

File No. 110790

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: September 22, 2011

Board of Supervisors Meeting

Date: _____

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Completed by: Andrea S. Ausberry

Date September 15, 2011

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

OFFICE OF THE MAYOR
SAN FRANCISCO



orig: GAO Clerk
COB, cpage
EDWIN M. LEE Leg Dep
MAYOR

August 15, 2011

The Honorable Katherine Feinstein
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

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BOARD OF SUPERVISORS
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Dear Judge Feinstein:

The following is in response to the 2010-2011 Civil Grand Jury report, "Hiring Practices of the City and County of San Francisco."

The City and County of San Francisco is committed to ensuring its hiring practices are fair and in compliance with all applicable Civil Service Rules. My office also remains committed to the goal of Civil Service Reform and I believe that it is important that we continue our efforts to critically evaluate our merit system to ensure that our personnel policies, rules and procedures remain fair, efficient and effective so that San Francisco can continue to provide San Franciscans with the highest quality workforce.

I appreciate the Civil Grand Jury's efforts to understand how the Department of Human Resources (DHR) and the Civil Service Commission (CSC) safeguard the rights of applicants and employees. However, I concur with the response submitted by DHR that the Civil Grand Jury report contains several inaccurate statements.

One central inaccuracy—that DHR has sought to decentralize authority for personnel decisions in order to expedite the hiring process—raises concerns about the validity of the Civil Grand Jury's overall report. As DHR states in its response, this inaccurate statement is attributable to a misreading by the Civil Grand Jury of DHR's 2005 policy paper entitled "Civil Service Reform: Preserving the Promise of Government". Although the Civil Grand Jury concludes this statement is a recommendation by DHR, this statement is actually a finding made by DHR and the Board of Supervisors' Office of Legislative Analyst (OLA) of practices that existed in other jurisdictions, and not San Francisco. Please see DHR's response for a more thorough explanation related to these oversights by the Civil Grand Jury.

While I have concerns about the accuracy of the Civil Grand Jury report, as referenced in DHR's response, I assure you that the City takes the hiring process seriously and will continue to refine our procedures to ensure equitability for applicants and efficiencies in hiring for departments. Recruiting and maintaining a high quality workforce is essential to providing the critical services that San Francisco residents expect and deserve from their city government.

The Mayor's Office responses to the Civil Grand Jury's findings are as follows:

Finding V: As the hiring process in the City becomes increasingly decentralized and PBT testing becomes more prevalent, there is growing doubt among some City workers that the Commission as currently staffed is able to protect their rights.

Response: Disagree. The City is not decentralizing the hiring process. This assertion stems from a misreading by the Civil Grand Jury of DHR's 2005 policy paper entitled "Civil Service Reform: Preserving the Promise of Government." The Civil Grand Jury misrepresents statistical figures regarding examination appeals, making it seem as though one of the City's most recent and extremely successful Civil Service Reform efforts—Position Based Testing—has resulted in a diminution of applicant appeal rights. Please see DHR's response for clarification on this point. With respect to an increase in Position Based Testing (PBT), as DHR mentions in its response, the CSC does not directly monitor hiring units and regardless of how many departments administer examinations, the same number of examinations would require oversight. Additionally, absent further information, I cannot agree with the assertion that current staffing levels at the CSC would imperil the ability of the CSC to protect the rights of city workers.

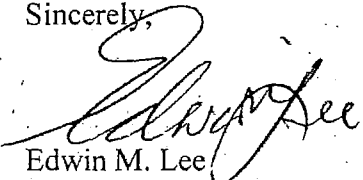
The Mayor's Office responses to the Civil Grand Jury's recommendations are as follows:

Recommendation A1: The Commission should be authorized to hire at least one additional senior personnel analyst.

Response: Recommendation Requires Further Analysis. The determination of appropriate staffing levels requires an analysis by the Mayor's Office and the department as to whether the department is able to perform its core functions as well as a consideration of the budgetary resources available annually. The CSC has stated that it takes seriously its role and responsibility to oversee the City's merit system and does believe its staff responds to complaints and concerns in a timely manner. The CSC has indicated in its response that any additional staffing would only enhance its operations. Any discussion related to increasing staffing will have to be made in the course of the budget development process.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

Sincerely,



Edwin M. Lee
Mayor

City and County of San Francisco



Department of Human Resources

Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

August 2, 2011

The Honorable Katherine Feinstein
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Subject: Grand Jury Report – "Hiring Practices of the City and County of San Francisco"
Published June 16, 2011

Dear Judge Feinstein:

The following serves as the Department of Human Resources' ("DHR") response to the 2010-2011 Civil Grand Jury's first four findings and recommendations as detailed in its report titled "Hiring Practices of the City and County of San Francisco" (herein after referred to as the "CGJ Report") in accordance with Penal Code Sections 933 and 933.05.

While we appreciate the Grand Jury's review, it contains several significant factual errors that must be addressed at the outset.

- The CGJ Report begins by implying that DHR's civil service reform efforts over the past few years have been focused on, and have resulted in an unprecedented decentralization of examinations and authority over personnel decisions throughout the City. This is incorrect.

Specifically, the CGJ Report states that one of the principal recommendations contained in DHR's 2005 policy paper titled, "Civil Service Reform: Preserving the Promise of Government" (herein after referred to as the "CSR Report"), was to expedite the hiring process by "decentralizing authority for personnel decisions from a central agency to operational agencies, especially for hiring." [See the CGJ Report at page 1.] This excerpt, however, was taken out of context from the CSR Report and was not one of DHR's forty-five reform recommendations.¹

Rather, DHR recommended the establishment of a faster merit-based permanent selection process with simplified appeals rights. [See recommendation 1f on pages 11 and 29 through 33 of the CSR Report.] The particular section of the report that the Civil Grand Jury has cited was actually a reference to a survey that found that many other jurisdictions have employed consistent strategies in their reform efforts over the last two decades, including but not limited to decentralization for personnel and hiring decisions. [See pages 5 and 6 of the CSR Report.]

It is also important to note that under the City's Administrative Code, it is the department heads—not DHR—who have authority over all personnel decisions in their respective departments, consistent with the Civil Service Rules.² As such, the Civil Grand Jury is incorrect in asserting

¹ The CSR Report is available on the DHR website at www.sfgov.org/DHR under the link "About DHR."

² In accordance with Charter Section 4.126, Administrative Code Section 2A provides as follows: "The department head shall act as the 'appointing officer' under the civil service provisions of the Charter for the appointing, disciplining and removal of such officers, assistants and employees as may be authorized."

that, "[T]he central thrust of the [CSR Report] was to expedite the hiring process by decentralizing authority for personnel decisions." [See the CGJ Report at page 2.]

The Civil Grand Jury also asserts that, up until DHR issued its CSR Report in 2005, "Responsibility for conducting and scoring examinations and drawing up eligibility lists for permanent positions in City government was centralized in the DHR." [See specifically page 1, and generally page 5 of the CGJ Report.] This statement is also incorrect. On the contrary, DHR had delegation agreements with a number of decentralized departmental human resources agencies prior to 2005 (e.g., the San Francisco Fire Department, the San Francisco Police Department, the San Francisco Public Utilities Commission, the San Francisco International Airport, etc.), whereby trained and highly skilled examination analysts in decentralized departments were, and continue to be, authorized to conduct examinations with DHR oversight to ensure compliance with DHR's and the Civil Service Commission's ("Commission") policies and rules regarding examination and merit system principles.

The CGJ Report also states that, "Since the issuance of the [CSR Report], policies have been implemented to give various City departments the authority to conduct examinations and hire staff from the resulting eligible lists." [See the CGJ Report at page 1.] Again, this is incorrect in that it implies that decentralized authority did not exist prior to 2005. The CGJ Report is correct, however, in that DHR has issued a number of policies implementing a faster merit-based permanent selection program Citywide, as recommended in its CSR Report and as adopted by the Civil Service Commission. The CGJ Report is also correct in noting that this program—the Position Based Testing ("PBT") Program—has been successful in expediting the hiring process and significantly reducing the number of Provisional appointments.

The Civil Grand Jury expresses concern over the fact that a greater number of departments have authority to administer examinations under the PBT Program (17 departments out of approximately 60) because the Commission must now "monitor the hiring units in each of the 17 departments for compliance to the Civil Service Rules." However, it is important to note that: 1) the Commission does not directly monitor hiring units, as that is DHR's responsibility; and 2) irrespective of how many departments administer examinations, the same number of examinations would require oversight.

- We also disagree with the Civil Grand Jury that the PBT process has "complicated the [Commission's] efforts to ensure that the new hiring procedures conform to Civil Service Rules." [See the CGJ Report at page 2.] The Civil Grand Jury did not provide any information in support of this statement, other than a general assertion that, "[T]here is growing doubt among some City workers that the Commission as currently staffed is able to protect their rights." No sources were cited, and no additional information was provided to suggest that individuals' rights and/or the Civil Services Rules have been violated.
- The Civil Grand Jury correctly notes that the points of appeal for PBTs are fewer than they are for Class-Based Test ("CBT") examinations; however, it is important to note that applicants still retain their protest rights throughout the examination process. The Civil Grand Jury opines that the reason why there are fewer appeals under the PBT process could be partially because there are fewer appeal points, as opposed to the fact that examinations are now more efficient. However, we

note that there have also been fewer protests, which again, are rights included under the PBT Program.

Further, the Civil Grand Jury bases this assertion on its mistaken belief that there were no appeals for PBT examinations in Fiscal Year 2009-2010 but that there were a startling fifty-one (51) CBT appeals during that same time period. However, the Civil Grand Jury has again misquoted a City document. Had the Civil Grand Jury read the cited document more carefully and in its entirety, it would have noted that: 1) the figure presented represents the total number of appeals that were submitted and carried over during the last ten fiscal years (since 2000); 2) the total number represents all appeals, and not just those for CBT examinations (in fact, the document does not even distinguish between CBT and PBT examinations); and 3) the number of all examination-related appeals has significantly dropped in recent years (see pages 2, 3 and 58 of the cited Civil Service Commission report).

In fact, according to DHR's records, there were actually three (3) appeals of PBT examinations during that time period, and only five (5) appeals of CBT examinations (two of which were for the same examination; and the other three of which were for safety exams, which for decades have always been highly contested due to past Consent Decrees).

- The Civil Grand Jury also asserts that DHR is required to provide an appellant with a copy of its staff report in response to an appeal. [See page 4 of the CGJ Report.] However, there is no such requirement. On the contrary, in accordance with Commission policy, DHR is required to provide Commission staff with an original report and nine copies thereof for distribution to the Commissioners, the meeting file and the viewing file. DHR, as a courtesy to Commission staff, also provides them with an additional copy for the appellant's review.

DHR's Responses to the Civil Grand Jury's Findings and Recommendations

- Finding I: (1) DHR agrees with this finding in part; and (2) disagrees with the remainder.

The Civil Grand Jury is correct that there are fewer appeal points under the PBT program than there are for Class-Based examinations. However, DHR disagrees with the Civil Grand Jury that the points of appeal under the Civil Service Rules for PBTs are confusing. In fact, the Rules very clearly specify what is and what is not appealable under the PBT program.³ The Rules also clearly specify what the appeal process is, and the standard of review for hearing such appeals. However, DHR does agree that the Civil Service Rules on appeals for Class-Based examinations are inconsistent amongst the four volumes of the Rules, and that as a result they may be confusing to applicants and departments alike. Please refer to the attachment for a chart depicting the inconsistencies amongst the four volumes of the Rules.

