

DPH P103 Budget vs Actual

FY16/17	LHH Actual (Hours)	LHH Acutal (Amount)	LHH P103 Budget
Jul	3,938.9	382,648	
Aug	3,399.0	332,080	
Sep	2,990.0	291,866	
Oct	3,293.8	326,830	
Nov	3,329.4	325,270	
Dec	2,896.2	282,948	
Jan	3,155.5	320,058	
Feb	3,513.8	347,257	
Mar	3,351.9	330,859	
Apr	4,232.5	419,650	
May	3,468.3	341,244	
Jun	6,244.4	613,370	
	43,813.6	\$ 4,314,080	\$ 3,804,765

FY16/17	ZSFG Actual (Hours)	ZSFG Acutal (Amount)	ZSFG P103 Budget
Jul	46,525.7	4,134,595.2	
Aug	47,130.1	4,151,756.7	
Sep	49,660.2	4,393,027.6	
Oct	51,194.8	4,483,175.2	
Nov	53,303.0	4,664,045.5	
Dec	78,038.8	6,865,194.9	
Jan	53,834.6	4,821,324.2	
Feb	52,043.8	4,623,888.1	
Mar	51,697.0	4,559,183.9	
Apr	50,557.2	4,459,127.6	
May	50,676.5	4,488,933.5	
Jun	76,132.2	6,773,646.7	
	660,793.9	\$ 58,417,899	\$ 16,905,257

FY17/18	LHH Actual (Hours)	LHH Acutal (Amount)	LHH P103 Budget
Jul	4,167.9	410,424	
Aug	3,998.0	397,131	
Sep	3,456.8	342,752	
Oct	3,563.1	355,960	
Nov	3,345.6	326,843	
Dec	5,651.0	556,570	
Jan	3,317.1	327,535	
Feb	3,391.0	340,959	
Mar	3,738.8	372,040	
Apr	4,189.8	417,654	
May	4,576.7	451,290	
Jun	6,313.9	619,144	
	49,709.6	\$ 4,918,304	\$ 3,918,891

FY17/18	ZSFG Actual (Hours)	ZSFG Acutal (Amount)	ZSFG P103 Budget
Jul	77,902.4	4,589,132	
Aug	79,237.2	4,667,493	
Sep	81,549.3	4,816,156	
Oct	83,734.8	4,968,168	
Nov	87,285.8	5,162,008	
Dec	120,603.6	7,135,611	
Jan	79,769.3	4,753,158	
Feb	79,973.0	4,752,364	
Mar	81,947.0	4,850,981	
Apr	79,087.6	4,717,882	
May	80,212.5	4,737,940	
Jun	120,824.4	7,124,346	
	1,052,126.9	\$ 62,275,239	\$ 17,283,950

FY18/19	LHH Actual (Hours)	LHH Acutal (Amount)	LHH P103 Budget
Jul	4,084.5	414,720	
Aug	5,481.1	559,658	
Sep	4,525.5	473,049	
Oct	4,502.1	468,316	
Nov	6,995.4	700,194	
Dec	4,619.6	469,725	
Jan	4,663.6	474,250	
	34,871.8	\$ 3,559,911	\$ 4,036,550

FY18/19	ZSFG Actual (Hours)	ZSFG Acutal (Amount)	ZSFG P103 Budget
Jul	73,929.8	4,494,251	
Aug	77,835.7	4,746,019	
Sep	76,400.1	4,691,470	
Oct	77,808.7	4,783,184	
Nov	114,246.7	7,000,593	
Dec	69,786.2	4,271,032	
Jan	69,079.7	4,273,196	
	559,086.9	\$ 34,259,746	\$ 17,763,745

1 Full time position (FTE) = 2080 hours

1 part time position (.90) = 1872 hours

ZSFGH actual hours / 2080 = total # of full time positions

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ZSFG actual hours ÷ 1872 = # of part-time positions



THE MISUSE OF EXEMPT EMPLOYEES

April 2019

The Risks of Being an Exempt Employee

Concerns

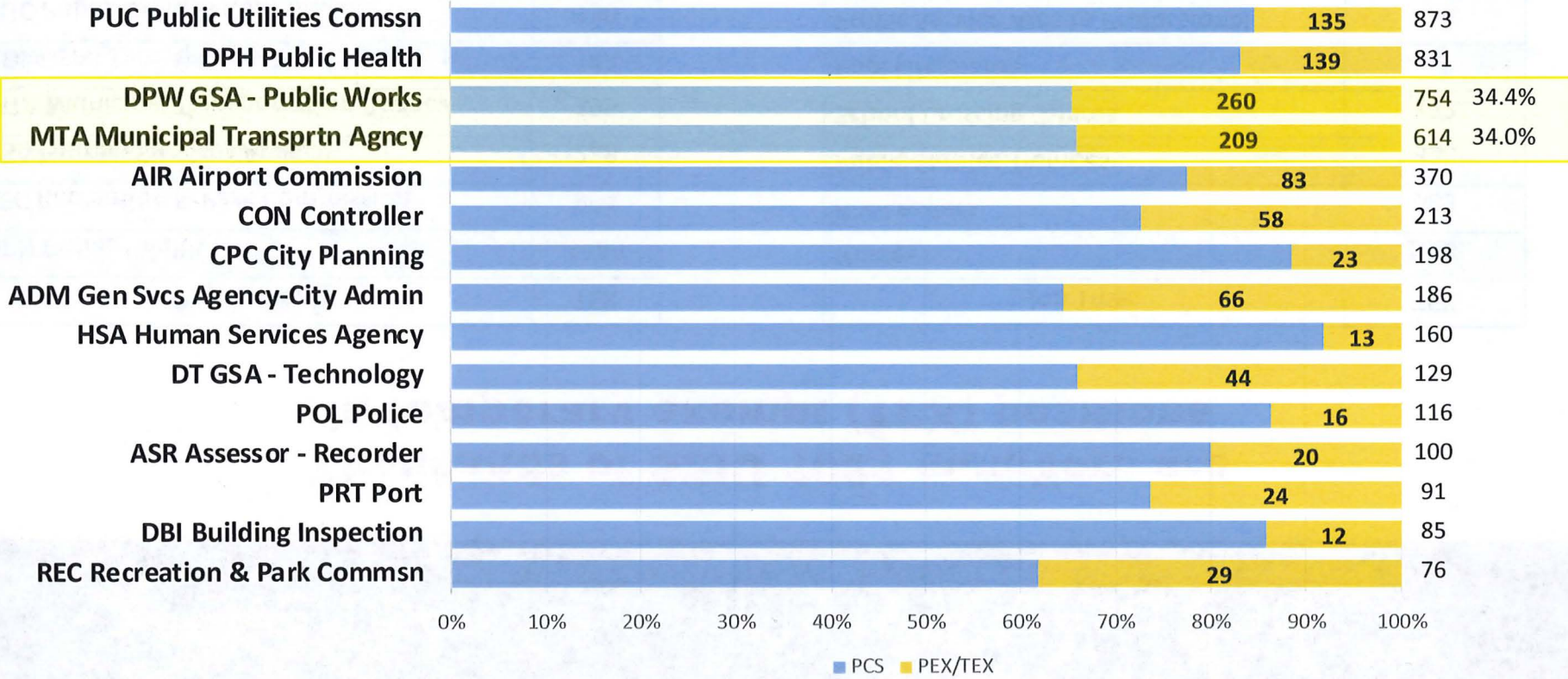
- NOT always used for temporary projects- instead many exempt members do work that is ongoing.
- Exempt employees have fewer workplace protections and are “at-will”.
- Bypasses Civil Service rules, which are meant to protect against nepotism, favoritism, and discrimination.
- Exempt employees still have to serve probation if they receive a PCS position.



