

2009 Phase II Civil Service Reforms for Consideration by the Civil Service Commission

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Recommendations (change mechanisms).

P & P -- Would require changes in DNR/operating department policies and procedures.

CSR -- Would require an amendment/revision to the Civil Service Rules or a new Rule.

CSC Policy -- Would require a change in Civil Service Commission policy.

| # | Area | Reform Topic | Reform Options for Civil Service Commission's Consideration | Change Mechanism |
|---|------------|---|---|------------------|
| 1 | 1 - Hiring | Clarify that you cannot be credited with time served in a class you earned in violation of the Rules. | Re-insert the following language so that it is applicable to all employees: "Experience gained in violation of Commission Rule will not be recognized. It is the responsibility of the appointing officer and of the employee to have out-of-class experience recorded as provided elsewhere in these Rules." This provision used to be in the original consolidated Rules but the provision was omitted from the general provision applicable to all employees when they were reorganized into four volumes and now only applies to individuals in two bargaining units. NOTE: This recommendation is already underway, as the Commission has posted a revised Rule for adoption. | CSR |
| 2 | 1 - Hiring | Certification and Referral -- Set certification rules based on operational and business needs to allow for faster hiring and more discretion by hiring managers as appropriate. | (Also discussed in the May 2005 Civil Service Reform Policy Paper.) <ul style="list-style-type: none"> ~ Broaden the Default Certification Rule of Three Scores (for example, to the Rule of Seven or Rule of Ten), with changes to the default as determined appropriate by the HR Director based on operational and business needs in order to reduce examination development time, examination backlogs and hiring timelines. ~ Also, revise the Rules to provide that if the union does not respond to a request for a Certification Rule other than the default within a certain number of days (similar to Rule 211.4 of Volume II), that the proposed alternate Certification Rule shall be used since, as currently structured, unions of tentimes will not respond for several weeks or months, causing further delays. | CSR/P&P |
| 3 | 1 - Hiring | Examination Appeals -- Expedite the hiring process and create efficiencies in the examination process by streamlining appeals/protests and reducing the points of appeals. | (Issue of streamlining appeals is also discussed in the May 2005 Civil Service Reform Policy Paper.) <ul style="list-style-type: none"> ~ No longer calendar PBT matters deemed by the Executive Officer to be untimely or not appealable, and require that appeal matters first be reviewed/resolved by the Human Resources Director. ~ Require Candidates to File Protests on test administration matters at the test center. ~ In the event an appeal involving a rating of less than minimum passing is upheld, allow the appellant's score to be raised more than the minimum passing score, if appropriate. (Rule 111.15.3) ~ Eliminate appeals of an applicant's eligibility (minimum qualifications). ~ Eliminate appeals of test validity. ~ Eliminate appeals of background rejections (SFPD, SFFD, Department of Emergency Communications and Sheriff's Department) since they often require disclosure of extremely confidential information for which the appellant may not have notice and therefore an informed waiver. Moreover, discretion should be left to the appointing officer who is charged with the very important mission of ensuring public safety. | CSR/CSC Policy |
| 4 | 1 - Hiring | Civil Service Rules -- Create consistency and clarity in the examination administration provisions of the Rules. | Rules regarding the administration of examinations vary amongst the Volumes and depend on the bargaining unit. The Rules need to be revised to ensure that they are easily understood and consistently applied. Examples: <ul style="list-style-type: none"> ~ Announcements . create consistency in announcement posting periods, the amount of time the bargaining agent gets to review the draft announcement, the amount of time a tentative list is posted and the matters that can be protested/appealed. ~ Inspections . create consistency in the posting periods of tentative eligible lists and clarify what can be inspected in terms of examination materials. ~ In general, revise the Rules to provide overall consistency amongst the Volumes. | CSR |

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| 5 | 1 - Hiring | Promotive Appointments -- Facilitate promotiv e hiring by allowing departments to use closed promotive examinations more often to provide career ladders and expedite hiring. | Reissue CSC Policy #99-05 to mak e clear that, provided the requirements of Rule 111.34.1 (requirement f or competitive examination) are met, closed promotive examinations are allowed when appropriate in accordance with Commission policy, subject to rev iew by EEO and only upon approval by the Human Resources Director. | CSC Policy |
| 6 | 1 - Hiring | Promotive Appointments -- Allow f or promotive points for time served in non-PCS positions. | <ul style="list-style-type: none"> ~ Revise Rule 111 to recognize service in exempt or provisional employment to count towards promotiv e points (currently recognized in Rule 111A); and recognize exempt and provisional employees as promotiv e applicants. Note: recommendation is link ed to implementation of changes in promotive point allotment. ~ The Commission should also clarif y the allotment of Preference Points and Veteran ¢ Points for class-based and PBT exams. | CSR |
| 7 | 2 - EE Inv/Perf Mgmt | Clarify and simplify the Rules on Fitness for Duty. | Revise the Rules so that Fitness f or Duty provisions are more clear and located in one section of the Rules. | CSR |
| 8 | 2 - EE Inv/Perf Mgmt | Rule 115 -- Rules Related to Employment of Persons with Disabilities | <ul style="list-style-type: none"> ~ Article I: Exempt Employment of Individuals Who are Severely Disabled . Revise Rule to reflect recent changes in Department of Rehabilitation terminology. <ul style="list-style-type: none"> - Severely Disabled Significantly Disabled ~ Article II: Rules Related to the Americans with Disabilities Act . Update to reflect the City's current policies and practices on reasonable accommodations. <ul style="list-style-type: none"> - Reference to a thirty day timeframe for a search effort under Section 115.12.2 should be changed to sixty days, which is considered more reasonable. - Eliminate requirement that the indiv idual pass probation in their current class in order to be considered f or reassignment/accommodation under Sections 115.14.2 and 115.14.3. | CSR |
| 9 | 2 - EE Inv/Perf Mgmt | Rule 118 -- Scope of Outside Employment | <p>While the Commission has posted revisions to Rule 118 for adoption, it requires further expansion:</p> <ul style="list-style-type: none"> ~ Revise Rule 118 further so that any employee engaging in any outside employment (including business owners not doing business with the City) must request permission from the Human Resources Director; and ~ Expand the conflict of interest provisions to all individuals engaging in outside employment. | CSR |
| 10 | 2 - EE Inv/Perf Mgmt | Disability Leave - Assault Pay | <ul style="list-style-type: none"> ~ Revise the Rules to provide that an employee will not take home more pay while out on disability leav e receiving Assault Pay than while working to remove the economic incentive to remain out for longer periods of time, since such leav e is not taxed. ~ In the event a labor agreement provides for a dispute resolution process when Assault Pay is denied, def er to such process. | CSR |
| 11 | 2 - EE Inv/Perf Mgmt | Disability Leave - Shadow Account and SDI | Revise the Rules to provide that an employee will not take home more pay while out on disability leav e than while working to remove the economic incentive to remain out for longer periods of time, since such leav e is not taxed. | CSR |
| 12 | 2 - EE Inv/Perf Mgmt | Leaves of Absence for a Promotive Exempt Appointment | <ul style="list-style-type: none"> ~ Revise Rule 120.31.1 to clarify that leave to accept a promotive exempt appointment may be extended, subject to renewal on no less than an annual basis by the appointing officer, subject to appeal to the HR Director. ~ Revise the Rules to provide that an individual whose promotive leave (to accept a permanent exempt position) extends beyond X years cannot displace the incumbent (i.e., there must be a vacant requisition in that class in the department); if no such vacancy exists, the individual would be placed on the holdover roster to await placement in a vacant position in that classification in the City. | CSR/P&P |
| 13 | 3 - Separation | Layoffs/Bumping - Category 17 Displacements | To avoid unnecessary duplicative disruptions, revise and reissue CSC Policy #96-08 to prov ide that temporary exempt back fills under Charter exemption Category 17 are not subject to displacement. | CSC Policy |
| 14 | 3 - Separation | Layoffs - Bumping | Revise the Rules to eliminate the ability f or holdovers who resign, who are released or who ref use a placement to then displace prov isional employees. | CSR/ P&P |
| 15 | 3 - Separation | Layoffs - Nearlisting | Current Nearlisting processes hav e been operationalized through a patchwork of the Rules-- revise the Rules to clarify Nearlist status. | CSR/P&P |

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| 16 | 3 - Separation | Layoffs- Holdover Roster | (Also discussed in the May 2005 Civil Service Reform Policy Paper.) Change the Rules to limit the duration of holdover rosters to six months for employees with one to five years of permanent City service, one year for employees with five to ten years of permanent City service, and two years for employees with more than ten years of permanent City service. | CSR |
| 17 | 3 - Separation | Layoffs- Holdover Roster | Remove from the holdover roster any individual who refuses a placement in that class. | CSR |
| 18 | 3 - Separation | Layoffs - Seniority and Bumping | (Also discussed in the May 2005 Civil Service Reform Policy Paper.) Revisit seniority and regularize consistent with best practices to fully recognize an employee's seniority. Possible options for the Commission for consideration: <ul style="list-style-type: none"> ~ Redefine seniority in order to fully recognize an employee's citywide seniority in a classification (like in other jurisdictions) by either: <ol style="list-style-type: none"> 1) basing seniority on actual time worked in a classification, beginning with the start work date instead of the referral date and subtracting for leaves; or 2) calculating seniority based on regular paid hours in the class. ~ Limit displacement rights to individuals with five or more years of City service since currently even new employees with less than one month of service are entitled to displace other employees and remain on the holdover roster for five full years; and/or ~ Allow departments to layoff management employees by elimination of function (instead of seniority). | CSR |
| 19 | 4 - Governance | Appeals | Clarify bases and standards for appeals and require that appellants articulate an appealable matter prior to calendaring. Also delete the catch-all provisions in the Rules (Rule 105.12.1) and clarify what is and is not appealable. | CSR, CSC Policy |
| 20 | 4 - Governance | Civil Service Rules | (Also discussed in the May 2005 Civil Service Reform Policy Paper.) The Rules should be simplified and the four different volumes consolidated consistent with the division between core merit system guidelines and policies and procedures which implement those guidelines. They need to be completely revisited and overhauled: <ul style="list-style-type: none"> ~ Delete/update archaic/unnecessary provisions; ~ Delete repetitive provisions; ~ Delete provisions that indicate was provided elsewhere in the Rules +and specify exactly where the item is addressed in the Rules; ~ Move provisions so that subject matters are dealt with in one location (e.g., layoffs and fitness for duty); ~ Consolidate into one or two volumes; ~ Revise to eliminate inconsistencies both within and amongst the Volumes (e.g., revise the Rules so that "appeal" and "protest" are no longer used interchangeably; revise timeline provisions so they are consistent --working days vs. business days vs. calendar days; revise Rule 115 so provisions are consistent); etc. | CSR |
| 21 | 4 - Governance | Employee Relations Ordinance (ERO) | Update the Rules implementing the Employee Relations Ordinance (currently being revised). | CSR and Ordinance |
| 22 | 4 - Governance | Personal Services Contracts | Recommendations are still being vetted, but preliminary recommendations include: <ul style="list-style-type: none"> ~ Increase the threshold amount of the Commission's review, equivalent to the cost of the average City employee (as originally established), and amend annually based on the cost of the average City employee as certified by the Controller's Office; ~ Require departments to provide unions with more information in advance (30 days); ~ Revise the PSC request form to require more information than currently provided; and ~ Require that requests for PSCs to be severed from the Consent Agenda by date certain before the scheduled meeting. | CSC Policy |