³ Article VIII of Rule 111A provides as follows: "Appeals to the Civil Service Commission may occur at three (3) points in the examination process: (1) after the examination announcement has been issued, (2) after the examination has been administered and prior to the posting of the eligible list and (3) after the merging of eligible lists in different classes. Appeals of the examination announcement may be based only on challenges to the position description and/or the minimum qualifications. Appeals after the examination administration may be based only on claims of inconsistency in examination administration, bias of raters and/or failure of raters to apply uniform standards. Appeals of merging of eligible lists in different classes may be based only on claims of substantial differences in the knowledge, skills and abilities required to perform the essential functions of the positions." The Civil Service Rules are available at www.sfgov.org/Civil_Service.

- Recommendation I: (4) This recommendation will not be implemented by DHR, as it does not have the authority to revise the Civil Service Rules.

DHR agrees that the Civil Service Rules for appeals of Class-Based examinations are inconsistent and that they should be clarified, consolidated, streamlined and ultimately made more clear. While DHR does not have the authority to implement this recommendation, we are in support of the recommendation and would be amenable to posting any resource documents on our website and in relevant documents that the Commission publishes which clarify examination appeal rights.

- Finding II: (2) DHR disagrees with the Civil Grand Jury's finding that DHR is not always informing appellants of their right to appeal decisions of DHR to the Commission, and strongly disputes the bases on which it makes this assertion.

The Civil Grand Jury's assertion is based on the fact that "various [unnamed] sources have told the Jury" that DHR is not advising individuals of their right to appeal and that those sources provided the Civil Grand Jury with letters to substantiate their claims. [See the CGJ Report at page 4.] According to the CGJ Report, the Civil Grand Jury apparently showed those letters to an unidentified "official" at the Commission, who indicated that the letters contained "inadequate" information regarding appeal rights. [See the CGJ at page 4.] However, we note that we have no information regarding the letters to which the Civil Grand Jury is referring, nor did the Civil Grand Jury provide any detail about what additional information the unnamed source believed should have been included in those letters. As such, we cannot respond on this issue.

The only other substantiation provided by the Civil Grand Jury in support of this assertion is the two candidate response letters attached to the CGJ Report (we note that one of letters was among several examples provided to the Civil Grand Jury by DHR that the Civil Grand Jury chose not to include in its Report). In both examples, the candidates were disqualified from continuing in the selection process based on their failure to meet the minimum qualifications for a PBT examination—a matter that is clearly not subject to appeal before the Commission under Civil Service Rule 111A. We believe that it would be inappropriate, misleading and inaccurate to advise candidates that they have appeal rights that they do not in fact have under the Civil Service Rules.

- Recommendation II: (1) DHR has already implemented this recommendation to the extent that it has the authority to do so.

We agree that the Commission's notifications to appellants can be revised to clarify when their meeting date is to be set and that they may pick up a copy of DHR's staff report at the Commission's offices.

As to the recommendation that DHR notify appellants of their appeal rights, DHR also agrees and we will continue to do so when applicable (please see the response to Finding II above).

However, we do not agree with the Civil Grand Jury recommendation that DHR needs to establish tighter procedures to ensure that all letters to appellants denying their appeal are sent promptly, as we are unaware of any instances in which such notifications have been sent out untimely; nor does the Civil Grand Jury cite any examples to indicate as much. Even if some denial letters were sent out untimely (again, an assertion with which we do not agree, particularly in the absence of any additional information), we note that the appellant's protest and appeal timelines would not be

impacted, as the appeal deadline only begins to toll upon the post marked date that the notification letter is mailed.

DHR endeavors to notify candidates of the status of their examinations as timely and as efficiently as possible, and notes that the City's JobAps system sends automatic notifications to applicants informing them of the status of their applications. However, we would be interested in knowing of any instances when notifications to applicants have been untimely and ask that the Civil Grand Jury provide us with some specific examples so that we can correct any procedural gaps of which we are unaware.

- Finding III: (1) We agree with the Civil Grand Jury that DHR is in the process of reducing its reliance on examinations based on training and education evaluations ("T&E"); (2) however, we disagree with the Civil Grand Jury's sweeping assertion that it is an ineffective method for evaluating job applicants for all positions.

In recent years, DHR has been replacing T&Es with various written or computer-administered examination instruments. These testing initiatives have represented a significant change in direction with respect to a number of examination programs. For example, candidates for many supervisory and managerial classifications now must participate in examinations that are designed to measure their skills and abilities to supervise and manage employees. While candidates for Administrative Analyst, Personnel Analyst and Management Assistant job opportunities were formerly evaluated via T&Es, they too are now formally tested to ensure that they possess the basic skills and competencies for these positions.

However, there is a place for the T&E methodology in hiring. In many situations, they represent an appropriate and alternative assessment approach for use by HR professionals. For example, a Behavioral Consistency assessment is one type of T&E that is considered to be highly valid and, along with formal tests, an effective predictor of job success. If conducted properly, there is no reason not to consider the Behavioral Consistency methodology as a viable hiring option with respect to many City jobs.

T&Es are also recognized to be one of the most efficient and cost-effective methods to generate eligible lists. When the applicant population is expected to be low, especially with respect to hard-to-fill positions for which there is less competition, it is not very practical to screen down the applicant pool further with a formal examination process. In such cases, it makes more sense to assess the credentials (i.e., work experience, training and education) of the applicants, place them on an eligible list, and allow the post-referral interview process to determine the most qualified candidate amongst this limited group. Similarly, if the total number of candidates is slightly higher, but a broad certification rule allows the hiring manager to consider all of those candidates at the time of referral, again, it may not be practical to administer a formal examination. Also, when a given classification requires a license or certification (e.g., Registered Nurse), DHR's formal testing of the necessary knowledge and abilities to do the job may be duplicative and unnecessary.

Recommendation III: (1)/(2) DHR agrees with the Civil Grand Jury's recommendation that City hiring should rely less on T&Es and that DHR should continue to expand upon its use of formal selection instruments and to build testing programs around them for appropriate classifications.

(4) However, we disagree that it should do so in all cases for all classifications and positions; and we certainly do not believe that it would be prudent or possible to implement such a dramatic change in less than a year as proposed by the Civil Grand Jury.

Over the last few years, DHR has been doing exactly that by implementing new formal testing programs. It also has been encouraging City Departments with delegation authority to move away from T&Es. DHR also plans to pursue this strategy of replacing T&Es in the future, again, when appropriate. However, as indicated above, T&Es at times can serve a very useful purpose, one that is entirely consistent with merit system principles.

Given the ongoing need for governmental organizations to enhance efficiency and productivity, T&Es can be very effective tools. This is why they are widely used in public sector employment throughout the country. Given limited resources in a downsized economy, T&Es can produce eligible lists quickly to satisfy the demands of hiring managers and they can do so inexpensively. Therefore, when it is not practical to administer formal, assembled examinations, DHR believes that T&Es should be considered as a viable alternative in personnel selection.

- Finding IV: (1) DHR agrees in part with the Civil Grand Jury's findings; and (2) disagrees with the remainder.

While DHR agrees with the Civil Grand Jury that PBT announcements do not specifically identify in advance the departments that may also use the resulting eligible list, we disagree that it results in denying applicants the information required to become aware of, and apply for a position with the City.

Perhaps the Civil Grand Jury is unaware that the City's JobAps system includes a feature that enables applicants to request notifications for vacancies in specifically desired classifications throughout the City. Therefore, it is incorrect to say that applicants do not have access to information regarding job openings.

Moreover, the Civil Grand Jury's concern that we do not identify in advance all departments who may wish to use a particular PBT eligible list is based on the premise that there are significant numbers of applicants for City employment who have strong opinions about where they would like to work and are therefore very selective as to the City positions for which they are willing to apply. Not only is this unlikely, given the Bay Area's fiscal crisis and high unemployment rates, but it runs counter to our experience. Applicants for City employment tend to apply for any and all positions in a class, regardless of the department.

However, we do agree that some applicants may be persuaded to apply for an examination in which they would not otherwise be interested if they are aware that the eligible list might be used to fill a position in a department other than the one that is conducting the examination. Therefore, we agree that certain candidates may benefit from more information about other possible future job opportunities in other departments at the time of application.

- Recommendation IV: (3) This recommendation will be implemented to the extent indicated below within six (6) months (no later than January 2012). While DHR agrees that it should provide more information regarding other departments who *could potentially* use the same PBT eligible list, we

disagree that it would be possible to identify in advance every City department who *will actually* use the same eligible list. This would be an inefficient and onerous requirement.

Announcements are already very lengthy documents, filled with information that is essential for all applicants. Since the number of departments that could potentially use a PBT eligible list might be extensive and could change over time, it would not be practical to list each of the potential departments on the announcement. Adding this information could make an already busy document even more difficult for applicants to read and understand.

However, in order to make this information available to interested applicants, DHR will add a clause to the announcement, instructing applicants how to search online for the departments that might use the eligible list. A link to the searchable web page will also be included in the announcement language.

We appreciate the focus of the Civil Grand Jury on these matters and believe that continued review of our civil service and human resource systems to identify the areas most in need of reform is essential.

Sincerely,



Micki Callahan
Human Resources Director

Attachment (1)

Cc: Mayor Edwin M. Lee
Anita Sanchez, Executive Director, Civil Service Commission
Linda A. Clardy, Foreperson, 2010-2011 San Francisco Civil Grand Jury

ATTACHMENT 1

Examination Announcement: Review Period by Bargaining Agent Prior to Posting

The Rules provide that bargaining agents may review Police and Fire examination announcements prior to their issuance. In the prior table, from a minimum of 15 days (Fire) to 30 days (Police).

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p><u>Sec. 111.18 Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.</p>	<p><u>Sec. 211.4 Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, type of examination, selection procedure(s) and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.</p> <p>Not less than thirty (30) days prior to the issuance of this announcement, it shall be provided to the bargaining agent for review and comment.</p> <p>Should the document not be returned within the thirty (30) days, the department will proceed with the job announcement.</p>	<p><u>Sec. 310.2 Examination Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.</p> <p>Not less than fifteen (15) business days prior to the issuance of this announcement, it shall be provided to the bargaining agent for review and comment.</p>	<p><u>Sec. 411.18 Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.</p>

Examination Announcement: Posting Period

Posting periods for examination announcements in Volume II are internally inconsistent. The minimum posting period for promotional police examination announcements is 20 calendar days in Sec. 210.8 but the posting period is 10 calendar days in Sec. 210.7. For Miscellaneous classes, the Uniformed Ranks of the Fire Department and MTA Service-Critical classes, promotional exams are posted as a minimum of 10 calendar days.

