

# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

*Sent via U.S. Mail and Electronic Mail*

January 22, 2014

## NOTICE OF CIVIL SERVICE COMMISSION MEETING

Sonya Knudsen

**SUBJECT: APPEAL BY SONYA KNUDSEN OF THE HUMAN RESOURCES DIRECTOR'S DECISION TO DISMISS HER EEO FILE #1371 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A COMPLAINT OF HARASSMENT, RETALIATION AND DISPARATE TREATMENT.**

Dear Ms. Knudsen:

The above matter will be considered by the Civil Service Commission at a meeting to be held on **February 3, 2014** at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

The agenda will be posted for your review on the Civil Service Commission's website at [www.sfgov.org/Civil\\_Service](http://www.sfgov.org/Civil_Service) under "Meeting Materials" no later than end of day on Wednesday, January 29, 2014. Please refer to the attached Notice for procedural and other information about Commission hearings. A hard copy of the department's staff report on your appeal was provided to you on November 15, 2014. If, however, you would like an electronic copy of the staff report, you may email your request to [CivilService@sfgov.org](mailto:CivilService@sfgov.org).

In the event that you wish to submit any additional documents in support of your appeal, the deadline for receipt in the Commission office is 5:00 p.m. on **Tuesday, January 28, 2014** (as a reminder, we require an original and eight copies of any supplemental materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Again, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

Attendance by you or an authorized representative is recommended. Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance. As a reminder, you are to be honest and forthright during all testimony and in all documentation that you provide to the Civil Service Commission.

THIS DOCUMENT SUPPORTS  
CALENDAR ITEM 12

SCOTT R. HELDFOND  
PRESIDENT

E. DENNIS NORMANDY  
VICE PRESIDENT

DOUGLAS S. CHAN  
COMMISSIONER

KATE FAVETTI  
COMMISSIONER

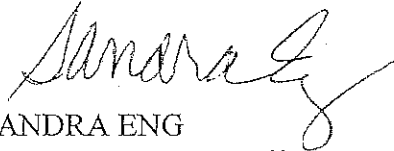
GINA M. ROCCANOVA  
COMMISSIONER

FER C. JOHNSTON  
EXECUTIVE OFFICER

*All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.*

You may contact me at (415) 252-3247 or at [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) if you have any questions.

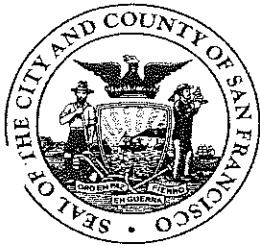
CIVIL SERVICE COMMISSION



SANDRA ENG  
Assistant Executive Officer

Attachment

Cc: Micki Callahan, Department of Human Resources  
Silvia Castellanos, Department of Human Resources  
Linda Simon, Department of Human Resources  
Janie White, Department of Human Resources  
Gloria Louie, San Francisco International Airport  
Blake Summers, San Francisco International Airport  
Steve Pitocchi, SEIU 1021, 350 Rhode Island, Ste. 100, San Francisco, CA 94103  
Commission File  
Commissioners' Binder  
Chron



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

## NOTICE OF CIVIL SERVICE COMMISSION MEETING

Sent via Electronic Mail

January 22, 2014

SCOTT R. HELDFOND  
PRESIDENT

E. DENNIS NORMANDY  
VICE PRESIDENT

DOUGLAS S. CHAN  
COMMISSIONER

KATE FAVETTI  
COMMISSIONER

GINA M. ROCCANOVA  
COMMISSIONER

IFER C. JOHNSTON  
EXECUTIVE OFFICER

Blake Summers  
Director & Chief Curator Airport Museums  
San Francisco International Airport  
City Hall, Room 140  
P.O. Box 8097  
San Francisco, CA 94128  
[Blake.Summers@flysfo.com](mailto:Blake.Summers@flysfo.com)

Subject: **APPEAL BY SONYA KNUDSEN OF THE HUMAN RESOURCES DIRECTOR'S DECISION TO DISMISS HER EEO FILE # 1371 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A COMPLAINT OF HARASSMENT, RETALIATION AND DISPARATE TREATMENT; AND EEO FILE # 1618 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A COMPLAINT OF DISCRIMINATION.**

Dear Mr. Summers:

As you may be aware, Sonya Knudsen filed the above-referenced complaints with the Department of Human Resources ("DHR") alleging that you subjected her to harassment, discrimination and retaliation. DHR investigated Ms. Knudsen's allegations, and the Human Resources Director determined that there was insufficient evidence to sustain either complaint. Ms. Knudsen has appealed that determination to the Civil Service Commission.

In accordance with the City Charter and Civil Service Rules, the Commission may sustain, modify or reverse the Human Resources Director's determination; and may effectuate an appropriate remedy in the event that it finds discrimination, harassment or retaliation. Any such finding is binding on City departments. The Commission may not impose discipline on an employee, but in an appropriate case may recommend that the department consider discipline.

The Equal Employment Opportunity Division of DHR will present and defend the Human Resources Director's determination on Ms. Knudsen's complaints at the Civil Service Commission meeting to be held on **February 3, 2014 at 2:00 p.m.** in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place. The Commission will have received the DHR staff report, which reviews the evidence pertaining to the complaint and supports the Human Resources Director's determination, in advance of the meeting. You will have an opportunity to address Ms. Knudsen's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. The Commission

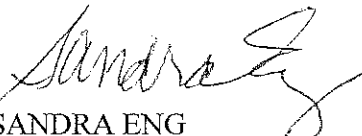
will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

The February 3<sup>rd</sup> meeting agenda will be posted on the Civil Service Commission's website at [www.sfgov.org/Civil\\_Service](http://www.sfgov.org/Civil_Service) under "Meeting Materials" no later than end of day on Tuesday, January 28<sup>th</sup>, 2014. Additionally, a hard copy of the DHR staff report regarding Ms. Knudsen's appeal is available for review at the Civil Service Commission's office located at 25 Van Ness Avenue, Suite 720, San Francisco; however, you may email the Commission at [CivilService@sfgov.org](mailto:CivilService@sfgov.org) if you would like a copy of the report emailed to you.

You may contact me at [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) or (415) 252-3247 should you have any questions.

Sincerely,

CIVIL SERVICE COMMISSION

  
SANDRA ENG  
Assistant Executive Officer

Cc: Micki Callahan, Human Resources Director  
Linda Simon, Director, DHR EEO Programs and Leave Management Program



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

## NOTICE OF CIVIL SERVICE COMMISSION MEETING

Sent via Electronic Mail

January 22, 2014

SCOTT R. HELDFOND  
PRESIDENT

E. DENNIS NORMANDY  
VICE PRESIDENT

DOUGLAS S. CHAN  
COMMISSIONER

KATE FAVETTI  
COMMISSIONER

GINA M. ROCCANOVA  
COMMISSIONER

TIFFER C. JOHNSTON  
EXECUTIVE OFFICER

James A. Garfield  
Assistant Director Airport Museums  
San Francisco International Airport  
P.O. Box 8097  
San Francisco, CA 94128  
[Abe.Garfield@flysfo.com](mailto:Abe.Garfield@flysfo.com)

Subject: **APPEAL BY SONYA KNUDSEN OF THE HUMAN RESOURCES DIRECTOR'S DECISION TO DISMISS HER EEO FILE # 1371 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A COMPLAINT OF HARASSMENT, RETALIATION AND DISPARATE TREATMENT; AND EEO FILE # 1618 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A COMPLAINT OF DISCRIMINATION.**

Dear Mr. Garfield:

As you may be aware, Sonya Knudsen filed the above-referenced complaints with the Department of Human Resources ("DHR") alleging that you and/or another employee subjected her to harassment, discrimination and/or retaliation. DHR investigated Ms. Knudsen's allegations, and the Human Resources Director determined that there was insufficient evidence to sustain either complaint. Ms. Knudsen has appealed that determination to the Civil Service Commission.

In accordance with the City Charter and Civil Service Rules, the Commission may sustain, modify or reverse the Human Resources Director's determination; and may effectuate an appropriate remedy in the event that it finds discrimination, harassment or retaliation. Any such finding is binding on City departments. The Commission may not impose discipline on an employee, but in an appropriate case may recommend that the department consider discipline.

The Equal Employment Opportunity Division of DHR will present and defend the Human Resources Director's determination on Ms. Knudsen's complaints at the Civil Service Commission meeting to be held on **February 3, 2014 at 2:00 p.m.** in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place. The Commission will have received the DHR staff report, which reviews the evidence pertaining to the complaint and supports the Human Resources Director's determination, in advance of the meeting. You will have an opportunity to address Ms. Knudsen's allegations at the Commission meeting, if you wish to do so, although you are not required to appear. The Commission


will rule on the information previously submitted and any testimony or other evidence provided at its meeting.

The February 3<sup>rd</sup> meeting agenda will be posted on the Civil Service Commission's website at [www.sfgov.org/Civil\\_Service](http://www.sfgov.org/Civil_Service) under "Meeting Materials" no later than end of day on Tuesday, January 28<sup>th</sup>, 2014. Additionally, a hard copy of the DHR staff report regarding Ms. Knudsen's appeal is available for review at the Civil Service Commission's office located at 25 Van Ness Avenue, Suite 720, San Francisco; however, you may email the Commission at [CivilService@sfgov.org](mailto:CivilService@sfgov.org) if you would like a copy of the report emailed to you.

You may contact me at [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) or (415) 252-3247 should you have any questions.

Sincerely,

CIVIL SERVICE COMMISSION

  
SANDRA ENG  
Assistant Executive Officer

Cc: Micki Callahan, Human Resources Director  
Linda Simon, Director, DHR EEO Programs and Leave Management Program

**Eng, Sandra**

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**From:** sknudsen <  
**Sent:** Friday, November 15, 2013 8:27 AM  
**To:** Eng, Sandra  
**Cc:** steve.pitocchi@seiu1021.org; Maglalang, Jennifer  
**Subject:** Re: request for extension re EEO File #1371 and #1618

Dear Ms. Eng,

By means of this email, I am confirming my availability, and that of my representative, Mr. Steve Pitocch of SEIU 1021, for the Civil Service Commission meeting of February 3, 2014.

**From:** "Eng, Sandra" <sandra.eng@sfgov.org>  
**To:** "  
**Cc:** "steve.pitocchi@seiu1021.org" <steve.pitocchi@seiu1021.org>; "Maglalang, Jennifer" <jennifer.maglalang@sfgov.org>  
**Sent:** Wednesday, November 13, 2013 3:00 PM  
**Subject:** FW: request for extension re EEO File #1371 and #1618

Ms. Knudsen,

We were recently informed that the next Civil Service Commission meeting that the department is available to attend is on February 3, 2014. Please let us know if you are available for the meeting on February 3, 2014.

Sincerely,

Sandra Eng

*Sandra Eng  
Assistant Executive Officer  
Civil Service Commission  
25 Van Ness Avenue, Suite 720  
San Francisco, CA 94102  
Direct (415) 252-3254  
Main (415) 252-3247  
Fax (415) 252-3260*

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**From:** Eng, Sandra  
**Sent:** Wednesday, November 13, 2013 9:45 AM  
**To:**  
**Cc:** [steve.pitocchi@seiu1021.org](mailto:steve.pitocchi@seiu1021.org); [jennifer.maglalang@sfgov.org](mailto:jennifer.maglalang@sfgov.org)  
**Subject:** FW: request for extension re EEO File #1371 and #1618

Ms. Knudsen,

This is to acknowledge that the Civil Service Commission has received your request to postpone the hearing of your appeal that is scheduled for November 18, 2013.

The Civil Service Commission's notification letter, dated November 7, 2013 was mailed on the same date. You were already provided a copy of the staff report for your appeal on EEO File #1371, which was previously heard by the Commission at the meeting of December 19, 2011. When you visited our office yesterday, Commission staff provided you with a copy of the staff report for your appeal on EEO File #1618. Now that you have provided our office with your email address, any additional reports will be emailed to you.

The next Civil Service Commission meetings are scheduled for December 2<sup>nd</sup> or 16<sup>th</sup>. Please let us know at which meeting you will be available and we will check if the departments are also available to attend the meeting on the same date.

Sincerely,

Sandra Eng

*Sandra Eng  
Assistant Executive Officer  
Civil Service Commission  
25 Van Ness Avenue, Suite 720  
San Francisco, CA 94102  
Direct (415) 252-3254  
Main (415) 252-3247  
Fax (415) 252-3260*

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**From:** CivilService  
**Sent:** Tuesday, November 12, 2013 4:27 PM  
**To:** Maglalang, Jennifer  
**Subject:** FW: request for extension re EEO File #1371 and #1618

Civil Service Commission Representative  
25 Van Ness Avenue, Suite 720  
San Francisco, CA 94102  
Office (415) 252-3250  
Main (415) 252-3247  
Fax (415) 252-3260  
**From:** sknudsen [advivumus@yahoo.com]  
**Sent:** Tuesday, November 12, 2013 4:13 PM  
**To:** CivilService  
**Cc:** [steve.pitocchi@seiu1021.org](mailto:steve.pitocchi@seiu1021.org)  
**Subject:** request for extension re EEO File #1371 and #1618

12 November 2013

Sandra Eng  
Assistant Executive Officer  
Civil Service Commission  
City and County of San Francisco  
25 Van Ness Avenue, Suite 720  
San Francisco, CA 94102-6033



Hand-delivered.

RE: Request for Extension re November 18, 2013 meeting scheduled for Sonya Knudsen Appeal of DHR EEO File # 1371 and EEO File # 1618

Dear Ms. Eng,

By means of this letter I am requesting an extension, continuance, and postponement of the Sonya Knudsen Appeal of DHR EEO File #1371 and EEO File #1618 from the Civil Service Commission hearing schedule for 18 November 2013 to a later date.

The reasons for this request are as follows:

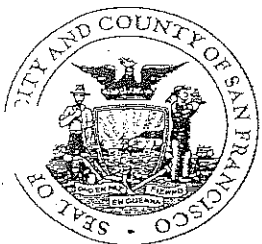
- Today, 12 November 2013, I just received CCSF Civil Service Commission notification re EEO File #1371 and EEO File #1618, via U.S. Post Office, of the scheduled hearing of 18 November 2013;
- I have not received copies of the CCSF Department of Human Resources (DHR) Investigative Reports for EEO File #1371 and #1618 noted in the two respective notification letters;
- I have not had opportunity to review the DHR Investigative Reports filed for EEO File #1371 and EEO File #1618, thus am unable to file/submit a response by today's deadline, 12 November 2013, for Commission review.

Your attention to this matter is appreciated.

Respectfully,

Sonya Knudsen





# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

*Sent Via U.S. Mail*

November 7, 2013

SCOTT R. HELDFOND  
PRESIDENT

E. DENNIS NORMANDY  
VICE PRESIDENT

DOUGLAS S. CHAN  
COMMISSIONER

KATE FAVETTI  
COMMISSIONER

GINA M. ROCCANOVA  
COMMISSIONER

## NOTICE OF CIVIL SERVICE COMMISSION MEETING

Sonya Knudsen

SUBJECT: APPEAL BY SONYA KNUDSEN OF THE HUMAN RESOURCES  
DIRECTOR'S DECISION TO DISMISS HER EEO FILE #1371  
DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A  
COMPLAINT OF HARASSMENT, RETALIATION AND  
DISPARATE TREATMENT.

Dear Ms. Knudsen:

The above matter will be considered by the Civil Service Commission at a meeting to be held on November 18, 2013 at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

The agenda will be posted for your review on the Civil Service Commission's website at [www.sfgov.org/Civil\\_Service](http://www.sfgov.org/Civil_Service) under "Meeting Materials" no later than end of day on Wednesday, November 13, 2013. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is available for your review at the Civil Service Commission's office located at 25 Van Ness Avenue, Suite 720, San Francisco. If, however, you would like an electronic copy of the staff report, you may email your request to [CivilService@sfgov.org](mailto:CivilService@sfgov.org).

In the event that you wish to submit any additional documents in support of your appeal, the deadline for receipt in the Commission office is 5:00 p.m. on Tuesday, November 12, 2013 (as a reminder, we require an original and eight copies of any supplemental materials you wish to submit—all double-sided, hole-punched, paper-clipped and numbered). Again, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

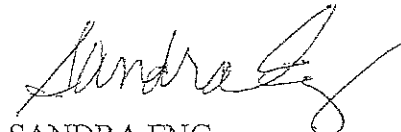
Attendance by you or an authorized representative is recommended. Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance. As a reminder, you are to be honest and forthright during all testimony and in all documentation that you provide to the Civil Service Commission.

THIS DOCUMENT SUPPORTS  
CALENDAR ITEM 13

*All non-privileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.*

You may contact me at (415) 252-3247 or at [Sandra.Eng@sfgov.org](mailto:Sandra.Eng@sfgov.org) if you have any questions.

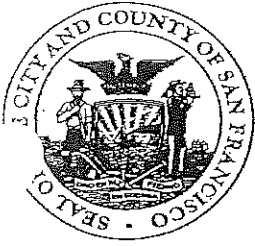
CIVIL SERVICE COMMISSION



SANDRA ENG  
Assistant Executive Officer

Attachment

Cc: Micki Callahan, Department of Human Resources  
Silvia Castellanos, Department of Human Resources  
Linda Simon, Department of Human Resources  
Janie White, Department of Human Resources  
Gloria Louie, San Francisco International Airport  
Blake Summers, San Francisco International Airport  
Steve Pitocchi, SEIU 1021, 350 Rhode Island, Ste. 100, South San Francisco, CA 94103  
Commission File  
Commissioners' Binder  
Chron



**CIVIL SERVICE COMMISSION**  
**CITY AND COUNTY OF SAN FRANCISCO**

EDWIN M. LEE  
MAYOR

E. DENNIS NORMANDY  
PRESIDENT

KATE FAVETTI  
VICE PRESIDENT

MARY Y. JUNG  
COMMISSIONER

December 22, 2011

**NOTICE OF CIVIL SERVICE COMMISSION ACTION**

Sonya Knudsen  
[REDACTED]  
[REDACTED]

**SUBJECT: APPEAL BY SONYA KNUDSEN OF THE HUMAN RESOURCES DIRECTOR'S DECISION TO DISMISS HER EEO FILE #1371 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A COMPLAINT OF HARASSMENT, RETALIATION AND DISPARATE TREATMENT.**

ANITA SANCHEZ  
EXECUTIVE OFFICER

Dear Ms. Knudsen:

At its meeting of **December 19, 2011** the Civil Service Commission had for its consideration the above matter.

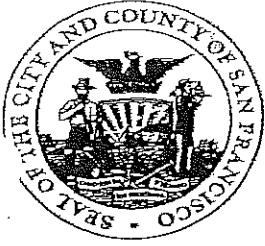
The Commission continued this item to a meeting when there is a full Commission seated. (Three (3) votes are needed for Commission action.)

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
Executive Officer

c: Silvia Castellanos, Department of Human Resources  
Susan Kim, San Francisco International Airport  
Gloria Louie, San Francisco International Airport  
Steve Pitocchi, SEIU 1021, 350 Rhode Island, Ste. 100 So., S.F., CA 94103  
Linda Simon, Department of Human Resources  
Blake Summers, San Francisco International Airport  
Janie White, Department of Human Resources  
Commission File  
Chron



# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

E. DENNIS NORMANDY  
PRESIDENT

KATE FAVETTI  
VICE PRESIDENT

MARY Y. JUNG  
COMMISSIONER

December 8, 2011

## NOTICE OF CIVIL SERVICE COMMISSION MEETING

Sonya Knudsen  
[REDACTED]

**SUBJECT: APPEAL BY SONYA KNUDSEN OF THE HUMAN RESOURCES DIRECTOR'S DECISION TO DISMISS HER EEO FILE #1371 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A COMPLAINT OF HARASSMENT, RETALIATION AND DISPARATE TREATMENT.**

ANITA SANCHEZ  
EXECUTIVE OFFICER

Dear Ms. Knudsen:

The above matter will be considered by the Civil Service Commission at a meeting to be held on December 19, 2011 at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the regular agenda after 5:00 p.m. at the request of SEIU Local 1021. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

*All nonprivileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.*

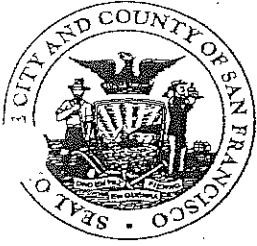
CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
Executive Officer

### Attachment

- cc: Silvia Castellanos, Department of Human Resources
- Susan Kim, San Francisco International Airport
- Gloria Lomie, San Francisco International Airport
- Steve Pitocchi, SEIU 1021, 350 Rhode Island, Str. 100 So., S.F., CA 94103
- Linda Simon, Department of Human Resources
- Blake Summers, San Francisco International Airport
- Janie White, Department of Human Resources
- Commission File
- Commissioners' Binder
- Chron

THIS DOCUMENT SUPPORTS  
CALENDAR ITEM 11



**CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

EDWIN M. LEE  
MAYOR

E. DENNIS NORMANDY  
PRESIDENT

KATE FAVETTI  
VICE PRESIDENT

MARY Y. JUNG  
COMMISSIONER

ANITA SANCHEZ  
EXECUTIVE OFFICER

October 20, 2011

**NOTICE OF CIVIL SERVICE COMMISSION ACTION**

Sonya Knudsen

**SUBJECT: APPEAL BY SONYA KNUDSEN OF THE HUMAN  
RESOURCES DIRECTOR'S DECISION TO DISMISS HER EEO  
FILE #1371 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN  
A COMPLAINT OF HARASSMENT, RETALIATION AND  
DISPARATE TREATMENT.**

Dear Ms. Knudsen:

At its meeting of October 17, 2011 the Civil Service Commission had for its consideration the above matter.

It was the decision of the Commission to postpone to the meeting of December 19, 2011 at the request of SEIU Local 1021. Stipulated this will be the last continuance granted.

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
Executive Officer

c: Silvia Castellanos, Department of Human Resources  
Susan Kim, San Francisco International Airport  
Gloria Louie, San Francisco International Airport  
Steve Pitocchi, SEIU 1021, 350 Rhode Island, Ste. 100 So., S.F., CA 94103  
Linda Simon, Department of Human Resources  
Blake Summers, San Francisco International Airport  
Janie White, Department of Human Resources  
Commission File  
Chron



CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

E. DENNIS NORMANDY  
PRESIDENT

KATE FAVETTI  
VICE PRESIDENT

MARY Y. JUNG  
COMMISSIONER

ANITA SANCHEZ  
EXECUTIVE OFFICER

October 6, 2011

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Sonya Knudsen  
[REDACTED]  
[REDACTED]

SUBJECT: APPEAL BY SONYA KNUDSEN OF THE HUMAN RESOURCES DIRECTOR'S DECISION TO DISMISS HER EEO FILE #1371 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A COMPLAINT OF HARASSMENT, RETALIATION AND DISPARATE TREATMENT.

Dear Ms. Knudsen:

The above matter will be considered by the Civil Service Commission at a meeting to be held on October 17, 2011 at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the regular agenda after 5:00 p.m. at the request of SEIU Local 1021. Please refer to the attached Notice for procedural and other information about Commission hearings.

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CIVIL SERVICE COMMISSION

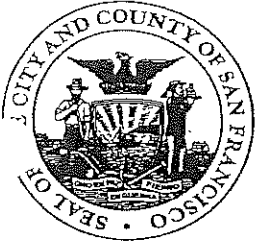
ANITA SANCHEZ  
Executive Officer

Attachment

- c: Silvia Castellanos, Department of Human Resources
- Susan Kim, San Francisco International Airport
- Gloria Louie, San Francisco International Airport
- Steve Pitocchi, SEIU 1021, 350 Rhode Island, Ste. 100 So., S.F., CA 94103
- Linda Simon, Department of Human Resources
- Blake Summers, San Francisco International Airport
- Janie White, Department of Human Resources
- Commission File
- Commissioners' Binder
- Chron

THIS DOCUMENT SUPPORTS  
CALENDAR ITEM 10





# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

E. DENNIS NORMANDY  
PRESIDENT

DONALD A. CASPER  
VICE PRESIDENT

MORGAN R. GORRONO  
COMMISSIONER

MARY Y. JUNG  
COMMISSIONER

LISA SEITZ GRUWELL  
COMMISSIONER

ANITA SANCHEZ  
EXECUTIVE OFFICER

September 14, 2011

## NOTICE OF CIVIL SERVICE COMMISSION MEETING

Sonya Knudsen

**SUBJECT: APPEAL BY SONYA KNUDSEN OF THE HUMAN RESOURCES DIRECTOR'S DECISION TO DISMISS HER EEO FILE #1371 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A COMPLAINT OF HARASSMENT, RETALIATION AND DISPARATE TREATMENT.**

Dear Ms. Knudsen:

The above matter will be considered by the Civil Service Commission at a rescheduled meeting to be held on **FRIDAY, September 23, 2011 at 3:00 p.m. in Room 400**, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the consent agenda with a recommendation to postpone to the meeting of October 17, 2011, after 5:00 p.m. at the request of SEIU Local 1021. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

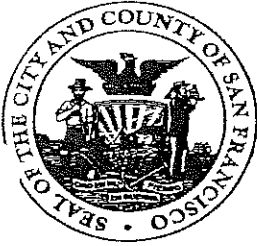
*All nonprivileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.*

CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
Executive Officer

### Attachment

c: Silvia Castellanos, Department of Human Resources  
Susan Kim, San Francisco International Airport  
Gloria Louie, San Francisco International Airport  
Steve Pitocchi, SEIU 1021, 350 Rhode Island, Ste. 100 So., S.F., CA 94103  
Linda Simon, Department of Human Resources  
Blake Summers, San Francisco International Airport  
Janie White, Department of Human Resources  
Commission File  
Commissioners' Binder  
Chron



CIVIL SERVICE COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE  
MAYOR

August 4, 2011

NOTICE OF CIVIL SERVICE COMMISSION MEETING

E. DENNIS NORMANDY  
PRESIDENT

DONALD A. CASPER  
VICE PRESIDENT

MORGAN R. GORRONO  
COMMISSIONER

MARY Y. JUNG  
COMMISSIONER

LISA SEITZ GRUWELL  
COMMISSIONER

ANITA SANCHEZ  
EXECUTIVE OFFICER

Sonya Knudsen  
[REDACTED]  
[REDACTED]

**SUBJECT: APPEAL BY SONYA KNUDSEN OF THE HUMAN RESOURCES DIRECTOR'S DECISION TO DISMISS HER EEO FILE #1371 DUE TO INSUFFICIENT EVIDENCE TO SUSTAIN A COMPLAINT OF HARASSMENT, RETALIATION AND DISPARATE TREATMENT.**

Dear Ms. Knudsen:

The above matter will be considered by the Civil Service Commission at a meeting to be held on August 15, 2011 at 2:00 p.m. in Room 400, Fourth Floor, City Hall, 1 Dr. Carlton B. Goodlett Place.

This item will appear on the regular agenda. Please refer to the attached Notice for procedural and other information about Commission hearings.

Attendance by you or an authorized representative is welcome. Should you or your representative not attend, the Commission will rule on the information previously submitted and testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

*All nonprivileged materials being considered by the Civil Service Commission for this item are available for public inspection and copying at the Civil Service Commission office Monday through Friday from 8:00 a.m. to 5:00 p.m.*

CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
Executive Officer

Attachment

- c: Silvia Castellanos, Department of Human Resources
- Susan Kim, San Francisco International Airport
- Gloria Louie, San Francisco International Airport
- Steve Pitocchi, SEIU 1021, 350 Rhode Island, Ste. 100 So., S.F., CA 94103
- Linda Simon, Department of Human Resources
- Blake Summers, San Francisco International Airport
- Janie White, Department of Human Resources
- Commission File
- Commissioners' Binder
- Chron

THIS DOCUMENT SUPPORTS  
CALENDAR ITEM 11

**ORIGINAL APPEAL SUBMITTED  
BY APPELLANT**





# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM  
MAYOR

## NOTICE OF RECEIPT OF APPEAL

MORGAN R. GORRONO  
PRESIDENT

E. DENNIS NORMANDY  
VICE PRESIDENT

JOY Y. BOATWRIGHT  
COMMISSIONER

DONALD A. CASPER  
COMMISSIONER

MARY Y. JUNG  
COMMISSIONER

ANITA SANCHEZ  
EXECUTIVE OFFICER

DATE: October 26, 2009  
REGISTER NO.: 0343-09-6  
APPELLANT: SONYA KNUDSEN

Micki Callahan  
Human Resources Director  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Sonya Knudsen appealing the Human Resources Director's decision to dismiss EEO file #1371 due to insufficient evidence to sustain her complaint of harassment, retaliation or disparate treatment. The appeal is transmitted to you for review and action as is appropriate.

This matter has been tentatively scheduled for hearing by the Civil Service Commission at 2:00 p.m. on December 7, 2009 in Room 400, 4th Floor, City Hall, 1 Dr. Carlton B. Goodlett Place. If you are unable to proceed on this date or if for any reason the appeal is not timely or appropriate, please notify me by use of the "Action Request on Pending Appeal/Request" (CSC Form Number 13).

Sincerely,

CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
Executive Officer

### Attachment

c: Jessica Huey, Department of Human Resources  
Donna Kotake, Department of Human Resources  
Linda Simon, Department of Human Resources  
Gloria Louie, Airport Commission



**CIVIL SERVICE COMMISSION**  
**CITY AND COUNTY OF SAN FRANCISCO**  
 GAVIN NEWSOM  
 MAYOR

DATE: October 26, 2009  
 REGISTER NO.: 0343-09-6  
 APPELLANT: SONIA KNUDSEN

MORGAN R. GORRONO  
 PRESIDENT

E. DENNIS NORMANDY  
 VICE PRESIDENT

JOY Y. BOATWRIGHT  
 COMMISSIONER

DONALD A. CASPER  
 COMMISSIONER

MARY Y. JUNG  
 COMMISSIONER

ANITA SANCHEZ  
 EXECUTIVE OFFICER

Sonya Knudsen  
 [REDACTED]  
 [REDACTED]

Dear Ms. Knudsen:

The Civil Service Commission received your letter appealing the Human Resources Director's decision to dismiss EEO file #1371 due to insufficient evidence to sustain your complaint of harassment, retaliation or disparate treatment.

Your request has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

If timely and appropriate, this matter will be scheduled for hearing by the Civil Service Commission in the near future. You will be notified approximately one week in advance of the hearing date. The Civil Service Commission meets on the 1st and 3rd Mondays of each month. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date.

Sincerely,

CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
 Executive Officer

- c: Micki Callahan, Human Resources Director
- Jessica Huey, Department of Human Resources
- Donna Kotake, Department of Human Resources
- Linda Simon, Department of Human Resources
- Gloria Louie, Airport Commission
- Alpha
- Chron

**SONYA KNUDSEN**

TO: Gloria Shepard  
 CCSF Civil Service Commission

From: Sonya Knudsen

RE: EEO File #1371 Complaint of Employment Discrimination

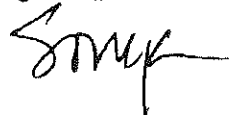
Date: Friday, 23 October 2009

Dear Ms. Shepard:

Please note the enclosed:

- CCSF DHR letter from Ms. Micki Callahan, DHR Director dated 09/25/09 – four (4) pages
- CCSF Civil Service Commission appeal filing, inclusive of this fax cover letter, Civil Service Commission form, and attached documentation – nine (9) pages

Due to an error on my part, I just noticed that I noted the incorrect EEO file number at base of attachment pages, thus am sending this packet to supersede previous one. The correct EEO file # is 1371. Thank you.



RECEIVED  
 EXECUTIVE OFFICER  
 CIVIL SERVICE COMMISSION  
 SAN FRANCISCO  
 2009 OCT 26 PM 4:48

**SONYA KNUDSEN**

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23 October 2009

Ms. Anita Sanchez  
Executive Officer  
Civil Service Commission  
City and County of San Francisco  
25 Van Ness Avenue, Suite 720  
San Francisco, CA 94102-6033

RE: Civil Service Commission Appeal re CCSF DHR-EEO File #1371

Dear Ms. Sanchez:

By means of this letter and the enclosed Civil Service Commission, City and County of San Francisco (CCSF) "Appeal to the Civil Service Commission" form, attached appeal basis sheets and supporting documentation, I am submitting an appeal for the 25 September 2009 determination received from the City and County of San Francisco's Department of Human Resources (DHR) with regard to a Equal Employment Opportunity (EEO) department discrimination complaint (EEO File #1371).

Yours respectively,

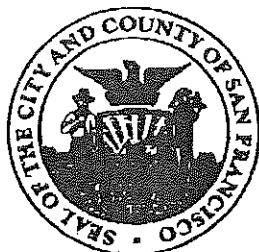


Sonya Knudsen

enclosures: CCSF "Appeal to the Civil Service Commission" form (2 pages)  
Fax page, cover letter and supporting documentation ( 7 pages)  
CCSF DHR Director Micki Callahan investigation results letter dated 09/25/09 (4 pages)

cc: Steve Pitocchi, SEIU Local 1021





**CIVIL SERVICE COMMISSION**  
**City and County of San Francisco**  
 25 Van Ness Avenue, Suite 720  
 San Francisco, California 94102-6033  
 Kate Favetti, Executive Officer  
 (415) 252-3247

CSC Register No.  
 \_\_\_\_\_  
 To: \_\_\_\_\_  
 CC: \_\_\_\_\_

**APPEAL TO THE CIVIL SERVICE COMMISSION**

**INSTRUCTIONS:** Submit an original copy of this form to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102-6033. Appeal must be received by the Executive Officer within the designated number of days following the postmarked mailing date of notification from the Department of Human Resources to the appellant. Original signature of appellant or authorized representative required for appeals. (E-mail not accepted.)

**TYPE OF APPEAL: (Check One)**

- Examination Matters (by Noon on 5<sup>th</sup> working day)
- Employee Compensation Matters (by Noon on 7<sup>th</sup> working day) - Limited application
- Personal Service Contracts (Posting Period)
- Other Matters (30 Calendar days) (i.e., Human Resources Director/ Executive Officer Action)
- Future Employability Recommendations (See Notice to Employee)

Full Name of Appellant Sonya Knudsen	Work Address SF Intl Airport PO Box 8097 SF CA 94128	Work Telephone 650-821-6726
Job Code 3546 Curator IV	Title Curator in Charge Admin / Special Projects	Department San Francisco Airport Museums, SF Intl Airport
Residence Address [REDACTED]	City [REDACTED]	State [REDACTED]
	Zip [REDACTED]	Home Telephone [REDACTED]
Full Name of Authorized Representative (if any)	Telephone Number (including Area Code)	

**COMPLETE THE BASIS OF THIS APPEAL ON THE REVERSE SIDE. (Use additional page(s) if necessary)**

Does the basis of this appeal include new information not previously presented in the appeal to the Human Resources Director? If so, please specify.	Check One: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

Original Signature of Appellant or Authorized Representative: Sonya Knudsen Date: 10/23/09

**State the basis of this appeal in detail:**

See attachments re Knudsen appeal re DHR EEO file #1371

**SONYA KNUDSEN**

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[REDACTED]

[REDACTED]

RE: CCSF Civil Service Commission Appeal (CCSF DHR-EEO file #1371)

Discrimination complaint filed by:

Sonya Knudsen, 3546, Curator IV  
Curator in Charge of Administration and Special Projects  
San Francisco Airport Museums (SFAM)  
San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

Discrimination complaint filed against:

Blake Summers, Director and Chief Curator  
San Francisco Airport Museums (SFAM)  
San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

Basis for Appeal, based on CCSF policies and procedures, Federal, State, CCSF, SFO laws, directives, policies, et al.:

- Complaints re discrimination, harassment, and retaliation
- Redefined and restructured work assignments and role
- Denial of promotion due to FMLA status and gender
- Lack of adherence to CCSF and SFO policies, procedures, directives, et al.
- Incomplete and inconsistent CCSF DHR / EEO investigation process

## SONYA KNUDSEN

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### I. Harassment due to Retaliation

#### I-A. Excessive scrutiny re Attendance Standards

Ms. Knudsen has never been in violation or abused CCSF Attendance Standards before or after her CCSF-approved FMLA leave at the San Francisco Airport Museums (SFAM), San Francisco International Airport (SFO). Prior to Ms. Knudsen's FMLA absence at SFAM, there existed a pattern of Attendance Standards that were un-enforced and lax, inclusive of staff abuse of sick leave, incorrect accounting of work hours, late arrivals, early departures, etc. Upon Ms. Knudsen's return from FMLA leave, all prior aspects remained but Ms. Knudsen was subjected to disparate treatment, uniquely scrutinized and questioned.

Ms. Knudsen received excessive and continued inquiries and commentary from her supervisor, Mr. Blake Summers, SFAM Director and Chief Curator, and his assistant, Ms. Kathie Smookler, particularly Ms. Knudsen's use of sick leave vs. vacation hours for medical appointments. No other SFAM staff member was similarly questioned or pressured even though overall policy misuse continued. Unlike other SFO departments, such as the Airport's FOM Crafts departments where personnel account for their daily work hours via computer system and timesheets that are signed off by their supervisor, the Airport Museums' timesheets are rudimentary and based on a honor-system, with no accountability and end of week summary sign-off by authorized SFAM representative. Building access is via computer scan cards and provide documentation of SFAM staff access / egress but it is also a system that can be avoided by using other doors, as is the case then and now. Since this Knudsen discrimination complaint filing re Attendance Standards, Mr. Summers has corrected his own work hours, while other SFAM staff hours remain as before. All SFAM time sheets are on file with SFO Payroll but are not accurate reflection of SFAM staff hours noted therein. In the 25 September 2009 CCSF DHR investigation report, there is a notation by the DHR Director that, "Managers have a responsibility to ensure employees are accurately documenting their work time and it is possible that the Airport Museums may change the current method of daily sign-in by all employees in order to more accurately record employee time."

Giving specific examples, in the role of a whistleblower, further exposes Ms. Knudsen to additional worksite retaliation. Ms. Knudsen cannot be in conflict with her supervisor to enforce Attendance Standards; that is Mr. Summers' responsibility, a department head and member of Airport Administration Senior Staff. It is only pertinent and alarms Ms. Knudsen that her position at SFAM and SFO is in jeopardy, and that she is the recipient of disparate treatment, harassment and retaliation. A current instance: Ms. Knudsen's FY 08 / 09 CCSF Performance Evaluation Report in which Mr. Summers downgraded Ms. Knudsen's Attendance Standards by two ratings, from Outstanding to Good, which had been subsequently amended due to Ms. Knudsen's efforts and a complaint being filed. There are further examples of Ms. Knudsen being subjected to questioning and pressured inappropriately by Mr. Summers, e.g., use of vacation hours due to low balance of sick hours for medical appointments, submittal of FMLA requests, amongst others, all consistent, intimidating and unprecedented in comparison to past and present precedent. Therefore, this singular attention to Ms. Knudsen's attendance is alarming, and impacts Ms. Knudsen's job security and future employment and promotional opportunities.

#### I-B. Redefined and Restructured Work Assignments

Change of Ms. Knudsen's work responsibilities from March – June 2007 compared to April 2008 and thereon. In March 2007 to June 2007, while working a FMLA part-time schedule with reasonable accommodations, Ms. Knudsen was responsible for SFAM Administration, Special Projects, and Facilities Management including, but not limited to, personnel management, SFAM monthly administrative reports

**SONYA KNUDSEN**

and projects, SFAM exhibition schedule maintenance and updated on FilemakerPro and Excel databases, SFAM Registration department exhibition log, SFAM monthly insurance reports to SFO Risk Management

Upon Ms. Knudsen's return from CCSF FMLA full-time sick leave in April 2008, Ms. Knudsen's job responsibilities were changed and she was no longer responsible for SFAM exhibition maintenance and updates on FilemakerPro and Excel databases, SFAM Registration department exhibition log, SFAM monthly insurance reports to SFO Risk Management. Further, Ms. Knudsen was placed in a supporting rather than a leading position with regard to preparing for a new SFAM collection management database migration, instructed by her supervisor, Mr. Blake Summers, to ask Ms. Julie Takata, CCSF 3632 Librarian, and Ms. Barbara Geib, CCSF 3546 Curator IV, for work assignments and instructions, providing them updates and reports of her progress, all the more curious in that Ms. Knudsen had previously been Ms. Geib's supervisor. Since April 2008 Ms. Knudsen has consistently provided Ms. Geib key assistance and support given that Ms. Geib has been struggling to fulfill her essential job responsibilities although Ms. Geib, in April 2008 has had three newly hired CCSF SFAM Registrars under her supervision and direction.

Since April 2008, Ms. Knudsen's job had been and continues to be inconsistently redefined and restructured by her supervisor, Mr. Blake Summers, with many work duties and responsibilities ever changing. Further, past responsibilities designated to other SFAM staff has placed Ms. Knudsen in a position of supporting and supplementing rather than directing and coordinating. Increasingly, Ms. Knudsen's job assignments and duties are subject to disparate scrutiny and interference and new placed, inconsistent limitations that undermine and make for a difficult and awkward working relationship with her supervisor.

Ms. Knudsen is SFAM's Curator in Charge of Administration and Special Projects, and her position and skillsets are uniquely suited to aid her supervisor, Mr. Summers, in operational and program activities, inclusive of administration, project and facility management, et al. Since Ms. Knudsen's return from FMLA in April 2008, her job responsibilities and staff interaction have been altered by her supervisor, a questionable managerial discretion. The selections and choices Mr. Summers makes with regard to Ms. Knudsen's job duties are key to future promotional opportunities and are indicative of his priorities and outlook, and suggests a continued pattern and mindset that perpetuates discrimination and disparate treatment. Just as Ms. Knudsen was concerned about a health condition notation and related attendance rating change in PAR reports, and how such would negatively impact future career opportunities, Ms. Knudsen is far more concerned about narrow administrative responsibilities and staff interaction that provide limited indication to SFO and CCSF management and third parties of her experience, qualifications, and contributions to the worksite, undermining and negating future career growth and promotions.

**I-C. Kathie Smookler July 1, 2008**

On July 1, 2008 Ms. Knudsen is confronted by Ms. Kathie Smookler, secretary to Mr. Blake Summers, with accusations of undermining Mr. Summers, going behind his back, being disrespectful, involving another SFAM staff person as "mediator and go-between." Ms. Smookler's words and actions were offensive, confrontational, adversarial, and intimidating, further worsened when Ms. Smookler physically blocked Ms. Knudsen's two attempts to depart her office. While the 25 September 2009 DHR investigative report notes that Ms. Smookler did apologize and has not repeated like behavior, there is no mention that this event is not an isolated one (note two additional discrimination complaints filed on behalf of Mr. Kenneth Yazzie, SFAM Registrar at that time) and does not give indication that Ms. Knudsen prompted resolution of the incident, and had taken precautions not to be exposed to such circumstances again. Ms. Smookler's behavior, inappropriate as a fellow CCSF employee, is especially troubling given that she is a core representative and confidant of Mr. Blake Summers.

**SONYA KNUDSEN****I-D. Blake Summers, July 9, 2008**

On July 9, 2008 Mr. Summers sought out Ms. Knudsen to discuss a SFO Carpentry department complaint against Ms. Knudsen received from Mr. Peter Acton, SFO Maintenance. Ms. Summers does not provide specific details or information regarding Carpentry complaint. Mr. Summers, behind closed doors, proceeds to harass, intimidate, and discriminate against Ms. Knudsen, inclusive of denial of request for neutral, third-party participant. In this July 9, 2008 meeting, Mr. Summers stated and used phrases such as, "there have been significant complaints against you; you've been a problem from get-go; I can't change you; you're difficult to work with; you never listen; don't sit there all proper; you have a hard time getting along with people; you can't work with anyone; clearly you're unhappy here, look at the number of complaints you've filed; do you want to quit?" Ms. Knudsen departs for the day concerned about strained, difficult, and increasingly hostile working conditions at SFAM, her employment and future at SFAM, SFO, and CCSF.

The 25 September 2009 DHR investigative report states, "The evidence did not demonstrate that this interaction was severe or pervasive as to alter the terms and condition of Ms. Knudsen's employment; the comments did not dissuade Ms. Knudsen from exercising her right to file complaints; and there is no evidence of any tangible adverse employment action." The mere fact that Ms. Knudsen filed a complaint does not mean that the incident was not severe. In fact the filing of the complain confirms the hope by Ms. Knudsen that this disparate treatment will stop, seeking the aid and involvement of CCSF. Throughout Ms. Knudsen has maintained professional decorum and fulfilled essential work responsibilities but the added strain and stress of a supervisor who does not adhere to normal supervisory behavior and interaction is notable. Harassment is a form of discrimination that occurs when someone engages in unwelcome and unreasonably offensive conduct based on a protected category, and that conduct could adversely affect an employee's working condition. An employer has a duty to maintain a harassment-free workplace for all its employees. Mr. Summer's actions since November 2007 has been incremental, consistently escalating, and cumulated in his actions and words in this meeting.

**II. Denial of Promotion due to Retaliation and Gender (female)**

On May 2008 Ms. Knudsen was told by her supervisor, Mr. Blake Summers, that two SFAM staff promotions he had recommended for FY 07 / 08 for CCSF 0922 – Manager I and CCSF 3546 – Curator IV to be carried over to FY 08 / 09 were not applicable to her, saying, "Why would I promote you? You weren't here for a year," referring to Ms. Knudsen's FMLA leave of 07 / 08. Failure to promote due to a FMLA leave is a violation of Federal and State law, and CCSF policies and procedures. This matter is exacerbated further in that during Ms. Knudsen's FMLA leave, Mr. Summers submitted a SFAM five-year succession plan to SFO Administration, with no plan to promote Ms. Knudsen, and all promotions listed therein are for Caucasian males.

In 2006, Ms. Knudsen was promoted in title from Curator in Charge of Registration to Curator in Charge of Administration and Special Projects, with additional work responsibilities, but no change in classification or salary as CCSF 3546 – Curator IV. At that time, Ms. Knudsen queried Mr. Summers why she was not receiving a classification change or salary increase and was told because of budgetary limitations and that such an action would be resented by the Assistant Director (CCSF 0922 – Manager I) and Curator in Charge of Aviation (CCSF 3546 – Curator IV). In this conversation, Mr. Summers stated a classification change and salary increase for Ms. Knudsen would be factored into a future SFAM budget. To that end, Ms. Knudsen provided Mr. Summers a listing of CCSF comparative positions and salaries, as well as a preliminary CCSF Job Analysis Questionnaire (JAQ).

**SONYA KNUDSEN**  


Mr. Summers assigns job responsibilities to all staff, inclusive of Ms. Knudsen and Mr. John Hill, Curator in Charge of Aviation. Any disparity in job responsibilities and duties comes about because of Mr. Summers' preferences and bias. To have CCSF say that Ms. Knudsen can apply for the Aviation Curator promotive position ignores created disparity in job responsibilities and staff supervision. Mr. Summers stated that he never made a commitment to Ms. Knudsen that she would be promoted and this is all the more egregious in that there is no mention of a promotion for Ms. Knudsen in the five-year succession plan, indicating a long-standing bias and discrimination.

**Summary**

Per Airport directives and policies, Airport Commission employees are called upon to commit themselves to continuously building a team that strives for the highest quality work product and for professionalism and respect in all dealings with co-workers. In addition, it is the Airport's desire to handle employee concerns effectively, fairly, and internally, building a favorable work environment in which employees feel free to bring their concerns to their respective managers. Knudsen requests the aid and involvement of the CCSF Civil Service Commission to address matters brought forth in the discrimination complaint, asking for a consistent adherence to CCSF and SFO policies, procedures, and directives.

Respectively,

Sonya Knudsen

\* \* \* Journal ( Oct. 23. 2009 6:32PM ) \* \* \*

1) civil service comm  
2)

< TX >								File No.
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Oct. 8.	2:27PM		G3RED	0'21"	P.	1 OK		1293
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	1:28PM		G3RES	0'33"	P.	3 OK		1308
	1:30PM		G3RES	0'32"	P.	3 OK		1310
	2:57PM		G3RES	0'32"	P.	1 OK		1312
Oct. 22.	11:12AM	4154316241	G3RED	0'49"	P.	3 OK		1314
Oct. 23.	12:07PM	4152748770	G3RES	1'28"	P.	10 OK		1316
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	4:35PM	6503436540	G3RES	2'28"	P.	4 OK		1320
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	6:26PM	6503436540	G3RES	4'54"	P.	9 E		1325

TX Count 001366

RX Count 001215

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R : Reduction  
Q : RX Notice Req.  
F : Folder

C : Confidential  
L : Send later  
D : Detail  
H : Stored/D. Server  
A : RX Notice

\$ : Transfer  
@ : Forwarding  
F : Fine  
\* : LAN-Fax  
M : Mail

P : SEP Code  
E : ECM  
U : Super Fine  
+ : Delivery  
<=> : IP-FAX



\* \* \* Error Report ( Oct. 23. 2009 6:23PM ) \* \* \*

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C : Confidential  
L : Send later  
D : Detail  
H : Stored/D. Server  
A : RX Notice

\$ : Transfer  
@ : Forwarding  
T : Fine  
\* : LAN-Fax  
@ : Mail

P : SEP Code  
E : ECM  
U : Super Fine  
+ : Delivery  
<> : IP-FAX

City and County of San Francisco

Gavin Newsom  
Mayor



Department of Human Resources

Micki Callahan  
Human Resources Director

September 25, 2009

Ms. Sonya Knudsen  
[REDACTED]  
[REDACTED]

RE: Complaint of Employment Discrimination  
EEO File No. 1371

Dear Ms. Knudsen:

In accordance with the San Francisco Charter, § 10.103, the Human Resources Director shall review and resolve all allegations of discrimination. Your letter of complaint dated June 25, 2008 was reported to me and recorded as EEO File #1371.

You are a PEX Curator IV, Curator in Charge of Administration, with the Airport Museums. In your complaint, you allege that in retaliation for engaging in the protected activity of filing a previous discrimination complaint against him, Airport Museums Director Blake Summers and his assistant, Kathie Smookler, have retaliated against you by subjecting you to harassment which has created a hostile work environment, and Blake Summers has denied you promotion to a Manager I position due to retaliation and your gender (female).

**A. Allegations**

**I. Harrassment due to Retaliation**

- You allege that upon your return to work in April 2008, you were subjected to harassment in the form of:
- a. Excessive scrutiny regarding your timesheets and requests to use Vacation and Sick Leave.
  - b. Having your work assignments redefined and restructured, having key duties reassigned to others and being placed in a supporting role. You allege violation of FMLA job restoration requirements because you did not return to work from leave to the exact same assignments.
  - c. A confrontation with Kathie Smookler on July 1, 2008 where she verbally reprimanded you in a loud and intimidating manner and physically blocked your egress from your office when you attempted to leave.
  - d. A confrontation with Blake Summers on July 9, 2008 where he verbally reprimanded you for filing complaints against him and asked you if you wanted to quit.

**II. Denial of Promotion due to Retaliation and Gender (female)**

You allege that you were denied promotion to 0922 Manager I in retaliation for previously filing a discrimination complaint against Blake Summers and that Blake Summers alluded negatively to the fact

that you had been on leave when you inquired about the Manager I position. You allege that your manager had previously implied that he would be seeking a promotive reclassification for you and instead, is seeking to promote a male co-worker, the current Curator IV of Aviation.

## **B. Standards of Discrimination**

### Harassment- Hostile Work Environment

The standards for Harassment- Hostile Work Environment involve the following:

1. The Complainant is subject to physical, verbal or visual conduct on account of the Complainant's membership in a protected category;
2. The conduct is unwelcome; and
3. The conduct is sufficiently severe or pervasive as to alter the condition of the Complainant's employment and create an abusive working environment.

### Retaliation

The standards for discrimination on the basis of retaliation involve the following:

1. The Complainant engaged in a protected activity;
2. The Complainant suffered an adverse employment action; and
3. There was a causal link between the protected activity and the adverse employment action.

### Disparate Treatment Standard

1. The Complainant is a member of a protected category;
2. The Complainant has suffered an adverse employment action; and
3. The Complainant suffered an adverse employment action because of his or her membership in a protected category.

## **C. Investigative Findings**

### Harassment

a. Excessive Scrutiny: You did not provide specific examples of how your timesheets, vacation and/or sick leave requests were excessively or unreasonably scrutinized after your return from leave as opposed to before your leave, or as opposed to before you filed your discrimination complaints. You did not identify any specific instances where your timesheets were questioned, nor any specific instances where your vacation and/or sick leave requests were denied. In fact, you agreed that none of your leave, vacation or sick time usage requests have been denied.

Investigation established that the Airport Museums currently uses a timesheet method where all Museums staff merely note the number of hours worked each day. The Airport Museums contends that there was one occasion where Blake Summers asked you how you recorded time used to attend a medical appointment when that appointment wasn't recorded on your timesheet. There is no record of any dates or times of your attendance which have been contested, nor does the Airport Museums identify any dates or times of your attendance which have been contested.

Managers have a responsibility to ensure employees are accurately documenting their work time and it is possible that the Airport Museums may change the current method of daily sign-in by all employees in order to more accurately record employee time.

b. Change in Work Assignments: The essential functions of your Curator IV position are to perform special projects for the Airport Museums. Investigation established that during your leave in 2007, certain assignments were reassigned to other staff and that upon your return from leave in 2008 certain assignments remained reassigned to other staff. Investigation also established that you continue to be assigned special projects.

FMLA leave provisions entitle employees to be restored to the same or equivalent position and a department is entitled to reassign duties based on the operational needs of the department.

c. Confrontation with Kathie Smookler on July 1, 2008: Investigation established that Ms. Smookler did behave unprofessionally and inappropriately when she came into your office on or about July 1, 2008 and refused to let you leave your office.

Investigation also established, and you agree, that Ms. Smookler apologized to you that same day for her behavior and that Ms. Smookler has not repeated that behavior. Investigation established that Ms. Smookler does not supervise you, did not reprimand you nor does she have any authority to reprimand you, and that she does not come into regular contact with you except as may be required.

d. Confrontation with Blake Summers on July 9, 2008: Investigation established that comments made by your manager, Blake Summers, on or about July 9, 2008 were extremely upsetting to you and Mr. Summers' comments were inappropriate. However, the evidence did not demonstrate that this interaction was severe or pervasive as to alter the terms and condition of your employment; the comments did not dissuade you from exercising your right to file complaints; and there was no evidence of any tangible adverse employment action.

#### Denial of Promotion

Investigation established that there was not a promotive position that you applied for, competed for and were not appointed to. Investigation established that your manager submitted a request which was approved by the Airport Budget Office, based on the level of responsibilities and staff managed by the functions of the Curator IV in Charge of Aviation. The Curator IV in Charge of Aviation manages a sizeable program and staff. Investigation established that there is a marked difference in the level of responsibilities between the Curator IV in Charge of Aviation and your current Curator IV in Charge of Administration, which performs special projects as assigned.

The department's request for position substitution has not been actualized to date. Should the request to substitute a Manager I position for the Curator IV in Charge of Aviation continue to remain in the department's budget, the department will proceed with a selection process in which you will be free to participate. Blake Summers denies that he previously implied or promised he would seek a promotive reclassification for you.

Determination

I have reviewed the investigative report and I find that there is insufficient evidence to sustain your complaint of harassment, retaliation or disparate treatment.

Your manager's comments to you on July 9, 2008 are a serious concern. They were inappropriate and please be advised that by separate cover I am addressing that issue with Mr. Martin. The City and County of San Francisco stands firmly in supporting employee rights to file discrimination complaints without fear of retaliation or reprisal. The Airport has already taken action to re-distribute key Executive Directives affirming an employee's right to file a discrimination complaint without fear of retaliation or reprisal.

The decision of the Human Resources Director is final unless the decision is appealed to the Civil Service Commission, and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102, within thirty (30) calendar days of the postmarked date of this letter.

You may contact Linda Simon in the Department of Human Resources Equal Employment Opportunity Division at 557-4837 if you have any questions.