Exempt Local 21 members in the Department of Technology (DT) Bill Kolarik (Web Designer), Julia Vcherashny (Engineer), and Noriko Tabata (Web Designer) were walked off the job with no notice after 10 years of doing ongoing, regular work.

Overuse of Exempts is Widespread

Approximately 25% of Local 21 members are exempt



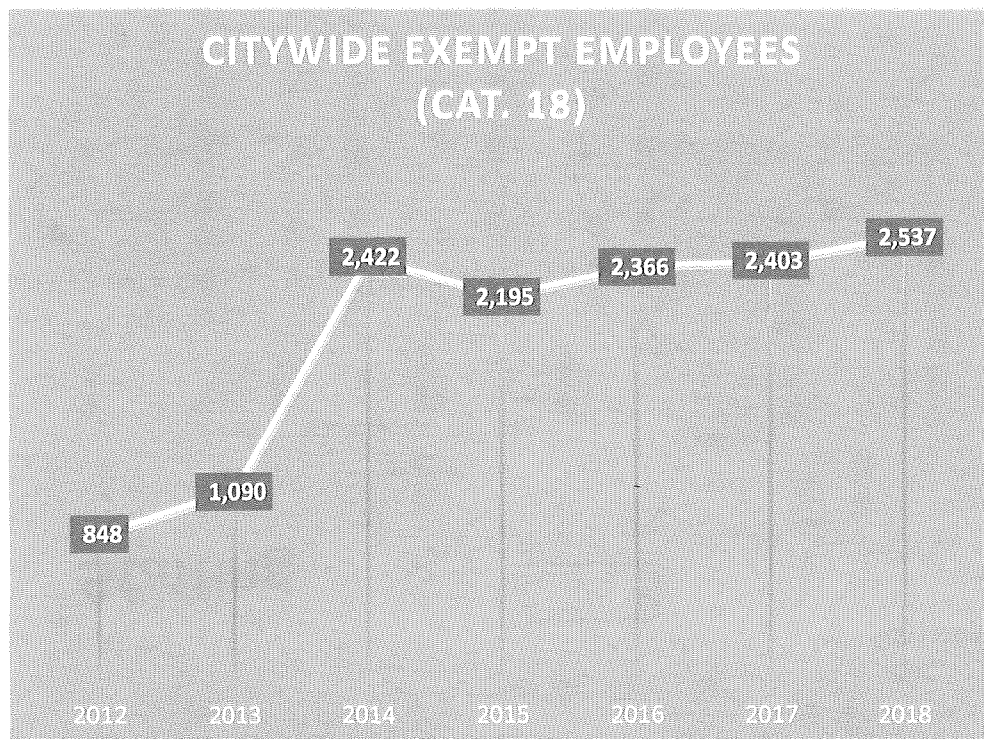
Overuse of Exempts is Widespread

Thousands of SEIU 1021 members are in temporary exempt (TEX) positions

Departments	TEX
DPH Public Health	1949
REC Recreation & Park Commission	994
HSA Human Services Agency	288
MTA Municipal Transportation Agency	195
ADM Gen Svcs Agency-City Admin	148
PUC Public Utilities Commission	150
HRD Human Resources	94
DPW GSA - Public Works	77
AIR Airport Commission	59
FAM Fine Arts Museum	77

Job Titles	TEX
Nurses	1609
Rec Leaders	683
Public Service Trainees	338
School Crossing Guards	173
Pool Lifeguards	93
Public Service Aids to Professional	91
Testing Technicians	84
Rec Facility Assistants	79
Custodians	77
Junior Clerks	74

Exempt Positions Have Grown Over Time



Within the Local 21 bargaining unit, the growth in hours worked by exempt employees far exceeds that of permanent civil service (PCS).

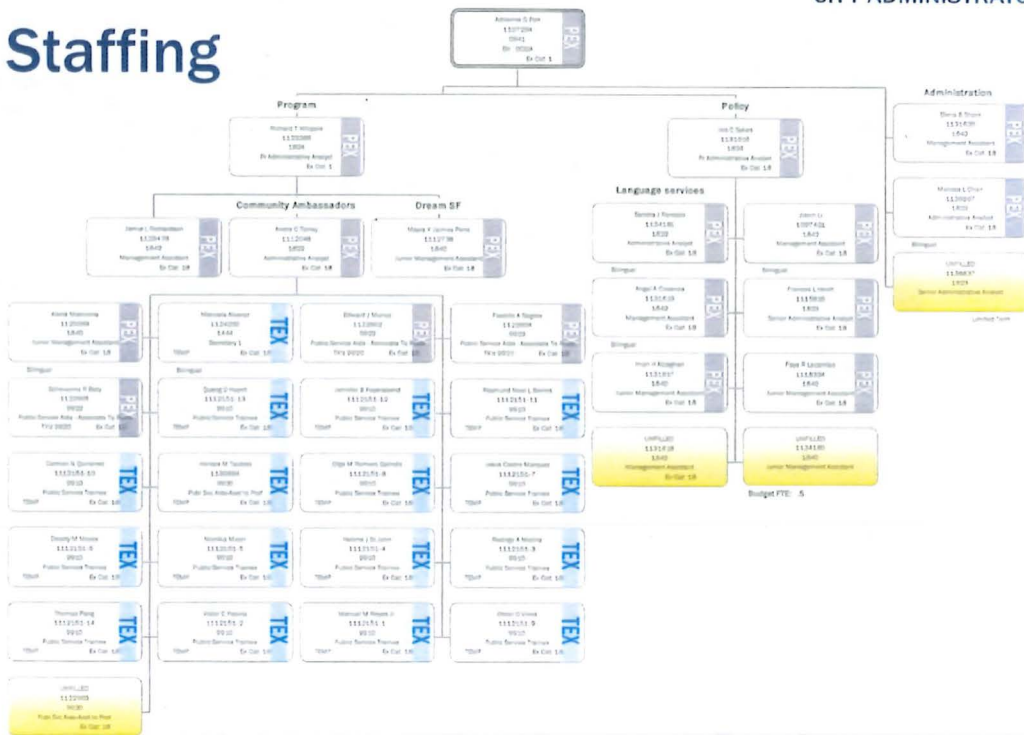
From FY13 – 14 to FY 17-18:

PCS Hours Increased by 24%

Exempt Hours Increased by 40%

OFFICE OF THE
CITY ADMINISTRATOR

Staffing



How can every position in a department be exempt?

Annual Salary Ordinance 2017-2018 and 2018-2019

Budgeted Position Counts (FTE) by Department and Job Code

Job Code	Title	Low	Type	High	2017-2018 FTE	2018-2019 FTE
ADM GENERAL SERVICES AGENCY - CITY ADMIN						
Program: FFL ENTERTAINMENT COMMISSION						
Subfund: 1G AGF AAP GF-ANNUAL PROJECT						
1823	Senior Administrative Analyst	3,418	B	4,155	1.00	1.00
1824	Principal Administrative Analyst	3,957	B	4,810	0.00	0.00
1842	Management Assistant	2,700	B	3,282	1.00	1.00
1844	Senior Management Assistant	3,093	B	3,760	1.00	1.00
SubFund Total:					6.00	6.00
Program Total:					6.00	6.00
Program: FFN IMMIGRANT AND LANGUAGE SERVICES						
Subfund: 1G AGF AAA GF-NON-PROJECT-CONTROLLED						
0941	Manager VI	5,435	B	6,936	1.00	1.00
1822	Administrative Analyst	2,933	B	3,566	3.00	3.00
1823	Senior Administrative Analyst	3,418	B	4,155	1.00	1.00
1824	Principal Administrative Analyst	3,957	B	4,810	2.00	2.00
1840	Junior Management Assistant	2,377	B	2,890	4.50	4.50
1842	Management Assistant	2,700	B	3,282	5.00	5.00
TEMPM	Temporary - Miscellaneous	0.00	B	0.00	0.37	0.35
SubFund Total:					16.87	16.85
Program Total:					16.87	16.85



Especially when funding comes from permanent revenue sources

This is a Solvable Problem

City and County of San Francisco

Gavin Newsom
Mayor



Department of Human Resources

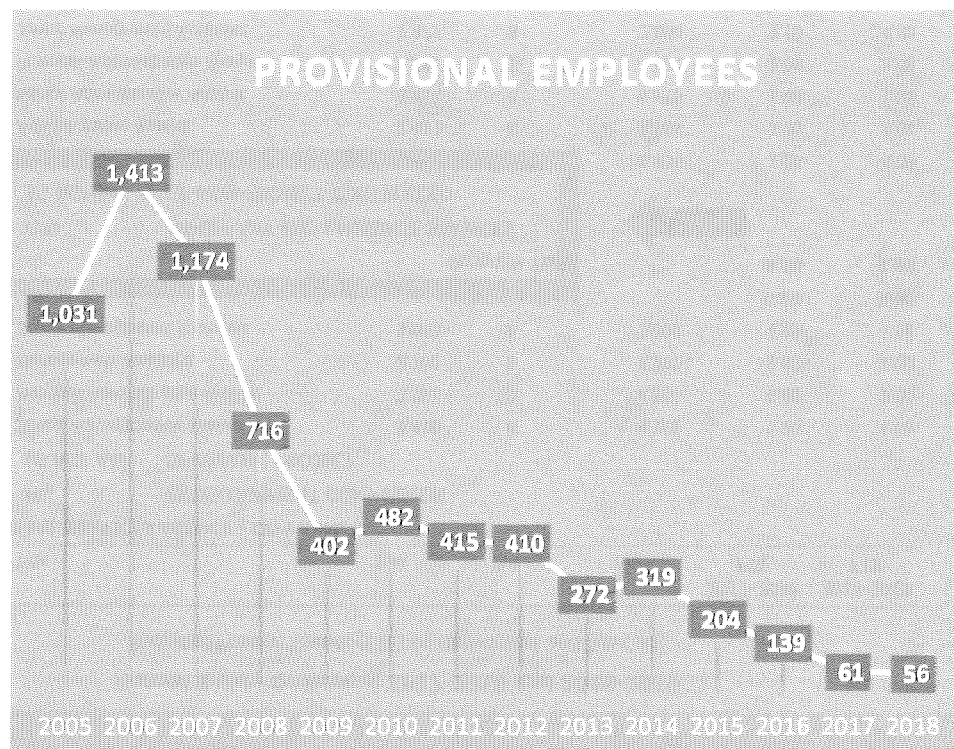
Philip A. Ginsburg
Human Resources Director