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p><u>Sec. 110.3 Promotional Examinations</u></p> <p>Examination announcements for a promotional examination shall be posted on the official bulletin board for a minimum period of ten (10) calendar days. Examination announcements for promotional examinations shall be distributed to all City and County departments. Appointing officers shall make reasonable efforts to properly notify employees.</p>	<p><u>Sec. 211.8 Posting and Notice of Promotional Examination Announcements</u></p> <p>Examination announcements for a promotional examination shall be posted on the official bulletin board at the Police Department and the Department of Human Resources and will be distributed to each Bureau and Division. The minimum posting period shall be twenty (20) calendar days prior to the beginning of the posting period. A copy of the posting will be provided to the certified bargaining representative. The Department shall develop procedures making examination announcement information available, upon request, to Police Officers detailed to outside agencies or on approved extended leaves of absence.</p>	<p>310.8.1</p> <p>Notice of promotional examinations will be posted for a minimum period of ten (10) calendar days. The Fire Department will also issue a General Order notifying uniformed members of the promotional opportunity.</p>	<p><u>Sec. 410.3 Promotional Examinations</u></p> <p>Examination announcements for a promotional examination shall be posted on the official bulletin board for a minimum period of ten (10) calendar days. Examination announcements for promotional examinations shall be distributed to all City and County departments. Appointing officers shall make reasonable efforts to properly notify employees.</p>

		<p>--- <u>Sec. 210.2 Notice of Examinations</u> Official notice of examinations will be posted at the San Francisco Police Department and the Department of Human Resources. Notice of promotional examinations will be posted to a minimum period of ten (10) calendar days.</p>	

Examination Announcement: Protest Period Regarding Provisions

The period for protesting or appealing provisions of the examination announcement varies from 3 business/calendar days (Miscellaneous Employees, Police and MT-9) to 5 business days (Fire)

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p>Sec. 110.4 Appeals of Examination Announcements</p> <p>Appeals concerning the provisions of an examination announcement must be received by the Human Resources Director within five (5) business days from the issuance date. The Human Resources Director shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.</p>	<p>211.5.1</p> <p>Protests concerning provisions of an announcement must be received by the Department of Human Resources/Examination Division of the Police Department within five (5) calendar days from the issuance date. A day the Exam Unit is closed shall not be counted as the fifth (5th) calendar day.</p>	<p>Sec. 310.3 Protests and Appeals of Examination Announcements</p> <p>Protests concerning the provisions of an announcement must be received by the Department of Human Resources within seven (7) business days from the issuance date. The Human Resources Director will rule upon protests and notify petitioners in writing. This decision is subject to appeal to the Civil Service Commission as provided elsewhere in these Rules.</p>	<p>Sec. 410.4 Appeals of Examination Announcements</p> <p>Appeals concerning the provisions of an examination announcement must be received by the MTA Director of Transportation/Designee within five (5) business days from the issuance date. The MTA Director of Transportation/Designee shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.</p>
<p>...</p> <p>111A.35.1 Appeals of the Examination Announcement</p> <p>1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum</p>			

Civil Service Reform: Phase II
 Create Consistency in Examination-Related Processes

<p>qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Human Resources Director made decisions beyond his/her authority or had no rational basis for his/her decision.</p> <p>2) Appeals under this Section must be submitted directly to the Executive Office of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.</p>			
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Tentative Eligible List: Public Inspection Period When Posted

The period of inspecting tentative eligible lists varies throughout the Rules as follows: a minimum of business days (non-Police and non-Fire examinations) or for Fire entrance examinations, minimum of business days (Police examinations), and 5 business days (Fire promotional or combined entrance and promotional examinations)

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p><u>Sec. 112.7 Posting Period for the Tentative Eligible List</u></p> <p>Following the completion of an examination, a tentative eligible list shall be posted for public inspection for a minimum of three (3) business days.</p>	<p>212.9.1</p> <p>Following the completion of an examination, a tentative eligible list shall be posted for public inspection for a minimum of four (4) business days, two days falling on either side of a weekend.</p>	<p><u>Sec. 312.13 Duration of Posting Period</u></p> <p>The posting period shall be for:</p> <ol style="list-style-type: none"> 1) three (3) business days for entrance examinations; or 2) five (5) business days for promotional or combined entrance and promotional examinations. 	<p><u>Sec. 412.7 Posting Period for the Tentative Eligible List</u></p> <p>Following the completion of an examination, a tentative eligible list shall be posted for public inspection for a minimum of three (3) business days.</p>

Test Administration: Appeal Period

For PBT appeals regarding Rater Bias/Rater Failure to apply Uniform Standards and Inconsistency in Exam Administration must be received 5 business days from receiving the written results.

For Miscellaneous classes appeal regarding Rater Bias/Misfeasance or Misfeasance must be received 2 business days after the exam was held. Regarding Inconsistencies in Exam Administration, appeals must be received 2 business days after the examination.

For Police exams appeals regarding the administration of exam components (limited to allegations of malfeasance or bias during the administration of the exam) must be received 2 calendar days after the exam has been held. However, challenges in Police exams to personal bias or competence of a person serving as an examiner in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in the examination. If a challenge is filed against an examiner in the qualifications appraisal interview based on bias, malfeasance or misfeasance, the appeal must be made within 2 business days from when the interview was held.

For Fire exams all protests regarding the administration of an examination component (limited to allegations of bias, malfeasance or misfeasance by exam administrators) must be filed within 7 calendar days of the administration of that specific examination component. However, challenges in Fire exams to personal bias or competence of a person serving as an examiner in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in the examination. If a challenge is filed against an examiner in the qualifications appraisal interview based on bias, malfeasance or misfeasance, the appeal must be made within 2 business days from when the interview was held.

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p>111.14.2 Appeals</p> <p>1) An appeal based on personal bias or competence of a rater shall be made by a candidate to the designated representative of the Department of Human Resources present at the examination immediately prior to participation in this phase of the examination. The candidate shall then proceed with the examination. If such appeal is sustained, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged raters. If more than one-half of the raters are successfully challenged, a new rating board shall be constituted, unless more than one rating board has been convened for the examination, in which case the candidate shall be examined by an alternate rating board of equal number.</p> <p>2) An appeal based on the conduct of the raters must be made in writing and filed with the Human Resources Director not later than the second business day after the examination was held and must be based on a claim of bias or misteasance of board members.</p>	<p>211.15.1</p> <p>All appeals regarding the administration of an examination component(s) must be filed in writing with the Department of Human Resources/Police Department Examination Division within five (5) calendar days of the administration of the examination component giving rise to the appeal. A day the Department of Human Resources/Exam Unit is closed shall not be counted as the fifth (5th) calendar day. These appeals which pertain to the administration of the examination shall be resolved in a single process to commence at the conclusion of the administration of the various examination components. Appeals shall be limited to allegations of misteasance or bias during the administration of the examination.</p> <p>---</p> <p>211.16.2 Challenge of Board Members</p> <p>1) A board member may excuse himself or herself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate</p>	<p>311.11.1</p> <p>All protests regarding the administration of an examination component must be filed in writing with the Fire Department Examination Unit within seven (7) calendar days of the administration of that specific examination component. A day the Examination Unit is closed shall not be counted as a calendar day. Protests shall be limited to allegations of bias, misteasance or misteasance by exam administrators.</p> <p>---</p> <p>311.12.1 In the Event of Challenge</p> <p>In the event of any challenge of a board member or any ratings in qualification appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.</p>	<p>411.14.2 Appeals</p> <p>1) An appeal based on personal bias or competence of a rater shall be made by a candidate to the designated representative of MTA present at the examination immediately prior to participation in this phase of the examination. The candidate shall then proceed with the examination. If such appeal is sustained, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged raters. If more than one-half of the raters are successfully challenged, a new rating board shall be constituted, unless more than one rating board has been convened for the examination, in which case the candidate shall be examined by an alternate rating board of equal number.</p> <p>2) An appeal based on the conduct of the raters must be made in writing and filed with the MTA Director of Transportation/Designee not later than the second business day after the examination was held and must be based on a claim of bias or misteasance of board members.</p>

<p>documented inconsistencies, or any questions propounded by the raters which occur during any examination which require an answer in conflict with any County laws, rules, or regulations. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.</p> <p>3) An appeal based on inconsistencies in examination administration shall be made in writing and filed with the Human Resources Director not later than the fifth (5th) business day after the examination.</p>	<p>impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.</p> <p>2) Any challenge as to personal bias or competence of a person serving as a board member in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director, the rating by the challenged board member shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the remaining members of the examining board. If more than one-half of the board members are successfully challenged, then the Human Resources Director shall cancel this session and a new board shall be constituted, unless more than one board has been convened for the examination, in which case the candidate shall be examined by an alternate board of equal number.</p> <p>3) Any challenge of the conduct of</p>	<p>impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.</p> <p>2) Any challenge as to personal bias or competence of a person serving as an examiner in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director or his or her designee, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board. If more than one-half of the board members are successfully challenged, then the Human Resources Director or his or her designee shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.</p>	<p>malfeasance or misfeasance of board members, documented inconsistencies or any questions propounded by the raters which occur during any examination which require an answer in conflict with any Federal, State or City and County laws, rules, or regulations. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.</p> <p>3) An appeal based on inconsistencies in examination administration shall be made in writing and filed with the Human Resources Director not later than the fifth (5th) business day after the examination.</p> <p>---</p> <p>111A.35.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards</p> <p>1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of</p>
<p>malfeasance or misfeasance of board members, documented inconsistencies or any questions propounded by the raters which occur during any examination which require an answer in conflict with any Federal, State or City and County laws, rules, or regulations. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.</p> <p>3) An appeal based on inconsistencies in examination administration shall be made in writing and filed with the Human Resources Director not later than the fifth (5th) business day after the examination.</p>	<p>impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.</p> <p>2) Any challenge as to personal bias or competence of a person serving as a board member in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director, the rating by the challenged board member shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the remaining members of the examining board. If more than one-half of the board members are successfully challenged, then the Human Resources Director shall cancel this session and a new board shall be constituted, unless more than one board has been convened for the examination, in which case the candidate shall be examined by an alternate board of equal number.</p> <p>3) Any challenge of the conduct of</p>	<p>impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.</p> <p>2) Any challenge as to personal bias or competence of a person serving as an examiner in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director or his or her designee, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board. If more than one-half of the board members are successfully challenged, then the Human Resources Director or his or her designee shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.</p>	<p>documented inconsistencies, or any questions propounded by the raters which occur during any examination which require an answer in conflict with any County laws, rules, or regulations. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.</p> <p>3) An appeal based on inconsistencies in examination administration shall be made in writing and filed with the Human Resources Director not later than the fifth (5th) business day after the examination.</p> <p>---</p> <p>111A.35.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards</p> <p>1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of</p>

<p>the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Department of Human Resources Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.</p> <p>2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date of e-mail date of the written notice of examination results.</p>	<p>3) Any appeal or challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance or misfeasance of board members must be made in writing and submitted to the Fire Department Examination Unit within two (2) business days from when the qualifications appraisal interview was held. Challenges based on bias, malfeasance or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the specific grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved by the Human Resources Director in accordance with the provisions of these Rules before the examinations of the participants are scored. The protest time periods in Section 311.11 do not apply to this section.</p> <p>4) The Civil Service Commission, in acting on an appeal of the qualifications appraisal board, shall consider only the applications, records, tape recordings, and questions and answers which constitute the record of the qualifications appraisal board interview. The Civil Service Commission will sustain challenges only when the candidate presents evidence that clearly substantiates a</p>	<p>the qualifications appraisal board based on a claim of bias, malfeasance or misfeasance of board members must be made in writing and submitted to the Fire Department Examination Unit within two (2) business days from when the qualifications appraisal interview was held. Challenges based on bias, malfeasance or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the specific grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules before the identification sheets of those admitted to the oral examination are opened and scores of the participants are known.</p> <p>4) The Civil Service Commission, in acting on a challenge or appeal of the conduct of the qualification appraisal board, shall consider only the applications, records, tape recordings, and questions and answers which constitute the record of the qualifications appraisal interview. The Commission will sustain protests only when the candidate presents</p>
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	<p>evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.</p> <p>5) The decision of the Civil Service Commission on this subject shall be final.</p> <p>6) In absence of a challenge under this section or upon a decision by the Commission under this section, later challenges shall be precluded.</p>	<p>charge of bias, malfeasance, or misfeasance.</p> <p>5) The decision of the Civil Service Commission on this subject shall be final.</p> <p>6) In absence of a challenge under this section or upon a decision by the Civil Service Commission under this section, later challenges shall be precluded.</p>	
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Clarification: Language Regarding Review of Examination Announcement by Bargaining Agent Prior to Posting

Volume II provides that if there is no comment received by the bargaining agent by the end of the examination announcement review period, the Department of Human Resources will move forward with the announcement. This language should be included in the three remaining volumes.