Sincerely,



Micki Callahan  
Human Resources Director

cc: John L. Martin, Airport Director  
Susan Kim, Airport EEO  
Linda Simon, DHR/EEO

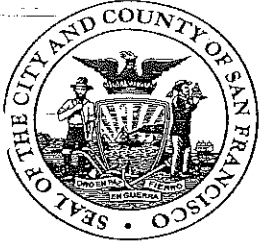
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# **STAFF REPORT**








# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

## CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

Refer to Civil Service Commission Procedure for Staff - Submission of  
Written Reports for Instructions on Completing and Processing this Form

1. Civil Service Commission Register Number: 0343 - 09 - 6
  
2. For Civil Service Commission Meeting of: November 18, 2013
3. Check One:           Ratification Agenda  
                          Consent Agenda  
  
                          Regular Agenda  **X**  
  
                          Human Resources Director's Report
4. Subject: Appeal of Human Resources Director's determination of Insufficient Evidence to sustain the charges of discrimination filed by Sonya Knudsen in EEO File #1371,
5. Recommendation: Deny appeals, uphold Human Resources Director's determination.
6. Report prepared by: Silvia Castellanos           Telephone number: 557-4855
7. Notifications:           **(Attach a list of the person(s) to be notified in the format described in IV. Commission Report Format -A).**
8. Reviewed and approved for Civil Service Commission Agenda:  
Human Resources Director: Micki Callahan 

Date: 11/7/13

9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

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

10. Receipt-stamp this form in the ACSC RECEIPT STAMP box to the right using the time-stamp in the CSC Office.

Attachment

**CSC RECEIPT STAMP**

7. Notification List:

Ms. Sonya Knudsen  
-----  
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Mr. Steven Pitocchi  
SEIU Local 1021  
350 Rhode Island, Suite 100  
San Francisco, CA 94103

Ms. Gloria Louie, Airport EEO Manager  
San Francisco International Airport  
P.O. Box 8097  
San Francisco, CA 94128

Mr. Blake Summers  
Director and Chief Curator Airport Museums  
P.O. Box 8097  
San Francisco, CA 94128

Ms. Linda Simon  
Director of EEO Programs Department of Human Resources  
1 South Van Ness Avenue Fourth Floor  
San Francisco, CA 94103

Ms. Janie White  
Equal Employment Opportunity Programs Senior Specialist  
1 South Van Ness Avenue Fourth Floor  
San Francisco, CA 94103

Ms. Silvia Castellanos  
Equal Employment Opportunity Programs Senior Specialist  
1 South Van Ness Avenue Fourth Floor  
San Francisco, CA 94103

# CIVIL SERVICE COMMISSION REPORT

## MEMORANDUM

TO: Civil Service Commission  
THROUGH: Micki Callahan, Human Resources Director  
THROUGH: Linda Simon, Deputy Director- EEO Programs  
FROM: Silvia Castellanos, Sr. EEO Program Specialist  
DATE: July 5, 2011  
EEO FILE NO: 1371

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REGISTER NO: 0343-09-6  
APPELLANT: Sonya Knudsen

### 1. Authority

The San Francisco Charter, Section 10:103, and Civil Service Commission Rules provide that the Human Resources Director shall review and resolve complaints of employment discrimination. Pursuant to Civil Service Commission Rule, Section 103.3, the Civil Service Commission shall review and resolve appeals of the Human Resources Director's determinations.

### 2. Summary

The Appellant is a permanent exempt 3546 Curator IV- Administration with the San Francisco Airport Museums (SFAM). SFAM is accredited by the American Association of Museums and features approximately twenty (20) galleries throughout the Airport terminals displaying art, history, science and cultural exhibitions. SFAM also features the San Francisco Airport Commission Aviation Library and Louis A. Turpen Aviation Museum, a permanent collection of the history of commercial aviation.

SFAM is headed by Director and Chief Curator, Blake Summers. The Appellant performs special projects for SFAM. The Appellant is the only Curator IV with this specialty. SFAM has two other Curator IV employees, Ms. Barbara Geib, Curator IV- Registration, and Mr. Timothy O'Brien, Curator IV - Exhibitions. All Curator IV employees report to Mr. Abe Garfield, 0932 Manager II\*, Assistant Director-SFAM.

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\*Note: At the time this complaint was filed and investigated, the Appellant reported directly to Blake Summers and Mr. O'Brien was a Curator III.

Previous EEO Complaint #1343

In March 2008, the Appellant filed a discrimination complaint against SFAM alleging denial of accommodation (return to work on part-time basis). On July 29, 2008, the Human Resources Director issued her determination finding there was insufficient evidence to substantiate the Appellant's claim that she was denied accommodation.

The Appellant appealed the Human Resources Director's determination and on November 16, 2009, the Civil Service Commission granted her appeal. As a result of the Commission's determination, the Appellant received restoration of sick leave and vacation leave.

Current EEO Complaint #1371

The Appellant submitted 6 letters of complaint to the Department of Human Resources EEO Unit (DHR/EEO) between June 25, 2008 and July 11, 2008. In her letters of complaint, the Appellant alleges the following:

A. Denial of Accommodation- Airport EEO

Airport EEO denied accommodation (phone headset, ergonomic work station). Appellant alleged that it took over three weeks for the department to provide her with the requested equipment, impacting and hampering her ability to fulfill her job duties and responsibilities. Appellant also alleged that her accommodation request to telecommute was denied without evaluation.

B. Discrimination by Airport and DHR EEO

DHR/EEO and Airport EEO Division gave inconsistent, confusing and contradictory explanations of the complaint process; exhibited a conflict of interest, lack of third party impartiality and neutrality.

C. Harassment due to Retaliation and Denial of Promotion – Blake Summers

The Museums Director was biased regarding ADA and accommodation; Appellant worked in a strained work environment; isolation and denial of promotion to 0922 Manager I on May 28, 2008.

D. Harassment due to Retaliation on 7/1/08 – Kathie Smookler

Harassment due to retaliation by Kathie Smookler, Executive Secretary to Blake Summers, on July 1, 2008, when Ms. Smookler accused Appellant of undermining Blake Summers and physically blocked Appellant's efforts to leave her office.

E. Harassment due to Retaliation and Disparate Treatment – Blake Summers

Harassment due to retaliation and disparate treatment by Blake Summers in the form of: 1) unfair and inequitable treatment and scrutiny of Appellant's timesheets, vacation, leave and sick time usage and 2) diminished job responsibilities, restructuring and reassignments after return from protected FMLA leave in 2008. Harassment due to retaliation by Blake Summers on July 9, 2008, when he accused her of being a problem, of being 'complaint-happy' and intimating that she should resign as her complaints were evidence that she was not happy in the workplace.

See Exhibit C, Attachments A- A9, pages 66 - 266

**Allegations Not Investigated**

Allegation A – Denial of Accommodation by Airport EEO (ergonomic equipment and workstation) was not investigated as Appellant was, in fact, provided with the requested ergonomic equipment and workstation and her request for telecommuting was considered, however the duties of her position required her to be at work to plan and supervise special projects.

Allegation B – Discrimination on part of Airport and Department of Human Resources EEO staff was not investigated as Appellant's discrimination complaint (EEO complaint # 1343) was processed in compliance with applicable Rules and policies.

Allegation C – Denial of Promotion

Allegation C was initially accepted for investigation but it was established that there was no cause of action as there had been no selection process or appointment for the 0922 Manager I-Aviation position as of the date of the Appellant's charge. Therefore, Appellant had not been denied a promotion, she had not suffered an adverse employment action; and had not established a prima facie case of discrimination. *See Exhibit C, pg. 54*

**Human Resources Director's Determination**

On September 25, 2009, the Human Resources Director issued her determination that there was insufficient evidence to sustain the Appellant's complaint of harassment, retaliation or disparate treatment. *See Exhibit B, pages 28 - 34*

The Human Resources Director found that the Appellant had not provided any specific information regarding excessive or unreasonable scrutiny of timesheets or attendance; that there had been no denial of leave, vacation or sick time usage; that the Appellant had returned to work from leave to the same position and responsibility of performing special projects; that she had not been denied a promotion and that Kathie Smookler and Blake Summers had not harassed or retaliated against her.

**Mediation**

In January 2010, through DHR EEO's Alternative Dispute Resolution Program, both parties agreed to enter into mediation with Ms. Lucia Kanter St. Amour, Adjunct Professor with Hastings College of Law-Center for Negotiation and Dispute Resolution.

Mediation sessions were held on:  
April 8, 2010, a Pre-caucus Session;  
April 21, 2010, a Joint Mediation Session; and  
July 27, 2010, a Joint Mediation Session.

Mediation of the Appellant's current charge was not ultimately achieved. However, both parties expressed an interest in continuing settlement discussions and Professor Kanter St. Amour agreed to make herself available should ongoing mediation services be requested by the parties in the future.

**3. Issues on Appeal to the Civil Service Commission**

The following issues are before the Commission:

Allegation D – Harassment due to Retaliation on July 1, 2008 by Kathie Smookler.

Allegation E – Harassment due to Retaliation and Disparate Treatment by Blake Summers.

Appellant's Letter of Appeal – October 22, 2009

Appellant submitted a timely appeal of the Human Resources Director's determination. However, Appellant did not provide any new evidence in support of her claims.

See Exhibit A, pages 14 – 25

**4. The Standards and Definitions**

*Harassment- Hostile Work Environment*

The legal standards for a discrimination complaint under a harassment- hostile work environment theory are:

The complainant is subject to physical, verbal or visual conduct on account of the complainant's membership in a protected category;  
The conduct is unwelcome; and  
The conduct is sufficiently severe or pervasive as to alter the condition of the complainant's employment and create an abusive working environment.

*Retaliation*

The legal standards for a discrimination complaint under the theory of retaliation are:

The complainant engaged in a protected activity;  
The complainant suffered an adverse employment action; and  
There was a causal link between the protected activity and the adverse employment action.

*Discrimination*

The legal standards for a discrimination claim under a disparate treatment theory are:

The complainant is the member of a protected category;  
The complainant has suffered an adverse employment action; and  
The complainant suffered an adverse employment action because of her membership in a protected category.

**5. Findings/Analysis**

DHR/EEO conducted a thorough investigation including interviewing relevant witnesses, reviewing written information from both the Appellant and the department, and gathering other pertinent document. See Exhibit C: Investigative Report and Attachments, pages 38 – 342

The following responds to the appealable issues in this matter:

**Allegation D: The Evidence Is Insufficient to Show that Kathie Smookler subjected the Appellant to Harassment due to Retaliation on July 1, 2008, for previously filing a discrimination complaint against Blake Summers.**

**A. Investigative Findings**

In 2008 the Appellant planned to host a Fourth of July barbeque for SFAM employees. She approached then-Curator III Tim O'Brien and asked if he would grill at the barbeque and Mr. O'Brien agreed. Mr. O'Brien stated Appellant misperceived that he was big on grilling. While he was not opposed to grilling at the barbeque and he had agreed to grill, he was not really interested in grilling at the barbeque.

Appellant had not advised Mr. Summers about the planned barbeque. Mr. O'Brien thought Mr. Summers, as Director of the Department, should be informed of the planned Fourth of July barbeque. He asked Mr. Summers for permission and Mr. Summers agreed. Ms. Smookler, executive secretary for Mr. Summers, was also present when Mr. O'Brien briefed Mr. Summers about the barbeque. Ms. Smookler asked Mr. O'Brien how he felt about having to grill and he responded, "ok". Ms. Smookler interpreted his response as an indication that he felt it was an imposition.

Ms. Smookler already had concerns regarding previous barbeques organized by the Appellant because they had either excluded certain staff or failed to give staff prior notice of the event and had generally been scheduled for Friday, a day that neither she nor Mr. Summers worked. Ms. Smookler was concerned that Appellant had taken it upon herself to coordinate the barbeque without involvement of the entire department and had imposed on Mr. O'Brien by asking him to grill.

The next day, after another employee, Barbara Geib, Curator IV Registration told Ms. Smookler about Appellant planning the barbeque, Ms. Smookler went to Appellant's office to discuss the issue. She asked Appellant why she hadn't advised Mr. Summers about the barbeque, why she had designated Mr. O'Brien to grill, as she felt that Mr. O'Brien felt put upon (by having to grill). When Appellant stood up from her desk to leave the room, Ms. Smookler stood in the doorway and insisted that Appellant discuss the situation.

Appellant departed the office and went to confide in Mr. O'Brien that she had had a very unpleasant encounter with Ms. Smookler who had accused her of forcing Mr. O'Brien into something he did not want to do. Mr. O'Brien suggested they go speak with Ms. Smookler. According to Mr. O'Brien, they approached Ms. Smookler and politely discussed the miscommunication. He apologized if he had given any misimpression regarding his being asked to barbeque and Ms. Smookler apologized for over-reacting and said, "let's do it".

*See Exhibit C, pages 55 – 59 and Exhibit D, pages 351, 360*

**B. Analysis**

Ms. Smookler was aware the Appellant had filed discrimination complaints against SFAM and Mr. Summers. The evidence demonstrates that Appellant was subjected to

verbal conduct by Ms. Smookler which she found unwelcome. However, the evidence also demonstrates that it was Ms. Smookler's concerns of Appellant's handling of prior Fourth of July barbecues, along with her current assessment that Appellant had imposed upon Mr. O'Brien by asking him to grill and had inappropriately bypassed Mr. Summers when planning a Department social event, that triggered her going to Appellant's office and accusing her of being sneaky, disrespectful and of undermining Mr. Summer's authority. The Appellant was not subjected to verbal comments by Ms. Smookler because she had previously filed an EEO complaint.

Additionally, as Ms. Smookler apologized to both the Appellant and Mr. O'Brien and this was a one-time occurrence, Ms. Smookler's conduct was neither sufficiently severe nor pervasive as to alter the condition of the Appellant's employment and create an abusive working environment. *See Exhibit D, pages 351, 360*

**Allegation E: The Evidence Is Insufficient to Show that Blake Summers subjected the Appellant to Harassment due to Retaliation and Disparate Treatment in the form of: 1) unfair and inequitable treatment and scrutiny of Appellant's timesheets, vacation, leave and sick time usage and 2) diminished job responsibilities, restructuring and reassignments after return from protected FMLA leave in 2008. The Evidence is Insufficient to Show that Blake Summers subjected the Appellant to Harassment due to Retaliation on July 9, 2008, when he accused her of being a problem, being 'complaint-happy' and intimating that she should resign as her complaints were evidence that she was not happy in the workplace.**

#### **A. Investigative Findings**

##### Harassment due to Retaliation and Disparate Treatment by Blake Summers -Excessive Scrutiny of Timesheets, Vacation, Leave and Sick Time Usage

Appellant submits that upon her return to work in April 2008 she was instructed to sign out and use vacation time when attending Burlingame Rotary Club lunch meetings. She does not allege that other employees are attending such meetings and not being asked to take vacation. Appellant also made general allegations that she was being subjected to excessive scrutiny.

The Airport Museums timekeeping practice involved having employees report and initial hours worked or leave taken, on a weekly timesheet. The Appellant returned to work from leave in April 2008 to the same practice of signing in and initialing her hours worked or leave taken, as all other SFAM employees.

The Airport Museums has designated forms for employees to use when taking sick pay or leave. The Appellant returned to work from leave in April 2008 to the same practice of using designated forms to request approved absence from work, as all other SFAM employees. All of Appellant's requests for vacation, leave, and sick pay were granted.

Mr. Summers recalls one instance where the Appellant's recorded time did not reflect her absence to attend a medical appointment and he asked the Appellant about her recorded time. The Appellant explained that she would be making up the time by either working late or coming in early. Mr. Summers was satisfied with her explanation and did not say anything else about it. That is the only instance recalled by Mr. Summers where the Appellant was approached and asked about her recorded time. *See Exhibit C - Staff Report, pages 39 - 65*



Harassment due to Retaliation and Disparate Treatment– Diminished Job Responsibilities, Restructuring and Reassignment

Appellant was on an extended medical leave from March 2007 – April 2008. The Appellant returned to the same Curator IV classification, the same work schedule, the same reporting structure, and the same responsibility of being Curator in Charge of Administration, which includes facilities maintenance and performing special projects.

The Department confirmed that five of Appellant’s previously assigned tasks were reassigned during her medical leave to others and were not returned to Appellant upon her return from medical leave. Four tasks were reassigned to the Curator of Registration and one task was assigned to an employee hired specifically to perform that function. *See Chart: S Knudsen Duties and Responsibilities*

Appellant was the Curator in Charge of Registration until December 18, 2006. When she assumed the Curator of Administration position, she continued to perform four tasks from Registration. When Appellant began her leave in 2007, those four tasks still needed to be performed, so they were reassigned back to the Curator of Registration. The Department contends they were appropriately assigned to Registration before and are appropriately assigned to Registration now. *See Exhibit E, pages 367 – 369*

As identified in the Department’s contemporaneous listing of Appellant’s duties and responsibilities in March 2008 (*See Exhibit D- Interview of Veronica Davis, page 359*) and clarifying the listing of Appellant’s duties and responsibilities as identified in the Department’s responses of December 31, 2008 and March 6, 2009 (*See Exhibit C, pages 49, 50*), the Appellant’s duties and responsibilities before and after her leave are as follows:

**S.Knudsen Duties and Responsibilities**

Assignments in 2007 Before Leave	Assignments in 2008 After Leave	Assignments Reassigned
Monthly insurance report to Risk Management.		To: Curator of Registration
FAMSF Conservation invoice administration.		To: Curator of Registration
Exhibition Schedule updates on Excel.		To: Curator of Registration
Exhibition Schedule updates on Filemaker Pro.		To: Curator of Registration
Arts Commission maintenance installations @ SFO.		To: 3554 Associate Museum Registrar
Monthly report to Administration.	Monthly report to Administration.	
Monthly report to Blake Summers.	Monthly report to B.Summers.	
Proofread label exhibition copy.	Proofread label exhibition copy.	
Assist with exhibition info to SFO Public Affairs.	Assist with exhibition info to SFO Public Affairs.	

Employee orientation packet/security alarm/keys.	Employee orientation packet/security alarm/keys.	
SFO Emergency Operations Group. SFAM Emergency Plan for WFR/SFO. ChemPack Emergency Procedural Plan	SFO Emergency Operations Group. SFAM Emergency Plan for WFR/SFO. ChemPack Emergency Procedural Plan.	
SFAM Collection Management Policy.	Other Administrative (Spruce St. storage inventory/relocation; resolve SkyFlights insurance claim; Terminal 2 exhibition galleries ramp-up; SFAM Collection Management Policy; AAM reaccreditation preparations, etc.).	
AAM reaccreditation preparations, other Administrative (Spruce St. storage inventory/relocation)	Facilities Maintenance of WFR/SFO (Kids' Spot repairs; electrical lights/timer improvements; WFR building improvements/expansion into unused quadrant, etc.).	
Facilities Maintenance of WFR/SFO.		

In July 2006, prior to Appellant's medical leave, the Department began efforts to request a requisition for a 3554 Associate Museum Registrar position. The 3554 requisition was approved in August 2007. The Job Analysis for the 3554 position was conducted in February 2008. Interviews for the 3554 position were conducted in May 2008 and an appointment was made in June 2008. The Department assigned one task related to the Art Commission installations to this new position.

Prior to the Appellant's medical leave in 2007, as the Curator IV in Charge of Administration she was assigned fourteen (14) tasks, including the core functions of facilities maintenance and special projects. Upon Appellant's return from the medical leave in 2008, she returned to nine (8) tasks, including the same core functions of facilities maintenance and special projects.

*See Exhibit C – Staff Report, pages 49, 50*

Harassment due to Retaliation – Meeting with Blake Summers on July 9, 2008

The Appellant is in charge of facilities maintenance which requires interaction with maintenance staff. In or around April 2008, Mr. Peter Acton, Facilities Deputy Director, informed Mr. Summers that Electric Shop staff were upset, complaining Appellant acted "bossy" and rude during their interactions. They complained she often demanded her work requests be attended to immediately, without consideration of existing priority assignments. Mr. Acton told Mr. Summers he did not appreciate Complainant's mistreatment of his staff and that Appellant should not directly coordinate projects and interfere with the work to be performed. Mr. Summers told Appellant to "lay low" and not demand Facilities staff perform work beyond that required of them.

In July 2008, Mr. Summers received a second complaint from Mr. Acton regarding Appellant's interactions with the Carpentry Shop. Mr. Acton reported that Carpentry staff had complained the Appellant was rude to them and Mr. Acton requested that the Appellant not have unnecessary interaction with his subordinate maintenance staff.

On July 9, 2008, Mr. Summers met with Appellant to discuss the feedback regarding her interactions with maintenance staff. Appellant became upset and wanted detailed information about who had complained and what had been said, as she contended she gets along with everyone and she asked Mr. Summers if he had supported her in his conversation with Mr. Acton, noting how she had supported Mr. Summers. Mr. Summers did not provide specific details to the Appellant regarding which maintenance employee had complained, as he did not want the Appellant to confront maintenance staff, escalating a delicate situation.

Mr. Summers stated that his intention, in initiating the conversation with the Appellant, was to relay the feedback from Mr. Acton and advise her to 'keep her head down' and not have more interaction with the maintenance staff than was necessary. However, the Appellant became defensive and insisted on knowing if Mr. Summers had supported her in his conversation with Mr. Acton. Mr. Summers stated that when the Appellant protested that she had been supportive of him, he felt that was not a true statement and he did make a comment regarding the complaints she had filed against him and he did observe that she did not appear to be happy in her position: "you are unhappy here, look at all the complaints you have filed, do you want to quit"? *See Exhibit D, pages 347 – 350*

## **B. Analysis**

### Harassment due to Retaliation and Disparate Treatment- Excessive Scrutiny of Timesheets, Vacation, leave and Sick Time Usage

The Appellant did not provide any specific information regarding when or how she was subjected to excessive scrutiny regarding attendance; or any specific information regarding when or how she was uniquely scrutinized or questioned regarding her requests for vacation, leave or sick time; or specific information identifying in comparison to whom and how, did she feel she was excessively scrutinized regarding her attendance or requests for approved absence from work. Additionally, the Department contends, and the Appellant does not dispute, that Appellant's requests for approved absence from work were all granted. Appellant did not establish that she has been treated differently than others.

The Department contends there was one occasion when the Appellant was asked to clarify her time as she had been out on a medical appointment and her timesheet showed no documentation for leave. Once Appellant explained that she would stay late to make up the time, the issue was dropped. The fact that Appellant was asked on one occasion about her time reporting does not rise to the level of being severe and pervasive conduct as to alter the conditions of her employment and create an abusive working environment.

### Harassment due to Retaliation and Disparate Treatment- Diminished Job Responsibilities, Restructuring and Reassignment

It was established that the Department did make certain changes and reassigned certain tasks and projects during the Appellant's period of leave in 2007 to April 2008, and that those reassignments continued upon Appellant's return from leave. Four tasks were reassigned from Administration to Registration during Appellant's leave and those tasks remained with Registration upon Appellant's return to work in April 2008.

The Department provided a copy of the Appellant's Performance Appraisal Report for 2005 to 2006 (*See Exhibit F, pages 367 - 369*) when the Appellant was Curator IV in Charge of Registration. At that time, the tasks of working with the City Risk Manager, the Conservation Lab, and responsibility for objects on loan for exhibition were part of Registration. In December 2006, Ms. Barbara Geib assumed the responsibility of Curator IV in Charge of Registration. At that time, Registration was short-staffed, so it was assistive to the Department that Appellant continue to perform those Registration tasks when she assumed the position of Curator in Charge of Administration. In 2007, while Appellant was on leave, the Department had to make provisions to make sure those tasks were still completed, so they were reassigned back to Registration. Upon Appellant's return from leave in 2008, those tasks remained with Registration as they were originally Registration tasks and Ms. Geib was well able to resume responsibility for those Registration tasks.

The Department began efforts to add a 3554 Associate Museum Registrar position to perform maintenance of Arts Commission installations to their budget in July 2006, prior to the Appellant's March 2007 medical leave. In August 2007, the 3554 requisition was approved; the selection process was conducted in May 2008 and an appointment was made in June 2008. The work performed by the 3554 employee, assisting in the handling and processing of objects acquired for collections and/or exhibitions, is a task supervised by the Curator of Registration.

There was no evidence that the Department reassigned tasks during Appellant's leave in retaliation for Appellant being on leave or in retaliation for Appellant filing a discrimination complaint in March 2008. The Department had to make decisions as to how to continue to complete assignments/tasks during Appellant's extended medical leave. In doing so, they identified those tasks which were more appropriately aligned with Registration. Four of the tasks had been previously assigned to Registration so it made sense to reassign them back to Registration. The other task was assigned to a 3554 employee who had been appointed to perform that task. Appellant, upon her return from medical leave, continued to perform the core functions of her position, namely facilities maintenance and special projects. The Appellant did not suffer any change in class, status or any loss of pay. The reassignment of tasks, while maintaining the Appellant's core function of performing facilities maintenance and special projects, is not an adverse employment action.

#### Harassment due to Retaliation – Interaction of July 9, 2008 with Blake Summers

In July 2008, Mr. Summers received a verbal notice from a fellow manager, Mr. Peter Acton that maintenance staff had complained of Appellant's method and style of interaction. As the Museums work depends on the cooperation and assistance from maintenance staff and as this was a second similar notice within a short period of time, the first being April 2008, Mr. Summers initiated a conversation with the Appellant on July 9, 2008, to discuss the feedback from Mr. Acton.

It was established that Mr. Summers did make comments to the Appellant that inappropriately coupled the fact of her protected activity of filing a complaint together with speculation that she was not happy at SFAM and perhaps needed to leave City service. Mr. Summers' comments were a one-time occurrence and were not repeated. Additionally, the evidence does not establish that the motivation for the discussion with Appellant was her filing of previous complaints; rather, the impetus for Mr. Summers' conversation with the Appellant on July 9, 2008 was Mr. Acton's second complaint in

three months regarding Appellant's negative interactions with maintenance staff. It was Mr. Summers' intent to communicate this feedback to Appellant so as to improve said communications and ensure a positive working relationship with maintenance staff.

While Mr. Summers' interaction with Appellant was very upsetting, it did not rise to the level of being severe or pervasive as to alter the condition of Appellant's employment or create an abusive working environment. The evidence established Mr. Summers did make some inappropriate references to Appellants filing of complaints, inferred that it was evident she was unhappy and asked if she wanted to quit. However, the context of the remarks were in response to Appellant's defensive rebuttal to the feedback, denying any responsibility, asserting that she got along well with everyone, demanding to know who had made the complaint and asserting that Mr. Summers had not defended her. This was a one-time occurrence, it has not been repeated and Appellant did not miss work or take leave due to the disagreement. Complainant suffered no loss of employment, demotion or other adverse employment action and she was not intimidated or dissuaded from subsequently filing another discrimination complaint.

The Department recognized the seriousness of a manager making these comments to an employee who had engaged in protected activity and reissued key policies regarding the right of employees to file discrimination complaints and the City's prohibition of retaliation. The Department also complied with additional corrective action regarding Mr. Summers as recommended by the Human Resources Director in her letter of determination dated September 25, 2009.

#### **6. HR Director's Determination**

Following review of the investigative report, the Human Resources Director determined that there was insufficient evidence to support the Appellant's charges of discrimination (*See Exhibit B, pages 28 – 34*). In addition to the Airport's re-issuance of applicable department policies, the Human Resources Director also directed the Airport to take corrective action regarding Mr. Summers for his behavior on July 9, 2008, and the Department has done so.

#### Mediation Sessions

Further, by mutual agreement, Mr. Summers and the Appellant entered into facilitated mediation sessions in 2010. These sessions allowed both parties to air and discuss concerns and were assistive to their working relationship and SFAM as a whole.

#### **7. Recommendation**

For all the reasons set forth above, the Human Resources Director's decision should be upheld and the appeal should be denied.

#### **8. Notification**

Ms. Sonya Knudsen

Ms. Gloria Louie, Airport EEO Manager  
San Francisco International Airport  
P.O. Box 8097

San Francisco, CA 94128

Ms. Susan Kim, Assistant Airport EEO Manager  
San Francisco International Airport  
P.O. Box 8097  
San Francisco, CA 94128

Mr. Blake Summers  
Director and Chief Curator - Airport Museums  
P.O. box 8097  
San Francisco, CA 94128

Ms. Linda Simon, Deputy Director- EEO Programs  
Department of Human Resources  
1 South Van Ness Avenue  
San Francisco, CA 94103

Ms. Silvia Castellanos  
Department of Human Resources  
1 South Van Ness Avenue  
San Francisco, CA 94103

**9. Appendix/Attachments to Report**

- Exhibit A: Appellant's Letter of Appeal, 10/22/09.
- Exhibit B: HRD Letters of Determination, 9/25/09.
- Exhibit C: DHR/EEO Staff Report and Attachments, 9/15/09
- Exhibit D: Complainant Interviews, Witness Summaries – EEO #1371
- Exhibit E: Appellant's Performance Appraisal Report-  
Curator in Charge of Registration

# Exhibit A

Appellant's Civil Service Commission Appeal  
October 22, 2009

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# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM  
MAYOR

DATE: October 26, 2009

REGISTER NO.: 0343-09-6

APPELLANT: SONIA KNUDSEN

MORGAN R. GORRONO  
PRESIDENT

E. DENNIS NORMANDY  
VICE PRESIDENT

JOY Y. BOATWRIGHT  
COMMISSIONER

DONALD A. CASPER  
COMMISSIONER

MARY Y. JUNG  
COMMISSIONER

ANITA SANCHEZ  
EXECUTIVE OFFICER

Sonya Knudsen

Dear Ms. Knudsen:


The Civil Service Commission received your letter appealing the Human Resources Director's decision to dismiss EEO file #1371 due to insufficient evidence to sustain your complaint of harassment, retaliation or disparate treatment.

Your request has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

If timely and appropriate, this matter will be scheduled for hearing by the Civil Service Commission in the near future. You will be notified approximately one week in advance of the hearing date. The Civil Service Commission meets on the 1st and 3rd Mondays of each month. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date.

Sincerely,

CIVIL SERVICE COMMISSION

  
ANITA SANCHEZ  
Executive Officer

c: Micki Callahan, Human Resources Director  
Jessica Huey, Department of Human Resources  
Donna Kotake, Department of Human Resources  
Linda Simon, Department of Human Resources  
Gloria Louie, Airport Commission  
Alpha  
Chron

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# CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM  
MAYOR

## NOTICE OF RECEIPT OF APPEAL

MORGAN R. GORRONO  
PRESIDENT

E. DENNIS NORMANDY  
VICE PRESIDENT

JOY Y. BOATWRIGHT  
COMMISSIONER

DONALD A. CASPER  
COMMISSIONER

MARY Y. JUNG  
COMMISSIONER

ANITA SANCHEZ  
EXECUTIVE OFFICER

DATE: October 26, 2009

REGISTER NO.: 0343-09-6

APPELLANT: SONYA KNUDSEN

Micki Callahan  
Human Resources Director  
1 South Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Callahan:

The Civil Service Commission has received the attached letter from Sonya Knudsen appealing the Human Resources Director's decision to dismiss EEO file #1371 due to insufficient evidence to sustain her complaint of harassment, retaliation or disparate treatment. The appeal is transmitted to you for review and action as is appropriate.

This matter has been tentatively scheduled for hearing by the Civil Service Commission at 2:00 p.m. on December 7, 2009 in Room 400, 4th Floor, City Hall, 1 Dr. Carlton B. Goodlett Place. If you are unable to proceed on this date or if for any reason the appeal is not timely or appropriate, please notify me by use of the "Action Request on Pending Appeal/Request" (CSC Form Number 13).

Sincerely,

CIVIL SERVICE COMMISSION

ANITA SANCHEZ  
Executive Officer

Attachment

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- c: Jessica Huey, Department of Human Resources
- Donna Kotake, Department of Human Resources
- Linda Simon, Department of Human Resources
- Gloria Louie, Airport Commission

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DEPARTMENT OF  
HUMAN RESOURCES  
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SONYA KNUDSEN

CIVIL SERVICE COMMISSION  
REGISTER  
NUMBER 034309 6

X M. CALLAHAN  
D. KOTAKE  
L. SIMON  
G. LOUIE

22 October 2009

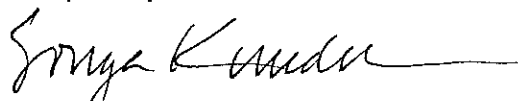
Ms. Anita Sanchez  
Executive Officer  
Civil Service Commission  
City and County of San Francisco  
25 Van Ness Avenue, Suite 720  
San Francisco, CA 94102-6033

RE: Civil Service Commission Appeal re CCSF DHR-EEO File #1371

Dear Ms. Sanchez:

By means of this letter and the enclosed Civil Service Commission, City and County of San Francisco (CCSF) "Appeal to the Civil Service Commission" form, attached appeal basis sheets and supporting documentation, I am submitting an appeal for the 25 September 2009 determination received from the City and County of San Francisco's Department of Human Resources (DHR) with regard to a Equal Employment Opportunity (EEO) department discrimination complaint (EEO File #1371).

Yours respectively,



Sonya Knudsen

enclosures: CCSF "Appeal to the Civil Service Commission" form (2 pages)  
Cover letter and supporting documentation ( 6 pages)

cc: Steve Pitocchi, SEIU Local 1021

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EXECUTIVE OFFICER  
CIVIL SERVICE COMMISSION  
SAN FRANCISCO  
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**CIVIL SERVICE COMMISSION**  
**City and County of San Francisco**  
 25 Van Ness Avenue, Suite 720  
 San Francisco, California 94102-6033  
 Kate Favetti, Executive Officer  
 (415) 252-3247

CSC Register No.  
 \_\_\_\_\_  
 To: \_\_\_\_\_  
 CC: \_\_\_\_\_

**APPEAL TO THE CIVIL SERVICE COMMISSION**

<p><b>INSTRUCTIONS:</b> Submit an original copy of this form to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102-6033. Appeal must be received by the Executive Officer within the <b>designated number of days</b> following the postmarked mailing date of notification from the Department of Human Resources to the appellant. Original signature of appellant or authorized representative required for appeals. <b>(E-mail not accepted.)</b></p>	<p><b>TYPE OF APPEAL:</b> (Check One)</p> <p><input type="checkbox"/> Examination Matters (by Noon on 5<sup>th</sup> working day)</p> <p><input type="checkbox"/> Employee Compensation Matters (by Noon on 7<sup>th</sup> working day) - Limited application</p> <p><input type="checkbox"/> Personal Service Contracts (Posting Period)</p> <p><input type="checkbox"/> Other Matters (30 Calendar days) (i.e., Human Resources Director/ Executive Officer Action)</p> <p><input type="checkbox"/> Future Employability Recommendations (See Notice to Employee)</p>
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Full Name of Appellant		Work Address		Work Telephone	
Sonya Knudsen		SF Intl Airport PO Box 8097 SF CA 94128		650-821-6726	
Job Code	Title	Department			
3546 Curator IV	Curator in Charge Admin / Special Projects	San Francisco Airport Museums, SF Intl Airport			
Residence Address		City	State	Zip	Home Telephone
Full Name of Authorized Representative (if any)		Telephone Number (including Area Code)			

**COMPLETE THE BASIS OF THIS APPEAL ON THE REVERSE SIDE. (Use additional page(s) if necessary)**

<p>Does the basis of this appeal include <b>new</b> information not previously presented in the appeal to the Human Resources Director? If so, please specify.</p>	<p>Check One:</p> <p><input checked="" type="checkbox"/> Yes      <input type="checkbox"/> No</p>
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*Sonya Knudsen* \_\_\_\_\_ Date *10/22/09*

**State the basis of this appeal in detail:**

See attachments re Knudsen appeal re DHR EEO file #1343

RE: CCSF Civil Service Commission Appeal (CCSF DHR-EEO file #1371)

Discrimination complaint filed by:

Sonya Knudsen, 3546, Curator IV  
Curator in Charge of Administration and Special Projects  
San Francisco Airport Museums (SFAM)  
San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

Discrimination complaint filed against:

Blake Summers, Director and Chief Curator  
San Francisco Airport Museums (SFAM)  
San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

Basis for Appeal, based on CCSF policies and procedures, Federal, State, CCSF, SFO laws, directives, policies, et al.:

- Complaints re discrimination, harassment, and retaliation
- Redefined and restructured work assignments and role
- Denial of promotion due to FMLA status and gender
- Lack of adherence to CCSF and SFO policies, procedures, directives, et al.
- Incomplete and inconsistent CCSF DHR / EEO investigation process

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**I. Harassment due to Retaliation**

**I-A. Excessive scrutiny re Attendance Standards**

Ms. Knudsen has never been in violation or abused CCSF Attendance Standards before or after her CCSF-approved FMLA leave at the San Francisco Airport Museums (SFAM), San Francisco International Airport (SFO). Prior to Ms. Knudsen's FMLA absence at SFAM, there existed a pattern of Attendance Standards that were un-enforced and lax, inclusive of staff abuse of sick leave, incorrect accounting of work hours, late arrivals, early departures, etc. Upon Ms. Knudsen's return from FMLA leave, all prior aspects remained but Ms. Knudsen was subjected to disparate treatment, uniquely scrutinized and questioned.

Ms. Knudsen received excessive and continued inquiries and commentary from her supervisor, Mr. Blake Summers, SFAM Director and Chief Curator, and his assistant, Ms. Kathie Smookler, particularly Ms. Knudsen's use of sick leave vs. vacation hours for medical appointments. No other SFAM staff member was similarly questioned or pressured even though overall policy misuse continued. Unlike other SFO departments, such as the Airport's FOM Crafts departments where personnel account for their daily work hours via computer system and timesheets that are signed off by their supervisor, the Airport Museums' timesheets are rudimentary and based on a honor-system, with no accountability and end of week summary sign-off by authorized SFAM representative. Building access is via computer scan cards and provide documentation of SFAM staff access / egress but it is also a system that can be avoided by using other doors, as is the case then and now. Since this Knudsen discrimination complaint filing re Attendance Standards, Mr. Summers has corrected his own work hours, while other SFAM staff hours remain as before. All SFAM time sheets are on file with SFO Payroll but are not accurate reflection of SFAM staff hours noted therein. In the 25 September 2009 CCSF DHR investigation report, there is a notation by the DHR Director that, "Managers have a responsibility to ensure employees are accurately documenting their work time and it is possible that the Airport Museums may change the current method of daily sign-in by all employees in order to more accurately record employee time."

Giving specific examples, in the role of a whistleblower, further exposes Ms. Knudsen to additional worksite retaliation. Ms. Knudsen cannot be in conflict with her supervisor to enforce Attendance Standards; that is Mr. Summers' responsibility, a department head and member of Airport Administration Senior Staff. It is only pertinent and alarms Ms. Knudsen that her position at SFAM and SFO is in jeopardy, and that she is the recipient of disparate treatment, harassment and retaliation. A current instance: Ms. Knudsen's FY 08 / 09 CCSF Performance Evaluation Report in which Mr. Summers downgraded Ms. Knudsen's Attendance Standards by two ratings, from Outstanding to Good, which had been subsequently amended due to Ms. Knudsen's efforts and a complaint being filed. There are further examples of Ms. Knudsen being subjected to questioning and pressured inappropriately by Mr. Summers, e.g., use of vacation hours due to low balance of sick hours for medical appointments, submittal of FMLA requests, amongst others, all consistent, intimidating and unprecedented in comparison to past and present precedent. Therefore, this singular attention to Ms. Knudsen's attendance is alarming, and impacts Ms. Knudsen's job security and future employment and promotional opportunities.

**I-B. Redefined and Restructured Work Assignments**

Change of Ms. Knudsen's work responsibilities from March – June 2007 compared to April 2008 and thereon. In March 2007 to June 2007, while working a FMLA part-time schedule with reasonable accommodations, Ms. Knudsen was responsible for SFAM Administration, Special Projects, and Facilities Management including, but not limited to, personnel management, SFAM monthly administrative reports

and projects, SFAM exhibition schedule maintenance and updated on FilemakerPro and Excel databases, SFAM Registration department exhibition log, SFAM monthly insurance reports to SFO Risk Management.

Upon Ms. Knudsen's return from CCSF FMLA full-time sick leave in April 2008, Ms. Knudsen's job responsibilities were changed and she was no longer responsible for SFAM exhibition maintenance and updates on FilemakerPro and Excel databases, SFAM Registration department exhibition log, SFAM monthly insurance reports to SFO Risk Management. Further, Ms. Knudsen was placed in a supporting rather than a leading position with regard to preparing for a new SFAM collection management database migration, instructed by her supervisor, Mr. Blake Summers, to ask Ms. Julie Takata, CCSF 3632 Librarian, and Ms. Barbara Geib, CCSF 3546 Curator IV, for work assignments and instructions, providing them updates and reports of her progress, all the more curious in that Ms. Knudsen had previously been Ms. Geib's supervisor. Since April 2008 Ms. Knudsen has consistently provided Ms. Geib key assistance and support given that Ms. Geib has been struggling to fulfill her essential job responsibilities although Ms. Geib, in April 2008 has had three newly hired CCSF SFAM Registrars under her supervision and direction.

Since April 2008, Ms. Knudsen's job had been and continues to be inconsistently redefined and restructured by her supervisor, Mr. Blake Summers, with many work duties and responsibilities ever changing. Further, past responsibilities designated to other SFAM staff has placed Ms. Knudsen in a position of supporting and supplementing rather than directing and coordinating. Increasingly, Ms. Knudsen's job assignments and duties are subject to disparate scrutiny and interference and new placed, inconsistent limitations that undermine and make for a difficult and awkward working relationship with her supervisor.

Ms. Knudsen is SFAM's Curator in Charge of Administration and Special Projects, and her position and skillsets are uniquely suited to aid her supervisor, Mr. Summers, in operational and program activities, inclusive of administration, project and facility management, et al. Since Ms. Knudsen's return from FMLA in April 2008, her job responsibilities and staff interaction have been altered by her supervisor, a questionable managerial discretion. The selections and choices Mr. Summers makes with regard to Ms. Knudsen's job duties are key to future promotional opportunities and are indicative of his priorities and outlook, and suggests a continued pattern and mindset that perpetuates discrimination and disparate treatment. Just as Ms. Knudsen was concerned about a health condition notation and related attendance rating change in PAR reports, and how such would negatively impact future career opportunities, Ms. Knudsen is far more concerned about narrow administrative responsibilities and staff interaction that provide limited indication to SFO and CCSF management and third parties of her experience, qualifications, and contributions to the worksite, undermining and negating future career growth and promotions.

**I-C. Kathie Smookler July 1, 2008**

On July 1, 2008 Ms. Knudsen is confronted by Ms. Kathie Smookler, secretary to Mr. Blake Summers, with accusations of undermining Mr. Summers, going behind his back, being disrespectful, involving another SFAM staff person as "mediator and go-between." Ms. Smookler's words and actions were offensive, confrontational, adversarial, and intimidating, further worsened when Ms. Smookler physically blocked Ms. Knudsen's two attempts to depart her office. While the 25 September 2009 DHR investigative report notes that Ms. Smookler did apologize and has not repeated like behavior, there is no mention that this event is not an isolated one (note two additional discrimination complaints filed on behalf of Mr. Kenneth Yazzie, SFAM Registrar at that time) and does not give indication that Ms. Knudsen prompted resolution of the incident, and had taken precautions not to be exposed to such circumstances again. Ms. Smookler's behavior, inappropriate as a fellow CCSF employee, is especially troubling given that she is a core representative and confidant of Mr. Blake Summers.

## SONYA KNUDSEN

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### I-D. Blake Summers, July 9, 2008

On July 9, 2008 Mr. Summers sought out Ms. Knudsen to discuss a SFO Carpentry department complaint against Ms. Knudsen received from Mr. Peter Acton, SFO Maintenance. Ms. Summers does not provide specific details or information regarding Carpentry complaint. Mr. Summers, behind closed doors, proceeds to harass, intimidate, and discriminate against Ms. Knudsen, inclusive of denial of request for neutral, third-party participant. In this July 9, 2008 meeting, Mr. Summers stated and used phrases such as, "there have been significant complaints against you; you've been a problem from get-go; I can't change you; you're difficult to work with; you never listen; don't sit there all proper; you have a hard time getting along with people; you can't work with anyone; clearly you're unhappy here, look at the number of complaints you've filed; do you want to quit?" Ms. Knudsen departs for the day concerned about strained, difficult, and increasingly hostile working conditions at SFAM, her employment and future at SFAM, SFO, and CCSF.

The 25 September 2009 DHR investigative report states, "The evidence did not demonstrate that this interaction was severe or pervasive as to alter the terms and condition of Ms. Knudsen's employment; the comments did not dissuade Ms. Knudsen from exercising her right to file complaints; and there is no evidence of any tangible adverse employment action." The mere fact that Ms. Knudsen filed a complaint does not mean that the incident was not severe. In fact the filing of the complain confirms the hope by Ms. Knudsen that this disparate treatment will stop, seeking the aid and involvement of CCSF. Throughout Ms. Knudsen has maintained professional decorum and fulfilled essential work responsibilities but the added strain and stress of a supervisor who does not adhere to normal supervisory behavior and interaction is notable. Harassment is a form of discrimination that occurs when someone engages in unwelcome and unreasonably offensive conduct based on a protected category, and that conduct could adversely affect an employee's working condition. An employer has a duty to maintain a harassment-free workplace for all its employees. Mr. Summer's actions since November 2007 has been incremental, consistently escalating, and cumulated in his actions and words in this meeting.

### II. Denial of Promotion due to Retaliation and Gender (female)

On May 2008 Ms. Knudsen was told by her supervisor, Mr. Blake Summers, that two SFAM staff promotions he had recommended for FY 07 / 08 for CCSF 0922 – Manager I and CCSF 3546 – Curator IV to be carried over to FY 08 / 09 were not applicable to her, saying, "Why would I promote you? You weren't here for a year," referring to Ms. Knudsen's FMLA leave of 07 / 08. Failure to promote due to a FMLA leave is a violation of Federal and State law, and CCSF policies and procedures. This matter is exacerbated further in that during Ms. Knudsen's FMLA leave, Mr. Summers submitted a SFAM five-year succession plan to SFO Administration, with no plan to promote Ms. Knudsen, and all promotions listed therein are for Caucasian males.

In 2006, Ms. Knudsen was promoted in title from Curator in Charge of Registration to Curator in Charge of Administration and Special Projects, with additional work responsibilities, but no change in classification or salary as CCSF 3546 – Curator IV. At that time, Ms. Knudsen queried Mr. Summers why she was not receiving a classification change or salary increase and was told because of budgetary limitations and that such an action would be resented by the Assistant Director (CCSF 0922 – Manager I) and Curator in Charge of Aviation (CCSF 3546 – Curator IV). In this conversation, Mr. Summers stated a classification change and salary increase for Ms. Knudsen would be factored into a future SFAM budget. To that end, Ms. Knudsen provided Mr. Summers a listing of CCSF comparative positions and salaries, as well as a preliminary CCSF Job Analysis Questionnaire (JAQ).

Mr. Summers assigns job responsibilities to all staff, inclusive of Ms. Knudsen and Mr. John Hill, Curator in Charge of Aviation. Any disparity in job responsibilities and duties comes about because of Mr. Summers' preferences and bias. To have CCSF say that Ms. Knudsen can apply for the Aviation Curator promotive position ignores created disparity in job responsibilities and staff supervision. Mr. Summers stated that he never made a commitment to Ms. Knudsen that she would be promoted and this is all the more egregious in that there is no mention of a promotion for Ms. Knudsen in the five-year succession plan, indicating a long-standing bias and discrimination.

**Summary**

Per Airport directives and policies, Airport Commission employees are called upon to commit themselves to continuously building a team that strives for the highest quality work product and for professionalism and respect in all dealings with co-workers. In addition, it is the Airport's desire to handle employee concerns effectively, fairly, and internally, building a favorable work environment in which employees feel free to bring their concerns to their respective managers. Knudsen requests the aid and involvement of the CCSF Civil Service Commission to address matters brought forth in the discrimination complaint, asking for a consistent adherence to CCSF and SFO policies, procedures, and directives.

Respectively,



Sonya Knudsen

# EXHIBIT B

HRD Letters of Determination, 9/25/09

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September 25, 2009

Ms. Sonya Knudsen

RE: Complaint of Employment Discrimination  
EEO File No. 1371

Dear Ms. Knudsen:

In accordance with the San Francisco Charter, § 10.103, the Human Resources Director shall review and resolve all allegations of discrimination. Your letter of complaint dated June 25, 2008 was reported to me and recorded as EEO File #1371.

You are a PEX Curator IV, Curator in Charge of Administration, with the Airport Museums. In your complaint, you allege that in retaliation for engaging in the protected activity of filing a previous discrimination complaint against him, Airport Museums Director Blake Summers and his assistant, Kathie Smookler, have retaliated against you by subjecting you to harassment which has created a hostile work environment, and Blake Summers has denied you promotion to a Manager I position due to retaliation and your gender (female).

**A. Allegations**

**I. Harassment due to Retaliation**

- You allege that upon your return to work in April 2008, you were subjected to harassment in the form of:
- Excessive scrutiny regarding your timesheets and requests to use Vacation and Sick Leave.
  - Having your work assignments redefined and restructured, having key duties reassigned to others and being placed in a supporting role. You allege violation of FMLA job restoration requirements because you did not return to work from leave to the exact same assignments.
  - A confrontation with Kathie Smookler on July 1, 2008 where she verbally reprimanded you in a loud and intimidating manner and physically blocked your egress from your office when you attempted to leave.
  - A confrontation with Blake Summers on July 9, 2008 where he verbally reprimanded you for filing complaints against him and asked you if you wanted to quit.

**II. Denial of Promotion due to Retaliation and Gender (female)**

You allege that you were denied promotion to 0922 Manager I in retaliation for previously filing a discrimination complaint against Blake Summers and that Blake Summers alluded negatively to the fact

that you had been on leave when you inquired about the Manager I position. You allege that your manager had previously implied that he would be seeking a promotive reclassification for you and instead, is seeking to promote a male co-worker, the current Curator IV of Aviation.

## **B. Standards of Discrimination**

### Harassment- Hostile Work Environment

The standards for Harassment- Hostile Work Environment involve the following:

1. The Complainant is subject to physical, verbal or visual conduct on account of the Complainant's membership in a protected category;
2. The conduct is unwelcome; and
3. The conduct is sufficiently severe or pervasive as to alter the condition of the Complainant's employment and create an abusive working environment.

### Retaliation

The standards for discrimination on the basis of retaliation involve the following:

1. The Complainant engaged in a protected activity;
2. The Complainant suffered an adverse employment action; and
3. There was a causal link between the protected activity and the adverse employment action.

### Disparate Treatment Standard

1. The Complainant is a member of a protected category;
2. The Complainant has suffered an adverse employment action; and
3. The Complainant suffered an adverse employment action because of his or her membership in a protected category.

## **C. Investigative Findings**

### Harassment

a. Excessive Scrutiny: You did not provide specific examples of how your timesheets, vacation and/or sick leave requests were excessively or unreasonably scrutinized after your return from leave as opposed to before your leave, or as opposed to before you filed your discrimination complaints. You did not identify any specific instances where your timesheets were questioned, nor any specific instances where your vacation and/or sick leave requests were denied. In fact, you agreed that none of your leave, vacation or sick time usage requests have been denied.

Investigation established that the Airport Museums currently uses a timesheet method where all Museums staff merely note the number of hours worked each day. The Airport Museums contends that there was one occasion where Blake Summers asked you how you recorded time used to attend a medical appointment when that appointment wasn't recorded on your timesheet. There is no record of any dates or times of your attendance which have been contested, nor does the Airport Museums identify any dates or times of your attendance which have been contested.



Managers have a responsibility to ensure employees are accurately documenting their work time and it is possible that the Airport Museums may change the current method of daily sign-in by all employees in order to more accurately record employee time.

b. Change in Work Assignments: The essential functions of your Curator IV position are to perform special projects for the Airport Museums. Investigation established that during your leave in 2007, certain assignments were reassigned to other staff and that upon your return from leave in 2008 certain assignments remained reassigned to other staff. Investigation also established that you continue to be assigned special projects.

FMLA leave provisions entitle employees to be restored to the same or equivalent position and a department is entitled to reassign duties based on the operational needs of the department.

c. Confrontation with Kathie Smookler on July 1, 2008: Investigation established that Ms. Smookler did behave unprofessionally and inappropriately when she came into your office on or about July 1, 2008 and refused to let you leave your office.

Investigation also established, and you agree, that Ms. Smookler apologized to you that same day for her behavior and that Ms. Smookler has not repeated that behavior. Investigation established that Ms. Smookler does not supervise you, did not reprimand you nor does she have any authority to reprimand you, and that she does not come into regular contact with you except as may be required.

d. Confrontation with Blake Summers on July 9, 2008: Investigation established that comments made by your manager, Blake Summers, on or about July 9, 2008 were extremely upsetting to you and Mr. Summers' comments were inappropriate. However, the evidence did not demonstrate that this interaction was severe or pervasive as to alter the terms and condition of your employment; the comments did not dissuade you from exercising your right to file complaints; and there was no evidence of any tangible adverse employment action.

#### Denial of Promotion

Investigation established that there was not a promotive position that you applied for, competed for and were not appointed to. Investigation established that your manager submitted a request which was approved by the Airport Budget Office, based on the level of responsibilities and staff managed by the functions of the Curator IV in Charge of Aviation. The Curator IV in Charge of Aviation manages a sizeable program and staff. Investigation established that there is a marked difference in the level of responsibilities between the Curator IV in Charge of Aviation and your current Curator IV in Charge of Administration, which performs special projects as assigned.

The department's request for position substitution has not been actualized to date. Should the request to substitute a Manager I position for the Curator IV in Charge of Aviation continue to remain in the department's budget, the department will proceed with a selection process in which you will be free to participate. Blake Summers denies that he previously implied or promised he would seek a promotive reclassification for you.

Determination

I have reviewed the investigative report and I find that there is insufficient evidence to sustain your complaint of harassment, retaliation or disparate treatment.

Your manager's comments to you on July 9, 2008 are a serious concern. They were inappropriate and please be advised that by separate cover I am addressing that issue with Mr. Martin. The City and County of San Francisco stands firmly in supporting employee rights to file discrimination complaints without fear of retaliation or reprisal. The Airport has already taken action to re-distribute key Executive Directives affirming an employee's right to file a discrimination complaint without fear of retaliation or reprisal.

The decision of the Human Resources Director is final unless the decision is appealed to the Civil Service Commission, and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102, within thirty (30) calendar days of the postmarked date of this letter.

You may contact Linda Simon in the Department of Human Resources Equal Employment Opportunity Division at 557-4837 if you have any questions.

Sincerely,



Micki Callahan  
Human Resources Director

cc: John L. Martin, Airport Director  
Susan Kim, Airport EEO  
Linda Simon, DHR/EEO

file



Gavin Newsom  
Mayor

Micki Callahan  
Human Resources Director

September 25, 2009

John L. Martin, Director  
San Francisco International Airport  
P.O. Box 8097  
San Francisco, CA 94128

RE: Complaint of Employment Discrimination  
EEO File No. 1371

Dear Director Martin:

In accordance with the San Francisco Charter, § 10.103, the Human Resources Director shall review and resolve all allegations of discrimination. The purpose of my letter is to notify you of my determination in the complaint of discrimination filed by Sonya Knudsen, Curator IV in Charge of Administration, with the Airport Museums.

Beginning June 2008 Ms. Knudsen filed several complaints of retaliation alleging that she had been subjected to harassment which has created a hostile work environment and denied promotion due to retaliation and her gender (female).

Ms. Silvia Castellanos, Assistant EEO Manager, Department of Human Resources, completed the investigation and has submitted her report to me for a determination.