MEMORANDUM DIIR No. 26-2006

DATE: October 4, 2006
TO: Department Heads
Personnel Officers
FROM: Philip A. Ginsburg
Human Resources Director
SUBJECT: **Position-Based Testing: Classes Pre-Approved by the Human Resources Director for the Position Based Testing Program**

The Department of Human Resources is pleased to announce the commencement of one of our key Civil Service Reform goals. Our new Position-Based Testing program was implemented on October 2, 2006. Approximately 100 human resources professionals of the City & County of San Francisco have been trained in the program and are ready to embark on faster permanent hiring of the best qualified candidates.

Civil Service Rule 111A, Article II, Section 4 Application of Position-Based Testing authorizes the Human Resources Director to designate classes to be included in the Position-Based Testing program. The rule also directs the Human Resources Director to eliminate reliance on provisional hiring. **Attached to this memorandum is a list of classes that have been pre-approved by the Human Resources Director for position-based testing. Effective October 2, 2006, no provisional hiring may occur in these classes without prior approval of the Human Resources Director.**



Our Solutions

- Audit of all current exempt appointments to determine whether they are appropriate or in conflict with the charter.
- Fair process for transitioning employees who are improperly exempt to a permanent civil service position.
- Strengthen workplace protections for exempt employees.

San Francisco's Exempt Employees

A look at exempt positions in Charter Categories 16-18

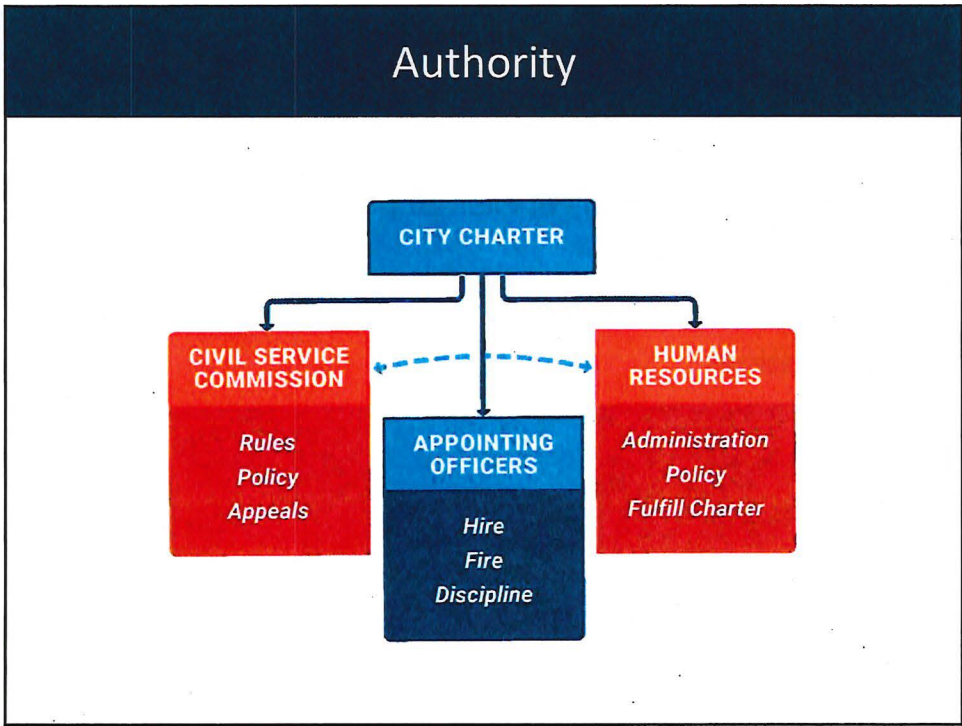
April 4, 2019
Government Audit and Oversight Committee
City Hall



Agenda

- How departments get exempt positions
- Exemption data
- Department examples
- Questions

How Departments Get Exempt Positions



Defined Process and Record Keeping



Form in People & Pay

Instate Request to Fill

Step 4 of 6: Provide Exemption Justification

Entered By:	Entered On:	Document Status:	Enter
Updated By:	Updated On:	Job Status:	Act/Enry
Request to Fill #: 15247	Request Type: Full Vacancy	Dept ID:	15255 RED Herring Park Self Course
Position Number: 0112293	Job Code: 3417 Gardener	Department Code:	SEC
Position Status: Approved	Request Status: Draft	Creation Date:	03/21/2019
Fill Type: Permanent	Exempt Category: 12 Special Proj - Limited Term	TX Job Code:	
MCCP File No:	Class/Unit: Exempt	Classified:	<input type="checkbox"/> Service Critical <input type="checkbox"/> System Update: Pending

CHARTER EXEMPTION JUSTIFICATION Charter Section 10.104 - Exemption Category 18- Special Projects (2 Year Maximum Duration) (Note: Includes Category: CP - NSA-Emergency Cont. Fund & HI-Homebased Security)

Special Project or Professional Services Title: _____
 Duration of the Exempt Appointment (months): _____

A. If this is a request for an Exempt Appointment for a Special Project:

1. Provide a detailed description of the project, including: 1) the objective of the project; 2) the specific deliverables for the project; 3) the scope of work of the project; and 4) the anticipated duration of the project. Enter N/A if not applicable.

2. Describe the specific and essential duties performed by this position as they relate to the project. Enter N/A if not applicable.

B. If this is a request for an Exempt Appointment to provide Professional Services with Limited-Term Function:

1. Describe the funding source and how it is limited (e.g., is it grant or a "one time only" appropriation for a specific purpose), and what the anticipated duration will be for the funding source. Enter N/A if not applicable.