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p><u>Sec. 111.18 Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.</p>	<p><u>Sec. 211.4 Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, type of examination, selection procedure(s) and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply. Not less than thirty (30) days prior to the issuance of this announcement it shall be provided to the bargaining agent for review and comment. Should the document not be returned within thirty (30) days the department will proceed with the job announcement.</p>		<p><u>Sec. 411.18 Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.</p>

Clarification: Inspection of Posting of Tentative Eligible List

Volume II does not make clear who can review the eligible's application nor does it specify which papers can be inspected or written answer sheet (Sec. 112.8 and Sec. 212.10) examination papers (Sec. 212.9.2) etc. There needs to be clarifications with regards to this section on inspections

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p><u>Sec. 112.8 Documents Included in Inspection and Maintenance of Anonymity of Examiners</u></p> <p>Inspection during the posting period of the tentative eligible list shall include the eligible's application,</p>	<p>212.9.2</p> <p>During the posting of the tentative eligible list, participants shall be allowed to inspect their scores, their examination papers and the tentative eligible list. The tentative eligible list shall be posted on the official bulletin board at the Police Department and will be distributed to each Bureau and Division. A copy of the posting will be provided to the certified bargaining representative.</p> <p>---</p>	<p><u>Sec. 312.14 Documents Included in Inspection and Maintenance of Anonymity of Examiners</u></p> <p>Inspection during the posting period of the tentative eligible list shall include the eligible's application,</p>	<p><u>Sec. 412.8 Documents Included in Inspection and Maintenance of Anonymity of Examiners</u></p> <p>Inspection during the posting period of the tentative eligible list shall include the eligible's application,</p>

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<p>documents supporting qualifications to participate in the examination, written answer sheet, oral rating sheet, and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions and answers shall be provided.</p> <p>---</p> <p><u>Sec. 112.24 Inspection Restricted to Examination Participants</u></p> <p>Only participants in the examination may review the questions used in the examination.</p>	<p>documents supporting qualifications to participate in the examination, written answer sheet, oral rating sheet and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark nor grade in an examination nor the questions or answers shall be provided.</p> <p>---</p>	<p>documents supporting qualifications to participate in the examination, rating sheets and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions or answers shall be provided.</p> <p>---</p> <p><u>Sec. 312.15 Inspection Restricted to Examination Participants</u></p> <p>Only participants in the examination may review the examination documents during the posting period.</p>	<p>documents supporting qualifications to participate in the examination, written answer sheet, oral rating sheet, and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions and answers shall be provided.</p> <p>---</p> <p><u>Sec. 412.24 Inspection Restricted to Examination Participants</u></p> <p>Only participants in the examination may review the questions used in the examination.</p>
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Examination Announcement: Review Period by Bargaining Agent Prior to Posting

The Rules provide that bargaining agents may review Police and Fire examination announcements prior to their issuance, but the period varies from a minimum of 15 days (Fire) to 30 days (Police).

<p>Volume I Miscellaneous Employees</p>	<p>Volume II Police Uniformed Ranks</p>	<p>Volume III Fire Uniformed Ranks</p>	<p>Volume IV MTA Service-Critical</p>
<p><u>Sec. 111.18 Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.</p>	<p><u>Sec. 211.4 Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, type of examination, selection procedure(s) and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply. Not less than thirty (30) days prior to the issuance of this announcement, it shall be provided to the bargaining agent for review and comment. Should the document not be returned within the thirty (30) days, the department will proceed with the job announcement.</p>	<p><u>Sec. 310.2 Examination Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply. Not less than fifteen (15) business days prior to the issuance of this announcement, it shall be provided to the bargaining agent for review and comment.</p>	<p><u>Sec. 411.18 Announcement</u></p> <p>The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.</p>

Examination Announcement: Posting Period

Posting periods for examination announcements in Volume II are internally inconsistent. The minimum posting period for promotional police examination announcements is 20 calendar days in Sec. 210.8, but the posting period is 10 calendar days in Sec. 210.2. For Miscellaneous classes, the Uniformed Ranks of the Fire Department, and MTA Service-Critical classes, promotional exams are posted as a minimum of 10 calendar days.

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p><u>Sec. 110.3 Promotional Examinations</u></p> <p>Examination announcements for a promotional examination shall be posted on the official bulletin board for a minimum period of ten (10) calendar days. Examination announcements for promotional examinations shall be distributed to all City and County departments. Appointing officers shall make reasonable efforts to properly notify employees.</p>	<p><u>Sec. 211.8 Posting and Notice of Promotional Examination Announcements</u></p> <p>Examination announcements for a promotional examination shall be posted on the official bulletin board at the Police Department and the Department of Human Resources and will be distributed to each Bureau and Division. The minimum posting period shall be twenty (20) calendar days prior to the beginning of the filing period. A copy of the posting will be provided to the certified bargaining representative. The Department shall develop procedures making examination announcement information available, upon request, to Police Officers detailed to outside agencies or on approved extended leaves of absence.</p>	<p>310.8.1</p> <p>Notice of promotional examinations will be posted for a minimum period of ten (10) calendar days. The Fire Department will also issue a General Order notifying uniformed members of the promotional opportunity.</p>	<p><u>Sec. 410.3 Promotional Examinations</u></p> <p>Examination announcements for a promotional examination shall be posted on the official bulletin board for a minimum period of ten (10) calendar days. Examination announcements for promotional examinations shall be distributed to all City and County departments. Appointing officers shall make reasonable efforts to properly notify employees.</p>

	<p>--- Sec. 210.2 <u>Notice of Examinations</u> Official notice of examinations will be posted at the San Francisco Police Department and the Department of Human Resources. Notice of promotional examinations will be posted for a minimum period of ten (10) calendar days.</p>		
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Examination Announcement: Protest Period Regarding Provisions

The period for protesting or appealing provisions of the examination announcement vary from 5 business/calendar days (Miscellaneous, PBT, Police, and MTA) to 7 business days (Fire).

<p>Volume I Miscellaneous Employees</p>	<p>Volume II Police Uniformed Ranks</p>	<p>Volume III Fire Uniformed Ranks</p>	<p>Volume IV MTA Service-Critical</p>
<p><u>Sec. 110.4 Appeals of Examination Announcements</u> Appeals concerning the provisions of an examination announcement must be received by the Human Resources Director within five (5) business days from the issuance date. The Human Resources Director shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.</p>	<p>211.5.1 Protests concerning provisions of an announcement must be received by the Department of Human Resources/Examination Division of the Police Department within five (5) calendar days from the issuance date. A day the Exam Unit is closed shall not be counted as the fifth (5th) calendar day.</p>	<p><u>Sec. 310.3 Protests and Appeals of Examination Announcements</u> Protests concerning the provisions of an announcement must be received by the Department of Human Resources within seven (7) business days from the issuance date. The Human Resources Director will rule upon protests and notify petitioners in writing. This decision is subject to appeal to the Civil Service Commission as provided elsewhere in these Rules.</p>	<p><u>Sec. 410.4 Appeals of Examination Announcements</u> Appeals concerning the provisions of an examination announcement must be received by the MTA Director of Transportation/Designee within five (5) business days from the issuance date. The MTA Director of Transportation/Designee shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.</p>
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<p><u>111A.35.1 Appeals of the Examination Announcement</u></p>			
<p>1) The standard of review for appeals under this Section shall be abuse of discretion in establishing the position description, the minimum</p>			

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<p>qualifications and/or the certification rule when the certification rule was not reached by mutual agreement with the employee organization representing the tested class. In determining abuse of discretion, the Civil Service Commission must find that the Human Resources Director made decisions beyond his/her authority or had no rational basis for his/her decision.</p> <p>2) Appeals under this Section must be submitted directly to the Executive Officer of the Civil Service Commission and must be received in the Civil Service Commission office by close of business on the fifth (5th) business day after the examination announcement issuance date.</p>			
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Tentative Eligible List: Public Inspection Period When Posted

The period of inspecting tentative eligible lists varies throughout the Rules as follows: a minimum of 3 business days (non-Police and non-Fire examinations except for Fire entrance examinations); minimum of 4 business days (Police examinations); and 5 business days (Fire promotional or combined entrance and promotional examinations).

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p><u>Sec.112.7 Posting Period for the Tentative Eligible List</u> Following the completion of an examination, a tentative eligible list shall be posted for public inspection for a minimum of three (3) business days.</p>	<p>212.9-1 Following the completion of an examination, a tentative eligible list shall be posted for public inspection for a minimum of four (4) business days, two days falling on either side of a weekend</p>	<p><u>Sec. 312.13 Duration of Posting Period</u> The posting period shall be for: 1) three (3) business days for entrance examinations; or 2) five (5) business days for promotional or combined entrance and promotional examinations.</p>	<p><u>Sec. 412.7 Posting Period for the Tentative Eligible List</u> Following the completion of an examination, a tentative eligible list shall be posted for public inspection for a minimum of three (3) business days.</p>

Test Administration: Appeal Period

For PBT, appeals regarding Rater Bias, Rater Failure to Apply Uniform Standards and Inconsistency in Exam Administration must be received 5 business days from receiving the written results.

For Miscellaneous classes, appeals regarding Rater Bias, Malfeasance or Misfeasance must be received 2 business days after the exam was held. Regarding Inconsistencies in Exam Administration, appeals must be received 5 business days after the examination.

For Police exams, appeals regarding the administration of exam components (limited to allegations of malfeasance or bias during the administration of the exam) must be received 5 calendar days after the exam has been held. However, challenges in Police exams to personal bias or competence of a person serving as an examiner in the qualifications appraisal interview based upon prior knowledge or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in the examination. If a challenge is filed against an examiner in the qualifications appraisal interview based on bias, malfeasance, or misfeasance, the appeal must be made within 2 business days from when the interview was held.

For Fire exams, all protests regarding the administration of an examination component (limited to allegations of bias, malfeasance, or misfeasance by exam administrators) must be filed within 7 calendar days of the administration of that specific examination component. However, challenges in Fire exams to personal bias or competence or a person serving as an examiner in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in the examination. If a challenge is filed against an examiner in the qualifications appraisal interview based on bias, malfeasance, or misfeasance, the appeal must be made within 2 business days from when the interview was held.