### Investigative Findings

#### Allegation of Harassment due to Retaliation

Ms. Knudsen alleged that she was subjected to excessive scrutiny regarding her timesheets and requests to use vacation and sick leave; that her work assignments were redefined and restructured; that key duties were reassigned to others and she was placed in a supporting role; that the Airport violated FMLA job restoration requirements because she did not return to work in the exact same assignments; that she was verbally reprimanded by Kathie Smookler on July 1, 2008; and that she was verbally reprimanded by Blake Summers on July 9, 2008 for filing complaints against him..

However, Ms. Knudsen failed to provide specific instances where she was subjected to excessive scrutiny and the evidence established that none of her requests for vacation or leave have been denied and investigation did not establish any violation of FMLA job restoration requirements. Investigation established that the Airport Museums uses a sign-in sheet where employees simply record the number of hours worked per day. In order to more

accurately reflect employees' work hours, the Airport Museums may want to consider alternate methods of taking attendance.

Investigation did not establish that Ms. Smookler harassed Ms. Knudsen.

#### Allegation of Harassment by Blake Summers

Investigation established that Blake Summers did speak inappropriately to Ms. Knudsen on July 9, 2008. Ms. Castellanos interviewed Mr. Summers on January 12, 2009 and Mr. Summers admitted to the following:

- He did make a comment to Ms. Knudsen regarding the complaints she had filed, "you are unhappy here, look at all the complaints you have filed, do you want to quit?";
- He may have made a comment to Ms. Knudsen along the lines of, "you've been a problem from Day One, I can't change you, you never listen".

These comments, on part of a manager, are a serious concern. However, they were a one-time occurrence, not severe or pervasive so as to alter the terms and conditions of Ms. Knudsen's employment and she was not dissuaded or 'chilled' from filing her subsequent complaints. The Airport EEO Office took action to re-distribute key EEO Executive Directives in February 2009. However, I would also recommend additional steps which include counseling Mr. Summers that an employee has a right to file complaints, and that the City prohibits retaliation for doing so. It is also apparent that the working relationship between Mr. Summers and Ms. Knudsen is strained and I would recommend that the department explore mediation for both Ms. Knudsen and Mr. Summers to re-establish a smoother working relationship with improved communication.

#### Allegation of Denial of Promotion

Ms. Knudsen alleged that her manager, Airport Museums Director Blake Summers denied her a promotion to Manager I while granting promotion to a male co-worker. Ms. Knudsen also alleges that Mr. Summers had previously implied he would seek a promotive position for her.

However, investigation established that there had not, in fact, been a promotion. Rather, the Airport Museums requested and was approved for a position reclassification which remains in the budget process. Should the department be able to fill the reclassified position, the Airport will implement a formal selection process to appoint the best qualified candidate and Ms. Knudsen will be welcome to apply and compete in the selection process. Mr. Summers denied that he previously implied or promised Ms. Knudsen a promotion and there was no evidence that a factual observation he made that she had not been in the workplace for a certain time, spoke to any bias or resentment on his part for the fact of her FMLA leave, when he has not denied Ms. Knudsen any request to use vacation, sick or FMLA leave time.

Determination

Based on a careful review of the investigative report, I have determined that there is insufficient evidence to sustain the charge of discrimination. A copy of my determination to Ms. Knudsen is enclosed.

The San Francisco Charter, § 10.103, provides that the decision of the Human Resources Director shall be final unless the decision is appealed to the Civil Service Commission, and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102, within thirty (30) calendar days of the postmarked date of this letter.

You may contact Linda Simon in the Department of Human Resources Equal Employment Opportunity Division at 557-4837 if you have any questions.

Sincerely,



Micki Callahan  
Human Resources Director

Enclosure  
Letter of Determination – S.Knudsen

cc: Susan Kim, Airport EEO  
Linda Simon, DHR/EEO

File

BLANK

# EXHIBIT C

DHR/EEO Staff Report and Attachments, 9/15/09

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## EEO INVESTIGATIVE REPORT

To: Micki Callahan  
Human Resources Director

Through: Linda Simon,  
Acting Manager, EEO Division

From: Silvia Castellanos  
Assistant EEO Manager

EEO File No.: 1371

Complainant: Sonya Knudsen

Respondent: San Francisco Airport Museums


Issues: Harassment/Hostile Work Environment  
Denial of Promotion

Basis: Retaliation

Date Complaint Filed: June 25, 2008

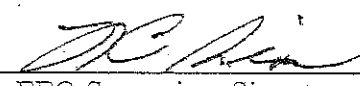
Date of Report: September 15, 2009

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EEO Investigator Signature

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EEO Supervisor Signature

## 1. Introduction

Complainant is a PEX 3546 Curator IV with the San Francisco Airport Museums. She is a longtime employee of the Airport Museums, starting in 1990 as a Non Civil Service 3556 Museum Registrar. In 1997 Complainant was promoted to PCS 3558 Sr. Museum Registrar and in 1999 she was promoted to PEX Curator IV. Currently, Complainant is responsible for special projects at the Airport Museums.

Complainant alleges that she has been subjected to Retaliation in the form of Harassment and Denial of Promotion by her manager, Blake Summers, Director and Chief Curator, and Harassment by his executive secretary, Kathie Smookler.

Previously, Complainant has taken FMLA leave and filed a discrimination complaint against Blake Summers in March 2008.

## 2. Complainant's Allegations

### A. Denial of Accommodation- Airport EEO

Complainant filed letters of complaint dated June 25, 2008 and August 11, 2008 against the Airport EEO Office. Complainant alleges she was denied accommodation (phone headset, ergonomic work station). Complainant alleges that it took over three weeks for the department to provide her with the requested equipment, impacting and hampering her ability to fulfill her job duties and responsibilities. Complainant also alleges that her accommodation request to telecommute was denied by the department without evaluation.

(See Exhibits A, A-1)

### B. Discrimination by Airport and DHR EEO

Complainant filed letters of complaint dated June 25, 2008 and August 17, 2008 against Department of Human Resources and Airport EEO Divisions regarding her previous complaint of discrimination (EEO complaint #1343). Complainant alleged there was inconsistent, confusing and contradictory explanations of the complaint process; a conflict of interest, lack of third party impartiality and neutrality.

(See Exhibits A-2, A-3)

### C. Harassment and Denial of Promotion - Blake Summers

Complainant filed letters of complaint dated June 25, 2008, July 9, 2008 and August 23, 2008. She alleges Museums Director has continued bias regarding ADA and accommodation; she works in a strained work environment; in isolation and has been denied promotion.

(See Exhibits A-4, A-5, A-6)

- D. Harassment and Retaliation on 7/1/08 – Kathie Smookler  
Complainant filed a letter of complaint dated July 11, 2008 alleging harassment by Kathie Smookler, Executive Secretary to Blake Summers, on July 1, 2008. Ms. Smookler accused Complainant of undermining Blake Summers and physically blocked Complainant's efforts to leave the office.  
(See Exhibit A-7)
- E. Harassment, Disparate Treatment and Retaliation on 7/9/08 – Blake Summers  
Unfair and inequitable treatment and scrutiny by Blake Summers; diminished job responsibilities, restructuring and reassignments. Harassment and retaliation by Blake Summers on July 9, 2008, when he accused her of being a problem, of being 'complaint-happy', intimating that she should resign as her complaints were evidence that she was not happy in the workplace.  
(See Exhibit A-8)

Complainant submitted a Summation of her complaints dated September 16, 2008.  
(See Exhibit A-9).

Complainant seeks the following relief:

1. That workplace harassment cease and desist.
2. That she be granted promotion with applicable back-pay/seniority.
3. That she be reassigned to another comparable position within the department.

(See Exhibit C- Charge of Discrimination)

### 3. Allegations Not Investigated

Allegation A. – Denial of Accommodation by Airport EEO (ergonomic equipment and workstation) was not investigated as Complainant was, in fact, provided with the requested ergonomic equipment and workstation:

#### Chronology of Request for Accommodation:

3/10/08	Date of Complainant's Request for Accommodation: "Ergonomic standardization for work station. Phone headset, book stand, drafting table, work schedule to include 1 to 3 minute breaks every 15 to 30 minutes as applicable. Possible telecommuting."
3/14/08	Complainant's Request for Accommodation is received by Airport EEO.
3/19/08	Complainant meets with Airport EEO staff Susan Kim to review her request for ergonomic equipment and workstation.
3/25/08	Airport EEO contacts Complainant's Health Care Provider regarding Complainant's request for ergonomic equipment and workstation.

3/27/08	Airport EEO writes to Complainant: periodic breaks can be incorporated into work day; an ergonomic workplace evaluation has been scheduled; Telecommuting would not be compatible with duties and responsibilities as Complainant needs to be at work to plan and supervise special projects and activities as assigned.
4/2/08	Complainant returns to work from leave.
4/2/08	Ergonomic evaluation of Complainant's workstation is conducted.
4/3/08	Ear/Headset installed.
4/4/08	Airport Carpentry, Health & Safety assess Complainant's work station.
4/4/08	Complainant provided with temporary book stand with slant feature.
4/4/08	Airport EEO updates Complainant re progress of request. Informs Complainant department is working expeditiously to put requested items in place. Advises Complainant that if she feels current work site is causing discomfort, recommended she stop working until desk and chair have been delivered. Advises Complainant of option of additional leave until requested items in place.
4/7/08	Airport EEO advises Complainant larger ergonomic desk has been ordered and will be shipped 4/8/08.
4/7/08	Complainant visits The Chair Place. Ergonomic chair that fulfills specifications located.
4/15/08	Purchase Order for Complainant's Chair is approved.
4/21/08	Requested ergonomic equipment is in place.

Allegation B. – Discrimination on part of Airport and Department of Human Resources EEO staff was not investigated as Complainant's discrimination complaint (EEO complaint # 1343) was, in fact, processed in compliance with applicable Rules and policies.

(See Exhibit B)

#### Allegations Investigated

Allegations C – E were investigated and are the subject of this report.

#### 4. Relevant Background

Complainant is a Curator IV in the Airport Museums in charge of Administration and Museum Programs. She is responsible for special projects and duties as assigned. She has no direct reports and reports directly to Blake Summers.

##### Curator IV Workforce

There are three Curator IV employees at the Airport Museums:

Name	Title
1. Complainant	Curator in Charge of Administration
2. Barbara Geib	Curator in Charge of Registration
3. John Hill	Curator in Charge of Aviation

#### 5. Departmental Responses

The Department denies that Complainant has been subjected to harassment, retaliation or been denied a promotion.

##### Department's First Response

On December 10, 2008, a Notice of a Charge of Discrimination and a Request for Information was sent to the Department (See Exhibit D). The department's first response is dated December 31, 2008. Ms. Susan Kim, Assistant Manager Airport EEO responded for the department (See Exhibit E).

##### Department's Second Response

The department submitted a second response dated March 6, 2009 (See Exhibit H). Specifically, in response to Complainant's allegations, the department contends that:

Change of Work Assignments - Complainant's work assignments can vary depending on the department's needs. To meet operational needs, certain work assignments were reassigned while she was on leave and remained reassigned once she returned from leave. However, she continues to perform the essential functions of her position, i.e. special projects.

Timesheets, Requests for Vacation, Sick Time - Complainant was asked to account for her time in one instance. Complainant has not been denied any use of requested time. Complainant uses the same timesheet for attendance as everyone else within the Airport Museums (See Exhibit I).

Incident on 7/1/08 - Kathie Smookler did behave inappropriately towards Complainant on July 1, 2008. Ms. Smookler apologized to Complainant the same day, and there has been no repetition of inappropriate behavior. Ms. Smookler does not supervise

Complainant, and the interaction between both employees has been cordial and professional.

Incident on 7/9/08 – Blake Summers attempted to have an honest discussion with Complainant on July 9, 2008. His intentions were not to upset her but to communicate concerns from other staff regarding Complainant's methods of interaction.

Allegation of Denial of Promotion - Complainant has not been denied a promotion. Blake Summers requested a position substitution in the department's budget, which was approved. The position substitution involved the Curator IV duties currently performed by the Curator of Aviation. Based on the level of responsibility, a more appropriate classification for the duties performed by the Curator of Aviation is Manager I. Once the position is open for application, Complainant will be free to apply. At no time, currently or previously, did Blake Summers promise or imply that he would propose or request a promotive reclassification for Complainant.

## 6. Investigative Standards

The applicable standards for discrimination in this matter are:

### Harassment- Hostile Work Environment Standard

1. The Complainant is subject to physical, verbal or visual conduct on account of the Complainant's membership in a protected category;
2. The conduct is unwelcome; and
3. The conduct is sufficiently severe or pervasive as to alter the condition of the Complainant's employment and create an abusive working environment.

### Retaliation

1. The Complainant engaged in a protected activity;
2. The Complainant suffered an adverse employment action; and
3. There was a causal link between the protected activity and the adverse employment action.

### Disparate Treatment

1. The Complainant is a member of a protected category;
2. The Complainant has suffered an adverse employment action; and
3. The Complainant suffered an adverse employment action because of his or her membership in a protected category.

## 7. The Investigation

### a. The Investigative Process

An intake interview with the Complainant was held on September 17, 2008. The Complainant signed the Charge form on December 8, 2008 (See Exhibit C).

DATE	INVESTIGATIVE PROCESS
12/10/08.	Charge of Discrimination and Request for Information sent to Airport. (See Exhibit D)

12/31/08	Department submitted response to Request for Information. (See Exhibit E)
01/12/09	Fact-finding interviews conducted.
01/12/09	Complainant's personnel file reviewed.
01/23/09	Meeting with Complainant and Representative to review information gathered. Complainant was afforded opportunity to rebut department's position.
02/01/09	Complainant submitted rebuttal statement. (See Exhibit F)
02/12/09	2 <sup>nd</sup> . Request for Information sent to department. (See Exhibit G)
02/20/09	Additional fact-finding interview conducted.
03/04/09	Additional information obtained from Airport Budget Office.
03/06/09	Department submitted response to 2 <sup>nd</sup> . Request for Information. (See Exhibit H)
03/27/09	Meeting with Complainant and Representative to review information gathered and afford Complainant opportunity to rebut department's position.

## 8. Findings of Fact

Allegation C: Upon her return to work from FMLA leave in April 2008, Complainant's work assignments were redefined and restructured, key duties were reassigned to others and she was placed in a supporting role. Complainant's timesheets and requests to use vacation and sick pay have been unduly scrutinized and questioned; Complainant was denied promotion to Manager I.

### Summary of Relevant Evidence:

#### 1. Complainant's Written Complaints

##### 6/25/08 Letter

Complainant's letter of 6/25/08 contends that upon returning to work on April 2, 2008, she was subjected to discriminatory attitude and actions by supervisor, unfair and inequitable treatment and scrutiny; diminished job responsibilities and restructuring and reassignment; continued bias regarding ADA and reasonable accommodation, adversely impacted, strained work environment and conditions and isolation. Complainant alleges she was denied promotion.

(See Exhibit A- 4)

7/9/08 Letter

Complainant's letter of July 9, 2008 alleges inequitable treatment and work assignment disparity on part of Blake Summers.  
(See Exhibit A - 5)

8/23/08 Letter

Complainant's statement of August 23, 2008 contends her work attendance is exemplary, while there is wide-spread abuse at Airport Museums and that since returning to work on April 2, 2008 she has been instructed to sign out and use vacation when attending Rotary Club of Burlingame lunch meetings; and she has been subjected to discriminatory, retaliatory and inequitable treatment and work assignment-disparities. Complainant identifies that her daily and weekly hours have been questioned and scrutinized; that she has been asked how she signs in/out for the work day and told to change how she signs out; and that she has been asked about using sick leave versus vacation hours.

Denial of Promotion

Complainant recounts that on May 28, 2008, in a discussion with Blake Summers, she learned that a 0922 Manager I position in the department's budget for FY 08-09 was not intended for her. Complainant recounts that when she queried Blake Summers, he responded, "why would I promote you? You weren't here for a year.", thereby referring negatively to the fact that she had been out on medical leave.

Complainant contends that the Manager I upgrade is intended for her colleague, John Hill, the Curator in Charge of Aviation, a Caucasian male; and that in contrast to John Hill, she has consistently been working out-of-class and exceeding work responsibilities and duties.

Complainant contends that Blake Summers had previously implied that he would request a classification change with salary increase for her. Complainant alleges that she was denied promotion and subjected to gender bias, in retaliation for exercising her right to FMLA leave and in retaliation for filing a discrimination complaint against Blake Summers (See Exhibit A-6)

9/16/08 Summation

Complainant's statement of September 16, 2008 contends that since her return to work in 2008, she found her core job responsibilities changed and key duties such as:

- Providing monthly insurance reports to Risk Management;
  - Updating and managing Filemaker Pro and Excel databases,
- were no longer her responsibility.

Complainant contends she was placed in a supporting role instead of working directly with Blake Summers to plan, develop and implement database improvement.

Denial of Promotion

Complainant alleges that Blake Summers has failed to include her in staff promotions. Complainant contends that in a conversation she had with Blake Summers in May 2008,



he answered her query regarding staff promotions, stating “why would I promote you? You haven’t been here this past year”, referring negatively to her FMLA leave. Complainant contends that in 2006 she was promised a reclassification with salary increase.

(See Exhibit A-9)

**Charge of Discrimination**

Complainant’s signed Charge of Discrimination form dated December 8, 2008 alleges that upon her return from leave in April 2008, her work assignments were re-defined and restructured.

**Denial of Promotion**

Complainant alleges that Blake Summers denied her a promotion to 0922 Manager I while negatively referring to her absence from work while she was on FMLA Leave.

(See Exhibit B)

**2/1/09 Statement**

Complainant’s statement of 2/1/09 contends she is the only Curator IV employee to have her timesheets and use of vacation and sick leave unduly scrutinized and questioned.

Complainant contends that the following were the assignment changes she was subjected to:

Duties and Responsibilities before Leave	Duties and Responsibilities after Leave
Facility management of 670 West Field Road and all SPO exhibition and storage sites.	CP told by Blake Summers not to generate excessive work requests. Therefore, the manner and method in which CP conducts these duties is hampered.
Monthly SFAM administrative reports.	
Monthly SFAM risk management reports re exhibitions and permanent collection.	Risk management, Conservation, exhibition activity log were delegated to B.Geib.
Liaison to FAMSF Conservation.	
Updates and maintenance of SFAM exhibition schedule/calendar on FilemakerPro and Excel.	
Updates and maintenance of SFAM exhibition activity log on FilemakerPro and Excel.	
Updates and maintenance of SFAM collection management FilemakerPro databases.	

<p>Security and alarms, being on SFAM Emergency Call List for SFO, Fire, Police, EOG.</p>	
<p>Special projects and assignments (security and alarm system upgrades, member of Emergency Operations Group, re-roofing 670 WFR, updating SFAM policies, updating American Association of Museums' Facility Reports; relocation of Spruce storage).</p>	
	<p>CP returned from Leave to find SFAM in process of preparing for migration into updated, combined collection management FilemakerPro database. CP was instructed to report to B.Geib, Curator in Charge of Registration and Julie Takata, Librarian, and ask them for priority list and assignments and keep them apprised of her work progress.</p>
	<p>FilemakerPro datascrub to prepare for projected Spring 2009 migration into a new database.</p>

Complainant contends that while there is managerial discretion to amend and alter employee duties and responsibilities, such should fall within reasonable parameters, be judicious and appropriate based on CCSE policies and procedures, employment and labor contracts, organizational needs and available resources.

Complainant contends that that upon her return from April 2008 FMLA leave, her job duties should have been virtually identical to those that she had before her leave. Instead, Complainant contends that Blake Summers changed her job duties, altered and adversely impacted the interaction and relationship Complainant had with other staff and provided Complainant with inconsistent and conflicting direction regarding her work duties and expectations.

Denial of Promotion

Complainant alleges that she was promoted in name only in 2006 from Curator in Charge of Registration to Curator in Charge of Administration, her current Curator IV assignment.

Complainant alleges that Blake Summers told her then that he would incorporate a promotion for her into the budget, at some future time, and Complainant provided Blake Summers with a preliminary JAQ and spreadsheet information.

In May 2008, when she queried Blake Summers about the line item regarding a promotion from Curator IV to Manager I and whether that applied to her, Blake Summers responded, "why would I promote you, you weren't here last year?". Complainant contends this was an inappropriate comment and it violated FMLA and ADA standards.

Complainant contends that her promotion from Sr. Museum Registrar to Curator IV in 1999 and from Curator in Charge of Registration to Curator in Charge of Administration were due to her meeting and exceeding all job responsibilities and assignments. By contrast, Complainant contends that Mr. Hill has an established reputation of missed deadlines and incomplete assignments. In Blake Summers' intent to promote John Hill, Complainant contends that the Airport has a bias benefiting Caucasian males.

## 2. Interview of Complainant

### Meeting of 9/17/08

This investigator met with Complainant and her representative on September 17, 2008. Complainant stated that since her return to work from FMLA leave on April 2, 2008, the work environment and her working relationship with Blake Summers has shifted and he has continued to be difficult.

### Meeting of 1/23/09

This investigator met with Complainant and her representative on January 23, 2009. Complainant did not dispute that she returned from leave and resumed the same work schedule as before her leave. Complainant did not dispute that she continues to be assigned special projects. Complainant stated that management had exceeded its right to reassign work duties.

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Complainant contended that Blake Summers' reference to her being absent from the workplace as the reason he wouldn't consider her for promotion, was a negative reference and established his bias against Complainant taking FMLA leave.

### Meeting of 3/27/09

This investigator met with Complainant and her representative on March 27, 2009. Complainant did not dispute that her requests for FMLA had been granted by the department. Complainant did not dispute that her chain-of-command has not been changed since her return from leave.

Complainant contends that her manager used an inappropriate "tone" when presented with additional request for FMLA leave in the latter part of 2008 and that he demanded specific information regarding her need for FMLA leave and that Complainant was forced to divulge additional information regarding her request.

Complainant did not dispute that, in fact, a promotion for fellow Curator IV John Hill had not taken place, and she continued to contend she had been denied promotion.

3. Department's Response

**Written Response of 12/31/08**

In the department's written response of December 31, 2008, the department denies that Complainant's work assignments have been wrongfully restructured since her return from leave. The department contends that Complainant's essential function as a Curator IV in Charge of Administration is to perform special projects and duties as assigned. Therefore, her assignments can vary depending on the needs of the department.

The department agrees that during Complainant's leave of absence, certain projects were reassigned to other Airport staff. The department also contends that upon her return from leave, Complainant was assigned four special projects. The department contends that while specific, particular special projects assigned to the Complainant may vary, the essential functions of her Curator IV position to perform special projects, continue:

Complainant's Work Assignments Before/After Leave

Assignments Before March 2007	Assignments After March 2008
Monthly activities report to Administration.	On-going. No change.
Monthly report to Blake Summers.	
Proofread label exhibition copy.	
Assist with exhibition info to SFO Public Affairs.	
Facility Maintenance of West Field Road/SFO.	
Employee orientation packet/security alarm/keys.	
SFAM Collection Management Policy.	
SFO Emergency Operations Group involvement.	
SFAM Facility Reports- SFO & WFR.	
AAM reaccreditation preparations.	

HVAC reports for IT cases.	
Re-carpeting of West Field Road registration area.	
West Field Road security alarm system.	
Cleaning and resealing of WFR hallways.	
Cleaning and resealing of WFR Mezzanine floors.	
SFAM Emergency Plan for WFR and SFO sites.	
Painting perimeter of 670 West Field Road.	

**Assignments Reassigned to Other Staff**

Monthly report to Risk Management.	Assigned to B.Gieb during CP's leave.
FAMSF Conservation invoice administration.	Assigned to B.Gieb during CP's leave.
Exhibition Schedule Updates on Excel.	Assigned to B.Gieb during CP's leave.
Exhibition Schedule Updates on FilemakerPro.	Assigned to B.Gieb during CP's leave.
Arts Commission maintenance installations at SFO.	Assigned to new employee hired specifically to perform this task.
Kids' Spot Repairs.	Assigned to R.Korolev, Museum Preparator, during CP's leave.
Electrical Lights and timer improvement to IT Cases.	Assigned to R.Korolev, Museum Preparator, during CP's leave.
WFR building improvements/expansion into unused quadrant.	Assigned to R.Korolev, Museum Preparator, during CP's leave.

**Assignments Since Return from Leave**

Spruce St. storage move.	Completed.
Data migration Filemaker database.	On going.
Collection Appraisals RFQ.	On going.
Implement Collection Appraisals.	On going.

Denial of Promotion

The department denies that Blake Summers denied Complainant a promotion to Manager 1. The department responded that Blake Summers had not made any appointments to 0922 Manager I since 2006. In 2006, Blake Summers appointed Abe Garfield to Manager 1. The appointment of Abe Garfield to Manager I was a reclassification from 3547 Curator V.  
 (See Exhibit E)

### Written Response of 3/6/09

In the department's response of March 6, 2009, the department identifies that the Complainant continues to perform a variety of special projects and duties for the Airport Museums based on the needs of the department. The department responds that the majority of Complainant's assignments are the same and ongoing.

Certain projects, requiring immediate attention, were reassigned to other staff during Complainant's leave. After Complainant's return from leave, Blake Summers assigned four special projects to Complainant: 1.) coordination of the storage move from the Spruce Street warehouse location; 2.) management of the data migration filemaker database; 3.) management of the collection appraisals request for qualifications; and 4.) implementation of the collection appraisals. No other alterations have been made to Complainant's job duties and responsibilities.

### Timesheets, Vacation/Sick Leave

The department's written request dated March 6, 2008 contends that Complainant is not treated any differently in the matter of timesheets or use of vacation and sick leave, as anyone else at the Airport Museums. The department contends that Blake Summers recalls asking Complainant about her timesheet on **one** occasion. In that instance, Complainant left work to attend a doctor's appointment and her timesheet did not account for the time she was absent from the workplace. Blake Summers approached Complainant and Complainant stated she would either come in early or leave late to make up the hours. Blake Summers did not pursue the matter further.

### Denial of Promotion

The department endorses a policy of fairness and equality for employment and career advancement of all people without regard to race, color, religion, national origin, sex, age or disability. The department denies the existence of any bias favoring Caucasian males.

The department contends that for Fiscal Year 2009 – 2010, the Airport Museums requested a position substitution of a Curator IV classification to a Manager I. If the position substitution request is approved through the budget process, the 0922 Manager I reclassification will affect the 3546 Curator IV position held by John Hill, Curator in Charge of Aviation.

### Curator IV of Aviation Duties

The department identifies that the Curator IV duties as performed by John Hill are more properly within Manager I and involve:

- Direct and research development of approximately ten exhibitions annually on Airport and aviation history for the Aviation Library and Louis A. Turpin Aviation Museum (ALM).
- Supervise work of Curator II in assisting with research and development of aviation related exhibitions.

- Direct and research identification and description of collection objects. Make recommendations for acquisitions and continually assess the appropriateness of all aspects of the aviation permanent collection.
- Liaise through outreach and public speaking between the Airport commission and the airline/aviation/museums community to increase awareness of the ALM.
- Direct research of, and familiarization with, related collections of outside organizations and private sources and identify potential exhibition loan sources.
- Organize, train, and supervise the work of volunteers in the ALM.
- Retain membership with the collections Review Committee and the Operational Scheduling Committee.

The department contends that, should the Manager I – Aviation position remain the in the department's budget, a selection process will be implemented and Complainant will be able to compete for the position.

(See Exhibit H)

#### Airport Museums Timesheet

The department submitted a copy of a Weekly Attendance Report. This sheet shows weekly attendance for the Complainant and the two other Curator IV employees. Employees sign in the number of hours worked per day and initial the appropriate box. (See Exhibit I)

#### 4. Interview of Blake Summers

This investigator interviewed Blake Summers on January 12, 2009. Mr. Summers stated that certain database updating had been reassigned while Complainant was on leave, and that since her return from leave, she had been assigned to conduct database clean-up. Mr. Summers stated that there had been no changes to Complainant's decision-making responsibilities.

Mr. Summers stated that in making assignments of museums staff, he is guided by the needs of the department, and those needs can shift and vary.

Mr. Summers stated that Complainant works independently and that she had not informed him she feels she's been subjected to excessive scrutiny and interference and in regards to timesheet/attendance, Mr. Summers recalled only one instance where he had specifically asked her about the recording of her time, as her absence to attend a doctor's appointment was not reflected on her timesheet.

#### Denial of Promotion

Mr. Summers recalled that after Complainant returned from leave in 2008, she was updating a monthly report and she viewed that he had upgraded a Curator IV position to Manager I. Mr. Summers recalled that Complainant questioned him as to why the upgrade would be for Curator of Aviation (John Hill) and not her.

Mr. Summers stated that, unfortunately, it is a long-standing situation that the Complainant does not like fellow Curator IV John Hill, and Mr. Summers indicated that he was not surprised by her disparaging view of Mr. Hill. However, Mr. Summers stated that the work performed by John Hill related to Aviation was more complex and involved more responsibilities and, therefore, upgrading the position to Manager I was merited.

Mr. Summers agreed that in his conversation with the Complainant regarding the intent to upgrade the Curator IV position in Aviation, he did make a statement to the effect of "Why would I promote you, you haven't been here this past year". Mr. Summers stated his statement was a factual observation, and it was not intended or offered as a negative reference of Complainant's leave (FMLA).

Mr. Summers denies that he, at any time, implied he would seek to reclassify Complainant's position and/or promote her as Complainant alleges.

#### 5. Airport Budget Office

This investigator contacted the Airport Budget Office on March 4, 2009. It was established that the department's proposed FY2009/2010 Operating Budget did include a position substitution for 3546 Curator IV to 0922 Manager I. The justification for this request is the following:

"One 3546 Curator IV to 0922 Manager I in AIREXHIBIT. When the San Francisco Airport Commission Aviation Library and Louis A. Turpen Aviation Museum opened in 2001, the scope of responsibilities for this position expanded to include the management and oversight of this new facility and related staff. These duties include supervision of a staff of two librarians and the Museum Manager, development of aviation exhibitions, management of the Oral History Program, liaising with aviation related support groups, developing the aviation collection primarily through donations, producing educational programs and publications and representing the Director/Chief Curator and Assistant Director as needed."

The Airport Budget Office identifies that the Airport Museums request to reclassify the Curator IV in Aviation position was submitted on November 17, 2008.

#### 6. FMLA Job Benefits and Protection

The Family and Medical Leave Act provides that an employee returning to work from an FMLA/CFRA leave is entitled to be restored to the same position of employment (the one held by the employee when notice was given or the leave commenced) or to an equivalent position with equivalent employee benefits, pay, and other terms and conditions of employment.



Analysis:

Complainant has established that she engaged in the protected activity of taking FMLA leave and that she returned to work from such leave on April 2, 2008. The available evidence on this matter establishes that Complainant returned to the same work schedule (alternate Fridays off) and the same reporting structure she had before she went on leave; that she performed special projects before going on leave and that she resumed performing special projects after returning from leave.

The department agrees certain projects were reassigned to other staff while Complainant was on leave, but the evidence establishes that the majority of projects Complainant was responsible for, she continues to be responsible for.

Complainant has not established that she was denied the same or equivalent Curator IV position, with attendant special projects, that she occupied before she took FMLA leave in 2007.

Denial of Promotion

The facts establish that there was no position open for application for which the Complainant applied and was not selected.

The Aviation Curator IV position was approved for reclassification to Manager I. The reclassification was based on the level of responsibilities currently performed by the Curator IV in charge of Aviation. If the budget process allows for the reclassification to proceed and the Manager I position is announced and open for application, Complainant will have the opportunity to compete and be considered for the position.

Complainant contends that Blake Summers should be seeking to re-classify *her* Curator IV position. However, the Curator IV positions are significantly different in terms of responsibilities. The Curator IV in Aviation manages a sizeable program and staff. The Complainant's Curator IV position performs special projects as needed.

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Timesheets, Vacation – Sick Leave

Complainant did not provide any specific examples of how her timesheets or vacation/sick leave requests were singled out for scrutiny. Complainant acknowledged she has not been denied any request to use vacation or sick pay and Complainant acknowledged she returned from leave to the same work schedule she had before she went on leave.

Allegation D: On July 1, 2008 Complainant was harassed and verbally reprimanded by Kathie Smookler, Executive Secretary to Blake Summers. Ms. Smookler accused Complainant of undermining Blake Summers and physically blocked Complainant's efforts to leave the office.

Summary of Relevant Evidence:

1. Complainant's Written Complaint

7/11/08 Letter

Complainant's letter of July 11, 2008 relays that on July 1, 2008, in her office at the Airport Museum's, she was verbally harassed and reprimanded by Kathie Smookler, Assistant to Blake Summers, and subjected to physical intimidation by Kathie Smookler.

Complaint alleges that her effort to organize a staff barbeque with a colleague, Tim O'Brien, was instead characterized by Kathie Smookler as being undermining, sneaky and disrespectful of Blake Summers.

Complainant alleges that Kathie Smookler's accusations on July 1, 2008 were extremely upsetting, such that when she tried to leave her office, Kathie Smookler blocked her way. Complainant alleges that as assistant to Blake Summers, Kathie Smookler is privy to knowledge of confidential matters, such as Complainant's previous discrimination complaint against Blake Summers and, therefore, Complainant considers the incident of July 1, 2008 with Kathie Smookler was retaliatory.  
(See Exhibit A-7)

9/16/08 Summation

Complainant contends that on July 1, 2008, Kathie Smookler, secretary to Blake Summers, reprimanded and accused Complainant of being undermining, sneaky and disrespectful of Blake Summers and of placing a colleague, Tim O'Brien, in an awkward position by including him in her effort to organize a barbeque.

Complainant contends that Kathie Smookler was angry, unreasonable and accusatory and wouldn't let Complainant leave her office. Complainant identifies that Kathie Smookler subsequently apologized to her and Tim O'Brien on July 1, 2008, and Kathie Smookler admitted that she had over-reacted.  
(See Exhibit A-9)

2. Interview of Complainant

Meeting of 9/17/08

This investigator met with the Complainant and her representative on September 17, 2008. Complainant stated that at approximately mid-day on July 1, 2008, Kathie Smookler, Executive Secretary to Blake Summers, came to her office, closed the door and asked her a series of questions regarding a planned July 4<sup>th</sup>. Barbeque.

Complainant contended that Ms. Smookler's questions involved:

- \* "Why are you organizing the BBQ?"
- \* "Why are you putting Tim (Tim O'Brien) in the position of mediator?"

Complainant contends that Ms. Smookler's demeanor was hostile and antagonistic and her words were loud, angry and judgemental.

At one point, Complainant contends that she stood up, with the intent to go to Mr. O'Brien for assistance and clarification, and that Ms. Smookler wouldn't let her leave the office. Complainant contends that Ms. Smookler became increasingly upset and finally stormed out of her office. Complainant then sought out Mr. O'Brien and they both went to speak with Ms. Smookler.

Complainant stated that after discussion, Ms. Smookler apologized to them both and asked if they needed anything for the barbeque. Ultimately, Complainant and Mr. O'Brien decided not to have the barbeque.

Complainant explained that "verbal harassment", as she alleged in her letters of July 11, 2008 and August 8, 2008, related to words used by Ms. Smookler that conveyed harassment to the Complainant, such as "go-between", "mediator" and "undermining".

Complainant explained that "inappropriate discipline", as she alleged in her letters of July 11, 2008 and August 8, 2008, related to the fact that Complainant felt Ms. Smookler was reprimanding her and passing judgement by stating that Complainant was undermining Blake Summers.

Complainant explained that "inappropriate physical conduct", as she alleged in her letters of July 11, 2008 and August 8, 2008, related to the fact that Ms. Smookler closed the door to Complainant's office and blocked Complainant's efforts to leave, while standing in a confrontational pose (arms crossed).

### 3. Interview of Kathie Smookler

This investigator interviewed Kathie Smookler, 1452 Executive Secretary II, on January 12, 2009. Ms. Smookler stated that she has known and worked with the Complainant since 1990. Ms. Smookler indicated that, having known Complainant for as long as she has, she felt she could have a frank and honest discussion about the planned staff barbeque in 2008.

Ms. Smookler explained that Blake Summers is not as interested in social events as he is in ensuring that the work of the Museums is getting done. Ms. Smookler explained that previous staff barbeques have not been well planned or organized and not everyone was invited which resulted in certain staff feeling excluded. Also, Ms. Smookler explained that at a previous staff barbeque, a staff member had cut himself badly. Ms. Smookler pointed out that Facilities Maintenance staff have a barbeque and Museums staff could attend that function.

Ms. Smookler stated that on June 30, 2008, Tim O'Brien had come by the office to speak with Blake Summers, that she was also present, and that Mr. O'Brien had asked for permission for the barbeque to take place. Ms. Smookler indicated that Mr. O'Brien is very easy going but her sense was that he felt pressured to participate and pressured to

staff the grill. Ms. Smookler thought it odd that Complainant herself had not come by to ask for permission and so Ms. Smookler approached her the next day.

Ms. Smookler stated that based on her many years of working with Complainant, she thought she could speak plainly. Ms. Smookler stated that she asked the Complainant why she hadn't approached Blake Summers directly, as Tim O'Brien was put into an uncomfortable position. Ms. Smookler stated that she asked the Complainant why and how it was decided that Tim O'Brien would be stationed at the grill, as Tim O'Brien felt put-upon and felt he couldn't refuse when Complainant approached him about planning the barbeque. Ms. Smookler stated that she did stand by the door in Complainant's office and that she did insist the Complainant speak to her about the barbeque.

Ms. Smookler stated that she recognized her behavior and actions were inappropriate and she did subsequently apologize that day, twice, to both Complainant and Mr. O'Brien.

#### 4. Department's Response

##### Written Response of 12/31/08

The department's written response of December 31, 2008 identifies that during the week of July 1, 2008, Timothy O'Brien, Curator III, approached Blake Summers about a barbeque being coordinated by the Complainant and he asked Blake Summers' approval to grill. Ms. Smookler was present in the office at this time. Both Blake Summers and Ms. Smookler had been unaware that this event was being planned.

Ms. Smookler asked Mr. O'Brien if he wanted to grill the food, as requested by the Complainant and he answered "not really" and stated that while he wouldn't volunteer to be the cook, it wasn't a huge imposition either. Both Ms. Smookler and Blake Summers were not scheduled to work the day of the planned event.

The next day, Ms. Smookler went to Complainant's office and she did use words such as "undermining" and "disrespectful", but her intent was to communicate the need to keep Blake Summers informed of such events. Ms. Smookler also voiced her opinion that it was inappropriate for Complainant to delegate Mr. O'Brien to be the cook as he had not volunteered for the task and he had more pressing matters to attend to.

Ms. Smookler admits that she was upset and that she stood in the doorway of Complainant's office when Complainant got up to leave the room. Ms. Smookler stated that she was attempting to discuss the situation openly and that she communicated several times that she simply wanted to speak with the Complainant.

Subsequently, Ms. Smookler did apologize for her behavior and the matter appeared to be resolved, though the event was subsequently cancelled. The department denied that this interaction amounted to harassment.

(See Exhibit E)

5. Interview of Timothy O'Brien

This investigator interviewed Mr. O'Brien on January 12, 2009. Mr. O'Brien is a 3544 Curator III with the Airports Museums. His responsibilities include conducting research and writing reports regarding exhibits, consulting with the department's curatorial board regarding possible exhibits and effecting loans of objects to the Museum. Mr. O'Brien reports to the Assistant Chief Curator and to Blake Summers. Mr. O'Brien supervises a Curator II employee.

Mr. O'Brien described that he has a good working relationship with the Complainant and Ms. Smookler. Mr. O'Brien described the Airport Museums as a very small workplace and he prided himself on getting along well with everyone.

While a small workforce, Mr. O'Brien stated that the Airport Museums is not a workforce known for social networking. Previous social events among employees have been informal and Complainant has been responsible for initiating social events. Previously, Mr. O'Brien staffed the grill at other barbeques and he felt that Complainant may have misperceived that he was invested somehow, in being the person to do the grilling. Mr. O'Brien stated that Complainant approached him about the Fourth of July Barbeque and he said "OK", even though he was not really interested in doing that. Complainant told him that she would bring the meat and he suggested that other staff also be asked to bring contributions.

After speaking with the Complainant, Mr. O'Brien did approach Blake Summers, as he was the manager and Mr. O'Brien felt it was important to let him know what was intended and receive his approval. Blake Summers was in his office with Kathie Smookler when Mr. O'Brien talked to him about the barbeque plans. Blake Summers did not object and Mr. O'Brien recalled that Ms. Smookler perceived that he was being put-upon, in being asked to do the grilling, though he indicated it was not a big deal.

Subsequently, Complainant came to see him and she was clearly upset, her voice was shaky, and she told him that she'd had a very unpleasant encounter with Ms. Smookler. Complainant relayed to him that Ms. Smookler claimed he was being forced into participating in the barbeque. He suggested that they both go and speak with Ms. Smookler to clarify any misunderstandings.

Mr. O'Brien stated that both he and Complainant went to speak with Ms. Smookler at her desk, where they politely discussed the miscommunication and he apologized for any impression he might have given regarding his participation in the barbeque. Mr. O'Brien stated that Ms. Smookler apologized to them both for over-reacting. Mr. O'Brien stated that at that point, he was not comfortable going forward. Complainant felt the same way and they both decided that they would not have the barbeque.

Mr. O'Brien stated that the Airport Museums is a very professional work environment with a diverse range of work styles among the different duties being performed. Mr.

O'Brien characterized both the Complainant and Ms. Smookler as having "strong personalities", and he regretted if there was anything in his communication between the two women that resulted in, or added to any confusion or miscommunication.

**Analysis:**

There is no dispute that Ms. Smookler and Complainant did indeed have a very unpleasant interaction on or about July 1, 2008. Ms. Smookler admits that her behavior was inappropriate and unprofessional and all parties do agree that she did subsequently apologize for the way she acted.

Complainant and Ms. Smookler continue to have a professional, cordial working relationship. The interaction in Complainant's office was a one-time occurrence. It has not been repeated. This one-time incident does not rise to the level of being severe and pervasive so as to establish hostile work environment harassment.

While Ms. Smookler, as confidential secretary to Blake Summers, was aware of Complainant's protected activity of filing a discrimination complaint against Blake Summers, there is no evidence that her behavior towards the Complainant on or about July 1, 2008 was as a result of Complainant's engaging in that protected activity.

**Allegation E:**      **On July 9, 2008 Complainant was confronted by Blake Summers, who accused her of being a problem, of being 'complaint-happy', of intimating that she should resign as her complaints were evidence that she was not happy in the workplace.**

**Summary of Relevant Evidence:**

1.      Complainant's Written Complaints

7/11/08 Letter

Complainant's letter of July 11, 2008 alleges harassment and retaliation on part of Blake Summers. Complainant alleges that on July 9, 2008, Blake Summers subjected her to unwelcome and offensive conduct, verbal harassment, intimidation, slander, unsubstantiated accusations, derogatory comments, denial of request for third-party witness and retaliation for filing a previous discrimination complaint.

Complainant recounts that on July 9, 2008, Blake Summers told her he had received a complaint about her from Carpentry staff, but did not provide her with more information. Previously, Blake Summers had told her in April 2008 that he had received a complaint about her from Electrical staff, but also did not provide her with any information.

Complainant contends that on July 9, 2008 Blake Summers told her he had a difficult time supporting her, given her reputation for being difficult to work with and not getting along with others. Complainant contends that on July 9, 2008, Blake Summers told her to come

into his office and then subjected her to unwelcome and offensive conduct and behavior which included verbal harassment, slander, unsubstantiated accusations, derogatory comments, denial of request for third-party witness and retaliation for her previous complaint against him.

(See Exhibit A-8)

#### 9/16/08 Summation

Complainant's statement of September 16, 2008 alleges that on July 9, 2008, Blake Summers asked Complainant if she had had any altercations with Carpentry staff because the Assistant Deputy Director of Airport Maintenance had contacted him with a complaint about Complainant from Carpentry staff. Complainant contends Blake Summers would not give her additional details about the complaint.

Complainant alleges that she told Blake Summers that hearing about vague unsubstantiated complaints against her was becoming a disturbing pattern, as he had told her in April 2008 about complaints about her from the Electrical staff.

Complainant alleges that Blake Summers told her there had been several significant complaints against her. Once in his office, Complainant alleges that Blake Summers told her she was difficult to work with and that everyone knew she was difficult to work with. Complainant alleges Blake Summers told her he had a difficult time supporting her against Carpentry staff's complaint against her, as she was "complaint-happy" and noted the discrimination complaints she had filed. When Complainant asked for their meeting to include a third-party witness and participant, Complainant alleges Blake Summers told her he "wasn't going there".

Further, Complainant alleges that Blake Summers told her, "You've been a problem from the get-go" and that her actions, behavior and tone of voice were a continual problem. Complainant alleges Blake Summers told her, "Don't sit there all proper." He told her, "I can't change you, you never listen, I have been your strongest advocate." Complainant alleges Blake Summers told her, "You're unhappy here, look at the number of complaints you've filed, do you want to quit?"

Complainant states she was completely devastated by the discussion with Blake Summers on July 9, 2008 and she contends he was resentful of the complaints she had filed and implied strongly that he wanted her to resign (See Exhibit A - 9).

#### 2/1/09 Statement

Complainant contends that Blake Summers harassed her on July 9, 2008 with unprofessional, inappropriate and unwelcome comments which were offensive and indicative of his desire that she resign. Complainant contends that she left Blake Summers' office concerned about her current and future employment with the City. (See Exhibit F)

## 2. Interview of Complainant

Meeting of 9/17/08

This investigator met with the Complainant and her representative on September 17, 2008. Complainant alleges that on July 9, 2008, she went to Blake Summers' office, after he had come by her office while she was on the phone. At the doorway to his office, Blake Summers asked her, "have you had an altercation with Carpentry?",

Blake Summers explained that he had received a complaint from Carpentry staff about her. He asked her what involvement she'd had with Carpentry staff and Complainant answered that she'd had very little involvement. Complainant asked for more details of the complaint and Blake Summers said he didn't have more details. Blake Summers then said there had been 'several' and 'numerous' complaints about her. Complainant alleges that Blake Summers then asked her to close the door and Complainant did so and sat down.

Complainant stated that she asked him if he had backed her. Complainant alleges that Blake Summers responded that he had a difficult time supporting her, that he said, "look at all the complaints you've filed. You've been a problem since we were at El Camino. A problem from Day One. Look how complaint-happy you've been".

Complainant alleged that as he spoke, Blake Summers' voice was raising and his tone was becoming confrontational. Complainant became concerned and asked to have someone else present, and Blake Summers refused her request.

Complainant has to sit a certain way to be comfortable. Complainant stated that Blake Summers made a comment regarding the way she was sitting, Complainant alleges that he told her, "don't sit there, all proper...". Complainant asked him why she was just now hearing about problems with her. Complainant alleges that he continued with his 'tirade', saying, "look at the number of complaints you've filed, you're unhappy, do you want to quit?".

Complainant stated that she was shocked and offended at hearing Blake Summers basically say he wanted her out. Complainant excused herself, suggested that they perhaps have another meeting and left work early that day.

3. Department's Response

Written Response of 12/31/08

The department provided a written response dated December 31, 2008. The department states that in July 2008, Blake Summers had received a verbal complaint from the Facilities Deputy Director, Peter Acton, regarding Complainant's interaction with Carpentry staff. The department agrees that Blake Summers did not provide Complainant with specific details of the complaint, such as which staff had made the complaint, as he was concerned that Complainant would directly confront staff and aggravate the situation.



The department contends that the nature of the complaints were incidents where Complainant acted rudely and imperiously to Carpentry staff, such as referring to the Museums department as "my house", and stating to Carpentry staff that she would write to the Airport Director to get bigger carts for Carpentry staff.

The department contends that Mr. Acton's complaint was not the first that Blake Summers had received about Complainant from Facilities staff. The department contends that previously, Electric Shop staff complained that Complainant had acted rudely and was "bossy" in her interactions with staff and that Blake Summers had counseled her not to ask Facilities staff to perform work that they were not required to perform. There were complaints that Complainant would often demand that her work requests be attended to immediately, without considering other priority assignments.

The department contends that Blake Summers sought to have a frank and honest discussion with Complainant about her interactions with staff and denies that the intent was to harass or intimidate her as a form of retaliation. The department contends that Blake Summers did ask Complainant whether she was happy at her job, but that he did not accuse her of being "complaint-happy".

(See Exhibit E)

#### Written Response of 3/6/09

The department contends that after receiving a second complaint from the Facilities Division regarding Complainant's interactions with staff, Blake Summers did meet with Complainant in July 2008. The purpose of the meeting was to communicate and address complaints received by Facilities staff alleging rude behavior on part of Complainant.

The department denies that this necessary communication by Blake Summers was in any way harassing or in retaliation for her previous discrimination complaints or for taking FMLA leave, or as a result of her disability status.

(See Exhibit H)

#### Re-distribution of Airport Executive Directive

On February 5, 2009, the department's Executive Directive 99-05 was re-distributed to Senior and Management Airport staff.

The Executive Directive 99-05 involves the discrimination complaint process and reaffirms the rights of employees to file a complaint. The Directive also reaffirmed the prohibition regarding retaliation for having made a complaint.

(See Exhibit J)

#### 4. Interview of Blake Summers

##### Interview of 1/12/09

This investigator interviewed Blake Summers on January 12, 2009. Mr. Summers stated that he received a call from Peter Action, the Facilities Director, who basically asked that the Complainant be kept away from his staff. Previously, Mr. Summers stated that he had gotten feedback from Facilities staff that they were not happy with Complainant and he had asked her to keep a low profile. With this second complaint, he spoke with her again. Mr. Summers stated that she was upset that he had not been supportive of her and that he wouldn't provide details of the complaints.

"You are unhappy here, look at all the complaints you have filed, do you want to quit?"  
 Mr. Summers stated that yes, he had made that statement. He stated that it was in the context of Complainant protesting that she gets along with everybody. He felt that he needed to speak frankly to her.

"complaint-happy"  
 Mr. Summers did not recall using these words, though he acknowledged that the 'jist' of it was true and it was based on her ready solution to complain to the Airport Director about a cart for Carpentry, and her attempts to complain on part of others (such as Tim O'Brien), and her own complaints.

"don't sit there all proper"  
 Mr. Summers was not certain he made such a comment, he stated he probably had but was not certain.

"problem from Day One", "can't change you, you never listen"  
 Mr. Summers stated that yes, he might have made those comments.

Mr. Summers stated that he considered himself a mentor to the Complainant and he was attempting to give her honest feedback about herself and her method of interacting with others and how others perceive her. However, Complainant became very defensive. Mr. Summers commented that Complainant has a healthy ego but she is also very fragile as she left his office in tears.

5. Complainant's Performance Appraisals, Personnel File

This investigator reviewed Complainant's personnel file on January 12, 2009. The Performance Appraisals on file were the following:

Dates	Class	Overall Rating	Comments
1. 7/1/05 to 6/30/06	3546 Curator IV	Exceeds Standards	
2. 7/1/04 to 6/30/05	3546 Curator IV	Exceeds Standards	
3. 01/01/03 to 6/30/04	3546 Curator IV	Exceeds Standards	"Occasionally has difficulty working with others." Recommendation: Improve Communication

4. 11/17/97 to 05/16/98	3558 Sr. Museum Registrar	Outstanding	
5. 11/17/97 to 02/16/98	3558 Sr. Museum Registrar	Outstanding	

Complainant has no record of any disciplinary action.

**Analysis:**

Complainant engaged in the protected activity of filing a discrimination complaint against Blake Summers in March 2008 (EEO File #1343). Blake Summers was well aware of Complainant's previous filing of a discrimination complaint that specifically named him as engaging in discrimination against her. His comments to Complainant on or about July 9, 2008 were seriously inappropriate.

However, Mr. Summers' comments were a one-time occurrence and were not severe or pervasive so as to alter the terms or conditions of Complainant's employment. Complainant did not experience any disciplinary action, demotion or loss of pay; any sudden unfavorable change in work shift, assignment, or responsibilities. In short, Complainant did not experience any tangible adverse employment action and she was not dissuaded from filing her subsequent complaints.

**9. Recommendations**

The department acknowledged the inappropriateness of Blake Summers' comments and reissued an Executive Directive regarding the right of employees to file complaints and the prohibition against retaliation. The department's re-distribution of key policies is a good start. However, the department needs to take the following steps:

- a.) Counsel the manager immediately. Mr. Summers needs to understand how inappropriate his comments were. Such counseling needs to include a clear and firm reiteration of the City's zero tolerance for retaliation.
- b.) Provide the manager with training. Mr. Summers needs to develop his skills in effective communication, establishing performance expectations; conducting accurate performance appraisals; and managing problem performance.
- c.) Propose mediation to both the manager and Complainant. The Airport Museums is a small division and the working relationship between Complainant and her manager is strained.

### Recommendations Regarding Other Workplace Issues/Practices

- a.) Revise Sign-in Sheets for Airport Museums. The Airport needs to assist the manager in revising the Museums sign-in sheet so that employee hours are more accurately documented for all employees.

### 10. Attachments to Report

Attached to this report are the following Exhibits:

Exhibit A: Letter of Complaint, 6/25/08 – Denial of Accommodation, Airport EEO  
A-1 Letter of 8/11/08 - Denial of Accommodation, Airport EEO  
A-2 Letter of Complaint, 6/25/08 - DHR, Airport EEO  
A-3 Letter of 8/17/08 - DHR, Airport EEO  
A-4 Letter of Complaint, 6/25/08 - Harassment, Denial of Promotion  
A-5 Letter of 7/9/08 - Blake Summers  
A-6 Letter of 8/23/08 - Blake Summers  
A-7 Letter of Complaint, 7/11/08 – Kathie Smookler  
A-8 Letter of Complaint, 7/11/08 – Blake Summers  
A-9 Complainant's Summation of Complaints, 9/16/08

Exhibit B: DHR's Responses- 7/2/08, 7/23/08

Exhibit C: Charge Form, 12/8/08

Exhibit D: Charge and RFI, 12/10/08

Exhibit E: Response to RFI, 12/31/08

Exhibit F: Rebuttal Statement, 2/1/09

Exhibit G: Second RFI, 2/12/09

Exhibit H: Response to RFI, 3/6/09

Exhibit I: Airport Museums Timesheet

Exhibit J: Airport Policies

## Exhibit A

Letter of Complaint, 6/25/08 – Denial of Accommodation, Airport EEO

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**SONYA KNUDSEN**

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25 June 2008

Dorothy Yee  
Department of Human Resources/EEO Division  
City and County of San Francisco  
44 Gough Street  
San Francisco, CA 94103

RE: complaint re EEO/ADA department, San Francisco International Airport

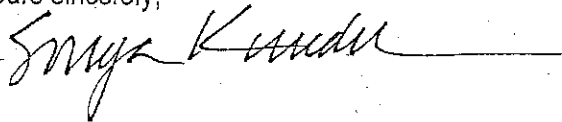
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Dear Ms. Yee:

By means of this letter and attached City and County of San Francisco (CCSF) "Department Report of Employment Discrimination Complaint" form I am filing a complaint against the San Francisco International Airport (SFO) EEO/ADA department with regard to that department's handling of a request for reasonable accommodation I had submitted in March 2008, inclusive of pertinent CCSF forms, e.g., Medical Authorization and Release, Health Care Provider Certification Form and Essential Functions Guide.

In April 2008 I returned from an extended FMLA/sick leave to a full-time work schedule at the San Francisco Airport Museums, San Francisco International Airport, without several requested reasonable accommodations in place (e.g., phone headset, ergonomic work station, inclusive of computer monitor, desk, chair) despite assurances from SFO EEO/ADA that all would be in place. It took over three weeks after my return to work for SFO EEO/ADA to provide these reasonable accommodations, impacting and hampering my ability to fulfill my job duties and responsibilities, exacerbating and worsening my physical condition. I could not take time off to wait for SFO EEO/ADA to provide these reasonable accommodations due to work environment and employment concerns. Additionally, a reasonable accommodation request for telecommuting was denied by SFO without evaluating the merits or options therein.

