



Gavin Newsom
Mayor

Philip A. Ginsburg
Human Resources Director

MEMORANDUM
DHR # 01-2005

DATE: January 11, 2005

TO: All Appointing Officers
Departmental Personnel Officers

FROM: Philip A. Ginsburg
Human Resources Director

A handwritten signature in black ink, appearing to read "Philip A. Ginsburg".

SUBJECT: **POLICIES AND NEW PROCEDURES FOR PROVISIONAL APPOINTMENTS**

Pending further review of the City's hiring processes, this memorandum is to update the policies and procedures for making provisional (PV) appointments so that, in the absence of civil service eligible lists, departments can fill vacancies lawfully and in a timely manner.

Effective immediately, requests for provisional appointments will be reviewed and processed by your assigned DHR Department Representative. Ted Yamasaki, DHR Managing Deputy Director, will be responsible for approving provisional appointments.

Before a provisional appointment is approved, DHR will check if there is a layoff holdover that could fill the position. Also, in order to implement disability laws and workers' compensation reform provisions, vacant positions may be evaluated to determine if they are suitable for eligible employees in the reasonable accommodation or return to work process.

Policies

The important policies governing provisional appointments remain unchanged:

1. There shall be equal employment opportunity for individuals to apply and compete for positions;
2. Selections shall be based on merit, equal employment opportunity, and if promotive, consideration of performance appraisal ratings and seniority.

Requests for Oral Authorization to Make Provisional Appointments

Requests for oral authorization to make provisional appointments are made by contacting your DHR Department Representative. Only persons who are authorized by a department's appointing officer may make requests for oral authorizations.

Please refer to the attached document for guidelines on the provisional appointment process. Your DHR Department Representative is available to assist your departmental personnel in implementing these policies and procedures. Contact your representative for details. For additional information, please do not hesitate to contact Bruce Topp, Client Services Director, at 557-4847 or Ted Yamasaki, Managing Deputy Director, at 557-4815.

Attachment

DEPARTMENT OF HUMAN RESOURCES

POLICIES AND PROCEDURES FOR PROVISIONAL APPOINTMENTS DHR # 01-2005

(revised, effective January 11, 2005)

AUTHORITY

Civil Service Commission Rules 114, 214, 314 provide that a provisional (PV) appointment shall be made when there is no available candidate from a civil service eligible list. The Rules provide that the Human Resources Director shall promulgate policies and procedures for making provisional appointments.

Civil Service Commission Rule 414 provides that the MTA Director of Transportation shall establish policies and procedures for provisional appointments in service critical classes in the MTA.

Charter Section 10.105 provides that provisional appointments for which no eligible list exists shall not exceed three years.

POLICIES

SELECTION POLICY: Selection shall be based on merit, equal employment opportunity, and if promotive, consideration of performance appraisal ratings and seniority.

EQUAL EMPLOYMENT OPPORTUNITY POLICY: There shall be equal opportunity for individuals to apply and compete for employment.

PROCEDURES

SOURCE OF APPLICANTS TO FILL VACANCIES

Departments are to fill vacancies by utilizing these sources, in this order, to identify applicants:

1. Eligibles Selected From An Eligible List Pending Permanent Appointment

If a selection has been made from an eligible list certification or referral, but the permanent appointment cannot be validated until a medical examination, background check or other action is completed, the department may request a provisional appointment for the individual to start work pending completion of the required action.

2. Qualified Employee with a Disability

The department must consider whether the position could be filled by a qualified employee with a disability who requires reasonable accommodation under federal or State laws, or where appropriate, as a temporary return-to-work assignment under the workers' compensation program. Contact the DHR Disabilities Coordinator to find out the availability and qualifications of employees seeking reasonable accommodation or temporary return-to-work assignments.

3. Persons Awaiting Certification or Referral for Permanent Appointment

Departments may request oral authorization to hire an individual pending certification or referral for permanent appointment from an eligible list, or from a holdover, transfer, reinstatement, or reappointment roster.

