officer is re-elected or reappointed, then military leave shall be automatically extended for such ensuing period of time.

Military leave to an employee occupying a position exempt from civil service examination shall not extend beyond the period of time for which the employee's appointing officer was elected or appointed.

**Sec. 420.26**      **War Effort Leave**

The Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees during time of war for service directly connected with the prosecution of the war or national defense or preparedness.

**Sec. 420.27**      **Leave for Sea Duty as Licensed Officers**

In time of war or while any act authorizing compulsory military service or training is in effect, the Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees for sea duty as licensed officers aboard ships operated by or for the United States government. The Commission shall amend this section to implement such ordinance.

**Sec. 420.28**      **Leave for Spouse or Registered Domestic Partner During Leave from Deployment of Qualified Member**

**420.28.1**      In compliance with the State of California Military and Veterans Code, an eligible employee who is a spouse or registered domestic partner of a qualified member of the Armed Forces, National Guard, or Reserves shall be allowed to take up to ten (10) days of leave during a period of leave from deployment of the qualified member.

**420.28.2**      An “eligible employee” is an employee who meets all of the following conditions:

- 1) is a spouse or registered domestic partner of a qualified member;
- 2) works on average twenty (20) or more hours per week and is not an independent contractor;
- 3) provides notice to the City, within two (2) business days of receiving official notice that the qualified member will be on leave from deployment, of his or her intention to take leave; and
- 4) submits written documentation to the City, certifying that the qualified member will be on leave from deployment during the time of leave.

**420.28.3**      A “qualified member” is any of the following:

- 1) A member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or
- 2) A member of the National Guard who has been deployed during a period of military conflict; or
- 3) A member of the Reserves who has been deployed during a period of military conflict.

## **Rule 420**

### **Leaves of Absence**

#### **Article VIII: Unpaid Administrative Leave or Furlough**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 420.29 Unpaid Administrative Leave or Furlough**

##### **420.29.1 General Provisions**

- 1) Notwithstanding the layoff and involuntary leave provisions or any other provisions of these Rules, the MTA Director of Transportation/Designee is authorized to impose unpaid administrative leave (furlough) on any MTA employee as provided in this section. The imposition of furloughs shall be subject to receipt of a Projected Deficit Notice (PDN) from the Controller stating that the department's budget will be insufficient to support the department's level of spending through the end of the fiscal year.
- 2) The authority of the MTA Director of Transportation/Designee to impose furloughs shall be limited to those furloughs necessary to correct the projected deficit identified by the Controller.
- 3) This Rule shall apply to all employees of the City and County.
- 4) No provision of Layoff and Involuntary Leave, including but not limited to any provision regarding the order of layoff, displacement of less senior employees, or reinstatement, shall be applicable to any employees furloughed hereunder.

##### **420.29.2 Voluntary Unpaid Time Off**

- 1) Prior to imposing a furlough on any employee, the MTA Director of Transportation/Designee shall attempt to determine, to the extent feasible and with due consideration for the time constraints which may exist for eliminating the projected deficit, the interest of employees within the appointing officer's jurisdiction in taking unpaid personal time off on a voluntary basis.

**Sec. 420.29****Unpaid Administrative Leave or Furlough (cont.)****420.29.2 Voluntary Unpaid Time Off (cont.)**

2) The MTA Director of Transportation/Designee shall have full discretion to approve or deny requests for voluntary unpaid time off based on the operational needs of the department and any court decrees or orders pertinent thereto. The decision of the MTA Director of Transportation/Designee shall be final except in cases where requests for voluntary unpaid time off in excess of ten working days are denied. In such cases, an employee may appeal in accordance with the procedures provided below for appealing imposition of furlough.

3) An employee shall be entitled to take up to ten (10) unpaid days per fiscal year at the rate of no more than five (5) days in a three (3) month period, at the employee's discretion, upon at least fifteen (15) calendar days prior written notice to the employee's appointing officer. Such request shall not be denied except for the reason of a requirement that such position be filled on an overtime or premium pay basis, for essential operational needs or the requirements of a court decree or order.

**420.29.3 Furloughs**

1) The MTA Director of Transportation/Designee is encouraged to furlough entire operational units within departments rather than individual employees; or stagger work hours within an operational unit on a reduced hours basis. The decision of the appointing officer to impose furloughs under this subsection, and the appointing officer's determination of what constitutes an operational unit, shall be final.