<p>Volume I Miscellaneous Employees</p>	<p>Volume II Police Uniformed Ranks</p>	<p>Volume III Fire Uniformed Ranks</p>	<p>Volume IV MTA Service-Critical</p>
<p><u>111.14.2 Appeals</u></p> <p>1) An appeal based on personal bias or competence of a rater shall be made by a candidate to the designated representative of the Department of Human Resources present at the examination immediately prior to participation in this phase of the examination. The candidate shall then proceed with the examination. If such appeal is sustained, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged raters. If more than one-half of the raters are successfully challenged, a new rating board shall be constituted, unless more than one rating board has been convened for the examination, in which case the candidate shall be examined by an alternate rating board of equal number.</p> <p>2) An appeal based on the conduct of the raters must be made in writing and filed with the Human Resources Director not later than the second (2nd) business day after the examination was held and must be based on a claim of bias, malfeasance, or misfeasance of board members;</p>	<p><u>211.15.1</u></p> <p>All appeals regarding the administration of an examination component(s) must be filed in writing with the Department of Human Resources/Police Department Examination Division within five (5) calendar days of the administration of the examination component giving rise to the appeal. A day the Department of Human Resources/Exam Unit is closed shall not be counted as the fifth (5th) calendar day. These appeals which pertain to the administration of the examination shall be resolved in a single process to commence at the conclusion of the administration of the various examination components. Appeals shall be limited to allegations of malfeasance or bias during the administration of the examination.</p> <p>---</p> <p><u>211.16.2 Challenge of Board Members</u></p> <p>1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate</p>	<p><u>311.11.1</u></p> <p>All protests regarding the administration of an examination component must be filed in writing with the Fire Department Examination Unit within seven (7) calendar days of the administration of that specific examination component. A day the Examination Unit is closed shall not be counted as a calendar day. Protests shall be limited to allegations of bias, malfeasance, or misfeasance by exam administrators.</p> <p>---</p> <p><u>311.12.1 In the Event of Challenge</u></p> <p>In the event of any challenge of a board member or any ratings in qualification appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.</p> <p><u>311.12.2 Challenge of Board Members</u></p> <p>1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate</p>	<p><u>411.14.2 Appeals</u></p> <p>1) An appeal based on personal bias or competence of a rater shall be made by a candidate to the designated representative of MTA present at the examination immediately prior to participation in this phase of the examination. The candidate shall then proceed with the examination. If such appeal is sustained, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged raters. If more than one-half of the raters are successfully challenged, a new rating board shall be constituted, unless more than one rating board has been convened for the examination, in which case the candidate shall be examined by an alternate rating board of equal number.</p> <p>2) An appeal based on the conduct of the raters must be made in writing and filed with the MTA Director of Transportation/Designee not later than the second (2nd) business day after the examination was held and must be based on a claim of bias,</p>

<p>documented inconsistencies, or any questions propounded by the raters which occur during any examination which require an answer in conflict with any Federal, State or City and County laws, rules, or regulations. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.</p> <p>3) An appeal based on inconsistencies in examination administration shall be made in writing and filed with the Human Resources Director not later than the (5th) business day after the examination.</p> <p>---</p> <p><u>111A.35.2 Appeals of Inconsistency of Examination Administration, Bias of Raters and/or Failure of Raters to Apply Uniform Standards</u></p> <p>1) Appeals shall be based solely on claims that the inconsistency in examination administration, bias of the raters and/or failure of the raters to apply uniform standards compromised either the validity or the reliability of the examination. Appeals shall include a statement of</p>	<p>impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.</p> <p>2) Any challenge as to personal bias or competence of a person serving as an examiner in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director or his or her designee, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board. If more than one-half of the board members are successfully challenged, then the Human Resources Director or his or her designee shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.</p>	<p>malfeasance, or misfeasance of board members; documented inconsistencies, or any questions propounded by the raters which occur during any examination which require an answer in conflict with any Federal, State or City and County laws, rules, or regulations. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.</p> <p>3) An appeal based on inconsistencies in examination administration shall be made in writing and filed with the MTA Director of Transportation/Designee not later than the fifth (5th) business day after the examination.</p>
<p>impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.</p> <p>2) Any challenge as to personal bias or competence of a person serving as a board member in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director, the rating by the challenged board member shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the remaining members of the examining board. If more than one-half of the board members are successfully challenged, then the Human Resources Director shall cancel this session and a new board shall be constituted, unless more than one board has been convened for the examination, in which case the candidate shall be examined by an alternate board of equal number.</p> <p>3) Any challenge of the conduct of</p>	<p>impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.</p> <p>2) Any challenge as to personal bias or competence of a person serving as a board member in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director, the rating by the challenged board member shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the remaining members of the examining board. If more than one-half of the board members are successfully challenged, then the Human Resources Director shall cancel this session and a new board shall be constituted, unless more than one board has been convened for the examination, in which case the candidate shall be examined by an alternate board of equal number.</p> <p>3) Any challenge of the conduct of</p>	<p>impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.</p> <p>2) Any challenge as to personal bias or competence of a person serving as a board member in the qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Civil Service Commission following denial by the Human Resources Director, the rating by the challenged board member shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the remaining members of the examining board. If more than one-half of the board members are successfully challenged, then the Human Resources Director shall cancel this session and a new board shall be constituted, unless more than one board has been convened for the examination, in which case the candidate shall be examined by an alternate board of equal number.</p> <p>3) Any challenge of the conduct of</p>

<p>the specific facts that demonstrate that the validity or reliability of the examination was compromised, and cite the specific Civil Service Commission Rule or Department of Human Resources Policy that was violated. For the purposes of appeals under this Section, validity is generally defined as the establishment of the relationship between a test device or other selection procedure and performance on the job; and reliability is generally defined as the consistency of measurement of the test device or selection procedure.</p> <p>2) Appeals must be in writing and must be submitted directly to the Executive Officer of the Civil Service Commission. The appeal must be received in the Civil Service Commission office by close of business on the fifth (5th) business day from the postmarked date (or e-mail date) of the written notice of examination results.</p>	<p>3) Any appeal or challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and presented to the representative of the Department of Human Resources/Police Department Examination Division within two (2) business days from when the qualifications appraisal interview was held. Challenges based on bias, malfeasance or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the specific grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules before the identification sheets of those admitted to the oral examination are opened and scores of the participants are known.</p> <p>4) The Civil Service Commission, in acting on a challenge or appeal of the conduct of the qualification appraisal board, shall consider only the applications, records, tape recordings, and questions and answers which constitute the record of the qualifications appraisal interview. The Commission will sustain protests only when the candidate presents</p>	<p>the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and submitted to the Fire Department Examination Unit within two (2) business days from when the qualifications appraisal interview was held. Challenges based on bias, malfeasance or misfeasance not filed in this two (2) day period cannot be considered. Such challenges must state the specific grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved by the Human Resources Director in accordance with the provisions of these Rules before the examinations of the participants are scored. The protest time periods in Section 311.11 do not apply to this section.</p> <p>4) The Civil Service Commission, in acting on an appeal of the qualification appraisal board, shall consider only the applications, records, tape recordings, and questions and answers which constitute the record of the qualification appraisal board interview. The Civil Service Commission will sustain challenges only when the candidate presents evidence that clearly substantiates a</p>
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Civil Service Reform: Phase II
 Create Consistency in Examination-Related Processes

	<p>evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.</p> <p>5) The decision of the Civil Service Commission on this subject shall be final.</p> <p>6) In absence of a challenge under this section or upon a decision by the Commission under this section, later challenges shall be precluded.</p>	<p>charge of bias, malfeasance, or misfeasance.</p> <p>5) The decision of the Civil Service Commission on this subject shall be final.</p> <p>6) In absence of a challenge under this section or upon a decision by the Civil Service Commission under this section, later challenges shall be precluded.</p>	
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Clarification: Language Regarding Review of Examination Announcement by Bargaining Agent Prior to Posting

Volume II provides that if there is no comment received by the bargaining agent by then end of the examination announcement review period, the Department of Human Resources will move forward with the announcement. This language should be included in the three remaining Volumes.

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p><u>Sec. 111.18 Announcement</u> The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.</p>	<p><u>Sec. 211.4 Announcement</u> The examination announcement shall provide the qualifications, dates, duration of eligible lists, type of examination, selection procedure(s) and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply. Not less than thirty (30) days prior to the issuance of this announcement, it shall be provided to the bargaining agent for review and comment. Should the document not be returned within the thirty (30) days, the department will proceed with the job announcement.</p>		<p><u>Sec. 411.18 Announcement</u> The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.</p>

Clarification: Inspection of Posting of Tentative Eligible List

Volume II does not make clear who can review the eligible's application nor does it specify which papers can be inspected, e.g., "written answer sheet" (Sec. 112.8 and Sec. 212.10); "examination papers" (Sec. 212.9.2); etc. There needs to be clarifications with regards to this section on inspections.

Volume I Miscellaneous Employees	Volume II Police Uniformed Ranks	Volume III Fire Uniformed Ranks	Volume IV MTA Service-Critical
<p>212.9.2</p> <p>During the posting of the tentative eligible list, participants shall be allowed to inspect their scores, their examination papers, and the tentative eligible list. The tentative eligible list shall be posted on the official bulletin board at the Police Department and will be distributed to each Bureau and Division. A copy of the posting will be provided to the certified bargaining representative.</p> <p>---</p> <p><u>Sec.112.8 Documents Included in Inspection and Maintenance of Anonymity of Examiners</u></p> <p>Inspection during the posting period of the tentative eligible list shall include the eligible's application,</p>	<p><u>Sec. 212.10 Documents Included in Inspection and Maintenance of Anonymity of Examiners</u></p> <p>Inspection during the posting period of the tentative eligible list shall include the eligible's application,</p>	<p><u>Sec. 312.14 Documents Included in Inspection and Maintenance of Anonymity of Examiners</u></p> <p>Inspection during the posting period of the tentative eligible list shall include the eligible's application,</p>	<p><u>Sec. 412.8 Documents Included in Inspection and Maintenance of Anonymity of Examiners</u></p> <p>Inspection during the posting period of the tentative eligible list shall include the eligible's application,</p>

<p>documents supporting qualifications to participate in the examination, written answer sheet, oral rating sheet, and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions and answers shall be provided.</p> <p>---</p> <p><u>Sec. 112.24 Inspection Restricted to Examination Participants</u></p> <p>Only participants in the examination may review the questions used in the examination.</p>	<p>documents supporting qualifications to participate in the examination, written answer sheet, oral rating sheet and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark nor grade in an examination nor the questions or answers shall be provided.</p>	<p>documents supporting qualifications to participate in the examination, rating sheets and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions or answers shall be provided.</p> <p>---</p> <p><u>Sec. 312.15 Inspection Restricted to Examination Participants</u></p> <p>Only participants in the examination may review the examination documents during the posting period.</p>	<p>documents supporting qualifications to participate in the examination, written answer sheet, oral rating sheet, and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions and answers shall be provided.</p> <p>---</p> <p><u>Sec. 412.24 Inspection Restricted to Examination Participants</u></p> <p>Only participants in the examination may review the questions used in the examination.</p>
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CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE
MAYOR

*Aug.
LAO, COB,
C Log, Leg Dep*

August 9, 2011

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
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ANITA SANCHEZ
EXECUTIVE OFFICER

The Honorable Katherine Feinstein
Presiding Judge of the Superior Court
County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Ms. Linda A. Clardy, Foreperson
San Francisco County Civil Grand Jury
400 McAllister Street, Room 008
San Francisco, CA 94102

SUBJECT: Civil Service Commission Response to the 2010-2011 Civil Grand Jury Report on Hiring Practices

Dear Judge Feinstein and Ms. Clardy:

In accordance with Penal Code Section 933 and 933.05, the following is the response of the Civil Service Commission to the 2010-2011 Civil Grand Jury Report, "Hiring Practices of the City and County of San Francisco." The Civil Service Commission is responding to Findings and Recommendations numbers 1 through 5 as requested.

The Civil Service Commission appreciates the Civil Grand Jury's interest and review of the City's hiring practices and is pleased with the opportunity to respond to its Findings and Recommendations.

Background

In looking at the City's hiring practices, it is important to understand the distinct roles performed by the Civil Service Commission and the Department of Human Resources in the City's personnel management.

The Civil Service Commission is established by Charter Section 10.100 and is charged with the duty of providing qualified persons for appointment to the service of the City and County of San Francisco. Civil Service Commission Rules implement the merit system Charter provisions and assures that all persons in the classified service and persons seeking admission to the classified service receive fair and impartial treatment. The five-member Civil Service Commission is a policy, rule-making and appeals board charged to oversee, regulate, and serve as final arbiter of the City and County of San Francisco civil service merit system.

The Department of Human Resources (DHR) is established by Charter Section 10.102 and is the personnel department for the City and County in accordance with policies, rules and procedures of the Civil Service Commission governing the merit system and shall determine appointments on the basis of merit and fitness.

DHR performs personnel operations of the City and County with authority to recruit, select, certify (refer) appoint, train, evaluate, promote career development, classify positions, and other related personnel activities to maintain an effective and responsive workforce.