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The department may consider eligibles on an active list and select an individual who is ranked high enough for the next referral. To obtain the names, addresses, and telephone numbers of available eligibles, contact your DHR Department Services Representative.

A department may also invite permanent employees to transfer from another department by posting an announcement at DHR and sending copies to departments where employees in this or related job codes are employed.

4. Applicants for Examination

If there are no persons available as described above, find out from your DHR Department Representative whether there is a civil service examination in progress.

If an examination has been announced, the department may consider qualified applicants to fill a vacancy. If any portion of the examination has been administered, the individual who is selected must also have successfully completed that portion of the examination. Contact your DHR Department Representative for names of qualified applicants.

5. Department Recruitment

a. If a civil service eligible list for the job code has recently expired (within the last six months) with qualified candidates remaining, the department may consider the remaining candidates for provisional appointment.

b. If there is no civil service eligible list, no examination in progress, and no candidates from a recently expired civil service list, contact your DHR Department Representative to determine whether an examination is planned. DHR's Recruitment & Assessment Services Team (formerly Merit System Services [MSS]) will consider whether a department's provisional selection process can be used to satisfy the regular civil service examination process.

c. If all the above options have been exhausted, the department shall develop and implement a recruitment and selection plan to compile a pool of qualified applicants and make a selection based on equal employment opportunity and selection policies. The hiring manager or supervisor may contact its DHR Department Representative if assistance is needed.

d. A request to reassign a part-time or as-needed employee to a position with increased hours will not be routinely approved. These requests will also be reviewed for compliance with the policies and the guidelines described here (e.g. source of applicants, equal employment opportunity, etc.)

e. **JOB BULLETIN AND RECRUITMENT**

When other sources of applicants are exhausted, the department shall prepare a job bulletin describing the opening and application process. The job bulletin shall include sufficient information for interested individuals to apply or to contact the department.

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The bulletin shall include minimum qualifications from the most recent civil service examination announcement. Contact your DHR Department Representative for a copy of the most recent examination announcement. *If the department believes that the minimum requirements should be different from those enumerated in the previous announcement, contact your DHR Department Representative for approval of revised requirements prior to issuing a job bulletin.*

The department shall send to the Support Services Unit of the Recruitment and Assessment Services Team copies of the job bulletin for posting, public viewing, and distribution in accordance with guidelines issued in DHR Memorandum #29-01. In addition, one copy must be forwarded to the DHR EEO Team, one copy to the Mayor's Office of Neighborhood Services, and additional copies to departments and work sites where interested applicants may be located.

The department may also recruit through professional or trade organizations, through other public entities, or by placing classified advertisements in general circulation periodicals. Departments may also contact and send the job bulletin to community-based organizations, educational institutions, employee or other groups that make job referrals of individuals. However, departments may not limit recruitment to targeted outreach on the basis of a protected category (such as race, sex, etc.).

Unless otherwise approved by DHR, job bulletins shall be posted for a minimum of ten (10) business days.

REVIEW AND SELECTION

The department shall review its recruitment results and assess whether the pool of applicants is sufficient to address the department's needs. Additional recruitment activities may be necessary. The department shall also review each stage of the selection process to ensure equal employment opportunity.

In making a selection for provisional appointment, a department shall apply uniform, job-related standards and procedures. If the selection procedure includes job interviews, the interviews shall be conducted by a panel (more than one person) whose composition reflects diversity in race and gender. All questions used by the panel shall be job related. Contact your DHR Department Representative for assistance in developing selection standards.

All documents (job bulletins, applications, test questions, rating sheets, comments, etc.) related to the selection shall be retained by the department and made available for DHR review if requested.

The person who is selected for a provisional appointment must be qualified based on the minimum requirements of the job bulletin. (If, after an oral authorization is approved, it is determined that the person does not possess all the requirements, the OA will be rescinded and the individual will be disqualified from civil service examination.) If the position also includes special conditions, the person selected must also meet the special conditions.

REQUEST FOR ORAL AUTHORIZATION

An oral authorization (OA) is DHR's approval of a department's request to make a provisional appointment. OA's are recorded as appointment numbers issued by DHR and entered into the HRMS when appointment processing is completed.

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Requests for OA's may only be made by the department's appointing officer, personnel officer, or official designee. DHR's Client Services Team maintains a list of persons who are authorized to call for OA's. Department managers and supervisors are not authorized to make offers of employment until an OA has been approved by DHR. Department Representatives may incur liability for making a promise of employment without prior DHR approval.

Requests for OA's can be made by telephone, by facsimile, by electronic mail, or in writing to your DHR Department Representative.

A request for oral authorization shall include the following:

- information on the **position** including job code, department, DHR requisition number, department requisition number, and special conditions, if any,
- information on the **person** including name, social security number, current employment status with the City,
- information on **selection process** including recruitment efforts, applicant flow data, selection standards, interviewers, ratings, requirements,
- the selected individual's **qualifications** and the name and position of the person who reviewed the applications and determined that the selected individual met the minimum requirements;
- information on the **appointment** including work schedule, start work date, duration of appointment.

The department personnel making a request must clearly articulate the job related reasons why the person who was selected was the best qualified candidate in comparison to candidates who were not selected.

Your DHR Department Representative will review each request to ensure that it complies with the policies and guidelines enumerated in this memorandum. DHR Department Representatives will also check the following:

- that the appropriate source of applicants was utilized;
- whether there is an eligible list or examination in progress;
- that the requisition is approved and vacant,
- that there is no official CSC action restricting employment of the individual.

Your DHR Department Representative will also review the department's selection process and the qualifications of the person the department selected. Your DHR Department Representative may require that the individual's application or resume be forwarded to DHR for review .

ORAL AUTHORIZATION

Requests that are complete and that comply with these policies and guidelines are forwarded to Ted Yamasaki, DHR Managing Deputy Director, for approval. Upon approval, your DHR Department Representative will notify the department. At this point, the department is authorized to make an offer of employment and to initiate appointment processing for employment. When appointment processing is completed, the department shall submit the processing forms to the DHR for validation and issuance of an oral authorization number. Approved appointments are recorded in the Human Resources Management System (HRMS) and assigned an OA number.

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If a request is not approved, your DHR Department Representative will notify the department and explain the reason. Such reasons may include: eligibles from civil service lists were available but not contacted, an employee with a disability can be placed in the position, the selected individual did not possess minimum qualifications, or the department did not recruit for the opening.

Departments are reminded that your DHR Department Representative's review and approval of provisional appointments takes approximately five (5) business days to complete. The review may take longer if the information submitted by the department is incomplete, or if DHR Recruitment & Assessment Services staff must review the individual's application. Departments are therefore encouraged to submit requests for oral authorizations well in advance of the anticipated start work date and prior to an offer of employment. **The Controller's Office will not process pay warrants for appointments that do not have oral authorization numbers.**

PROVISIONAL EMPLOYMENT

Authorization for provisional appointments may be made for a maximum duration of 1040 hours, and not to exceed the duration of the personnel requisition. The Human Resources Director may extend the authorization for additional periods of time, provided that the personnel requisition remains valid.

Provisional appointees serve at the discretion of the appointing officer. Provisional appointees shall acquire, by virtue of provisional appointment, no right or preference for permanent appointment.

Provisional appointments for civil service positions for which no eligible list exists shall not exceed three years, unless approved by the Board of Supervisors and certified by the Director of Human Resources that examination cannot be conducted.

RESOURCES

Refer to Civil Service Commission Rules for additional provisions governing provisional appointments.

DHR Department Representatives are available to assist departmental personnel in implementing these policies and procedures to make provisional appointments. For more information, contact your DHR Department Representative, Bruce Topp, Client Services Director, at 557-4847, or Ted Yamasaki, Managing Deputy Director, at 557-4815.