



CIVIL SERVICE COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

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MEMORANDUM
CSC NO. 2009 – 07

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ANITA SANCHEZ
EXECUTIVE OFFICER

Transmitted via USPS and Electronic Mail

DATE: December 9, 2009

TO: Chief Charles Gascón, San Francisco Police Department
Gary Delagnes, President, Police Officers Association

FROM: Anita Sanchez
Executive Officer

SUBJECT: **NOTICE OF POSTING of Proposed amendments to Civil Service Commission Rules Applicable to the Uniformed Ranks of the Police Department, Volume II Rule 213 – Certification of Eligibles – Police Department.**

The Civil Service Commission acted on December 7, 2009 to post proposed amendments to its Rules Applicable to the Uniformed Ranks of the Police Department, Volume II Rule 213 – Certification of Eligibles – Police Department. The amendments add Statistically Valid Grouping (Sliding Band) to the certification rules; and, for a promotive eligible list, the certification rule shall be the Statistically Valid Grouping.

The proposed amendments are consistent with the Civil Service Commission policy of broadening the Rules for certification of eligibles from civil service eligible lists. An expanded certification rule provides the appointing officer with a broader pool of appointment choices in order to consider critical, non-discriminatory, job-related, and merit-based criteria in selections. The broader pool of appointment choices will help to ensure compliance with anti-discrimination laws. A narrower certification rule, resulting in fewer appointment choices, would increase the likelihood that a promotional exam will unintentionally have a disparate impact on one or more groups, which could result in a violation of anti-discrimination laws.

The proposed Rule amendments applying the Statistically Valid Grouping (Sliding Band) to certification of promotive eligible lists in the Police Department comply with merit system principles, use a selection device that identifies those candidates with comparable knowledge skills and abilities, ensure compliance with federal, state and local anti-discrimination laws, and enable the Chief of Police to select the best-qualified candidates.

Requests to meet and confer by the recognized employee organization or requests to consult by other parties on these proposed Rule changes must be submitted in writing to:

Anita Sanchez, Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102

Requests may be sent by fax to (415) 252-3260. Mailed or faxed requests to meet must include the name and telephone number of a contact person and must be received no later than 5:00 p.m. Monday, December 28, 2009. Such failure shall be deemed an unequivocal waiver of the right to meet and confer or consultation on the proposed amendments to the Rules. The amendment to the Rules will proceed to be finalized and adopted at the Regular Meeting of the Civil Service Commission on February 1, 2010.

If there are any questions, contact Sandra Eng, Assistant Executive Officer at (415) 252-3254 or me at (415) 252-3250.

Sincerely,

CIVIL SERVICE COMMISSION



ANITA SANCHEZ
Executive Officer

Attachments

- c: Micki Callahan, Human Resources Director
Alice Villagomez, Human Resources Director, San Francisco Police Department
John Tennant, General Counsel San Francisco Police Officers Association
John Kraus, Recruitment and Assessment Services Director, DHR
James Lynch, Assistant Chief, San Francisco Police Department
Sandra Eng, Assistant Executive Officer, CSC
Julian Hill, Officers for Justice, 5126 – 3rd Street, San Francisco, CA 94124
Lea Militello, SFPOPA, 584 Castro Street #653, San Francisco, CA 94114
Maria Oropeza, LPOA, P.O. Box 410692, San Francisco, CA 94141-0692
Paul Yep, SFAPOA, P.O. Box 22695, San Francisco, CA 94122-0695

Deletions in strikethrough, Additions in underline**Rule 213****Certification of Eligibles - Police Department****Article II: Certification of Eligibles**

Applicability: Rule 213 shall apply to all classes of the Uniformed Ranks of the San Francisco Police Department

Sec. 213.2 Certification of Eligibles - General Policy

213.2.1 The Civil Service Commission endorses and supports the broadening of the Rules governing certification of eligibles from the civil service eligible lists and considers this broadening as an increase in opportunities for appointing officers to select employees who are best suited to perform the duties of specific positions. Selection of employees from eligible lists shall be based on merit and fitness without regard to relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition or other non-merit factors or otherwise prohibited nepotism or favoritism. Appointing officers and their designees shall be responsible for establishing non-discriminatory selection procedures which may include by way of example but not limitation, scheduling each interested eligible for interview, reviewing application materials, conducting interviews by a diverse panel, and asking job-related questions. Appointing officer/designee shall also be responsible for maintaining documentation of selection criteria, and reviewing the proposed selection with the department's Equal Employment Opportunity Officer or with the Department of Human Resources Equal Employment Opportunity Unit. Unless otherwise instructed by the Civil Service Commission, the Police Department shall annually report to the Civil Service Commission on the selection process. In addition to the annual reports, the Department shall make regular reports as requested by the Civil Service Commission on merit system issues such as recruitment, examination, and certification and selection procedures. For further clarification, prior to the issuance of any job announcement, secondary criteria shall be presented to the Civil Service Commission for its approval in advance to insure compliance with Civil Service Commission Rules and policy and will be discussed in open session with all parties interested.

Deletions in strikethrough, Additions in underline**Sec. 213.2 Certification of Eligibles - General Policy (cont.)****213.2.2 Implementing this Rule, the Human Resources Director shall:**

- 1) adhere to all rules, policies, procedures, and directives of the Civil Service Commission and all relevant Charter provisions of the City & County of San Francisco, and
- 2) ensure that such rules, policies, procedures, directives, and Charter provisions are adhered to by all decentralized units as delegated by the Human Resources Director, and
- 3) take any action necessary to ensure compliance with federal, state and local anti-discrimination laws, ordinances or regulations.

Sec. 213.3 Certification Rules**213.3.1 Rule of Three Scores**

- 1) The Department of Human Resources shall certify to the appointing officer the names of eligibles with the three (3) highest scores on the list of eligibles for the position who are available for appointment.
- 2) Except as otherwise may be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus two (2) scores. An eligible list adopted under the Rule of Three Scores shall in all cases be exhausted when eligibles standing at less than three (3) scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

213.3.2 Rule of Three or More Scores

- 1) The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with the three (3) highest scores shall be certified to each available position.
- 2) Except as otherwise may be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the certification rule applicable to the eligible list being certified minus one.

Deletions in strikethrough, Additions in underline**Sec. 213.3 Certification Rules (cont.)****213.3.3 Rule of Five Scores**

~~1) The Department of Human Resources shall certify to the appointing officer the names of eligibles with the five (5) highest scores on the list of eligibles for the position who are available for appointment.~~

~~2) Except as otherwise may be provided, when there are two (2) or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus four (4) scores. An eligible list adopted under the Rule of Five Scores shall in all cases be exhausted when eligibles standing at less than three (3) scores are available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.~~

213.3.43 Rule of the List

1) The names of all eligibles on the eligible list shall be certified to each available position.

2) An eligible list adopted under the Rule of the List shall be exhausted when there are less than one third of the number of eligibles on the original list still available, provided however, if the original list had nine (9) or fewer eligibles, at least three (3) eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

213.3.4 Statistically Valid Grouping (Sliding Band)

1) The Department of Human Resources shall certify to the Police Chief/Designee the names of eligibles that are within a statistically valid grouping/sliding band of scores ("grouping").

2) The grouping shall be determined through the standard error of the difference (SED) of the examination multiplied by a confidence factor of 1.96. Eligibles within the grouping are considered to be of comparable knowledge, skills and abilities with respect to the areas tested on the examination.

3) If at any time, the highest score in the grouping is exhausted, the grouping will slide so that its upper limit rests on the highest score remaining on the list. Any additional eligibles whose scores fall within

Deletions in strikethrough, Additions in underline

the new grouping shall be certified to available positions. The grouping shall also slide if all eligibles at the highest score waive or fail to respond within the time limits provided in this Rule.

4) Charter Section 10.101 provides that the minimum rule for the certification of eligibles shall be the Rule of Three Scores. Therefore, if at any time the grouping includes fewer than three scores, then the Department of Human Resource shall certify to the Police Chief/Designee the names of eligibles with the three highest scores as described in Section 213.3.1 of this Rule.

5) Selection of an eligible within the grouping shall be made under the authority and direction of the Police Chief/Designee.

6) The Police Chief/Designee shall develop secondary criteria to guide the selection process.

7) Secondary criteria may include, but need not be limited to experience(s), training and employment history.

8) Secondary criteria shall be job related.

9) Secondary criteria shall not be based on relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition, or other non-merit factors or otherwise prohibited nepotism or favoritism.

Sec. 213.4 Requirement for Secondary Criteria Applicable to All Certification Rules

213.4.1 The Police Chief/Designee shall be responsible for establishing non-discriminatory selection procedures. Prior to the issuance of any job announcement, secondary criteria shall be presented to the Civil Service Commission for its approval in advance to insure compliance with Civil Service Commission Rules and policy; and will be discussed in open session with all parties interested.

~~**213.4.2** Selection of an eligible within the certification shall be made under the authority and direction of the Police Chief/Designee. (Now #5 above)~~

~~**213.4.3** The Police Chief/Designee shall develop secondary criteria to guide the selection process following the certification of eligibles on the list of eligibles for the position who are available for appointment. (Now #6 above)~~

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~~213.4.4~~ Secondary criteria may include, but need not be limited to experience(s), training and employment history. (Now #7 above)

~~213.4.5.1~~ Secondary criteria shall be job related. (Now #8 above)

~~213.4.6~~ Secondary criteria shall not be based on relationship, race, religion, gender, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition, or other non-merit factors or otherwise prohibited nepotism or favoritism. (Now #9 above)

Sec. 213.5 **Certification Rules – General Provisions Applicable to All Certification Rules**

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

Sec. 213.6 **Certification of Entry Eligible List**

The entry level Certification Rule to be utilized shall be established and announced on the examination announcement. For entry level eligible lists, the Department of Human Resources shall certify to the Police Chief/Designee the names of eligibles available for appointment under the Rule of the List.

Sec. 213.7 **Certification of Promotive Eligible List – Rule of Five Scores Statistically Valid Grouping**

~~For each referral from promotive eligible lists, the Certification Rule shall be the Rule of Five Scores. However, for each referral, if there is adverse impact under Title VII of the Civil Rights Act of 1964 resulting from the Rule of Five Scores, then a broader certification rule shall be used but only after the proposed broader rule is presented to the Civil Service Commission for approval – the broader certification rule may not be used until the Human Resources Director is instructed by the Civil Service Commission to do so. The Commission may use its own rule, and is not bound to use the rule that is proposed.~~

For a promotive eligible list, the Department of Human Resources shall certify to the Police Chief/Designee the names of eligibles available for appointment in the Statistically Valid Grouping under Section 213.3.4 of this Rule.