2) Where, in the discretion of the MTA Director of Transportation/Designee, furlough of an operational unit as prescribed above is not feasible, individual employees within an operational unit may be furloughed.

3) To the extent practicable, furlough shall be equitably distributed among all of the employees within the affected operational unit to which the Projected Deficit Notice (PDN) has application; and, all of the employees in the affected class(es).

**Sec. 420.29 Unpaid Administrative Leave or Furlough (cont.)****420.29.3 Furloughs (cont.)**

4) In determining which employees to furlough, the MTA Director of Transportation/Designee shall consider citywide seniority within a class as well as considering the operational needs of the MTA.

5) In no event shall furlough be imposed upon an employee for more than four (4) days in any three (3) month period or ten (10) days in any fiscal year. Voluntary time off not to exceed a total of five (5) days per quarter or ten (10) days per year, approved pursuant to this section, shall be credited toward the maximum number of furlough days which may be imposed pursuant to this Rule.

6) Employees placed on furlough pursuant to this section shall be notified in writing at least fifteen (15) calendar days in advance of the effective date for the furlough.

7) The decision to furlough an individual employee within an operational unit shall be final except that an employee given notice of a furlough, which taken together with an employee's prior furloughs in the same fiscal year would exceed five (5) working days within any six (6) month period, may file an appeal. Such appeals must be in writing and filed within three (3) calendar days of the date of the notice of furlough with the MTA Director of Transportation/Designee. The MTA Director of Transportation, the Mayor and the Controller, or their designees, who shall meet on no less than twenty-four (24) hours public notice. The determination regarding the appeal shall be rendered within seven (7) calendar days of the date of the appeal. This decision is final and shall not be reconsidered by the Commission. The MTA Director of Transportation/Designee shall notify the employee of the decision prior to the effective date of the furlough.

**420.29.4 Restrictions on Use of Paid Time Off While on Voluntary Unpaid Time Off or Furlough**

1) All voluntary unpaid time off or furlough imposed or granted pursuant to this section shall be without pay.

2) Employees granted voluntary unpaid time off or placed on furlough are precluded from using sick leave with pay credits, vacation credits, compensatory time off credits, floating holidays, training days or any other form of pay for the time period involved.

**Sec. 420.29**      **Unpaid Administrative Leave or Furlough (cont.)****420.29.5**      **Imposition of Furlough - Fair Labor Standards Act (FLSA) Restrictions**

1) Furlough for employees who are non-exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one (1) hour.

2) Furlough for employees who are exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one (1) day.

**420.29.6**      **Vacation and Sick Leave with Pay Accruals While on Voluntary Unpaid Time Off or Furlough**

Subject to passage of necessary ordinances by the Board of Supervisors, vacation and sick leave with pay accruals shall continue during a maximum of ten (10) days of furlough in any fiscal year, or a maximum of twenty (20) days for approved voluntary unpaid time off taken pursuant to this Section in any fiscal year.

**420.29.7**      **Duration and Revocation of Voluntary Unpaid Time Off or Furlough**

Furlough imposed upon an employee shall remain in force for the period specified in the written notice unless sooner revoked by written notice from the MTA Director of Transportation/Designee. Approved voluntary unpaid time off taken pursuant to this section may not be changed by the MTA Director of Transportation/Designee without the employee's consent.

**420.29.8**      **Resolution of Disputes**

Except as provided elsewhere in this section, the MTA Director of Transportation/Designee shall act on all disputes arising out of the application or implementation of the provisions of this section. The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission.

## **Rule 420**

### **Leaves of Absence**

#### **Article IX: Other Leaves of Absence**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

##### **Sec. 420.30**      **Leave to Accept Other City and County Position**

- 420.30.1**      Leave by an employee who has completed the probationary period to accept exempt or temporary appointment in the City and County service may be approved for the duration of such appointment. Such leave by a probationary employee is subject to the provisions of the Rule governing the Probationary Period.
- 420.30.2**      Denial of such leave by the MTA Director of Transportation/Designee is appealable as provided elsewhere in this Rule.