The Civil Service Commission is the policy, rule-making and appeals board, whereas the Department of Human Resources is the personnel operations agency administering the merit system. For example, the Commission adopts rules and policies on job announcements, examinations, eligible lists, and certification; the Department of Human Resources posts the job announcements, conducts the examinations, posts and adopts eligible lists and issues the certification or referral of eligibles to departments in accordance with Commission Rules.

The Civil Service Commission continues to focus on providing the framework of a strong, credible merit system resulting in a City and County workforce with an inherent pride in providing efficient service for the public. The Commission also recognizes and addresses City departments' need for flexibility in personnel management, while at the same time, maintaining the integrity of the City's merit system.

Being mindful of the distinct difference of the roles of the Civil Service Commission and the Department of Human Resources in the City's personnel operations, the Commission's responses are in accordance with its role as a policy, rule-making and appeals body.

RESPONSES

Finding Number 1

Under the traditional CBT, an applicant has the right to appeal to the Commission at almost every point during the examination process. Applicants taking a PBT can appeal at only three points to the applicants.

Response: The Commission agrees with this finding. The basis and processing of appeals for CBT (Class Based Testing) and PBT (Position Based Testing) examinations are different.

Recommendation Number 1

On all job applications there should be a single link or a single sheet or paper outlining in easily understandable language under what conditions a job applicant can appeal to the DHR and ultimately to the Commission.

Response: The Commission agrees with this recommendation and will assist the Department of Human Resources in any efforts to inform applicants of the appeal process. Job announcements and job applications are issued and received by the Department of Human Resources/departments. The Commission will discuss and consult with DHR the feasibility of implementation. The Commission is reviewing its Rules, including the Examination Rules to identify Rule amendments to clarify, streamline and reflect current practices. This is in progress and proposed Rules changes will be submitted to the Commission throughout the next six months.

Finding Number 2

DHR is not always informing appellants of their right to appeal decisions of the DHR to the Commission.

Response: The Commission partially agrees with this finding. Matters appealable to the Commission do not exclusively come from the Department of Human Resources but also from the actions and decisions of a department appointing officer; i.e. examination rejections,

background rejections, future employment restrictions. The Department of Human Resources and department appointing officers/designee both must insure that appeal language is provided of their appealable actions.

Recommendation Number 2

DHR should establish tighter procedures to ensure that all letters sent to appellants denying their appeal are mailed promptly. Where appropriate they should advise appellants of their right to appeal the decision to the Commission. As a further backup, the Jury urges the Commission to include in its letters to appellants setting a date of their hearing a reminder that they are entitled to a copy of the DHR's report free of charge.

Response: The Commission agrees with and endorses this recommendation and will support the Department of Human Resources in its efforts to advise appellants of their appeal rights. Beginning this month (July), the Commission has included language in its acknowledgement letter (initial contact with appellant) to appellants that they will be notified when the staff report of their matter is received in the Commission office. Upon receipt of the report, Commission staff will notify appellants by letter, email and/or telephone call that the report is available to them. This will ensure timely delivery to the appellants and provide them with sufficient time to review the report and prepare a response rather than waiting at the time of the notice of the meeting.

Finding Number 3

T&E testing relies too heavily on training and experience factors listed on an application form in evaluating whether an applicant is eligible for a position. This is an ineffective method for evaluating job applicants. T&E testing does not verify whether an applicant actually possesses the training/education and experience claimed on the application form. The DHR has indicated that it is in the process of reducing its reliance on T&E examinations.

Response: The Commission agrees with this finding. The Commission is committed to ensuring that examinations are valid and job-related and supports the Department of Human Resources efforts in reducing administration of T&E (Training and Experience) examinations. The Commission will assist its implementation as appropriate and with any areas under its jurisdiction.

Recommendation Number 3

The City should continue its move away from T&E examinations and return to a more knowledge-based examination. This process should be completed by June 30, 2012.

Response: The Commission agrees with this recommendation and believes the Department of Human Resources is taking, within its available resources, the necessary steps in administering valid and job-related examinations.

Finding Number 4

Besides a job description, PBT job announcements sometimes advise applicants that the eligibility list from this examination could be used by other City departments for hiring staff. However, the advisory does not identify those departments. This process can deny applicants the information required to become aware of and apply for a position with the City government.

Response: The Commission agrees with this finding and believes applicants should be well informed of all terms and conditions of positions for which they are applying.

Recommendation Number 4

Position based job announcement should identify each City department that might use the examination eligibility list. This would assist potential applicants in deciding whether or not to participate in the examination and get on an eligibility list. Otherwise, the list should be used solely by the department designated on the job announcement.

Response: The Commission agrees with this recommendation and will support any efforts of the Department of Human Resources in implementing it. The Commission will review in coordination with the Department of Human Resources whether clarification requires Civil Service Rules or procedural changes.

Finding Number 5

As the hiring process in the City becomes increasingly decentralized and the PBT testing becomes more prevalent, there is growing doubt among some City workers that the Commission as currently staffed is able to protect their rights.

Response: The Commission partially agrees with this finding. The Commission very seriously takes its role and responsibility to oversee the operation of the City's merit system and believes that given its 6-member staff responds to complaints and concerns in a timely manner. The Commission's Rule-making authority would be greatly assisted with an additional staff to review, recommend and draft Rules, policies and procedures proposals.

Recommendation Number 5

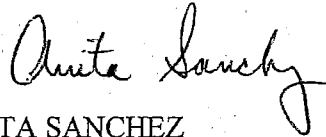
The Commission should be authorized to hire at least one additional senior personnel analyst.

Response: The Commission agrees with this recommendation and will work with the Mayor's Budget Office in exploring funding resources.

Again, thank you for your review and the opportunity to respond to your Report. Should you have any questions or need additional information, please contact me at (415) 252-3250.

Sincerely,

CIVIL SERVICE COMMISSION



ANITA SANCHEZ
Executive Officer

- c:
- E. Dennis Normandy, President
 - Donald A. Casper, Vice President
 - Morgan R. Gorrone, Commissioner
 - Mary Y. Jung, Commissioner
 - Lisa Seitz Gruwell, Commissioner
 - ✓Angela Calvillo, Clerk, Board of Supervisors
 - Manish Goyal, Mayor's Budget Office
 - Jennifer Johnston, Department of Human Resources
 - Office of the Civil Grand Jury

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

DATE: June 16, 2011
TO: Members of the Board of Supervisors
FROM: Angela Calvillo, Clerk of the Board *Angela Calvillo*
SUBJECT: 2010-2011 Civil Grand Jury Report

We are in receipt of the San Francisco Civil Grand Jury (CGJ) report released June 16, 2011, entitled: **Hiring Practices of the City and County of San Francisco.** (Attached)

Pursuant to California Penal Code Sections 933 and 933.05, the Board must:

1. Respond to the report within 90 days of receipt, or no later than **September 12, 2011.**
2. For each finding:
 - agree with the finding or
 - disagree with the finding, wholly or partially, and explain why.
3. For each recommendation:
 - agree with the recommendation or
 - disagree with the recommendation, wholly or partially, and explain why.

Pursuant to San Francisco Administrative Code Section 2.10, in coordination with the Committee Chair, the Clerk will schedule a public hearing before the Government Audit and Oversight Committee to allow the Board the necessary time to review and formally respond to the findings and recommendations.

The Budget and Legislative Analyst will prepare a resolution, outlining the findings and recommendations for the Committee's consideration, to be heard at the same time as the hearing on the report.

Attachment

- c: Honorable Katherine Feinstein, Presiding Judge (w/o attachment)
Linda A. Clardy, Foreperson, 2010-2011 San Francisco Civil Grand Jury (w/o attachment)
Mayor's Office
Ben Rosenfield, Controller
Cheryl Adams, Deputy City Attorney (w/o attachment)
Rick Caldeira, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
GRAND JURY

Orig: GAO clerk
C: COB, Leg Dep.

epage

OFFICE
400 MCALLISTER ST., ROOM 008
SAN FRANCISCO, CA 94102
TELEPHONE: (415) 551-3605

June 14, 2011

Supervisor David Chiu, President
San Francisco Board of Supervisors
#1 Dr. Carleton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
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Dear Supervisor Chiu:

The 2010-2011 San Francisco Civil Grand Jury will release its report to the public entitled "Hiring Practices of the City and County of San Francisco" on Thursday, June 16, 2011. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, Hon. Katherine Feinstein, this report is to be kept confidential until the date of release.

California Penal Code section 933.05 requires the responding party or entity identified in the report to respond to the Presiding Judge of the Superior Court, within a specified number of days. You may find the specific day the response is due in the last paragraph of this letter.

For each Finding of the Civil Grand Jury, the response must either:

- (1) agree with the finding; or
- (2) disagree with it, wholly or partially, and explain why.

Further as to each recommendation made by the Civil Grand Jury, the responding party must report either:

- (1) that the recommendation has been implemented, with a summary explanation of how it was implemented;
- (2) the recommendation has not been implemented, but will be implemented in the future, with a time frame for the implementation;
- (3) the recommendation requires further analysis, with an explanation of the scope of that analysis and a time frame for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or

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- (4) that the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code sections 933, 933.05)

Please provide your responses to the Findings and Recommendations in this report to the Presiding Judge of the Superior Court, Hon. Katherine Feinstein, not later than Monday, September 12, 2011, with an information copy sent to the Grand Jury Office at the above address.

Very truly yours,



Linda A. Clardy, Foreperson
2010-2011 San Francisco County Civil Grand Jury

cc: Members of the Board of Supervisors
Angela Calvillo, Clerk of the Board

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2
3
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5 CALIFORNIA SUPERIOR COURT
6 CITY AND COUNTY OF SAN FRANCISCO
7

8 In The Matter of the 2010-11)
9 Civil Grand Jury of the City)
10 And County of San Francisco)

Finding Re:
Final Grand Jury Report

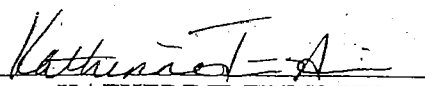
11 The 2010-2011 Civil Grand Jury of the City and County of San Francisco having,
12 submitted its Final Report entitled, "Hiring Practices of the City and County of San
13 Francisco" a copy of which is attached and marked as "Exhibit One"

14 The Court finds that this Final Report is in compliance with the Part II, Title 4, of
15 the Penal Code, commencing with section 888. The Final Report reflects the investigative
16 work, findings, conclusions and recommendations of the Civil Grand Jury. It does not
17 reflect the investigative work, findings, conclusions or recommendations of the Superior
18 Court or any of its members.
19

20 GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that a
21 copy of the report is to be placed on file with the clerk of the court and is to remain on
22 file with the office of clerk of the court as provided in Penal Code section 933(b).
23

24 IT IS FURTHER ORDERED that the attached report is to be kept confidential
25 until said report is released to the public by the Civil Grand Jury of the City and County
26 of San Francisco.

27 June 13, 2011

28 
KATHERINE FEINSTEIN
PRESIDING JUDGE

HIRING PRACTICES
OF THE
CITY AND COUNTY OF SAN FRANCISCO



CIVIL GRAND JURY
CITY AND COUNTY OF SAN FRANCISCO
2010-2011

THE CIVIL GRAND JURY

The Civil Grand Jury is a government oversight panel of volunteers who serve for one year. It makes findings and recommendations resulting from its investigations.

Reports of the Civil Grand Jury do not identify individuals by name.
Disclosure of Information about individuals interviewed by the jury is prohibited.
California Penal Code, section 929

STATE LAW REQUIREMENT

California Penal Code, section 933.05

Each published report includes a list of those public entities that are required to respond to the Presiding Judge of the Superior Court within 60 to 90 days as specified. A copy must be sent to the Board of Supervisors. All responses are made available to the public.

For each finding the response must:

- 1) agree with the finding, or
- 2) disagree with it, wholly or partially, and explain why.