Yours sincerely,



Sonya Knudsen

cc: Steve Pitocchi, SEIU 1021

DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT

\* Report Within Five Working Days of Receipt of Complaint\*

Return to: Dorothy Yee, DHR/EEO Division, 44 Gough Street, San Francisco, CA 94103

1. Department/Worksite: San Francisco Airport Museums, San Francisco Intl Airport

2. Complainant: Sonya Knudsen Tel. No. (Work): 650-821-6726

Address: Tel. No. (Home):

3. Complaint Filing Date: 06/25/08

4. Complainant's Current Employment Status (circle one): Classification: 3546 Curator IV
PCS TCS LT NCS PV PE TE PROB NOT A CITY EMPLOYEE

5. Basis of Discrimination (specify):

- Race:
Color:
Religion:
Creed:
Sex:
National Origin:
Ethnicity:
Age:
Disability/Medical Condition:
Political Affiliation:
Sexual Orientation:
Ancestry:
Marital or Domestic Partner Status:
Gender Identity:
Parental Status:
Other Non-Merit Factors:
Retaliation:

6. Issue complained of:

- Denial of Employment
Denial of Training
Denial of Promotion
Denial of Reasonable Accommodation
Termination
Lay-off
Constructive Discharge
Disciplinary Action
Harassment
Work Assignment
Sexual Harassment
Compensation
Other (please specify):

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s): (Attach letter of complaint) see attached

Blank lines for describing the circumstances of the alleged discrimination.



8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes  No

If yes, please specify: \_\_\_\_\_

9. Is the Complainant represented by a Union or an Attorney? Yes  No

Name: \_\_\_\_\_ Organization/Firm: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

\*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*10a. Name and position of staff who will implement recommended steps:

\_\_\_\_\_

11. Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Tel. No. \_\_\_\_\_

\*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

\*Subject to the Human Resources Director's approval

### HUMAN RESOURCES DIRECTOR REVIEW

Complaint is assigned EEO File Number: \_\_\_\_\_

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: \_\_\_\_\_  
and/or the following actions are to be taken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

69

\_\_\_\_\_ for Philip A. Ginsburg, Human Resources Director

\_\_\_\_\_ Date

## Exhibit A - 1

Letter of 8/11/08 – Denial of Accommodation, Airport EEO

11 August 2008

Dorothy Yee  
Manager, EEO Division  
Department of Human Resources (DHR)  
City and County of San Francisco (CCSF)  
44 Gough Street  
San Francisco, CA 94103-1233

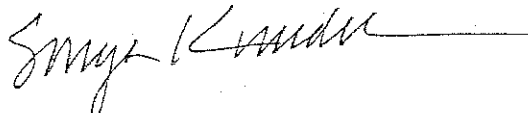
re: 25 June 2008 filed discrimination complaint against EEO Department, San Francisco  
International Airport (SFO- EEO)

Dear Ms. Yee:

Per your request of 23 July 2008, please note the enclosed that provides further details  
with supporting documentation regarding my discrimination complaint against the EEO  
Department at the San Francisco International Airport (SFO-EEO).

Please verify that this complaint has been reported to the DHR Human Resources  
Director, provide the DHR-EEO file number, and the name of the assigned professional  
EEO investigator for reference. My understanding is that adherence to CCSF  
administrative policies and procedures will be ensured throughout this discrimination  
complaint process, inclusive of intake, jurisdiction designation, and investigation.

Sincerely,



Sonya Knudsen

enclosure: Knudsen Summation Statement (9 pages)  
Knudsen Attachment Section (51 pages)

cc: Steve Pitocchi, SEIU Local 1021

Discrimination complaint filed by:

Sonya Knudsen, 3546, Curator IV, Curator in Charge of Administration  
San Francisco Airport Museums (SFAM), San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

Discrimination complaint filed against:

Equal Employment Opportunity Department  
San Francisco International Airport, (SFO-EEO)  
City and County of San Francisco (CCSF)

Reasons for complaint re SFO-EEO handling of March 2008 request for reasonable accommodation for return from extended CCSF FMLA/sick leave to full-time SFAM work schedule:

1. SFO-EEO delay in processing and providing for reasonable accommodation request  
SFO-EEO was provided pertinent CCSF reasonable accommodation request, medical authorization, medical provider certification forms, et al. but was not proactive and timely in responding or providing for accommodation request needs. SFO-EEO should have delayed Knudsen return to work to a later date when the accommodations were in place.

2. SFO-EEO disparity in handling reasonable accommodation requests versus SFO-Health & Safety department  
SFO-EEO does not handle reasonable accommodation requests the same as SFO-Health & Safety handles worker's compensation claims. This seems to indicate that SFO is more concerned with and focused on employee worker compensation issues and related reasonable accommodation needs so as to avoid employer liability exposure than employee accommodations, which is a bias that affects the employee and workplace.

3. SFO-EEO conflict of interest  
SFO-EEO handling and processing a March-2007 request Knudsen submitted for return to work full-time at SFAM on 2 April 2008, inclusive of reasonable accommodations while simultaneously handling a discrimination complaint (CCSF DHR-EEO File #1343) Knudsen filed against supervisor, Mr. Blake Summers, SFAM Director and Chief Curator, due to November 2007 denial of employment and reasonable accommodation issues. Given conflict of interest SFO-EEO should have declined involvement with DHR-EEO File #1343. Only upon Knudsen request did this actually occur.

4. SFO-EEO lack of circumspection  
SFO-EEO was aware of the discrimination complaint filed by Knudsen due to her supervisor's November 2007 denial of reasonable accommodations, and despite such, SFO-EEO suggested throughout the handling of the March 2008 reasonable accommodation request working a part-time schedule or not working at all until the

accommodations were in place, an unrealistic option for Knudsen, which also underscored SFO-EEO lack of judgment and sensitivity to the issues involved.

Knudsen and SFO-EEO key contact dates:

See Attachment Section

- March 14, 2008 Sonya Knudsen filed request for reasonable accommodation with SFO-EEO
- March 14, 2008 Sonya Knudsen meeting with Susan Kim
- March 19, 2008 Sonya Knudsen meeting with Susan Kim
- March 25, 2008 Susan Kim letter to Dr. Lefkos Aftonomos
- March 27, 2008 Susan Kim letter to Sonya Knudsen
- April 1, 2008 Susan Kim and Blake Summers assessment of Knudsen office at SFAM
- April 2, 2008 Sonya Knudsen return to work at SFAM
- April 2, 2008 SFO-EEO and SFO-H&S assessment of Knudsen office at SFAM
- April 4, 2008 Sonya Knudsen email to Susan Kim
- April 4, 2008 Susan Kim email to Sonya Knudsen
- April 7, 2008 Susan Kim email to Sonya Knudsen
- April 7, 2008 Sonya Knudsen email to Susan Kim
- April 8, 2008 Lily Lau email to Sonya Knudsen
- May 30, 2008 SFO-H&S email memo to Blake Summers

SUMMATION

In early March 2008 I received medical authorization to return from an extended CCSF FMLA/sick leave to work full-time starting on 2 April 2008 at the San Francisco Airport Museums (SFAM), San Francisco International Airport (SFO), City and County of San Francisco (CCSF).

On 13 March 2008 I met with Ms. Veronica Davis, Human Resources (HR) department, San Francisco International Airport (SFO). Ms. Davis is the SFO-HR analyst for SFAM. The purpose of my meeting was to inform Ms. Davis that I had received medical authorization to return to work, and to find out what the next appropriate steps were with regard to CCSF paperwork, et al.

Ms. Davis said that she would inform my supervisor, Mr. Blake Summers, Director and Chief Curator, SFAM, that I had been medically approved to return from CCSF FMLA/sick leave to work full-time on 2 April 2008.

Ms. Davis then instructed me to contact Ms. Susan Kim, Equal Employment Opportunity department at San Francisco International Airport (SFO-EEO) to arrange for a meeting to discuss arrangements and needed paperwork for my return to work, inclusive of filing

CCSF forms, e.g., reasonable accommodation request, medical authorization, provider and certification forms, etc. I explained to Ms. Davis that I had already secured the pertinent forms via the CCSF website per instructions received from the downtown CCSF Department of Human Resources (CCSF-DHR).

On 14 March 2008 I hand delivered to Ms. Susan Kim, SFO-EEO, the CCSF forms, inclusive of request for reasonable accommodation, medical provider, authorization and certification paperwork. Ms. Kim date stamped and then briefly reviewed the forms and said that she was not sure I had submitted all CCSF forms necessary, and that this might delay my return to work at SFAM on 2 April 2008. I responded to Ms. Kim by saying that the forms were those CCSF-DHR had instructed me to use and have my doctor fill out before meeting with her. I requested Ms. Kim to review the forms in more detail, and to let me know if any additional forms were needed so as to not delay my planned return to work on 2 April 2008. I then departed for a medical appointment, phoning Ms. Kim en route to schedule an appointment for the following week re my reasonable accommodation request.

On 19 March 2008 I met with Ms. Kim to discuss my reasonable accommodation request in further detail. After confirming that she had reviewed my submitted forms, Ms. Kim asked me the nature of my injuries that necessitated a request for reasonable accommodations. I explained that I had been in a car accident on 13 March 2007 and had sustained neck, upper back, and shoulder injuries. Ms. Kim asked for additional details, such as whether my injuries were permanent or temporary, their severity, etc. After providing a brief overview, I suggested to Ms. Kim that she consult with my doctor who would provide her a full assessment of my medical condition, supplying pertinent information and clarifications if needed.

Ms. Kim then reviewed the reasonable accommodations I had requested per recommendations of my doctors:

- |                        |  |
|------------------------|--|
| Stretch breaks         | Ms. Kim asked for what duration and how long and I explained only for a few minutes every half hour or so as needed.   |
| Phone headset          | Ms. Kim said SFO-ITT would provide.  |
| Ergonomic work station | Ms. Kim said SFO-Health & Safety would oversee.  |
| Book/reading stand     | Ms. Kim said SFO-Health & Safety would oversee.  |
| Drafting table         | Ms. Kim asked why I would need and I explained the angled table would minimize impact on my neck injuries. She said that she did not know of any such tables, save for possibly some in the Architecture/Engineering departments and I explained that SFAM also had several on site. |

Ms. Kim said that my request was reasonable and that she did not perceive there to be any difficulty in providing the accommodations, but was concerned about the timeline because purchases of requested equipment might be delayed due to the CCSF system. She also said that there was additional paperwork needed and that might also cause a delay. Surprised, I asked what additional paperwork was needed. Ms. Kim said that she needed to request my supervisor to provide a listing of my job duties and that my doctor then needed to supplement with additional recommendations and clarification, if any, regarding my reasonable accommodations needs.

Ms. Kim said she would mail this paperwork to my doctor within a week and hoped that he would return the paperwork promptly. I suggested that she fax the paperwork to my doctor to expedite the process and said that I would let his office staff know of the forthcoming paperwork and that it had to be returned to SFO forthwith. Ms. Kim cautioned me that there might be a delay in getting all accommodations in place by 2 April 2008, and said my return could be delayed as a result. I conveyed my understanding of the situation but also my concern that all accommodations be in place from day one of my return to work at SFAM, whether 2 April 2008 or a SFO-EEO designated later date, to ensure that I was able to effectively fulfill essential job responsibilities.

Ms. Kim then surprised me by saying that she had another matter to discuss and brought forth for discussion the discrimination complaint (DHR-EEO File #1343) I had filed at CCSF DHR-EEO against my supervisor, Mr. Blake Summers, because of his November 2007 denial of my request to return in December 2007 from CCSF FMLA/sick leave to a part-time work schedule and reasonable accommodations. Although taken aback, I answered Ms. Kim's initial questions but then asked her why SFO-EEO was handling a complaint I had filed downtown at CCSF DHR-EEO. She explained that CCSF DHR-EEO had sent the complaint to SFO-EEO to handle, that she had been assigned the investigation, and then asked if I had any concerns. I responded by saying yes, in that I felt that there was a conflict of interest with the same person and office handling my discrimination complaint due to denial of reasonable accommodation also handling a request for reasonable accommodation involving the same supervisor and worksite. Ms. Kim said that her office handles both EEO and ADA matters, and that my situation was unique in that my accommodation request and discrimination complaint was being dealt with at the same time. I asked for confirmation that both matters would be handled by Ms. Kim and her supervisor, Ms. Gloria Louie, Director of SFO-EEO, and she said yes. I requested that the discrimination complaint (DHR-EEO File #1343) be handled downtown at CCSF-DHR so as to ensure separation and avoid a conflict of interest between the two matters. The meeting with Ms. Kim was concluded with her saying that she would be in contact to provide an update re my reasonable accommodation request.

As a follow-up to the meeting, I phoned and emailed Ms. Kim that afternoon requesting confirmation that I would be allowed to return to work on 2 April 2008 with reasonable accommodations in place, requesting Ms. Kim to send me copies of the job duties listed by my supervisor and the newly provided medical paperwork forms, once secured. Ms.

Kim's email reply said that she would do her best to expedite my reasonable accommodation request but could give me no assurances that all would be in place by 2 April 2008.

On March 25, 2008 Ms. Kim sent a letter with attachments to Dr. Lefko's Aftonomos requesting further amendment and clarification of submitted CCSF forms, if applicable, based on SFAM summary of my job duties. I received a faxed copy, and contacted Dr. Aftonomos' office to explain the time-sensitive nature of the paperwork, and requested their return to SFO-EEO as soon as possible. The office staff assured me that they would do their best to respond but that Dr. Aftonomos has a very busy patient load that took priority.

On 27 March 2008 I received a letter from Ms. Kim that confirmed I could return to work full time at SFAM on 2 April 2008. In this letter Ms. Kim outlined the parameters of my being allowed stretch breaks in addition to allotted duration for permitted morning and afternoon breaks and lunch. Given that our previous meetings and discussions had conveyed that I would be allowed to return to work at SFAM only when the requested reasonable accommodations were in place, I considered this letter confirmation that all had been provided for, and that the scheduled SFO-Health & Safety (SFO-H&S) department assessment on 2 April 2008 was verification and finalization of same.

On 2 April 2008, my first day back at work, I arrived at SFAM and was surprised to find that my office was in the same condition I had left it the previous year with none of the requested accommodations in place. At 11:00 AM Ms. Kim and three SFO-H&S representatives, Ms. Audrey Lawrence, Ms. Robin Anthony, and an intern, arrived in my office to conduct an ergonomic assessment and address my reasonable accommodation needs for the first time. I found all this quite disconcerting if not dismaying as I had purposely filed my reasonable accommodation request in advance of my return to work to ensure all would be in place before 2 April 2008 so that I could be fully effective and productive from day one. Instead, I found that no real action or initiative had been taken, that not only made more difficult my goal to effectively perform my essential job duties, but would also undermine and exacerbate my medical condition, with no indication from SFO-EEO of priority or timeline for completion.

Ms. Kim left after ten minutes without explaining her departure, nor asking me to call her later with an update, etc. I continued the meeting with H&S re my reasonable accommodation needs in my office as follows:

Phone headset

H&S said that order had been placed and instructed me to call SFO-ITT to find out status.

Chair

H&S adjusted my existing chair but said that it was not sufficient for my needs. I was instructed to meet with an H&S staff representative to assess chairs in place in



Engineering/Architecture building to see whether I could locate a chair that would provide for my needs.

Book/reading stand

H&S said that Ms. Kim had forwarded my March 2008 email that had provided indication of the type of bookstand requested. The bookstand had yet to be ordered and I was instructed to go to H&S office to look at a stand that I might be able to use on a temporary basis. I explained that the book stand was needed for placing documents for computer work as well as for reading, writing, editing documents, etc. thus had a need for a stand that could be angle adjusted, accommodate files, multiple pages, etc.

Computer, desk and draft table

H&S first assessed my computer monitor and keyboard saying that placement was incorrect for both; the monitor was too high and the keyboard was too high. The monitor was taken off an existing stand and placed on a stack of bound paper to the proper height, and I was instructed to order a new monitor stand with my supervisor's approval. I explained my need for a keyboard drawer and in the interim was placing the keyboard on my lap when typing on the computer. H&S then looked at my desk to see if adjustments could be made to accommodate a keyboard drawer as well as shifting desk leg support placement and desk height. H&S said they would arrange for SFO-Carpentry department staff to assess options as soon as possible but also said that Carpentry was a busy department and that there might be a delay. I was asked to generate a work order to secure SFO-Carpentry services but I asked H&S to do so, saying that they had more clout than I did thus their request would receive more timely response.

H&S then queried why I needed a draft table and I explained the need for a work surface that could be angled and adjusted based on need, e.g., writing, editing and reading documents so as to not exacerbate my neck, back and shoulder problems. H&S said that the Spruce warehouse furniture inventory was quite low and that given there was no draft table available one would have to be ordered, wanting to know more of my preferences, recognizing the limitation of my office space. I brought them to the office next to mine to show them one draft table, and also into SFAM Art Storage to show them another, explaining the need for a certain size and type of work surface, as well a size and height that could be accommodated in my office.

H&S and I then worked out a projected solution that would negate expense or time delay, having Carpentry work on my two desks to bring them both to the same height, and place leg supports differently to allow for additional leg space and accommodate the keyboard tray, hard drive, etc. Regarding my need for angled work surfaces, I said I would assess the bookstand they had over in their H&S office and perhaps something similar on a larger scale could be ordered.

At 1:00 PM that afternoon I went to the H&S office to meet with Ms. Robin Anthony to see the wood book stand which although small and needing modifications to the shelf lip,

would be adequate for my reading needs on a temporary basis. Ms. Anthony also showed me a metal bookstand that I might be able to use in front of my computer monitor. I confirmed that I could use it and asked if I could take it back to my office and was told yes. Ms. Anthony said she would deliver the wood bookstand after her meeting, and we arranged to meet the next day to tour through the Engineering/Architecture building to look at chair options. Given Ms. Anthony's busy schedule and my need for the wood bookstand, I went to her office that afternoon and brought the stand back to my office to test its use.

On 3 April 2008, I met with Ms. Anthony and the H&S intern and toured through the SFO Engineering/Architecture building where I was shown and sat in several different chairs, none of which were appropriate for needed neck and upper back support. Later that afternoon, when Ms. Anthony and the H&S intern came by my office to check the book stand arrangements and I showed her what modifications were needed re height, lip to contain documents, and affirmed that a second bookstand would be needed to accommodate files, legal size paper, books, etc.; Ms. Anthony said she would order the unit, and then have Carpentry make the necessary adjustments to the existing bookstand re height, angle, book lip, etc.

Before Ms. Anthony and the intern left my office we talked further about my chair needs to support my neck and upper back, and I brought her to my car to show her the seats that provided for both so she would better understand my requirements. Ms. Anthony said unfortunately there was no SFO chair inventory to utilize but that the chair vendor would be coming to SFO to conduct a chair fair in August 2008. I said it was now April and August was too far away to wait and asked her where the CCSF-approved chair vendors were located. She said one was in San Leandro and the second was in San Francisco. I asked if I could go into San Francisco vendor's store to look at and select a chair from his inventory, she said yes, and instructed me to get an estimated invoice for SFO-H&S to process. SFO-H&S then sent me a listing of approved CCSF chair vendors.

On 4 April 2008 I sent an email to Ms. Kim providing an update of my reasonable accommodation request, and also expressed concern re the delays and how lack of accommodations was disrupting my work schedule and causing me pain and discomfort. Ms. Kim's reply was that she was doing everything she could to accelerate the accommodations being provided and that I had the option of modifying my work schedule or staying home until the accommodations were in place.

In light of my discrimination complaint against my supervisor regarding his November 2007 denial of reasonable accommodations, this suggestion was not an option, impractical and insensitive to my current work site environment and relationship with my supervisor because of the complaint being investigated. SFO-EEO had placed me in an untenable situation for which they seemed to be oblivious and callous. I wanted to return to work at SFAM without compromising my effectiveness and productivity as a worker, needing accommodations to do so. I was in a hostile work environment, working daily

with a supervisor who had already proven to be opposed to reasonable accommodations, and would not look favorably upon a request on my part to be away from my worksite while reasonable accommodations measures were being put in place, having just returned from an extended CCSF/FMLA sick leave for the past year.

Ms. Kim and Ms. Louie at SFO-EEO were both aware of this matter as their office had received my DHR-EEO discrimination complaint (DHR-EEO File #1343) to investigate. Further irksome was the fact that I was the person who was being asked to oversee all pertinent details and of all individuals involved, the most proactive in addressing my reasonable accommodation needs, taking the initiative, while physically suffering all the while because of the many delays. If my reasonable accommodation request was perceived as being difficult to get in place before my return to work on 2 April 2008, why not say so and delay my return. I could only wonder about individuals who had reasonable accommodation needs far more complex and crucial than my own.

On 7 April 2008, Facilities' Carpentry department personnel arrived in my office to work on my desk; it was not possible for me to work in my office for this duration. I drove into San Francisco in the afternoon to go to The Chair Place to assess their inventory and select an appropriate chair based on SFO-H&S recommendations. After speaking with the salesman at length regarding my needs, trying out different chairs he recommended, discussing at length best chair options re my need for neck, upper back, and shoulder support, while sensitive to price, I selected a chair. The salesman wrote me up an invoice, said there was two models in stock, and that the chair could be delivered within a week if SFO processed the invoice in a timely manner.

When I arrived back in my office the following morning, 8 April 2008, I found an email from Ms. Kim that said she had received an update from SFO-H&S re my chair needs, and authorized me to select a chair at The Chair Place not to exceed \$600; the chair I had selected the previous afternoon cost \$625. I sent Ms. Kim a reply email, providing her an update of my chair selection and its price, and asked for instructions re how to proceed.

On 9 April 2008, I received an email from Ms. Lily Lau, SFO-H&S. I was instructed in the email to fill-out the attached CCSF purchase order with pertinent information about the vendor and chair, print it out, attach the invoice, and bring all to my supervisor for his approval and signature. Again, an awkward situation to be placed in. I had to go to my supervisor to provide him an update of my reasonable accommodation request, seek his approval and signature for my chair purchase, a cost expenditure he had not budgeted for, nor was pleased to be dealing with at all. This entire matter should have been handled by SFO-EEO in conjunction with SFO-H&S; instead the burden and responsibility was mine, a very odd situation to be placed in, especially given my discrimination complaint.

On 15 April 2008, while attending a SFO Pandemic Operations meeting in a conference room on the SFO Administrative Fifth Floor, International Terminal, I had opportunity to speak with Ms. Lawrence and Ms. Anthony of SFO-H&S regarding my reasonable

accommodation request. I said I was surprised that the requested accommodations had not been in place when I returned to work on 2 April 2008 and the delays that impacted my work productivity and health condition, suggesting that in the future, perhaps individuals requesting reasonable accommodations would be scheduled to come to their worksite in advance of their return to do the workplace assessment, providing advance time for CCSF SFO-EEO and SFO-H&S departments to order, secure, and finalize accommodation needs. Ms. Lawrence said that the SFO-H&S office does in fact follow such procedures with worker's compensation matters but because my request had not been workers compensation, the SFO-EEO office handles such, and has an established reputation of being slow to respond and provide for employee requested reasonable accommodations.

On 21 April 2008, I found that my newly ordered chair had been delivered and was in place in my SFAM office. While grateful that all my reasonable accommodation needs were in place three weeks after my return to work, I take exception to the manner in which this request was handled by SFO-EEO. Not only were they disrespectful of my goal to return to work at SFAM fully effective and productive fulfilling my job responsibilities from day one, SFO-EEO was callous towards how such delays providing the requested reasonable accommodations exacerbated my medical condition. Equally disturbing and egregious was how SFO-EEO caused further strain on an already difficult situation with my supervisor. SFO-EEO was aware of the discrimination complaint filed by Knudsen due to her supervisor's November 2007 denial of reasonable accommodations, and despite such, SFO-EEO suggested throughout the handling of the March 2008 reasonable accommodation request working a part-time schedule or not working at all until the accommodations were in place, an unrealistic option, underscoring SFO-EEO lack of judgment and sensitivity to the issues involved.

I file this complaint against SFO-EEO not only because of my own experience with SFO-EEO with how they handled my March 2008 reasonable accommodation request but also so that future SFO employees with reasonable accommodation needs will not be subjected to like circumstances and treatment from SFO-EEO.

Transcript

RECEIVED  
CITY & COUNTY OF SAN FRANCISCO  
MAR 13 2007  
AIRPORT COMMISSION  
EEO & DIVERSITY PROGRAMS

Date Rec'd:

REQUEST FOR REASONABLE ACCOMMODATION

KNUDSEN SONIA  
Last Name First Name  
Address City 14 Zip  
Social Security Number 6878216700  
Work Phone Home Phone

It is the policy of the City and County of San Francisco to provide reasonable accommodations to qualified individuals with disabilities in accordance with the Americans with Disabilities Act and the Fair Employment and Housing Act. You may be required to provide documentation in support of your request.

1. Current Position:  
Class: 3546 Title: LOCATOR IV ADMINISTRATION  
Dept. SF AIRPORT Section: MUSEUM

2. Reasonable Accommodation Request:

What type of accommodation do you need?

- Modified work schedule  Removal of communications barrier  Job Restructuring
 Change in procedure  Purchase of assistive services  Reassignment
 Purchase assistive device  Removal of architectural barrier  Other:

Please describe the accommodation: ECONOMIC STANDARDIZATION FOR WORK STATION
PHONE HEADSET BOOK STAND DRAFTING TABLE...
WORK SCHEDULE TO INCLUDE 1 TO 3 MINUTE BREAKS EVERY 15 TO 30 MINUTES AS APPLICABLE, POSSIBLE TELECOMMUTING

Please explain how you believe this accommodation will enable you to perform the essential functions of your position: BY IMPLEMENTING THESE PREVENTATIVE MEASURES, FATIGUE, MUSCLE SPASMS PAIN, AND OVER EXERTION CAN BE MINIMIZED AND AVOIDED. ENSURING ESSENTIAL JOB FUNCTIONS CAN BE PERFORMED.

3. Essential Job Duties of Your Position:

Please identify the essential job duties (do not include marginal duties) of your position for which you are requesting an accommodation.

- 1. COMPUTER WORK
2. REVIEWING PROOFREADING EDITING GENERATING TAPER WORK FORM
3. FACILITY MANAGEMENT OF OFFICE STORAGE AND CORRESPOND
4. MEETINGS AND APPOINTMENTS EXHIBITION SITES

4. Health Care Provider:

Please provide us with the name of your health care provider(s) who can assist in this request. If you have additional providers who also have information on this matter, please list that information on the back of this sheet:

Name: DR LEFKOS AFTONOMOS
Address: MILLS PENINSULA HEALTH SERVICES 100 S. SAN MATEO DRIVE, ST. 23 SAN MATEO CA 9
Phone: 650 6964300 Specialty: NEUROLOGIST
PHYSIOTHERAPY
REHABILITATION



MEDICAL AUTHORIZATION AND RELEASE

TO WHOM IT MAY CONCERN:

Pursuant to my request for reasonable accommodation under the Americans with Disabilities Act and the Fair Employment and Housing Act, my employer is authorized to determine whether I have a physical or mental impairment which limits a major life activity, to determine what restrictions I have that impact the duties of my position and to evaluate the effectiveness of possible reasonable accommodations.

I hereby authorize and direct you, your operation, its Custodian of Records and/or person in your employ to release medical information relating to my request for reasonable accommodation to my employer, in the format of the Health Care Provider Certification Form provided by my employer (pursuant to the Medical Confidentiality Act, Civil Code Section 56, et seq). This medical information may be released to any authorized representative of the City and County of San Francisco bearing this release or a photocopy thereof, in order to evaluate my request for reasonable accommodation.

I do hereby request that the Health Care Provider Certification Form be completed as fully and completely as possible.

I do hereby release and hold harmless you, your organization or company, your officers, agents, employees, or independent contractors from any liability or damages, and I do hereby waive all claims or causes of action against you, your organization or company, your officers, agents, employees or independent contractors, which may result from furnishing the requested information.

This authorization to release my medical records will expire ninety (90) days after the date signed. I have been advised that I have the right to receive a copy of this authorization.

Name (print): SONYA KAUSDEN DOB: 7/7/61 SSN:                       
Address: ~~2000 BAYVIEW AVENUE~~  
~~EMERYVILLE CA 94608~~ Phone (w): 650 821 6780  
Phone (h): ~~415 771 0125~~  
Class/Title: 3546 CURATOR II Department: SF AIRPORT MUSEUMS  
ADMINISTRATION  
Signature: Sonya K Kauden Date: 3/16/08

# HEALTH CARE PROVIDER CERTIFICATION FORM

The following individual has identified him/herself as your patient:

KNUDSEN SONYA \_\_\_\_\_  
Last First Social Security No./Patient ID

This person has requested your assistance in determining whether he or she is eligible for coverage under the Americans with Disabilities Act and the Fair Employment and Housing Act. This person is seeking to be classified as a "Qualified Individual with a Disability" under the law. Attached is the employee's medical release. Please complete this form to the best of your ability. Your evaluation should be based on your understanding of a particular position's functions and your patient's capability to perform those functions.

Date of your last examination of this individual: 3-10-2008

### Major Life Activities

Does this person have a medical condition which limits one or more of his/her major life activities?

yes  no

If "yes", the major life activity/activities affected is/are:

- Walking
- Talking
- Breathing
- Performing Manual Tasks
- Seeing
- Working
- Hearing
- Learning
- Caring for Oneself
- Other: \_\_\_\_\_

Please describe how the above activities are limited: pain with prolonged/sustained UE use

### Medical Condition

Is this medical condition temporary? Yes  No

If yes, please state the expected duration of this condition: 6 months

### Reasonable Accommodation Request

Please identify what type of reasonable accommodation you would recommend for this patient:

- Purchase of Assistive Device(s): Ergonomic Assessment/modification work station
- Job Restructuring: \_\_\_\_\_
- Reassignment to Another Position: \_\_\_\_\_
- Removal of Architectural Barrier: \_\_\_\_\_
- Purchase of Assistive Services: \_\_\_\_\_
- Modified Work Schedule: 1-3 min breaks every 30 min of continuous work to stretch
- Removal of Communications Barrier: \_\_\_\_\_



Other: \_\_\_\_\_

Is this accommodation necessary to this patient's medical condition?  yes  no

Explain: continued prolonged/sustained or uninterrupted  
upper extremity work will cause more pain

Please indicate how this accommodation would enable this patient to perform the essential functions of his/her position: See above

**Essential Functions Determination**

Review and complete the attached essential functions guide of the employee's position. Please specifically identify if this person can perform each essential function.

I, the undersigned health care provider, certify that the information provided concerning Sonja Knudson is complete and accurate to the best of my knowledge. In signing this form, I understand and have agreed to answer in a timely manner, the employer's questions as to the basis of the statements made on this form. I understand that my cooperation is necessary for the employer to make an accurate decision on my patient's request for a reasonable accommodation under the Americans with Disabilities Act and the Fair Employment and Housing Act.

Coltos Afonamos  
Health Care Provider's Signature

Coltos Afonamos  
Print Name

3-13-2008

Date

G237819

License No.

**Note:** If there is a need for further clarification on this information, you may be contacted by a personnel representative.



FITNESS FOR DUTY TO RETURN FROM LEAVE CERTIFICATION

An employee on Family and Medical Leave<sup>1</sup> because of his/her own serious medical condition must present this release to his/her supervisor prior to or on the day he/she returns to work. An employee may not work without this release.

TO: Health Care Provider

Our employee, SONYA KNUDSEN, began a period of medical care leave for his/her serious health condition on 3/14/07.  
(date employee commenced leave)

As a condition of return to work, the employee must have a medical examination. This form must be completed by you, as his/her health care provider, before the employee is allowed to resume his/her job duties.

- 1. Employee Name: SONYA KNUDSEN
- 2. Employee's Job Title: CURATOR ADMINISTRATION
- 3. Date of Medical Examination: 3/10/08
- 4. Date employee may return from leave 4/02/08
- 5. Please indicate with a check mark the status of the employee's release for duty.

- Full, unrestricted duty. (Skip question 6 and proceed to item 7.)
- Modified duty. (Complete question 6.)
- Not released for any type of duty. (Go to item 7.)

- 6. If you are releasing the employee to modified duty, you must complete the following:
  - a. Estimated date that employee will be able to return to full, unrestricted duty:
  - b. Date of your next medical evaluation of the employee:  
3/17/08
  - c. Indicate the exact work restrictions which apply to the employee at this time on the chart on the back of this form.

<sup>1</sup> Refers to both Federal and State Leaves under the Family Medical Leave Act and the California Family Rights Act.

EMPLOYEE NAME: SINYA KNUDSEN

(Complete this section if the employee is being released to modified duty.)

PHYSICAL EXAMINATIONS	FULL RESTRICTIONS	PARTIAL RESTRICTIONS	NO RESTRICTIONS
Sedentary-Lifting 0 to 10 pounds			✓
Light-Lifting 10 to 20 pounds		✓	
Moderate-Lifting 20 to 50 pounds		✓	
Heavy-Lifting 50 to 100 pounds	✓		
Pulling/Pushing, Carrying		✓	
Reaching or working above shoulder		✓	
Walking (hrs)			✓
Standing (hrs)			✓
Sitting (hrs)		✓	
Stooping (hrs)		✓	
Kneeling (hrs)		✓	
Repeated Bending (hrs)		✓	
Climbing (hrs)		✓	
Operating a motor vehicle, crane, tractor, etc.		✓	
Other: <u>Keyboard, telephone</u>		✓	
Exposure Limitation (Specify):			

7. I hereby certify that the foregoing facts are true and correct, and that this form is executed under penalty of perjury at San Mateo CA, this 13 day of March 2008.  
(List City and State) (month) (year)

[Signature]  
 Signature of Health Care Provider

3 13 2008  
 Date

Leftos Antoninos  
 Print Name of Health Care Provider

650 646 4300  
 Phone Number

MD  
 Type of Practice

637819  
 License No.

100 S San Mateo Dr  
 Address

San Mateo CA 94401  
 City State Zip

cc: Personnel File

From: Veronica Davis (Veronica.Davis@flysf0.com)  
To: Susan Kim  
Date: Thursday, March 13, 2008 2:00:15 PM  
Subject: ADA Request

Good morning Susan:

I had a meeting mid day with Sonya Knudsen. Sonya had scheduled a meeting with me to discuss another unrelated matter, however, in the course of our discussion she mentioned needing to participate in the ADA process.

Prior to our meeting, she received guidance by her Union, contacted 44 Gough Street to receive ADA information and attempted to file with DHR. She said DHR told her to go online, and retrieve the forms and then contact Airport HR.

I shared with Sonya that you were the ADA Coordinator, could provide her guidance on this process, and that I would inform you of her request.

Sonya's contact number is (650) 400-6164.

Thanks Susan.

Veronica M. Davis  
Senior Labor Relations Analyst  
Airport Commission Human Resources  
(650) 821-2072

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s), and may contain confidential and/or privileged information. Any review, use, disclosure, or distribution by persons or entities other than the intended recipient(s) is prohibited. If you are not the intended recipient, please notify the sender by replying and destroy all copies (electronic or otherwise) of the original message.

Thank you for your cooperation.

From: sknudsen  
To: susan.kim@flysfo.com  
Date: Wednesday, March 19, 2008 12:19:16 PM  
Subject: request for reasonable accommodation

Dear Ms. Kim,

Thank for your time to meet today at 10:00 AM re my reasonable accommodation request (seven pages) I had submitted to you at SFO/EEO-ADA on 13 March 2008.

To reiterate our subsequent phone conversation just before noon you confirmed that:

- you would obtain a description of my essential work duties and work site assessment from my supervisor at the San Francisco Airport Museums and SFO's Health and Safety on 24 March 2008, and

- you would fax to my doctor, Dr. Lefkos Aftonomos (with faxed copies to me) on either 25 or 26 March 2008 the above essential work duties, site assessment, and ADA paperwork for him to fill out and return.

Many thanks,

Sonya Knudsen  
650-343-6540 phone  
650-343-5701 fax  
650-400-6164 cell

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Post-it® Fax Note 7671		Date 3/25/08	# of pages 11
To Sonya Knudsen	From WAM Kim		
Co./Dept personal fax	Co. AIR-EEO		
Phone # 650.343.6540	Phone # 650.821.3592		
Fax # 650.343.5701	Fax # 650.821.3595		

San Francisco International Airport

P.O. Box 8097  
 San Francisco, CA 94128  
 Tel 650.821.5000  
 Fax 650.821.5005  
 www.flysfo.com

March 25, 2008

VIA CERTIFIED MAIL & FACSIMILE

Dr. Lefkos Aftonomos  
 100 South San Mateo Drive  
 San Mateo, CA 94401

AIRPORT  
 COMMISSION  
 CITY AND COUNTY  
 OF SAN FRANCISCO

GAVIN NEWSOM  
 MAYOR

LARRY MAZZOLA  
 PRESIDENT

LINDA S. CRAYTON  
 VICE PRESIDENT

CARYL ITO

ELEANOR JOHNS

RICHARD J. GUGGENHIME

JOHN L. MARTIN  
 AIRPORT DIRECTOR

Re: Sonya Knudsen, 3546 Curator IV  
 Disability Accommodation Request

Dear Dr. Aftonomos:

The above-referenced employee has requested an accommodation under the Federal Americans with Disabilities Act and the California Fair Employment and Housing Act to enable her to perform the essential functions of her position. The employee has identified you as the health care provider who is treating the medical condition for which she is seeking accommodation. For the City to evaluate this request, we need to determine if this employee has a physical or mental impairment that limits a major life activity. If the employee has such a condition, we then need to determine what medical restrictions, if any, this employee has that affect her ability to perform the essential functions of her job. Finally, we will need to evaluate the effectiveness of any proposed accommodation.

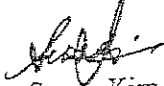
To make these determinations, we request your assistance. Please complete the two enclosed forms: (1) the Health Care Provider Certification Form (only if you have additional information to add to your March 13, 2008 completed form, see attached), and the (2) Essential Functions Guide. As you can see, in this latter form, I have listed the essential functions of the employee's current position and ask that you indicate whether the employee can perform a particular function, with or without accommodation. Should you believe no accommodation exists which would enable the employee to perform the essential functions of her current position, please so indicate.

Additionally, I have also enclosed the employee's signed medical release and a copy of her accommodation request.

Thank you for taking the time to complete these forms. Because the employee is scheduled to return to work on April 2, 2008, the Department respectfully requests that you submit your response by fax to (650) 821-3595 on or before Friday, March 28, 2008. Should you have any questions or require more time, please phone me at (650) 821-3592.

Thank you again for your anticipated cooperation.

Sincerely,



Susan Kim  
Assistant Manager  
EEO Programs

Enclosures:

Health Care Provider Certification Form  
Copy of completed Health Care Provider Certification Form (signed 3/13/08)  
Essential Functions Guide (including list of employee's essential functions)  
Employee's signed Medical Release  
Employee's Accommodation Request  
Stamped, Self-addressed Return Envelope

cc: Sonya Knudsen  
Gloria Louie, EEO Director  
Reasonable Accommodation File

# HEALTH CARE PROVIDER CERTIFICATION FORM

Sonya Knudsen  
Employee's Name

~~XXXXXXXXXX~~  
Social Security No./Patient ID

The above-referenced individual has identified you as the health care provider who is treating the medical condition for which he/she is seeking reasonable accommodation. Attached is the employee's signed medical release. Please complete this certification form and the essential functions guide and return it in the envelope provided. Please write legibly; if clarification is needed, a personnel representative will contact you. Thank you again for your assistance.

To discuss this matter, I am requesting that a department representative contact me by phone at (650) 821-3592.

Date of your last examination of this individual: \_\_\_\_\_

### A. Major Life Activities

1. Does this person have a medical condition, which makes one or more of his/her major life activity/activities<sup>1</sup> difficult to perform?

Yes

No

2. If yes, the major life activity/activities affected is/are: \_\_\_\_\_

Yes

No

### B. Duration of Medical Condition

1. Is this medical condition temporary?

Yes \_\_\_\_\_

No \_\_\_\_\_

2. If yes, please state the expected duration of this condition: \_\_\_\_\_

### C. Medical Restrictions

1. Please list the medical restriction(s) that make the major life activity/activities difficult to perform. Please be as specific as possible by listing duration and extent of the restriction (e.g., cannot lift over 50 pounds; unable to stand for more than 1 hour; unable to walk for more than 1 block; unable to work more than 6 hours/day; unable to perform multiple projects simultaneously):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>1</sup> Major life activities include, but are not limited to, walking, talking, breathing, seeing, hearing, lifting, caring for oneself, learning, thinking, concentrating, interacting with others, speaking, performing manual tasks, reading, sitting, and working.



D. Reasonable Accommodation Request

1. Please specify what type of accommodation you would recommend for this patient:

- Purchase of Assistive Device(s): \_\_\_\_\_
- Job Restructuring: \_\_\_\_\_
- Reassignment to Another Position: \_\_\_\_\_
- Removal of Architectural Barrier: \_\_\_\_\_
- Purchase of Assistive Services: \_\_\_\_\_
- Modified Work Schedule: \_\_\_\_\_
- Removal of Communications Barrier: \_\_\_\_\_
- Other: \_\_\_\_\_

2. Does the employee's medical condition necessitate this proposed accommodation?

Yes

No

Explain: \_\_\_\_\_

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3. Does this proposed accommodation enable this patient to perform the essential functions of his/her position?

Yes

No

Explain: \_\_\_\_\_

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ESSENTIAL FUNCTIONS GUIDE

For each essential function listed, please check if this person can perform that function, with or without accommodation, or not at all. If you indicate that an accommodation is needed, please specify the accommodation.

Name of Employee: Sonya Knudsen Department Museums  
 Class 3546 Title Curator IV  
 Work Shift, if applicable: Compressed 9/8 schedule (over a two week period, employee works eight 9-hour days, one 8-hour day, with alternating Fridays off); shift begins at 7:00 a.m.

General Description of Position:

Under general administrative direction, plans and directs the activities of a special department of the museum; plans, assigns and supervises the activities of subordinate personnel engaged in assisting with such work; and performs related duties as required. Requires responsibility for: developing, coordinating and carrying out policies and procedures relative to the operations of special phases of museum activities; making regular personal contacts with outside organizations, professional personnel and the general public in connection with assigned museum activities and operations; preparing and maintaining operational records and reports relating to the assigned activities.

Essential Function	Able to Perform without an accommodation.	Able to Perform with an accommodation. (Identify Below)	Unable to Perform with or without an accommodation.
1. Sitting, 5-6 hours daily			
2. Walking, 1-2 hours daily			
3. Standing, 1-2 hours daily			
4. Repetitive Use of Hands: dominant hand (either left/right) - up to 6 hours daily; non-dominant hand - up to 4 hours daily; use of both left and right hands - up to 4 hours daily; no simple grasping of both right & left hand, up to 2 hours daily; up to 2 hours daily for both right/left hand - power grasping, fine dexterity			
5. Grasping: left/right/both (simple/light) - up to 2 hours daily; left/right/both (firm/strong) - up to 2 hours daily			
6. Fine Dexterity: left/right/both - up to 2 hours daily			
7. Other Activities: Up to 2 hours daily - kneeling, bending over, reaching overhead, crouching, balancing, pushing or pulling, bending (neck)			
8. Lifting or Carrying: Up to 2 hours daily (10-25 lbs); up to 2 hours daily (26-50 lbs), though on rare occasion			
9. Job requires driving a motor vehicle (i.e., car) to scheduled meetings.			
10. Job requires working around office equipment & machinery.			

As to each essential function for which the individual seeks an accommodation, please identify your recommended accommodation.

*I, the undersigned health care provider, certify that the information I have provided regarding the above-referenced individual is complete and accurate to the best of my knowledge. I understand that my cooperation is necessary for the employer to make an accurate determination regarding my patient's reasonable accommodation request.*

_____	_____
<i>Health Care Provider's Signature</i>	<i>Date</i>
_____	_____
<i>Print Name</i>	<i>License No.</i>
_____	_____
<i>Phone Number</i>	<i>Area of Practice</i>

### HEALTH CARE PROVIDER CERTIFICATION FORM

The following individual has identified him/herself as your patient:

KNUDSEN      SINHA      \_\_\_\_\_  
 Last                      First                      Social Security No./Patient ID

This person has requested your assistance in determining whether he or she is eligible for coverage under the Americans with Disabilities Act and the Fair Employment and Housing Act. This person is seeking to be classified as a "Qualified Individual with a Disability" under the law. Attached is the employee's medical release. Please complete this form to the best of your ability. Your evaluation should be based on your understanding of a particular position's functions and your patient's capability to perform those functions.

Date of your last examination of this individual: 3-10-2008

#### Major Life Activities

Does this person have a medical condition which limits one or more of his/her major life activities?

yes  no

If "yes", the major life activity/activities affected is/are:

- Walking     Talking     Breathing     Performing Manual Tasks     Seeing  
 Working     Hearing     Learning     Caring for Oneself     Other: \_\_\_\_\_

Please describe how the above activities are limited: pain with prolonged/sustained use

#### Medical Condition

Is this medical condition temporary? Yes  No

If yes, please state the expected duration of this condition: 6 months

#### Reasonable Accommodation Request

Please identify what type of reasonable accommodation you would recommend for this patient:

- Purchase of Assistive Device(s): Ergonomic Ass. Mouse/Multitouch  
 Job Restructuring: \_\_\_\_\_  
 Reassignment to Another Position: \_\_\_\_\_  
 Removal of Architectural Barrier: \_\_\_\_\_  
 Purchase of Assistive Services: \_\_\_\_\_  
 Modified Work Schedule: 1-3 hour blocks every 30 min  
 Removal of Communications Barrier: Business week to Saturday

Other: \_\_\_\_\_

Is this accommodation necessary to this patient's medical condition?  yes  no  
Explain: Contributed prolonged/sustained or limited/intermittent  
higher frequency work with cancer care plan.

Please indicate how this accommodation would enable this patient to perform the essential functions of his/her position: See above

**Essential Functions Determination**

Review and complete the attached essential functions guide of the employee's position. Please specifically identify if this person can perform each essential function.

*I, the undersigned health care provider, certify that the information provided concerning Scott K. Vidler is complete and accurate to the best of my knowledge. In signing this form, I understand and have agreed to answer in a timely manner, the employer's questions as to the basis of the statements made on this form. I understand that my cooperation is necessary for the employer to make an accurate decision on my patient's request for a reasonable accommodation under the Americans with Disabilities Act and the Fair Employment and Housing Act.*

<u>[Signature]</u>	<u>3.13.2008</u>
Health Care Provider's Signature	Date
<u>Scott K. Vidler</u>	<u>0237119</u>
Print Name	License No.

**Note:** If there is a need for further clarification on this information, you may be contacted by a personnel representative.

MEDICAL AUTHORIZATION AND RELEASE

TO WHOM IT MAY CONCERN:

Pursuant to my request for reasonable accommodation under the Americans with Disabilities Act and the Fair Employment and Housing Act, my employer is authorized to determine whether I have a physical or mental impairment which limits a major life activity, to determine what restrictions I have that impact the duties of my position and to evaluate the effectiveness of possible reasonable accommodations.

I hereby authorize and direct you, your operation, its Custodian of Records and/or person in your employ to release medical information relating to my request for reasonable accommodation to my employer, in the format of the Health Care Provider Certification Form provided by my employer (pursuant to the Medical Confidentiality Act, Civil Code Section 56, et seq). This medical information may be released to any authorized representative of the City and County of San Francisco bearing this release or a photocopy thereof, in order to evaluate my request for reasonable accommodation.

I do hereby request that the Health Care Provider Certification Form be completed as fully and completely as possible.

I do hereby release and hold harmless you, your organization or company, your officers, agents, employees, or independent contractors from any liability or damages, and I do hereby waive all claims or causes of action against you, your organization or company, your officers, agents, employees or independent contractors, which may result from furnishing the requested information.

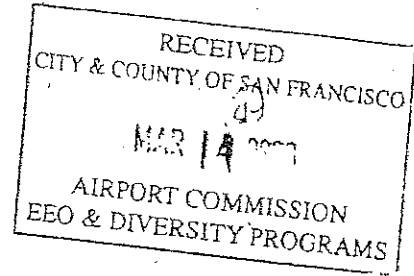
This authorization to release my medical records will expire ninety (90) days after the date signed. I have been advised that I have the right to receive a copy of this authorization.

Name (print): SONYA KNUDSEN DOB: 7/7/61 SSN: \_\_\_\_\_

Address: ~~2100 WASHINGTON BLVD~~  
~~LA ALBANY~~ Phone (w): 650 221 6760  
Phone (h): \_\_\_\_\_

Class/Title: 3546 CLERK IV Department: SF AIRPORT SERVICES  
ADMINISTRATION

Signature: Sonya Knudsen Date: 3/18/08



Date Rec'd:

REQUEST FOR REASONABLE ACCOMMODATION

K. NUNSEN SECRET  
 Last Name First Name  
 Social Security Number [REDACTED]  
 Address [REDACTED] City [REDACTED] Zip [REDACTED]  
 Work Phone [REDACTED] Home Phone [REDACTED]

It is the policy of the City and County of San Francisco to provide reasonable accommodations to qualified individuals with disabilities in accordance with the Americans with Disabilities Act and the Fair Employment and Housing Act. You may be required to provide documentation in support of your request.

1. Current Position:  
 Class: 3546 Title: COMPUTER ADMINISTRATOR  
 Dept: SF AIRPORT Section: (MIS-20)

2. Reasonable Accommodation Request:

What type of accommodation do you need?

- Modified work schedule
- Removal of communications barrier
- Job Restructuring
- Change in procedure
- Purchase of assistive services
- Reassignment
- Purchase assistive device
- Removal of architectural barrier
- Other:

ECG/ERGONOMIC STANDARDIZATION FOR WORK STATION  
 WORK SCHEDULE TO INCLUDE 1 TO 3 MINUTE BREAKS EVERY 15 TO 30 MINUTES AS APPLICABLE, POSSIBLE TELECOMMUTING

Please explain how you believe this accommodation will enable you to perform the essential functions of your position: BY IMPLEMENTING THESE PREVENTATIVE MEASURES, FATIGUE, MUSCLE SPASMS, PAIN, AND OVER EXERTION CAN BE MINIMIZED AND AVOIDED, ENSURING ESSENTIAL JOB FUNCTIONS CAN BE PERFORMED.

3. Essential Job Duties of Your Position:

Please identify the essential job duties (do not include marginal duties) of your position for which you are requesting an accommodation.

1. COMPUTER WORK
2. REVIEWING PROOFREADING, EDITING, GENERATING PAPERWORK FORMS
3. FACILITY MANAGEMENT OF OFFICE STORAGE AND CORRESPONDENCE
4. MEETINGS AND APPOINTMENTS COLLABORATION SITES

4. Health Care Provider:

Please provide us with the name of your health care provider(s) who can assist in this request. If you have additional providers who also have information on this matter, please list that information on the back of this sheet:

Name: DR LEFKOS APTON D.M.D.  
 Address: HILLS PENINSULA HEALTH SERVICES 100 S. SAN ANATEO DRIVE, ST. 2321  
 Phone: 350 6964300 Specialty: NEUROLOGIST SAN ANATEO CA 94961  
PHYSIOTHERAPY  
REHABILITATION

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Specialty: \_\_\_\_\_

**5. Major Life Activities:**

Please check those major life activities you believe to be limited by your medical condition(s):

- Walking     Breathing     Seeing     Caring for Oneself     Working  
 Talking     Hearing     Learning     Performing Manual Tasks     Other:

WALKING  
 SITTING  
 STANDING  
 LIFTING

Please describe how the above activities are limited: OVER EXERTION AND PROLONGED DURATION AT ANY GIVEN TASK CAUSES FATIGUE, MUSCLE SPASMS, PAIN AND STIFFNESS, HEADACHES, NUMBNESS

6. Is your medical condition temporary?  Yes  No

If yes, please state the expected duration: SIX MONTHS AND LONGER

7. Are you currently working?  Yes  No

If no, please specify the type of leave currently approved: FMLA/SICK LEAVE  
 If no, when do you expect to return to work? 2 APRIL 2008

8. Have you applied previously for a reasonable accommodation within the City?

Yes  No If yes, please explain the status/circumstances:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Please note that this information will be maintained in a separate confidential file from your personnel file and access will be limited only to those with a need-to-know.

I hereby certify that I believe I am a qualified individual with a disability as defined by the law. I have received and reviewed the information brochure and require an accommodation in order to perform the essential functions of my position. I understand that a detailed review of my disability status will be required and I agree to cooperate fully in this process. I further understand that if my request is granted, I am obligated to report any changes in my disability status which may require a re-evaluation of this request. Granting of this request does not signify approval of any future reasonable accommodation request for any other position within this department or any other department within the City and County of San Francisco.

[Signature]  
 Signature

3/12/08  
 Date





19, 2008 meeting, it may also be helpful to download and utilize the Stretch Break Software found on the SFO intranet. To access this program:

- 1) Go to the SFO intranet;
- 2) Click link to "Safety & Health" under "Administration";
- 3) Find and place cursor on "Computer Training" at left column, selecting and clicking "Stretch Break."

From here, you can read about the benefits of using this program, as well as obtain specific downloading instructions. For your convenience, I have enclosed the downloading instructions with this letter, see attached.

By electing to use your break time as described, please remember you will be responsible for self-monitoring your time to ensure you are complying with the allotted (paid) 15-minute morning and afternoon break time limitations. Of course, the break conditions discussed above do not apply to short restroom breaks taken throughout your workday.

## 2. Telecommuting

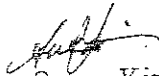
The Airport reviews all telecommuting requests on a case-by-case basis. After conferring with your manager, it is the Department's understanding that the duties and responsibilities of your job require you to be at work to plan and supervise special projects and activities, as assigned. You may, of course, use your accumulated sick time on occasions when you feel too ill to report to work.

## 3. Lifting/Carrying Assistance

Per your doctor's recommendation, assistance will be available to you when required to lift/carry over 25 lbs. Please know it is your responsibility, however, to request assistance when needed.

Upon completion of your ergonomic evaluation, the assigned ergonomist will issue an assessment report. The Department will review the report and carefully consider the ergonomic recommendations stated therein. Should you have any questions at this time, please do not hesitate to contact me at (650) 821-3592.

Sincerely,



Susan Kim  
Assistant Manager  
EEO Programs

Enclosures: Instructions for Stretch Break

cc: Gloria Louie, EEO Director  
Blake Summers, Museums  
Reasonable Accommodation File

**SAFETY AND HEALTH**

sfo.com

**Stretch Break**

Asbestos  
Computer Training  
Forms/Checklists  
Job Safe Practices  
Medical Monitoring  
Committee Meetings  
Policies/Procedures  
Tailgate Information  
Training Information  
Workers' Comp

Contact us  
Links to other sites  
MSDS Links  
Infection Control  
Emergency  
Preparedness

Admin Home

Feeling stiff and sore because of computer use? Stretch Break reminds you to stretch. Then shows you how! As an employee of the San Francisco International Airport, you can download this software for free. Just follow the download instructions below.

A team of health care professionals developed Stretch Break to increase circulation, relieve tension, boost your energy level, and help guard against Repetitive Strain Injuries. Once installed on your hard drive, Stretch Break gently reminds you to take periodic breaks while using your computer. You are invited to perform a series of low-impact stretches illustrated on the screen. Then Stretch Break returns you to your current Windows application.

Stretch Break is simple. With one mouse click, you begin stretching with the figure on the screen, or you can delay or cancel the stretches.

Stretch Break is flexible. You select how long to wait between stretch sessions and how many stretches per session (defaults are 30 minutes and 3 stretches). Each stretch lasts for 15 to 25 seconds, so you are back to work in one or two minutes.

Surveyed Stretch Break users report reduced stress levels, greater awareness of the need to take breaks, greater awareness of ergonomic issues, and reduced stiffness and muscle ache.