2. Provide a detailed description of the specific and essential professional services to be performed. Enter N/A if not applicable.

- Hiring manager IDs need
- Discusses appropriateness of exempt position and correct category with department HR
- HR submits request to fill (RTF) form
 - Includes justification for exempt position
- DHR Client Services Consulting reviews RTF
- If approved, RTF goes to MYR Budget Office for review and approval
- Once position fully approved department can move forward

How Exemptions are Used

- Seasonal/As-needed work (Cat. 16)
 - Elections
 - Summer jobs
 - Sick leave/vacation backfills
- Job readiness programs, including JobsNow!
 - 9910/9916
 - Pre-apprenticeships
- Professional & journey level training programs
 - 1249 Human Resources Trainees
 - 1649 Accountant Intern
 - Crafts apprenticeships
 - San Francisco Fellows
- Projects (Cat. 18)
 - Capital projects
 - Systems implementation



Data

All Exempt Employees as % of Total

Historical Charter Exempt Appointments														
Last Updated on 3/22/19														
Cat.	1/1/2013	1/1/2014	1/1/2015	1/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2013	1/1/2014	1/1/2015	1/1/2016	1/1/2017	1/1/2018	1/1/2019
01	69	74	88	88	93	103	100	0.22%	0.23%	0.27%	0.26%	0.26%	0.29%	0.28%
02	33	35	38	36	38	33	35	0.11%	0.11%	0.11%	0.11%	0.11%	0.09%	0.10%
03	264	269	277	273	298	304	316	0.85%	0.84%	0.84%	0.80%	0.85%	0.84%	0.87%
04	19	19	17	18	16	17	18	0.06%	0.06%	0.05%	0.05%	0.05%	0.05%	0.05%
05	43	47	42	43	48	46	47	0.14%	0.15%	0.13%	0.13%	0.14%	0.13%	0.13%
06	98	99	104	110	114	116	122	0.32%	0.31%	0.31%	0.32%	0.32%	0.32%	0.34%
07	17	16	22	25	26	24	28	0.05%	0.05%	0.07%	0.07%	0.07%	0.07%	0.08%
08	60	62	61	57	61	63	62	0.19%	0.19%	0.18%	0.17%	0.17%	0.17%	0.17%
09	31	35	32	33	31	37	37	0.10%	0.11%	0.10%	0.10%	0.09%	0.10%	0.10%
12	4	3	2	1	2	10	28	0.01%	0.01%	0.01%	0.00%	0.01%	0.03%	0.08%
13	789	790	806	817	820	818	818	2.54%	2.46%	2.44%	2.39%	2.33%	2.27%	2.25%
14	600	578	564	583	694	657	577	1.93%	1.80%	1.70%	1.71%	1.97%	1.82%	1.59%
16	3,188	3,549	2,349	2,229	2,014	2,095	2,139	10.26%	11.03%	7.10%	6.53%	5.73%	5.80%	5.89%
17	69	74	95	129	141	135	162	0.22%	0.23%	0.29%	0.38%	0.40%	0.37%	0.45%
18	901	1,220	2,540	2,420	2,599	2,741	2,867	2.90%	3.79%	7.68%	7.09%	7.39%	7.59%	7.89%
19	0	0	2	1	2	13	18	0.00%	0.00%	0.01%	0.00%	0.01%	0.04%	0.05%
BA	86	97	106	119	123	130	127	0.28%	0.30%	0.32%	0.35%	0.36%	0.36%	0.35%
C2	333	323	322	345	358	347	313	1.07%	1.00%	0.97%	1.01%	1.02%	0.96%	0.86%
NA	24,481	24,873	25,624	26,787	27,693	28,411	28,516	78.76%	77.33%	77.43%	78.52%	78.74%	78.70%	78.49%
All	31,085	32,163	33,091	34,114	35,171	36,100	36,330							

1/1/2013	1/1/2019	
4,158	5,168	Cat. 16, 17 and 18 (#)
31,085	36,330	All (#)
13.38%	14.23%	Cat. 16, 17 and 18 as Percent of All

* Beginning in calendar 2013, the City moved away from using Cat. 16 for training positions and replaced with Cat. 18, which better reflected the nature of the work and provided greater compensation.
 * The City's workforce has grown by 17% (36,330 - 31,085 / 31,085) over the past six years.