As to each recommendation the responding party must report that:

- 1) the recommendation has been implemented, with a summary explanation; or
- 2) the recommendation has not been implemented but will be within a set timeframe as provided; or
- 3) the recommendation requires further analysis. The officer or agency head must define what additional study is needed. The Grand Jury expects a progress report within six months; or
- 4) the recommendation will not be implemented because it is not warranted or reasonable, with an explanation.

HIRING PRACTICES OF THE CITY AND COUNTY OF SAN FRANCISCO

SUMMARY

In 2005 the Department of Human Resources (DHR) issued a report entitled, "Civil Service Reform: Preserving the Promise of Government" (hereafter "Civil Service Reform Report".) One of the principal recommendations of this report was the need to expedite the hiring process for City personnel by, "Decentralizing authority for personnel decisions from a central agency to operational agencies, especially for hiring." 1

Up to that time, responsibility for conducting and scoring examinations and drawing up eligibility lists for permanent positions in the City government was centralized in the DHR. The process for hiring a permanent employee could take up to twelve months, basically precluding the ability to extend job offers "on the spot." This put the City at a disadvantage when attempting to hire highly qualified job candidates for critical positions.

The only available alternative was for the City to opt for a provisional appointment. Provisional hiring provides City departments significant flexibility in filling vacant positions. However, the process also creates distortions within the hiring process. The biggest of these is that a provisional appointment is limited to a maximum of three years. After that employees must undergo a competitive examination in order to retain their positions.

Should a provisional employee fail an examination or not be ranked high enough on the permanent hiring list, the employee cannot be retained, and the department must forfeit its investment in the employee. This in turn can lead to disruptions in the continuity of City services. At the same time, job applicants have criticized the process as little more than a mechanism to "grandfather in" the provisional employees by giving them up to three years of on-the-job experience before having to take examinations to qualify for permanent employment.

Since the issuance of the "Civil Service Reform Report", policies have been implemented to give various City departments the authority to conduct examinations and hire staff from the resulting eligibility lists. The wholesale adoption of Position-Based Testing (PBT), the sharing of eligibility lists across departments and increased reliance on training and experience factors in assessing candidates, has accelerated the hiring process while reducing the number of provisional employees.

These reforms have reportedly shortened the hiring process and according to the DHR have improved the likelihood that the new employee has the specific skills and experience required for the position. However, they have also complicated the Civil Service Commission's (hereafter, the Commission) efforts to ensure that these new hiring procedures conform to civil service rules. This report looks at the impact these policies are having on the merit hiring process and how the Commission is coping with these changes.

The Civil Grand Jury (hereafter, the Jury) also examined certain issues concerning the appeal process that were brought to its attention by union representatives and City employees.

POSITION BASED TESTING

As we have seen, the central thrust of the "Civil Service Reform Report" was to expedite the hiring process by decentralizing authority for personnel decisions. Within the confines of this overall objective, the report urged a greater use of PBT in establishing eligibility lists. PBT is described as a program that "combines the efficiencies of the provisional hiring process with the merit safeguards of the permanent hiring process." 2

It was anticipated that this testing program would allow departments to adopt eligible lists resulting from merit-based examinations within sixty days of the posting of an examination announcement. Based on figures from Fiscal Year 2009-2010, the sixty day goal has very nearly been met.3

Greater efficiency is achieved primarily in two ways;

- by utilizing existing job analysis for developing the job announcement information, and
- limiting the right of applicants to appeal to the Civil Service Commission.

According to the plan outlined in the "Civil Service Reform Report", after thorough training in conducting and scoring Position Based Tests, certain City departments would be responsible for conducting PBT with consultation and concurrence from the Human Resources department.

In 2006 the Commission adopted Rule 111A authorizing the use of PBT. Since then, it has proliferated to the point where it now accounts for over 60% of the tests administered by the City. Department of Human Resources has "created a list of over 550 pre-approved classes in which the new PBT selection process is used"4, and PBTs are now used by 17 city departments.

As a result, the Human Resources department reports that the PBT selection method has greatly expedited the hiring process and improved the likelihood that the person hired has the specific skills required by a department.

One facet of PBT captured the Jury's attention. A hiring list developed by one department is increasingly being used by other departments to fill vacancies for a similar job classification without announcing the information on the City's job posting website. Originally, PBT exams were intended to test for highly specialized classes unique to a particular department. When used for that purpose, there is little need for other departments to use the resulting eligibility list.

As we have seen, PBT exams now comprise the majority of tests conducted by the City, including citywide job classifications. As a result, the sharing of eligibility lists among City departments has become increasingly common.

To illustrate the implications of this practice, the General Services Agency (GSA) recently posted a PBT announcement for an automotive machinist position. Based on current policy, the announcement did display an advisory that, "The current position is located at the General Services Agency, Fleet Management. The eligible list resulting from this examination may be used for future positions in this class in other City departments."

However, these advisories do not identify the other departments that might use the eligibility list. Should another City department have an opening for an automotive machinist, it can select from the eligibility list resulting from the GSA's examination, thereby avoiding the need to conduct its own examination. Under these circumstances, an applicant who has interest in the position of automotive machinist, but not interested in working at GSA, would be effectively precluded from hearing about and applying for a similar position that might open up at another City department.

THE APPEAL PROCESS

The Department of Human Resources maintains that the Position Based Testing selection process "has been successful in terms of candidate acceptance, as we see very few appeals to the CSC." 5 This could be partially due to the fact that PBT imposes limitations on an applicant's right to appeal a DHR decision regarding testing or the selection process to the Commission.

Under the traditional Class Based Testing (CBT), an applicant has the right to appeal to the Commission at almost every point during the examination process. On the other hand, an applicant taking a PBT can only appeal at three points in the process. For example, with CBT, when the DHR determines that an applicant does not meet a position's minimum requirements,

the applicant can appeal to the Commission. But PBT applicants cannot appeal the decision to the Commission, thereby ending their ability to participate in the examination.

A similar situation exists when an applicant disagrees with their examination score. Statistics show that the number of PBT related appeals received by the Commission is very small. There were none in FY 2009-2010 as compared to 51 new appeals in the case of CBTs. 6

During the course of its investigation, the Jury became aware of other issues related to the appeal process that are not PBT-specific. One involves the requirement that, where appropriate, a letter from the Department of Human Resources denying an appellant's petition must advise the appellant of their right to appeal the decision.

The DHR asserts that, where permitted under existing rules, it is department policy to advise all appellants of their right to appeal DHR decisions to the Commission. It further insists that it provides extensive training on merit system practices and procedures to DHR personnel staff.

However, various sources have told the Jury that this policy is not always being followed by the DHR and provided letters to substantiate their claims. When some of these letters were shown to an official at the Commission, the Jury was informed that the letters contained inadequate information regarding appeal rights. (See Appendix A)

Once an applicant makes a formal appeal to the Commission of a Department of Human Resources decision, there is a requirement that the appellant be provided with a copy of the DHR's response. Union representatives have described instances when the DHR did not proactively provide a copy of their report to the appellant as required.

When queried by the Jury, the Commission acknowledged that there have been instances when the DHR confirmed that it had, in fact, provided the required report to the appellant but could not provide the Commission with any written evidence of its compliance. Moreover, when the Commission sends a letter to an appellant setting a date for their hearing they do not inform the appellant of their right to receive a copy of the DHR response free of charge.

TRAINING & EXPERIENCE TESTING

In discussions with union members, the Jury's attention was drawn to "Training and Experience Testing" (T&E). In this selection process, a hiring manager basically relies upon information provided by an applicant in arriving at an examination score. Based upon information provided on an application form, a numerical value is assigned to such factors as training, level of education or years of experience to reach a total score for that applicant.

It is the Jury's understanding that with this current process no effort is made to verify the accuracy of the information provided by the applicant, for example through a written examination. As a result, this process creates a situation conducive to exaggerated claims, if not outright lying, on an applicant's application form. The Jury was given an example of an applicant claiming to have received a bachelor's degree from a community college. Two-year community colleges issue only associate degrees.

T&E testing does have one advantage. The hiring staff can examine a large number of applicants in a short period of time. This process also results in a large number of applicants with identical test scores, thereby affording a department hiring manager considerable flexibility in selecting staff. On the negative side, because a large number of applicants can achieve an identical score, there is very little effective ranking of candidates.

Moreover, there is no actual "testing", as commonly understood, to determine whether an applicant possesses the skills required for the position. It is basically left up to the department to determine whether the person hired has the necessary skills. If the person hired does not have the requirements, the department must either train or discharge the person.

Union representatives expressed considerable dissatisfaction with these aspects of T&E testing. They consider it to be a wasteful and inefficient process for hiring staff and felt it was a poor substitute for the traditional testing methods used to determine whether an applicant is fit for the position. According to the DHR, they are "moving away" from the Training and Experience testing process.

CIVIL SERVICE COMMISSION – COPING WITH DECENTRALIZATION

San Francisco's charter tasks the Commission with overall supervision of all facets of the civil service merit system. The Commission must ensure that the hiring, separation and promotion of all but 2% of the city's roughly 26,000 budgeted positions conform to civil service rules. "The Commission also hears and adjudicates appeals of decisions by the DHR and has the authority to investigate and conduct public hearings about merit system matters." 7

The decision to decentralize the examination and selection processes, including PBT, to the departmental level, as well as the current practice of sharing eligibility lists among departments, has expanded oversight responsibility for both the DHR and the Commission.

For example, currently 17 city departments use PBT for hiring staff.⁸ Instead of having to provide oversight over its own centralized testing unit, the DHR must now train and manage 17

departments' human resources personnel, and the Commission must monitor the hiring units in each of the 17 departments for compliance to civil service rules.

As the civil service reform project launched in 2005 continues to evolve, so will the burden on the Commission to keep abreast of the changes. Concurrently, staffing levels of both the DHR and the Commission have been reduced as a result of budget cuts. According to the Commission, their audit functions are currently limited to specific complaints and random audits of job postings for conformity to merit testing practices. They felt there was a particular need for one additional senior personnel analyst in order to more effectively fulfill its role.⁹

Union representatives agreed that the Commission is now woefully understaffed and consequently is unable to adequately ensure a fair hiring process.

FINDINGS & RECOMMENDATIONS

Finding I

Under the traditional CBT, an applicant has the right to appeal to the Commission at almost every point during the examination process. Applicants taking a PBT can appeal at only three points in the process. These differences can be confusing to applicants.

Recommendation I

On all job applications there should be a single link or single sheet of paper outlining in easily understandable language under what conditions a job applicant can appeal to the DHR and ultimately to the Commission.

Finding II

DHR is not always informing appellants of their right to appeal decisions of the DHR to the Commission.

Recommendation II

DHR should establish tighter procedures to ensure that all letters sent to appellants denying their appeal are mailed promptly. Where appropriate they should advise appellants of their right to appeal the decision to the Commission. As a further backup, the Jury urges the Commission to include in its letters to appellants setting the date of their hearing a reminder that they are entitled to a copy of the DHR's report free of charge.

Finding III

T&E testing relies too heavily on training and experience factors listed on an application form in evaluating whether an applicant is eligible for a position. This is an ineffective method for evaluating job applicants. T&E testing does not verify whether an applicant actually possesses the training/education and experience claimed on the application form. The DHR has indicated that is in the process of reducing its reliance on T&E examinations.

Recommendation III

The city should continue its move away from T&E examinations and return to a more knowledge-based examination. This process should be completed by June 30, 2012.

Finding IV

Besides a job description, PBT job announcements sometimes advise applicants that the eligibility list from this examination could be used by other City departments for hiring staff. However, the advisory does not identify those departments. This process can deny applicants the information required to become aware of and apply for a position with the City government.