**How to download Stretch Break:**

**Please print downloading instructions before beginning download.**

1. Click on this link to download the Stretch Break program. A pop-up window will appear and will ask you if you would like to open the file or save it to your computer? Click open. Another window will appear, welcoming you to Stretch Break. Click ok. Continue with downloading the program by clicking on Next 4x. The program has been successfully installed.
2. You will be asked if you would like to read the README.TXT file now? Click No.
3. Would you like to view thumbnail sketches of all stretches and Ergo reminders? Click No.
4. Would you like to start Stretch Break now? Click Yes.

A window will appear on your screen. Click on options to schedule the frequency and number of stretches. We recommend starting out at 45-minute intervals and 3 stretches per session. You can tailor the schedule and frequency to your own needs. Click on OK. You now have installed Stretch Break! Good luck and stay healthy.

If you have questions on the download, please contact the Safety and Health Department at 821-5907.

San Francisco International Airport

Sonya Knudsen  
04/04/2008 07:23 AM

To: Susan.Kim/SFO/CCSF@CCSF  
cc: Audrey.Lawrence/SFO/CCSF@CCSF  
Subject: ADA request

Susan,

To reiterate our phone conversation yesterday afternoon, the following is a status report and aspects that remain outstanding re my 13 March request for reasonable accommodations and ergonomic standardization in my Airport Museums work office at 670 West Field Road.

1. Computer work station

- existing desk to be modified by SFO Carpentry, waiting for site visit, scope and duration of work and finish date yet tbd
- keyboard tray drawer to be fitted to above desk by SFO Carpentry; currently using keyboard on my lap
- computer monitor raised in height by placing on one stack of paper, final placement dependent on above
- metal document stand provided by SFO H&S, placed in front of computer monitor

2. Drafting table for reading, editing, writing documents

- wood book/document stand provided by H&S being used on temporary basis, placed on secondary desk on riser to bring height up to adequate level. Per my request, H&S came by for site visit yesterday, and know of need for larger work area, more adjustments needed for height, angle, etc. H&S project drafting table or like type will be solution, and will provide update re options

3. Chair

- On 2 April went to various offices in Engineering Building with H&S to review chair options, none of which were appropriate. My existing office chair is adequate for needed upper back support but per H&S inadequate re leg support. H&S said next chair fair at SFO was in August but that vendor's office was in San Francisco and San Leandro and suggested site visit.

4. Phone

- Ear headset installed yesterday afternoon, in use.

I look forward to hearing from you today re the above, your projection of duration and timelines to provide for my reasonable accommodations needs, and options re my work schedule. With your assurance that requested accommodations would be in place, or shortly after the SFO Health & Safety (H&S) ergonomic assessment, I returned from sick leave on 2 April to a full-time, compressed work schedule. As mentioned, the current work site causes me discomfort and is unbearable and inadequate long-term. Further, the current work site and above modifications needed impact and hamper my ability to fulfill my job duties and responsibilities. Many thanks for your attention to addressing and resolving my reasonable accommodation needs.

Sonya Knudsen  
Curator in Charge, Administration  
San Francisco Airport Museums  
650.821.6726 direct line  
650.821.6777 fax  
sonya.k@sfoarts.org



Lily Lau

04/04/2008 09:45 AM

To: Sonya Knudsen/SFO/CCSF@CCSF  
cc: Robin Anthony/SFO/CCSF@CCSF  
Subject: Chair vendors list

FYI:

Per your request, here is the chair vendors list.



CHAIR ordering & vendors.doc

Thank you,

Lily Lau  
SFO - Safety & Health  
(Phone) 650-821-5504  
(Fax) 650-821-5596

ERGONOMIC CHAIR INFORMATION SHEET

SAN FRANCISCO INTERNATIONAL AIRPORT  
CITY AND COUNTY OF SAN FRANCISCO

Steps for Selecting and Ordering a Chair

➤ 1. Obtain approval from your supervisor. All employees using a computer more than 4 hours per day should have a chair that complies with the San Francisco VDT ordinance (see table below).

➤ 2. Review the requirements for an ergonomic chair, and the recommendations in the handout entitled "What is a "Perfect" Chair?" Determine whether you should get a chair that is best suited for a forward, upright, or reclining posture.

➤ 3. Visit an approved chair vendor. You can contact the vendor to make an appointment.

➤ 4. With the help of a vendor representative, select a chair appropriate for you and your work. When selecting your chair, be sure to consider any recommendations made by the Safety Office as listed in your ergonomic evaluation.

➤ 5. Obtain a written price quotation from the vendor, including delivery costs.

➤ 6. Process the paperwork as a Proposition Q purchase.  
Note: The Safety Dept does not purchase ergonomic chairs. Funding should come out of your departmental budget for ergonomic equipment.

Summary of Chair Specification Requirements

San Francisco VDT Ordinance

- ✓ Seating shall conform with ANSI/SFS Standard No. 100-1988, Section 8.7, or:
- ✓ Seat pans and backrests of chairs shall be upholstered with moisture absorbing material. The upholstery shall be compressible at a minimum ~ 0.5-1 inch.
- ✓ Seat pans shall be adjustable for height and angle.
- ✓ Backrests shall be adjustable for height and to a position behind and forward of the vertical position.
- ✓ Chairs shall be capable of being swiveled by the user.
- ✓ Armrests shall be provided upon the request of the operator.

✓ The adjustment mechanism for adjustable chair seat pans shall be operable by the user from a seated position. The adjustable mechanism for adjustable chair backrests shall be easily operable by the user.



## Approved Chair Vendors

The Chair Place

531 Bryant Street, San Francisco, CA 94107

Phone: (415) 278-9640; Fax: (415) 278-9741

Contact Person: Alan Kent

Please call the company to verify their business hours before visiting

Business Hours: M-Th 10:00-5:30PM  
Friday 10:00-5:00PM

Last updated 9/2/05

Corner Office

1045 Sansome Street, Suite 100

San Francisco, CA

Phone: (415) 362-5595

<http://www.corneroffice.com>

Contact Person: Bill Secor

Please call the company to verify their business hours before visiting

Business Hours: M- F 8:30-5:00PM

Last update 9/2/05

### Office Relief, Inc.

436 McCormick Street, San Leandro, CA 94577

Phone: (510) 383-1190; Fax: (510) 383-1199

Email: [sales@officerelief.com](mailto:sales@officerelief.com)

<http://www.officerelief.com>

Contact Person: Eric Johnson

Please call the company to verify their business hours before visiting

Business Hours: M - F 8:00 - 5:00pm  
(The showroom is open by appointment only)

More Information

Safety and Health Department

Phone

821-5907

Fax

821-5596

Audrey Lawrence  
Manager, Safety & Health

821-7889

Robin Anthony  
Industrial Hygienist

821-5559

Donna Potts  
Safety Officer

821-2982

Gordon Analla  
Safety Analyst

821-5505

Lily Lau  
Industrial Injury Investigator

821-5504

Torita Mila  
Clerk Typist

821-5907



Susan Kim

04/04/2008 02:58 PM

To: Sonya Knudsen/SFO/CCSF@CCSF  
cc: Gloria.Louie@flysfo.com  
Subject: Re: ADA request

Sonya:

Per our discussion yesterday, I contacted Larry Tuccio from the Carpenters Shop this morning, putting a rush on your work order. I understand that both he and Robin Anthony from Safety assessed your work station this afternoon and that it was agreed the carpenters would work on your keyboard tray and desk adjustments on Monday morning (4/7/08) at 8:30 a.m.

Temporarily, Safety has provided you with a book stand with slant feature for reading, editing, and writing documents. Because you request a larger work area, the Department is currently looking into ordering you a larger version of your ergo desk. In the meantime, you may continue to use the smaller book stand on loan to you.

Because you state your current office chair does not provide adequate leg support, my understanding is that you have agreed to visit The Chair Place in San Francisco to explore your chair options. Please provide a written quote from the store upon selecting a chair meeting your needs. Until a product description and written quote has been received, the Department cannot provide you with an estimated delivery date.

Please know the Department is working expeditiously to put your requested accommodations into place. If, however, you feel your current work site is continuing to cause you great discomfort, it is recommended that you stop working until your desk and chair have been delivered. As I stated to you yesterday, at this time you have the option of taking approved ADA leave until your requested accommodations have been put into place. Should you continue to feel discomfort and decide ADA leave is appropriate, please contact me immediately.

Susan Kim  
EEO Programs  
SFIA  
1x3592

Sonya Knudsen

Sonya Knudsen  
04/04/2008 07:23 AM

To: Susan Kim/SFO/CCSF@CCSF  
cc: Audrey Lawrence/SFO/CCSF@CCSF  
Subject: ADA request

Susan,

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Sonya Knudsen  
Curator in Charge, Administration  
San Francisco Airport Museums  
650.821.6726 direct line  
650.821.6777 fax  
sonya.k@sfoarts.org



Susan Kim

04/07/2008 11:05 AM

To: Sonya Knudsen/SFO/CCSF@CCSF  
cc: Gloria.Louie@flysfo.com  
Subject: Accommodation Request

Good Morning Sonya:

Per my last email, the Department is currently researching vendors who have the larger ergo desk in stock and ready for shipment. Once a timeframe has been established, I will contact you.

I also understand that you will be exploring your chair options either today or tomorrow. Based on your communicated needs, Safety & Health has estimated the chair should cost no more than \$600. Thus, please provide the Department with an equipment price quote for a chair \$600 or less.

If you have any questions, please do not hesitate to phone me at 1x3592.

Susan Kim  
EEO Programs  
SFIA



Susan Kim

04/07/2008 03:38 PM

To: Sonya Knudsen/SFO/CCSF@CCSF  
cc:  
Subject: Reasonable Accommodation Request

Sonya:

The larger Ergo Desk has been ordered and will be shipped out tomorrow. The vendor estimates that it should arrive by the end of the week. Please let me know once you have found a suitable chair and have a price quote in hand.

Thanks,  
Susan Kim  
EEO Programs  
1x3592

Sonya Knudsen  
04/07/2008 04:08 PM

To: Susan Kim/SFO/CCSF@CCSF  
cc: Gloria Louie/SFO/CCSF@CCSF, Blake Summers/SFO/CCSF@CCSF,  
Audrey Lawrence/SFO/CCSF@CCSF  
Subject: Re: Accommodation Request

Hi Susan,

Many thx. for the update. Fyi, SFO Carpentry was in my office this morning and afternoon working on my desk, thus I did not have opportunity to access my computer or see your email until just now. A few updates:

- Carpentry was successful in modifying my desk, inclusive of shifting the base legs, securing and leveling the two desk surfaces to one higher level, and installing a keyboard tray/mouse pad that is able to slide under my desk when not in use.

- Carpentry will come back to my office once the longer bookstand is on site, to make adjustments, if any, re height and angle. Is the bookstand that Robin Anthony, Health & Safety, is ordering the same as the "large ergo desk" you referred to?

- I went to The Chair Place (531 Bryant Street, San Francisco, 415-278-9640) this afternoon and found a chair that fulfills specifications received from SFO Health and Safety and my doctors. I have a written price quotation from the vendor. The RFM Ramers #4295 chair, inclusive of delivery, is \$625, with taxes \$678.13. The vendor has one model in stock and one floor model; ordering the chair is a projected three-week leave time but he assures me that if he receives an authorized purchase order, he can probably deliver the chair in stock much sooner.. Please advise how to proceed. Many thx. S.

Sonya Knudsen  
Curator in Charge, Administration  
San Francisco Airport Museums  
650.821.6726 direct line  
650.821.6773 fax  
sonya.k@sfoarts.org

Susan Kim



Susan Kim  
04/07/2008 11:05 AM

To: Sonya Knudsen/SFO/CCSF@CCSF  
cc: Gloria.Louie@flysfo.com  
Subject: Accommodation Request

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If you have any questions, please do not hesitate to phone me at 1x3592.

Susan Kim  
EEO Programs  
SFIA



Susan Kim

04/08/2008 09:15 AM

To: Sonya Knudsen/SFO/CCSF@CCSF  
cc: Audrey Lawrence/SFO/CCSF@CCSF, Blake Summers/SFO/CCSF@CCSF, Gloria Louie/SFO/CCSF@CCSF  
Subject: Re: Accommodation Request

Sonya:

Thank you for the information. Yes, the larger Ergo Desk I refer to is that which Safety & Health is coordinating the purchase of. As for your chair, S&H has informed me that the requisition form, with price quote attached, will be sent to your Manager for signature and then to accounting for processing.

Susan Kim  
EEO Programs  
SFIA  
1x3592

Sonya Knudsen

Sonya Knudsen  
04/07/2008 04:08 PM

To: Susan Kim/SFO/CCSF@CCSF  
cc: Gloria Louie/SFO/CCSF@CCSF, Blake Summers/SFO/CCSF@CCSF, Audrey Lawrence/SFO/CCSF@CCSF  
Subject: Re: Accommodation Request

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Sonya Knudsen  
Curator in Charge, Administration  
San Francisco Airport Museums  
650.821.6726 direct line  
650.821.6773 fax  
sonya.k@sfoarts.org

Susan Kim





Susan Kim

04/07/2008 11:05 AM

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If you have any questions, please do not hesitate to phone me at 1x3592.

Susan Kim  
EEO Programs  
SFIA



Lily Lau

04/08/2008 09:41 AM

To: Sonya Knudsen/SFO/CCSF@CCSF  
cc: Audrey Lawrence/SFO/CCSF@CCSF, Susan Kim/SFO/CCSF@CCSF,  
Blake Summers/SFO/CCSF@CCSF  
Subject: Initial Requisition Form

Hi Sonya:

Please see attached is the Initial Requisition Form for your chair order.

I filled out some of the information, however, please completed the form by filling out the sections with the **red question marks**. Then print out the form and check off the "Prop Q Requ" box. Attached the quote for the chair and have Blake sign on the bottom left. Then send both to Accounting. I suggest to make a copy for your dept file. When Accounting approved it they will send you a copy of the order number. Then call up the vendor to place your order of the chair. Let me know if you have any questions.



Initial Requisition Form (Sonya Knudsen)

Thank you,

Lily Lau  
SFO - Safety & Health  
(Phone) 650-821-5504  
(Fax) 650-821-5596

**SAN FRANCISCO AIRPORT COMMISSION**  
**P.O. BOX 8097**  
**SAN FRANCISCO, CA 94128**

**INITIAL REQUISITION**  
**MATERIALS, SUPPLIES, OR EQUIPMENT**

Page 1

Vendor: Chair Place  
 Attention: \_\_\_\_\_  
 Address: 531 Bryant Street  
San Francisco, CA  
 Tel. # \_\_\_\_\_  
 Fax # \_\_\_\_\_  
 Index Code ????????????????

Date of Requisition: April 8, 2008  
 Non Prop Q P.O. RQAC# \_\_\_\_\_  
 Prop Q Request to \$10,000 \_\_\_\_\_  
 Dept. Blanket PO \_\_\_\_\_  
 Revolving Fund \_\_\_\_\_  
 Issuance From Stock \_\_\_\_\_  
 Other \_\_\_\_\_

Project/Work Phase \_\_\_\_\_  
 Sub Object \_\_\_\_\_

Vendor ID. \_\_\_\_\_

Equipment Budget No.	Commodity Code	Qty	Complete Description: Catalog No.	Unit Price
		1	RFM Ramers #4295 chair	???????????

TOTAL FROM ADDENDI

REQUESTED BY:

SUBTO  
 10% OVER-  
 SALES  
 FREI

Sonya Knudsen \_\_\_\_\_  
 Name Telephone No. 821-6726

TOTAL AMO

Airport Museum  
 Work Location

FOR REVOLVING FUND USE ONLY

APPROVED BY:

Blake Summers

Manager V  
Title

821-6795  
Telephone No.

Materials Received Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Invoice No. \_\_\_\_\_

(When using RF No. for orders, attach packing slips and forward to Storeroom)

**SAN FRANCISCO AIRPORT COMMISSION**  
**P.O. BOX 8097**  
**SAN FRANCISCO, CA 94128**

**INITIAL REQUISITION**  
**MATERIALS, SUPPLIES, OR EQUIPMENT**

Page 1 of 1

Vendor: The Chair Place  
 Attention: Alan Kent  
 Address: 531 Bryant Street  
San Francisco, CA 94107  
 Tel. # 415-278-9640  
 Fax # 415-278-9741  
 Index Code \_\_\_\_\_

Date of Requisition: April 8, 2008  
 Non Prop Q P.O. RQAC# \_\_\_\_\_  
 Prop Q Request to \$10,000 \_\_\_\_\_  
 Dept. Blanket PO \_\_\_\_\_  
 Revolving Fund \_\_\_\_\_  
 Issuance From Stock \_\_\_\_\_  
 Other \_\_\_\_\_

Project/Work Phase \_\_\_\_\_  
 Sub Object \_\_\_\_\_

Vendor ID. 37487

Equipment Budget No.	Commodity Code	Qty	Complete Description: Catalog No., Etc.	Unit Price	Amount
		1ea	RFM Ramers #4295 chair	\$625.00	\$625.00
			#26 oval dense foam		
			25A arms		
			Fortune black		

TOTAL FROM ADDENDUM: \$625.00  
 SUBTOTAL: \$625.00  
 10% OVER-RUN: \_\_\_\_\_  
 SALES TAX: \$53.13  
 FREIGHT: included  
 TOTAL AMOUNT: \$678.13

REQUESTED BY:

Sonya Knudsen 821-6726  
 Name Telephone No.

Airport Museum  
 Work Location

APPROVED BY:

Blake Summers 821-6795  
 Manager V Telephone No.  
 Title

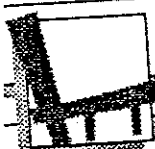
**FOR REVOLVING FUND USE ONLY**

Materials Received Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Invoice No. \_\_\_\_\_

121



# THE CHAIR PLACE

531 Bryant Street, San Francisco, CA 94107 • (415) 278-9640 / FAX (415) 278-9741

## INVOICE

6503

4 / 18 / 08

DATE Alan kent

SALESPERSON 4762E

OUR ORDER NO. DPAC0800137

CUSTOMER ORDER NO. 418108

FOB DATE SHIPPED Vendor

SHIPPED VIA

SOLD TO	SHIP TO
SF Airport Commission	Storekeeper
P.O.B. 8097	Sonya Knudsen
San Francisco, CA 94128	
Accounts Payable	

QUANTITY	DESCRIPTION	OFFICE USE	UNIT PRICE	TOTAL
1	Office Chair, Reimers 4295, 26 Foam, 25A Arms, Fortune Black			\$625.00
			Sales tax	53.17
				<u>678.17</u>
	Thru-ret	15		
	City Vendor 37487			

The chain place  
531 Bryant  
SF, CA 94107

SF Airport Comm  
P.O.B. 8097  
San Francisco,  
Accounts Pay

# THE CHAIR PLACE

531 Bryant Street, San Francisco, CA 94107 • (415) 278-9640 / FAX (415) 278-9741

4/19/08

DELIVERY DATE EST. TIME

SALESPERSON DATE SOLD

SALES INVOICE

SE Airport Comm- Stenographer.  
 NAME (LAST) (FIRST) (INITIAL)  
 ADDRESS 682  
 HOME PHONE BUSINESS PHONE  
 SUITE NO.

FREIGHT COMPANY DRIVER  
 DRIVER SIGNATURE VERIFY  
 DIRECTIONS/SPECIAL INSTRUCTIONS

ITEM	MODEL NO.	QUAN.	DESCRIPTION	LOCATION
Reception		1	11295-26-25A - Black DB DFAC08021377 Sveja Knudsen inspurn	

## DELIVERY ADVICE

RECEIVED IN GOOD ORDER x

CREDIT CARD NO. EXP. DATE C.O.D.  
 HOW PAID  
 CUSTOMER SIGNATURE

EXCEPTIONS





PURCHASE ORDER - DEPARTMENTAL  
AIRPORT COMMISSION

PO NUMBER: DPAC08001377  
PO AMOUNT: \$678.13

TO: THE CHAIR PLACE  
531 BRYANT STREET  
SAN FRANCISCO CA 94107

PO PRINT DATE: 04/15/2008

CONTACT: ALAN KENT 278-9640  
PHONE : 415-278-9640  
VENDOR ID: 37487

TERMS: NET 30  
FOB : DEST

<<

DELIVERY DATE OR ARO: 04/18/2008

DELIVER TO: SAN FRANCISCO INTERNATIONAL AIRPORT  
CONTACT: MUSEUM/KATHIE SWICKLER  
PHONE: 650-621-6751  
C/O STOREKEEPER, MAINT. BLDG. #622  
SAN FRANCISCO CA 94136-0000  
ATTN: SONYA KNUDSEN

AUTHORIZED SIGNATURE: \_\_\_\_\_ DATE : APR 15 2008  
PHONE: \_\_\_\_\_

ORIGINAL ORDER MUST BE SIGNED TO BE VALID

INVOICE TO: S.F. AIRPORT COMMISSION (AC101)  
P.O. BOX 8097  
SAN FRANCISCO CA 94128

TERMS:

DO NOT DEVIATE FROM STATED PRICES.

DO NOT SEND MERCHANDISE TO THE INVOICE ADDRESS.

THE "PO" NUMBER ON THIS DOCUMENT MUST APPEAR ON YOUR INVOICES.

REFER TO TERMS AND CONDITIONS ON REVERSE.

THE CASH DISCOUNT PERIOD BEGINS WHEN THE ORDER IS RECEIVED AT THE  
CORRECT ADDRESS, OR WHEN A CORRECT INVOICE IS RECEIVED AT THE ABOVE  
ADDRESS, WHICHEVER IS LATER.

# OFFICE WORKSTATION SELF-ASSESSMENT CHECKLIST FOR EMPLOYEES



San Francisco International Airport

Employee Name/Phone Number:	Date:
Job Classification and Title:	Department/Section:
Location of Work Area:	Supervisor's Name:

Please complete both sides of this form. If you answer **NO** to any of the checklist statements below, it may indicate a need for ergonomic modification(s). Try to make adjustments to your workstation yourself, for any **NO** answers.

	YES	NO
<b>CHAIR</b>		

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. The chair height is adjusted to permit my feet to rest flat on the ground with my thighs approximately parallel to the floor, or my feet are on a footrest and my thighs are parallel to the floor. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The chair back is adjusted to provide lower back (lumbar) support. The curve in the back of the chair is adjusted to align with the curve in my spine.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. My back is supported by the backrest of my chair while working.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The chair seat pan (horizontal section) provides adequate support for my body without impeding leg circulation.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. The chair has armrests that support my forearms such that they are parallel to the floor at rest, while my arms and shoulders are relaxed.  | <input type="checkbox"/> | <input type="checkbox"/> |

<b>WORK SURFACE, KEYBOARD &amp; INPUT DEVICE</b>		
--	--	--

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. The work surface is large enough to accommodate the tasks being performed.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. A keyboard tray is available and positioned lower than the writing surface, or I have an adjustable work surface, or I have an adjustable chair and footrest.                   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The "F" and "J" keys of the keyboard are approximately at elbow height.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. My hands rest comfortably on the keyboard with the elbows bent (~90°-110° angle) and the wrists and forearms parallel to the floor. The back of hand is even with top of wrist. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. My wrists are in a neutral posture (not bent excessively up, down, or to either side) while typing and using the input device (e.g., mouse, trackball).                         | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. The input device is at the same level as the keyboard and not far to the side.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. While typing or using the input device, I avoid "planting" my wrists on the work surface or gel rest.   | <input type="checkbox"/> | <input type="checkbox"/> |

<b>MONITOR</b>		
----------------	--	--

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 1. The computer monitor is directly in front of the keyboard.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. I directly face the monitor and keyboard.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The top of the monitor screen is at or just below eye level while looking straight ahead.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The screen is perpendicular to the work surface or tilted slightly.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. The monitor is free from excessive glare.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. The viewing distance from the monitor is approximately an arms length away, at a distance where I can see the monitor screen clearly and easily. | <input type="checkbox"/> | <input type="checkbox"/> |

	YES	NO
<b>WORKSTATION ACCESSORIES</b>		
1. The lighting at my workstation is adequate and comfortable for my work tasks.	<input type="checkbox"/>	<input type="checkbox"/>
2. The document holder is located either close to the side of the monitor or centrally below the monitor.	<input type="checkbox"/>	<input type="checkbox"/>
3. The document holder is at the same height and distance as the monitor when the holder is located on the side.	<input type="checkbox"/>	<input type="checkbox"/>
<b>WORKSTATION ARRANGEMENT &amp; HABITS</b>		
1. The work area is arranged so that the items used most frequently are within easy reach, to minimize excessive reaching, twisting, bending, and stooping.	<input type="checkbox"/>	<input type="checkbox"/>
2. There is adequate leg clearance underneath my workstation for my legs to be comfortable.	<input type="checkbox"/>	<input type="checkbox"/>
3. I limit repetitive motions and tasks that require a lot of force during work.	<input type="checkbox"/>	<input type="checkbox"/>
4. I ask for assistance before attempting to lift very heavy objects.	<input type="checkbox"/>	<input type="checkbox"/>
5. I avoid remaining in the same position for extended periods of time.	<input type="checkbox"/>	<input type="checkbox"/>
6. I take short and frequent breaks throughout the day to reduce fatigue.	<input type="checkbox"/>	<input type="checkbox"/>
7. I avoid holding the phone between my shoulder and ear while talking.	<input type="checkbox"/>	<input type="checkbox"/>

List improvements needed for my workstation:

List improvements I need to make in my work habits:

- List items that may need to be ordered:
- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Footrest        | <input type="checkbox"/> Glare filter         | <input type="checkbox"/> Mouse bridge             |
| <input type="checkbox"/> Document holder | <input type="checkbox"/> Alternative keyboard | <input type="checkbox"/> Alternative input device |
| <input type="checkbox"/> Back cushion    | <input type="checkbox"/> Keyboard tray        | <input type="checkbox"/> Chair                    |
| <input type="checkbox"/> Monitor risers  | <input type="checkbox"/> Telephone headset    | <input type="checkbox"/> Other:                   |

Note: Each department is responsible to purchase equipment that is needed.

Additional comments:

- Check this box if you currently are experiencing any work-related discomfort associated with your workstation.  
Please describe the discomfort (e.g., location, etc.): \_\_\_\_\_ sometimes my wrist hurts when I've been working on spreadsheets for a long period of time. \_\_\_\_\_  
When did the discomfort begin (approximate date)? \_\_\_\_\_ for a while.
- Check this box if you would like to attend ergonomics training (e.g., Ergonomics for Computer Users, Back Injury Prevention). Call 821-5907 for more information.
- Check this box if, after you have attended ergonomics training and adjusted your workstation, you would like to have a follow-up evaluation conducted.

Date form returned:	Date equipment ordered:
---------------------	-------------------------



Robin Anthony

05/30/2008 04:16 PM

To: Blake Summers/SFO/CCSF@CCSF  
cc: Sonya Knudsen/SFO/CCSF@CCSF, Susan Kim/SFO/CCSF@CCSF,  
Audrey Lawrence/SFO/CCSF@CCSF  
Subject: Ergonomic Evaluation for Sonya Knudsen

Hi,

Please see attached:



Sonya Knudsen.doc

Robin Anthony  
San Francisco International Airport  
Safety and Health Office  
Robin.Anthony@flysfo.com  
Phone: (650) 821-5559  
Fax: (650) 821-5596

AIRPORT COMMISSION

SAN FRANCISCO INTERNATIONAL AIRPORT  
CITY AND COUNTY OF SAN FRANCISCO

INTER-OFFICE MEMORANDUM

To: Blake Summers  
Museum

Date: May 30, 2008

From: Audrey Lawrence / Robin Anthony  
Safety and Health

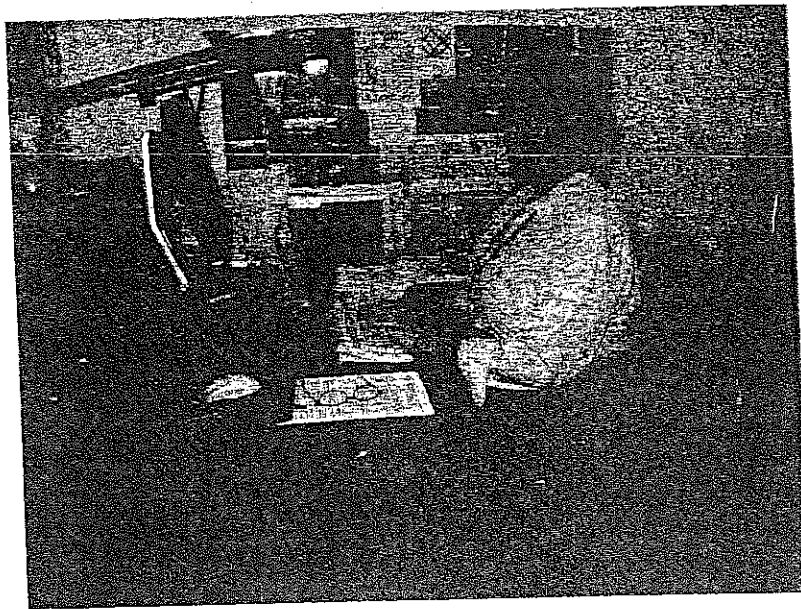
Subject: Ergonomic Evaluation for Sonya Knudsen

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As requested, on April 2, 2008, Audrey Lawrence, Robin Anthony, and Monique Beck conducted an ergonomic evaluation for Sonya Knudsen. The findings and recommendations of the evaluation were discussed with Ms. Knudsen and are summarized below.

CURRENT WORKSTATION ARRANGEMENT AND EQUIPMENT

- Sonya's desk arrangement is shown in the photo below:



- She has a flat screen monitor.
- Her keyboard and mouse are on the desktop.
- The telephone is on the left.
- She has a specialized disc for her chair seat pan.
- She has task lighting in her office.

*DISCOMFORT FELT*

- Sonya reported that she is experiencing constant and severe neck and upper back discomfort (not work related).

### *PERSONAL INFORMATION AND DISCUSSION SPECIFICS*

- Prior to the evaluation, Sonya completed an "Office Workstation Self-Assessment Checklist for Employees." We reviewed it.
- She mentioned that she has very strict posture requirements. She should especially avoid too much neck flexion.
- She sometimes reviews large documents.
- She likes to review documents while sitting.
- We discussed purchasing a drafting table. A drafting table in the adjacent room was available for use. However, it didn't have a "lip" on the bottom to prevent items from sliding off. However, since the Ergo Desk slant boards were adequate, we decided not to purchase a drafting table.
- We discussed several different desk modification options.
- She mentioned that the floor in her office is not level.
- Her chair seat pan is too small and couldn't be adjusted.
- She mentioned that her mouse was not working properly.
- She said that it was difficult to move her CPU because of all the cords.

### *IMPROVEMENTS COMPLETED OR TRIED*

- During the evaluation, we lowered Sonya's computer monitor.
- We placed the phone closer to reduce reaching.
- We tried adjusting her chair.
- After the evaluation, Sonya visited the Safety and Health office to look at the Rite-in-Line metal document holder and Small Ergo Desk. Sonya took both to use. However, later Sonya mentioned that the small Ergo Desk was too small for her. Also, while at the Jason Yuen Building, Sonya tested several chairs, including several Office Master models, a Herman Miller Aeron chair, and a Swopper, but was not able to find one that provided the firm upright backrest support she needed.
- A telephone headset was delivered to Sonya on April 3<sup>rd</sup>. However, she mentioned that the cord is heavy and pulls on her head and neck, and that she would prefer a cordless headset.
- On April 4<sup>th</sup>, Safety and Health and the Carpenter Shop looked at Sonya's desk with Sonya and came up with a suitable plan to increase Sonya's leg clearance under the desk and install the keyboard tray. On April 7<sup>th</sup>, the Carpenter Shop moved the desk base to the left and secured the tabletop to the base. Also, one desk section was raised to match with the other desk section, and the two sections were secured together. An AKT100LE keyboard/mouse tray was also installed and the desk was leveled.
- Sonya ordered a platform for her phone, which raises it at an angle for easier viewing.
- Sonya visited The Chair Place and found a suitable chair for her. Safety and Health prepared the paperwork for the Museum to send to Accounting. The chair was delivered to Sonya.
- You provided Sonya with a Mac mouse, which she said is working well.
- Safety and Health ordered a large 25" Ergo Desk, along with 6 Angle Extensions to increase the angle of the Ergo Desks. After the products were delivered, Safety and Health set up the Ergo Desk with Angle Extensions for Sonya on April 14<sup>th</sup>. Sonya is currently using both Ergo Desks.
- A Request for Service was submitted for the Carpenter Shop to fabricate stands for the Ergo Desks. The Carpenter Shop completed the work.

### *RECOMMENDATIONS*

- Attend ergonomics training (required for computer users). Safety and Health will automatically enroll Sonya in the next "Office Ergonomics - Improve Your Position at Work" class.

### *CONCLUSION*

The Safety and Health office does have some ergonomic equipment and furniture available to loan to employees on a short-term basis. If the equipment substantially alleviates the employee's discomfort we recommend that the supervisor or manager purchase the items requested. We understand that some items may be costly or not in your department's budget, however, please prioritize equipment purchases with the goal of gradually providing an ergonomic, pain free workstation.

If you have questions concerning the evaluation or if Sonya would like to have a follow up evaluation conducted, please feel free to give Audrey (x1-7889) or Robin (x1-5559) a call.

cc: File Copy  
Sonya Knudsen, Museum  
Susan Kim, EEO

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## Exhibit A - 2

Letter of Complaint, 6/25/08 – DHR, Airport EEO

SHANK

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**SONYA KNUIDSEN**

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25 June 2008

Dorothy Yee  
Department of Human Resources/EEO Division  
City and County of San Francisco  
44 Gough Street  
San Francisco, CA 94103

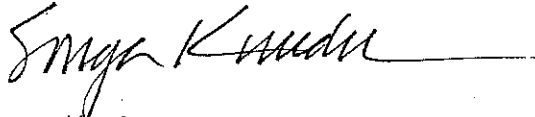
Complaint re: EEO/ADA department, San Francisco International Airport (SFO)  
DHR/EEO Division, City and County of San Francisco (CCSF)

Dear Ms. Yee:

By means of this letter and attached City and County of San Francisco (CCSF) "Department Report of Employment Discrimination Complaint" form I am filing a complaint against the EEO departments at the San Francisco International Airport and DHR/City and County of San Francisco regarding the handling of a discrimination complaint I filed with regard to an extended FMLA/sick leave, ADA, denial of employment and reasonable accommodation.

The handling of the above complaint has been impacted and the process complicated by: inconsistent EEO departmental adherence to SFO and CCSF policies and procedures regarding discrimination complaints; conflict of interest issues; confusing and contradictory explanations; compromised in-take processes; perceived lack of third party impartiality and neutrality; modifications to investigation and mediation options with Employee Assistance Program and Hastings School of Law.

Yours sincerely,



Sonya Khudsen

attached: CCSF Department Report of Employment Discrimination Complaint form

cc: Steve Pitocchi, SEIU 1021

DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT

\* Report Within Five Working Days of Receipt of Complaint\*

Return to: Dorothy Yee, DHR/EEO Division, 44 Gough Street, San Francisco, CA 94103

1. Department/Worksite: San Francisco Airport Museums, San Francisco Intl Airport

2. Complainant: Sonya Knudsen Tel. No. (Work): 650-821-6726

Address: Tel. No. (Home):

3. Complaint Filing Date: 06/25/08

4. Complainant's Current Employment Status (circle one): Classification: 3546 Curator IV
PCS TCS LT NCS PV PE TE PROB NOT A CITY EMPLOYEE

- 5. Basis of Discrimination (specify):
Race:
Color:
Religion:
Creed:
Sex:
National Origin:
Ethnicity:
Age:
Disability/Medical Condition:
Political Affiliation:
Sexual Orientation:
Ancestry:
Marital or Domestic Partner Status:
Gender Identity:
Parental Status:
Other Non-Merit Factors:
Retaliation:

- 6. Issue complained of:
Denial of Employment
Denial of Training
Denial of Promotion
Denial of Reasonable Accommodation
Termination
Lay-off
Constructive Discharge
Disciplinary Action
Harassment
Work Assignment
Sexual Harassment
Compensation
Other (please specify):
handling of Nov 07 discrimination complaint by SFO and CCSF ADA/EEO offices, re adherence to SFO/CCSF policies and procedures

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s): (Attach letter of complaint) see attached

Blank lines for describing the circumstances of the alleged discrimination.

8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes  No

If yes, please specify: \_\_\_\_\_

9. Is the Complainant represented by a Union or an Attorney? Yes  No

Name: \_\_\_\_\_ Organization/Firm: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

\*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*10a. Name and position of staff who will implement recommended steps:

\_\_\_\_\_

11. Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Tel. No. \_\_\_\_\_

\*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

\*Subject to the Human Resources Director's approval

### HUMAN RESOURCES DIRECTOR REVIEW

Complaint is assigned EEO File Number: \_\_\_\_\_

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: \_\_\_\_\_  
and/or the following actions are to be taken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

for Philip A. Ginsburg, Human Resources Director

Date

BLANK

## Exhibit A - 3

Letter of 8/17/08 – DHR, Airport EEO

17 August 2008

Dorothy Yee  
Manager, EEO Division  
Department of Human Resources (DHR)  
City and County of San Francisco (CCSF)  
44 Gough Street  
San Francisco, CA 94103-1233

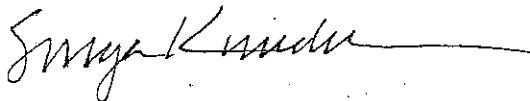
re: 25 June 2008 filed discrimination complaint against EEO Department, San Francisco International Airport (SFO- EEO) and EEO Department, Department of Human Resources (DHR-EEO), City and County of San Francisco (CCSF)

Dear Ms. Yee:

Per your request of 23 July 2008, please note the enclosed that provides further details with supporting documentation regarding my discrimination complaint against the EEO Department at the San Francisco International Airport (SFO-EEO).

Please verify that this complaint has been reported to the DHR Human Resources Director, provide the DHR-EEO file number, and the name of the assigned professional EEO investigator for reference. My understanding is that adherence to CCSF administrative policies and procedures will be ensured throughout this discrimination complaint process, inclusive of intake, jurisdiction designation, and investigation.

Sincerely,



Sonya Knudsen

enclosures: Knudsen Summation Statement (13 pages)  
Knudsen Attachment Section (16 pages)

cc: Steve Pitocchi, SEIU Local 1021



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SONYA KNUDSEN

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Discrimination complaint filed by:

Sonya Knudsen, 3546, Curator IV, Curator in Charge of Administration  
San Francisco Airport Museums (SFAM), San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

Discrimination complaint filed against:

Equal Employment Opportunity Department  
San Francisco International Airport, (SFO-EEO)  
City and County of San Francisco (CCSF)

and

Equal Employment Opportunity Department  
Department of Human Resources (DHR-EEO)  
City and County of San Francisco (CCSF)

Reasons for complaint against CCSF DHR-EEO and CCSF SFO-EEO departments' for their handling of March 2007 discrimination complaint CCSF EEO File #1343:

1. SFO-EEO conflict of interest

SFO-EEO handling and processing a March 2007 reasonable accommodation request Knudsen submitted for return from extended CCSF FMLA/sick leave to work full-time at SFAM on 2 April 2008 while simultaneously handling a CCSF DHR-EEO discrimination complaint (EEO File #1343) Knudsen filed against supervisor, Mr. Blake Summers, SFAM Director and Chief Curator, SFO, CCSF, due to November 2007 denial of employment, reasonable accommodation, and unsubstantiated statement of disruption to SFAM operations and staff. SFO-EEO should have declined involvement with discrimination complaint (EEO File #1343) given conflict of interest issues nor placed Knudsen in position to have to request such.

2. DHR-EEO and SFO-EEO lack of and/or inconsistent adherence to and observance of SFO, CCSF, California, and Federal policies and procedures, directives, civil codes, laws, et al.

DHR-EEO and SFO-EEO processed and handled discrimination complaint in an inconsistent manner throughout discrimination complaint process pertaining to jurisdiction, intake, investigation, mediation, and determination proceedings.

3. DHR-EEO and SFO-EEO lack of third-party neutrality and objectivity

DHR-EEO and SFO-EEO, throughout discrimination complaint process, did not convey impartiality and non-bias, with minimal evaluation and attention.

4. DHR-EEO and SFO-EEO lack of circumspection

DHR-EEO and SFO-EEO failure to acknowledge sensitive, confidential nature and ramifications of discrimination complaint for employee, exacerbating working conditions and environment with SFAM supervisor and worksite.

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## SONYA KNUDSEN

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### Knudsen key contact dates with CCSF:

See Attachment Section

- November 19, 2007 Sonya Knudsen phone discussion with Blake Summers
- November 23, 2007 Sonya Knudsen letter to Blake Summers
- March 11, 2008 Sonya Knudsen discrimination complaint filed at CCSF-DHR
- March 13, 2008 Sonya Knudsen meeting with Veronica Davis, SFO-HR
- March 14, 2008 Sonya Knudsen meeting with Susan Kim, SFO-EEO, filing request for reasonable accommodation
- March 14, 2008 Dorothy Lee letter to Sonya Knudsen
- March 19, 2008 Sonya Knudsen meeting with Susan Kim
- March 26, 2008 Sonya Knudsen meeting with Silvia Castellanos
- March 26, 2008 Sonya Knudsen letter to Silvia Castellanos
- April 2, 2008 Sonya Knudsen return to work at SFAM
- April 3, 2008 Sonya Knudsen meeting with Samuel Schindler
- April 25, 2008 Sonya Knudsen meeting with Silvia Castellanos
- April 28, 2008 Silvia Castellanos letter to Sonya Knudsen
- June 6, 2008 Sonya Knudsen meeting with Samuel Schindler
- July 2, 2008 Silvia Castellanos letter to Sonya Knudsen
- July 9, 2008 Sonya Knudsen letter to Silvia Castellanos
- July 23, 2008 Dorothy Lee letter to Sonya Knudsen
- July 29, 2008 Micki Callahan letter to Sonya Knudsen
- August 7, 2008 Sonya Knudsen appeal to Civil Service Commission

BACKGROUND INFORMATION

November 2007

On 19 November 2007 via phone I provided my supervisor, Mr. Blake Summers, SFAM Director and Chief Curator, an update that I had received medical authorization to return from an extended CCSF FMLA/sick leave to work with reasonable accommodations. In this discussion, Mr. Summers denied my request to return to work. In addition, he stated that when I had previously worked a part-time schedule in April and May 2007 it had been disruptive to SFAM staff and operations. Mr. Summers would not provide me an example or an individual at SFAM or SFO who had been impacted in April and May 2007 when I worked a part-time schedule. Further he would not explain the difference between my request to return to work on a part-time schedule compared to past precedent at SFAM with regard to CCSF approved leaves of absences and part-time work schedules. Concluding the conversation, Mr. Summers did not refer me to CCSF personnel but instructed me to extend my CCSF FMLA/sick leave and return to work only when I was medically cleared to work a full-time schedule. I provided pertinent completed CCSF paperwork to SFO personnel for subsequent CCSF FMLA/sick leave extensions and approved without receiving any CCSF inquiry, comment, or amendment.

Due to the November 2007 phone conversation with my supervisor, on 11 March 2008 I filed a discrimination complaint at CCSF-DHR against my supervisor for the following: Denial of employment; Denial of reasonable accommodation; Disruptive to SFAM staff and operations comment without cause. This was a decision I had made after much thought regarding my supervisor's position and role within SFAM, SFO, and CCSF, his discriminatory actions and comments, the subsequent impact on my health, affront to my professional and personal mores and principles, detriment to my work environment and future career plans at SFAM, SFO, and CCSF, as well as other CCSF employees, present or future, who might be placed in like circumstances.

March 2008

In early March 2008 I received medical authorization to return from an extended CCSF FMLA/sick leave to work full-time at SFAM starting on 2 April 2008. I contacted CCSF-DHR and was instructed to download from the CCSF website pertinent CCSF paperwork, e.g., FMLA forms, medical authorization, medical certification, request for accommodation, etc., complete the forms with my doctor, and then submit the forms to CCSF-SFO.

On 13 March 2008 I met with Ms. Veronica Davis, Human Resources (HR) department, San Francisco International Airport (SFO). Ms. Davis is the SFO-HR analyst for SFAM. The purpose of my meeting was to inform Ms. Davis that I had received medical authorization to return to work, and to find out what the next appropriate steps were.

Ms. Davis said that she would inform my supervisor that I had been medically approved to return from CCSF FMLA/sick leave to work full-time on 2 April 2008. Ms. Davis then

instructed me to contact Ms. Susan Kim, SFO Equal Employment Opportunity (SFO-EEO) department, to arrange for a meeting to discuss arrangements and needed CCSF paperwork for my return to work. I explained to Ms. Davis that I had already secured the pertinent forms via the CCSF website per instructions received from CCSF-DHR.

On 14 March 2008 I hand delivered to Ms. Kim at SFO-EEO the completed CCSF forms, inclusive of FMLA certification paperwork, medical provider authorization, and request for reasonable accommodation. Ms. Kim briefly reviewed the forms and said that she was not sure I had submitted all CCSF forms necessary, and that this might delay my return to work at SFAM on 2 April 2008. I responded to Ms. Kim by saying that the forms were those CCSF-DHR had instructed me to use and have my doctor fill out before meeting with her. I requested Ms. Kim to review the forms in more detail, and to let me know if any additional forms were needed before meeting with her the following week.

On 15 March 2008 I received a letter from Ms. Dorothy Yee, Manager EEO Programs, CCSF DHR-EEO, acknowledging receipt of my discrimination complaint filed against my supervisor (EEO File #1343) and that it had been reported to the DHR Director. Further, an EEO investigator would be assigned to pursue my complaint and would contact me shortly.

On 19 March 2008 I met with Ms. Kim at SFO-EEO to discuss pertinent aspects of my return to SFAM in further detail, reviewing the CCSF paperwork submitted, inclusive of a reasonable accommodation request. Upon concluding discussion of various aspects regarding my return to work, Ms. Kim then surprised me by saying that she had another matter to discuss and brought forth for discussion the discrimination complaint (EEO File #1343) I had filed at CCSF DHR-EEO against my supervisor, Mr. Summers, because of his November 2007 denial of my request to return to SFAM in December 2007 from CCSF FMLA/sick leave to work with reasonable accommodations.

Although taken aback, I answered Ms. Kim's initial questions but then asked her why SFO-EEO was handling the discrimination complaint I had filed downtown at CCSF DHR-EEO. She explained that CCSF DHR-EEO had sent the complaint to SFO-EEO to handle, that she had been assigned the investigation, and then asked if I had any concerns. I responded by saying yes, in that I felt that there was a conflict of interest with SFO-EEO handling my discrimination complaint due to denial of reasonable accommodation and also handling a request for reasonable accommodation involving the same supervisor and worksite. Ms. Kim said that SFO-EEO handles both EEO and ADA matters, and that my situation was unique in that my accommodation request and discrimination complaint was being dealt with at the same time. I asked for confirmation that both matters would be handled by Ms. Kim and her supervisor, Ms. Gloria Louie, Director of SFO-EEO, and she said yes. I requested that the discrimination complaint be handled downtown at CCSF-DHR so as to ensure separation and avoid a conflict of interest between the two matters. At no point in this meeting did Ms. Kim explain the CCSF discrimination complaint process, or say that her preliminary questions was part of the intake process.

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SONYA KNUDSEN

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Agreeing to send the discrimination complaint to CCSF-DHR to handle, Ms. Kim concluded the meeting by saying that she would be in contact with me shortly to provide an update re my reasonable accommodation request.

On 26 March 2008 I met with Ms. Silvia Castellanos, Assistant Manager, DHR-EEO, at which time Ms. Castellanos provided an overview of the CCSF discrimination complaint process, and then asked me to explain why I had filed a complaint. I briefly summarized the November 2007 phone conversation I had with my supervisor, and the letter sent reiterating his denial of my right to work, provide reasonable accommodation, and his statement that it had been disruptive to SFAM staff and operations when working a part-time schedule in March and April 2007. Ms. Castellanos asked me whether there had been any witnesses or further documentation to my November 2007 discussion. I explained that the discussion had been a private phone conversation, and that my supervisor had an established pattern of not liking to write, whether correspondence, emails, etc., attend or have meetings.

Ms. Castellanos then explained the two available options in the CCSF discrimination complaint process for me to consider:

- 1) To pursue an investigation with determination results provided at its conclusion
- 2) To pursue alternate dispute resolution via mediation

Ms. Castellanos recommended mediation for my complaint, a method that was less adversarial, which would allow both involved parties to sit down independently with a neutral, unbiased Hastings Law School representative to discuss issues, and then meet together with Hastings' guidance and assistance to exchange information, discuss perspectives, and come to a mutual agreement. Ms. Castellanos explained that while the DHR-EEO mediation process was ongoing, a parallel investigation process would be pursued by CCSF DHR-EEO. She said that my supervisor could refuse to pursue mediation, and that the DHR-EEO investigation would still be conducted, or that at any time in the DHR-EEO mediation process, I could ask that it be stopped, stating preference for DHR-EEO investigation only.

I informed Ms. Castellanos that I would like to pursue DHR-EEO mediation, and she said that she would have one of her staff in charge of mediation, Mr. Samuel Schindler, contact me to arrange for a meeting to explain the process. Upon conclusion, Ms. Castellanos assured me the CCSF discrimination complaint process would not jeopardize or undermine my return to work full-time on 2 April 2008, and that she would send a letter to SFO and my supervisor warning against retaliation or harassment. I never received a copy of this letter nor know if it was ever issued or sent.

April 2008

On 3 April 2008, after work so as to not impact or interfere with my SFAM job responsibilities, I met with Mr. Samuel Schindler, DHR-EEO, at which time Mr.

Schindler provided an overview of the CCSF mediation process with Hastings Law School students and advisor. When I asked for confirmation that the CCSF investigation would be pursued simultaneously, Mr. Schindler said that was not an option – I had to decide upon either DHR-EEO mediation or DHR-EEO investigation and could not have both.

I then asked Mr. Schindler for explanation regarding what information and notations would be placed in my supervisor's and my personnel file regarding the CCSF discrimination complaint. Mr. Schindler said that all CCSF EEO files were kept separately from CCSF Human Resources' personnel files, and that nothing would be placed in the CCSF personnel files. When queried, Mr. Schindler confirmed that my supervisor's supervisors, Mr. Jackson Wong, SFO COO, and Mr. John L. Martin, SFO Director, were probably unaware of the CCSF discrimination complaint I had filed and would not be informed of CCSF EEO investigation results, if at all, until conclusion. I then asked Mr. Schindler how such discriminatory actions, whether alleged or proven, were documented by CCSF and SFO should there be repeated patterns of behavior from a supervisor against one employee or several employees, and Mr. Schindler replied there was none – each complaint was dealt with independently of other similar complaints involving the same individual. I asked Mr. Schindler how then was any one to know of a problematic supervisor or employee. In reply, Mr. Schindler said that filing a CCSF discrimination complaint is not in itself proof of guilt, but merely a statement of alleged discrimination. Mr. Schindler said that the CCSF investigation result, if confirming the discrimination complaint, would be placed in the CCSF EEO file but that if mediation was pursued or the investigation result found no cause, nothing would be placed in CCSF EEO files involving both parties.

With this explanation, I began to wonder of the merits in pursuing a discrimination complaint within the CCSF system as I perceived there to be favoritism and bias benefiting and protecting my supervisor, whereas I would be placed in an untenable, unsupported position at SFAM and CCSF, exposed to further discrimination, a hostile work environment, harassment, and retaliation. Mr. Schindler provided a couple of mediation articles for reference, and then we had a brief discussion on Enneagrams, supplemented by Mr. Schindler with related reference articles and lending me a Enneagram book for return, and letting me know of several upcoming Enneagram workshops. In our discussion of Enneagrams I was provided insights about Mr. Schindler as he said that he had already formed a judgment and characterization of my professional and personal tendencies in the course of our meeting. When queried, Mr. Schindler said that I had the traits of being a team player and mediator, keen to help and assist, bringing together diverse viewpoints and personalities to successfully accomplish end goals. Upon conclusion of our meeting, I thanked Mr. Schindler for his time and the information garnered regarding the DHR-EEO mediation process following a CCSF discrimination complaint filing, and said I would think about what I had just learned, and call him with a decision.

In mid April 2008, I called Mr. Schindler to inform DHR-EEO that I had decided not to pursue the discrimination complaint because I did not see the merits of exposing myself to such a vulnerable position within a biased CCSF discrimination complaint process while attempting to work full-time at SFAM with my supervisor, with ongoing concerns regarding reasonable accommodations, retaliation, harassment, and discrimination. Shortly thereafter, Ms. Castellanos called me at my SFAM work site and we arranged to meet on 25 April 2008 to discuss the discrimination complaint process.

On 25 April 2008, I met with Ms. Castellanos at DHR-EEO and asked her to provide an overview of the CCSF discrimination complaint process, investigation versus mediation, explaining to her that I had been provided different, conflicting information between my initial meeting with her on 26 March 2008 and a subsequent meeting with Mr. Schindler on 3 April 2008. Upon the conclusion of her explanation, I asked Ms. Castellanos whether there was a CCSF website, handout, or brochure that would provide more detailed, written explanation and further information regarding the CCSF discrimination complaint process, investigation, mediation, etc., and Ms. Castellanos said that there was none. Her reply was the same when I requested to see an example of a CCSF mediation agreement. Upon conclusion of the meeting I thanked Ms. Castellanos and requested that she mail me a written overview summarizing the CCSF complaint process and if possible a copy of the CCSF mediation agreement that would be similar to the one that would be signed by my supervisor and myself.

When I left the meeting, I was taken aback regarding how CCSF EEO personnel was handling my discrimination complaint, seemingly blind to their inconsistent and contradictory adherence to CCSF policies and procedures, superficial explanation of a process that was complex yet not outlined or detailed in CCSF website or handout material. It was quite apparent that CCSF EEO personnel was simply going through the motions rather than addressing issues brought forth, and how the CCSF discrimination complaint process was routine and ordinary to CCSF EEO personnel whereas for myself and other CCSF individuals in like circumstances, it was anything but. What was further bothersome was that CCSF EEO expected me to make a decision about such an important matter based on the cursory and conflicting information provided by CCSF EEO, and how any attempt on my part to secure additional information or clarify CCSF procedures and protocols was stymied and hindered. Given CCSF DHR-EEO's role as an unbiased and neutral third party and given that there has been past precedent with individuals involved asking questions, needing information and clarification, specific information regarding the CCSF discrimination complaint process should be readily available and CCSF DHR-EEO personnel well used to inquiries.

As requested, Ms. Castellanos' 28 April 2008 letter did provide a brief written explanation of the mediation process and a copy of the CCSF mediation agreement template. After a subsequent discussion with my SEIU Local 1021 union representative to secure a more detailed explanation and clarification of the CCSF discrimination complaint process, investigation, mediation, etc., I phoned Ms. Castellanos to confirm

that I did want to pursue mediation. Ms. Castellanos asked that I call Mr. Schindler to inform him of my decision. When I called Mr. Schindler to let him know of my decision to proceed with DHR-EEO mediation with my supervisor, he said that before he would coordinate pertinent arrangements he wanted to meet with me to make sure I wanted mediation. When I confirmed that I did want mediation and did not see the need for a meeting to say so, Mr. Schindler was insistent that he wanted to meet with me, and would review the CCSF mediation process with me at that time before he would proceed.

June 2008

On 6 June 2008, I met with Mr. Schindler to receive an explanation of the CCSF mediation process, and was then told that it might not be possible to have Hastings Law School involved in the mediation, and that it might be done through CCSF's Employee Assistance Program (EAP) instead. Surprised at yet another changed detail within the discrimination complaint process, I asked Mr. Schindler why EAP rather than Hastings as had been previously outlined. Mr. Schindler said that Hastings might not be available at such a late juncture and that EAP was the preferred option for my complaint. Having never received information about EAP before this date, I asked for additional information of the EAP individuals involved, e.g., names, their area of expertise, a biography available via handout or website, etc. Mr. Schindler provided superficial information on two EAP counselors who had generic mediation experience, and said that the CCSF website could provide me some information about EAP. What I wanted, and did not receive, was some indication that EAP personnel involved would have applicable experience and neutral, third-party status for the CCSF mediation process, as well as knowledge of discrimination, reasonable accommodations, EEO and ADA laws. As a result I told Mr. Schindler that I would prefer to have the CCSF mediation go through Hastings given the complexity of ADA laws and reasonable accommodation aspects, and was willing to wait for their availability.