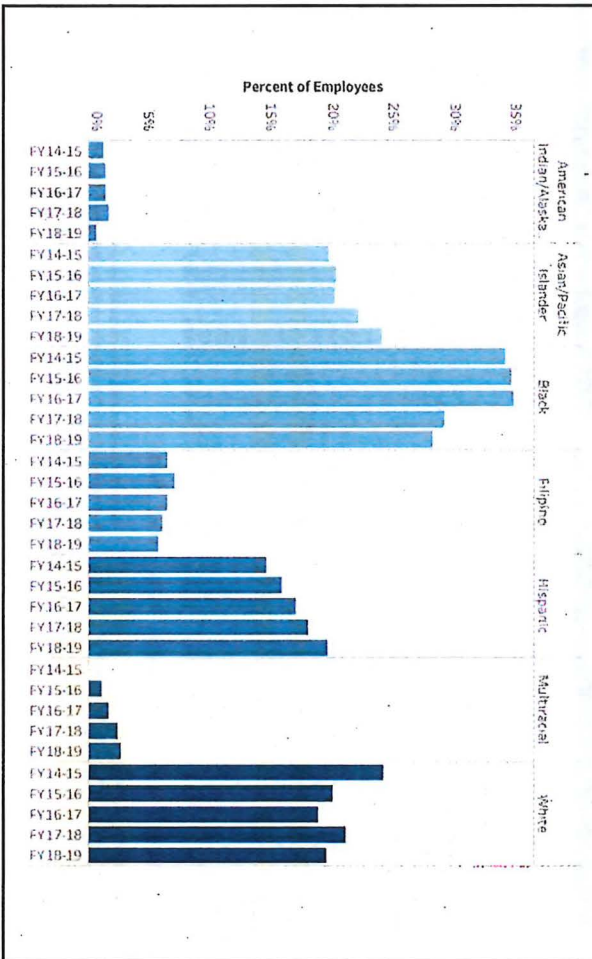
New Hires CY 2018 Category 18

Class	Title	Annual	Count
9910	Public Service Trainee	contract	451
9916	Public Svc Aide-Public Works	\$37,960	229
5380	StdntDsgnTrain1_Arch/Eng/Plng	\$58,994	106
9920	Publ Svc Aide-Asst to Prof	\$42,458	70
9921			
5381			
1801			
1321			
1641			
9914			
1401			
1821			
5382			
1820			
3410			
8271			
7334			
9924			
1631			
1822	Administrative Analyst	\$98,358	9
1010	Information Systems Trainee	\$92,066	8
1053	IS Business Analyst-Senior	\$126,100	8
7514	General Laborer	\$71,760	8
1052	IS Business Analyst	\$108,914	7
1241	Human Resources Analyst	\$102,648	7

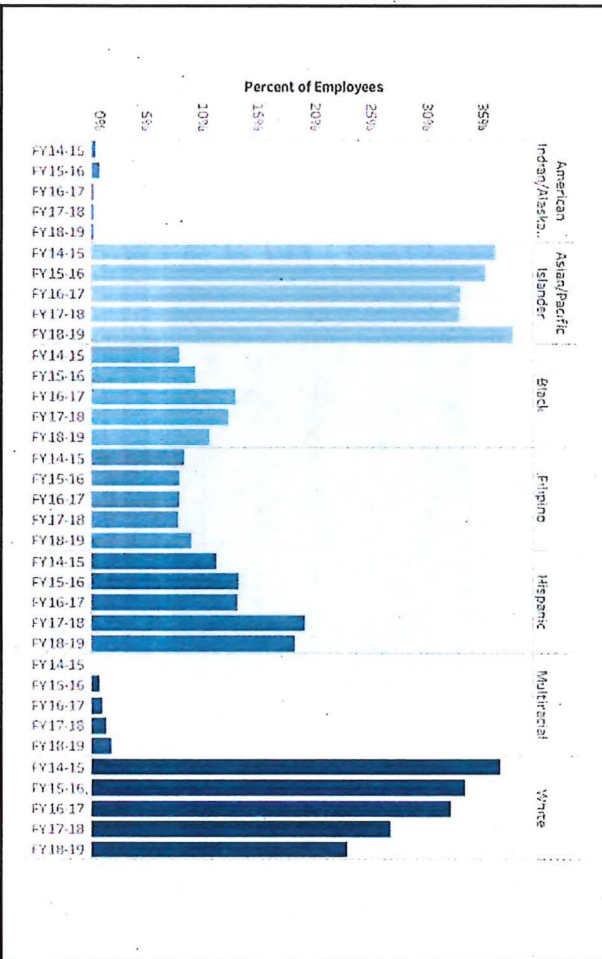
73%

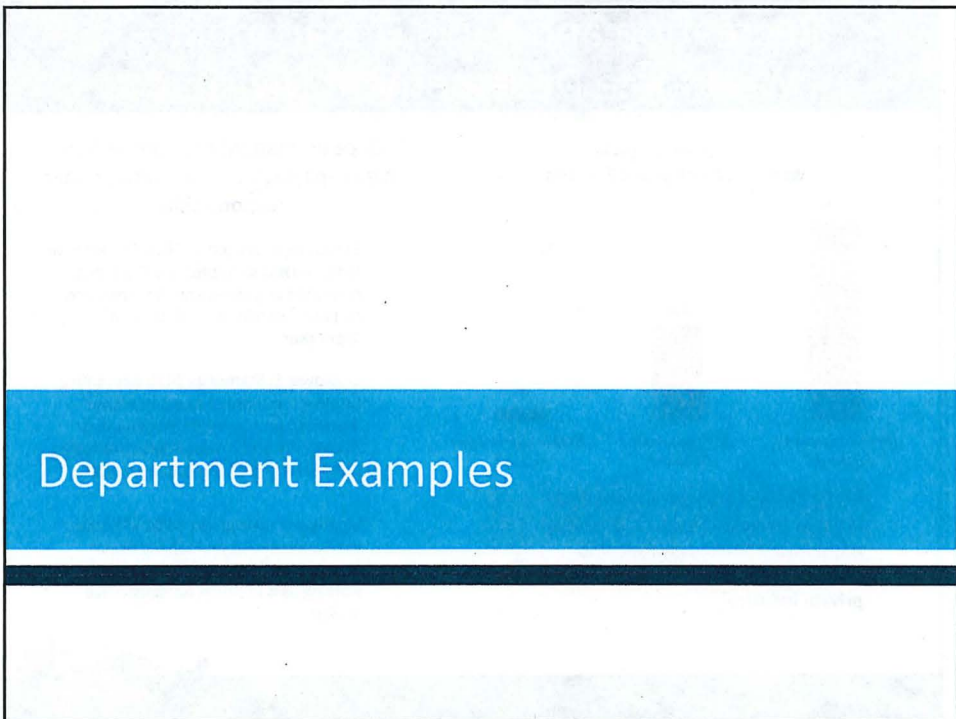
in job readiness or
professional
training programs

Job Readiness Classifications & Race



Professional Training Classifications & Race





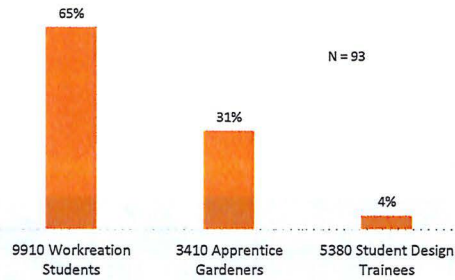
Department of Public Health—Building Training Programs to Address Workforce Needs

- DPH has recruitment challenges in 2586 Health Worker II class
 - Finding candidates with specialty qualification
 - Candidates with one year work experience
- DPH partnered with City College to establish pipeline into series by creating 9910 Public Service Trainee program
- Trainees for one year (minimum) up to 18 months, depending on timeline of PCS exam
- Trainees who successfully complete qualify for PCS 2586 exam

Job #	Job Title	Date Applied	Status	Dispo 1
CBT-2586-902539	2586 Health Worker II (Interpreter Services)	9/3/2018 11:16:23 PM	AC	NTH
CBT-2586-902539	2586 Health Worker II (Interpreter Services)	9/5/2018 7:59:07 PM	AC	NTH
CBT-2586-902539	2586 Health Worker II (Interpreter Services)	9/4/2018 9:14:22 AM	AC	NTH
CBT-2586-902539	2586 Health Worker II (Interpreter Services)	9/10/2018 11:19:45 PM	AC	NTH

Recreation and Parks Department – Workforce Development Division

Exempt Employees in
Workforce Development Programs



RPD has hired 118 Apprentices since program inception in 2010. 53% of all Apprentices (3410s) promoted to Gardeners (3417s) at RPD. Others went to private industry

Once permanent they promote to higher-paying positions with greater responsibility

Employee D: Started as 9916 Public Service Aide, worked as Apprentice Gardener, promoted to permanent Gardener, and currently working as Park Section Supervisor

Employee E: Started as 3410 Apprentice Gardener, promoted to a permanent Gardener, and currently working as an Acting Park Section Supervisor, managing the Apprenticeship Gardener Program

Employee F: Started as a 9910 SF State Intern, worked as permanent Senior Administrative Analyst, and currently working as a Principal Administrative Analyst



Public Utilities Commission – Connecting People to Public Service

- Employee A: Started as 9910 intern for Enterprise Workforce Planning in 2015 while pursuing Master’s Degree in Industrial-Organizational Psychology
 - SFPUC provided training and experience in organizational workforce planning
 - Became a PCS employee for SFPUC Human Resource Services, Enterprise Workforce Planning team



Welfare to Work – JobsNOW! Program Overview

- Subsidized employment for CalWORKs and County Adult Assistance Program
- Provides valuable work experience, with goal of self-sufficiency
- Public Service Trainee/Aide (PST) one way employment gained
- Since start of JobsNOW! in 2010: 24,613 placements made
 - 19,905 in private sector
 - 4,708 in public sector (PST)
- 62-63% of JobsNOW! participants reported earnings in first quarter after exiting program and 59% continue to report earnings three years after exiting program

Thank You

CIVIL SERVICE COMMISSION AND EXEMPT APPOINTMENTS



Presented by:

Michael L. Brown, Executive Director

CIVIL SERVICE COMMISSION

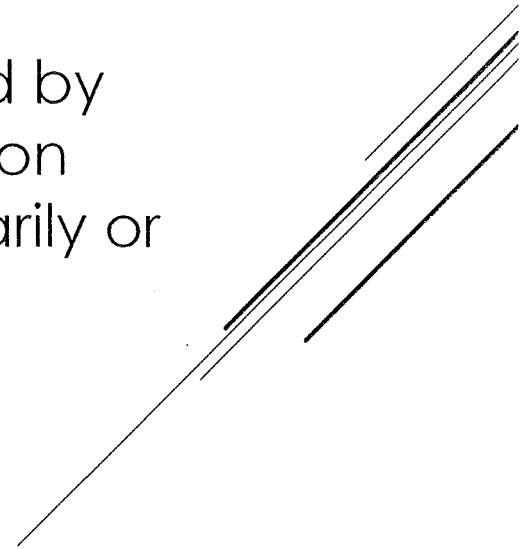
An Exempt appointment:

- can be made to a permanent or temporary budgeted position;
- the appointment is exempt from the competitive civil service selection process;
- the exempt employee is considered “at will” and serves at the discretion of the appointing authority.



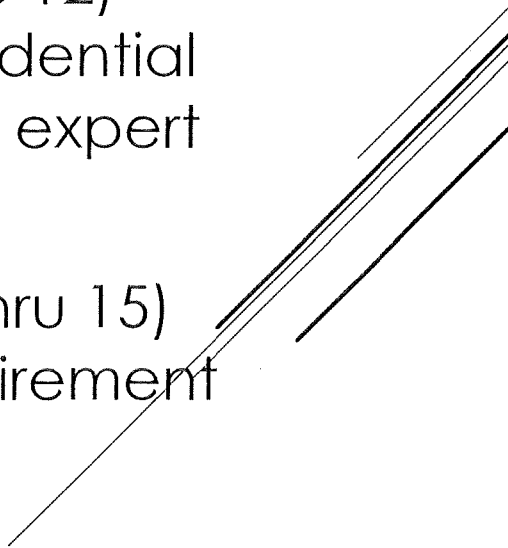
There are two types of exempt appointments:

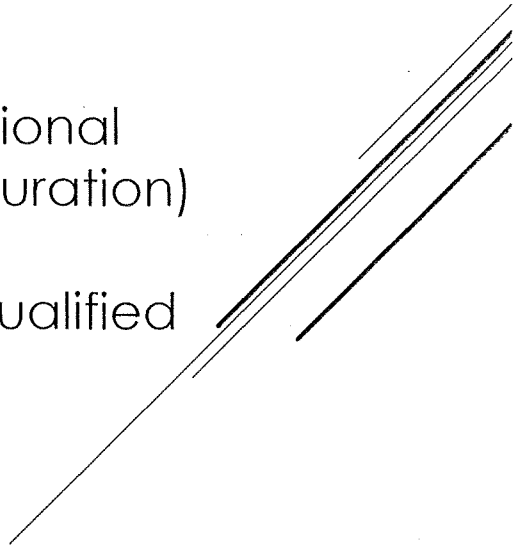
1. Permanent Exempt (PEX) – appointments authorized in the Annual Salary Ordinance (ASO) and are generally part of a department and more permanent in nature.
2. Temporary Exempt (TEX) – are not authorized by the ASO and they are often of shorter duration and or irregularly scheduled to fill in temporarily or on an as-needed basis.



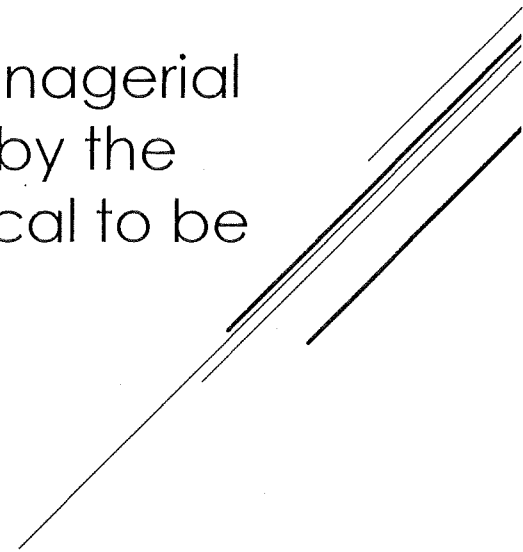
The Charter defines 19 categories of exempt employment.

Hires made into exempt positions are at the discretion of the appointing authority. However, hires must meet the qualifications for the position.


- Charter Sections 10.104 1–12 (Categories 1 thru 12)
Department Heads; Executive Assistants; Confidential Secretaries; Legislative Analysts/Assistants; and expert professional temporary services
 - Charter Sections 10.104 13-15 (Categories 13 thru 15)
Attorneys, Physicians and Dentists, and the Retirement System Actuary
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- Charter Sections 10.104 16 thru 19, provides the Civil Service Commission limited authority:
 - Category 16 – seasonal or temporary as-needed appointments limited to 1040 hours in a fiscal year
 - Category 17 – appointments to temporarily backfill civil service employees on a leave (limited to 2 years duration)
 - Category 18 – approved special projects and professional services with limited term funding (limited to 3 years duration)
 - Category 19 – used for the City program to employ qualified severely disabled persons into entry level positions
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- For MTA in addition to Categories 1 thru 19 under Charter Section 10.104:
 - Charter Section 8A.104(i) allows MTA managerial employees that have been designated by the Director of Transportation as service-critical to be exempt from civil service.

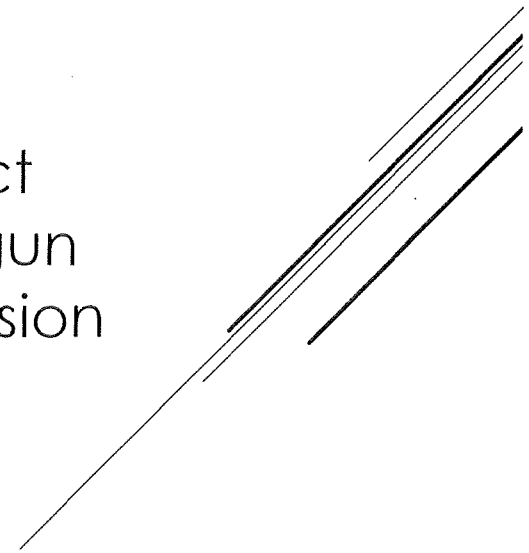


DELEGATION OF AUTHORITY

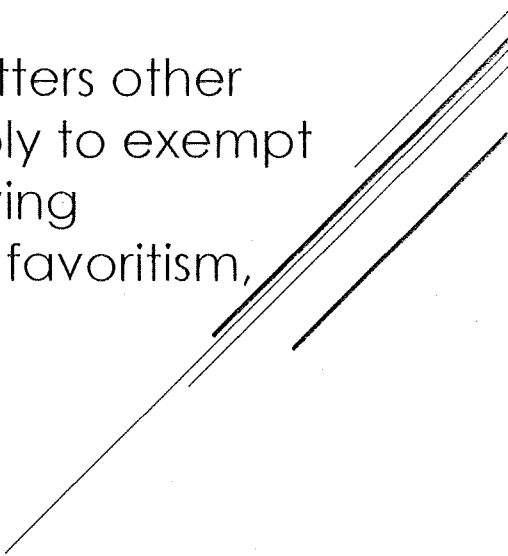
- After the establishment of the Department of Human Resources in 1994, the Commission delegated to the Human Resources Director the authority to review and approve requests for all exempt appointments under Charter Section 10.104 to ensure compliance with the Charter and any applicable Civil Service Rules and/or Commission policies.
 - Likewise, since the establishment of MTA in 1999, the Director of Transportation is responsible for ensuring that any MTA exempt appointments including "Service-Critical" exempt appointments comply with the Charter and any applicable Civil Service Rules and/or Commission policies.
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REPORTING REQUIREMENTS


- The Commission requires the Human Resources Director and Director of Transportation to report regularly on exempt appointments in its oversight of the operation of the merit system.
- More recently, the San Francisco School District and the Community College District have begun reporting annually to the Civil Service Commission on their classified permanent and exempt appointments.



APPEALABLE MATTERS TO THE COMMISSION

- Decisions by the Human Resources Director and Director of Transportation to justify the use of exempt appointments to fill vacancies may be appealed to the Commission. The Commission's decisions on such appeals are final.
 - Civil Service Rules and Commission policies regarding matters other than selection, appointment and separation may still apply to exempt appointees (e.g. discrimination complaints, matters involving Classification Plan, conflict of interest, leaves of absence, favoritism, nepotism, etc.)
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AUTHORITY TO INVESTIGATE

- As authorized under the Charter, the Commission can conduct an inspection service for the purpose of investigating the conduct or an action of appointees in all positions and or securing records of service for promotion and other purposes.
 - All departments are required to cooperate with the Commission in making its investigations and any person hindering the Commission or its agents shall be subject to suspension.
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THE END

