



**Date:** February 13, 2020  
**To:** Civil Service Commission  
**From:** Christina Pizarro Winting, Executive Director  
**Subject:** **Review of Provisional Appointment Process**

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### **BACKGROUND**

Civil Service Rules and Regulations Article V, Section 43 provide the authority for the Civil Service Commission to approve Provisional Appointments when no priority or eligible list exists for a classification. Appointments shall be valid for up to 150 days and can only be extended with approval by the Commission.

Civil Service Department Procedure 1.02 thoroughly outlines the guidelines for the review and authorization of provisional appointments that shall be followed by all parties involved when a provisional appointment is being requested by a department. The policy states that requesting department should provide or ensure the following:

- A statement indicating that either a clear and operational necessity to fill the position exists, or a clear detriment to the City will result if the position is not quickly filled.
- A valid requisition to fill the subject vacancy must have been received by the Civil Service Department for the classification in question.
- No existing priority or eligible list from which to certify names to the subject vacancy, nor any allied or comparable lists suitable for alternate certification are currently in effect.
- All persons whose names are certified for provisional appointment must meet the minimum qualifications for the classification.

It was the role of Civil Service staff to monitor this process, assist departments in quickly identifying potential candidate pools to consider while ensuring that the merit system was not compromised. Once the appointee was identified, they were brought before the Civil Service Commission for approval. It was the responsibility of Civil Service staff to only recommend approval of appointees where Civil Service staff had confirmed the process was followed and that recommended appointee met the minimum qualifications.

### **REVISIONS**

At its meeting of December 15, 2017, the Civil Service Commission received a memorandum discussing recommendations for streamlining Civil Service

processes. Included in the recommendations was a revision to the Provisional Appointment process requiring the Provisional Appointment to come before the Civil Service Commission on two separate occasions with the rationale that the re-engineered process would expedite the process. Departments would first be required to request approval from the Commission to pursue a Provisional Appointment. If approved they would follow guidelines developed to assist departments in making the appointments and substantiating that a fair process was undertaken when selecting a provisional candidate. Once they completed the guidelines developed and identified a candidate, the item would return to the Civil Service Commission consent calendar for final approval.

At its meeting of January 10, 2018 item #4 stated – Recommendation for Provisional Appointment remain on the regular agenda, while requiring additional work to improve the process. The motion was approved.

A Request for Provisional Appointment Form was created to outline the steps for the revised process and put into place October 10, 2018.

### **CURRENT PROCESS**

The re-engineered process for Provisional Appointments has in fact proven to be more cumbersome for departments and delayed the appointment of what was originally deemed to be a vacancy that, “if left unfilled would create a clear and substantial loss of revenue, a substantial curtailment of City services or create a City hazard.” The multiple times the Provisional Appointment must be placed on the Civil Service Commission agenda only delays the appointment. While the second time is only on the consent agenda, an appointment is not approved to begin until this second approval occurs.

Staff does recognize that the Request for Provisional Appointment Form that was developed has assisted in monitoring this process, ensuring that all parties follow the correct procedures. The procedures can still be followed with a few slight modifications to expedite the appointment, considering the need departments have to fill a vacancy as expeditiously as possible when there is no list available.

### **RECOMMENDATION**

Staff recommends that the process return to allowing Civil Service staff to assess the need for a Provisional Appointment and if deemed appropriate to move forward with monitoring the process up to identification of an appointee. At that point the Provisional Appointment must be placed on the Civil Service Commission agenda for approval. The staff report requesting approval will detail the process carried out by the department to identify candidates as well as confirm that the candidate meets the minimum qualifications. By allowing for the process to take place under the review of Civil Service staff with only one required Civil Service Commission agenda item, Civil Service staff will be able to

more timely serve our customers in filling a vacancy they have where there is not a current eligible list.

If the Commission concurs with this recommendation, staff will update the Request for Provisional Appointment Form to reflect the changes made to the process.