I then asked Mr. Schindler what the duration of the CCSF mediation process was once scheduled, concerned that the process of individual interviews and then group discussion, consensus, and mediation agreement would impact my day-to-day SFAM work responsibilities, and that of my supervisor, causing further strain on an already difficult work situation. Mr. Schindler said that CCSF mediation was usually one day for each individual, and then within the same week to ensure continuity, a third day for a mutual meeting for discussion, consensus, and signed CCSF agreement, but then said since "you talk so much," it might take longer. We then discussed our respective calendars, and I indicated that my supervisor did not work on Fridays, so Mr. Schindler said he would find out the availability of Hastings and EAP personnel, and speak with my supervisor regarding his schedule as well.

Mr. Schindler said he wanted to bring my CCSF discrimination complaint to a conclusion soon and not have it drawn out too long. I expressed my preference to utilize Hastings personnel for CCSF mediation even if it meant for a slight delay, and that throughout this process I had conveyed an openness and desire to resolve this matter in an amicable and



respectful manner to all involved. Mr. Schindler said that he had initially thought that as well but had recently reached a different opinion. I inquired why. Mr. Schindler explained that when I had called him to coordinate the 6 June 2008 meeting I had been peremptory when requesting that he call Mr. Steve Pitocchi, my SEIU Local 1021 union representative. Mr. Schindler also said that Mr. Pitocchi had been aggressive and offensive in the subsequent phone conversation while discussing my CCSF discrimination complaint. Surprised that my recent phone call with Mr. Schindler had been taken in such a negative light, knowing that I had been respectful and polite throughout the brief phone discussion, I said to Mr. Schindler that perhaps you misconstrued the phone call, explaining that I had spoken with him while in my work office, not a private, confidential setting, nor could take too much time on such a phone call given pressing job responsibilities. All was moot as Mr. Schindler clearly implied that his perspective and judgment of me had altered and that he viewed both SEIU Local 1021 and myself in a negative light. The meeting was concluded with Mr. Schindler saying he would let me know when the DHR-EEO mediation sessions were to be scheduled.

On 25 June 2008 I filed a discrimination complaint at CCSF DHR against the CCSF DHR-EEO department and the CCSF SFO-EEO department given how the two departments were handling the initial discrimination complaint (EEO file #1343) I had filed against my SFAM supervisor.

#### July 2008

On 3 July 2008 I received a letter from Ms. Castellanos dated 2 July 2008 that summarized CCSF DHR and CCSF SFO management of my discrimination complaint, indicating that my supervisor did not want to pursue mediation, and then stated a CCSF DHR-EEO recommendation that my discrimination complaint would be administratively closed, requesting a response by or before 3 July 2008. This letter was surprising on many fronts.

First, I was under the impression from CCSF DHR-EEO that mediation was the next step in the CCSF discrimination complaint process and now, unexpectedly, I was being informed by CCSF DHR-EEO via letter that my CCSF discrimination complaint was going to be administratively closed.

Secondly, in the 2 July 2008 letter CCSF DHR-EEO summarized the discrimination complaint proceedings with misleading statements and misinformation while providing additional statements and details that I had not been informed of previously. A few selections from the letter:

*"I was on leave.... I was on vacation from March 14, 2007 to April 1, 2008."*

I was on approved CCSF FMLA/sick leave, both full-time and part-time, from 14 March 2007 to 1 April 2008 due to a 13 March 2007 car accident and injuries sustained necessitating my sick leave and because my supervisor denied

my request to return to work at SFAM with reasonable accommodations from November 2007 to April 2008 despite receiving medical clearance to do so. Further, my "vacation from March 24, 2008 to April 1, 2008" was a continuation of my CCSF FMLA/sick leave but given that I had exhausted balances of my CCSF sick leave hours, comp time hours, floating holiday hours, and California State Disability coverage, I was compelled to use my CCSF vacation hours.

*"In my initial meeting of March 27, 2008...you felt that your manager was in effect declaring that you were disruptive."*

What I conveyed in the 27 March 2008 meeting with Ms. Castellanos was that my supervisor had stated that it would be disruptive for me to return to work part-time at SFAM as my previous April and May 2007 had been disruptive to SFAM staff and operations, and that the November 2007 statement from my supervisor was the first indication that my April and May 2007 part-time schedule had been a problem to SFAM. I explained in the 28 March 2008 meeting with Ms. Castellanos that had I been informed in April and May 2007 of such alleged problems I would have addressed and made every effort to remedy the concerns and problems. Further, given that I had not received in April and May 2007 either verbal or written comment from my supervisor or CCSF personnel of there being a concern or issue with regard to disruption to SFAM staff and operations, CCSF policies and procedures had not been observed or followed.

*"Mr. Summers based his decision on... my description of physical limitations and difficulties...were extensive...seemed to indicate...a great deal of pain and discomfort which he did not want to exacerbate with the demands of work."*

I find it interesting that Mr. Summers had the means of forming a judgment of my capabilities to perform my essential job responsibilities via phone, while ignoring medical expertise from my doctors that affirmed that I could indeed return to work with reasonable accommodations, inclusive of a part-time schedule. Further, how could my supervisor, indifferent and insensitive of my health condition throughout, be so impatient for me return to work on a part-time basis in July 2007 and September 2007, and now provide such a contradiction in November 2007. The fact remains that the November 2007 decision with regard to whether or not I was capable of performing my essential job responsibilities and could return to work in December 2007 was not that of Mr. Summers alone but should have been in conjunction with CCSF HR and EEO departments, et al., adhering to and in accordance with CCSF policies and procedures.

*"Mr. Summers receipt of my statement dated November 23, 2007... forwarded to Airport Human Resources."*

What is not stated is that on 19 November 2007 Mr. Summers had not involved either SFO-HR or SFO-EEO in his sole decision to deny my request to return to work, nor did he refer me to either SFO-HR or SFO-EEO office, but was compelled to involve both SFO HR and SFO EEO upon receiving my 23 November 2007 letter which succinctly reiterated our phone discussion of 19 November 2007 in a written document. Further, Mr. Summers did not sign the 23 November 2007 letter as requested or reply.

*"my statement dated November 23, 2007... was considered to be a request for reasonable accommodation and Airport EEO staff was contacted. At approximately the same time, Airport EEO staff reported that you had directly contacted that office in order to formally file your request for accommodation."*

I am puzzled how my 23 November 2007 letter reiterating and documenting Mr. Summers' 19 November 2007 verbal denial of employment, reasonable accommodations, and disruption to SFAM statement can be construed as a request for CCSF reasonable accommodation. Further, it is telling that SFO-EEO did not respond to the alleged request as would be appropriate given CCSF policies and procedures and the respective responsibilities and duties of SFO-EEO and SFO-HR – "The employee will be provided with information on the reasonable accommodation process and the necessary forms to be completed by the employee and the employee's doctor or health care provider," nor did CCSF, SFO-EEO or DHR-EEO engage me in discussion regarding a CCSF reasonable accommodation request and/or alternatives. Lastly, given that my supervisor, the Director and Chief Curator dictating, overseeing, and responsible for all SFAM operations and staff, had denied my November 2007 request to return to work, there was no possibility to file a request for reasonable accommodation for CCSF consideration until I was medically authorized to return to work to SFAM on a full-time schedule, per the directive of my supervisor.

*"The department does not dispute that you made a request for a modified work schedule. The department does dispute your contention that you had been denied reasonable accommodation... You were not provided with a part-time work schedule... you were provided with additional leave to fully recover and return to work full time."*

Per CCSF Mayor Gavin Newsom, the benefit of encouraging an employee to return to work from leave had been researched and proven to be beneficial to both the employee and the employer. From the Mayor and throughout the CCSF system, such a mindset should be consistently applied, especially given that in addition to CCSF policies and procedures, directives, et al., there are Federal and State laws pertaining to FMLA, ADA, reasonable accommodation, employment, etc. that define and protect the rights of employees. While I was

granted additional sick leave by CCSF to “*fully recover*” and return to work full time, such a statement is misleading, if not unwarranted. Per CCSF policies and procedures, “the employer must provide reasonable accommodations to qualified employees with disabilities, unless to do so would be an undue hardship or pose a threat to the health and safety of others.” I have yet to receive example or explanation from CCSF of how my return to work a part-time schedule at SFAM would be such. Further, for DHR-EEO to presume or declare that I am fully recovered is inappropriate given how little information they have been privy to or know of my health condition beyond the fact that I have provided pertinent CCSF forms and written, confidential medical information and authorization to SFO-EEO that verifies my ability to perform my essential job responsibilities, requesting reasonable accommodations.

*“...met with our mediation coordinator, Mr. Samuel Schindler, on two occasions to discuss the process extensively.”*

DHR-EEO personnel provided superficial and contradictory information verbally about CCSF policies and procedures regarding the discrimination complaint process, and nor could they provide supportive or supplementary written documentation or more detailed information that would allow me to make an informed decision regarding such an important matter. To exacerbate the problem, DHR-EEO seemed to view my questions and the number and length of our meetings in a judgmental rather than unbiased, third-party perspective. This could be construed as an allegiance and protection of CCSF upper management, administrators, and supervisors named and involved in CCSF discrimination complaints, a detriment and deterrent to individuals who file any CCSF complaints.

Thirdly, CCSF DHR-EEO sent a letter dated 2 July 2008, received at my house 3 July 2008, requesting a reply by or before 3 July 2008, an impossible and unrealistic deadline in itself, made all the more unreasonable given the 4<sup>th</sup> of July holiday weekend. This deadline simply was a continuation of the consistent pattern of CCSF DHR-EEO and CCSF SFO-EEO personnel in lodging unrealistic demands and timelines, phoning and emailing my SFAM office, a non-private or confidential setting, and scheduling meetings and discussions without regard to my SFAM work responsibilities and environment. While DHR-EEO and SFO-EEO pursued this discrimination matter during their workday as their primary job, I had to fulfill my primary job functions at SFAM, with little time or capability to respond to CCSF EEO during work hours.

Fourthly, if my supervisor did not want to pursue mediation, per CCSF policies and procedures, the next step in the discrimination complaint process was for CCSF DHR-EEO to pursue investigation.

On 9 July 2008 my response letter to DHR-EEO requested information about the next step, the investigation, and subsequent letter of determination from the CCSF DHR Director upon conclusion of the DHR-EEO investigation. I had every expectation that a complete investigation would be initiated by DHR-EEO, allowing me the means to fully outline and document the many aspects that led to a discrimination complaint being filed, especially as I had yet to be provided such an opportunity by DHR-EEO. I have been able to do so partially via this discrimination complaint and summation filed against CCSF DHR-EEO and CCSF SFO-EEO regarding how they handled discrimination complaint EEO #1343, and also in the appeal I filed with the CCSF Civil Service Commission after receiving a 23 July 2008 letter from Ms. Dorothy Yee, DHR EEO Director, and subsequent 29 July 2008 letter from Ms. Micki Callahan, CCSF Human Resources Director, informing me of the determination results regarding my discrimination complaint, CCSF DHR-EEO File #1343. On 7 August 2008, I filed an appeal with the CCSF Civil Service Commission regarding the discrimination complaint EEO file #1343 determination results.

This 17 August 2008 summation provides further explanation and documentation regarding why I filed the CCSF discrimination complaint on 25 June 2008 against CCSF DHR-SFO and CCSF SFO-EEO due to the means and manner in which the two departments handled discrimination complaint EEO file #1343, including but not limited to lack of and/or inconsistent adherence to CCSF policies and procedures, lack of and/or contradictory information, explanation, parameters, documentation, judgment of merit, et al., as well as individual and collective department personnel accountability and checks and balance to ensure fairness and third-party impartiality. If indeed there was an CCSF EEO investigation, what is the date(s) of the investigation, who conducted the investigation, what individuals were interviewed, what statement(s) were noted and then validated, where is the supporting documentation, and on what grounds did DHR-EEO determine to administratively close the discrimination complaint, especially given that I had yet to provide details and documentation, having expected to do so while in mediation or in investigation. The current CCSF discrimination complaint process conducted by DHR-EEO and SFO-EEO does not appear to adhere to CCSF policies and procedures, and is not then constructive or preventative but adversarial, exacerbating rather than improving CCSF department/supervisor/employee work relationships, and hinders and prevents restoration and resolution, while potentially escalating conditions.

## SONYA KNUDSEN

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23 November 2007

Blake Summers  
Director and Chief Curator  
San Francisco Airport Museums  
PO Box 8097  
San Francisco, CA 94128

RE: Knudsen CCSF FMLA/Sick Leave Extension

Dear Blake:

As understood from our phone conversation of 19 November 2007, per your instruction I will extend my current City and County of San Francisco (CCSF) FMLA/sick leave from the San Francisco Airport Museums (Airport Museums) for two additional months, from 30 November 2007 through 31 January 2008. This was your decision not mine. Under doctor's supervision, I was willing to return to work part-time in early January 2008 but you stated that it would be disruptive and requested that I return to the Airport Museums when I was physically able to work full-time. Per your suggestion, I will contact you near the end of January 2008 with a physician's update of my health status. Please sign and date below and return. Via separate cover, the CCSF FMLA/sick leave paperwork extension will be provided once completed by my primary physician. Thank you.

Yours sincerely,

Sonya Knudsen

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Request from Blake Summers, Director/Chief Curator, San Francisco Airport Museums, to Sonya Knudsen, Curator IV, to extend current CCSF FMLA/sick leave from 30 November 2007 through 31 January 2008, and provide physician's update of health status near end of January 2008:

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Blake Summers

date

cc: Dr. Linda Pope/Lisa Frey  
Mark Epstein, The Epstein Group

Reasonable Accommodations requested by Sonya Knudsen and denied by supervisor, Blake Summers; San Francisco Airport Museums, in November 2007:

- Part-time schedule of twenty hours per week to transition into full-time schedule of forty hours per week
- The ability to take occasional short breaks to stand, stretch, and walk to alleviate stiffness and discomfort
- An ergonomic work station, inclusive of assessment and appropriate placement of computer monitor, keyboard, work surfaces, and phone headset



RECEIPT OF DISCRIMINATION COMPLAINT

March 14, 2008

Sonya Knudsen

Subject: Complaint of Discrimination, EEO File #1343

Dear Ms. Knudsen:

The Department of Human Resources EEO Division has received your complaint alleging denial of reasonable accommodation in the San Francisco Airport. The City and County of San Francisco takes seriously all allegations of discrimination, harassment and retaliation. In accordance with the San Francisco Charter, section 10.103 and Civil Service Commission Rule 103, your correspondence has been reported to the Human Resources Director and recorded as EEO File #1343.

A professional EEO investigator will be assigned as soon as possible to review your complaint to determine if the issues and bases of your complaint are timely and within the jurisdiction of equal employment opportunity laws of the City and County of San Francisco.

The assigned EEO investigator will contact you, either in writing or by telephone, to come in for an intake interview if it is determined that your charges could be mediated, need to be investigated, or if additional information is needed. If an EEO investigator has not contacted you within ten (10) days of this letter, please call me at 557-4982 for the name of the investigator assigned to review your letter.

For your information, you may also file a complaint of employment discrimination with the California Department of Fair Employment or the United States Equal Employment Opportunity Commission. Contact these agencies directly for filing instructions and deadlines.

DEPARTMENT OF HUMAN RESOURCES

A handwritten signature in cursive script, appearing to read "Dorothy Yee".

Dorothy Yee  
Manager, EEO Programs

Copy: EEO File # 1343

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**SONYA KNUDSEN**

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March 26, 2008

Silvia Castellanos  
Assistant Manager, EEO Programs  
Department of Human Resources  
City and County of San Francisco  
44 Gough Street  
San Francisco, CA 94103-1233

RE: Complaint of Discrimination, EEO File #1343

Sent via fax (415-557-4803) and certified mail

Dear Ms. Castellanos:

Thank you for your time to meet today at 10:00 AM re the above complaint I filed with EEO/DHR due to a November 2007 denial of reasonable accommodation at the San Francisco Airport Museums, San Francisco International Airport, City and County of San Francisco.

As discussed, due to disabilities arising from a March 13, 2007 auto accident, I now find myself in the position of needing reasonable accommodation while knowing that such conditions are not supported or respected by my supervisor, Blake Summers, Director and Chief Curator at the San Francisco Airport Museums. As stated, after being on CCSF FMLA/sick leave from March 14, 2007 to April 1, 2007, I returned to work part-time at the San Francisco Airport Museums through June 8, 2007. Due to doctor's advice, I have been on full-time CCSF FMLA/sick leave from June 9, 2007 and anticipated returning to work part-time in January 2008. Instead, my supervisor negated that possibility, and I now hope to return to work full-time on April 2, 2008.

I appreciated discussing with you my concerns returning to work at the San Francisco Airport Museums. While working under the management of Blake Summers since 1999, he has had a discernable pattern of disregarding and minimizing the basic needs of people who are disabled. It is hoped that through your involvement that this matter will be addressed for current and future needs of disabled individuals.

Sincerely,

Sonya Knudsen



April 28, 2008

Ms. Sonya Knudsen

Re: Discrimination Complaint

Dear Ms. Knudsen:

You filed a complaint of discrimination dated March 11, 2008 against the San Francisco Airport alleging denial of accommodation (request to return to work on a part time schedule) by your manager in a telephone conversation you had with him on November 19, 2007.

On March 26, 2008 I met with you in order to discuss the circumstances of your complaint further. We discussed the possibility of mediating your complaint and you agreed to that effort. On April 3, 2008 you met with Mr. Samuel Schindler, Assistant EEO Manager, to discuss and review the mediation process. On April 10, 2008 you informed Mr. Schindler that you had decided you would not pursue mediation.

On April 16, 2008 I spoke with you and you let me know that you had additional questions and concerns regarding the complaint and mediation processes. On April 25, 2008, we met and you asked for copies of written procedures relative to the discrimination complaint and mediation processes, such as the sample mediation agreement form.

Regarding the investigative process, we do not have written information available to complainants or the public other than the handout, "How To File A Discrimination Complaint". Once a charge form is signed, the relevant department is informed of the charge and asked to respond. As I've explained, the investigative process has staff taking an objective, third-party fact finding role, interviewing relevant witness and reviewing relevant written records and files. At conclusion of the investigation, staff will submit a staff report and the Director of Human Resources will issue a determination letter to both parties, reviewing the charges made, the facts established, the standards applied, and her determination whether sufficient evidence exists to find that discrimination did, or did not occur and what remedy she is identifying in cases where she finds that discrimination did occur. As I've explained, the depth and breadth of investigative activity depends upon the charge(s) made. Relative to your specific charge, I explained that investigative activity would likely be conducted and concluded rather quickly.

Regarding the mediation process, I understand that Mr. Schindler provided you with certain written information previously. Pursuant to your request, enclosed please find a sample mediation agreement form of standard boiler-plate language.

Please let me know if you are deciding to have your complaint investigated, have your complaint mediated, or if you have decided to withdraw your complaint. I may be reached at 557-4855.

Sincerely,

  
Silvia Castellanos  
HUMAN RESOURCES EEO

Enclosure: Sample Resolution Agreement Mediation

cc: Dorothy Yee  
file



### Resolution Agreement Mediation

Complainant: \_\_\_\_\_

Respondents: \_\_\_\_\_ Department, et al.

DHR EEO Complaint #1 \_\_\_\_\_

1. This is a Resolution Agreement (the "Agreement") between the undersigned parties: Complainant \_\_\_\_\_; Respondents \_\_\_\_\_ Department of San Francisco and the City and County of San Francisco and its departments, commissions, agencies, boards, and current and former officers, agents, and employees (the "City"); and Other \_\_\_\_\_ and \_\_\_\_\_ Representative. It is understood that this Agreement does not constitute an admission by the Respondents of any violation of Title VII of the 1964 Civil Rights Act, as amended, the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, the California Fair Employment and Housing Act, and/or the City's Charter, Administrative Code, Ordinances, Civil Service Commission Rules and other City enactments.

2. In return for the promises made by the Respondents contained in this agreement, the Complainant agrees to withdraw from consideration by any state or federal agency or court of law or other government entity, including, but not limited to, the Equal Employment Opportunity ("EEO") Division of the City of San Francisco's Department of Human Resources ("DHR"), any charge or complaint of discrimination or other claims relating to illegal discrimination, as referenced in the particular DHR EEO Complaint 10XX, referenced above (the "Complaint"), which is now pending on Complainant's behalf against the Respondents, its officers, agents or employees. This withdrawal is without prejudice to refile these claims at another time should the City not meet its agreed upon obligations as set forth below. The Complainant and Respondents further agree that submission of this agreement to DHR EEO will constitute a request for closure of the Complaint.

3. The parties agree to the promises as follows:

The \_\_\_\_\_ Department reaffirms its commitment to the City's Harassment Free Workplace Policy as set forth in the attached policy. To that end the Department recognizes that all employees and other individuals must be treated with respect and dignity; discrimination, harassment, and retaliation will not be tolerated. The Department further acknowledges its responsibility to take complaints of harassment and disrespect seriously and to take immediate and appropriate corrective action. As the first step in responding to an employee's complaint, the Department confirms its duty to listen completely and objectively and to ask questions to understand the complainant's concerns. As required, follow-up action will often involve reporting complaints to and consulting with the Equal Employment Opportunity (EEO) Division of the City's Department of Human Resources.

\_\_\_\_\_, Manager / Director, also asserts his / her <sup>157</sup> commitment to help facilitate informal resolution of employee complaint concerns, as possible and appropriate to the circumstances.

accord with a mediated complaint resolution process, \_\_\_\_\_ and \_\_\_\_\_ agree to the following promises:

- a.
- b.
- c.
- d. The Department, the City, and \_\_\_\_\_, and any of these parties' agents will not take any action in retaliation against \_\_\_\_\_ and \_\_\_\_\_ for raising the Complaint or being the subject of the Complaint,
- e. The City will not enter a record of this Complaint into the personnel files of either \_\_\_\_\_ and \_\_\_\_\_, though the EEO Division of the Department of Human Resources of the City and County of San Francisco will retain a copy of this agreement, and
- f. All parties will refrain from discussing the Complaint with other persons not a party to this document.

4. The parties acknowledge that neither the EEO Division of the Department of Human Resources of the City and County of San Francisco, nor any of its employees, has served as legal advisor to any party.

5. The parties acknowledge that each of them voluntarily enters into this Agreement without coercion or fear of retaliation.

6. The parties acknowledge that this Agreement is the only agreement between the parties concerning the Complaint or its subject matter. This Agreement may be modified only by a writing signed by \_\_\_\_\_ parties to this Agreement.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Complainant

DATED: \_\_\_\_\_

\_\_\_\_\_  
Department Head \_\_\_\_\_, a constituent  
department of the City and County of San Francisco  
Respondent

DATED: \_\_\_\_\_

\_\_\_\_\_, Title \_\_\_\_\_  
Respondent, \_\_\_\_\_ Department

DATED: \_\_\_\_\_

\_\_\_\_\_  
Other Party

DATED: \_\_\_\_\_

\_\_\_\_\_  
Representative

DATED: \_\_\_\_\_

\_\_\_\_\_  
Other

DATED: \_\_\_\_\_

\_\_\_\_\_  
Micki Callahan, Director  
Department of Human Resources

July 2, 2008



Ms. Sonya Knudsen

Re: Complaint of Discrimination  
EEO No.: 1343

Dear Ms. Knudsen:

Your discrimination complaint dated March 11, 2008 against the San Francisco Airport was hand-delivered to the Department of Human Resources on March 12, 2008. You allege that your manager, Mr. Blake Summers, denied you accommodation (request to return to work on a part time schedule) in November 2007. In 2007, you were on leave March 14, 2007 to April 1, 2007. You returned to work on a part time schedule April 2, 2007 to June 7, 2007. You were out on full leave June 8, 2007 to March 23, 2008. You were on vacation from March 24, 2008 to April 1, 2008.

I met with you on March 26, 2008 and on April 25, 2008 to review the complaint process and the circumstances of your complaint. I sent you a letter dated April 28, 2008 memorializing some of our contact and communication.

As I've explained, the discrimination complaint process evaluates complaints pursuant to the applicable standards of discrimination. The standard for failure to provide reasonable accommodation involves the following:

- a.) The complainant is a disabled person within the meaning of the ADA/FEHA;
- b.) The complainant is qualified to perform the essential functions of his or her job with or without reasonable accommodation;
- c.) The complainant requested a reasonable accommodation; and
- d.) The employer failed to provide a reasonable accommodation.

In our initial meeting of March 27, 2008 you relayed that in response to your request to return to work part time, Mr. Summers had responded that would be 'disruptive'. You explained that you felt your manager was in effect declaring that you were disruptive, that your request was impractical, that his tone was judgemental and negative and that you felt insulted and threatened.

I have met with Mr. Summers. Mr. Summers confirmed that he spoke with you late last year where you proposed to return to your Curator IV position at the Airport on a part time basis. Mr. Summers confirmed that he responded you should return to work when you were released to work full time.

Mr. Summers stated that he based his decision on two factors:

- a. Your description of the physical limitations and difficulties you were experiencing at that time were extensive and seemed to indicate you were in a great deal of pain and discomfort which he did not want to exacerbate with the demands of work;
- b. You had, earlier in 2007, been assigned a part time work schedule and that had not been effective as staff had found it disruptive to have to complete assignments/appointments that you began.

The department has also responded that upon Mr. Summers' receipt of your statement dated November 23, 2007, he forwarded that statement on to Airport Human Resources, where it was considered to be a request for accommodation and Airport EEO staff was contacted. At approximately the same time, Airport EEO staff reported that you had directly contacted that office in order to formally file your request for accommodation.

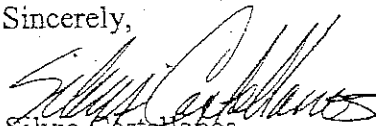
The department does not dispute that you made a request for a modified work schedule. The department does dispute your contention that you have been denied reasonable accommodation. As I've explained to you, leave is a form of accommodation. You were not provided with a part-time work schedule as you requested and which was your preferred accommodation. However, you were provided with additional leave to fully recover and return to work full time. A reasonable accommodation need not be the best accommodation available nor does it have to be the preferred accommodation.

Alternative Dispute Resolution

In our meeting of March 26, 2008 I reviewed the option of mediation. You expressed interest in this process and you met with our mediation coordinator, Mr. Samuel Schindler, on two occasions to discuss the process extensively. As both Mr. Schindler and I have explained to you, this process must be mutually agreed upon by both parties. Please be advised that Mr. Summers has expressed there is no need for him to participate in this process.

Therefore, please be advised that I am recommending your complaint be administratively closed. If you disagree with this recommendation, please feel free to provide any additional information by or before July 3, 2008.

Sincerely,



Silvia Castellanos

Human Resources EEO

cc: Dorothy Yee  
Samuel Schindler  
file

## SONYA KNUDSEN

---

9 July 2008

Silvia Castellanos  
Assistant Manager, EEO Division  
Department of Human Resources (DHR)  
City and County of San Francisco (CCSF)  
44 Gough Street  
San Francisco, CA 94103-1233

RE: Complaint of Discrimination, EEO File #1343

Dear Ms. Castellanos:

I am in receipt of your letter dated 2 July 2008, received 3 July 2008, re CCSF Complaint of Discrimination EEO No. 1343 pertaining to denial of employment, denial of reasonable accommodation, and claim of disruption at the San Francisco Airport Museums, San Francisco International Airport.

In the 2 July 2008 letter you requested a response by or before 3 July 2008. I believe you meant by 17 July 2008, a two-week duration, which would be a reasonable period.

In our earlier meetings, you had provided an overview re the CCSF discrimination complaint process, inclusive of investigation or mediation options. Given that my supervisor, Blake Summers, has refused mediation, an alternate dispute resolution process, my understanding from your overview of CCSF policies and procedures is that the next step is an investigation to be initiated by your department, then a letter of determination from the DHR Director upon the conclusion of the investigation. Please respond on or before 23 July 2007.

Sincerely,

Sonya Knudsen

cc: Steve Pitocchi, SEIU Local 1021





July 23, 2008

*cc: Steve Pitocchi  
fax 415 431 6241*

Ms. Sonya Knudsen

Dear Ms. Knudsen:

I am writing in response to your various letters sent to me in the Department of Human Resources in the past few weeks. In each letter, you wrote that you were filing a complaint of discrimination, harassment, or retaliation against the San Francisco Airport.


The San Francisco Charter, section 10.103, and Civil Service Commission Rules provide that the Human Resources Director shall review and resolve complaints of employment discrimination. A complaint is accepted for investigation after a careful screening process to determine if it falls within the jurisdiction of the City's employment discrimination complaint requirements. A complaint must contain allegations that, if proven, constitute a violation of the provisions of federal, state or local EEO laws. Complaints that do not state a recognized basis or adverse employment action, or do not establish the requisite inference of discrimination shall be administratively closed on the basis of failure to establish a charge.

- Your complaint that you were denied a reasonable accommodation to return to work on a part time schedule in November 2007 was recorded as EEO File #1343 and assigned to Silvia Castellanos in the DHR EEO Division for investigation. The Human Resources Director will notify you of her determination in the complaint.
- Your three communications dated June 25, 2008 were insufficient to support an inference of discrimination. As I previously wrote, you may provide additional information to support that your allegations are based on your membership in a protected category and you were subjected to an adverse employment action. Please provide a detailed explanation of each action you believe to be discriminatory, the dates of the alleged actions occurred and other information described on the enclosed leaflet about the City's complaint process.
- Your two communications dated July 11, 2008 have been recorded as EEO File #1371 and assigned to an EEO investigator for further review. You will be contacted by the assigned investigator.

For your information again, you may file a complaint of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment & Housing (DFEH). The EEOC is a federal agency and the DFEH is a state

agency; both are independent of the City & County of San Francisco. Contact these agencies directly for filing requirements and deadlines.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dorothy Yee".

Dorothy Yee  
EEO Manager

Enclosure: How to File a Discrimination Complaint

Copy: EEO File #1343  
EEO File #1371



July 29, 2008

Ms. Sonya Knudsen

Re: Complaint of Discrimination  
EEO File #1343

Dear Ms. Knudsen:

The San Francisco Charter, Section 10.103, and Civil Service Commission Rule 103 provide that the Human Resources Director shall review and resolve all complaints of employment discrimination. The purpose of this letter is to inform you of my determination in your complaint, EEO File #1343, filed against the San Francisco Airport.

In March 2008, you filed a complaint alleging that your manager Blake Summers denied your request for reasonable accommodation. You alleged that in November 2007, you requested that you be allowed to return to work from a leave of absence on a part time basis. You stated that Mr. Summers responded that such a work schedule would be "disruptive."

You met with Silvia Castellanos and Samuel Schindler in the Department of Human Resources EEO Division to discuss and review the City's discrimination complaint process as well as the City's alternative dispute resolution program.

Ms. Castellanos informed you of the standards in a complaint alleging denial of reasonable accommodation. In order to sustain a charge of failure to provide reasonable accommodation, all the following must be established: 1) the complainant is a disabled person within the meaning of the ADA/FEHA; 2) the complainant is qualified to perform the essential functions of his or her job with or without accommodation; 3) the complainant requested a reasonable accommodation; and 4) the employer failed to provide a reasonable accommodation.

Summary of Investigative Activity and Findings

Ms. Castellanos met with you on March 26, 2008 and on April 25, 2008, and reviewed your correspondence and other documents. She contacted the department and interviewed your manager. She wrote to you on April 28, 2008 and on July 2, 2008 to summarize her actions.

Records show that you are employed as a permanent exempt 3546 Curator IV with the San Francisco Airport Museums. Your manager is Blake Summers, Director and Chief Curator. Airport Human Resources confirmed that you were on a leave of absence from March 14 to April 1, 2007. From April 2 to June 7, 2007, you were on a part time work schedule. You were again on a leave of absence from June 8, 2007 to March 23, 2008 and on vacation leave from March 24 to April 1, 2008. You were released to return to work full time in April 2008.

Ms. Castellanos interviewed Mr. Summers on June 26, 2008. He reviewed your job duties as a curator at the Airport Museums. He confirmed that he'd had a conversation with you late last year during which you requested to return to work on a part time basis. In your conversation with him, you described that you were experiencing pain and discomfort at that time. He said you provided details of physical difficulties in performing everyday tasks. Mr. Summers said he did not want to add to your discomfort with the demands and responsibilities of work. He responded it would be best if you returned to work once you were released to work full time. Mr. Summers reported that upon learning of your request to work a part time schedule, he consulted with Airport Human Resources, and met with them to discuss the request.

Mr. Summers also relayed to Ms. Castellanos that another factor he considered in evaluating your request was that your previous part time work schedule from April to June in 2007 had not been effective as other Airport Museum staff had found it disruptive to have to follow through on assignments and appointments that you began.

You contend that you are an individual with a disability and that you are qualified to perform the essential functions of your job with or without accommodation. The evidence supports that you made a request for a part time work schedule. However, the evidence does not support that you were denied a reasonable accommodation. A reasonable accommodation does not need to be the specific accommodation requested or preferred by the employee. The department considered that your request for a part time work schedule was not effective for the needs and operations of the Airport Museums. Instead the department granted you continued leave until you were able to return to work full time. Leave is considered a form of accommodation under the Americans with Disabilities Act and California Fair Employment & Housing Act.

#### Determination

Based on the information presented, it is my determination that there is insufficient evidence to substantiate your claim that you were denied reasonable accommodation. The decision of the Human Resources Director is final, unless it is appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102, within thirty (30) calendar days from the postmarked mailing date of this letter.

Sincerely,



Micki Callahan  
Human Resources Director

Enclosure

Copy: John L. Martin, Gloria Louie, AIR  
Steve Pitocchi, SEIU  
EEO File # 1343

Examples of Precedents at SFAM re Leaves of Absences and Part-Time Work Schedules

Examples of past and present precedent at SFAM re employee request and approval for CCSF FMLA/sick leave absences and/or reduced work schedules, returning to work on part-time schedule with accommodations, with transition return to full-time schedule:

- Dwyer Brown, wife pregnancy, return to part-time schedule for duration
- John Hill, wife pregnancy, return to part-time schedule for duration
- Kathie Smookler, car accident, return to part-time schedule for duration
- Barbara Geib, personal matter, reduced work schedule
- Kelvin Godshall, work accident, return to part-time schedule for duration
- Timothy O'Brien, wife pregnancy, return to part-time schedule for duration
- Christine Harris, reduced work schedule
- Sonya Knudsen, surgery and return to part-time schedule for duration
- Jeff Stevens, wife pregnancy and return to part-time schedule for duration
- Stephanie Parkhurst, pregnancy one with part time schedule, sick leave absence, and post pregnancy return to part-time schedule for duration
- Stephanie Parkhurst, pregnancy two with part time schedule, sick leave absence
- Jeff Stevens, car accident, return to part-time schedule for duration
- Jeff Stevens, university classes, reduced work schedule for duration
- Pamela Koe, stroke, full-time sick leave with extensive Summers and Smookler assistance, care, and absences during work hours re medical, disability. CCSF, etc
- Roman Korolev, wife pregnancy, return to part-time schedule for duration
- Kenn Yazzie, child adoption, full time leave and return to part-time, compressed work schedule for duration
- Roman Korolev, fire accident, return to part-time schedule for duration
- Urs Imfeld, personal matters, reduced work schedule
- Jeff Stevens, university classes, reduced work schedule for duration

## Exhibit A - 4

Letter of Complaint, 6/25/08 – Harassment, Denial of Promotion

**SONYA KNUDSEN**

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25 June 2008

Dorothy Yee  
Department of Human Resources/EEO Division  
City and County of San Francisco  
44 Gough Street  
San Francisco, CA 94103

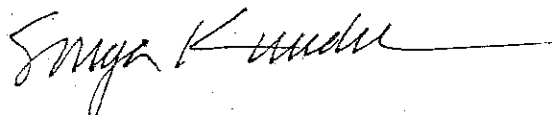
Complaint re: Blake Summers, San Francisco Airport Museums, San Francisco International Airport

Dear Ms. Yee:

By means of this letter and attached City and County of San Francisco (CCSF) "Department Report of Employment Discrimination Complaint" form I am filing a complaint against my supervisor, Blake Summers, Director and Chief Curator, San Francisco Airport Museums, San Francisco International Airport.

Since my 2 April 2008 return to work at the San Francisco Airport Museums, San Francisco International Airport, from an extended FMLA/sick leave, I have been subjected to discriminatory attitude and actions by my supervisor, inclusive of unfair and inequitable treatment and scrutiny; diminished job responsibilities, restructuring and reassignments; continued bias regarding ADA and reasonable accommodation; adversely impacted, strained work environment and conditions; isolation; and denial of promotion.

Yours sincerely,



Sonya Knudsen

attached: CCSF Department Report of Employment Discrimination Complaint form

cc: Steve Pitocchi, SEIU 1021

DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT

\* Report Within Five Working Days of Receipt of Complaint\*

Return to: Dorothy Yee, DHR/EEO Division, 44 Gough Street, San Francisco, CA 94103

1. Department/Worksite: San Francisco Airport Museums, San Francisco Intl Airport

2. Complainant: Sonya Knudsen Tel. No. (Work): 650-821-6726

Address: Tel. No. (Home):

3. Complaint Filing Date: 06/25/08

4. Complainant's Current Employment Status (circle one): Classification: 3546 Curator IV
PCS TCS LT NCS PV PE TE PROB NOT A CITY EMPLOYEE

- 5. Basis of Discrimination (specify):
Race:
Color:
Religion:
Creed:
Sex:
National Origin:
Ethnicity:
Age:
Disability/Medical Condition:
Political Affiliation:
Sexual Orientation:
Ancestry:
Marital or Domestic Partner Status:
Gender Identity:
Parental Status:
Other Non-Merit Factors:
Retaliation:

- 6. Issue complained of:
Denial of Employment
Denial of Training
Denial of Promotion
Denial of Reasonable Accommodation
Termination
Lay-off
Constructive Discharge
Disciplinary Action
Harassment
Work Assignment
Sexual Harassment
Compensation
Other (please specify):

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s): (Attach letter of complaint) see attached



8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes  No

If yes, please specify: \_\_\_\_\_

9. Is the Complainant represented by a Union or an Attorney? Yes  No

Name: \_\_\_\_\_ Organization/Firm: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

\*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*10a. Name and position of staff who will implement recommended steps:

\_\_\_\_\_

11. Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Tel. No. \_\_\_\_\_

\*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

**\*Subject to the Human Resources Director's approval**

### HUMAN RESOURCES DIRECTOR REVIEW

Complaint is assigned EEO File Number: \_\_\_\_\_

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: \_\_\_\_\_  
and/or the following actions are to be taken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ **170** \_\_\_\_\_  
for Philip A. Ginsburg, Human Resources Director Date

Exhibit A - 5

Letter of 7/9/08 – Blake Summers

**SONYA KNUDSEN**

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9 July 2008

Dorothy Yee  
Manager, EEO Division  
Department of Human Resources (DHR)  
City and County of San Francisco (CCSF)  
44 Gough Street  
San Francisco, CA 94103-1233

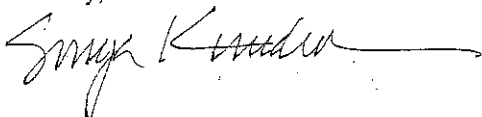
RE: 25 June 2008 filed discrimination complaint re Blake Summers, San Francisco Airport Museums, San Francisco International Airport

Dear Ms. Yee:

I am in receipt of your letter dated 2 July 2008, received 3 July 2008, re the above complaint of discrimination I had filed with DHR-EEO pertaining to discriminatory, retaliatory, unfair and inequitable treatment and work assignment disparities from my supervisor, Blake Summers, Director and Chief Curator, San Francisco Airport Museums, San Francisco International Airport.

With regard to your request for further information and details pertaining to the above discrimination complaint, please verify that this complaint has been reported to the DHR Human Resources Director, provide the EEO file number, and the name of the assigned professional EEO investigator for reference. My understanding in that adherence to CCSF administrative policies and procedures will be ensured throughout this discrimination complaint process, inclusive of intake, jurisdiction designation, and investigation. I will gladly offer anything you need, information to be gathered by your office during the investigation process.

Sincerely,



Sonya Knudsen

cc: Steve Pitocchi, SEIU Local 1021

Exhibit A - 6

Letter of 8/23/08 – Blake Summers

SONYA KNUDSEN

23 August 2008

Dorothy Yee  
Manager, EEO Division  
Department of Human Resources (DHR)  
City and County of San Francisco (CCSF)  
44 Gough Street  
San Francisco, CA 94103-1233

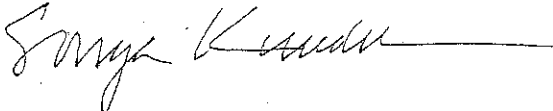
re: 25 June 2008 filed discrimination complaint against Mr. Blake Summers, San Francisco Airport Museums, San Francisco International Airport, City and County of San Francisco

Dear Ms. Yee:

Per your request of 23 July 2008, please note the enclosed that provides further details with supporting documentation regarding my discrimination complaint filed at CCSF DHR-EEO 25 June 2008 against Mr. Blake Summers, Director and Chief Curator, San Francisco Airport Museums (SFAM), San Francisco International Airport (SFO), City and County of San Francisco (CCSF) due to discriminatory, retaliatory, unfair, and inequitable treatment and work assignment disparities I have been subjected to since returning from an extended CCSF/FMLA sick leave to full-time work on 2 April 2008.

Please verify that this complaint has been reported to the DHR Human Resources Director, provide the DHR-EEO file number, and the name of the assigned professional EEO investigator for reference. My understanding is that adherence to CCSF administrative policies and procedures will be ensured throughout this discrimination complaint process, inclusive of intake, jurisdiction designation, and investigation.

Sincerely,



Sonya Knudsen

enclosures: Knudsen Summation Statement (7 pages)

cc: Steve Pitocchi, SEIU Local 1021

Discrimination complaint filed by:

Sonya Knudsen, 3546, Curator IV, Curator in Charge of Administration  
San Francisco Airport Museums (SFAM), San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

Discrimination complaint filed against:

Blake Summers, Director and Chief Curator  
San Francisco Airport Museums (SFAM), San Francisco International Airport, (SFO)  
City and County of San Francisco (CCSF)

Reasons for complaint against Blake Summers:

Discrimination, retaliation, harassment, unfair and inequitable treatment, work assignment changes and disparities

I desire that the following San Francisco International Airport (SFO) administrative philosophy be implemented, enforced, and sustained as regards Blake Summers and myself:

*It is SFO management's philosophy to maintain the highest standards of personal conduct by treating employees we supervise fairly, respectfully, and professionally.*

*Among SFO's governing values are respect, loyalty, dedication, integrity, teamwork, maintaining the highest level of quality work, professional standards, delegate and empower staff to achieve the highest level of service, strive for excellence, continuing to raise SFO standards.*

*To discharge all responsibilities and those of the Airport Commission in compliance with State and Federal laws, City Ordinances, and County Rules and Regulations, Airport Rules, Regulations, and Directives.*

*Further, that SFO management bears the responsibility to inform employees what is expected of them in terms of job performance, conduct on the job, and off-duty conduct that could affect their employment relationship. Managers and supervisors who do not address these issues in a timely and thorough fashion are failing to perform their own responsibilities in a satisfactory manner.*

*It is the Airport's desire to handle employee concerns effectively, fairly, and internally, and to build a favorable work environment in which employees feel free to bring their concerns to management. It is also illegal to retaliate against any employee for having made a good faith complaint, for reporting discrimination.*

## SONYA KNUDSEN

### Sonya Knudsen key contact dates with SFO and Blake Summers

- March 13, 2008 Sonya Knudsen meeting with Veronica Davis, SFO-HR
- March 14, 2008 Sonya Knudsen meeting with Susan Kim, SFO-EEO
- March 19, 2008 Sonya Knudsen meeting with Susan Kim, SFO-EEO
- April 2, 2008 Sonya Knudsen return to work at SFAM
- April 22, 2008 Blake Summers conversation with Sonya Knudsen
- May 28, 2008 Blake Summers conversation with Sonya Knudsen
- July 9, 2008 Blake Summers meeting with Sonya Knudsen
- August 20, 2008 Blake Summers conversation with Sonya Knudsen and Gale Eavis

### CCSF-DHR discrimination complaints filed by Sonya Knudsen indicating ongoing and escalating harassment, retaliation, and intimidation from Blake Summers:

- March 11, 2008 Sonya Knudsen discrimination complaint #1 against Blake Summers filed at CCSF-DHR
- June 25, 2008 Sonya Knudsen discrimination complaint #2 against Blake Summers filed at CCSF-DHR
- July 11, 2008 Sonya Knudsen discrimination complaint #3 against Blake Summers filed at CCSF-DHR

### SFAM Directors/supervisors to Sonya Knudsen:

- 1997 – 1999 Elsa Cameron, SFAM Director and Chief Curator;  
Blake Summers, SFAM Assistant Director
- 1999 – present Blake Summers, SFAM Director and Chief Curator

### Sonya Knudsen positions/promotions at SFAM:

- 1997 – 1999 3558, Senior Museum Registrar
- 1999 – 2006 3546, Curator in Charge of Registration
- 2006 – present 3546, Curator in Charge of Administration

### Examples of major SFAM projects assigned to Sonya Knudsen by Blake Summers:

- 1999 AAM Accreditation
- 2000 New IT opening, inclusive of ALM, expansion of exhibitions
- 2000 SFAM Aviation plane models installation in ALM
- 2000 SFAM Aviation plane models installation T3 United Hub
- 2001 9/11 and subsequent SFAM staff downsizing, program restructuring
- 2004 SFAM Deaccessioning
- 2004 SFAM move from ECR to WFR
- 2005 WFR roof project
- 2006 ECR lawsuit, San Mateo County Superior Court
- 2007 Kaslikowski insurance claim, CCSF Small Claims Court
- 2007 T3 and ALM Security System upgrade
- 2008 Kaslikowski insurance claim, CCSF Small Claims Court
- 2008 Spruce Warehouse emptying, WFR new storage

## SONYA KNUDSEN

### Overview of Sonya Knudsen CCSF FMLA/sick leave from March 2007 – April 2008

- March 13, 2007 Sonya Knudsen in car accident
- March 14, 2007 – April 1, 2007 full-time sick leave
- April 2, 2007 – June 10, 2007 part-time leave, approx. 20 hours/week
- June 11, 2007 – July 31, 2007 full-time sick leave
- August 1, 2007 – September 30, 2007 full-time sick leave
- December 1, 2007 – February 4, 2008 full-time sick leave
- February 1, 2008 – April 1, 2008 full-time sick leave
- April 2, 2008 Sonya Knudsen return to work full-time

### SUMMATION

In March 2007 I was in a car accident which resulted in an extended CCSF FMLA/sick leave from the San Francisco Airport Museums (SFAM) from March 2007 to April 2008; see above overview. A portion of this CCSF FMLA/sick leave, from 1 December 2007 to 1 April 2008, was due to a 19 November 2007 request to return to work on a part-time basis that was denied by my supervisor, Mr. Blake Summers, with instructions from him not to return to work until medically authorized to work a full-time schedule. Mr. Summers' unsubstantiated position that a part-time schedule was disruptive to SFAM staff and operations without any procedural or quantifiable facts, and despite numerous past part-time schedule precedents, placed me in the untenable position to accept such an arbitrary decision. My sole recourse was to document Mr. Summers' decision in a 23 November 2007 letter summarizing his statements, and on reflection, later file a CCSF DHR discrimination complaint on 11 March 2007. This preceded my 2 April 2008 return to work full-time at SFAM.

My position as Curator in Charge of Administration has been unduly restricted and undermined by Mr. Summers since my April 2008 return, a continuation and escalation of negative conduct on his part. Submission to such conduct made either explicitly or implicitly, has the purpose and effect of unreasonably interfering with my work performance and creating an intimidating, hostile, strained, and stressful work environment. Since my return my job has been and continues to be inconsistently redefined and restructured, with many work duties and responsibilities ever changing. Further, past responsibilities delegated to other SFAM staff has placed me in a position of supporting and supplementing rather than directing and coordinating. Increasingly my job's role and duties are subject to excessive scrutiny and interference and newly placed limitations that undermine and make for a difficult and awkward working relationship with my supervisor.



A few examples:

Work Hours

Upon my return to SFAM in April 2008 my daily and weekly hours have been questioned and scrutinized. I have been consistently queried as to how I sign in and out for the work day, and told to make changes regarding how I had signed out. I have been made aware to be meticulous as to reporting my hours at work, using sick leave versus vacation leave, etc.

This singular attention stands in contrast to so many at SFAM who abuse and/or disregard their daily/weekly CCSF work hour obligations without any supervisor comment or reprimand. One only has to look at the SFAM work timesheets, secure computer printouts of SFAM building access, and talk with SFAM staff to find established patterns of abuse, whether be actual hours worked versus those noted on timesheets, use of sick leave, duration of morning and afternoon breaks and lunch time. In ten years of employment with SFAM I have an established and exemplary attendance record, my daily and weekly work hours far exceeding those required. The same is true for the large number of after-hour and special projects I have been responsible for, working long evening and weekend shifts, as well as being on call for SFAM emergency needs. As such, I am puzzled why there is any doubt or concerns regarding my work hours, and more so, why I am garnering so much attention in face of such widespread abuse within SFAM.

Another situation in my April 2008 return is that my supervisor instructed me to sign out on and use vacation leave when attending Rotary Club of Burlingame lunch meetings; prior to my return this insistence and request never arose. Mr. Summers has never understood and has long been dismissive of the value of professional associations, socializing, and networking to promote SFAM. Mr. Summers is not overly enthusiastic about such activities, does not have an active role amongst airport and museum peers, and hampers and censors my involvement along those lines. My long established involvement with the Rotary Club of San Francisco International Airport, now with Rotary Club of Burlingame, attending weekly lunch meetings and after-hour events in these two service clubs without compromising my SFAM work responsibilities and CCSF work hour obligations, has been a positive promotion and invaluable aid to represent and promote SFAM and SFO within the business and regional community. My involvement with Rotary is at my own initiative and expense, and is not a financial, operational, or professional strain whatsoever to SFAM or SFO while the positive benefits derived to both entities are invaluable. For example, since my return I have had three speaking engagements promoting SFAM to Rotary and Lions Clubs in San Mateo County, their members garnering additional knowledge about SFAM and SFO.

## SONYA KNUDSEN

### Blake Summers discussion with Sonya Knudsen regarding work responsibilities

On 22 April 2008 I was told by Mr. Summers of parameters regarding what needed to be done for SFO Spruce Warehouse emptying and relocation, inclusive of placement of exhibition furniture, brochures, and archival files in WFR storage rooms, boiler room, electrical room, et al., instructed to keep Mr. Summers apprised throughout.

In this discussion Mr. Summers also informed me for the first time that SFAM had a FY07/08 contract with an outside contractor firm for a previous in-house project I had been working on with Mr. Summers and Ms. Christine Harris, then Librarian, which was to develop a new collection management database, combining the permanent collection and exhibition dbases together. I was instructed by Mr. Summers to from here on in talk with Ms. Julie Takata, SFAM Librarian, and Ms. Barbara Geib, SFAM Curator in Charge of Registration, regarding this FilemakerPro computer project. In effect I was now in a secondary, support position, instructed by Mr. Summers to ask Ms. Takata and Ms. Geib for work assignments and instructions, providing them updates and reports of my progress, all the more curious in that I had previously been Ms. Geib's supervisor. Due to Ms Geib's other varied working priorities, it was very difficult to get her to concentrate on the computer project and provide timely input, and I was placed in an ongoing circulatory route of asking her to approve and confirm direction and scope which I clarified was needed to forward progress of the computer project.

When queried regarding other prior and specific job duties I had handled, Mr. Summers confirmed that several major duties and assignments I had been responsible for prior to my CCSF/FMLA leave, e.g., SFAM exhibition schedule maintenance and updates on FilemakerPro and Excel databases, SFAM Registration department exhibition log, SFAM monthly insurance reports to SFO Risk Management, were now the responsibility of Ms. Geib. Since this April meeting I have consistently provided Ms. Geib key assistance and support given that she has been struggling to fulfill these duties in addition to her day-to-day responsibilities although having three new Registration staff members under her supervision.

Mr. Summers also in this April meeting informed me of a recent conversation he had with Mr. Peter Acton, Deputy Director of SFO Maintenance (FOM), saying that Mr. Acton had mentioned that word was out that I was back, and numerous Facilities' crafts/departments had complained that I was asking them to do more than the submitted work requests required. Mr. Summers then asked me what FOM work requests I was working on besides emptying the SFO Spruce warehouse. I informed Mr. Summers of the following FOM related projects:

#### SFO FOM Electrical Department:

- International Terminal SF Art Commission Sister Cities burnt out light bulbs
- International Terminal new light track system in SFAM exhibition wall cases
- SFAM West Field Road new storage area, expanding perimeter security system

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## SONYA KNUDSEN

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- SFAM West Field Road burnt out interior and exterior light bulbs throughout facility

SFO FOM Carpentry/Locksmith Department:

- SFAM West Field Road new storage area, new hardware on perimeter door
- SFAM West Field Road new storage area, cutting opening and installing double doors into tech work space

Mr. Summers then said that the SFO FOM Electrical Department had lodged a complaint against me, but would not provide more specific information or details despite queries on my part. Mr. Summers asked what involvement I had recently had with Electrical, and I said primarily with Mr. Bill Quan, who was acting department head because Mr. Bill Lehew was on vacation. I explained how I had met with Mr. Quan at WFR to provide him copies of the blueprints that indicated the new locations for the San Francisco Art Commission Sister Cities projectors, talked with him regarding the IT wall case track lighting project, and then had walked with Mr. Quan to the new storage area to show him the space, and receive more information and an update about the security system project.

In response, Mr. Summers instructed me to lay low with FOM, not issue any FOM work requests unless absolutely necessary, and that he would work with Mr. Quan on the IT wall case lighting project. In such actions Mr. Summers was conveying a judgment that I am in the wrong, penalizing me by taking job assignments away, while censoring and restricting my abilities to perform my facility management responsibilities

It is with concern how I can interact with other SFO staff, deterred by Mr. Summers' vague and nonspecific generalities, limitations, and judgments rather than primarily concentrating on accomplishing work assignments in a proactive, timely, and conscientious manner. In effect, the merits regarding any complaint appears to be predetermined by Mr. Summers where I am placed in a negative manner irregardless of the actual facts, the reputation of the SFO or FOM individuals and departments involved. Mr. Summers does not provide or even minimally ascertain particulars so that I can strive to remedy or address perceived problems or issues, as well as implement methods to avoid like circumstances in the future.

### Denial of Promotion

On 28 May 2008 I was told by Mr. Summers that two staff promotions he had recommended in FY07/08 for Assistant Director (0922, Manager 1) and Curator IV (3546), to be carried over to FY08/09, were not applicable to me, saying, "Why would I promote you? You weren't here for a year," referring to my CCSF FMLA/sick leave.

Background: In 2006 Mr. Summers promoted me from Curator in Charge of Registration to Curator in Charge of Administration, both 3546 classifications; the promotion was in title only with neither a CCSF classification change or salary increase, e.g., 0922, Manager 1. Duties and responsibilities were broadened and increased to such a degree that I was compelled to decline simultaneously maintaining Registration department head

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## SONYA KNUDSEN

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responsibilities. When I queried Mr. Summers at that time why I was not receiving a classification change or salary increase, Mr. Summers replied that he had not budgeted for it and that if I received a classification change and salary increase such an action would be resented by the Assistant Director (0922, Manager 1) and Curator in Charge of Aviation (3546, Curator IV). Note that despite budgetary limitations, several SFAM staff received promotions with reclassifications and salary increases during this period. In this conversation Mr. Summers implied that a classification change and salary increase would be factored into the future budget; to that end, I provided Mr. Summers a listing of CCSF comparative positions and salaries, as well as a preliminary CCSF JAQ.

