



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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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**

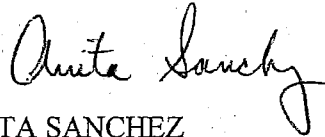
The Commission should be authorized to hire at least one additional senior personnel analyst.

**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



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Executive Officer

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