Recommendation IV

Position based job announcements should identify each City department that might use the examination eligibility list. This would assist potential applicants in deciding whether or not to participate in the examination and get on an eligibility list. Otherwise, the list should be used solely by the department designated on the job announcement.

Finding V

As the hiring process in the City becomes increasingly decentralized and PBT testing becomes more prevalent, there is growing doubt among some City workers that the Commission as currently staffed is able to protect their rights.

Recommendation V

The Commission should be authorized to hire at least one additional senior personnel analyst.

METHOD OF INVESTIGATION

To prepare this report, the Committee reviewed various regulations pertaining to the hiring of non-exempt employees, including the City charter and civil service rules. The Committee conducted extensive interviews with a commissioner and a senior administrator of the Civil Service Commission, senior staff at the Department of Human Resources and the Department of Public Health as well as union leaders and city employees. These interviews were followed up with numerous emails seeking clarification of points made during those interviews

GLOSSARY

CBT – Class Based Testing
CGJ – Civil Grand Jury
CSC – Civil Service Commission
DHR – Department of Human Resources
PBT – Position Based Testing
T&E – Training and Experience (Testing)

ENDNOTES

1. DHR, "Civil Service Reform: Preserving the Promise of Government" 2005, p. 5
2. Ibid., p. 80
3. For the Fiscal Years 2009-2010, the figure for PBT was 63 days. DHR memo to CSC, "Report on the Position-Based Testing Program", 9/17/09, p. 2
4. DHR, "Civil Service Reform Phase II: Unfinished Business", 2/23/09 p. 2
5. "Civil Service Reform Preserving the Promise of Government" op. cit. p.2
6. CSC, "Summary Analysis of Appeals to Civil Service Commission during Fiscal Year 2000-2010, 3/17/11, p. 61
7. "Civil Service Reform: Preserving the Promise of Government", op. cit. p. 78
8. "Report on the Position Based Testing Program", op. cit., p.1
9. While the Jury is cognizant of the precarious financial position in which the City presently finds itself, one possible way to fund the estimated \$101-123,000 annual cost of an additional senior personnel analyst is from increased financial support by the Public Utilities Commission and the San Francisco Metropolitan Transportation Authority. In addition, the Jury believes that all enterprise departments such as the Airport Commission should be included among the governmental bodies required to provide financial support to the Commission.

BIBLIOGRAPHY

Appeals of Examination Process, Rule 111A, Article VIII, Position-Based Testing, Civil Service Rules
"Civil Service Reform Phase II: Unfinished Business", Department of Human Resources, 2/23/09
"Civil Service Reform: Preserving the Promise of Government", Department of Human Resources, 2005
"Report on the Position-Based testing Program", Department of Human Resources, 9/17/10
"Summary Analysis of Appeals Submitted to Civil Service Commission during fiscal Years 2000 through 2010", Civil service Commission, 3/7/11

APPENDIX A



Carin Newsom, Mayor
Edwin M. Lee, City Administrator

HUMAN RESOURCES Administration
875 Stevenson Street, Room 470
San Francisco, CA 94103-9803
Tel.: (415) 554-6000
Fax: (415) 554-6025

[REDACTED] 2010

[REDACTED]

Dear [REDACTED]

Your email dated [REDACTED] 2010 concerning the 0932 Manager IV [REDACTED] examination has been forwarded to our office for response. You are appealing the rejection of your application on the basis that you claim to have second level supervisory experience. Also, you state that your application was accepted in March 2005 for class [REDACTED] (Acting Assignment).

Based on our review of the current [REDACTED] class specification dated May 12, 2000 (See Attachment A), the distinguishing features and supervision exercised in the [REDACTED] classification clearly states that incumbents serve as a first level supervisor over several crews. The May 12, 2000 class specification was amended to accurately reflect the current tasks, knowledge, skills and abilities defined in the job analysis conducted for this class and the class title was changed to [REDACTED]. Prior to this date, the [REDACTED] was titled [REDACTED] (See Attachment B). We noted that your Performance Appraisal Report does not reflect the change in title and will ensure that it is corrected for the future.

Pursuant to Civil Service Rule 110.9.1, City and County of San Francisco employees will receive credit only for the duties of the class to which they are appointed. Credit for experience obtained outside of the employee's class will be allowed only if recorded in accordance with the provisions of the Civil Service Rules. Your personnel file did not contain any record of temporary out of class assignment that would verify your second level supervisory experience.

Although your performance evaluation indicates that you supervise subordinate staff, it does not specifically state that you supervise first-level supervisors. Furthermore, we have reviewed the Bureau of [REDACTED] organizational chart (See Attachment C), which verifies your [REDACTED] position supervising classes in the entry or journey-level crafts classifications and not supervisory classifications. Your supervision of lead workers that supervise their crews is not considered second-level supervisory experience.

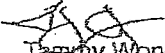
Your email indicated that in 2005, your application was accepted for class [REDACTED] Assistant [REDACTED] (Acting Assignment). The Department has reviewed prior recruitment records for class [REDACTED] and a provisional announcement for [REDACTED] was located, but we have no record to indicate that you were deemed qualified for this position.

For the reason stated herein, we are unable to qualify you as a second level supervisor and your application remains not qualified.

This decision is final and no further consideration can be made by this department [REDACTED]

Should you have any further questions regarding this matter, you may contact Angie Ignao, Sr. Personnel Analyst, at (415) 554-6000. [REDACTED]

Sincerely,


Tammy Wong
Senior Human Resources Manager, GSA

List ID 058497

cc: Micki Callahan, Human Resources Director, DHR
John Kraus, Recruitment & Assessment Services Director, DHR
Laura Dancer, Recruitment Manager, RAS, DHR
Anita Sanchez, Executive Officer, CSC
Angelita Ignao, Senior Personnel Analyst, GSA
Anna Blasbas, Senior Personnel Analyst, DHR

Important Employment Information for Position Based Testing Examinations for the City and County of San Francisco, which specifies announcement and application policies and procedures, including applicant appeal rights, can be obtained at http://www.sfgov.org/site/efahr_page.asp?id=56273. Copies of this information can also be obtained at 1 South Van Ness, 4th Floor, San Francisco, CA 94103.

Elaine Lee/DPH/SFGOV

01/27/11 05:36 PM

To [REDACTED]

cc

bcc

Subject Re: 1161 Executive Assistant to the Administrator

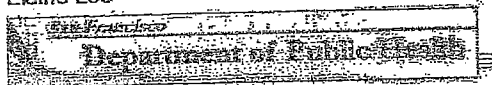
Hello Ms. [REDACTED]

The minimum qualifications for the class 1161 Executive Assistant to the Administrator employment opportunity require that the candidate possess a Master's degree from an accredited college or university. Based on my review of your application documents, I do not see that you possess a Master's degree.

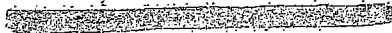
This decision may be reconsidered if you can provide additional information or explanation in writing within five (5) business days. If you would like your application to be reconsidered, please submit the additional information or documentation by Friday, February 4, 2011.

Thank you for your interest and inquiry.

Sincerely,
Elaine Lee



[REDACTED]
San Francisco Department of Public Health
[REDACTED]



01/26/11 11:46 AM

To Elaine.Lee@sfdph.org

cc

Subject Re: 1161 Executive Assistant to the Administrator

Hello Elaine,

Thank you for letting me know about the position and your decision.

I am upset by this email, and feel it's just wrong! I have extensive experience in the "executive assistant", "administrative assistant", "office manager", and "director of administration" roles during my career, and to say I have not been considered due to lack of experience/education is very inaccurate. I've been in the administrative capacity for OVER 20 YEARS, and I'm wanting to speak with you about this decision.

Exactly what are the specific qualifications I am lacking for this position?

I feel this may be an age discrimination issue here, and will believe that unless I hear from you otherwise.

Regards,

[REDACTED]
[REDACTED]

On Wed, Jan 26, 2011 at 9:52 AM, <Elaine.Lee@sfdph.org> wrote:

Wednesday, January 26, 2011

[REDACTED]

[REDACTED]

Dear [REDACTED]

Thank you for taking the time to apply to the 1161 Executive Assistant to the Administrator employment opportunity announcement. For your information, there was a high level of interest in this position and we received a number of applications.

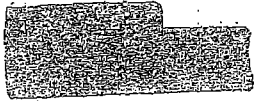
As part of the screening process for the Class 1161 Executive Assistant to the Administrator position, application reviews were conducted to evaluate candidates' experience and education as related to the responsibilities of the position. Based on this review, only those candidates who are deemed most qualified will continue in the selection process. We regret to inform you that you will not be invited to proceed in this examination process.

The City and County of San Francisco is continuously offering examinations for the same or similar job classifications. To find out about these and other employment opportunities with the City and County of San Francisco, please visit their website at www.sfgov.org

We wish you the best in your career endeavors.

Sincerely,
Elaine Lee
Human Resources Services

Civil Service Commission Rules for the City and County of San Francisco specify announcement, application and examination policies and procedures, including applicant appeal rights. They can be found on the Civil Service Commission website [CSC Rules](#). Copies of specific rules can also be obtained at 1 South Van Ness, 4th Floor, San Francisco, CA 94103.



RESPONSE MATRIX

FINDINGS	RECOMMENDATIONS	RESPONSE REQUIRED
<p><u>Finding I</u> Under the traditional CBT, an applicant has the right to appeal to the Commission at almost every point during the examination process. Applicants taking a PBT can appeal at only three points in the process. These differences can be confusing to applicants.</p>	<p><u>Recommendation I</u> On all job applications there should be a single link or single sheet of paper outlining in plain English under what conditions a job applicant can appeal to the DHR and ultimately to the Commission.</p>	<p>Department of Human Resources Civil Service Commission</p>
<p><u>Finding II</u> DHR is not always informing appellants of their right to appeal decisions of the DHR to the Commission.</p>	<p><u>Recommendation II</u> DHR should establish tighter procedures to ensure that all letters sent to appellants denying their appeal are mailed promptly. Where appropriate they should advise appellants of their right to appeal the decision to the Commission. As a further backup, the Jury urges the Commission to include in its letters to appellants setting the date of their hearing a reminder that they are entitled to a copy of the DHR's report free of charge.</p>	<p>Department of Human Resources Civil Service Commission</p>
<p><u>Finding III</u> T&E testing relies too heavily on training and experience factors listed on an application form in evaluating whether an applicant is eligible for a position. This is an ineffective method for evaluating job applicants. T&E testing does not verify whether an applicant actually possesses the training/education and experience claimed on the application form. The DHR has indicated that is in the process of reducing its reliance on T&E examinations.</p>	<p><u>Recommendation III</u> The city should continue its move away from T&E examinations and return to a more knowledge-based examination.</p>	<p>Department of Human Resources Civil Service Commission</p>

<p><u>Finding IV</u> Besides a job description, PBT job announcements sometimes advise applicants that the eligibility list from this examination could be used by other City departments for hiring staff. However, the advisory does not identify those departments. This process can deny applicants the information required to become aware of and apply for a position with the City government.</p>	<p><u>Recommendation IV</u> Position based job announcements should identify each City department that might use the examination eligibility list. This would assist potential applicants in deciding whether or not to participate in the examination and get on an eligibility list. Otherwise, the list should be used solely by the department designated on the job announcement.</p>	<p>Department of Human Resources Civil Service Commission</p>
<p><u>Finding V</u> As the hiring process in the City becomes increasingly decentralized and PBT testing becomes more prevalent, there is growing doubt among some City workers that the Commission as currently staffed is able to protect their rights.</p>	<p><u>Recommendation V</u> The Commission should be authorized to hire at least one additional senior personnel analyst.</p>	<p>Civil Service Commission Mayor The Board of Supervisors</p>