Thus, imagine my surprise to hear confirmed in this May 2008 discussion two promotions had been submitted in the FY07/08 SFAM budget but neither one applied to me. I have been for the past ten years a fully productive, effective, and responsible employee and supervisor, proactive and helpful in many capacities far and above my job description. I have been consistently working out of class, exceeding work responsibilities and duties, all in vivid contrast to the SFAM individuals submitted for promotion. For instance the SFAM Curator in Charge of Aviation has commonly been unable to fulfill his core work responsibilities and duties, repeatedly failing to meet deadlines, necessitating additional staff to assist or do further work as a result. My perception is that I am being denied a promotion, classification change, and salary increase by Mr. Summers, with retaliation and penalty because of: 1) my CCSF FMLA/sick leave, 2) a discrimination complaint I had filed on 11 March 2007 against Mr. Summers, 3) favoritism based on gender.

### CONCLUSION

There are additional examples of harassment and discrimination incidents and situations I have been subjected to since my April 2008 return to work at SFAM but those listed above should be sufficient to document why I filed a CCSF DHR discrimination complaint against Mr. Summers on 25 June 2008. Mr. Summers' conduct and actions have had adverse impact, created a hostile work environment, and changed the tone and terms of my employment at SFAM, a consequence and penalty for a CCSF FMLA/sick leave.

## Exhibit A - 7

Letter of Complaint, 7/11/08 – Kathie Smookler

**SONYA KNUDSEN**

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11 July 2008

Dorothy Yee  
Manager, EEO Division  
Department of Human Resources (DHR)  
City and County of San Francisco (CCSF)  
44 Gough Street  
San Francisco, CA 94103-1233

Harassment complaint re: Kathie Smookler, San Francisco Airport Museums, San Francisco International Airport

Dear Ms. Yee:

By means of this letter and attached City and County of San Francisco (CCSF) "Department Report of Employment Discrimination Complaint" form I am filing an harassment complaint against Kathie Smookler, Assistant to the Director, San Francisco Airport Museums, San Francisco International Airport, with regard to a 1 July 2008 workplace situation, inclusive of verbal harassment, inappropriate discipline, improper physical conduct, and retaliation.

On 1 July 2008, in a private meeting in my office, Smookler harshly reprimanded and accused me of planning a 4<sup>th</sup> of July Airport Museums staff barbeque without the involvement and knowledge of Summers, using terms such as undermining, sneaky, disrespectful, and planning behind his back. Smookler accused me of placing another Museums staff member, Timothy O'Brien, in a "mediator position" between Summers and myself, forcing O'Brien into an awkward position to inform Summers of the barbeque, act as go-between. Smookler accused me of being blatantly unaware of how busy O'Brien's work schedule was, and that he should not be bothered or involved in such a matter.

In this conversation, Smookler was very angry and increasingly animated and unreasonable, conveying that she thought I was disrespectful of and undermining Summers within the Museums work setting. While we talked, on two separate occasions I requested of Smookler to be allowed to depart my office, first to seek out O'Brien to involve him so as to clear up misunderstandings, and later, a second attempt, because I found her comments harassing, distressing, and upsetting. Both attempts to leave my office were not possible as she blocked my way.

There are additional details and subsequent meetings and encounters between Knudsen and O'Brien; Knudsen, O'Brien, and Smookler; Smookler, O'Brien, and Knudsen; O'Brien and Knudsen; Knudsen and Summers; Knudsen and Smookler regarding the Museums' 4<sup>th</sup> of July barbeque, all of which will be provided in the investigation. Please note the Museums' 4<sup>th</sup> of July barbeque was cancelled.

## SONYA KNUDSEN

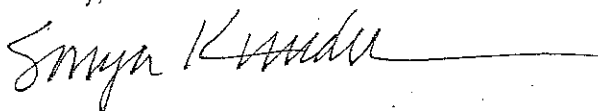
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Knudsen harassment complaint against Smookler  
Page two, 11 July 2008

Smookler is the Assistant to the Director, Blake Summers, an ally quite close and a confidant to him. Because of her position, Smookler is privy to confidential matters such as filed discrimination complaints thus my perception is that the 1 July 2008 situation is harassment and as well as retaliation from an earlier filed discrimination complaint I had filed against Summers, my supervisor.

Please note that I had attempted to schedule a meeting with SFO-EEO on 3 July 2008 to report the above harassment incident and was told that I should amend my earlier discrimination complaint filed against my supervisor, Blake Summers, due to a November 2007 event. Per advice received from my SEIU Local 1021 union representative, I then contacted Silvia Castellanos at the DHR-EEO office to request a meeting to file an oral report, and was instructed to provide this written report.

Sincerely,



Sonya Knudsen

attachment: CCSF Department Report of Employment Discrimination Complaint form

cc: Steve Pitocchi, SEIU Local 1021

DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT

\* Report Within Five Working Days of Receipt of Complaint\*

Return to: Dorothy Yee, DHR/EEO Division, 44 Gough Street, San Francisco, CA 94103

1. Department/Worksite: SAN FRANCISCO AIRPORT MUSEUMS, SF INTL AIRPORT

2. Complainant: SONYA KAUSEN Tel. No. (Work): 650 821 6726

Address: [REDACTED] Tel. No. (Home): [REDACTED]

3. Complaint Filing Date: 11 JULY 2008

4. Complainant's Current Employment Status (circle one): Classification: 3546 UNIAUTOR IV  
PCS TCS LT NCS PV PE TE PROB NOT A CITY EMPLOYEE

- 5. Basis of Discrimination (specify):
Race:
Color:
Religion:
Creed:
Sex:
National Origin:
Ethnicity:
Age:
Disability/Medical Condition:
Political Affiliation:
Sexual Orientation:
Ancestry:
Marital or Domestic Partner Status:
Gender Identity:
Parental Status:
Other Non-Merit Factors:
Retaliation:

- 6. Issue complained of:
Denial of Employment
Denial of Training
Denial of Promotion
Denial of Reasonable Accommodation
Termination
Lay-off
Constructive Discharge
Disciplinary Action (INAPPROPRIATE)
Harassment
Work Assignment
Sexual Harassment
Compensation
Other (please specify): IMPROPER PHYSICAL CONDUCT RETALIATION

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s): (Attach letter of complaint) SEE ATTACHED COMPLAINT LETTER AGAINST KATHIE SMOOKLER RE HARASSMENT, INCLUSIVE OF VERBAL HARASSMENT, INAPPROPRIATE DISCIPLINE, IMPROPER PHYSICAL CONDUCT, AND RETALIATION.



8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes  No

If yes, please specify: \_\_\_\_\_

9. Is the Complainant represented by a Union or an Attorney? Yes  No

Name: \_\_\_\_\_ Organization/Firm: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

\*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*10a. Name and position of staff who will implement recommended steps:

\_\_\_\_\_

11. Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Tel. No. \_\_\_\_\_

\*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

**\*Subject to the Human Resources Director's approval**

### HUMAN RESOURCES DIRECTOR REVIEW

Complaint is assigned EEO File Number: \_\_\_\_\_

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: \_\_\_\_\_  
and/or the following actions are to be taken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
for Philip A. Ginsburg, Human Resources Director

\_\_\_\_\_  
Date

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## Exhibit A - 8

Letter of Complaint, 7/11/08 – Blake Summers

## SONYA KNUDSEN

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11 July 2008

Dorothy Yee  
Manager, EEO Division  
Department of Human Resources (DHR)  
City and County of San Francisco (CCSF)  
44 Gough Street  
San Francisco, CA 94103-1233

Harassment and retaliation complaint re: Blake Summers, San Francisco Airport Museums, San Francisco International Airport

Dear Ms. Yee:

By means of this letter and attached City and County of San Francisco (CCSF) "Department Report of Employment Discrimination Complaint" form I am filing an harassment and retaliation complaint against Blake Summers, Director and Chief Curator, San Francisco Airport Museums, San Francisco International Airport, regarding a 9 July 2008 meeting, inclusive of unwelcome and offensive conduct, verbal harassment, intimidation, slander, unsubstantiated accusations, derogatory comments, denial of request for a third-party witness, and retaliation from previously filed discrimination complaints.

On Wednesday, 9 July 2008, at approx. 2:45 PM, I was in my office on the phone when my supervisor, Blake Summers, came to my doorway. Seeing that I was on the phone Summers departed. I was off the phone within a minute, and sought out Summers, first outside my office, and then in the Museums' loading dock area, inquiring of Roman Korolev and Kelvin Godshall whether they had recently seen Summers and if so, what direction he had gone. Both indicated that Summers had returned to his office.

I went to Summers' office, knocked on his door, and standing at his doorway was then asked by Summers whether I had a recent altercation with staff from the Airport Facilities' Carpentry department. Surprised at the question I replied no and asked why. Summers said he had received a phone call from Peter Acton, Facilities Deputy Director, re a complaint received against me from the Carpentry department. Summers again asked if I had an altercation, and what recent dealings I had with Carpentry personnel. I explained that I had worked with two Carpentry staff on Tuesday, 8 July 2008, at the Museums' West Field Road storage room re bolting down shelving units, and had been on the phone briefly with Larry Tuccio, Carpentry Supervisor, but that there had been no incidents or difficulties. I said I had not been at work on Monday, 7 July 2008, and that Roman Korolev had worked with the Carpentry people in the storage room that day. I said I had briefly worked with one Carpentry person the previous Thursday, 3 July 2008, when he had come by to assess the storage bolting down shelves project.

I then asked Summers if he had more details of the ~~Carpentry~~ <sup>188</sup> complaint, and Summers replied no. I explained to Summers that I was surprised to hear of the complaint, and that it was difficult to respond to a complaint not knowing specific details and what the complaint was about. Summers

## SONYA KNUDSEN

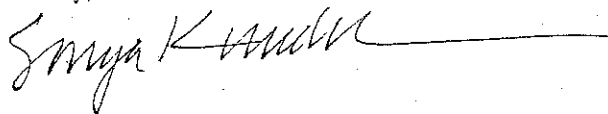
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Knudsen harassment complaint against Summers  
Page two, 11 July 2008

again asked if I had any altercation with Carpentry and I said no, but that I had received some good news from Tuccio re the tension-wire cement floors in storage. I said to Summers that I found this Carpentry complaint disturbing, and that it was a repeat of a similar complaint that Summers had brought forth in April 2008 received from the Electrical department, a duplication of not having any details or knowing who had lodged the complaint, how to reply or defend against faceless and nebulous accusations. Summers said he had told me back then to lay low, not ask Facilities personnel to do anything beyond what they were required to do, and to avoid altercations or putting in excessive work orders. I replied to Summers that I had been especially careful when interacting with Facilities personnel thus was all the more surprised to hear of the Carpentry complaint, but also how difficult such complaints would make my job overseeing facility management responsibilities, working with Facilities personnel, etc.

I then asked Summers what he had said to Acton, whether he had backed me. Summers paused, and then said he had a difficult time supporting me given my reputation for being difficult to work with, not getting along with others, the pattern of recent complaints I had recently filed. Summers then asked me to come into his office and close his door. What followed, in a private conversation that lasted approximately ten minutes, was unwelcome and offensive conduct and behavior from Summers, inclusive of verbal harassment, intimidation, slander, unsubstantiated accusations, derogatory comments, denial of request for a third-party witness, retaliation from previously filed discrimination complaints -- all severe and pervasive harassment from Summers in an increasingly hostile and abusive work relationship and environment. I will provide further details in the investigation process. After receiving a query from Summers re whether I was going to quit, I concluded the meeting by replying that I was not quitting, but quitting for the day and would be at work on Thursday, 10 July 2008, with a major project at Spruce warehouse to oversee. I then left the office at 3:00 PM in shock, deeply shaken, devastated, and offended by Summers conduct and behavior, driving directly into San Francisco to go to the SEIU Local 1021 office.

Sincerely,



Sonya Knudsen

attachment: CCSF Department Report of Employment Discrimination Complaint form

cc: Steve Pitocchi, SEIU Local 1021

DEPARTMENT REPORT OF EMPLOYMENT DISCRIMINATION COMPLAINT

\* Report Within Five Working Days of Receipt of Complaint\*

Return to: Dorothy Yee, DHR/EEO Division, 44 Gough Street, San Francisco, CA 94103

1. Department/Worksite: SAN FRANCISCO AIRPORT MUSEUMS SF INTL AIRPORT

2. Complainant: SONYA KAUDSEN Tel. No. (Work): 650 821 6726

Address: ~~1000 ...~~ Tel. No. (Home):

3. Complaint Filing Date: 11 JULY 2008

4. Complainant's Current Employment Status (circle one): Classification: 3546 CURATOR IV

- 5. Basis of Discrimination (specify):
Race:
Color:
Religion:
Creed:
Sex:
National Origin:
Ethnicity:
Age:
Disability/Medical Condition:
Political Affiliation:
Sexual Orientation:
Ancestry:
Marital or Domestic Partner Status:
Gender Identity:
Parental Status:
Other Non-Merit Factors:
Retaliation:

- 6. Issue complained of:
Denial of Employment
Denial of Training
Denial of Promotion
Denial of Reasonable Accommodation
Termination
Lay-off
Constructive Discharge
Disciplinary Action
Harassment
Work Assignment
Sexual Harassment
Compensation
Other (please specify): RETALIATION

7. Describe the circumstances of the alleged discrimination and include date(s) of adverse employment action(s): (Attach letter of complaint) SEE ATTACHED COMPLAINT LETTER AGAINST BLAKE SUMMERS RE HARASSMENT AND RETALIATION INCLUSIVE OF UNWELCOME & OFFENSIVE CONDUCT, VERBAL HARASSMENT, INTIMIDATION, SLANDER, UNSUBSTANTIATED ACCUSATIONS, DEROGATORY COMMENTS, DENIAL OF REQUEST FOR A THIRD-PARTY WITNESS, AND RETALIATION FROM PREVIOUSLY FILED DISCRIMINATION COMPLAINTS.

8. Has the Complainant filed a grievance or lawsuit regarding this complaint? Yes  No

If yes, please specify: \_\_\_\_\_

9. Is the Complainant represented by a Union or an Attorney? Yes  No

Name: \_\_\_\_\_ Organization/Firm: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

\*10. What steps does the department recommend be taken to address this complaint? (For instance, investigation, alternative dispute resolution, dismissal)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*10a. Name and position of staff who will implement recommended steps:

\_\_\_\_\_

11. Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Tel. No. \_\_\_\_\_

\*12. Please notify DHR/EEO in written form immediately upon resolution of this complaint.

**\*Subject to the Human Resources Director's approval**

**HUMAN RESOURCES DIRECTOR REVIEW**

Complaint is assigned EEO File Number: \_\_\_\_\_

Approve department's recommendations for addressing complaint. Proceed and notify HR Director of actions, findings, and recommendations for resolution.

Complaint is assigned by HR Director to: \_\_\_\_\_  
and/or the following actions are to be taken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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for Philip A. Ginsburg, Human Resources Director

Date

Exhibit A - 9

Complainant's Summation of Complaints, 9/16/08

*rec'd 9-17-08*

Date: 16 September 2008

To: Ms. Silvia Castellanos  
Assistant Manager, EEO Programs  
Department of Human Resources (DHR)  
City and County of San Francisco (CCSF)

From: Ms. Sonya Knudsen  
Curator in Charge of Administration (3546, Curator IV)  
San Francisco Airport Museums (SFAM)  
San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

Re: Six (6) CCSF Discrimination Complaints filed,  
Inclusive of EEO File #s 1343 and 1371



SONYA KNUDSEN

13 September 2008

Discrimination complaint filed by:

Sonya Knudsen, 3546, Curator IV, Curator in Charge of Administration  
San Francisco Airport Museums (SFAM), San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

Discrimination complaint filed against:

Blake Summers, Director and Chief Curator  
San Francisco Airport Museums (SFAM), San Francisco International Airport, (SFO)  
City and County of San Francisco (CCSF)

Reasons for complaint, EEO File #1371:

9 July 2008 event inclusive of harassment and retaliation, unwelcome and offensive conduct, verbal harassment, intimidation, slander, unsubstantiated accusations, derogatory comments, denial of request for third-party witness, and retaliation from previously filed discrimination complaints

SUMMATION

Event occurred on Wednesday, 9 July 2008, from 2:45 to 3:00 PM

Mr. Blake Summers came to the doorway of my office, saw I was on phone, and left. After I got off the phone, I went to Mr. Summers' office, knocked on door, and said, "you were looking for me?" Mr. Summers asked whether I had a recent altercation with the Airport Carpentry department because Mr. Peter Acton, Assistant Deputy Director Airport Maintenance, had contacted Mr. Summers regarding a complaint from Carpentry against me. I said this was the first time I had heard of there being a problem. I asked Mr. Summers for more details, and Mr. Summers said he had little detail, and then asked of my recent dealings with the Carpentry department.

I said that on Thursday, 3 July 2008, one person from Carpentry had come to the Airport Museums' West Field Road facility re the project bolting down the shelves in the new storage area, wanted to assess the project, and then afterwards indicated to me that he would talk with Mr. Larry Tuccio, Carpentry department head, re scope and options for seismic project, and would return the following week. I explained to Mr. Summers that I had been off on Monday, 7 July 2008, and that Mr. Roman Korolev, Airport Museums Technician department head, had handled the storage project that day with the Carpentry crew.

On Tuesday, 8 July 2008, I had brought two Carpentry staff to the new storage area re bolting down the shelves, and had a phone conversation with Mr. Tuccio, and that both had been without incident. I explained that in fact I had learned from Mr. Tuccio that he had been over on 7 July 2008 to assess the project, then had contacted Mr. Jim March at Airport Construction and the manufacturer re the wire tenson-cement floor. From the

manufacturer, Mr. Tuccio received indication that it was okay to penetrate the storage room cement floor to 2 ½ inches, and that the drill would stop rather than penetrate the tension wire, and that the wire was pulled from end-to-end of individual slabs; not the entire length of the building. After accounting for my interaction with the Carpentry department I then asked Mr. Summers again whether he had more details of the Carpentry complaint, who had complained, and Mr. Summers said no, simply that Mr. Acton had let him know there had been a complaint, and that I had been asking the crafts to do more than was required.

I said to Mr. Summers that it was difficult to respond to a complaint or accusation without hearing more specific details and information, what the problem was, who was the complaining party, and that this was becoming a disturbing pattern, a repeat of what had happened back in April 2008 when I had first returned to work from FMLA leave, with complaints from Mr. Bill Quan and the Electrical department to Mr. Acton in which Mr. Summers had not been able to provide me specific details or information.

Mr. Summers said that event back in April 2008 had been more than one individual and one incident, that there had been several complaints, all saying the same thing, in essence that I was demanding and difficult. After hearing Mr. Summers statement I expressed surprise, saying this is the first I've heard that there had been multiple complaints rather than one. Mr. Summers repeated that there had been several complaints and that they had been "significant." I expressed surprise that the situation was in fact several incidents and had been significant, none of which had been conveyed to me back in April 2008 when Mr. Summers had briefly talked with me. Mr. Summers repeated that the April 2008 complaint had been significant, that Mr. Ernie Eavis, Airport Deputy Director of Facilities, had been present in Mr. Summers' meeting with Mr. Acton. I expressed surprise to hear now that Mr. Eavis had been in the April 2008 meeting with Mr. Acton, a contradiction to what I had been told previously when Mr. Summers said he had heard of a complaint in passing from Mr. Acton with no mention of Mr. Eavis' involvement.

Mr. Summers then asked me to come into his office and close the door (I had been conversing with him standing at his doorstep, with the door open). I did so despite reservations, uncomfortable already with the tone of his voice and his demeanor. Mr. Summers repeated that there had been several significant complaints, past and present, and then said that I was difficult to work with. Surprised further to now hear of multiple complaints, Mr. Summers designation of all being significant, and that Mr. Eavis had been involved, I said I wish I had known earlier. Mr. Summers said he had tried to tell me multiple times. I replied that was not the case, none of which he had told me earlier had conveyed all aspects and details, e.g., specific dates, details, and information of each incident and individuals involved, Mr. Eavis' involvement, that there had been a meeting as opposed to a comment in passing from Mr. Acton, etc. I asked Mr. Summers why I was now just beginning to hear of these additional details, and that I was still unclear what the problems were, if any, and how one was to respond to such cursory information.

I said that if Mr. Summers had informed me back in April 2008 that Mr. Eavis had been involved, the number of Facility department complaints, specific information and details regarding each complaint, I would have had a better means to address the alleged complaints and problem, and have a better means to avoid such in the future, as well as seek Mr. Summers involvement as to how best to remedy.

Mr. Summers then said complaints were an ongoing problem, that I was difficult to work with, and everyone knew that I had a hard time working with others. I said I was surprised to hear of the number of complaints, saying such posed a problem in that I had regular and positive dealings and interaction with the Facilities division staff given my facility management responsibilities.

I asked Mr. Summers how he had responded to Mr. Acton's recent complaint from Carpentry against me, whether Mr. Summers had supported me. Summers paused, and then said he had a difficult time supporting me especially given how complaint-happy I have been, the numerous discrimination complaints I had recently filed. Given that Mr. Summers' demeanor, tone and content of the conversation was becoming increasingly adversarial and difficult, I requested for an unbiased third-party witness and participant. Mr. Summers became even more agitated, said "He wasn't going there," and that it was much like the mediation request and the complaints I had filed downtown.

Mr. Summers said, "You've been a problem from get-go." When I asked Mr. Summers what he meant from "get-go," Mr. Summers said, "since we were at El Camino (the Airport Museums leased an office space in Burlingame from 1997 to 2004), and that he had warned me back then. Mr. Summers said you need to look at the other person's perspective, and that my actions, behavior, and tone of voice was a continual problem. He said, "Don't sit there all proper." I asked Mr. Summers why this was the first time I was being told this and that it was such a point of contention. I said given the number of years I had been at the Airport Museums, the many projects I had worked on, the number and diversity of people I had worked with, all successfully without incident, I was taken aback by his comments. Mr. Summers said, "I can't change you, you never listen, I have been your strongest advocate." Mr. Summers then said, "You're unhappy here, look at the number of complaints you've filed, do you want to quit?"

Shocked and offended, dismayed and concerned all the more re Mr. Summers' escalating adversarial and confrontational demeanor and comments, all without witnesses or recourse, I made an internal decision then and there to bring the meeting to a close. I calmly replied that, "I do not want to quit, but do want to quit for the day. I will be working on projects at the Spruce warehouse Thursday and Friday, and will be at work tomorrow morning." I then got out of my chair, moved it back to its original placement, opened his office door, and suggested to Mr. Summers that we should schedule a meeting to follow-up this discussion. Mr. Summers' reply was that "next time the meeting should be scheduled and not on the run," a curious comment in that the discussion had been

initiated, instigated, and controlled by Mr. Summers. I then departed Mr. Summers' office, went back to my office, closed down my computer and office for the day, and departed the Airport Museums' facility just before 3:00 PM.

Completely devastated by the above discussion that had taken less than fifteen minutes, but had been so potent, I drove out of the parking lot, wondering what my options were, whether I could continue to work in such a hostile work environment that was going from bad to worse, with a supervisor who had just implied strongly that he wanted me to quit. In this meeting, through his tone, demeanor and words, Mr. Summers was clearly resentful and retaliating against me for the discrimination complaints I had filed. I drove from the Airport to the SEIU Local 1021 office in San Francisco to report the incident, and seek advice and counsel.

## SONYA KNUDSEN

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RE: CCSF Discrimination Complaint EEO file #1371

Discrimination complaint filed by:

Ms. Sonya Knudsen, 3546, Curator IV  
Curator in Charge of Administration  
San Francisco Airport Museums (SFAM)  
San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

Discrimination complaint filed against:

Ms. Kathie Smookler  
San Francisco Airport Museums (SFAM)  
San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

RE: July 1, 2008 workplace situation, inclusive of verbal harassment, inappropriate discipline, improper physical conduct, and retaliation.

### SUMMATION

On 1 July 2008, while talking with two Registrars in the Airport Museums' main Registration office, Ms. Kathie Smookler, secretary to Mr. Blake Summers, Director and Chief Curator of the San Francisco Airport Museums (SFAM), came into the office and said that she needed to talk with me. Ms. Smookler appeared agitated. I followed Ms. Smookler into my nearby office where she proceeded to close the door behind me and then remained standing, as did I.

Behind closed doors, in a private discussion in my office, Ms. Smookler immediately and harshly reprimanded and accused me of planning a 4<sup>th</sup> of July SFAM staff barbeque without the involvement and knowledge of my supervisor, Mr. Summers, using terms such as undermining, sneaky, disrespectful, and planning behind his back. Then Ms. Smookler accused me of placing another SFAM staff member, Mr. Timothy O'Brien, in a "mediator position" between Mr. Summers and myself, forcing Mr. O'Brien into an awkward position to inform Mr. Summers of the barbecue, act as go-between Mr. Summers and myself. Ms. Smookler accused me of being unaware of how busy Mr. O'Brien's work schedule was, and that he should not be bothered or involved in such a matter.

Taken aback by Ms. Smookler's accusations, her obvious anger, I attempted to explain to Ms. Smookler that the 4<sup>th</sup> of July barbeque this year was a repeat of a 4<sup>th</sup> of July SFAM barbeque that we had had two years ago in 2006. I said that the 2006 barbeque had been a SFAM group effort and that I had donated the food and table decorations, Mr. O'Brien had done the barbeque grilling, and that permission had been secured before we had proceeded. In 2006 Mr. Summers and Mr. Abe Garfield, Assistant

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## SONYA KNUDSEN

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Director, had granted permission after being assured that there would be no SFAM expenses and minimal, if any, disruption to SFAM staff daily responsibilities beyond a slightly longer lunch period.

I explained to Ms. Smookler that for the 2008 barbecue I had asked Mr. O'Brien whether he would mind asking Mr. Summers and thus the reason why Mr. O'Brien had done so. I explained to Ms. Smookler that Mr. O'Brien had expressed no difficulty or any concerns in speaking with Mr. Summers, and that I knew Mr. O'Brien was busy, that everyone at SFAM was busy, inclusive of myself.

Ms. Smookler then said I had no right to place Mr. O'Brien in such a position and that I should have talked with Mr. Summers myself. Ms. Smookler said such actions were typical in that I was going around Mr. Summers, working behind his back, being disrespectful in doing so. I explained to Ms. Smookler that this had not been the situation, that I never went behind Mr. Summers back, and always involved him in activities and kept him apprised. Ms. Smookler was still very upset and demanded to know who was behind the 4<sup>th</sup> of July barbeque.

I explained to Ms. Smookler that I couldn't recall who specifically had come up with the idea but did recall that there had been several SFAM staff members who had talked with me about having a barbecue. Ms. Smookler again asked who was behind organizing a barbecue and I repeated what I had just said, and provided her example of several names, inclusive of myself and Mr. O'Brien.

Ms. Smookler was still very angry and increasingly animated and unreasonable, conveying that she thought I was disrespectful of and undermining Mr. Summers within the SFAM work setting. On two separate occasions while we talked I requested of Ms. Smookler to be allowed to depart my office, first to seek out Mr. O'Brien to involve him in the discussion so as to clear up misunderstandings, and later, a second attempt, because I found Ms. Smookler's comments harassing, distressing, and upsetting. Both attempts to leave my office were not possible because Ms. Smookler purposely blocked my way and refused to move.

Ms. Smookler still insisted on finding out who had organized the barbeque and I repeated that there had been several staff suggestions for a barbeque. I provided her examples of Mr. O'Brien and I talking about it, Mr. Thai Bui talking about it, etc., and then Ms. Smookler said that she would talk with Mr. Bui when he returned to the office to find out if he had planned and organized the barbeque. I said to Ms. Smookler that was not necessary and if she wanted someone to blame, then she could blame me, I would take full responsibility. Still not satisfied, Ms. Smookler opened my office and departed, quite upset and angry.

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I then went to Mr. O'Brien's office and asked if he had any difficulties with requesting of Mr. Summers permission for the barbeque. Surprised at the question, he said that he had no problems asking Mr. Summers permission instead of me. After hearing my brief summation of my discussion with Ms. Smookler, Mr. O'Brien apologized to me for placing me in such a situation. I replied that he had no reason to apology. Mr. O'Brien then explained that his initial discussion with Mr. Summers had been alone in Mr. Summers' office but that Ms. Smookler had overheard the conversation and had come into Mr. Summers' office to comment, disparaging the need for a 4<sup>th</sup> of July staff barbecue. Mr. O'Brien said that he had explained to both Mr. Summer and Ms. Smookler, "that we had a barbeque back in 2006, Sonya had contributed the food, and that everyone had a fun time." Mr. O'Brien then apologized for saying such statements to Mr. Summers and Ms. Smookler because it seemed that both took it out of context, misunderstanding that I was organizing the barbeque. Mr. O'Brien expressed amazement that such a trivial matter, one that did not involve either Mr. Summers or Ms. Smookler with regard to expenses, their contributions or involvement, etc., would become such a problem. I explained to Mr. O'Brien then given the circumstances I wanted no further involvement in helping organize and contribute to the barbecue but encouraged him to proceed anyway. Mr. O'Brien said that he also had no interest in the barbecue because of what had just happened, but wondered whether we should talk with Ms. Smookler.

I said to Mr. O'Brien I did not feel comfortable talking with Ms. Smookler alone but would prefer to talk with Ms. Smookler and Mr. Summers at the same time, to clear the entire matter up. Mr. O'Brien said that was not possible because Mr. Summers was out of the office for a good portion of the day. I said that was typical of Ms. Smookler to wait for Mr. Summers' departure before doing what she had just done, a repeat of past pattern.

Not wanting the situation to worsen in any way, have Ms. Smookler confront Mr. Bui upon his return and subject him to like treatment, I asked Mr. O'Brien if he would accompany me to Ms. Smookler's office to discuss the barbecue matter, and he agreed. We went to Ms. Smookler's office where I asked if we could talk to her, and she silently got up and led us into Mr. Summers' empty office, closing the door behind us. Ms. Smookler once again expressed how upset she was as to the fact that I had gone behind Mr. Summers' back, had asked Mr. O'Brien to seek permission for the barbeque from Mr. Summers rather than myself.

I said to Ms. Smookler, "that is why we are here," and said Mr. O'Brien will explain. Mr. O'Brien explained that his involvement was voluntary, and that the barbecue was much like the barbecue we had had a few years ago. Ms. Smookler said she could not recall there being a 4<sup>th</sup> of July barbecue and then we both explained to Ms. Smookler that it had been on a Friday, her day off from work. I then said that there had been no expenses for the 2006 staff barbecue, and that I had contributed the food and that Mr.

O'Brien had grilled hamburgers and hotdogs. I said this year I planned to contribute the food again, as a birthday gift (my birthday is on 7 July) from me to the staff, and that this year it was especially heartfelt because of my father's failing health. Ms. Smooker then said, "I'm bad, you're all good," and left the office.

Mr. O'Brien and I then departed to the hallway outside his office and we both agreed there was no point to proceed now, that neither one of us felt like having a 4<sup>th</sup> of July barbeque, and it was a pity that such a simple matter was blown out of proportion, causing such resentment for no apparent reason. While we were talking, Ms. Smookler approached us and said, "I apologize, I didn't know all the details," and that the barbeque was a good idea and that, "we needed to make a good impression with the new staff." Mr. O'Brien and I both explained to Ms. Smookler that we had been discussing canceling the barbecue, and Ms. Smookler said, "it was important that we proceed, and that it would be fun."

Ms. Smookler then explained that she hadn't meant to over react so, but that she was always in a difficult position because Mr. Blake Summers was not into such things, didn't like parties, etc. Mr. O'Brien and I both said to Ms. Smookler that we were not expecting Mr. Summers' involvement or participation simply his approval for us to proceed. Ms. Smookler said that Mr. Summers couldn't attend in that there was a Facilities Department barbeque, and he didn't even want to attend that either. She then suggested that maybe SFAM staff could go to the Facilities barbeque. I responded by saying that we hadn't even known of the Facilities barbeque and that most SFAM staff would not want to attend as few knew people over there. I said it would be much more comfortable for staff here to have a barbeque in-house.

Ms. Smookler agreed and she offered to bring drinks, and departed. After she left, I said to Mr. O'Brien that I really didn't want to be involved in a staff barbeque and Mr. O'Brien said he didn't either, and said I should be the one letting Mr. Summers know that we had decided not to have the barbeque. I agreed, and briefly informed both Mr. Summers and Ms. Smookler the following day, suggesting that we could plan a barbeque at a later time in the year such as Labor Day. I also spread word amongst SFAM staff that the SFAM 4<sup>th</sup> of July barbecue was cancelled, and that there was a Facilities barbeque next door they could attend but that they would need to r.s.v.p and pay an admission charge.



SONYA KNUDSEN

DATE: 16 September 2008

TO: Ms. Silvia Castellanos  
Assistant Manager, EEO Programs  
Department of Human Resources (DHR)  
City and County of San Francisco (CCSF)

FROM: Ms. Sonya Knudsen  
Curator in Charge of Administration  
San Francisco Airport Museums (SFAM)  
San Francisco International Airport (SFO)  
City and County of San Francisco (CCSF)

RE: Six (6) CCSF Discrimination Complaints filed,  
inclusive of EEO File #s 1343 and 1371

I have been employed at the San Francisco Airport Museums (SFAM) since 1997, an exemplary professional and worker, with three promotions, a stellar reputation, and remarkable record of accomplishments, achievements, and collaborations. My contributions have been invaluable to the San Francisco Airport Museums and San Francisco International Airport.

But I have been, and continue to be, an employee subjected to discrimination, harassment, and retaliation from my supervisor, Mr. Blake Summers, Director and Chief Curator, San Francisco Airport Museums. These actions were notable in November 2007 and have only escalated further, and continue to do so.

The accompanying sampling of San Francisco International Airport (SFO) and City and County of San Francisco (CCSF) administrative directives indicate the many policies and procedures articulated by SFO and CCSF. These directives in themselves convey a commitment from both entities to adhere to an exemplary organizational and individual character, integrity, and value system, with respect and adherence to SFO, CCSF, State, and Federal laws, directives, et al. My request is that they be applied to my situation.

San Francisco International Airport (SFO) is a world-class airport serving tens of millions of domestic and international passengers annually. The SFO Airport Commission policy is to ensure nondiscrimination. SFO's Administration Division is responsible for providing services to Airport employees, Airport tenants, and the traveling public. This includes ... providing and maintaining a competent workforce; creating and maintaining a healthy and safe working environment. This is the work place I seek and expect.

While the above is laudable, my experiences these last two years at SFO and CCSF are contradiction to the validity of, and adherence to, an observance and respect of such

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stated intentions and values. Due to a March 2007 car accident and injuries sustained, I have had an FMLA/sick leave absence from the San Francisco Airport Museums (SFAM) through April 2008. An additional consequence of my car accident has been an exposure to the SFO and CCSF organizations and systems, especially with regard to administrative, legal, employment and labor policies and procedures, and senior management's knowledge, observance, adherence, and lack of such. SFO and CCSF have directly and indirectly, explicitly and implicitly, violated, ignored, disregarded, contradicted, and undermined SFO, CCSF, State and Federal directives, policies, and laws.

It is telling that I have had to file six (6) separate discrimination complaints with CCSF DHR-EEO this past year, yet the reasons stated and articulated, on paper and in person, have yet to be thoroughly pursued, investigated, addressed, or resolved by SFO and CCSF management. In filing these discrimination complaints I have sought administrative remedy within SFO and CCSF, giving both entities and senior management opportunity to respond and correct. Internal grievance procedures are meant to encourage disputes to remain internal and "all in the family." Such devices are effective as a means of resolving and correcting discrimination proactively, not to dismiss and discourage claims.

I suspect that many individuals within SFO and CCSF have been and are subjected to inequitable, unfair, unreasonable, discriminatory, harassing, and retaliatory actions; and have been dealt with and dispatched with similar if not more egregious treatment. The onerous, intimidating, administrative process and complex SFO and CCSF system becomes used and biased in favor of the employer and management to the detriment of the employee(s). Very few individuals have the wherewithal, energy, and perseverance to initiate and sustain the level of actions and commitment needed to navigate through such challenging and heavy-handed complexity. To have to deal with such is daunting and time consuming, if not discouraging. To proactively and positively contribute and participate, help and aid my worksite and organization improve and evolve, I have persisted in pursuing this discrimination process and seek to have it rectified so that others similarly faced will not have to encounter and endure again like circumstances.

Character is the very essence of what we are made of – our moral strength, integrity, principles, ethics, values, honesty, courage, attitude, respect, and compassion – traits that should be exemplary and consistent, not to be sullied or compromised. Actions and behaviors are the distinguishing qualities. Too many people and organizations give into temptations, look the other way, and even when they have opportunity and occasion to remedy, to make a wrong a right, they can't and won't, blaming and holding everyone accountable but not themselves. Status quo is a present condition that can be improved upon.

In an ideal world, workplace discrimination would never occur. The irony is that more and more workers with diagnosed but treatable and manageable illnesses or medical

conditions are ready, willing, and able to work, yet more employers are tending to deny them jobs or promotions because of perceived or projected medical problems. The top three health categories that have triggered the most discrimination claims at EEOC in recent years are pregnancy, back, and neurological. The ADA protects individuals with disabilities, who are otherwise qualified for the job in question, from discrimination based on disability. In addition to protection from discrimination based on disability, the ADA prohibits discrimination against persons who have recovered from disability. Civil rights laws make discrimination illegal, as well as retaliation for opposing unlawful discrimination. It is also illegal to discriminate or retaliate against a person because a person has used the system set up by the anti-discrimination laws by filing a complaint of discrimination. If the employer retaliates against an employee, the employee has one more ground for complaint.

The facts are irrefutable:

- I was in car accident and sustained injuries with need for reasonable accommodation
- I have been discriminated against by my supervisor, Mr. Blake Summers
- The very system set up within SFO and CCSF to protect my employee rights and interests via a discrimination complaint process has only served to exacerbate rather than resolve the grievance and suspect situation
- Discrimination and harassment has continued and escalated
- Additional discrimination complaints have been filed
- Retaliatory actions have occurred
- All seemingly, directly and indirectly, supported and endorsed by SFO and CCSF

Since my car accident of March 2007, in my November 2007 request to return to work on a part-time basis at the San Francisco Airport Museums (SFAM), my return to work on a full-time basis in April 2008, to recent events, such as those in July 2008 (the reason for this 17 September 2008 meeting) or August 2008 (violation of FMLA rights), I have been subjected to discriminatory, harassing, and retaliatory acts and unfair, biased treatment from my supervisor that have consistently occurred and escalated, and continue to be a problem. What has already been a strained working relationship with my supervisor has worsened, all due to his actions and behaviors, seemingly unchecked and uncensored, creating a difficult, stressful, and hostile work environment. The repeated recklessness and manner in which my supervisor acts without regard to the consequences clearly indicates an "I don't care attitude," endorsed by SFO and CCSF administration and management personnel.

## SONYA KNUDSEN

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While the reason for a September 17, 2008 meeting with Ms. Silvia Castellanos, Assistant Manager-EEO at the CCSF Department of Human Resources (DHR) is to review discriminatory, harassing, and retaliatory actions on the part of my supervisor, Mr. Blake Summers, Director and Chief Curator of San Francisco Airport Museums, that occurred on July 9, 2008, and like actions of Ms. Kathie Smookler, his secretary, that occurred on July 1, 2008, what is equally important in this meeting is the necessity on the part of the CCSF representative to assist in addressing and remedying core issues that remain outstanding.

My initial discrimination complaint, and subsequent complaints filed with CCSF DHR-EEO personnel in good faith I have sought administrative remedy, and supported mediation. An adherence to SFO and CCSF administrative policies and procedures on the part of SFO and CCSF senior administrative staff is requested. The six discrimination complaints are as follows:

1. Against my supervisor, Mr. Blake Summers, for his November 2007 denial of employment, reasonable accommodation, and comments regarding alleged disruptions to San Francisco Airport Museums' staff and operations, EEO File #1343, currently being appealed at CCSF Civil Service Commission
2. Against the SFO-EEO department regarding their handling of my reasonable accommodation request to return to work at the San Francisco Airport Museums in April 2008, pending EEO file # assignment
3. Against both the SFO-EEO and DHR-EEO departments regarding their handling of my initial November 2007 discrimination complaint, pending EEO file # assignment
4. Against my supervisor, Mr. Blake Summers, for his actions, behavior, and treatment since my April 2008 return to work at the San Francisco Airport Museums, pending EEO file # assignment
5. Against Ms. Kathie Smookler, Mr. Summers' Executive Assistant/Secretary, for her actions and behavior on July 1, 2008, EEO File #1371
6. Against my supervisor, Mr. Blake Summers, for his actions and behavior on July 9, 2008, EEO File #1371

By nature, I give people the benefit of the doubt, often to my disservice. Such is the case in my dealings with my supervisor, SFO, and CCSF in attempting to discuss, address, and resolve these discrimination matters. But rather than responsibly and proactively addressing and correcting these noted discrimination issues, both SFO and CCSF have contributed and exacerbated the problems in their own actions. As a result, there has been a continued pattern of discrimination and increased activities and actions of harassment and retaliation against myself from my supervisor for more than a year and a half with no

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signs of abating. All such actions are direct contradiction to, and violation of, SFO and CCSF policies and procedures, State and Federal laws, but more so, a betrayal of trust between the organization and the employee.

In the six discrimination complaints filed I have never really been given adequate opportunity to discuss or provide specific details and examples of the numerous discrimination, harassment, and retaliation instances, a due process and procedural fairness that should be a given. Instead I have been forced into cursory meetings, provided contradictory information about the CCSF discrimination process, with little evidence of a thorough, impartial, and complete investigation. Ongoing written communication with SFO and CCSF management, with responses, if any, on their part has deferred and deflected any responsibility in providing remedy and solution to concerns and issues brought forth. In addition, I have been placed in a vulnerable and isolated position at SFAM, working in a hostile work environment with direct daily interaction with my supervisor, the primary source of my discrimination complaints.

Some of the consequences have been and are:

Because I was not allowed to return to work in November 2007 on a part- basis, despite receiving medical clearance to do so, I was forced to exhaust a very large balance of CCSF sick leave, floating holidays, comp time, holiday in lieu, and vacation leave hours. Simultaneously, I was forced to exhaust my CCSF Family Medical Leave Act (FMLA) and California State Disability Insurance (SDI) entitlements prematurely. As a result, I now find myself in a position where I am not qualified for CCSF FMLA or SDI, have a very low CCSF balance of sick and vacation hours, yet have need for ongoing medical attention.

One of the issues that came forth in the November 2007 phone conversation with my supervisor was his claim that when I had worked a part-time schedule in April and May of 2007 there had been a disruption to SFAM staff and operations. Not only was I surprised to hear of such a claim for the first time well after the fact, I had a difficult time comprehending what the alleged problems were, if any, given that my supervisor could not and would not provide me specific examples or details. And yet, my supervisor used this as one of his reasons for denying me the right to return to work in November 2007.

Further, my supervisor's actions contradicted many of his previous actions and established past precedents at SFAM. When we had met in July 2007, my supervisor expressed frustration that I was not able to provide him a specific date that my doctors would permit me to return to work. He then said that when I returned to work on a part-time basis, he preferred a morning part-time schedule to work with SFO's Facilities crafts departments.

In mid October 2007, I received a call from SFO Legal requesting my assistance in a court case, inclusive of representing and SFAM and SFO on trial date in San Francisco in

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**SONYA KNUDSEN**

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late October 2007. The attorney had been referred to me by my supervisor, and had not been given indication of my CCSF FMLA/sick and SDI leave. Despite not being able to be able to physically represent SFAM and SFO in this case, I did provide extensive assistance to SFO Legal to prepare for the court case via phone and email correspondence. Another indication from my supervisor of his presumptive need to have me back as soon as possible.

Every indication I had been provided by my supervisor was to return to work as soon as possible on a part-time basis. Given that there has been an established precedent at SFAM for staff to have approved CCSF FMLA/sick leave absences and return to work on a part-time basis, inclusive of my own example in January 2004, it was quite surprising to have my November 2007 request denied.

This denial was a total contradiction. Despite receiving medical clearance to return to work on a part-time basis, my supervisor deemed to pass judgment regarding my physical condition and my capabilities. SFO or CCSF personnel did not request pertinent CCSF paperwork regarding reasonable accommodations or respond to a letter I had sent to Mr. Summers reiterating our phone conversation.

When I returned to work on a full-time basis in March 2008, I found that my core job responsibilities were no longer the same as those prior to my accident of March 2007. Several key duties, such as providing monthly insurance reports to SFO Risk Management, updating and managing FilemakerPro and Excel databases with regard to permanent collection and exhibition schedules and activities were no longer my responsibility. I was placed in a support role to aid in a computer collection management system upgrade, a change from my normal responsibilities in working directly with my supervisor to plan, develop, and implement database improvements.

My ability to function as the SFAM facility manager has been and remains hampered by my supervisor. He has alleged complaints received from SFO's Facility departments, but has never provided specific details or information. He has instructed me not to generate excessive work requests; I am unclear at what point I had, if ever, issued unnecessary work requests.

A major discrimination and retaliation from my supervisor is his failure to include me in SFAM staff promotions. In a conversation I had with him in May 2008, he answered a query on my part with regard to two SFAM promotions for the Manager I and Curator IV positions and whether one was for me by stating, "Why would I promote you, you haven't been here this past year?" referring to my FMLA/sick leave. This was astounding because I had been promoted in title only in 2006 without a CCSF classification or salary increase but was promised that would be forthcoming in the next budget cycle.

In July 2008 I was in a brief discussion with my supervisor due to an alleged complaint received by Mr. Peter Acton from the SFO Facilities' Carpentry department, without Mr.

Summers providing specific details of information. This discussion quickly became a forum for Mr. Summers to launch into numerous accusations and condemnations, ending with a statement and question from Mr. Summers saying, "You are unhappy here, look at all the complaints you have filed, do you want to quit?"

These examples and others provided in past correspondence with SFO and CCSF personnel provide indication of a hostile work environment, difficult and strained work conditions, and direct and repeated examples of discrimination, harassment, and retaliation from my supervisor. Throughout I have continued to work at SFAM despite these conditions, professional and fulfilling my essential job responsibilities:

Within all filed discrimination complaints there are numerous and additional details, facts, and information providing examples of ongoing discrimination, harassment, and retaliation events I have been exposed to. Despite the fact that I have placed trust in and fully cooperated with all entities involved, SFO and CCSF Management has not responded or resolved the matters brought forth.

*SFO Executive Directive 83-27 – Airport Discrimination Complaint Process*

*It is the Airports desire to handle employee concerns effectively, fairly, and internally and to build a favorable work environment in which employees feel free to bring their concerns to management.*

*Under Federal, State, and City law, it is illegal to discriminate against any employee on the basis of race, religion, sex, national origin, ethnicity, age, physical handicap, political affiliation, sexual orientation, ancestry, marital status or color. If any employee believes that he/she has been discriminated against on one of these basis, the employee may attempt to resolve the matter through the following in-house procedure...*

*...Within 5 business days of the findings of the Affirmative Action Officer, either party may request review by the Airport Director. The Airport Director will review the findings of the Affirmative Action Officer and any additional evidence submitted by either the employee or any party named and will make a decision accordingly.*

*This procedure is not a substitute for the Civil Service Commission Discrimination process... However, as many allegations are caused by lack of communication between employee and supervisor or misunderstanding of the administrative practices, use of this in-house procedure may be the more direct and immediate way to resolve this particular type of personnel problem.*

*The Affirmative Action Officer and staff are available to assist employees and supervisors regarding the policies, rules, and procedures relating to the City and the Airport.*

SFO Executive Directive 86-11 Airport Standard of Conduct

*It is the policy of the City and County San Francisco, and each of its officials, employees and agents acting in their official capacity, to treat all persons equally and respectfully, and to refrain from the willful or negligent use of slurs against any person on the basis of race, color, creed, national origin, ancestry, age, sex, sexual orientation, or disability. A slur, as used in this policy is a word or combination of words that by its very utterance inflict injury, offers little opportunity for response, appeals not to rational faculties, or is an unessential or gratuitous part of any exposition of fact or opinion. All persons are entitled by law to the right of equal treatment and respect. Slurs deprive members of the protected groups of this right by holding them up to public contempt, ridicule, shame, and disgrace and causing them to be shunned, avoided or injured in their occupation. By promoting ill will and rancor, slurs diminish peace and order. The use of such slurs by city officials or employees will be considered by commissions, departments, agencies, boards, or appointing authorities as prima facie evidence of the lack of competence of said city officials and employees. Evidence of usage of such slurs shall be entered into job performance evaluations and shall be considered in evaluating the fitness of city employees.*

SFO Executive Directive 90-02 – Employee Disciplinary Actions

*It is the Airport's policy to develop and foster effective communication between supervisors and their employees regarding employee performance and conduct. Effective communication comprises both recognition of strong performance or especially noteworthy conduct as well as actions to be taken when employee performance or conduct is unsatisfactory or otherwise inappropriate. The purpose of this Executive Directive is to clarify guidelines for supervisors and managers in these latter circumstances so that there will be a consistent approach to employee discipline throughout the Airport...*

*Generally speaking, the principal goals of employee discipline are to inform and correct. That is to say, when an employee's behavior violates a rule or policy, or when an employee's job performance deteriorates below a satisfactory level, the manager or supervisor must intervene on a timely basis to convey concern about the problem and establish a plan to try to correct it.*



## SONYA KNUDSEN

Accordingly, the manager or supervisor should consider the nature of the misconduct or performance problem as well as the employee's work record when determining what action may be appropriate.

In instances where the misconduct or poor performance is not in and of itself serious enough to warrant suspension or discharge, supervisors should follow a progressive approach to discipline. Such an approach usually begins with informal clarification of duties or counseling and continues with one or, where appropriate, more written warnings or reprimands if the employee's behavior does not show sufficient improvement. If a written warning or reprimand does not correct the problem, suspension without pay may become necessary. The length of suspension will depend upon the nature of the employee's actions (or inactions), the employee's previous record and how similar infractions or problems are dealt with by the manager and, where appropriate, by other Airport managers and departments. If suspension without pay fails to bring about required improvement, dismissal from employment may result.

...It is exceedingly important that a supervisor clearly describe the problem to the affected employee at all stages of progressive discipline. In addition, the supervisor must describe what improvement is expected and the consequences of the employee's failure to improve, as appropriate. Where the problem involves deficient job performance, the supervisor must also indicate the time frame in which such improvement must occur. Disciplinary action should be grounded on a thorough investigation of the facts pertaining to the employee's conduct, including, in most circumstances, a discussion with the employee about the events in question.

In order to maintain consistency throughout the Airport in administration of discipline, managers and supervisors must review the facts, documentation, and proposed disciplinary action with the Personnel Director before implementation. This requirement applies to all managers and supervisors who are contemplating a recommendation to the Director of Airports that an employee be suspended or dismissed. Managers and supervisors are strongly encouraged to consult with the Director of Personnel at the earliest stages of progressive discipline.

It is our management philosophy that management bears the responsibility to inform employees regarding what is expected of them in terms of job performance, conduct on the job, and off-duty conduct that could affect their employment relationship. If employees nonetheless fail to respond by making a concerted effort to improve their performance or conduct, managers and supervisors must take appropriate corrective action and document such action. Managers and supervisors who do not address these issues in timely and thorough fashion are failing to perform their own responsibilities in a satisfactory manner.

### SFO Executive Directive 98-06 – Workplace Violence

The Airport Commission is committed to maintaining a safe and secure environment for all employees and members of the traveling public. The Airport Commission strictly prohibits its employees, tenants, contractors, visitors, or anyone else on Airport premises or engaged in Airport business from behaving in a violent or threatening manner...

All employees are expected to report ... any situation involving any Airport Commission employee, tenant, contractor, visitor, or any other person who is making threatening or physically intimidating statements or who is engaging in threatening, intimidating, bizarre, or erratic behavior...

To the extent practicable, the Airport Commission will maintain confidentiality of reporting employees and of the investigation of reports, except where disclosure is required by law or is necessary in order to take appropriate corrective action. Retaliation against any reporting employee will not be tolerated.

Any supervisory employee who observes, or receives a report of, misconduct... shall take corrective action immediately...

SFO Executive Directive 99-01 – Employee Disciplinary Action

It is the Airport's policy to develop and foster effective communication between supervisors and their employees regarding employee performance and conduct. Effective communication comprises both recognition of strong performance or especially noteworthy conduct as well as actions to be taken when employee performance or conduct is unsatisfactory or otherwise inappropriate.

The purpose of this Executive Directive is to clarify guidelines for supervisors and managers in these latter circumstances so that there will be a consistent approach to employee discipline throughout the Airport...

Generally speaking, the principal goals of employee discipline are to inform and correct. That is to say, when an employee's behavior violates a rule or policy, or when an employee's job performance deteriorates below a satisfactory level, the manager or supervisor must intervene on a timely basis to convey concern about the problem and establish a plan to try to correct it. Accordingly, the manager or supervisor should consider the nature of the misconduct or performance problem as well as the employee's work record when determining what action may be appropriate.

In instances where the misconduct or poor performance is not in and of itself serious enough to warrant suspension or discharge, supervisors should follow a progressive approach to discipline. Such an approach usually begins with informal clarification of duties or counseling and continues with one or, where appropriate, more written warnings or reprimands if the employee's behavior does not show sufficient improvement...

...It is exceedingly important that a supervisor clearly describe the problem to the affected employee at all stages of progressive discipline. In addition, the supervisor must describe what improvement is expected and the consequences of the employee's failure to improve, as appropriate. Where the problem involves deficient job performance, the supervisor must also indicate the time frame in which such improvement must occur. Disciplinary action should be grounded on a thorough investigation of the facts pertaining to the employee's conduct, including, in most circumstances, a discussion with the employee about the events in question.

In order to maintain consistency throughout the Airport in administration of discipline, managers and supervisors must review the facts, documentation, and proposed disciplinary action with the Airport Human Resources Director before implementation. This requirement applies to all managers and supervisors who are contemplating a recommendation to the Airport Director that an employee be suspended or dismissed. Managers and supervisors are strongly encouraged to consult with the Airport Human Resources Director at the earliest stages of progressive discipline.

It is our management philosophy that management bears the responsibility to inform employees regarding what is expected of them in terms of job performance, conduct on the job, and off-duty conduct that could affect their employment relationship. If employees nonetheless fail to respond by making a concerted effort to improve their performance or conduct, managers and supervisors must take appropriate corrective action and document such action. Managers and supervisors who do not address these issues in timely and thorough fashion are failing to perform their own responsibilities in a satisfactory manner.