##### **Sec. 420.31**      **Educational Leave**

- 420.31.1**      Educational leave is defined as leave for the purpose of educational or vocational training in a field related to the employee's current position and as any training to which a veteran is entitled pursuant to the laws of the United States or the State of California.
- 420.31.2**      Educational leave may be approved for permanent appointees for a period of up to one (1) year. Requests for educational leave of longer than one (1) year must be renewed each year.
- 420.31.3**      Denial of educational leave is appealable as provided elsewhere in this Rule.
- 420.31.4**      An employee on educational leave shall not accept other employment without approval of the MTA Director of Transportation/Designee.
- 420.31.5**      As soon as records are available, the employee shall periodically present to the MTA Director of Transportation/Designee a record of completed educational work. These records shall be maintained in such a manner as to be readily available for audit. Failure to submit an acceptable record of completed educational work shall subject the employee to disciplinary action as provided in the Charter.

**Sec. 420.32**      **Leave for Civilian Service in the National Interest**

- 420.32.1**      Civilian service in the national interest is defined as leave to serve with a Federal, state or other public agency or non-profit organization in a program or in a capacity which the MTA Director of Transportation/Designee deems to be in the national or general public interest.
- 420.32.2**      Such leave may be approved for permanent appointees for a period of up to one (1) year. Requests for such leave of longer than one (1) year must be renewed each year.
- 420.32.3**      Denial of such leave is appealable as provided elsewhere in this Rule.

**Sec. 420.33**      **Leave for Employment as an Employee Organization Officer or Representative**

- 420.33.1**      Leave for employment as an employee organization officer or representative is defined as leave to serve full-time as an officer or representative of an employee organization whose membership includes City employees, or to attend a convention or other type of business meeting of an employee organization as an officer or delegate of the employee organization.
- 420.33.2**      Leave for permanent appointees may be approved for the duration of such service.
- 420.33.3**      Denial of such leave is appealable as provided elsewhere in this Rule.

**Sec. 420.34**      **Family Care Leave****420.34.1**      **Definition of Family**

A unit of interdependent and interacting persons, related together over time by strong social and emotional bonds and/or by ties of marriage, birth, and adoption, whose central purpose is to create, maintain, and promote the social, mental, physical and emotional development and well being of each of its members.

- 420.34.2**      Permanent employees who have one (1) or more years of continuous service in any status may be granted up to one (1) year of unpaid family care leave for the following reasons:

- 1) The birth of a biological child of the employee;



**Sec. 420.34**      **Family Care Leave (cont.)****420.34.2**      **(cont.)**

2) The assumption by the employee of parenting or child rearing responsibilities. Family care leave does not apply to an employee who temporarily cares for a child for compensation, such as a paid child care worker;

3) The serious illness or health condition of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities; or

4) The mental or physical impairment of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities, which impairment renders that person incapable of self-care.

**420.34.3**      Family care leave is unpaid leave. Such leave may be granted in addition to accumulated compensatory time off, vacation time, floating holiday time or sick leave as specified under Sick Leave - Illness or Medical Appointment of Child, Parent, Spouse or Registered Domestic Partner.

**420.34.4**      Denial of family care leave is appealable as provided elsewhere in this Rule.

**Sec. 420.35**      **Witness or Jury Duty Leave**

**420.35.1**      An employee who is summoned as a witness on behalf of the City and County or juror for a judicial proceeding shall be entitled to leave with pay less the amount of juror or witness fee paid for the period required for such service (Charter Section A8.400G). An employee who is summoned to serve as a witness in cases which involve outside employment or personal business affairs shall be placed on leave without pay unless vacation leave or compensatory time is requested and granted.

**420.35.2**      Paid witness or jury duty leave shall be only from an employee's scheduled duty time and shall not include hours outside of scheduled hours of work or on days off.

**Sec. 420.35**      **Witness or Jury Duty Leave (cont.)**

- 420.35.3**      Such employees shall notify the MTA Director of Transportation/Designee immediately upon receiving notice of jury duty.
- 420.35.4**      An employee who takes vacation leave while on witness or jury duty leave shall receive regular salary.
- 420.35.5**      Refer to the Probationary Period Rule on leave during the probationary period.

**Sec. 420.36**      **Holiday Leave**

Holiday leave shall be as provided by ordinance of the Board of Supervisors.

**Sec. 420.37**      **Vacation Leave**

Vacation leave shall be as provided in the Charter and by ordinance of the Board of Supervisors.

**Sec. 420.38**      **Involuntary Leave of Absence**

- 420.38.1**      Whenever it becomes necessary to effect a reduction in force due to lack of work or lack of funds which shall result in the displacement of a permanent or probationary appointee from the City and County service, the MTA Director of Transportation/Designee, notwithstanding other provisions of these Rules governing leaves of absence, shall place such employees on a leave of absence of an involuntary nature unless the employee elects to be laid off.
- 420.38.2**      Such reductions in force shall be effected by the provisions of this Rule governing seniority and order of layoff.
- 420.38.3**      Employees placed on an involuntary leave of absence shall be ranked on the holdover roster for the class from which laid off and shall be returned to duty as provided in this Rule.
- 420.38.4**      Leaves of absence imposed under the provisions of this Rule shall expire upon the return to duty of the holdover, upon the expiration of holdover status, or upon written request of the employee to elect to be laid off while on involuntary leave.

**Sec. 420.39**      **Religious Leave**

- 420.39.1**      Employees may be granted leave when personal religious beliefs require that the employee abstain from work during certain periods of the work day or work week. Such leave shall be known as "Religious Leave."
- 420.39.2**      Religious leave shall be without pay unless the employee elects to use accumulated compensatory time off, vacation time, or floating holiday time.
- 420.39.3**      Denial of religious leave is appealable as provided elsewhere in this Rule.

**Sec. 420.40**      **Personal Leave**

- 420.40.1**      Personal leave is defined as leave for reasons other than those covered in other sections of this Rule.
- 420.40.2**      Personal leave for permanent employees may be approved for a period of up to twelve (12) months within any two-year period. Personal leave for temporary or provisional employees may be approved only if replacement of the employee is not required and for a maximum of one (1) month.
- 420.40.3**      The MTA Director of Transportation/Designee may for reasons deemed to be in the best interest of the service approve extension of personal leave for permanent employees beyond a twelve (12) month period.

## **Rule 420**

### **Leaves of Absence**

#### **Article X: Appeal Procedures**

Applicability: Rule 420 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 420 may be superseded in whole or in part by the collective bargaining agreement. However, all definitions in this Rule are applicable to employees in all classes.

##### **Sec. 420.41**      **Appeal Procedures**

**420.41.1**      Appeals concerning furloughs or voluntary unpaid time off are excluded from appeal under this section and are appealable as provided elsewhere in this Rule.

**420.41.2**      In cases where appeal is specifically granted in this Rule, a dispute concerning the application or implementation of the provisions of this Rule shall be processed EITHER, at the option of the employee:

1) in accordance with the grievance procedure provided for unrepresented employees or in a collective bargaining agreement;

2) by appeal in writing to the MTA Director of Transportation/Designee, whose decision shall be final and shall not be reconsidered by the Commission. A decision under one option shall preclude the use of the other option.

## **Rule 421**

### **Layoff**

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superseded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

<b><u>Article I</u></b>	<b><u>Rules Prescribed - Authority</u></b>
<b><u>Article II</u></b>	<b><u>Seniority</u></b>
<b><u>Article III</u></b>	<b><u>Order of Layoff</u></b>
<b><u>Article IV</u></b>	<b><u>Layoff - Provisional and Temporary Appointees</u></b>
<b><u>Article V</u></b>	<b><u>Layoff - Probationary Appointees</u></b>
<b><u>Article VI</u></b>	<b><u>Layoff - Permanent Appointees</u></b>

# **Rule 421**

## **Layoff**

### **Article I: Rules Prescribed - Authority**

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 421.1**      **Rules Prescribed - Authority**

- 421.1.1**      Under the authority of Section 10.101 of the Charter of the City and County of San Francisco, the Civil Service Commission of the City and County of San Francisco does prescribe and adopt the following Rule which shall have the force and effect of law.
- 421.1.2**      The MTA Director of Transportation/Designee shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls as may be necessary.
- 421.1.3**      In all matters pertaining to interpretation of this Rule, the decision of the Commission shall be final.

# Rule 421

## Layoff

### Article II: Seniority

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 421.2**      **Determination of Seniority**

**421.2.1**      Except as may otherwise be provided in this Rule, seniority shall be determined as follows:

**1)      Permanent**

Seniority for permanent appointees shall be determined by the date of ~~certification which resulted in a~~ permanent appointment [following certification](#) to a position in a class in a department. Seniority for appointees granted status or permanent tenure to a class shall be determined by the date of [citywide seniority as defined in these Rules](#) ~~certification~~ in the class from which status or permanent tenure was granted.

**2)      Temporary from Eligible List**

Seniority for temporary employees appointed from an eligible list shall be determined by the date of [citywide seniority as defined in these Rules from](#) certification which resulted in a temporary appointment to a position in a class in a department.

**3)      Limited Tenure**

Section 421.2.1 (3) of Article II, Rule 421, apply only to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Seniority for limited tenure appointees shall be determined by the date an appointee starts to work in a current continuous limited tenure appointment in a department. Seniority in the event of ties shall be determined by the MTA Director of Transportation/Designee whose decision shall be final. For purposes of calculating the seniority of non-civil service or limited tenure employees, all periods of time served in the most recent continuous temporary or limited tenure appointment shall be combined and the cumulative total derived thereby shall be used to determine seniority.

**Sec. 421.2**      **Determination of Seniority (cont.)**

- 421.2.2**      Excluding involuntary leave as provided elsewhere in this Rule, seniority shall not be affected or reduced by current or previous periods of authorized leave of absence or authorized reduction in work schedules.
- 421.2.3**      In calculating permanent seniority in a class, temporary seniority in the same class shall not be added to permanent seniority in a class.
- 421.2.4**      In calculating temporary seniority in a class, permanent seniority in the same class shall be added to temporary seniority in a class.
- 421.2.5**      Seniority acquired in a recognized craft apprenticeship program with the City and County shall be added to seniority in the journey-level class.

**Sec. 421.3**      **Tie Scores in Seniority**

- 421.3.1**      In the event of ties, seniority of civil service appointees shall be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive lists have absolute priority over entrance lists.
- 421.3.2**      In the event of a tie in rank among appointees from lists of eligibles adopted on or after December 6, 1991, the methods listed below shall be used to determine seniority in the following order of priority until the tie is broken. First, the appointee with the longest continuous service in the class under permanent civil service appointment regardless of department shall be ranked above appointees with lesser service in the class; then, the appointee with the longest continuous citywide service under permanent civil service appointment regardless of class shall be ranked above appointees with lesser citywide service; finally, if the tie has not been broken by the preceding methods, it shall be broken by lot in the manner prescribed by the MTA Director of Transportation/Designee and conducted under the supervision of the MTA Director of Transportation/Designee. The decision of the MTA Director of Transportation/Designee shall be final and shall not be reconsidered by the Commission. In no case shall service before resignation and reappointment or discharge and reemployment be included in determining length of service for the purposes of this section.



**Sec. 421.4**      **Establishment and Verification of Seniority Roster**

- 421.4.1**      When a layoff is imminent, the MTA Director of Transportation/Designee shall notify the City's Department of Human Resources as to the class or classes affected.
- 421.4.2**      If requested by the City's Human Resources Director, the MTA Director of Transportation/Designee shall provide a seniority roster including, but not limited to, the name, status, ~~certification~~citywide seniority date, and rank on eligible list of all employees in the affected classes and the number of such employees to be laid off.
- 421.4.3**      The City's Human Resources Director ~~MTA Director of Transportation/Designee, upon verification of~~ shall validate the seniority roster, shall notify the City's Director of Human Resources of the names provided by the MTA Director of Transportation/Designee of those employees to be laid off.
- 421.4.4**      Whenever possible the MTA Director of Transportation/Designee must notify affected employees sufficiently in advance of a layoff.

## **Rule 421**

### **Layoff**

#### **Article III: Order of Layoff**

**Applicability:** Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 421.5**      **Order of Layoff**

Except as may otherwise be provided in this Rule, layoff of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

- 421.5.1**      Provisional /Non-Civil Service/Limited Tenure
- 421.5.2**      Temporary From Eligible List
- 421.5.3**      Probationary
- 421.5.4**      Permanent

#### **Sec. 421.6**      **Exceptions to Order of Layoff**

- 421.6.1**      Provisional or limited tenure employees, who qualified for their positions as a result of meeting specific hiring criteria and who are appointed under specific funding guidelines which limit the duration of employment shall be laid off at the end of their designated tenure without effect on any other employees.
- 421.6.2**      Persons appointed to positions requiring special qualifications or skills shall be laid off when the work requiring such special qualifications or skills is completed, providing such appointees shall have rights to continue employment within their class in positions where the special qualifications or skills are not required if their name has been reached for certification to a regular position.
- 421.6.3**      In the event of a layoff, a person appointed to a position requiring special qualifications or skills as approved by the MTA Director of Transportation/Designee shall continue in the position unless a more senior employee or holdover in the class in which the layoff occurs possesses the same qualifications and skills. The MTA Director of Transportation/Designee may administer such tests as deemed necessary to determine possession of special qualifications and skills.

**Sec. 421.6**      **Exceptions to Order of Layoff (cont.)**

**421.6.4**      All exceptions to the order of layoff shall require the express approval of the MTA Director of Transportation/Designee.

## **Rule 421**

### **Layoff**

#### **Article IV: Layoff - Provisional and Temporary Appointees**

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superseded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

##### **Sec. 421.7**      **Layoff - Provisional Appointees**

Except as provided, provisional appointees shall be laid off at the discretion of the MTA Director of Transportation/Designee; except that entrance provisional employees shall be laid off prior to the layoff of any promotive provisional appointees in the same class. Provisional appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

##### **Sec. 421.8**      **Layoff - Non-Civil Service Appointees**

Section 421.8 of Article IV, Rule 421, shall apply only to all Service-Critical classes of the Municipal Transportation Agency (MTA) represented by the Transport Workers Union (TWU), Locals 200 and 250A.

Non-civil service appointees shall be laid off at the discretion of the MTA Director of Transportation/Designee. Non-civil service employees who were previously limited tenure or temporary civil service in a current continuous appointment shall be treated as limited tenure for the purposes of layoff.

##### **Sec. 421.9**      **Layoff - Limited Tenure Appointees**

Section 421.9 of Article IV, Rule 421, shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by Transport Workers Union (TWU) - Locals 200 and 250A.

The layoff of a limited tenure appointee shall be governed by the following provisions:

- 421.9.1**      The limited tenure appointee with the least seniority in the class in the department shall be laid off first except if a more senior limited tenure appointee elects to be laid off. In the event of a conflict, the limited tenure appointee with the greater seniority shall have preference.

**Sec. 421.9**      **Layoff - Limited Tenure Appointees (cont.)**

Section 421.9 of Article IV, Rule 421, shall apply only to Service-Critical classes of the Municipal Transportation Agency (MTA) represented by Transport Workers Union (TWU) - Locals 200 and 250A.

**421.9.2**      Entrance limited tenure employees shall be laid off prior to the layoff of any promotional limited tenure appointees in the same class.

**421.9.3**      Limited tenure appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

**Sec. 421.10**      **Temporary Appointees from Eligible List**

**421.10.1**      Order of layoff for temporary appointees shall be by class within a department, by inverse order of seniority except if a more senior temporary appointee elects to be laid off. In the event of a conflict, the temporary appointee with the greater seniority shall have preference.

**421.10.2**      The names of temporary appointees who are laid off shall be returned to the eligible lists from which appointed for further certification if such lists are still in existence.

## Rule 421

### Layoff

#### Article V: Layoff - Probationary Appointees

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superceded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### Sec. 421.11      Layoff - Probationary Appointees

**421.11.1** Probationary appointees shall be laid off in inverse order of the date of— citywide seniority as defined in these Rules~~permanent certification~~, except if a more senior probationary or permanent appointee elects to be laid off. In the event of a conflict, the probationary or permanent appointee with the greater seniority shall have preference.

**421.11.2** As provided elsewhere in these Rules, a probationary appointee, regardless of length of service, may displace any temporary appointee including part-time exempt, in the same class in any department.

## **Rule 421**

### **Layoff**

#### **Article VI: Layoff - Permanent Appointees**

Applicability: Rule 421 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA), except that the provisions of Rule 421 may be superseded in whole or in part by the collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in this Rule are applicable to employees in all classes.

#### **Sec. 421.12**      **Layoff - Permanent Appointees**

- 421.12.1**      Layoff of permanent appointees shall be by class in a department in inverse order of seniority except if a more senior permanent appointee elects to be laid off. In the event of a conflict, the permanent appointee with the greater seniority shall have preference.
- 421.12.2**      Layoff shall be treated separately under each appointing officer except that permanent and probationary employees may displace other permanent or probationary employees in the same class with less seniority in any department.

#### **Sec. 421.13**      **Reinstatement from Entrance Appointment**

An employee laid off from an entrance appointment shall be either:

- 421.13.1**      Restored to a position in a class and department which the employee held on a permanent basis immediately prior to appointment in the class from which laid off. If necessary, layoffs in the classes affected shall follow;
- 421.13.2**      or, as directed by the City's Human Resources Director, appointed in rank order of seniority to a position not filled by a permanent employee in any other city department in the class held on a permanent basis immediately prior to appointment in the class from which laid off;

**Sec. 421.13**      **Reinstatement from Entrance Appointment (cont.)**

- 421.13.3**      or, if options 1 and 2 are exhausted or if the employee had no permanent status prior to appointment in the class from which laid off; the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred provided such action shall not adversely affect an incumbent certified from an eligible list. The City's Human Resources Director shall designate classes between departments and recommend such classes to the Commission. The MTA Director of Transportation/Designee shall make such designations and recommendations for classes within MTA.

**Sec. 421.14**      **Requirement for Probationary Period**

Reinstatement to a position other than the position in the class and department in which permanently employed immediately prior to appointment in the class from which laid off shall require the appointee to serve a new probationary period.

**Sec. 421.15**      **Seniority Date Upon Reinstatement**

- 421.15.1**      Employees who are reinstated to a position held on a permanent basis immediately prior to appointment in the class from which laid off shall return with their citywide ~~original~~ seniority date as defined in these Rules in the class.
- 421.15.2**      Employees who are reinstated to a position in which they have had no prior permanent service shall have seniority calculated from the date of citywide seniority as defined in these Rules ~~certification~~ to the class from which laid off.

**Sec. 421.16**      **Layoff - Promotive Appointees**

An employee laid off from a promotive appointment shall be either:

- 421.16.1**      Restored to a position in the class and department from which promoted. If necessary, layoffs in the classes affected shall follow;
- 421.16.2**      Or, as directed by the City's Human Resources Director, appointed in rank order of citywide seniority as defined in these Rules in the class to a position not filled by a permanent appointee in the class from which promoted in any other city department;



**Sec. 421.16**      **Layoff - Promotive Appointees (cont.)**

- 421.16.3** Or, if options 1 and 2 are exhausted, the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred or to an appropriate lower rank class provided such action shall not adversely affect the permanent incumbents. The City's Human Resources Director shall designate classes between departments and recommend such classes to the Commission. The MTA Director/Designee shall make such designations and recommendations for classes within MTA.
- 421.16.4** An employee who has completed the probationary period in a promotive appointment that is two or more steps higher in an occupational series than the permanent position from which promoted may be returned to a position in the City and County service in the next lower ranks. If necessary, layoffs in the classes affected shall follow.
- 421.16.5** For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of [citywide seniority as defined in these Rules](#)~~certification~~ in the higher class or in a class designated by the City's Human Resources Director or the MTA Director of Transportation/Designee as similarly related to the intermediate class.
- 421.16.6** If the employee laid off is the least senior employee in the intermediate rank(s), the employee shall be placed on holdover list(s) for such intermediate rank(s) and shall be restored to the class from which promoted.
- 421.16.7** Promotive employees who do not wish to be reinstated to a former class, a similarly-related class, or an intermediate class may waive such reinstatement and elect to be laid off or placed on involuntary leave. Such waiver shall not affect the employee's status on a holdover roster for the class from which laid off.

**Sec. 421.17**      **Higher Class Not Filled by Promotional Examination**

- 421.17.1** The Commission may order that the provisions of this Rule shall apply to appointees in higher classes in a class series even though the examination for such higher class was not held as a promotive examination or where appointees were blanketed in to such higher classes. If necessary, layoffs in the classes affected shall follow.

**Sec. 421.17**      **Higher Class Not Filled by Promotional Examination (cont.)**

**421.17.2**      For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of [citywide seniority as defined in these Rules](#) ~~certification~~ in the higher class or in a class designated by the City's Human Resources Director or the MTA Director of Transportation/Designee, as similarly related to the intermediate class.

**Sec. 421.18**      **Requirement for Probationary Period**

Reinstatement to a position other than the position in the class and department from which promoted shall require the appointee to serve a new probationary period.

**Sec. 421.19**      **Reinstatement with Employee's Original Seniority in the Class**

Employees who are reinstated from a promotive appointment are restored with their ~~original~~ [citywide](#) seniority [as defined in these Rules](#) in the class, if any.