## SONYA KNUDSEN

### SFO Executive Directive 99-05 Airport Discrimination Complaint Process

*It is the airport's desire to handle employee concerns effectively, fairly and internally and to build a favorable work environment in which employees are free to bring their concerns to management. To ensure this work environment, the Airport Director has designated the Equal Employment Opportunity and Diversity office to monitor and respond immediately and effectively to discrimination complaints, handle all equal employment opportunity concerns and matters of diversity. This office report solely to the Airport Director.*

*Under Federal, State and City and County of San Francisco law, it is illegal to discriminate against any employee or applicant on the basis of race, color, religion, creed, sex, national origin, ethnicity, age (40+), physical or mental disability, medical condition (cancer related), Acquired Immunity Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic or partner status, pregnancy or pregnancy leave, gender identity, parental status, or other non-merit factors. It is also illegal to retaliate against any employee or applicant for having made a good-faith complaint, the reporting discrimination, and/or for participating or aiding in an employment discrimination investigation...*

*The Airport EEO and Diversity Programs office is available to assist employees and supervisors in understanding their respective roles in maintaining a discrimination free work environment, and in handling issues that arise...*

### SFO Executive Directive 00-02 Standards for Employee Conduct

*To help assure the highest possible level of service to the traveling public, effectiveness of all airport divisions in carrying out their missions, and a positive working environment, the following set of standards are established to guide the performance of Airport Commission employees. Above all, these standards call upon all Airport Commission employees to build a team that strives for the highest quality of work product, and for professionalism and respect in all dealings with coworkers, airport tenants, and the traveling public....*

*To maintain the highest standards of personal conduct by treating employees we supervise, coworkers, tenants and the public fairly, respectfully and professionally. To observe all City policies that prohibit discrimination, harassment (including sexual-harassment) and the use of slurs against any individual based on their race, ethnicity, national origin, religion, age, gender, gender identity, sexual orientation, disability, or medical condition.*

*To discharge all responsibilities and those of the Airport Commission in compliance with State and Federal laws, City ordinances and County rules and regulations (e.g., Conflict of Interest Code), Airport rules, regulations and directives*

*...Failure to meet any of the standards described above shall be considered in evaluating the fitness of the Airport employee, shall be entered into the performance appraisal evaluation, and may result in disciplinary action*

### San Francisco Administrative Code

Section 16.9-25. ESTABLISHING A POLICY OF SEXUAL HARASSMENT FOR ALL CITY EMPLOYEES, DEPARTMENTS, AGENCIES, BOARDS AND COMMISSIONS; DEFINING SEXUAL HARASSMENT; REQUIRING EDUCATION AND DISTRIBUTION OF THIS POLICY.

#### *(a) Sexual Harassment Policy*

*1. It is the policy of the City and County of San Francisco that, in accord with State and Federal laws, each City employee has the right to work in an environment free of discrimination, including sexual harassment, and that sexual harassment is unacceptable and will not be tolerated in the workplace. The City and County of San Francisco will take all reasonable steps within its control*

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## SONYA KNUDSEN

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to provide a workplace in which all individuals are treated with respect and dignity. The City and County of San Francisco recognizes that the elimination of sexual harassment in the workplace will create a better working environment, increase productivity, and improve relationships for all employees.

### City and County of San Francisco - Harassment Free Workplace Policy

The purpose of this policy is to reaffirm that the City and County San Francisco is committed to providing a work environment that is free discrimination. In keeping with this commitment, the City and County San Francisco strictly prohibits all forms of unlawful harassment, including sexual-harassment and harassment based on race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, or any other characteristic protected by State or Federal employment discrimination laws or by the San Francisco Charter or local ordinances.

Harassment is (1) unwelcome, offensive conduct (2) on account of an individual's (or group of individuals) membership in a protected category (3) that is sufficiently severe or pervasive as to alter the condition of the individual's employment and create an abusive working environment.

Retaliation against an individual who files a complaint of harassment or who assists in an investigation of a complaint is also prohibited.

Unlawful harassment may take many forms including, but not limited to:

*VERBAL CONDUCT*, such as epithets, derogatory comments, unwelcome jokes or stories, slurs, unwelcome advances or invitations, requests for sexual favors, or harassing phone calls, which are directed at an individual (or group of individuals) because of his or her membership in a protected category.

*VISUAL CONDUCT*, such as derogatory or offensive posters, cartoons, bulletins or drawings, electronic mail transmissions, which are directed at an individual (or group of individuals) because of his or her membership in a protected category.

*PHYSICAL CONDUCT*, such as assault, blocking normal movement, leering or lewd gestures, or physical interference with work, which are directed at an individual (or group of individuals) because of his or her membership in a protected category.

This policy applies to all employees and agents of the City and County San Francisco, including supervisory and non-supervisory employees.

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SONYA KNUDSEN

What follows is what I believe to be a fair and reasonable remedy and solution to make me whole regarding City and County of San Francisco – Department of Human Resources (CCSF-DHR) EEO discrimination complaints I have filed against my supervisor, Mr. Blake Summers, Director and Chief Curator, San Francisco Airport Museums (SFAM), San Francisco International Airport (SFO), City and County of San Francisco (CCSF):

1. Reinstatement to Ms. Knudsen of CCSF sick leave, floating holidays, holiday-in-lieu, comp time, and vacation leave hours used from November 2007 to present; total hours to be tripled. The tripling of hours is due to adverse impact and hardship because of the fact that Ms. Knudsen was not permitted to return to work on a part-time basis in November 2007, necessitating use of above hours and compromising current CCSF leave balances.
2. Financial payment from CCSF to Ms. Knudsen for California State Disability Insurance (SDI) hours used from November 2007 to March 2008; total payment to be tripled. Due to the fact that Ms. Knudsen was not permitted to return to work on a part-time basis in November 2007, Ms. Knudsen exhausted SDI entitlements in March 2008, negating the possibility of Ms. Knudsen using SDI for current medical needs and delaying future SDI eligibility as well.
3. Ms. Knudsen provided immediate eligibility for CCSF Family Medical Leave Act (FMLA) entitlements.
4. Ms. Knudsen provided retroactive 2006 promotion from 3546 Curator IV to 0922 Manager I, with applicable salary and step level placement one step above current pay scale, with salary payment from November 2007 to current.
5. Ms. Knudsen to be promoted from 0922 Manager 1 to 0923 Manager I or an applicable SFO Administrative / Management Analyst position at equitable pay scale with step level increase. This SFO position shall be guaranteed for a minimum term of three (3) complete years.
6. Ms. Knudsen provided punitive and compensatory damages, amount and terms to be negotiated between SFO, CCSF, and SEIU Local 1021.
7. Disciplinary actions and penalties from San Francisco International Airport Director, Mr. John Martin, to Director and Chief Curator of San Francisco Airport Museums, Mr. Blake Summers, with report and notation in SFO and CCSF HR personnel and EEO files, with copies to Ms. Knudsen and SEIU Local 1021 union representative, Mr. Steve Pitocchi.

SONYA KNUDSEN

8. Mandatory SFO-HR management training for Mr. Summers regarding applicable SFO, CCSF, State, and Federal laws, directives, policies and procedures.
9. A written apology from Mr. Summers to Ms. Sonya Knudsen, with report and notation in SFO and CCSF HR personnel and EEO files, with copies to Ms. Knudsen and SEIU Local 1021 union representative, Mr. Steve Pitocchi.

The above will be effective after review, discussion, negotiation, and upon agreement between SFO, CCSF, SEIU Local 1021, and employee.

Respectively submitted,

Sonya Knudsen  
16 September 2008

cc: Steve Pitocchi, SEIU Local 1021

attachments: sampling of SFO and CCSF directives and policies  
statement re 1 July 2008 Smookler event  
statement re 9 July 2008 Summers event



**Equal Employment Opportunity and Training Office**

[flysfo.com](http://flysfo.com)

**Policy Statement**

- [2004 Awards](#)
- [ADA](#)
- [Appreciation Day Photos](#)
- [Civil Service Commission](#)
- [Equal Treatment](#)
- [Mayors Office Sanctuary City Directive](#)
- [SFIA Sanctuary City Policy Presentation](#)
- [SFO Suggest Box](#)
- [Spring 2008 Training Calendar](#)
- [Suggestion Review](#)
- [Tuition Reimbursement](#)

It is the policy of the Airport Commission to provide equal employment opportunity for all persons, regardless of race, color, religion, creed, gender, national origin, ethnicity, age, disability or medical condition, political affiliation, sexual orientation, ancestry, marital or domestic partner status, parental status, other non-merit factors, or any other categories recognized by law.

The Airport Commission has implemented a vigorous program to remove barriers that have operated to preclude employment opportunities to historically under-utilized class members and thereby increase the opportunities for all people to compete for employment at the Airport.

This policy encompasses all phases of employment, including recruitment, selection, assignment, promotion, transfer, layoff, and selection of training. Similarly, all salaries, wages, other compensations, and all other benefits and privileges of employment will be administered in conformity with this policy. The EEO policies for the Airport set forth in this Plan supersede any other Plan, policy or practice in existence at the Airport.

**Links to other Sites**

It is the objective of the Airport Commission to hire individuals on the basis of merit and fitness, and to comply with the requirements and objectives of equal employment opportunity as set forth in applicable federal, state, and city laws and regulations.

The Airport's Equal Employment Opportunity Director is responsible for ensuring equal employment opportunity programs at the Airport Commission. All supervisors and managers of the Department are responsible for reading and complying with this Plan. All employees will be held accountable to treat others with dignity and respect, and to promote a work environment free of harassment and discrimination.

**Contact Information**

Location:

Equal Employment Opportunity  
And  
Training Office

International Terminal Building, 4th Level, Room I.4.027

P.O. Box 8097, San Francisco, CA 94128

Tel: (650) 821-3596

Fax: (650) 821-3595

**Staff:**

Gloria Louie

1-3588-

Gloria.Louie@flysfo.com

Letty Aguilar

1-3590

Letty.Aguilar@flysfo.com

Susan Kim  
1-3592  
Susan.Kim@flysfo.com

Derry Moten  
1-3597  
Derry.Moten@flysfo.com

San Francisco International Airport





**Equal Employment Opportunity and Training Office**

[flysfo.com](http://flysfo.com)

- 2004 Awards
- ADA
- Appreciation Day Photos
- Civil Service Commission
- Equal Treatment
- Mayors Office Sanctuary City Directive
- SFIA Sanctuary City Policy Presentation
- SFO Suggest Box
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- Suggestion Review
- Tuition Reimbursement

[Links to other Sites](#)

**Equal Treatment Resources**

**Standards for Employee Conduct - Executive Directive 00-02**

- [Executive Directive](#)

**Policies on Respect for All Persons and Language Diversity**

- [Respect & Language](#)

**Policy Prohibiting Harassment**

- [Harassment Free Workplace](#)

**Workplace Violence - Executive Directive 98-06**

- [Executive Directive 98-06](#)

**Guidelines for Implementation of AIDS Policy - Executive Directive 88-06**

- [Executive Directive 88-06](#)

**Complaint Procedures**

If you feel that you have been the victim of discrimination, please review the forms below. You may contact our office at x1-3590.

**Airport Discrimination Complaint Procedure - Executive Directive 99-05**

- [Executive Directive 99-05](#)

**Discrimination Complaints**

- [How To File a Discrimination Complaint](#)

**Sexual Harassment**

- [Sexual Harassment Reporting Form](#)

## EXECUTIVE DIRECTIVE

00-02

### STANDARDS FOR EMPLOYEE CONDUCT

To help assure the highest possible level of service to the traveling public, effectiveness of all Airport Divisions in carrying out their missions, and a positive working environment, the following set of standards are established to guide the performance of Airport Commission employees. Above all, these standards call upon all Airport Commission employees to commit themselves to continuously to build a Team that strives for the highest quality work product, and for professionalism and respect in all dealings with co-workers, Airport tenants and the traveling public.

As Airport Commission employees, our performance is evaluated based upon our demonstrated commitment to the following standards:

1. To carry out the mission of the Airport Commission. This mission is carried forth through the Airport's commitment to being recognized as the world leader in setting the standard for:
  - Customer service and satisfaction
  - Safety and security
  - Financial and economic viability
  - Community relations
  - Quality of facilities
  - Environmental responsibility
2. To take responsibility for completing our work in a quality and timely way so that others know they can depend upon us. To carry out the tasks we commit to carrying out. To support our supervisors and co-workers to carry out their work. To anticipate problems and issues that may arise out of our work and engage effectively with others to resolve them.
3. To communicate effectively and professionally with others. To keep employees we supervise and co-workers informed so that they can perform their duties well, and to encourage honest and open communication that assures the mission of the Airport is accomplished. To discourage unprofessional communication (verbally, in writing or through electronic mail) including the dissemination of false or misleading information, gossip or

personal attacks. To protect the confidentiality of information entrusted to us as a necessary function of the position we hold.

4. To maintain the highest standards of personal conduct by treating employees we supervise, co-workers, tenants and the public fairly, respectfully, and professionally. To observe all City policies that prohibit discrimination, harassment (including sexual harassment) and the use of slurs against any individual based on their race, ethnicity, national origin, religion, age, gender, gender identity, sexual orientation, disability, or medical condition;
5. To respect and maintain in excellent condition all Airport property including facilities, equipment and supplies.
6. To refrain from soliciting or receiving for ourselves or for a third party anything of value from anyone in return for business, services or confidential information from the Airport Commission; and
7. To discharge all responsibilities and those of the Airport Commission in compliance with State and Federal laws, City Ordinances and County Rules and Regulations (e.g. Conflict of Interest Code), Airport Rules, Regulations and Directives.

Failure to meet any of the standards described above shall be considered in evaluating the fitness of the Airport employee, shall be entered in the performance appraisal evaluation, and may result in disciplinary action.

Original signed by

John L. Martin  
Airport Director

Issue Date: February 2, 2000  
Effective Date: February 2, 2000  
Supersedes Executive Directive: 86-11 Standard of Conduct

### **Policy on Respect for All Persons**

The City and County of San Francisco values the multi-cultural diversity of its population and its work force, and it is the policy of the City and County to treat all persons with respect. For that reason, the City and County prohibits any of its employees and officials from using slurs against any person on the basis of race, color, sex, national origin, ancestry, age, sexual orientation or disability. A slur is a word or combination of words that inflicts injury, does not offer opportunity for response, does not appeal to rational faculties, or is a nonessential or gratuitous aspect of any exposition of fact or opinion. Evidence of usage of such slurs will be documented in the employee's job performance evaluation and will be considered in evaluating the employee's fitness for City and County service.

### **Policy on Language Diversity**

The Civil Service Commission recognizes that the cultural and racial composition of San Francisco and its work force is rapidly changing. Therefore, the City and County has established a policy which states that, with few exceptions, an employee's use of a language other than English in the workplace is a legally protected right.

Any rule, which required employees to speak only English at all times, may result in unlawful discrimination. Accordingly, a City and County department may have a rule requiring that employees speak only English at certain times, if the department can show that the rule is justified by business necessity; notifies employees of the rule of the circumstances when speaking only English is required; and informs employees of the consequences of violating the rule.

EXECUTIVE DIRECTIVE

98-06 Workplace Violence

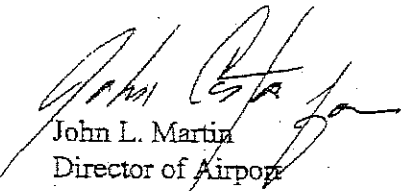
The Airport Commission is committed to maintaining a safe and secure environment for all employees and members of the traveling public. The Airport Commission strictly prohibits its employees, tenants, contractors, visitors, or anyone else on Airport premises or engaged in Airport business from behaving in a violent or threatening manner. All Airport Commission employees are expected to be alert to situations, which may result in harm to themselves, their co-workers or the public.

All employees are expected to report immediately either to their direct supervisor or to the Human Resources Office (2-8500) any situation involving any Airport Commission employee, tenant contractor, visitor, or any other person who is making threatening or physically intimidating statements or who is engaging in threatening, intimidating, bizarre or erratic behavior. During night, holiday or weekend hours, employees should report such situations to their supervisor or to the Airport Duty Manager (4-5222).

Any employee in fear of imminent physical violence is expected to notify the SFPD Airport Bureau (6-2323) immediately. In addition, any employee who has obtained a restraining order or who is involved in a potentially violent non-work-related situation should notify the SFPD Airport Bureau.

To the extent practicable, the Airport Commission will maintain confidentiality of reporting employees and of the investigation of reports, except where disclosure is required by law or is necessary in order to take appropriate corrective action. Retaliation against any reporting employee will not be tolerated.

Any supervisory employee who observes, or receives a report of, misconduct that could in any way jeopardize the safety or security of Airport employees or that of the traveling public shall take corrective action immediately, in accordance with the procedures set forth in Executive Directive 98-05.

  
John L. Martin  
Director of Airport

Issue Date: February 9, 1998

Effective Date: February 9, 1998

Supersedes Executive Directive 95-03, issued August 1, 1995

EXECUTIVE DIRECTIVE

83-27 Airport Discrimination Complaint Process

It is the Airports desire to handle employee concerns effectively, fairly and internally and to build a favorable work environment in which employees feel free to bring their concerns to management.

Under Federal, State and City law, it is illegal to discriminate against any employee on the basis of race, religion, sex, national origin, ethnicity, age, physical handicap, political affiliation, sexual orientation, ancestry, marital status or color. If any employee believes that he/she has been discriminated against on one of these basis, the employee may attempt to resolve the matter through the following in-house procedure:

1. The employee should talk to his/her immediate supervisor about the alleged charge of discrimination. The employee should be as specific as possible about what actions were taken, when the actions took place, who took such actions, how the employee was affected and why the employee believes that the actions were discriminatory. If possible, the employee should present any proof which relates to the allegations. If the allegations are against the employee's immediate supervisor, the employee should talk directly to the supervisor's supervisor.

2. If the matter cannot be resolved after talking to the appropriate supervisor, the employee should contact the Airport's Affirmative Action Officer, who is the Personnel Director. The Affirmative Action Officer or designee will investigate the complaint with both the complainant and the parties named. The Airport's Affirmative Action Officer will make a finding, including any recommendations for change, if appropriate. Such contact must be initiated within 30 calendar days of the date of the alleged action or within 30 calendar days of the date the complainant should have been aware of the alleged violation.

3. Within 5 business days of the finding of the Affirmative Action Officer, either party may request review by the Airport Director. The Airport Director will review the findings of the Affirmative Action Officer and any additional evidence submitted by either the employee or any party named and will make a decision accordingly.

This procedure is not a substitute for the Civil Service Commission Discrimination Complaint process. Any employee who believes that he/she has been discriminated against also has the right to file a complaint with the Civil Service Commission within 30 calendar days of the alleged action or within 30 calendar days of the date the complainant should have been aware of the alleged violation.

Page 3.

However, as many allegations of discrimination are caused by lack of communication between employee and supervisor or misunderstanding of administrative practices, use of this in-house procedure may be the more direct and immediate way to resolve this particular type of personnel problem, should such a problem exist.

The Affirmative Action Officer and staff are available to assist employees and supervisors regarding the policies, rules, and procedures relating to the City and the Airport. Please contact them at the Personnel Department at 6-2187 at any time that advice, clarification, or assistance is necessary.

Issue Date: December 7, 1983

Effective Date: December 14, 1983



L.A. Turpen



EXECUTIVE DIRECTIVE

85-03 Daily Time Sheets

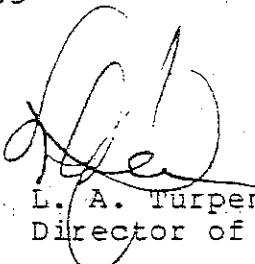
Because the Airport is a large organization encompassing a wide geographical area, the responsibility for assuring accurate time-rolls for employee attendance must be clearly defined. It is imperative that all supervisors maintain effective accounting and control of the attendance of their subordinates, and that supervisors check daily to insure that accurate information is transmitted to the Payroll Division. All subordinates are required to be responsible for their daily sign-in.

Supervisors overseeing field work are responsible to ensure that crews are performing the assigned work, and that the work is performed during the hours stated on the time sheets.

Issue Date: October 22, 1985

Effective Date: October 28, 1985

226

  
L. A. Turpen  
Director of Airports

EXECUTIVE DIRECTIVE

86 -11

Standard Of Conduct

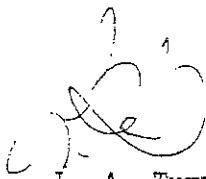
All employees are to be reminded of the following policy of the City and County of San Francisco:

It is the policy of the City and County of San Francisco, and each of its officials, employees and agents acting in their official capacity, to treat all persons equally and respectfully, and to refrain from the willful or negligent use of slurs against any person on the basis of race, color, creed, national origin, ancestry, age, sex, sexual orientation or disability. A slur, as used in this policy, is a word or combination of words that by its very utterance inflicts injury, offers little opportunity for response, appeals not to rational faculties, or is an unessential or gratuitous part of any exposition of fact or opinion. All persons are entitled by law to the right of equal treatment and respect. Slurs deprive members of the protected groups of this right by holding them up to public contempt, ridicule, shame, and disgrace and causing them to be shunned, avoided or injured in their occupation. By promoting ill will and rancor, slurs diminish peace and order.

The use of such slurs by city officials or employees will be considered by Commissions, Departments, Agencies, Boards, or Appointing authorities as prima facie evidence of the lack of competence of said city officials and employees. Evidence of usage of such slurs shall be entered in job performance evaluations and shall be considered in evaluating the fitness of city employees.

Issue Date: December 12, 1986

Effective Date: December 19, 1986



L. A. Turpen  
Director of Airports

0797k

Executive Directive

89-01

Attendance Standards

This will clarify and confirm the Airport's existing Standards of Attendance. All Airport employees are required to exhibit reliable attendance, to obtain approval for all absences from work, and to adhere to any specific division, bureau or section rules and regulations pertaining to notification and approval for absences.

Use of sick leave in excess of the amount accrued, over a reasonable period, is excessive and may subject an employee to discipline unless circumstances exist which would justify or excuse such use. A reasonable period may be a period as little as one month to as long as one year, depending upon the circumstances of a particular case.

Use of sick leave for any reason not authorized by Civil Service Commission Rule 22 is considered sick leave abuse and constitutes misconduct. Such misconduct may subject an employee to disciplinary action. Additionally, a pattern of sick leave usage by an employee in conjunction with regular days off or other leave may also indicate sick leave abuse. Copies of Rule 22 are available in the Airport Personnel Office.

All supervisors, as part of their regular duties, are required to monitor the attendance of subordinates, and to enforce the provisions of this directive, in accordance with other Executive Directives concerning discipline. Any questions concerning the application or interpretation of this Executive Directive should be referred to the Personnel Director.

Issue Date: January 9, 1989

Effective Date: January 16, 1989



E. A. Turpen

## EXECUTIVE DIRECTIVE

### 90-02 Employee Disciplinary Actions

It is the Airport's policy to develop and foster effective communication between supervisors and their employees regarding employee performance and conduct. Effective communication comprises both recognition of strong performance or especially noteworthy conduct as well as actions to be taken when employee performance or conduct is unsatisfactory or otherwise inappropriate. The purpose of this Executive Directive is to clarify guidelines for supervisors and managers in these latter circumstances so that there will be a consistent approach to employee discipline throughout the Airport. These guidelines, as were their predecessors, are applicable to permanent (PCS), temporary Civil Service (TCS), and limited tenure (LT) employees.

Generally speaking, the principal goals of employee discipline are to inform and correct. That is to say, when an employee's behavior violates a rule or policy, or when an employee's job performance deteriorates below a satisfactory level, the manager or supervisor must intervene on a timely basis to convey concern about the problem and establish a plan to try to correct it. Accordingly, the manager or supervisor should consider the nature of the misconduct or performance problem as well as the employee's work record when determining what action may be appropriate.

In instances where the misconduct or poor performance is not in and of itself serious enough to warrant suspension or discharge, supervisors should follow a progressive approach to discipline. Such an approach usually begins with informal clarification of duties or counselling and continues with one or, where appropriate, more written warnings or reprimands if the employee's behavior does not show sufficient improvement. If a written warning or reprimand does not correct the problem, suspension without pay may become necessary. The length of suspension will depend upon the nature of the employee's actions (or inactions), the employee's previous record and how similar infractions or problems are dealt with by the manager and, where appropriate, by other Airport managers and departments. If suspension without pay still fails to bring about required improvement, dismissal from employment may result.

As indicated above, progressive discipline may not be appropriate when the first instance of misconduct is sufficiently serious to warrant suspension or termination. Examples of serious misconduct include, but are not limited to, dishonesty, theft, use of illicit drugs or alcohol or impairment by drugs or

alcohol while on the job or on Airport premises, violence or threat of violence, sexual or racial harassment, insubordination, and dereliction of duty.

It is exceedingly important that a supervisor clearly describe the problem to the affected employee at all stages of progressive discipline. In addition, the supervisor must describe what improvement is expected and the consequences of the employee's failure to improve, as appropriate. Where the problem involves deficient job performance, the supervisor must also indicate the time frame in which such improvement must occur. Disciplinary action should be grounded on a thorough investigation of the facts pertaining to the employee's conduct, including, in most circumstances, a discussion with the employee about the events in question.


In order to maintain consistency throughout the Airport in administration of discipline, managers and supervisors must review the facts, documentation, and proposed disciplinary action with the Personnel Director before implementation. This requirement applies to all managers and supervisors who are contemplating a recommendation to the Director of Airports that an employee be suspended or dismissed. Managers and supervisors are strongly encouraged to consult with the Director of Personnel at the earlier stages of progressive discipline.

It is our management philosophy that management bears the responsibility to inform employees regarding what is expected of them in terms of job performance, conduct on the job, and off-duty conduct that could affect their employment relationship. If employees nonetheless fail to respond by making a concerted effort to improve their performance or conduct, managers and supervisors must take appropriate corrective action and document such action. Managers and supervisors who do not address these issues in timely and thorough fashion are failing to perform their own responsibilities in a satisfactory manner.

Issue Date: November 1, 1990

Effective Date: November 8, 1990

Supercedes: Executive Directives 83-22 and 86-10



P. A. Turpen

EXECUTIVE DIRECTIVE

91 - 01      EMPLOYEE INJURY PREVENTION PROGRAM

All policy procedures outlining the Airport's employee injury prevention programs are contained in the SFIA Employee Safety Procedures and Practices Manual.

The persons with authority responsible for implementing these programs are designated by organizational level, and the responsibilities of these various levels are described in the SFIA Employee Safety Procedures and Practices Manual.

The Airport will provide and maintain a safe and healthy workplace and will furnish all appropriate safeguards and protective equipment as may be legally required, and/or necessary to protect the health and safety of all employees.



L. A. Turpen  
Director of Airports

Issue Date:      January 9, 1991

Effective Date: January 16, 1991

## EXECUTIVE DIRECTIVE

98-06

### Workplace Violence

The Airport Commission is committed to maintaining a safe and secure environment for all employees and members of the traveling public. The airport Commission strictly prohibits its employees, tenants, contractors, visitors, or anyone else on Airport premises or engaged in Airport business from behaving in a violent or threatening manner. All Airport Commission employees are expected to be alert to situations that may result in harm to themselves, their co-workers, or the public.

All employees are expected to report immediately either to their direct supervisor or to the Human Resources Office any situation involving any Airport Commission employee, tenant, contractor, visitor, or any other person who is making threatening or physically intimidating statements or who is engaging in threatening, intimidating, bizarre, or erratic behavior. During night, holiday, or weekend hours, employees should report such situations to their supervisor or to the Airport Duty Manager.

Any employee in fear of imminent physical violence is expected to notify the SFPD Airport Bureau immediately. In addition, any employee who has obtained a restraining order or who is involved in a potentially violent non-work-related situation should notify the SFPD Airport Bureau.

To the extent practicable, the Airport Commission will maintain confidentiality of reporting employees and of the investigation of reports, except where disclosure is required by law or is necessary in order to take appropriate corrective action. Retaliation against any reporting employee will not be tolerated.

Any supervisory employee who observes or receives a report of misconduct that could in any way jeopardize the safety or security of Airport employees or that of the traveling public shall take corrective action immediately, in accordance with the procedures set forth in Executive Directive 98-05.

John L. Martin  
Airport Director

Issue Date: February 9, 1998

Effective Date: February 9, 1998

Supersedes: Executive Directive 95-03 issued August 1, 1995

## EXECUTIVE DIRECTIVE

### 99-05 Airport Discrimination Complaint Procedures

It is the Airport's desire to handle employee concerns effectively, fairly, internally and to build a favorable work environment in which employees feel free to bring their concerns to management. To ensure this work environment, the Airport Director has designated the Equal Employment Opportunity and Diversity office to monitor and respond immediately and effectively to discrimination complaints, handle all equal employment opportunity concerns and matters of diversity. This office reports solely to the Airport Director.

Under Federal, State and City and County of San Francisco law, it is illegal to discriminate against any employee or applicant on the basis of race, color, religion, creed, sex, national origin, ethnicity, age (40+), physical or mental disability, medical condition (cancer related), Acquired Immunity Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, pregnancy or pregnancy leave, gender identity, parental status, or other non-merit factors. It is also illegal to retaliate against any employee or applicant for having made a good faith complaint, for reporting discrimination, and/or for participating or aiding in an employment discrimination investigation.

If any employee believes that he/she has been discriminated against on any of the aforementioned bases, the employee may attempt to resolve the matter by way of one of the following internal or external processes:

#### **INTERNAL PROCESSES**

- **At The Work Site:** The employee may want to first discuss his/her alleged discrimination charge with the immediate supervisor. By taking this initial action, the supervisor may be able to quickly resolve the employee's concern. The employee should be as specific as possible about what actions were taken, when the actions occurred, who took such actions, how the employee was affected and why the employee believes that the actions were discriminatory. The employee should present any evidence, which relates to the allegations. If the allegations are against the employee's supervisor, the employee may address his/her concerns directly to the supervisor's supervisor. Airport supervisors and managers are required to report complaints of discrimination within three (3) working days of receiving the complaint to the Airport's EEO and Diversity Programs Office.
- **Airport's Office of Equal Employment Opportunity and Diversity Programs:** If the employee feels uncomfortable raising his/her concern within the work unit's chain of command, or if the matter cannot be resolved after talking to the appropriate supervisor/manager, the employee is encouraged to contact the Airport's EEO and Diversity Programs office. An investigator will be assigned to investigate the complaint and issue a preliminary finding including any recommendations for a



change, if appropriate. The final investigative report will be forwarded to the Airport Director for review and disposition.

#### EXTERNAL PROCESS

- **Department of Human Resources (Citywide administrative process):** The employee also has the option to directly contact the City's Department of Human Resources' EEO Office at 44 Gough Street. Pursuant to Civil Service Commission Rule 3, such contact should be initiated no later than sixty (60) calendar days from the date the alleged discriminatory action occurred, or the date the employee/applicant should have first become aware of the violation. Sexual harassment complaints must be filed within one hundred eighty (180) calendar days from the date of the alleged sexual harassment. Employees may also call the San Francisco City and County's Department of Human Resources Sexual Harassment Helpline at (415) 554-4900 to make a sexual harassment complaint.
- **Union Grievance Procedure:** Depending on a complainant's employee organization, certain procedures may include a grievance procedure for resolving discrimination complaints. Such procedures, if any, are set forth in the Memorandum of Understanding (MOU) covering the pertinent union.
- **Federal and State Agencies:** Employees also have the right to file a complaint with the federal Equal Employment Opportunity Commission (EEOC) and/or the state Department of Fair Employment and Housing (DFEH).

The Airport EEO and Diversity Programs office is available to assist employees and supervisors in understanding their respective roles in maintaining a discrimination free work environment, and in handling issues that arise. Please contact the staff at extension 794-5370.

  
John L. Martin  
Airport Director

Issue Date: July 26, 1999  
Effective Date: August 2, 1999  
Supersedes Executive Directive #83-27, issued December 7, 1983



**CITY AND COUNTY OF SAN FRANCISCO  
SAN FRANCISCO AIRPORT COMMISSION  
EEO AND DIVERSITY PROGRAMS**

**HOW TO FILE A DISCRIMINATION COMPLAINT**

**AUTHORITY:**

The authority to investigate complaints of employment discrimination stems from the San Francisco Charter, Section 10.103, Civil Service Commission Rule 3 and the San Francisco Airport Director's Executive Directive 99-05. The Airport Director has designated the Airport's EEO and Diversity Programs office to investigate complaints and make recommendations for resolution.

The role of the Airport EEO investigator is that of an objective third party, representing neither the complainant (employee/applicant), nor the respondent (department or departmental representative).

**COMPLAINT PROCESS:**

**BASIS:** Discrimination complaints submitted for investigation must be based on one or more of the following: RACE, COLOR, RELIGION, CREED, SEX, NATIONAL ORIGIN, ETHNICITY, AGE, DISABILITY (Physical or Mental), MEDICAL CONDITION (Cancer-related), ACQUIRED IMMUNE DEFICIENCY (AIDS/HIV) or AIDS RELATED CONDITIONS, POLITICAL AFFILIATION, SEXUAL ORIENTATION, ANCESTRY, MARITAL or DOMESTIC PARTNER STATUS, GENDER IDENTITY, PARENTAL STATUS, PREGNANCY, or OTHER NON-MERIT FACTORS.

RETALIATION against any employee or applicant for having made a good faith complaint or report of discrimination, or for participating or aiding in an investigation of employment discrimination is also prohibited.

**ISSUES:** Actions complained of may include the following: DENIAL OF EMPLOYMENT, DENIAL OF TRAINING, DENIAL OF PROMOTION, DENIAL OF REASONABLE ACCOMMODATION (for disability or religion), TERMINATION, LAY-OFF, CONSTRUCTIVE DISCHARGE, DISCIPLINARY ACTION, HARASSMENT, WORK ASSIGNMENT, SEXUAL HARASSMENT, and COMPENSATION.

Other issues, such as a disagreement regarding Department rules or regulations affecting working conditions, may be subject to review through the Employee Grievance procedure.

**FILING:** Submit a letter or other document that describes your complaint of discrimination. Or, contact the EEO and Diversity Program's Airport Commission's Office to assist you in submitting a complaint. All complaints must be signed by the person making the complaint and sent to:

Airport EEO and Diversity Programs Director  
EEO and Diversity Programs  
San Francisco International Airport  
PO Box 8097  
San Francisco, CA 94128  
(650) 821-3590

The letter of complaint should include the following:

1. Name, address and daytime phone number.
2. The basis for complaint i.e., race, religion, etc.

3. The discriminatory action: i.e., denial of employment, denial of reasonable accommodation; termination etc.
4. The date(s) the action(s) in question took place.
5. The City and County department and work unit accused of discrimination.
6. The names of the individuals accused of discrimination.
7. The names and daytime phone numbers of any witnesses to the alleged discriminatory action.
8. A detailed explanation of the sequence of events which you believe to be discriminatory.
9. The specific action you are seeking in order to correct the alleged discrimination.

If you are a current City and County employee, please also include your current Civil Service classification and the department where you are employed.

Complaints of sexual harassment can also be made by calling the Department of Human Resources Sexual Harassment Helpline at 415-557-4900.

**FILING DEADLINE:**

Time is an important factor when filing a complaint with the City and County of San Francisco. Letters of complaint must be filed within (60) calendar days of the date the discriminatory action took place, or the date the employee/applicant should have first become aware of the violation. Sexual harassment complaints must be filed within one hundred eighty (180) calendar days of the date of the alleged sexual harassment.

**INVESTIGATION:**

Upon review of the complaint by the Airport Commission's EEO and Diversity Programs Office, the complaint will be referred to an Airport EEO investigator to review for timeliness and jurisdiction. The investigator will then contact the person filing the complaint, either by mail or phone, to schedule an intake interview. Intake interviews afford the investigator an opportunity to clarify the issues involved and also allow the person filing the complaint an opportunity to present the complaint in more detail.

The investigation includes reviewing and obtaining copies of relevant documents which may include personnel files, attendance reports and performance evaluations, interviewing co-workers and supervisors, and other actions considered necessary in order to obtain relevant information.

It is important to remember that the individual who brings forth the complaint is responsible for substantiating the charges. Therefore, it is necessary to cooperate with the investigator by providing any written material, names of individuals to interview, or any other information which would assist the investigation.

Note. During the intake interview, the entire complaint process will be explained in more detail by the assigned investigator. Any questions regarding the process can be asked during the intake interview.

**ALTERNATIVE DISPUTE RESOLUTION:**

Complainants may be asked to consider resolving their complaint through an alternative dispute resolution process facilitated by trained staff.

**APPEAL PROCEDURES:**

The Human Resources Director will review all the formal complaint and investigative report and shall make a finding on the charges. The Director may refer the complaint to the Discrimination Complaint Review Panel for review. The Director's determination will be sent to the complainant and respondent department and shall be final unless it is appealed to the Civil Service Commission and is reversed or modified.

## EXECUTIVE DIRECTIVE

99-05

### Airport Discrimination Complaint Process

It is the Airport's desire to handle employee concerns effectively, fairly and internally, and to build a favorable work environment in which employees feel free to bring their concerns to management. To ensure this work environment, the Airport Director has designated the Equal Employment Opportunity and Diversity office to monitor and respond immediately and effectively to discrimination complaints, handle all equal employment opportunity concerns and matters of diversity. This office reports solely to the Airport Director.

Under Federal, State and City and County of San Francisco law, it is illegal to discriminate against any employee or applicant on the basis of race, color, religion, creed, sex, national origin, ethnicity, age (40+), physical or mental disability, medical condition (cancer related), Acquired Immunity Deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, pregnancy or pregnancy leave, gender identity, parental status, or other non-merit factors. It is also illegal to retaliate against any employee or applicant for having made a good faith complaint, for reporting discrimination, and/or for participating or aiding in an employment discrimination investigation.

If any employee believes that he/she has been discriminated against for any of the aforementioned bases, the employee may attempt to resolve the matter by way of one of the following internal or external processes:

### INTERNAL PROCESSES

At The Work Site: The employee may want to first discuss his/her alleged discrimination charge with the immediate supervisor. By taking this initial action, the supervisor may be able to quickly resolve the employee's concern. The employee should be as specific as possible about what actions were taken, when the actions occurred, who took such actions, how the employee was affected and why the employee believes that the actions were discriminatory. The employee should present any evidence, which relates to the allegations. If the allegations are against the employee's supervisor, the employee may address his/her concerns directly to the supervisor's supervisor. Airport supervisors and managers are required to report complaints of discrimination within three (3) working days of receiving the complaint to the Airport's EEO and Diversity Programs Office.

Airport's Office of Equal Employment Opportunity and Diversity Programs: If the employee feels uncomfortable raising his/her concern within the work unit's chain of command, or if the matter cannot be resolved after talking to the appropriate supervisor/manager, the employee is encouraged to contact the Airport's EEO and Diversity Programs office. An investigator will be assigned to investigate the complaint and issue a preliminary finding including any recommendations for a change, if appropriate. The investigative report will be forwarded to the Airport Director for review and disposition.

## EXECUTIVE DIRECTIVE

99-05 continued

### EXTERNAL PROCESSES

**Department of Human Resources (Citywide administrative process):** The employee also has the option to directly contact the City's Department of Human Resources' EEO Office at 44 Gough Street. Pursuant to Civil Service Commission Rule 3, such contact should be initiated no later than one hundred eighty (180) calendar days from the date the alleged discriminatory action occurred, or the date the employee/applicant should have first become aware of the violation. For complaints of sexual harassment employees may also call the San Francisco City and County's Department of Human Resources Sexual Harassment Helpline at (415) 554-4900 to make a sexual harassment complaint.

**Union Grievance Procedure:** Depending on a complainant's employee organization, certain procedure may include a grievance procedure for resolving discrimination complaints. Such procedures, if any, are set forth in the Memorandum of Understanding (MOU) covering the pertinent union.

**Federal and State Agencies:** Employees also have the right to file a complaint with the federal Equal Employment Opportunity Commission (EEOC) and/or the state Department of Fair Employment and Housing (DFEH).

The Airport EEO and Diversity Programs office is available to assist employees and supervisors in understanding their respective roles in maintaining a discrimination free work environment, and in handling issues that arise. Please contact the staff at 650-821-3590.

John L. Martin  
Airport Director

Issue Date: July 26, 1999

Effective Date: August 2, 1999

Supersedes: Executive Directive 83-27 issued 12/7/83 & 99-05 issued 7/26/99

## EXECUTIVE DIRECTIVE

99-01

### Employee Disciplinary Actions

It is the Airport's policy to develop and foster effective communication between supervisors and their employees regarding employee performance and conduct. Effective communication comprises both recognition of strong performance or especially noteworthy conduct as well as actions to be taken when employee performance or conduct is unsatisfactory or otherwise inappropriate.

The purpose of this Executive Directive is to clarify guidelines for supervisors and managers in these latter circumstances so that there will be a consistent approach to employee discipline throughout the Airport. These guidelines, as were their predecessors, are applicable to permanent Civil Service (PCS), temporary (TCS), and provisional (PV) employees.

Generally speaking, the principal goals of employee discipline are to inform and correct. That is to say, when an employee's behavior violates a rule or policy, or when an employee's job performance deteriorates below a satisfactory level, the manager or supervisor must intervene on a timely basis to convey concern about the problem and establish a plan to try to correct it. Accordingly, the manager or supervisor should consider the nature of the misconduct or performance problem as well as the employee's work record when determining what action may be appropriate.

In instances where the misconduct or poor performance is not in and of itself serious enough to warrant suspension or discharge, supervisors should follow a progressive approach to discipline. Such an approach usually begins with an informal clarification of duties or counseling and continues with one or more written warnings or reprimands if the employee's behavior does not show sufficient improvement. If a written warning or reprimand does not correct the problem, suspension without pay may become necessary. The length of suspension will depend upon the nature of the employee's actions (or inactions), the employee's previous record, and how similar infractions or problems are dealt with by the manager and, where appropriate, by other Airport managers and departments. If suspension without pay still fails to bring about required improvement, dismissal from employment may result.

As indicated above, progressive discipline may not be appropriate when the first instance of misconduct is sufficiently serious to warrant suspension or termination. Examples of serious misconduct include, but are not limited to, dishonesty, theft, use of illicit drugs or alcohol or impairment by drugs or alcohol while on the job or on Airport premises; violence or threat of violence, sexual or racial harassment, insubordination, and dereliction of duty.

It is exceedingly important that a supervisor clearly describe the problem to the affected employee at all stages of progressive discipline. In addition, the supervisor must describe what improvement is expected and the consequences of the employee's failure to improve. Where the problem involves deficient job performance, the supervisor must also indicate the timeframe in which such improvement must occur. Disciplinary action should be grounded on a thorough investigation of the facts pertaining to the employee's conduct including, in most circumstances, a discussion with the employee about the events in question.

## EXECUTIVE DIRECTIVE

99-01 continued

In order to maintain consistency throughout the Airport in administration of discipline, managers and supervisors must review the facts, documentation, and proposed disciplinary action with the Airport Human Resources Director before implementation. This requirement applies to all managers and supervisors who are contemplating a recommendation to the Airport Director that an employee be suspended or dismissed. Managers and supervisors are strongly encouraged to consult with the Airport Human Resources Director at the earlier stages of progressive discipline.

It is our management philosophy that management bears the responsibility to inform employees regarding what is expected of them in terms of job performance, conduct on the job, and off-duty conduct that could affect their employment relationship. If employees nonetheless fail to respond by making a concerted effort to improve their performance or conduct, managers and supervisors must take appropriate corrective action and document such action. Managers and supervisors who do not address these issues in a timely and thorough fashion are failing to perform their own responsibilities in a satisfactory manner.

John L. Martin  
Airport Director

Issue Date: February 26, 1999

Effective Date: March 5, 1999

Supersedes: Executive Directives 83-22, 86-10, 90-02

## EXECUTIVE DIRECTIVE

00-02

### Standards for Employee Conduct

To help assure the highest possible level of service to the travelling public, effectiveness of all Airport divisions in carrying out their missions and a positive working environment, the following set of standards are established to guide the performance of Airport Commission employees. Above all, these standards call upon all Airport Commission employees to commit themselves to continuously building a team that strives for the highest quality work product and for professionalism and respect in all dealings with co-workers, Airport tenants and the travelling public.

As Airport Commission employees, our performance is evaluated based upon our demonstrated commitment to the following standards:

1. To carry out the mission of the Airport Commission. This mission is carried forth through the Airport's commitment to being recognized as the world leader in setting the standard for
  - Customer service and satisfaction
  - Safety and security
  - Financial and economic viability
  - Community relations
  - Quality of facilities
  - Environmental Responsibility
2. To take responsibility for completing our work in a quality and timely way so that others know they can depend upon us; to carry out the tasks we commit to carrying out; to support our supervisors and co-workers in their work; and to anticipate problems and issues that may arise out of our work and engage effectively with others to resolve them.
3. To communicate effectively and professionally with others; to keep employees we supervise and co-workers informed so that they can perform their duties well; and to encourage honest and open communication that assures the mission of the Airport is accomplished.
4. To discourage unprofessional communication (verbally, in writing, or through electronic mail) including the dissemination of false or misleading information, gossip, or personal attacks; to protect the confidentiality of information entrusted to us as a necessary function of the position we hold.
5. To maintain the highest standards of personal conduct by treating employees we supervise, co-workers, tenants and the public fairly, respectfully, and professionally; to observe all City policies that prohibit discrimination, harassment (including sexual harassment) and the use of slurs against any individual based on their race, ethnicity, national origin, religion, age, gender, gender identity, sexual orientation, disability, or medical condition.



## EXECUTIVE DIRECTIVE

00-02 continued

6. To respect and maintain in excellent condition all Airport property including facilities, equipment, and supplies.
7. To refrain from soliciting or receiving for ourselves or for a third party anything of value from anyone in return for business, services, or confidential information from the Airport Commission; and
8. To discharge all responsibilities and those of the Airport Commission in compliance with State and Federal laws, City Ordinances, and County Rules and Regulations (e.g., Conflict of Interest Code), Airport Rules, Regulations and Directives.

Failure to meet any of the standards described above shall be considered in evaluating the fitness of the Airport employee, shall be entered in the performance appraisal evaluation, and may result in disciplinary action.

John L. Martin  
Airport Director

Issue Date: February 2, 2000

Effective Date: February 2, 2000

Supersedes Executive Directive 86-11 issued 12/12/86

## EXECUTIVE DIRECTIVE

01—01

### Return-to-Work Policy

The Airport's Return to Work program provides for temporary modified work assignments, whenever practical, for employees who have sustained an occupational injury or illness to enable these employees to return to work as soon as medically feasible, as an alternative to remaining on leave during recovery from a temporary disability.

The modified work assignment may be a modification of their normal job duties or, if no tasks can be located within their normal job duties, the employee may be temporarily provided job duties outside his/her regular Airport section or department.

Employees will return to their regular duties within three months, or they will have their modified duty assignment re-evaluated by the Airport's Workers' Compensation Coordinator and Human Resources Manager.

This policy of Return to Work is based upon the belief that employees who have sustained an occupational injury or illness may perform meaningful work even if they are temporarily unable to perform all the normal functions of their job. Medical authorities and rehabilitation specialists agree that returning medically able employees to work benefits the employee both physically and psychologically.

John L. Martin  
Airport Director

Issue Date: October 27, 2000

Effective Date: November 3, 2000

Supersedes Executive Directive 86-08 issued July 31, 1986

## EXECUTIVE DIRECTIVE

02-01

### Airport Commission Policy on Compressed Work Week and Flex Time Programs

The Airport Commission's policy on Compressed Work Week and Flex Time programs provides for establishment of alternative work schedules as long as they do not detract from an employee's ability to meet productivity and customer service standards.

**Definition** – A compressed work week schedule means employees work longer hours but fewer days during a two-week period. Participants must come in at a set start time and leave at a set end time every day with a fixed lunchtime. The compressed work week programs to be utilized in the Airport are as follows:

- **4/40 Schedule** – Employees work 40 hours in four ten-hour days. The fifth day is a day off.
- **9/80 Schedule** – Employees work eight 9-hour days and one 8-hour day in a two-week pay period. The tenth day is a day off. (This program is currently not available to "non-Z" employees; e.g., clerical workers, custodians, and most craft workers).
- **4/40-5/40 Schedule** – Employees work alternating weeks of four 10-hour days followed by five 8-hour days.

**Flextime Program** – A flextime program utilizes an attendance band that is set between 6:30 a.m. to 6:30 p.m. of each workday. There is a 12-hour period during which employees may be permitted to perform a minimum of four hours and up to a maximum of ten hours of their job duties. Core times are from 9:00 a.m. to 11:30 a.m. and from 1:30 p.m. to 3:00 p.m., each workday. Due to the special software required to administer this program, flextime is available only at FOM Engineering.

Employees can participate in only one of the above alternate work schedules.

**Approval Process** – Before starting a compressed work week and/or flextime program, the section manager must seek approval from his/her Deputy Director. The section manager completes a "Request for Participation in a Compressed Work Week and/or Flex-time Program (available through the Airport's HR office) and forwards it to his/her Deputy Director for approval. By completing this request form, the section manager certifies his/her commitment and responsibility for adhering to the following program standards:

- Holding participating staff members accountable for their work time. Staff must accurately enter the actual hours worked on the daily timesheets. Participants must work the required nine or ten hours each day and take a one-hour lunch break.
- Evaluating the quality and quantity of work performed to insure that staff is meeting established performance standards and that timelines are being met on a routine basis.
- Assuring that operational priorities and productivity goals continue to be met with the highest degree of customer service.
- Confirming that operational priorities are being met without any noticeable increase in overtime accrual and that sick leave usage is appropriately managed.

## EXECUTIVE DIRECTIVE

02-01 continued

If approved, the Deputy Director forwards this request to the Airport HR Director for his review. The Human Resources Director advises the Airport Director on an appropriate course of action. The Airport Director is the final decision-maker.

**Program Principles** – Compressed work week (CWW) and flextime (FT) scheduling is a cooperative arrangement between a manager and an employee or group of employees. Such arrangements will be used only for those sections in which sufficient coverage of an office/work station or work assignment can be maintained without the addition of positions. The following principles apply:

- Only sections with a minimum staffing level of ten employees may participate.
- Participation is not available to Airport Deputy Assistant Director equivalent classifications and above. These managers may also restrict participation to other managers based on operational needs.
- Scheduling does not change an employee's basic terms and conditions of employment with respect to benefits and job responsibilities.
- Core workdays are Tuesday, Wednesday, and Thursday on the Monday through Friday schedule. Friday is the *preferred* day off.
- Participation is voluntary and may be terminated at any time by Airport management or the employee.

**Monitoring and Evaluation of Program** – Six months after the startup of a compressed workweek or flextime program, section managers are required to conduct an evaluation of the program's success. Evaluation forms may be obtained from Airport Human Resources. Human Resources will review the evaluations and submit recommendations for continued program participation to the section manager, his/her respective Deputy Director, and the Airport Director.

Human Resources staff, together with the unit manager, will conduct periodic audits to insure compliance with program standards and principles.

An employee's failure to meet the conditions of the participant agreement will lead to the termination of his/her program participation and may result in discipline.

John L. Martin  
Airport Director

Issue Date: February 15, 2002

Effective Date: February 22, 2002

**REQUEST FOR PARTICIPATION IN COMPRESSED WORK  
WEEK AND/OR FLEX-TIME PROGRAM**

TO:

\_\_\_\_\_  
AIRPORT DEPUTY DIRECTOR

FROM:

\_\_\_\_\_  
SECTION MANAGER

I request approval for participation in a Compressed Work Week/Flex-Time program (indicate which one). I understand that I must secure your approval and the approval of the Airport Director before implementing the desired program. Attached for your review is a list of employees in my unit whose participation I have approved conditional upon gaining the aforementioned approvals.

By submitting this request, I fully understand and assume the responsibility for maintaining the following program standards:

- Holding participating staff members accountable for their work time. Staff must accurately enter the actual hours worked on the daily timesheets and should not be allowed to leave early from work by taking a shorter lunch;
- Evaluating the quality and quantity of work performed to insure that staff is meeting established performance standards and that timelines are being met on a routine basis;
- Assuring that operational priorities and productivity goals continue to be met with the highest degree of customer services; and,
- Confirming that operational priorities are being met without any noticeable increase in overtime accrual and that sick leave usage is appropriately managed.

I also understand that after six (6) months of operation, I must evaluate my program's success in meeting the aforementioned standards. This written evaluation must be submitted to you and Airport Human Resources for a determination to either continue or discontinue program participation.

SIGNATURE \_\_\_\_\_  
Section Manager

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_  
DEPUTY DIRECTOR

\_\_\_\_\_  
Approve/Deny

DATE: \_\_\_\_\_

Attachment

## EXECUTIVE DIRECTIVE

03-02

### Supervisors' Responsibilities in Reporting and Handling Incidents of Misconduct Affecting Airport Safety or Security

All Airport supervisory personnel share in the responsibility to the public and to Airport employees to ensure the maintenance of safety and security at the San Francisco International Airport. The purpose of this Executive Directive is to provide information and direction regarding the procedures to be used by supervisory employees who observe or receive reports of conduct that could jeopardize safety or security.

Any supervisory employee who observes or receives a report of misconduct that could in any way jeopardize the safety or security of the traveling public or that of Airport employees has an obligation to take corrective action immediately, in accordance with the following procedures:

#### If the conduct involves your subordinate

- Take immediate action, as needed, to ensure the safety and security of the public and all Airport employees. It is impossible to describe in this memorandum the full array of interventions that might be appropriate in a given set of circumstances. Actions you might take could include contemporaneous counseling of the employee, ordering the employee immediately to cease the offending conduct, directing the employee to sit in an office for "cooling off," or even relieving the employee from duty and confiscating the employee's official Airport identification card and keys to secured areas.
- If you have any questions about what action to take (for example, if you are in doubt about whether you should relieve from duty an employee who has been involved in a physical altercation, or how to deal with an employee whose conduct suggests impairment by drugs or alcohol) you are immediately to seek advice from your supervisor or from Human Resources. During night, holiday, or weekend hours, seek advice from the Airport Duty Manager. If necessary, call the SFPD Airport Bureau for police assistance.

#### If the conduct does not involve your subordinate

- If you observe or receive a report of conduct that threatens safety or security involving an employee who is not your subordinate, you nonetheless have an affirmative responsibility to notify immediately the appropriate supervisor or manager or if applicable, Airport Duty Manager, of your observations or of such report. If necessary, call the SFPD Airport Bureau for police assistance.

#### If the conduct does not involve an Airport Commission employee

- If you observe or receive a report of conduct that threatens safety or security of an employee, a tenant, contractor, or a member of the public, you must report your observations, or report, to your supervisor or manager or if applicable, to the Airport Duty Manager. If necessary, call the SFPD Airport Bureau for police assistance.

## EXECUTIVE DIRECTIVE

03-02 continued

In all cases

- Each supervisor is responsible for issuing a written report to the manager responsible for discipline and corrective action. The report is to set forth a detailed factual account of the incident and the actions you took in response to the situation. Submit your report by the end of your shift on the date of the incident through the appropriate chain of command.
- Ignoring or overlooking such incidents is not appropriate or acceptable.

John L. Martin  
Airport Director

Issue Date: July 30, 2003

Effective Date: August 6, 2003

Supersedes: Executive Directive 98-05 issued February 9, 1998

## EXECUTIVE DIRECTIVE

04-01      Standards for Ethical Conduct

### STATEMENT OF POLICY

1. It is the policy of the Airport that employees shall at all times continue to practice fundamental honesty. Employees shall not nor attempt to: deceive, defraud, or mislead the Airport, other employees, or those with whom the Airport has business or other relationships; take or misuse Airport property, funds, or service; misrepresent the Airport or its employees; divulge or release any information relating to the Airport of a proprietary nature; obtain a personal advantage or benefit because of their association with the Airport or by use of the Airport name; withhold their best efforts to perform their work to acceptable standards; engage in unethical business practices; violate applicable laws; or conduct themselves at any time dishonestly or in a manner which would reflect discredit on the Airport.

### APPLICABILITY

2. This Executive Directive applies to all Airport employees.

### RESPONSIBILITY

3. Deputy Directors and Managers are responsible for ensuring compliance with this directive. All employees are accountable for compliance with this directive. Supervisors are responsible for prohibiting any employee from engaging in any prohibited activity.

### TYPES OF MISCONDUCT

4. Conduct subject to this directive includes employee activity which is in any way job related and which involves a dishonest or otherwise unlawful act in violation of Airport instructions, directives or policies. The following provides a general outline of the types of misconduct to be considered when administering this Executive Directive. However, no attempt has been made to illustrate every conceivable instance which would be considered misconduct.

### AIRPORT FUNDS, SECURITIES, PAYMENT PAPERS

5. All funds collected on behalf of the Airport shall be promptly and properly reported, deposited, and credited to the proper accounts. Monies assigned as working funds, petty cash funds, etc., shall be used only for the Airport purposes intended and authorized staff shall adequately safeguard such funds.

Specific violations include, but are not limited to: